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PENNSYLVANIA BULLETIN

Volume 37

Number 24

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Pages 2671—2790

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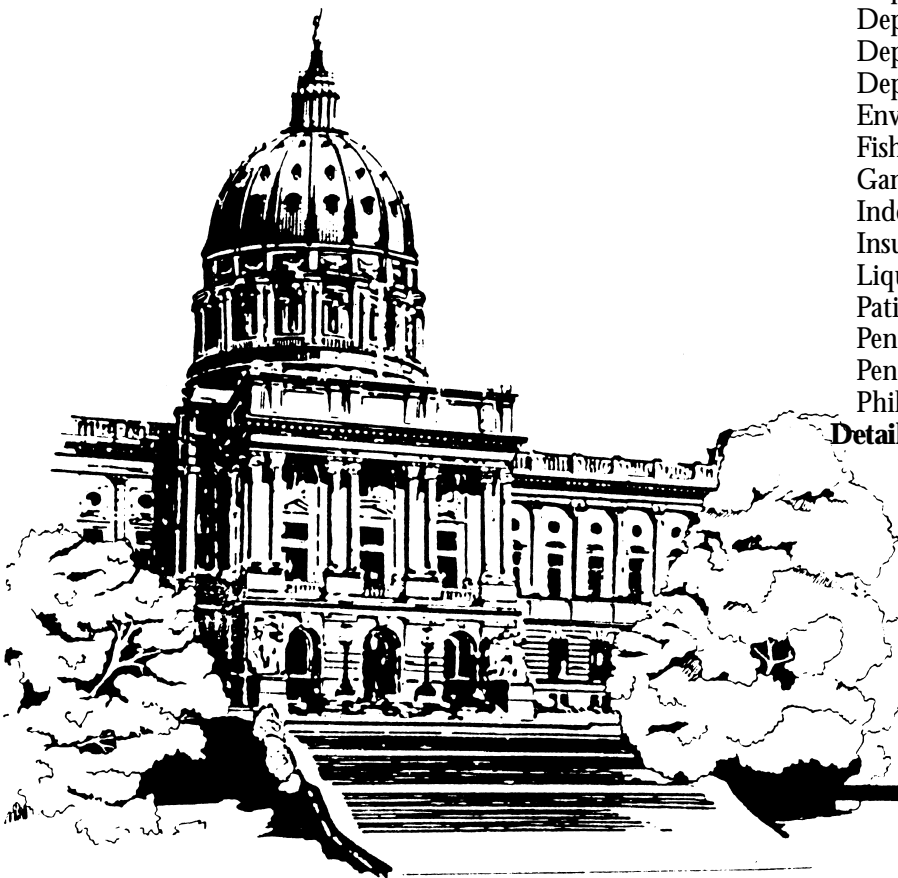
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Pennsylvania Public Utility Commission

Philadelphia Regional Port Authority

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

No. 391, June 2007

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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.

**SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

Printing Format

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

Fiscal Notes

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

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

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Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

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List of Pa. Code Chapters Affected

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THE GENERAL ASSEMBLY

Recent Actions during the 2007 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2007 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2007 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 005					
005	June 5	SB0650	PN0680	Immediately	Liquor Code—special occasion permits

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore-PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

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

[Pa.B. Doc. No. 07-1033. Filed for public inspection June 15, 2007, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

ERIE COUNTY

The Revision and Restatement of the Rules of Civil Procedure; Civil Division—Misc. Doc. No. 90024; Court Order 2007

Order

And Now, this 25th day of May, 2007, the following revisions and additions to the Rules designated as the Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania, are hereby approved, adopted and promulgated as the Rules of Court. These Rule changes, revisions and deletions shall become effective thirty (30) days after the publication of the same in the *Pennsylvania Bulletin* and they shall apply to all actions pending at the time.

ELIZABETH K. KELLY,
President Judge

Rule 206.4(c)(2). Petition. Rule to Show Cause

(2) Where the petitioner requests a stay of execution pending the disposition of a petition to open a default judgment, the Court shall promptly dispose of the request.

Rule 212.1(d). Pretiral Procedure

* (d) Certification For Trial

1. These certification procedures apply to all civil jury and non-jury cases.

2. In order to have a case assigned to a particular trial term, all counsel or parties must certify the case as ready for trial by filing with the Prothonotary and serving upon the Court Administrator a certification in substantially the form contained herein and designated "Certification I."

3. If a party has failed to comply with the timetables established in the CMO or has failed to sign a Certification I after being requested to do so in writing, a party wishing to place the case on the trial list must file a certification in substantially the same form contained herein and designated "Certification II."

4. A Certification I or II indicating readiness for trial shall be filed with the Office of Court Administration and the Prothonotary no later than the last Friday of the calendar month that precedes the month immediately before the beginning of the proposed trial term, unless a different deadline is established by notice published in the *Erie County Legal Journal*.

5. All "Certification II's" shall be forwarded to the assigned judge for disposition.

*Comment: To comply with this Rule, all counsel must certify that they have "met and discussed settlement of this matter." (See the Form for Certification I). One preferred method of alternative dispute resolution which would satisfy the requirements of this Rule is mediation. The Erie County Bar Association has established a Mediation Program; guidelines and forms can be obtained from the ECBA offices at (814) 459-3111, or on-line at www.eriebar.com.

Rule 236. Notice by Prothonotary of Entry of Judgment

When filing a request for entry of judgment, a party shall provide the Prothonotary with the original and sufficient copies of judgments and notices thereof, together with postage prepaid envelopes addressed to all parties entitled to notice thereof.

Rule 305(a-c). Duties of the Prothonotary

(a) The Prothonotary shall immediately stamp all papers filed with the date and time of such filings and make an appropriate entry for each filing in the docket pursuant to applicable rules of procedure, statute or Court Order. No entries shall be made in the docket except at the direction of the Prothonotary.

(b) The Prothonotary shall be responsible for the safekeeping of all records and papers belonging to that office. The Prothonotary shall permit no papers to be taken from the office without order of Court except for temporary removal by an attorney for the purpose of conducting an arbitration, for copying within the Court House or other recognized Court purpose. Those removing papers from the files of the Court shall sign them out on a form used for that purpose and shall be responsible for damages arising from any loss.

(c) The Prothonotary shall not accept for filing any paper filed by a person which shall not have endorsed thereon the address and telephone number of the person filing the paper. The Prothonotary shall consecutively number the cases each year.

Rule 311(c-d). Procedure in Statutory Appeals

(c) In cases where a party is entitled, as a matter of right, to have either a *de novo* evidentiary hearing in this Court, or to supplement the record made in the administrative proceedings, any party so entitled shall request for judicial assignment with the trial court administration and submit an appropriate motion to the assigned judge for hearing. Such a motion shall set forth with particularity the basis on which the movant claims a right to submit further evidence and shall contain a certificate that the motion has been served on all other parties.

(d) In cases where the Court may receive evidence for cause shown, or at the discretion of the Court, any party wishing to request that the Court receive evidence, shall file a request for judicial assignment with the trial court administrator and present an appropriate motion to the assigned judge within twenty (20) days after the docketing of the record of the administration proceeding being reviewed. The motion shall state with particularity the authority upon which movant relies and the particular factors which he believes indicate that the receipt of further evidence is justified. Where indicated by the circumstances, the following factors may be considered by the Court in acting upon such motions in addition to any otherwise applicable standard governing the exercise of the Court's discretion:

(1) Whether movant was represented by counsel before the administrative tribunal.

(2) Whether previously undisclosed or newly discovered evidence exists which was not made available to the administrative tribunal prior to its decision.

(3) The overall adequacy for the purpose of appellate review of the record made before the administrative tribunal.

(4) The apparent regularity and fundamental fairness of the administrative proceedings, as disclosed by the record.

(5) Such other factors as may be considered in the interest of justice.

No motion contemplated by this section shall be acted upon until all interested parties have been given an opportunity to respond to the motion through argument. If, after argument, the Court denies, in whole, a motion under this section, the case shall proceed as provided in section (a) above.

In granting the relief requested in motions contemplated by this section, the Court may, unless otherwise indicated by applicable statutes, limit the evidence it will receive to matters which are not cumulative of material already included in the record made before the administrative tribunal, or impose other reasonable restrictions upon the scope or nature of the evidence to be received. The Court may, in its discretion, at the request of any party or on its own motion, require that any party intending to offer evidence pursuant to this Rule file a pre-hearing narrative statement fairly setting forth the nature of the evidence to be offered such that all parties may have adequate notice of the facts at issue prior to hearing and the scope and nature of the evidentiary proceeding.

Rule 442. Service in Magisterial District Judge Appeals

In appeals from judgements of Magisterial District Judges in Civil Matters as governed by Rules 1001 et seq. of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges, the appellant in a Magisterial District Judge proceeding, in lieu of service and proof of service pursuant to Rule 1005A and 1005B, may at appellant's option file with the notice of appeal a stamped envelope pre-addressed to the appellee at appellee's address as listed on the complaint form filed in the office of the Magisterial District Judge or as otherwise appearing in the records of that office, or the attorney of record, if any, of the appellee, and a stamped envelope pre-addressed to the Magisterial District Judge in whose office the judgement was rendered. Copies of the notice of appeal and, if any, Rule pursuant to Rule 1004B of the Magisterial District Judge Rules shall thereupon be mailed by the Prothonotary or Clerk by first class mail with such service and any return being noted on the Court's docket.

NOTE: Erie L.R. 442 implements the option authorized by Rule 1005C of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges as added March 27, 1992, effective June 25, 1992.

Rule 1018.1. Notice to Defend. Form

With respect to the notice to defend form required by Pa.R.C.P. 1018 the Erie County organization shall be:

Lawyer Referral & Information Service
P. O. Box 1792
Erie, PA 16507

814/459-4411
Mon—Fri
8:30 a.m.—Noon; 1:15 p.m.—3:00 p.m.

Rule 1940.10. Appointment of Parent Coordinator

(a) In appropriate custody cases, the Court of Common Pleas of Erie County Court may appoint a Parent Coordinator.

(b) A Parent Coordinator shall only be appointed upon written agreement of all parties to the custody action.

(c) The role and authority of the Parent Coordinator shall be specifically defined in the Order appointing the Parent Coordinator.

(d) The order appointing a Parent Coordinator shall be filed at the Office of Prothonotary of the Court of Common Pleas of Erie County, Pennsylvania, with copies distributed to the parties, each counsel, and the Erie County custody conciliation office.

(e) It is the intention of the court that when a Parent Coordinator is appointed, a judge shall be assigned to the family involved, and that judge shall continue to hear all custody matters for the family, regardless of later judicial assignments.

(f) The Erie County Court of Common Pleas adopts the guidelines for parenting coordination developed by the Association of Family and Conciliation Courts, May 2005 edition, as the model for the role of Parent Coordinators appointed by the court. However, in the event of any conflict between Erie County Rules and the AFCC guidelines, Erie County Rules shall control.

(g) For purposes of these rules, the terms "Parent" and "parties" shall apply to all parties involved in the custody order, regardless of biological or familial relationship.

Rule 1940.11. Qualifications and Scope of Authority

(a) A Parent Coordinator shall either be an attorney licensed to practice law in Pennsylvania with significant family law experience, or a Master's level family therapist, counselor, or licensed social worker, with substantial experience in family conflict cases.

(b) Communications to the Parent Coordinator by the parties, or among parties, counsel and the Parent Coordinator, are not protected by confidentiality, attorney/client privilege, or counselor/patient privilege. A Parent Coordinator shall have unlimited access to all persons involved with the family including but not limited to counselors, therapists, custody evaluators, school officials, and healthcare and mental healthcare providers. The Parent Coordinator may engage in ex parte communication, but will report to all parties concerning the nature of such communication.

(c) The scope of authority to the Parent Coordinator shall be specifically delineated in the Order appointing the Parent Coordinator, a sample of which is attached as Appendix A.

(d) The authority granted to the Parent Coordinator may include, but is not limited to, the following:

(i.) minor changes for clarifications of scheduled custody, partial custody or visitation including vacation, holidays, and temporary variations from existing court orders.

(ii.) Times, dates, places of exchange, and means of transportation and persons authorized to transport

(iii.) Minor healthcare management including appointment of medical, dental, orthodontic and vision care providers.

(iv.) Education or daycare choice including selection of school and school curriculum and testing.

(v.) Extra-curricular activities including sports, camps, jobs, and enrichment programs.

(vi.) Exchange of clothing, equipment and personal possessions of the children.

(vii.) Communications between parents and children including phone, email, and text messaging.

(viii.) Physical appearance of the children including haircuts, and body art.

(e) The Parent Coordinator shall not have authority to make decisions regarding physical, legal or primary residential custody of the children.

(f) The parties shall execute authorizations and releases permitting the Parent Coordinator to have unlimited access to all persons and entities with information relevant to the parties and the children including but not limited to health care professionals, mental health care professionals, schools, therapists, and substance abuse counselors.

(g) The Parent Coordinator shall be considered an officer of the court, with quasi-judicial immunity. The parties agree that the Parent Coordinator cannot be sued for his or her actions performed under the terms of this court appointment and the Stipulation and Order. The Parent Coordinator cannot be compelled to testify in any proceeding. However, the Parent Coordinator may elect to testify in proceedings regarding compliance with the enforcement of this Order; proceedings regarding the termination of the Parent Coordinator's services; or concerning the payment of a Parent Coordinator's fees. All testimony by the Parent Coordinator in conjunction with any such proceeding shall be deemed expert testimony, and paid accordingly.

Rule 1940.12. Fees

(a) Upon the appointment by the court of a Parent Coordinator, each party shall deposit the sum of \$500.00 with the appointed Parent Coordinator, to be held for Parent Coordinator fees.

(b) Parent Coordinators shall bill the parties for services rendered at a rate of \$125.00 per hour, with minimum billing unit of .10 hour.

(c) The Parent Coordinator shall submit monthly statements to the parties, and, unless otherwise approved by court, the parties will be equally charged for the services of the Parent Coordinator. (The Court of Common Pleas reserves the right to assess or apportion cost for parent coordinating based on cooperation shown by the parents in the process, financial considerations, or other relevant factors. The Court of Common Pleas may review fees upon motion of either party, or the Parent Coordinator.)

(d) The Parent Coordinator may charge for in-office or out-of-office time, client interviews, review of documents, court preparation, telephone and electronic communication including emails, travel time, and all other time actually spent in satisfaction of the Parent Coordinator role.

(e) The Parent Coordinator may request additional deposits by the parties without prior approval of court.

(f) The court may adjust the fees and retainer without amendment to these rules, either for a specific case or as a general policy.

(g) The court may adjust the fees and retainer without amendment to these rules, either for a specific case or as a general policy.

Rule 1940.13. Decisions by Parent Coordinator and Report to Court

(a) The Parent Coordinator may make an oral decision, which will be given the effect of a written decision and Order. The Parent Coordinator will issue a written expla-

nation of his or her decision, and disseminate it to the parties as quickly as possible. All agreements of the parties facilitated by the Parent Coordinator, shall be reduced to writing and entered as an amendment to the court custody order. All other decisions by the Parent Coordinator which are not agreed to by the parties, shall be in writing and shall also be entered as amendments to the custody order.

(b) On a regular basis, and as requested by court, the Parent Coordinator will file a report with the Administrative Judge of the Family Division of the Court of Common Pleas of Erie County, Pennsylvania indicating the status of the Custody Order, and the parents' cooperation in the parent coordination process. These reports shall be disseminated to the parties and counsel for the parties. Under no circumstances shall the Parent Coordinator be called as a witness by either party in legal proceedings. The Parent Coordinator shall not have ex parte communication with any judge regarding a case for which he or she is appointed.

(c) Reports and informal memoranda of the Parent Coordinator shall not be filed of record with the Prothonotary, but shall be placed into the parties' files at the Erie County Custody Office.

Rule 1940.14. Term of Appointment

(a) The court shall appoint a Parent Coordinator for a specific term of service, not to exceed twelve (12) months. The parents may request that the Parent Coordinator continue for additional terms of service. The Parent Coordinator may resign his or her assignment in a particular case prior to the end of the term of service with fourteen (14) days notice to the parties, respective counsel, and the court. The parties may not terminate the services of the Parent Coordinator except by written agreement, and with leave of court.

Rule 1940.15. Judicial Review

(a) Absent egregious abuse of discretion or substantial and unexpected change in circumstances, no party may request a judicial review of the appointment of the Parent Coordinator, nor of any decision of the Parent Coordinator, within the first six months of the date of the appointment of the Parent Coordinator. Thereafter, judicial review shall be consistent with the terms set forth herein.

(b) In the event of a dispute arising from the decision of the Parent Coordinator, the parties shall first attempt to resolve the issue directly with the Parent Coordinator. Any agreement arising from the informal resolution process shall be reduced to writing and filed as an Order by the Parent Coordinator.

(c) If a party continues to object to a decision by the Parent Coordinator, that party may file a motion for review with the court and schedule a hearing pursuant to Erie County Rule to Show Cause procedures. The court will make an independent determination, following an evidentiary hearing, if necessary, only as to the Parent Coordinator's decision at issue. The court shall award attorney fees and costs to the non-moving party if it determines that a review sought within the first six months is inappropriate.

Rule 1940.16. Grievances

(a) A party may file a grievance with the Parent Coordinator concerning only the performance of the Parent Coordinator and his or her participation with the family. Said grievance must be in writing and, immedi-

ately after receipt of a grievance, the Parent Coordinator will schedule a formal meeting with all parties and counsel.

(b) If a grievance or complaint is not resolved at this meeting, the complaining party may file a formal request with the court by motion and rule to show cause, requesting that the court consider the removal of the Parent Coordinator. An answer may be filed by the non-complaining party.

(c) The court shall then determine if a hearing is necessary, or such other action as may be appropriate, to determine the future of the parent coordinating process for the particular family.

(d) A Parent Coordinator will only be removed for cause. A Parent Coordinator may only be removed upon good cause shown, such as the Parent Coordinator has acted outside the scope of his or her authority, as an irreconcilable conflict of interest, is unable to be impartial, or has acted contrary to the child(ren)'s best interest. Disappointment with the Parent Coordinator's decision is not grounds for removal.

Rule 2056. Procedure When Incapacity of a Party is Ascertained

Unless otherwise directed by the Court, any notice required under Pa.R.C.P. 2056(b) shall be given in accordance with Pa.R.C.P. 402 and 403. If notice cannot otherwise be given, then notice shall be given in accordance with Pa.R.C.P. 430.

Rule 3252. Writ of Execution—Money Judgments

A writ of execution shall contain the following designation as the organization available to receive requests for free legal help:

Lawyer Referral & Information Service
P. O. Box 1792
Erie, PA 16507

814/459-4411
Mon—Fri
8:30 a.m.—Noon; 1:15 p.m.—3:00 p.m.

Rule 3304. Writ for the Attachment of Wages

(c) Paragraph 4.b of the writ of attachment of wages provided in Pa.R.C.P. 3313 shall provide as follows: The check must be made payable to the above named Judgment Creditor-Landlord Plaintiff.

[Pa.B. Doc. No. 07-1034. Filed for public inspection June 15, 2007, 9:00 a.m.]

MONTGOMERY COUNTY

**Rescission of Rule of Civil Procedure 2039(a)*—
Compromise, Settlement, Discontinuance and
Distribution; Adoption of Rule of Civil Procedure
2039(a)*—Minor's Compromise; No. 07-00001**

Order

And Now, this 22nd day of May, 2007, the Court rescinds Montgomery County Local Rule of Civil Procedure 2039(a)*—Compromise, Settlement, Discontinuance and Distribution, and approves and adopts the following Montgomery County Local Rule of Civil Procedure 2039(a)*—Minor's Compromise. This Amendment shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In further conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and one (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

RICHARD J. HODGSON,
President Judge

Rule 2039(a)*. Compromise, Settlement, Discontinuance and Distribution

Rescinded.

Rule 2039(a)*. Minor's Compromise

No personal injury action in which a minor has an interest shall be settled without court approval.

(1) Contents of Petition, Exhibits, and Proposed Decrees:

(A) **Petition.** A petition for approval of settlement shall set forth:

(1) The date of birth, social security number, and address of the minor plaintiff, the name and address of the minor's parent(s) or guardian(s);

(2) The facts out of which the cause of action arose;

(3) The elements and items of damages sustained;

(4) A list of all expenses incurred or to be incurred, whether or not they have been paid, by whom payment was made, and arrangements for payment of unpaid bills;

(5) Any limits on the financial responsibility of the defendant(s);

(6) A statement as to whether or not a lien or claim has been raised on behalf of any health care supplier, medical supplier, health insurer, worker's compensation carrier or government entity, including the Department of Public Welfare;

(7) The fees of counsel, which shall not exceed 25% of the present value of a structured settlement, or 25% of the gross recovery of any other settlement, unless counsel has rendered extraordinary services;

(8) The present status of the minor's health and injuries; and

(9) Any other circumstances relevant to the propriety of granting the petition.

(B) **Exhibits.** The petition shall also contain the following exhibits:

(1) A written report from attending health care providers stating the extent of the injury, the treatment given and the prognosis for the injured minor, except that in cases where the gross settlement does not exceed \$5,000, or in other cases where the Court is satisfied that the treating physician's office notes and/or records set forth adequately the injury, the treatment given and the prognosis, such notes and/or records may be provided in lieu of a written report;

(2) The written consent of the minor, if (s)he is sixteen (16) years of age or older; and

(3) Copies of counsel's time sheets and other supporting documentation showing the nature and extent of services rendered, if counsel is claiming fees in excess of 25%.

(C) **Decrees.** If the gross settlement exceeds \$2,500, counsel shall submit both a preliminary decree setting a hearing date and a proposed final decree setting forth the proposed distribution of the settlement proceeds. If the gross settlement is \$2,500 or less, counsel need submit only the proposed final decree.

(2) **Filing of Petition.** In any action where a civil suit has been initiated by writ of summons or complaint, the petition shall be filed with the Prothonotary under the caption of the civil suit. No motions court cover sheet is required. In any action where no civil suit has been initiated, the petition shall be filed with the Clerk of the Orphans' Court under the caption "ABC, a minor."

(3) **Hearing.** All petitions for gross settlements in excess of \$2,500 shall be set for hearing before a Judge of the Orphans' Court. The minor's presence is required at the hearing, unless (s)he is excused by the Court for cause shown. Petitions for settlements of \$2,500 or less may be approved without hearing, unless the Judge assigned to the matter, in his or her discretion, determines that a hearing is necessary.

(4) **Affidavit of Deposit.** When a compromise settlement is approved by the Court, an Affidavit of Deposit of Minor's Funds shall be filed with the division of the Court where the petition was filed within 30 days of the date of the order approving the settlement. The Affidavit shall be substantially in the following form:

[Pa.B. Doc. No. 07-1035. Filed for public inspection June 15, 2007, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated May 30, 2007, Thomas J. Bucknum is Disbarred on Consent from the practice of law in this Commonwealth, effective June 29, 2007. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 07-1036. Filed for public inspection June 15, 2007, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated May 30, 2007, Lawrence E. Andrews is Suspended on Consent from the Bar of this Commonwealth for a period of two years, to be effective June 29, 2007. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 07-1037. Filed for public inspection June 15, 2007, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated June 1, 2007, Michael Levine is suspended on consent from the Bar of this Commonwealth for a period of 1 year to run consecutive to the suspension ordered by the Supreme Court on June 20, 2006. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 07-1038. Filed for public inspection June 15, 2007, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD [58 PA. CODE CHS. 451, 451a, 471 AND 471a] Recordkeeping and Fees

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207(3), 1208, 1209(d), 1308 and 1322, adds Chapters 451a and 471a (relating to recordkeeping requirements; and filing fees) to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

Under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board initially adopted temporary regulations in Chapters 451 and 471 at 35 Pa.B. 4045 (July 16, 2005). Under 4 Pa.C.S. § 1203(b), the temporary regulations expire on July 5, 2007.

The Board is adopting these chapters to replace the temporary regulations with permanent regulations.

Explanation of Chapters 451a and 471a

Chapter 451a contains general provisions that address the recordkeeping requirements for manufacturer, supplier, junket enterprise, management company and slot machine licensees and registered and certified vendors.

Amendments to the temporary regulations include a large number of editorial changes intended to improve the clarity of the language in the temporary regulations. The final-form rulemaking also expands the applicability of the provisions to include other regulated entities that were not originally covered when the temporary regulations were promulgated.

Chapter 471a addresses the applicant's obligation to pay fees required by the Board, the method of payment, the nature of the fees and the publication of a fee schedule by the Board.

Amendments to the temporary regulations in this final-form rulemaking are primarily editorial and are intended to improve the clarity of the regulations. The final-form rulemaking also expands the applicability of the temporary regulations to include other regulated entities that were not covered in the temporary regulations. Some of the language in temporary § 471.3 (relating to schedule of fees) has been moved to § 471a.1 (relating to fees generally) for clarity purposes. Temporary § 471.2 has been deleted as it is duplicative of other provisions.

Comment and Response Summary

Notice of proposed rulemaking was published at 36 Pa.B. 5700 (September 9, 2006).

The Board received a comment on Chapter 451a from International Gaming Technology (IGT) that was included in its comments on the proposed rulemaking published at 36 Pa.B. 3690 (September 9, 2006). Comments were not received from the House Tourism and Recreational Development Committee and the Senate Committee on Rules and Executive Nominations. Comments were received from the Independent Regulatory Review Commission (IRRC).

IGT commented that they maintain their records at their offices in Nevada and asked if this would meet the

requirements in § 451a.1(a) (relating to recordkeeping generally) which requires records to be kept onsite in this Commonwealth. Many of the entities that hold licenses have headquarters located outside of this Commonwealth. To require Board personnel to travel to these locations to examine a licensee's records would cost far more than it will cost to maintain the records in this Commonwealth. Therefore, the Board did not revise this requirement and the entities listed in § 451a.1(a) shall maintain records in this Commonwealth.

As a general comment, IRRC requested additional information as to the need for and fiscal impact of this final-form rulemaking. This additional information has been included in the Regulatory Analysis Form for the final-form rulemaking.

In § 471a.1, IRRC suggested the procedures for determining additional fees that may be charged to applicants be added to the final-form rulemaking. The Board bases any additional fees on the amount of staff time required to review each application. Since the final-form rulemaking already specifies that additional fees will be "based on the actual expenses incurred by the Board," the Board has not made any additional changes to this section.

In § 471a.2 (relating to schedules of fees), IRRC suggested the Board add the actual name of the Board's website. The Board added that suggestion. IRRC also suggested that the Board clarify when it will publish the fee schedule. The Board plans to publish the fee schedule upon publication of this final-form rulemaking and whenever it makes a change to the fee schedule. Language has been added to § 471a.2 to reflect that intent.

IRRC's final recommendation was that all fee increases be governed by the mechanism in 4 Pa.C.S. § 1208(2) (relating to collection of fees and fines). The Board has not adopted this suggestion for two reasons. First, 4 Pa.C.S. § 1208(2) only applies to fees that were specifically set by 4 Pa.C.S. Part II (relating to gaming). Second, consistent with 4 Pa.C.S. § 1208(1), the Board believes that fees should be based upon the related costs incurred by the Board.

Affected Parties

This final-form rulemaking imposes requirements on applicants for and holders of a license, permit, registration or certification.

Fiscal Impact

Commonwealth. This final-form rulemaking will have no significant fiscal impact on the Commonwealth.

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

Private sector. Applicants for or holders of a license, permit, registration or certification will experience costs associated with the payment of fees for applications and other documents submitted to the Board for which a filing fee is required. These entities and individuals will also experience costs as result of the cost of the investigations by the Bureau of Investigations and Enforcement. Applicants for or holders of a license, registration or certification may also experience some increased costs to comply with the document retention and storage requirements.

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

Paperwork Requirements

This final-form rulemaking does not impose new reporting or paperwork requirements on the Board or affected parties under the Board's jurisdiction. This final-form rulemaking clarifies how the applicants and holders of licenses, registrations and certifications must maintain certain records.

Effective Date

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

Contact Person

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 28, 2006, the Board submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 5700, to IRRC and the Chairpersons of the House and Senate Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 4, 2007, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 5, 2007, and approved the final-form rulemaking.

Findings

The Board finds that:

- (1) Public notice of intention to adopt these chapters was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II.

Order

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

- (a) The regulations of the Board, 58 Pa. Code Chapters 451, 451a, 471 and 471a, are amended by deleting §§ 451.1 and 471.1—471.3 adding §§ 451a.1 and 471a.1—471a.3 to read as set forth in Annex A.
- (b) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

THOMAS A. DECKER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 1940 (April 21, 2007).)

Fiscal Note: 125-46 (1) Gaming Fund; (2) Implementing Year 2006-07 is \$22,000; (3) 1st Succeeding Year

2007-08 is \$11,000; 2nd Succeeding Year 2008-09 is \$12,000; 3rd Succeeding Year 2009-10 is \$12,000; 4th Succeeding Year 2010-11 is \$13,000; 5th Succeeding Year 2011-12 is \$13,000; (4) 2005-06 Program—\$24,600,000; 2004-05 Program—\$13,200,000; 2003-04 Program—\$2,900,000; (7) Board Budget; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart D. RECORDKEEPING

CHAPTER 451. (Reserved)

§ 451.1 (Reserved).

CHAPTER 451a. RECORDKEEPING REQUIREMENTS

Sec.

451a.1. Recordkeeping generally.

§ 451a.1. Recordkeeping generally.

(a) All manufacturer, supplier, junket enterprise, management company and slot machine licensees and all registered and certified vendors shall maintain adequate records of business operations which shall be made available to the Board upon request. These records shall be kept onsite in this Commonwealth in a place secure from theft, loss or destruction or at another secure location approved by the Board. These records include:

- (1) Correspondence with the Board and other local, Commonwealth and Federal governmental agencies.
- (2) Correspondence concerning gaming equipment with a manufacturer, supplier, management company or slot machine licensee.
- (3) Copies of all promotional material and advertising.
- (4) A personnel file on each current and former employee.
- (5) Financial records of all transactions concerning slot machines and associated equipment with a manufacturer, supplier, management company or slot machine licensee.
- (6) Copies of all tax returns, reports and other tax documents filed with a taxing entity of the Federal government, the Commonwealth or local taxing entity within this Commonwealth for 7 years or a longer period as prescribed by the taxing entity.
- (7) Copies of all general accounting records.

(b) Except as provided in subsection (a)(6) regarding tax documents, the records listed in subsection (a) shall be maintained for at least 5 years.

CHAPTER 471. (Reserved)

§§ 471.1—471.3. (Reserved).

Subpart F. FEES

CHAPTER 471a. FILING FEES

Sec.

- 471a.1. Fees generally.
- 471a.2. Schedules of fees.
- 471a.3. Adjustment of fees.

§ 471a.1. Fees generally.

(a) A pleading or other document for which a filing fee is required will be received, but will not be deemed filed, until the filing fee, bond, letter of credit or other cost has been paid.

(b) The fees collected by the Board will be deposited into the State Gaming Fund as established in section

1403 of the act (relating to establishment of State Gaming Fund and net slot machine revenue distribution).

(c) Fees shall be paid by money order or check made payable to the "Commonwealth of Pennsylvania." Cash will not be accepted by the Board.

(d) To recover the initial cost of the investigation and processing of applications, each application for a license, permit, certification or registration must be accompanied by a nonrefundable fee.

(e) An applicant may be subject to additional fees based on the actual expenses incurred by the Board in conducting the background investigation.

§ 471a.2. Schedules of fees.

Fee schedules established by the Board and changes thereto will be published in the *Pennsylvania Bulletin* and will be available on the Board's website (www.pgcb.state.pa.us).

§ 471a.3. Adjustment of fees.

On or after July 5, 2006, and annually thereafter, the Board may increase the fees, charges, costs or administrative penalties specified in the act by an amount not to exceed an annual cost-of-living adjustment calculated under section 1208(2) of the act (relating to collection of fees and fines).

[Pa.B. Doc. No. 07-1039. Filed for public inspection June 15, 2007, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 481 AND 481a]

Diversity

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1212 and 1325(b) and (c) (relating to diversity goals of board; and license or permit issuance), adds Chapter 481a (relating to diversity) to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

Under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board initially adopted Chapter 481 at 35 Pa.B. 4045 (July 16, 2005). Under 4 Pa.C.S. § 1203(b), the temporary regulations expire on July 5, 2007.

The Board is adopting this chapter to replace the temporary regulations with permanent regulations.

Explanation of Chapter 481a

This final-form rulemaking replaces the temporary Chapter 481 regulations that were adopted by the Board on June 16, 2005. Permanent regulations are needed because the temporary regulations expire on July 5, 2007. Like the temporary regulations, this final-form rulemaking contains provisions requiring submission of diversity plans by applicants for and holders of a license or certification from the Board and reporting provisions that apply to holders of a license or certification from the Board. It provides definitions of terms used in this chapter and also addresses onsite audits.

A large number of editorial changes were made in the proposed rulemaking to improve the clarity of the language in the temporary regulations. In § 481a.2 (relating to definitions), registered vendors were deleted from list

of entities that are subject to the diversity participation and reporting requirements. Temporary § 481.3(a) (relating to diversity participation) was deleted to eliminate duplication of efforts by the Board and the Department of General Services in posting a list of certified minority and women's business enterprises. Section 481a.5(b) (relating to report of participation) was added to require slot machine, manufacturer and supplier licensees to produce quarterly reports in addition to annual reports. Section 481a.5(c) was added to allow management companies to file a consolidated report with the slot machine licensee with whom they have a management contract to prevent a duplication of efforts on behalf of the slot machine licensee and the management company. Temporary § 481.4(c) (relating to establishment of diversity plan required) was relocated to § 481a.6 (relating to diversity audits).

Comment and Response Summary

The proposed rulemaking was published at 36 Pa.B. 5687 (September 9, 2006). The Board received comments on the proposed rulemaking from Downs Racing, L.P. (Downs) and the Independent Regulatory Review Commission (IRRC). The comments were reviewed by the Board and are discussed as follows.

IRRC requested that the Board provide additional information pertaining to the need for the regulation and the fiscal impact in the preamble and Regulatory Analysis Form. Additional information has been included. However, the Board notes that because gaming is new to this Commonwealth and licenses have just been issued, the fiscal information available is somewhat limited.

In § 481a.1 (relating to statement of purpose, policy and applicability), IRRC noted that under 4 Pa.C.S. § 1212(a), only slot machine licensees are required to meet the "provisions of goods and services" requirement. Accordingly, IRRC questioned the Board's statutory authority for requiring all regulated entities to assure diversity of opportunity "through the provisions of goods and services."

Under 4 Pa.C.S. § 1212(b)(7), the Board has the authority to issue, approve, renew, revoke or suspend additional licenses or permits other than those provided in the 4 Pa.C.S. Part II (relating to gaming). Further, under 4 Pa.C.S. § 1321 (relating to additional licenses and permits and approval of agreements), the Board has the authority to require additional licenses for persons who transact business with slot machine licensees. Based on this authority, the Board has created the additional licensure categories listed in the definition of "regulated entity" in § 481a.2.

Under 4 Pa.C.S. § 1325(b)(1) (relating to license or permit issuance), for an applicant for a license or permit authorization to be eligible for approval by the Board, the applicant shall submit a diversity plan to the Board "to assure that all persons are accorded equality of opportunity in employment and contracting by the applicant, its contractors, subcontractors, assignees, lessees, agents, vendors and suppliers." Unlike the cited language in 4 Pa.C.S. § 1212 which the commentator describes as only applying to slot machine licensees, this provision applies to all applicants.

Finally, 4 Pa.C.S. § 1212(a) must be read in its entirety. In addition to the language cited by IRRC, it states "It is the intent and goal of the General Assembly that the board promote and ensure diversity in all aspects of the gaming activities . . ." and ". . . through the ownership and operation of business enterprises associated with or

utilized by slot machine licensees, through the provision of goods and services utilized by slot machine licensees”

Accordingly, the Board has authority to adopt regulations on diversity that apply to all regulated entities.

In § 481a.3, IRRC questioned if the Board had intended to allow other methods of establishing that a business is a minority or women’s business enterprise (M/WBE) and, if so, suggested that the other methods be included in the regulation.

Not all M/WBEs elect to be certified by the Department of General Services. Section 481a.3 is intended to allow regulated entities to use noncertified M/WBE. As suggested by IRRC, subsection (b) has been added to require the regulated entity to verify that an M/WBE that is not certified is an M/WBE.

In § 481a.4(a), IRRC questioned why the language differs from the language in 4 Pa.C.S. § 1325(b)(1) and suggested that criteria to determine the reasonableness of a diversity plan be added to the regulation.

The “agree to develop and implement” language in 4 Pa.C.S. § 1325 is not used in this section because this section only addresses the development of the diversity plan. While applicants would only need to agree to implement their diversity plans, they must file a plan so that the Board can make a determination if the applicant meets the requirements in 4 Pa.C.S. §§ 1202(a) and 1325(b) and (c).

The Board elected not to adopt IRRC’s suggestion that criteria be added to the regulation which would be used to determine if a diversity plan is reasonable. Based on its review of the diversity plans that have been submitted and the varied demographics of the locations of the applicants’ proposed facilities, the Board wants to provide applicants with the maximum amount of flexibility in developing their plans. Establishment of firm criteria might limit an applicant’s ability to tailor its plan to its particular location. Additionally, the Board has been working closely with applicants to help them develop plans that are reasonable.

In § 481a.4(b), IRRC suggested adding a definition of “diversity goal” and inserting the “or transacting” after “contracting” in § 481a.4(b)(2) to mirror the phrase in § 481a.4(b)(1). IRRC also suggested that the Board establish diversity goals that applicants would be expected to meet.

The Board has not adopted these suggestions. The term “diversity goal” is not a technical term; the Board is using it in its normally understood context. The phrase “or transacting” does not apply to the circumstances in § 481a.4(b)(2) because participation plans will only be established for contracts. Finally, for the reasons discussed earlier, the Board believes that fixed criteria for meeting diversity goals would limit regulated entities’ ability to demonstrate compliance. Instead, the Board will look at all of the information contained in the reports required under § 481a.5 and the regulated entities’ efforts to promote diversity.

In § 481a.5, Downs requested that salary information be treated as confidential information and that slot machine licensees not be responsible for reporting the information required in § 481a.5(a)(6) and (7).

The Board agrees that some of the information required to be submitted may be proprietary. Therefore, a subsection has been added to allow regulated entities to request that certain information be designated as confidential.

The Board does not agree that regulated entities should not be responsible for collecting and submitting the information required by § 481a.5(a)(6) and (7). If the regulated entity does not require its contractors to submit this information, it will not be able to determine if the contractor has complied with the requirements of its participation plan. Likewise, without this information, the Board will not be able to accurately assess whether or not a regulated entity has achieved its diversity goals.

From working with applicants who have filed diversity plans, the Board found that many applicants already collect similar data for facilities they operate in other states and that their standard contracts require contractors to provide the information. Therefore, the Board concluded that requiring regulated entities to collect and provide this information is not unreasonable.

In § 481a.6, IRRC suggested that the Board add provisions to notify regulated entities of an audit.

Because the Board intends to work closely with regulated entities on an ongoing basis, it does not anticipate that it will need to perform many audits. However, the Board agrees with IRRC that regulated entities should receive notice. Accordingly, a subsection has been added which will require the Board to provide written advanced notice of an audit.

Affected Parties

This final-form rulemaking imposes requirements on applicants for and holders of a license or certification from the Board.

Fiscal Impact

Commonwealth. This final-form rulemaking will have no significant fiscal impact on the Commonwealth.

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

Private sector. Applicants for or holders of a license or certification will experience costs associated with the development of a diversity plan.

Holders of a license or certification will experience costs associated with revisions to their diversity plans and compiling the information required in the report of participation that must be included with their application for renewal of their license or certification.

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

Paperwork Requirements

This final-form rulemaking retains the reporting requirements in the temporary regulations adopted on June 16, 2005. It does not expand the reporting or paperwork requirements on the Board or affected parties, but it does add a requirement that slot machine, manufacturer and supplier licensees submit quarterly updates of their participation reports.

Effective Date

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

Contact Person

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 28, 2006, the Board submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 5687, to IRRC and the Chairpersons of the House Tourism and Recreational Development Committee and the Senate Committee on Rules and Executive Nominations for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 4, 2007, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 5, 2007, and approved the final-form rulemaking.

Findings

The Board finds that:

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

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

Order

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

(a) The regulations of the Board, 58 Pa. Code Chapters 481 and 481a, are amended by deleting §§ 481.1—481.5 and by adding §§ 481a.1—481a.6 to read as set forth in Annex A.

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

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

THOMAS A. DECKER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 1940 (April 21, 2007).)

Fiscal Note: 125-47. (1) Gaming Fund; (2) Implementing Year 2006-07 is \$243,000; (3) 1st Succeeding Year 2007-08 is \$126,000; 2nd Succeeding Year 2008-09 is \$131,000; 3rd Succeeding Year 2009-10 is \$137,000; 4th Succeeding Year 2010-11 is \$142,000; 5th Succeeding Year 2011-12 is \$148,000; (4) 2005-06 Program—\$24,600,000; 2004-05 Program—\$13,200,000; 2003-04 Program—\$2,900,000; (7) Board Budget; (8) recommends adoption.

Annex A**TITLE 58. RECREATION****PART VII. GAMING CONTROL BOARD****Subpart G. MINORITY AND WOMEN'S BUSINESS ENTERPRISES****CHAPTER 481. (Reserved)****§§ 481.1—481.5 (Reserved).****CHAPTER 481a. DIVERSITY**

Sec.

- | | |
|---------|---|
| 481a.1. | Statement of purpose, policy and applicability. |
| 481a.2. | Definitions. |
| 481a.3. | Diversity participation. |
| 481a.4. | Establishment of diversity plan required. |
| 481a.5. | Report of participation. |
| 481a.6. | Diversity audits. |

§ 481a.1. Statement of purpose, policy and applicability.

(a) This chapter establishes the procedures for promoting and ensuring that regulated entities foster participation and diversity in all aspects of their operations in this Commonwealth.

(b) It is the policy of the Board to promote and ensure that regulated entities conduct all aspects of their operations in a manner that assures diversity of opportunity as follows:

(1) In the ownership, participation and operation of regulated entities in this Commonwealth.

(2) Through the ownership, participation and operation of business enterprises associated with or utilized by regulated entities.

(3) Through the provision of goods and services utilized by regulated entities.

(c) It is further the policy of the Board to promote and ensure diversity in employment and contracting by each regulated entity and its contractors, subcontractors, assignees, lessees and agents.

§ 481a.2. Definitions.

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

Diversity plan—A plan that promotes and ensures diversity in ownership, participation and operation of regulated entities; and in employment and contracting by regulated entities.

Minority—The ethnic/racial categories identified in employer survey reports that are required by the United States Equal Opportunity Commission and the Office of Federal Contract Compliance Programs of the United States Department of Labor under section 709 of the Civil Rights Act of 1964 (42 U.S.C.A. § 2000(e)-8) or by subsequent amendments to that Federal act.

Participation plan—An obligation imposed by a regulated entity as part of its contract with a contractor that requires the contractor to utilize minority or women owned business enterprises.

Regulated entity—An applicant for or holder of the following:

- (i) Slot machine license.
- (ii) Manufacturer license.
- (iii) Supplier license.
- (iv) Vendor certification.

- (v) Junket license.
- (vi) Management company license.

§ 481a.3. Diversity participation.

(a) The list of the minority and women's business enterprises that are certified by the Bureau of Minority and Women's Business Enterprises of the Department of General Services under 62 Pa.C.S. Part I (relating to Commonwealth Procurement Code) may be used by a regulated entity to establish the eligibility of an enterprise as a minority or women's business enterprise for the purpose of promoting and ensuring minority and women's business participation.

(b) It shall be the responsibility of the regulated entity to verify that a minority or women's business enterprise that is not certified by the Bureau of Minority and Women's Business Enterprises of the Department of General Services is a minority or women's business enterprise.

§ 481a.4. Establishment of diversity plan required.

(a) Each regulated entity shall include in its application for licensure or certification a diversity plan that establishes a separate goal of diversity in the ownership, participation and operation of, and employment at the regulated entity. The Board will determine whether the stated goals set forth in each diversity plan are reasonable and represent a good faith effort to assure that all persons are accorded equality of opportunity in contracting and employment by the regulated entity and its contractors, subcontractors, assignees, lessees and agents.

(b) A regulated entity may demonstrate achievement of its diversity goals through one or both of the following:

- (1) Contracting or transacting directly with minority and women's business enterprises.
- (2) Contracting with a nonminority business enterprise under terms and conditions that establish a participation plan.

§ 481a.5. Report of participation.

(a) As part of an application to renew a license or certification, a regulated entity shall file a report with the Board concerning the performance of its diversity plan. The report must contain the following:

- (1) Employment data, including information on the following:
 - (i) Minority and women representation in the regulated entity's workforce in all job classifications.
 - (ii) Salary information.
 - (iii) Recruitment and training information, including executive and managerial level recruitment and training.
 - (iv) Retention and outreach efforts.

(2) The total number and value of all contracts or transactions awarded by the regulated entity for goods and services.

(3) The total number and value of all contracts or transactions awarded by the regulated entity to minority and women's business enterprises.

(4) A list of each contract or transaction awarded by the regulated entity to a minority or women's business enterprise and the actual value of each contract or transaction.

(5) The total number and value of all contracts awarded that contain a participation plan.

(6) The total number and value of all subcontracts awarded to minority and women's business enterprises under contracts containing a participation plan.

(7) A list of each subcontract awarded to a minority or women's business enterprise under contracts containing a participation plan and the actual value of each subcontract.

(8) A comprehensive description of all efforts made by the regulated entity to monitor and enforce the participation plan.

(9) Information on minority and women investment, equity ownership, and other ownership or management opportunities initiated or promoted by the regulated entity.

(10) Other information requested in writing by the Board to ensure compliance with the act and this part.

(b) In addition to the reports required under subsection (a), slot machine licensees, manufacturer licensees and supplier licensees shall file updated versions of the reports required under subsection (a) quarterly.

(c) A licensed management company may file a consolidated report with the slot machine licensee with whom the management company has a management contract.

(d) A regulated entity may request that proprietary information required to be submitted to the Board under this section be treated as confidential information. A regulated entity shall clearly mark information that it requests to be treated as confidential information.

(e) The Board will use the reports required under subsections (a), (b) and (c) to monitor compliance with the act and this part. The Board may request the assistance of the Bureau of Minority and Women's Business Enterprises, of the Department of General Services, in the review of regulated entities' compliance with the requirements of the act and this part.

§ 481a.6. Diversity audits.

(a) Onsite audits may be performed on an annual basis or at the discretion of the Board to ensure compliance with this chapter.

(b) Advanced written notice will be provided to a regulated entity prior to the conduct of an onsite audit by the Board.

[Pa.B. Doc. No. 07-1040. Filed for public inspection June 15, 2007, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 61]

Fishing; Delaware River and River Estuary and the Conowingo Reservoir

The Fish and Boat Commission (Commission) proposes to amend Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2008.

B. *Contact Person*

For further information on the proposed rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7827. This proposed rulemaking is available on the Commission's website at www.fish.state.pa.us.

C. *Statutory Authority*

The proposed amendments to §§ 61.2 and 61.4 (relating to Delaware River and River Estuary; and Conowingo Reservoir) are published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

D. *Purpose and Background*

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

E. *Summary of Proposals*

(1) *Section 61.2.* Three jurisdictions, New York, New Jersey and the Commonwealth, work in cooperative fashion in setting regulations for the Delaware River and the West Branch Delaware River because both are border waters. Differences in the rulemaking processes, license years and fisheries within different reaches may result in regulations being out of synchrony for a year or more. Jurisdictions attempt to provide consistency for anglers by minimizing regulatory differences among states. The Commission proposes the following changes to reconcile the differences between the jurisdictions.

Black bass regulations were adopted in 2006 on the Delaware River downstream of I-84 in New Jersey and this Commonwealth that include a 12-inch minimum length limit, five bass per day creel limit and a no-harvest, catch-and-immediate-release season that begins on the first Saturday after April 11 and extends through 12:01 a.m. on the first Saturday after June 11. These regulations provide an opportunity for competitive anglers to conduct "paper" or catch-measure-immediate release tournaments during the catch-and-release season. In 2006, New York adopted similar regulations on the section of the Delaware River upstream of I-84. The Commission currently manages this Commonwealth's section of the Delaware as a year-round season. Thus, New York and the Commonwealth have different black bass regulations in the upper part of the Delaware. If the

Commission adopts the more conservative regulations upstream of I-84, as proposed, consistent harvest rules for black bass will apply throughout the entire Delaware River and West Branch Delaware River in this Commonwealth and all border jurisdictions.

In 2006, the Commission adopted new Statewide regulations for muskellunge and tiger muskellunge. These regulations, which went into effect on January 1, 2007, provide for a year-round season, a 40-inch minimum size limit and a one-fish creel limit on Commonwealth inland waters. Currently, the regulations on the Delaware River consist of a year-round season, a 30-inch minimum size limit and a two-fish creel limit. On December 28, 2006, the Commission's Division of Fisheries Management staff discussed amending the regulations to provide for a 40-inch minimum size limit and a one-fish creel limit with staff from the New Jersey Division of Fish, Game and Wildlife and the New York Department of Environmental Conservation. Staff from both agencies stated their support for the changes in muskellunge and muskellunge hybrid regulations for the Delaware River. In both New Jersey and New York, the earliest the regulation changes would take effect is October 2008. Those agencies will initiate the process to make their regulations consistent upon action by the Commission to amend the minimum size limit to 40 inches and the daily limit to one.

Currently, there are a number of species that are not identified in § 61.2. For example, no panfish are listed in this section. The regulations in New Jersey and New York are inconsistent with each other and also are inconsistent with the Commonwealth's inland regulations. The Commission does not believe that it would be feasible to attempt to reconcile New York and New Jersey regulations with the Commission's regulations in the near future for those species not already listed under this section. Therefore, the Commission proposes that § 61.2 be amended to clarify that for all species not listed, the Commonwealth's inland regulations apply.

Finally, the Commission proposes that the introductory paragraph to § 61.2(d) be amended to make it clear that the regulations apply to the West Branch Delaware River as well as the main stem and other tributaries. The Commission proposes to amend § 61.2 to read as set forth in Annex A.

(2) *Section 61.4.* The Commission currently manages two reservoirs that it shares as boundary waters with Maryland: Youghiogheny Reservoir and Conowingo Reservoir. By agreement with Maryland, the Commission's regulations are applied to both states' portions of the Youghiogheny Reservoir and Maryland's regulations are applied to both states' portions of Conowingo Reservoir. Portions of the regulations currently in place for certain species on Conowingo Reservoir under § 61.4 are not consistent with the current Maryland regulations. Specifically, the harvest limit for trout is two per day in Maryland, as opposed to five per day as listed in § 61.4. There is a baitfish daily limit of 35 in Maryland, as opposed to no limit in § 61.4. The harvest of mussels and clams is prohibited in Maryland and § 61.4 is silent. In Maryland, river herring (alewife and blueback herring) have an open season and no size or daily creel limits while § 61.4 disallows fishing for these species. Maryland's regulations provide that there are no seasons, size or creel limits for those species not specifically listed in

the regulations for Conowingo Reservoir. The Commission's regulations do not currently address this matter. Accordingly, the Commission proposes to amend § 61.4 to read as set forth in Annex A.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Comments

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

Comments also may be submitted electronically by completing the form at www.state.pa.us/Fish/reg comments. If an acknowledgment of electronic comments

is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

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

Fiscal Note: 48A-193. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart B. FISHING
CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.2. Delaware River and River Estuary.

* * * * *

(d) The following seasons, sizes and creel limits apply to the Delaware River, **West Branch Delaware River** and to Delaware River tributaries, from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
* * * * *			
BASS Largemouth and Smallmouth	[North of I-84: Open year-round]	[12 inches]	[5 (combined species)]
	[South of I-84:] January 1 to midnight the day before the first Saturday after April 11 and [October 1] 12:01 a.m. the first Saturday after June 11 to midnight December 31	12 inches	5 (combined species)
	12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11	NO HARVEST—Catch and immediate release only	
	[12:01 a.m. the first Saturday after June 11 to midnight September 30]	[12 inches]	[5 (combined species)]
MUSKELLUNGE AND MUSKELLUNGE HYBRIDS	Open year-round	[30] 40 inches	[2 (combined species)] 1
* * * * *			
OTHER SPECIES	Inland seasons, size and creel limits apply except for waters under special regulations (See Chapter 65). See § 61.1 (relating to Commonwealth inland waters).		

§ 61.4. Conowingo Reservoir.

* * * * *

(d) The following seasons, sizes and creel limits apply to the Conowingo Reservoir, which includes the Susquehanna River from the Maryland State Line upstream to Holtwood Dam:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
All Species of Trout and Salmon	Open year-round	No minimum	[5] 2 (combined species)
* * * * *			

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
AMERICAN and HICKORY SHAD [and ALEWIFE and BLUEBACK HERRING (collectively known as river herring)]	Closed (no open season)	Closed	0
ALEWIFE and BLUEBACK HERRING (collectively known as river herring)	January 1 through June 15	No minimum	No daily limit
[HERRING	Open year-round	No minimum	No daily limit]
* * * * *			
BAIT FISH FISH BAIT[, except MADTOMS]	Open year-round	No minimum	[No daily limit] 35
[MADTOMS		No minimum	35]
ALL OTHER FISH SPECIES	Open year-round	No minimum	No daily limit
BIVALVES/SHELLFISH (Mussels/Clams)	Closed (no open season)	Closed	0

[Pa.B. Doc. No. 07-1041. Filed for public inspection June 15, 2007, 9:00 a.m.]

**[58 PA. CODE CH. 63]
Fishing; Tautog**

The Fish and Boat Commission (Commission) proposes to amend Chapter 63 (relating to general fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

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

B. Contact Person

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

C. Statutory Authority

The proposed amendment adding § 63.50 (relating to importation of tautog) is published under the statutory authority of section 2102(c) of the code (relating to rules and regulations).

D. Purpose and Background

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

E. Summary of Proposal

It has been brought to the attention of the Commission that tautog (*Tautoga onitis*), a marine fish common on hard bottom from Cape Cod to Delaware, are being harvested illegally on the Atlantic coast and being sold in the live fish markets in Philadelphia. The Commission encountered a similar situation in 1993 regarding the sale of sublegal size weakfish in this Commonwealth's

fish markets that was subsequently addressed with a minimum size limit on weakfish being imported into this Commonwealth.

The New Jersey Division of Fish and Wildlife Marine Conservation Officers asked the Commission to implement a 14-inch minimum size limit on tautog that are imported into this Commonwealth. This restriction will minimize this Commonwealth's black market for sublegal size tautog. Accordingly, the Commission proposes to add § 63.50 to read as set forth in Annex A.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Comments

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

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

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

Fiscal Note: 48A-194. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.50. Importation of tautog.

It is unlawful for a person to import into this Commonwealth, sell, offer for sale or purchase tautog (*Tautoga onitis*) measuring less than 14 inches in length.

[Pa.B. Doc. No. 07-1042. Filed for public inspection June 15, 2007, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Deer Control

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, proposed to amend § 147.553 (relating to permit).

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the April 18, 2007, meeting of the Commission. Comments can be sent, until June 22, 2007, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Agricultural deer control permits (red tags) are generally valid from February 1 through September 28 of each year. However, the permits are invalidated for a brief period of time during the peak of the fawning season. More specifically, the permits are invalidated from May 16 through July 31 for general crop farmers and from May 16 through June 30 for vegetable farmers. Upon further review of the closure dates, the Commission has determined that standardizing the closure period between the two classes to May 16 through June 30 would provide additional deer control opportunities for general crop farmers without putting an unjustified additional demand on deer during the fawning season. Therefore, the Commission is proposing to amend § 147.553 to standardize the agricultural deer control permit closure period to May 16 through June 30 for both vegetable and general crop farmers.

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 amendments to § 147.553 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 147.553 to standardize the agricultural deer control permit closure period to May 16 through June 30 for both vegetable and general crop farmers.

3. Persons Affected

Persons wishing to exercise the privileges of an agricultural deer control permit may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

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

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-252. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

AGRICULTURE

§ 147.553. Permit.

The deer control permit authorizes the permittee to enlist the aid of a limited number of subpermits. The maximum number of subpermits issued will be no more than one for every 5 acres of land that is under cultivation unless the wildlife conservation officer recommends an increase in the number due to warranted circumstances.

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(2) *Exceptions.* The permit is not valid from May 16 to **[July 31, inclusive, for general crop farming and from May 16 to June 30 for vegetable farming] June 30 during peak fawning season.**

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[Pa.B. Doc. No. 07-1043. Filed for public inspection June 15, 2007, 9:00 a.m.]

**PENNSYLVANIA GAMING
CONTROL BOARD**

[58 PA. CODE CHS. 429a, 433a, 435a, 437a AND 441a]

Manufacturer Designees; Principal Licenses; Employees; Vendor Certification and Registration; Slot Machine Licenses

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1202(b)(9), (12), (13)—(20) and

(23), 1205, 1209, 1301—1316, 1317.1, 1318, 1321, 1325—1331 and 1802, proposes to add Chapters 429a, 433a, 435a, 437a and 441a to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

Under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board initially adopted temporary regulations in Chapters 433 and 435 at 35 Pa.B. 4045 (July 16, 2005), Chapter 437 at 35 Pa.B. 6411 (November 19, 2005), Chapters 441 and 443 at 35 Pa.B. 4543 (August 6, 2005) and Chapter 429 at 37 Pa.B. 1862 (April 21, 2007). Under 4 Pa.C.S. Part II (relating to gaming), the temporary regulations expire on July 5, 2007.

The Board is proposing to replace the temporary regulations with the permanent regulations in this proposed rulemaking.

Explanation of Chapters 429a, 433a, 435a, 437a and 441a

Chapter 429a (relating to manufacturer designees) deals with the licensing of manufacturer designees, which is a new category of licensure created by the act of November 1, 2006 (P. L. 1243, No. 135). Section 429a.1 (relating to manufacturer designee general requirements) addresses who must obtain a manufacturer designee license, what a manufacturer designee may do and what restrictions are placed on a manufacturer designee.

Sections 429a.2 and 429a.3 (relating to manufacturer designee license applications and standards; and additional manufacturer designee licenses) lay out the application process for an initial manufacturer designee license and for additional manufacturer designee licenses. The process for additional manufacturer designee licenses is an abbreviated application process because much of the investigative review will already have been completed.

Section 429a.4 (relating to manufacturer designee license term and renewal) sets forth the term of the manufacturer designee license, which is 1 year, and the process for license renewals.

Section 429a.5 (relating to responsibilities of a manufacturer designee) specifies the responsibilities of a manufacturer designee. These include various reporting requirements and the requirement that employees of a manufacturer designee whose duties require them to be on the gaming floor or in a restricted area obtain an occupation permit.

Section 429a.6 (relating to manufacturer designee as agent) states that a manufacturer designee will be deemed to be an agent of the manufacturer and that the manufacturer and the manufacturer designee will be held jointly and severally liable for violations of the regulations and the act committed by the manufacturer designee.

Section 429a.7 (relating to manufacturer designee agreements) requires agreements and amendments thereto to be submitted to the Board for approval. The agreements must specify the responsibilities of the manufacturer and the manufacturer designee and set forth any terms related to compensation of the manufacturer or the manufacturer designee.

Chapter 433a (relating to principal licenses) replaces temporary Chapter 433 (relating to license renewal).

Section 433a.1 (relating to definitions) provides definitions of terms used in this chapter.

Sections 433a.2 and 433a.3 (relating to directors or officers; and individual ownership) specify that officers and directors and individuals who have a direct ownership or have a right to any profit from an applicant for or

holder of a license or an intermediary, holding company of the applicant or licensee must be licensed as principals. Additionally, a grantor, trustee or beneficiary of a trust that is required to be licensed as a principal must also be licensed as a principal. Individuals who own less than 5% of the voting securities of an applicant or licensee or an intermediary, holding company of the applicant or licensee that is a publicly traded company are exempted from this licensing requirement.

Section 433a.4 (relating to entity ownership) specifies which entities are required to be licensed as principals. This includes an intermediary or holding company of the applicant or licensee, an entity that directly or indirectly has the power to control the applicant or licensee and an entity which holds an indirect interest in the applicant or licensee of 5% or greater. This section also contains a limited exemption from licensure for private investment funds that meet certain conditions.

Section 433a.5 (relating to institutional investors) specifies limited circumstances under which institutional investors will not be required to be licensed as principals and which institutional investors will be eligible to receive a waiver.

Section 433a.6 (relating to lenders and underwriters) specifies which lending institutions and underwriters must be licensed as principals and set forth exemption criteria.

Section 433a.7 (relating to trusts) sets forth licensing requirements for trusts. Trusts that hold a direct ownership in an applicant or licensee, a 1% or greater indirect ownership or receive a payment, share of revenue or profits must be licensed as principals. Trusts that own less than 5% of the voting securities of an applicant or licensee that is a publicly traded company are exempted from this licensing requirement.

Section 433a.8 (relating to principal applications) specifies the process for filing an application for a principal license and the responsibilities of applicants.

Section 433a.9 (relating to principal license term and renewal) sets forth the term of the principal license, which is 1 year, and the process for renewal of a principal license.

Chapter 435a (relating to employees) replaces temporary Chapter 435 (relating to employees) with one exception. The requirements in temporary § 435.2 (relating to key employee qualifier license) are now included in Chapter 433a.

Section 435a.1 (relating to general provisions) contains a number of general provisions that apply to individuals who are applicants for or holders of a key employee license, occupation permit or nongaming employee registration. These include requirements to provide information and photographs, comply with the general requirements in Chapters 421a and 423a (relating to general provisions; and applications) and be a United States citizen or hold a current work authorization. It also contains criteria the Board will use when reviewing applications from individuals who have been convicted of a felony or gaming offense and restrictions on gaming at licensed facilities in this Commonwealth that apply to various employees.

Section 435a.2 (relating to key employee license) contains the licensing process that is used for key employees. It requires that applicants prove by clear and convincing evidence that they are eligible and suitable to be licensed as key employees. This section also contains a waiver

process that includes the process for filing a waiver and the information that must be included.

Section 435a.3 (relating to occupation permit) specifies the process for filing an application for an occupation permit and the responsibilities of applicants. As is the case for key employees, applicants for an occupation permit must prove by clear and convincing evidence that they are eligible and suitable to be permitted. This section also allows employers to file applications for an occupation permit on behalf of applicants.

Section 435a.4 (relating to key employee license and occupation permit term and renewal) sets forth the term of the occupation permit, which is 1 year, and the process for renewal of a permit.

Section 435a.5 (relating to nongaming employee registration) establishes the process for filing an application for a nongaming employee registration and the responsibilities of applicants. Like applicants for occupation permits, applicants for a nongaming employee registration must prove by clear and convincing evidence that they are eligible and suitable to be registered and employers are allowed to file applications for nongaming employee registrations on behalf of applicants.

Section 435a.6 (relating to Board credentials) specifies who must obtain a credential and the information that will be on the credential. These credentials are required to be carried at all times while an individual is performing their duties and must be returned to the Board if an individual's license, permit or registration is suspended or revoked.

Section 435a.7 (relating to emergency credentials) deals with emergency credentials, which are credentials issued by the security department of a licensed facility to individuals who have forgotten or lost their Board credential. This section contains the verification requirements that must be met before an emergency credential can be issued and the information that must be recorded in the emergency credential log. It also establishes that these credentials can only be used for a maximum of 72 hours.

Sections 435a.8 and 435a.9 (relating to temporary credentials for principals and key employees; and temporary credentials for nongaming employees) govern the issuance of temporary credentials for principals, key employees and nongaming employees. These temporary credentials allow these individuals to work at the licensed facility while their applications are being reviewed. Temporary credentials for principals and key employees are valid for 120 days and may be extended; temporary credentials for nongaming employees are valid for 30 days.

Section 435a.10 (relating to loss or destruction of credentials) requires that any lost credential be reported to the slot machine license's security department within 24 hours. The slot machine license's security department, in turn, shall provide written notice to the Board of the lost credential within 24 hours. This section also allows employees to request a duplicate Board credential by submitting a Request for Duplicate PGCB Credential form to the Bureau of Licensing.

Chapter 437a (relating to vendor certification and registration) replaces temporary Chapter 437 (relating to vendor registration and certification). Section 437a.1 (relating to general vendor requirements) contains the criteria that will be used to determine if a vendor is required to obtain a vendor registration or vendor certification. It also contains a list of providers who are exempt from the registration and certification process and allows vendors

to seek a waiver of the registration and certification process by filing a Vendor Certification Waiver Application.

Sections 437a.2 and 437a.3 (relating to vendor registration applications; and vendor certification applications) contain the procedures for filing an application for a vendor certification or registration. These sections also require applicants to provide additional information requested and to comply with Chapters 421a and 423a.

Sections 437a.4 and 437a.5 (relating to principal certification; and key employee certification) require principals and key employees of certified vendors to also be certified.

Section 437a.6 (relating to registration and certification term and renewal) sets forth the term of vendor certifications and registrations, which is 4 years, and the process for renewal of a certification or registration.

Section 437a.7 (relating to registered and certified vendor responsibilities) specifies the general responsibilities of certified and registered vendors and which employees of a certified vendor are required to obtain an occupation permit or nongaming employee registration.

Section 437a.8 (relating to approved vendors list; prohibited vendors) provides that the Board will maintain lists of approved and prohibited vendors and bars slot machine applicants and licensees from using a vendor that is on the prohibited list. This section also contains a list of the factors the Board will consider when it is determining whether or not to place a vendor on the prohibited vendor list and specifies the petition process to be used by vendors who are seeking removal from the prohibited vendor list.

Section 437a.9 (relating to permission to conduct business prior to certification or registration) establishes the conditions under which a vendor may request that the Board allow the vendor to provide goods or services prior to completing the application process. The vendor must have filed its application and the slot machine applicant or licensee must have performed a due diligence review and demonstrate good cause as to why the request should be granted. Permission to conduct business will be good for 6 months and may be extended for an additional 6 months.

Section 437a.10 (relating to emergency vendor) contains provisions that allow a slot machine applicant or licensee to use a vendor that is not registered or certified to respond to an emergency involving a threat to public health, welfare or safety or conditions beyond the control of the slot machine applicant or licensee. If a slot machine applicant or licensee uses a vendor that is not registered or certified, they must file a Vendor Notification Form with the Board within 72 hours, provide a written explanation to the Board and file a Vendor Registration Form or Vendor Certification Form for the vendor within 20 business days.

Section 437a.11 (relating to slot machine applicants' and licensees' duty to investigate) set forth the responsibilities of slot machine applicants or licensees to investigate the background and qualifications of vendors they use or intend to use. It also requires contracts between a slot machine applicant or licensee and a vendor to have a cancellation clause that can be invoked if the Board or the slot machine applicant or licensee finds that the vendor is unsuitable.

Chapter 441a (relating to slot machine licenses) replaces the Board's temporary Chapters 441 and 443 (relating to slot machine licenses; and categories of licensure).

Section 441a.1 (relating to definitions) includes the definitions in temporary § 441.1 (relating to definitions), the definition of "licensing hearing" in temporary § 441.19 (relating to licensing hearings for slot machine licenses), revised definitions of "amenities," "non-de minimis consideration," "patron of amenities" and "well-established resort hotel" in temporary Chapter 443 and a new definition of "guest rooms under common ownership."

Section 441a.2 (relating to slot machine application restrictions and deadlines) contains provisions that reflect the ownership restrictions in 4 Pa.C.S. § 1304 (relating to Category 2 slot machine license), how the Board will initiate the application process and establish the completion date for applications.

Section 441a.3 (relating to slot machine license application) specifies what materials must be filed in addition to the Conditional/Category 1, Category 2 or Category 3 Application and Disclosure Information Forms. It also includes provisions requiring applicants to provide additional information requested, to comply with Chapters 421a and 423a and to provide a copy of the local impact report to the political subdivisions where the proposed licensed facility is to be located.

Section 441a.4 (relating to Alternative Category 1 licensing standards) contains the provisions that provide alternate licensing standards which can be used for applicants who hold a similar license in another jurisdiction if that jurisdiction's standards are as comprehensive as the Commonwealth's.

Section 441a.5 (relating to license fee payment bond or letter of credit requirements) requires an applicant for a slot machine license to post a bond or letter of credit guaranteeing the payment of the slot machine license fee required by 4 Pa.C.S. § 1209(c) (relating to slot machine license fee). It sets forth the requirements that must be met by the issuing surety company or bank, specifies the amount of the bond and conditions regarding expiration and replacement of the bond.

Section 441a.6 (relating to public input) mandates that the Board hold at least one public hearing on a slot machine license application and that the hearing be held in the municipality where the licensed facility would be located. It also requires the Board to develop and post the procedures for the conduct of public hearings and to publish a list of witnesses who are scheduled to testify.

Section 441a.7 (relating to licensing hearings for slot machine licenses) specifies the procedures that will be used for slot machine licensing hearings. It establishes the time frames for various filings, areas that are to be addressed by applicants, how comparisons to competing applicants can be made and how to file petitions to intervene.

Section 441a.8 (relating to divestiture) establishes the process an applicant can use to allow a principal or other person who holds a direct or indirect interest in the applicant to divest themselves of that interest if the Board finds that the individual is not eligible or suitable for licensure. The terms of the divestiture shall be submitted to and approved by the Board.

Section 441a.9 (relating to approval of a slot machine license) sets forth the general criteria that the Board will use to determine whether or not to grant a license including financial and character criteria that must be met.

Sections 441a.10 and 441a.11 (relating to notification of anticipated or actual changes in principals or key employ-

ees; and notification of new financial sources) require slot machine applicants and licensees to notify the Board of changes in principals, key employees or financial sources as soon as it becomes aware of a potential change.

Section 441a.12 (relating to maintaining agreements; filing of agreements) requires slot machine applicants and licensees to maintain copies of written and oral agreements and amendments thereto and to submit copies of these agreements to the Board if the agreement involves a licensed manufacturer, manufacturer designee, supplier and certified vendor or if it involves land or real estate.

Section 441a.13 (relating to Board review of agreements and records of agreements) provides that the Board may review an agreement covered by § 441a.12 and, if certain conditions are met, order the slot machine applicant or licensee to terminate the agreement. This section also contains a provision that deems agreements to contain a provision that termination of agreements in response to a Board order will be without liability to the slot machine applicant or licensee.

Section 441a.14 (relating to master purchasing and disbursement report) sets forth the requirements for the filing and content of the monthly Master Purchasing and Disbursement Report which each slot machine applicant or licensee must submit to the Board.

Section 441a.15 (relating to slot machine license issuance bond requirement) contains provisions governing the posting of the \$1 million bond that slot machine licensees must obtain to comply with 4 Pa.C.S. § 1316 (relating to bond for issuance of slot machine license). It specifies the standards for the surety company that issues the bond, that the bond must be payable to the Commonwealth of Pennsylvania and that the slot machine licensee's license will be suspended or revoked if the slot machine licensee fails to keep the bond in effect.

Section 441a.16 (relating to slot machine license term and renewal) sets forth the term of a slot machine license, which is 1 year, and the process for renewal of a slot machine license.

Section 441a.17 (relating to change in ownership or control of slot machine licensee and multiple slot machine license prohibition) contains provisions that implement 4 Pa.C.S. §§ 1328 and 1330 (relating to change in ownership or control of slot machine licensee; and multiple slot machine license prohibition). It requires advance notice and Board approval of changes in ownership that meet the specified criteria. Additionally, slot machine licensees are prohibited from owning more than a 33.3% interest in another slot machine licensee or persons eligible to apply for a Category 1 slot machine license.

Section 441a.18 (relating to employee status report) requires slot machine licensees to submit monthly employee status reports. It specifies when the reports must be filed, what information should be included in the reports and permits the Board to request interim reports if they are needed.

Section 441a.19 (relating to notice of employee misconduct and offenses) requires slot machine licensees to report the termination of an employee within 5 days of the termination if the circumstances surrounding the termination could be cause for suspension or revocation of the employee's license, permit or registration. This report will include detailed information about the employee and a summary of the misconduct. This section also requires that reports be filed with the Board within 24 hours when a person is charged, arrested, indicted or convicted of certain offenses.

Section 441a.20 (relating to slot machine license agreements) mandates that agreements that provide a form of payment related to earnings, profits or receipts from a slot machine licensee must be approved by the Board unless the agreement meets one of the exemptions in this section.

Section 441a.21 (relating to management contracts) provides that a slot machine licensee will be held jointly and severally liable for violations of 4 Pa.C.S. Part II or the Board's regulations committed by its management company.

Section 441a.22 (relating to Category 1 slot machine licensees) contains general provisions that apply just to Category 1 slot machine licensees. These include requirements for payments of funds as required by 4 Pa.C.S. §§ 1404—1406 (relating to distributions from licensee's revenue receipts; Pennsylvania Race Horse Development Fund; and distributions from Pennsylvania Race Horse Development Fund).

Section 441a.23 (relating to Category 3 slot machine licensees) requires that to be considered a well-established resort hotel, a hotel must offer a complement of the listed amenities. It also requires a Category 3 slot machine applicant to submit a plan with its application and as part of its internal controls to control access to the gaming floor to ensure that unauthorized individuals are not permitted to enter the gaming floor and establishes conditions under which holders of memberships for or patrons of amenities will be allowed access to the gaming floor.

Affected Parties

This proposed rulemaking imposes requirements on applicants for and holders of slot machine licenses, manufacturer designee licenses, principal and key employee licenses, vendor certifications or registrations, and on employees required to obtain an occupation permit or nongaming employee registration.

Fiscal Impact

Commonwealth. This proposed rulemaking will impose costs on the Board related to processing initial applications and renewals, conducting hearings and investigations and issuing licenses, permits, certifications and registrations. When applicable, the Pennsylvania State Police will also experience costs associated with investigations of applicants.

Political subdivisions. This proposed rulemaking will have no significant fiscal impact on political subdivisions of the Commonwealth.

Private sector. Applicants for various licenses, permits, certifications and registrations will incur costs to complete the applicable applications and pay the applicable application fees and additional costs associated with investigations.

General public. This proposed rulemaking will have no significant fiscal impact on the general public.

Paperwork Requirements

Applicants for and holders of slot machine licenses, manufacturer designee licenses, principal and key employee licenses, vendor certifications or registrations, and employees required to obtain an occupation permit or nongaming employee registration will be required to complete the applicable initial application and renewal forms.

Effective Date

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

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Paul Resch, Secretary, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-64.

Contact Person

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 1, 2007, 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 Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. 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.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-64. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION

CHAPTER 429a. MANUFACTURER DESIGNEES

- Sec.
- 429a.1. Manufacturer designee general requirements.
- 429a.2. Manufacturer designee license applications and standards.
- 429a.3. Additional manufacturer designee licenses.
- 429a.4. Manufacturer designee license term and renewal.
- 429a.5. Responsibilities of a manufacturer designee.
- 429a.6. Manufacturer designee as agent.
- 429a.7. Manufacturer designee agreements.

§ 429a.1. Manufacturer designee general requirements.

(a) A manufacturer designee seeking to supply or repair slot machines and associated equipment for use in this Commonwealth shall apply to the Board for a manufacturer designee license.

(b) In accordance with section 1317.1 of the act (relating to manufacturer licenses), an applicant for or the holder of a manufacturer designee license or any of the applicant's or holder's affiliates, intermediaries, subsidiar-

ies or holding companies, may not apply for or hold a slot machine license or supplier license.

(c) A licensed manufacturer designee may supply or repair slot machines or associated equipment manufactured by a manufacturer with whom the manufacturer designee has an agreement or has executed a contract authorizing the manufacturer designee to do so.

(d) Limitations will not be placed on the number of manufacturer designee licenses issued or when an application for a manufacturer designee license may be filed.

§ 429a.2. Manufacturer designee license applications and standards.

(a) An applicant for a manufacturer designee license shall submit:

(1) An original and three copies of the Manufacturer Designee Application and Disclosure Information Form unless otherwise directed by the Board.

(2) A nonrefundable application fee.

(3) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481a (relating to diversity).

(4) An application from every key employee under § 435a.2 (relating to key employee license) and principal under Chapter 433a (relating to principal licenses) as specified by the Manufacturer Designee Application and Disclosure Information Form.

(5) If applicable, copies of all filings required by the SEC during the 2 immediately preceding fiscal years, including all annual reports filed with the SEC, under sections 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78m and 78o(d)), quarterly reports filed with the SEC, under sections 13 or 15(d) of the Securities Exchange Act of 1934, current reports filed with the SEC, under sections 13 or 15(d) of the Securities Exchange Act of 1934, and proxy statements issued by the applicant.

(6) An affirmation that neither the applicant nor any of its affiliates, intermediaries, subsidiaries or holding companies, holds any direct or indirect ownership interest in any applicant for or holder of a slot machine license or supplier license, or employs, directly or indirectly, any person who satisfies the definition of a principal or key employee of a slot machine applicant or licensee or supplier applicant or licensee. In applying this provision to an applicant for a manufacturer designee license, the Board will not include interests that are held by individuals in any of the following manners:

(i) In mutual funds when the value of the interest owned does not exceed 1% of the total fair market value of the applicant or licensee and provided that the mutual fund is not a nondiversified fund invested primarily in entities operating in, or connected with, the gaming industry.

(ii) Through defined benefit pension plans.

(iii) Through deferred compensation plans organized and operated under section 457 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 457).

(iv) In blind trusts over which the holder may not exercise managerial control or receive income during the time period the holder is subject to these provisions.

(v) Through tuition account plans organized and operated under section 529 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 529).

(vi) Through plans described in section 401(k) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 401(k)).

(vii) An interest held by a spouse if an action seeking a divorce and dissolution of marital status has been initiated in any jurisdiction by either party to the marriage.

(7) A sworn or affirmed statement that the applicant has developed and implemented internal safeguards and policies to prevent a violation of section 1513 of the act (relating to political influence) and a copy of the safeguards and policies.

(b) In addition to the materials required under subsection (a), an applicant for a manufacturer designee license shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) An applicant for a manufacturer designee license will be required to reimburse the Board for additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

(d) In determining whether an applicant will be licensed as a manufacturer designee under this section, the Board will consider the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the applicant.

(2) If all principals of the applicant are individually eligible and suitable under the standards of section 1317.1 of the act.

(3) The integrity of all financial backers.

(4) The suitability of the applicant and all principals and key employees of the applicant based on the satisfactory results of:

(i) A background investigation of all principals and key employees or their equivalent in other jurisdictions.

(ii) A current tax clearance review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.

§ 429a.3. Additional manufacturer designee licenses.

(a) A licensed manufacturer designee whose license is in good standing may apply for an additional manufacturer designee license for a different licensed manufacturer by submitting:

(1) An original and three copies of the Additional Manufacturer Designee Application and Disclosure Information Form unless otherwise directed by the Board.

(2) A nonrefundable application fee.

(b) An applicant for an additional manufacturer designee license shall also comply with § 429a.2(b)(1), (2) and (c) (relating to manufacturer designee license applications and standards).

§ 429a.4. Manufacturer designee license term and renewal.

(a) A manufacturer designee license or renewal will be valid for 1 year from the date on which the license or renewal is approved by the Board.

(b) A renewal application and renewal fee shall be filed at least 2 months prior to the expiration of the current license.

(c) A manufacturer designee license for which a completed renewal application and fee has been received by the Board will continue in effect for an additional 6-month period or until acted upon by the Board, whichever occurs first.

§ 429a.5. Responsibilities of a manufacturer designee.

(a) A holder of a manufacturer designee license shall have a continuing duty to:

(1) Provide information requested by the Board relating to licensing or regulation; cooperate with the Board in investigations, hearings and enforcement and disciplinary actions; and comply with conditions, restrictions, requirements, orders and rulings of the Board in accordance with the act.

(2) Report a change in circumstances that may render a holder of a manufacturer or manufacturer designee license ineligible, unqualified or unsuitable to hold a license under the standards and requirements of the act and of this part.

(3) Provide a copy of SEC filings listed in § 427a.2 (a)(5) (relating to manufacturer license applications and standards) that are filed after the date of issuance of its license. The copy shall be submitted no later than 30 days after the date of filing with the SEC.

(b) A holder of a manufacturer designee license shall establish a place of business in this Commonwealth.

(c) An employee of a licensed manufacturer designee whose duties of employment or incidental activities related to employment require the employee to be on the gaming floor or in a restricted area shall be required to obtain an occupation permit under § 435a.3 (relating to occupation permit).

§ 429a.6. Manufacturer designee as agent.

(a) Notwithstanding any provision to the contrary in a contract between a licensed manufacturer and a licensed manufacturer designee, the licensed manufacturer designee shall be deemed to be an agent of the licensed manufacturer for the purposes of imposing liability for any act or omission of the licensed manufacturer designee in violation of the act or this part.

(b) Notwithstanding any provision to the contrary in a contract between a licensed manufacturer and a licensed manufacturer designee, the licensed manufacturer shall be jointly and severally liable for any act or omission by the licensed manufacturer designee in violation of the act or this part, regardless of actual knowledge by the licensed manufacturer of the act or omission.

§ 429a.7. Manufacturer designee agreements.

(a) Agreements between a licensed manufacturer and a licensed manufacturer designee shall be submitted to the Bureau of Licensing for approval. An agreement between a licensed manufacturer and a licensed manufacturer designee will not become effective and a manufacturer designee license will not be issued until the Bureau of Licensing has reviewed and approved the terms and conditions of the agreement.

(b) Amendments to agreements between a licensed manufacturer and a licensed manufacturer designee shall be submitted to the Bureau of Licensing for approval at least 30 days prior to the effective date of the proposed

amendment. The amendment will not become effective until the Bureau of Licensing has reviewed and approved the terms and conditions of the amendment.

(c) An agreement between a licensed manufacturer and a licensed manufacturer designee submitted for Bureau of Licensing review and approval must enumerate with specificity the responsibilities of the licensed manufacturer and the licensed manufacturer designee.

(d) Agreements must contain a provision that describes with particularity terms related to compensation of the licensed manufacturer or the licensed manufacturer designee.

CHAPTER 433a. PRINCIPAL LICENSES

Sec.

433a.1.	Definitions.
433a.2.	Directors or officers.
433a.3.	Individual ownership.
433a.4.	Entity ownership.
433a.5.	Institutional investors.
433a.6.	Lenders and underwriters.
433a.7.	Trusts.
433a.8.	Principal applications.
433a.9.	Principal license term and renewal.

§ 433a.1. Definitions.

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

Applicant—A person that has submitted an application to the Board for a slot machine license, manufacturer license, manufacturer designee license, supplier license, management company license or junket enterprise license.

Director—A director of a corporation or any person performing similar functions with respect to an entity, whether incorporated or unincorporated.

Entity—A person, other than an individual.

Holding company—A person, other than an individual, that, directly or indirectly, owns, has the power or right to control or has the power or right to vote 20% or more of the outstanding voting securities of a corporation or other entity. A holding company indirectly has, holds or owns the power, right or security if it does so through an interest in a subsidiary or successive subsidiaries.

Indirect ownership interest—An ownership interest in an entity that has a direct ownership interest in an applicant or licensee, or a direct ownership interest in an entity that has an ownership interest in an applicant or licensee through one or more intervening entities.

Individual—A natural person.

Lending institution—A person who has been issued a license to lend money by a state or Federal agency or a person who satisfies the definition of “qualified institutional buyer” under 17 CFR 230.144a (relating to private resales of securities to institutions).

Licensee—A person who has been issued a slot machine license, manufacturer license, manufacturer designee license, supplier license, management company license or junket enterprise license.

Officer—A president, chief executive officer, chief operating officer, secretary, treasurer, principal legal officer, principal compliance officer, principal financial officer, comptroller, principal accounting officer, chief engineer or technical officer of a manufacturer, or principal slot operations officer of a slot machine licensee and any

person routinely performing corresponding functions with respect to an entity whether incorporated or unincorporated.

Principal affiliate—An intermediary or holding company of an applicant or licensee.

Principal entity—An entity that meets the definition of “principal” in section 1103 of the act (relating to definitions) or is otherwise required to be licensed as a principal and is not an intermediary or holding company of an applicant or licensee.

Private investment fund—An entity that meets the definition of “investment company” under section 3(a)(1) of the Investment Company Act of 1940 (15 U.S.C.A. § 80a-3(a)(1)), but is otherwise exempt from the definition of “investment company” under section 3(c)(7) of the Investment Company Act of 1940 (15 U.S.C.A. § 80a-3(c)(7)).

Registered investment adviser—An investment adviser that has registered with the SEC under the Investment Advisers Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64).

Registered investment company—An investment company that has registered with the SEC under the Investment Company Act of 1940.

Voting security—A security or other interest which entitles the owner to vote for the election of:

- (i) A director of a corporation.
- (ii) A person performing functions similar to a director with respect to an organization, whether incorporated or unincorporated.

§ 433a.2. Directors or officers.

(a) Each officer and director of an applicant or licensee shall be licensed as a principal.

(b) Each officer and director of an intermediary, subsidiary or holding company of a slot machine applicant or licensee shall be licensed as a principal.

(c) Each officer and director of an intermediary or holding company of a licensed supplier, licensed manufacturer, licensed manufacturer designee, licensed junket enterprise or licensed management company shall be licensed as a principal.

(d) Notwithstanding subsection (b), an officer or director of a publicly traded intermediary or holding company of a slot machine applicant or licensee, who is not a member of the audit committee, may request that the Board waive his requirement to be licensed as a principal if he is not actively involved in the affairs of the slot machine applicant or licensee. The waiver request shall be submitted on a Principal/Key Employee Waiver Form, and require that the officer or director certify that he is not actively involved in the affairs of the slot machine applicant or licensee.

(e) Notwithstanding subsection (c), an outside director of a publicly traded intermediary or holding company of a licensed supplier, licensed manufacturer, licensed manufacturer designee, licensed junket enterprise or licensed management company who is not a member of the audit committee or chairman of the board of directors of the intermediary or holding company may not be licensed as a principal unless the Board determines that the licensure of the individual is necessary to protect the integrity of gaming in this Commonwealth.

(f) Notwithstanding subsection (c), an officer of a publicly traded intermediary or holding company of a licensed supplier, licensed manufacturer, licensed manufacturer

designee, licensed junket enterprise or licensed management company may request that the Board waive his requirement to be licensed as a principal if he is not actively involved in the affairs of the applicant or licensee. The waiver request shall be submitted on a Principal/Key Employee Waiver Form and require that the officer certify that he is not actively involved in the affairs of the applicant or licensee.

§ 433a.3. Individual ownership.

(a) An individual who has a direct ownership interest in, or has a right to any profit, distribution or benefit directly from, an applicant or licensee shall be licensed as a principal.

(b) An individual who, directly or indirectly, has the power to control or direct the management or policies of an applicant or licensee shall be licensed as a principal.

(c) An individual who has a direct ownership interest in, or has a right to any profit, distribution or benefit directly from, an intermediary or holding company of a slot machine applicant or licensee shall be licensed as a principal.

(d) An individual that has a 1% or greater indirect ownership interest in an applicant or licensee shall be licensed as a principal. An ownership interest that is held indirectly by an individual through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(e) Notwithstanding any provision to the contrary in this section, an individual who holds less than 5% of the voting securities of an applicant or licensee or an intermediary or holding company of an applicant or licensee that is a publicly traded company will not be required to be licensed as a principal.

(f) Each individual who is a grantor, trustee or beneficiary of a trust that is required to be licensed as a principal under this chapter shall be licensed as a principal.

(g) The Board may require any individual who has a financial interest in, or receives an economic benefit from, an applicant or licensee to be licensed as a principal.

§ 433a.4. Entity ownership.

(a) An intermediary, subsidiary or holding company of an applicant or licensee shall be licensed as a principal.

(b) An entity that, indirectly or directly, has the power to control or direct the management or policies of an applicant or licensee shall be licensed as a principal.

(c) An entity that has a direct ownership interest in, or has a right to any profit, distribution or benefit directly from, an applicant or licensee shall be licensed as a principal.

(d) An entity that has a direct ownership interest in, or has a right to any profit, distribution or benefit directly from, an intermediary, subsidiary or holding company of a slot machine applicant or licensee, shall be licensed as a principal.

(e) An entity that has an indirect ownership interest of 5% or greater in an applicant or licensee shall be licensed as a principal. An ownership interest that is held indirectly by an entity through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(f) Notwithstanding subsection (e), a private investment fund, including its feeder funds, that has an indirect ownership interest in an applicant or licensee, shall be exempt from obtaining a principal license if the following apply:

(1) Neither the private investment fund, nor the investors in the private investment fund have voting rights or any other power to control or to influence the applicant or licensee.

(2) At least 20% of the investors in the private investment fund are "institutional investors" as defined in § 401a.3 (relating to definitions).

(3) No investor in the private investment fund has a right to redeem his interest in the private investment fund within 2 years of the purchase of the interest.

(4) Each individual and entity that has the ability to control the management of the private investment fund is licensed as a principal.

(5) The private investment fund agrees to provide the Board with information the Board deems necessary to evaluate the integrity of the private investment fund and its investors, and their compliance with this section. Information provided to the Board will be confidential.

(6) Each individual required to be licensed as a principal in paragraph (4) shall as part of his principal license application sign a notarized statement affirming, at a minimum, the following:

(i) The private investment fund's investment in the applicant or licensee will not violate applicable United States, Commonwealth or international laws and regulations, including anti-money laundering regulations or conventions, the Internal Revenue Code of 1986, the Employee Retirement Income Security Act of 1974, the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940 and the Investment Advisers Act of 1940.

(ii) To his best knowledge, no investor in the private investment fund:

(A) Holds an interest in the private investment fund in contravention of any applicable United States, Commonwealth or international laws and regulations, including anti-money laundering regulations or conventions, the Internal Revenue Code of 1986, the Employee Retirement Income Security Act of 1974, the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940 and the Investment Advisers Act of 1940.

(B) Is directly or indirectly affiliated with, a prohibited country, territory, individual or entity on the List of Specially Designated Nationals and Blocked Persons maintained by the United States Treasury Department's Office of Foreign Asset Control.

(C) Is currently charged with or is under indictment for a felony or gambling offense in any jurisdiction.

(D) Has been convicted of a felony and 15 years have not elapsed from the date of expiration of the sentence for the offense.

(g) A private investment fund that does not qualify for the exemption under subsection (f) solely on the basis that it fails to satisfy paragraph (3), may still qualify for an exemption from licensure if the private investment fund satisfies the other conditions under subsection (f) and its indirect ownership interest in the applicant or licensee is less than 10%.

(h) Notwithstanding any provision to the contrary, the Board may require any entity that has a financial interest in, or receives any economic benefit from, an applicant or licensee to be licensed as a principal.

§ 433a.5. Institutional investors.

(a) Notwithstanding any provision to the contrary in this chapter, an institutional investor that owns less than 15% of the outstanding voting securities of a publicly traded intermediary or holding company of an applicant for or holder of a manufacturer license, manufacturer designee license, supplier license, management company license or junket enterprise license will not be required to be licensed as a principal if the following conditions are satisfied:

(1) The institutional investor or the applicant or licensee files a notice with the Board containing a description of the institutional investor's interests.

(2) The institutional investor has filed a Schedule 13G with the SEC, and the institutional investor continues to be eligible to file the Schedule 13G.

(b) Notwithstanding any provision to the contrary in this chapter, an institutional investor that owns less than 10% of the outstanding voting securities of an intermediary or holding company of a slot machine licensee or applicant shall be eligible to receive a waiver from the requirements of licensure from the Board by filing a Principal Waiver-Entity Form. The waiver request must include, at a minimum, a certification by the institutional investor stating that the institutional investor has no present involvement in, and no intention of influencing or affecting the affairs of, the slot machine applicant or licensee or an intermediary or holding company of the slot machine applicant or licensee and will give the Board 30 days notice if the institutional investor intends to do so.

(c) Notwithstanding subsection (b), an institutional investor that has been granted a waiver shall be permitted to vote on matters put to the vote of the outstanding security holders.

(d) A holding company of an institutional investor may file a notice or waiver request on behalf of its institutional investor subsidiaries provided that the holding company does not own more than 5% or more of the securities of the intermediary or holding company of the applicant or licensee.

(e) A registered investment adviser or a holding company of a registered investment adviser may file a notice or waiver request, when permitted, on behalf of the registered investment companies that hold securities beneficially owned by the registered investment adviser.

§ 433a.6. Lenders and underwriters.

(a) Each lender and underwriter of a slot machine, manufacturer or supplier applicant or licensee shall be licensed as a principal.

(b) Notwithstanding subsection (a), a lender that is a bank or lending institution which makes a loan to a slot machine applicant or licensee in the ordinary course of business will not be required to be licensed as a principal. The Board may require a bank or lending institution to provide information or other assurances to verify its eligibility for this exemption.

(c) An underwriter or lender of an intermediary, subsidiary or holding company of a slot machine applicant or licensee shall be required to be licensed as a principal if the Board determines that the suitability of the under-

writer or lender is at issue and is necessary to consider a pending application for a slot machine license.

(d) Notwithstanding any provision to the contrary in this section, the Board may require the licensure of any lender or underwriter of a licensee or any holding or intermediary company or subsidiary of a licensee to produce information, documentation and assurances concerning the lender or underwriter if the Board has probable cause to believe that the lender or underwriter would not satisfy the character requirements of 4 Pa.C.S. § 1310(a) (relating to slot machine license application character requirements).

§ 433a.7. Trusts.

(a) A trust or similar business entity that holds a direct ownership interest in an applicant or licensee shall be licensed as a principal.

(b) A trust or similar business entity that holds a 1% or greater indirect ownership interest in an applicant or licensee shall be licensed as a principal. An ownership interest that is held indirectly by an entity through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(c) A trust or similar business entity that receives any payment, percentage or share of revenue, profits or receipts directly from an applicant or licensee shall be licensed as a principal.

(d) A trust or similar business entity will not be issued a principal license unless each trustee, grantor and beneficiary, including a minor child beneficiary, has been granted a principal license.

(e) Notwithstanding any provision to the contrary in this section, a trust will not be required to be licensed as a principal if the holdings of the trust consist of less than 5% of the voting securities of a publicly traded company.

§ 433a.8. Principal applications.

(a) An individual required to be licensed as a principal shall file a completed Multi-jurisdictional Personal History Disclosure Form and the Pennsylvania Supplement to the Multi-jurisdictional Personal History Disclosure Form and submit the applicable application fee.

(b) A principal entity required to be licensed as a principal shall file a completed Principal Entity Form and submit the applicable application fee.

(c) A principal affiliate shall apply for the principal license as if were itself applying for the slot machine license, manufacturer license, manufacturer designee license, supplier license, management company license or junket enterprise license.

(d) In addition to the materials required under subsections (a) or (b), an applicant for a principal license shall:

(1) Promptly provide information requested by the Board relating to the principals' application or regulation and cooperate with the Board in investigations, hearings and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

§ 433a.9. Principal license term and renewal.

(a) A principal license or renewal shall be valid for 1 year from the date on which the license or renewal is approved by the Board.

(b) A renewal application and renewal fee shall be filed at least 2 months prior to the expiration of the current license.

(c) A principal license for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the principal license that the Board has approved or denied the license.

CHAPTER 435a. EMPLOYEES

Sec.

435a.1.	General provisions.
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435a.9.	Temporary credentials for nongaming employees.
435a.10.	Loss or destruction of credentials.

§ 435a.1. General provisions.

(a) An individual seeking a key employee license, occupation permit or nongaming employee registration shall apply to the Board as required by this chapter.

(b) In addition to the materials required under §§ 435a.2, 435a.3 and 435a.5 (relating to key employee license; occupation permit; and nongaming employee registration), an applicant shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) An individual who receives a license, permit or registration under this part shall have the continuing duty to report to the Board an arrest, charge, indictment or conviction for an offense under 18 Pa.C.S. (relating to crimes and offenses), or an offense under 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) or of comparable offenses in other states or foreign jurisdictions.

(d) The holder of a key employee license, occupation permit or nongaming employee registration shall provide an updated photograph at the request of the Board.

(e) An individual may not be employed in this Commonwealth by an applicant for or holder of a license, certification or registration under this part in any capacity unless the individual is a citizen of the United States or can demonstrate that he holds a current and valid work authorization and is not restricted from working in the capacity for which employment is sought or held. Authorization to work in the United States may be demonstrated by submitting one of the following:

(1) A permanent resident alien card.

(2) A temporary employment authorization card.

(3) A document which the Board deems to be sufficient evidence or authorization.

(f) A license or permit will not be issued to an individual who has been convicted of a felony or gambling offense in any jurisdiction unless 15 years have elapsed from the date of expiration of the sentence for the offense.

(g) When considering an application for a registration from an individual who has been convicted of a felony or gaming offense in any jurisdiction or an application for a

license or permit from an individual who has been convicted of a felony or gaming offense in any jurisdiction when 15 years have elapsed from the date of expiration of the sentence for the offense, the Board will consider:

- (1) The nature and duties of the applicant's position with the licensed entity.
- (2) The nature and seriousness of the offense or conduct.
- (3) The circumstances under which the offense or conduct occurred.
- (4) The age of the applicant when the offense or conduct was committed.
- (5) Whether the offense or conduct was an isolated or a repeated incident.
- (6) Evidence of rehabilitation, including good conduct in the community, counseling or psychiatric treatment received and the recommendation of persons who have substantial contact with the applicant.
- (h) An individual who holds a license or permit may not wager at any licensed facility in this Commonwealth.
- (i) A registrant or employee who is not required to obtain a license or permit may not wager at the licensed facility in which the registrant or employee is employed.
- (j) A licensed, permitted or registered employee shall wait at least 30 days following the date that the employee either leaves employment with a slot machine licensee or is laid off or terminated from employment with a slot machine licensee before the employee may wager at the licensed facility in which the employee was formerly employed.
- (k) An individual required to obtain a license or permit by this part shall demonstrate that he is current and not in arrears on any financial obligation owed to the Commonwealth or any subdivision thereof, including court-ordered child-support payments.

§ 435a.2. Key employee license.

- (a) An applicant for a key employee license from the Board shall submit:
 - (1) An original and three copies of the Multi-jurisdictional Personal History Form and the Principal/Key Employee Form—Pennsylvania Supplement to the Multi-jurisdictional Personal History Disclosure Form unless otherwise directed by the Board.
 - (2) A nonrefundable application fee.
- (b) In addition to the materials required under subsection (a), an applicant for a key employee license shall:
 - (1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings and enforcement and disciplinary actions.
 - (2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).
- (c) In addition to the information under subsections (a) and (b), the Board may require letters of reference from law enforcement agencies under section 1310(b) of the act (relating to slot machine license application character requirements).
- (d) An applicant for a key employee license will be required to reimburse the Board for additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

(e) After review of the information submitted under subsections (a), (b) and (c), including the background investigation, the Board may issue a key employee license if the individual applicant has proven by clear and convincing evidence that the individual is a person of good character, honesty and integrity and is eligible and suitable to be licensed as a key employee.

- (f) A license issued under this section will be nontransferable.
- (g) An individual who is a key employee may request in writing that the Board waive the obligation to be licensed as a key employee by:
 - (1) Filing an original and three copies of a Principal/Key Employee Waiver Form.
 - (2) A nonrefundable waiver application fee.
- (h) As part of the waiver request, the individual shall be required to demonstrate one of the following:

- (1) The individual is not assigned to an applicant's or licensee's gaming operations in this Commonwealth.
- (2) The individual's duties do not have an effect on or require contact with slot machines for use or play in this Commonwealth.
- (i) The request for a waiver must include, at a minimum, the following:
 - (1) A description of the individual's title, duties and responsibilities with the applicant, licensee or with any of its affiliates, intermediaries, subsidiaries or holding companies.

(2) A certification by the chief executive officer stating that the employee is not assigned to the licensee's gaming operations in this Commonwealth or that the employee's duties do not have an effect on or require contact with slot machines for use or play in this Commonwealth.

(j) An applicant for a key employee waiver will be required to reimburse the Board for additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

§ 435a.3. Occupation permit.

- (a) An applicant for an occupation permit shall submit:
 - (1) An original and three copies of the Gaming Employee Application and Disclosure Information Form or an electronic application using the SLOTS Link system.
 - (2) A nonrefundable application fee.
 - (3) Verification of an offer of employment from a licensed entity.
- (b) In addition to the materials required under subsection (a), an applicant for an occupation permit shall:
 - (1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings and enforcement and disciplinary actions.
 - (2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).
- (c) An applicant for an occupation permit may be required to reimburse the Board for additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.
- (d) After review of the information submitted under subsections (a) and (b), including a background investigation, the Board may issue a permit if the individual has

proven that the individual is a person of good character, honesty and integrity and is eligible and suitable to hold an occupation permit.

(e) An individual who wishes to receive an occupation permit under this chapter may authorize an applicant for or holder of a slot machine, management company, manufacturer, manufacturer designee or supplier license or vendor certification to file an application on the individual's behalf.

(f) A permit issued under this section is nontransferable.

§ 435a.4. Key employee license and occupation permit term and renewal.

(a) A key employee license or occupation permit issued under this chapter will be valid for 1 year from the date of Board approval.

(b) A renewal application shall be submitted to the Board at least 60 days prior to the expiration of a key employee license or occupation permit.

(c) A key employee license or occupation permit for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the key employee license or occupation permit that the Board has approved or denied the key employee license or occupation permit.

§ 435a.5. Nongaming employee registration.

(a) An applicant for a nongaming employee registration shall submit:

(1) An original and three copies of the Nongaming Employee Registration Form or an electronic application using the SLOTS Link system.

(2) A nonrefundable application fee.

(b) In addition to the materials required under subsection (a), an applicant for a nongaming employee registration shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) After review of the information required under subsections (a) and (b), the Board may register the individual if the individual has proven that he is eligible and suitable to be registered under this section.

(d) An individual who wishes to receive a nongaming employee registration under this chapter may authorize an applicant for or holder of a slot machine license or a vendor certification to file an application on the individual's behalf.

§ 435a.6. Board credentials.

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

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

(2) Key employees.

(3) Gaming employees.

(4) Nongaming employee registrants.

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

(b) The credential will contain the following information:

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

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

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

(4) The seal of the Commonwealth.

(5) A license, permit or registration number.

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

(7) An expiration date.

(8) The signature of the employee.

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

(c) An individual required to obtain a board credential shall carry the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility.

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

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

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

§ 435a.7. Emergency credentials.

(a) An emergency credential obtained from the Board may be issued by the security department of a slot machine licensee to a principal, key employee, gaming employee or nongaming employee of the slot machine licensee who does not have the credential on his person, or whose credential has been stolen, lost or destroyed, to enable the employee to perform the employee's duties at the licensed facility, if the security department of the slot machine licensee performs the following actions prior to issuing the emergency credential:

(1) Verifies that the employee is listed in the slot machine licensee's current employee status report.

(2) Verifies that the employee holds a valid license, permit or registration.

(3) Confirms the employment and licensure, permit or registration information of the employee with the supervisor of the employee.

(4) Verifies that fewer than 12 emergency credentials have been issued to the particular employee in the past 12 months.

(5) Maintains, in writing, an emergency credentials log containing the following information:

(i) The name and license, permit or registration number of the employee to whom the emergency credential was issued.

(ii) The date and time that the emergency credential was issued.

(iii) The name and license, permit or registration number of the slot machine licensee security department employee issuing the emergency credential.

(iv) The badge number of the emergency credential that was issued.

(b) Each slot machine licensee shall submit a copy of its emergency credential log for the preceding year to the Bureau of Licensing by January 15 of the following year.

(c) Emergency credentials:

(1) Will be valid for a time period not to exceed 72 hours.

(2) Will be sequentially numbered.

(3) Shall be stored in the offices of the security department and distributed by that department in accordance with this section and the slot machine licensee's procedures submitted to and approved by the Board.

§ 435a.8. Temporary credentials for principals and key employees.

(a) A temporary credential may be issued by the Board to a principal or a key employee whose investigation for licensure by the Board is pending but whose presence is necessary in the licensed facility.

(b) A temporary credential issued under this section is void 120 days after the date of its issuance.

(c) The Board may extend the expiration date of a temporary credential if the Board determines additional time is needed to complete the investigation for licensure.

§ 435a.9. Temporary credentials for nongaming employees.

(a) A temporary credential may be issued by the Board to a nongaming employee if:

(1) The applicant has submitted the application materials required under § 435a.5 (relating to nongaming employee registration).

(2) The applicant has been fingerprinted and photographed by the Pennsylvania State Police.

(b) Temporary credentials for nongaming employees will be issued by the Bureau.

(c) A temporary credential issued under this section will be valid for 30 days.

§ 435a.10. Loss or destruction of credentials.

(a) As soon as possible, but no later than 24 hours, following the loss or destruction of a Board credential, emergency credential or temporary credential, the person to whom the credential was issued shall notify the security department of the slot machine licensee.

(b) The security department of the slot machine licensee shall notify the Board in writing within 24 hours and may issue an emergency credential in accordance with § 435a.7 (relating to emergency credentials).

(c) An employee who has lost his Board credential may request a duplicate Board credential by submitting a Request for Duplicate PGCB Credential Form and the fee established by the Board to the Bureau of Licensing.

CHAPTER 437a. VENDOR CERTIFICATION AND REGISTRATION

Sec.
 437a.1. General vendor requirements.
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 437a.11. Slot machine applicants' and licensees' duty to investigate.

§ 437a.1. General vendor requirements.

(a) A vendor seeking to conduct business with a slot machine applicant or licensee, except as provided in § 437a.10 (relating to emergency vendor), shall apply to the Board for registration if:

(1) The total dollar amount of business will be or is anticipated to be greater than \$15,000 but \$200,000 or less with a single slot machine applicant or licensee within a consecutive 12-month period.

(2) The total dollar amount of business will be or is anticipated to be greater than \$15,000 but \$500,000 or less with multiple slot machine applicants or licensees within a consecutive 12-month period.

(b) A vendor seeking to conduct business with a slot machine applicant or licensee, except as provided in § 437a.10 shall apply to the Board for certification if:

(1) The total dollar amount of business will be or is anticipated to be greater than \$200,000 with a single slot machine applicant or licensee within a consecutive 12-month period.

(2) The total dollar amount of business will be or is anticipated to be greater than \$500,000 with multiple slot machine applicants or licensees within a consecutive 12-month period.

(3) The vendor's employees will have access to restricted areas or the gaming floor.

(4) The Board notifies the vendor that certification is required based upon the Board's analysis of the vendor's services.

(c) The following persons are exempt from the vendor registration and the vendor certification requirements of this chapter:

(1) Public utilities which provide only one or more of the following services to a slot machine applicant or licensee:

- (i) Water.
- (ii) Sewerage.
- (iii) Electricity.
- (iv) Natural gas.

(2) Regulated insurance companies providing insurance to a slot machine applicant or licensee and its employees.

(3) Employee benefit and retirement plans and related administrators including incorporated 401K plans and employee stock purchase programs.

(4) National or local professional associates that receive funds from the slot machine applicant or licensee for the cost of enrollment, activities and membership.

(5) State, Federal and municipal operated agencies.

(6) Manufacturers and suppliers of liquor, wine and beer regulated by the Pennsylvania Liquor Control Board.

(7) State and Federally regulated banks or savings and loan associations where funds are deposited by slot machine licensees, notwithstanding those sources or transactions provided to a slot machine licensee which require Board approval.

(8) Providers of professional services including accountants, attorneys, engineers and architects.

(9) Telecommunication service providers.

(10) Shipping services.

(11) Persons that engage in efforts to influence legislative action or administrative action on behalf of a principal for economic consideration.

(12) Public institutions of higher education.

(13) Professional entertainers, sports figures and other celebrities engaged by a slot machine licensee to appear at a slot machine licensee-sponsored special entertainment or promotional event.

(14) Newspapers, television stations, radio stations and providers of simulcast services that contract with slot machine applicants or licensees.

(d) Subsection (c) does not relieve a slot machine applicant or licensee of reporting obligations required by § 441a.12 (relating to maintaining agreements; filing of agreements).

(e) A vendor who provides goods or services that are not listed in subsection (c) may seek a waiver of vendor certification or registration requirements by filing a completed Vendor Certification Waiver Application.

(f) The Board may, in response to misrepresentations or changes in circumstances, revoke an exemption or waiver granted under this section and require the recipient of the exemption or waiver to comply with the vendor registration and certification requirements of this chapter.

§ 437a.2. Vendor registration applications.

(a) A vendor seeking registration shall complete and the slot machine applicant or licensee for whom the vendor will provide goods or services shall submit an original and four copies of a Vendor Registration Form unless otherwise directed by the Board.

(b) In addition to the materials required under subsection (a), an applicant for a vendor registration shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) An applicant for a vendor registration will be required to reimburse the Board for costs incurred by the Board in conducting the review of the application, up to a maximum amount of \$2,000.

(d) A vendor registration will not be issued until all fees have been paid.

§ 437a.3. Vendor certification applications.

(a) A vendor seeking certification shall complete and the slot machine applicant or licensee for whom the vendor will provide goods or services shall submit:

(1) An original and four copies of a Vendor Certification Form unless otherwise directed by the Board.

(2) A nonrefundable application fee.

(3) A Vendor Certification Form for each affiliate, intermediary, subsidiary and holding company of the applicant.

(4) Applications for each principal and key employee as required by §§ 437a.4 and 437a.5 (relating to principal certification; and key employee certification).

(b) In addition to the materials required under subsection (a), an applicant for a vendor certification shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) A vendor certification will not be issued until all fees have been paid.

§ 437a.4. Principal certification.

(a) Principals of certified vendors or applicants thereof, including natural persons and entities, shall obtain a principal certification from the Board.

(b) Certified principals and applicants for principal certification are subject to the requirements and waiver provisions of Chapter 433a (relating to principal licenses).

§ 437a.5. Key employee certification.

(a) Key employees of certified vendors or applicants thereof shall obtain a key employee certification from the Board.

(b) Key employee applicants for certification and certified key employees are subject to the requirements and waiver provisions of § 435a.2 (relating to key employee license).

§ 437a.6. Registration and certification term and renewal.

(a) Certifications, registrations and renewals issued under this chapter will be valid for 4 years from the date of Board approval.

(b) A renewal application and renewal fee shall be submitted to the Board at least 60 days prior to the expiration of a certification or registration.

(c) A certification or registration for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the certification or registration that the Board has approved or denied the certification or registration.

§ 437a.7. Registered and certified vendor responsibilities.

(a) A holder of a vendor certification or registration shall have a continuing duty to:

(1) Provide information requested by the Board relating to licensing or regulation; cooperate with the Board in investigations, hearings and enforcement and disciplinary actions; and comply with conditions, restrictions, requirements, orders and rulings of the Board in accordance with the act.

(2) Report a change in circumstances that may render the holder of a vendor certification or registration ineli-

gible, unqualified or unsuitable to hold a certification or registration under the standards and requirements of the act and of this part.

(b) An employee of a certified vendor shall be required to obtain an occupational permit under § 435a.3 (relating to occupational permit) if:

(1) The employee is the onsite supervisor of other employees of the vendor whose duties of employment or incidental activities related to employment require the employees to be on the gaming floor or in a restricted area.

(2) The employee's duties of employment or incidental activities related to employment require the employee to be on the gaming floor or in a restricted area and require the employee to touch or have contact with a slot machine or associated equipment.

(c) An employee of a certified vendor that is not required to obtain an occupational permit under subsection (b) shall be required to obtain a nongaming employee registration under § 435a.5 (relating to nongaming employee registration) if:

(1) The employee's duties of employment or incidental activities related to employment require the employee to be on the gaming floor but do not require the employee to touch or have contact with a slot machine or associated equipment other than exterior cleaning.

(2) The employee's duties of employment or incidental activities related to employment require the employee to be in a restricted area, do not require the employee to touch or have contact with a slot machine or associated equipment other than exterior cleaning and the employee is under the constant supervision of an employee of the slot machine licensee who is licensed or permitted and who has the appropriate access clearance to be in the restricted area.

(d) Employees of a certified vendor who are not required to obtain an occupation permit or a nongaming employee registration under subsection (b) or (c) may be required to obtain an occupation permit or nongaming employee registration if the Board determines, after a review of the work being performed, that obtaining a permit or registration is necessary for the protection of the integrity of gaming.

§ 437a.8. Approved vendors list; prohibited vendors.

(a) The Board will maintain a list of approved registered or certified vendors and a list of prohibited vendors.

(b) A slot machine licensee or applicant may not enter into an agreement or continue to do business with a vendor listed as a prohibited vendor.

(c) The Board will consider the following factors in determining whether a vendor will be listed as a prohibited vendor:

(1) The failure of a vendor to apply for certification or registration after notice from the Board that certification or registration is required.

(2) The failure of a vendor to cooperate with the Board in the Board's review of the application for certification or registration.

(3) The vendor's certification or registration is suspended, revoked or denied.

(4) The vendor is restricted from reapplication by action of the Board.

(5) The vendor is temporarily prohibited from doing business with slot machine license applicants or licensees by action of the Board.

(d) A person or entity seeking to be removed from the list of prohibited vendors shall file a petition for removal in accordance with § 493a.4 (relating to petitions generally). The petition must state the specific grounds believed by the petitioner to constitute good cause for removal from the prohibited vendors list and how the vendor has cured the deficiencies that led to the vendor being placed on the prohibited vendors list.

§ 437a.9. Permission to conduct business prior to certification or registration.

(a) Notwithstanding § 437a.1 (relating to general vendor requirements), the Board may allow an applicant for a vendor certification or registration to conduct business with a slot machine applicant or licensee prior to the certification or registration of the vendor applicant if the following criteria are met:

(1) A completed Vendor Registration Form or Vendor Certification Form has been filed by the slot machine applicant or licensee in accordance with § 437a.2 or § 437a.3 (relating to vendor registration applications; and vendor certification applications).

(2) The slot machine applicant or licensee certifies that it has performed due diligence on the vendor.

(3) The slot machine applicant or licensee shows good cause for granting the written request.

(b) Permission to conduct business under this section will be for a period of 6 months.

(c) The Board may extend the relief for additional 6-month periods upon a showing of good cause by the slot machine applicant or licensee.

§ 437a.10. Emergency vendor.

(a) A slot machine licensee may utilize a vendor that is not registered or certified when a threat to public health, welfare or safety exists or circumstances outside the control of the slot machine applicant or licensee creates an urgency of need which does not permit the delay involved in using the formal method of vendor certification or registration.

(b) When using a vendor that is not registered or certified to respond to an emergency, the slot machine applicant or licensee shall:

(1) File a Vendor Notification Form with the Board within 72 hours of the vendor's commencement of services.

(2) Provide a written explanation to the Board of the basis for the emergency vendor procurement and for the selection of the particular vendor.

(3) File a Vendor Registration Form or Vendor Certification Form on behalf of the vendor within 20 business days of the filing of the Vendor Notification Form.

§ 437a.11. Slot machine applicants' and licensees' duty to investigate.

(a) An applicant for or holder of a slot machine license shall investigate the background and qualifications of the applicants for vendor registration or certification with whom it intends to have a contractual relationship or enter into an agreement. Certification or registration by the Board may not be relied upon as the sole criterion for entering into an agreement with a certified or registered vendor.

(b) An applicant for or holder of a slot machine license shall have an affirmative duty to avoid agreements or relationships with applicants for vendor registration or certification whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of this Commonwealth, who threaten the integrity of gaming in this Commonwealth or who discredit or tend to discredit the gaming industry in this Commonwealth or the Commonwealth.

(c) An agreement or contract between an applicant for or holder of an slot machine license and an applicant for or holder of a vendor registration or certification shall contain a cancellation clause that allows termination of the agreement or contract in the event that the Board or the slot machine applicant or licensee finds that the agreement or contract fails to meet the requirements of subsection (b). This provision applies to written and oral agreements and contracts.

Subpart C. SLOT MACHINE LICENSING

CHAPTER 441a. SLOT MACHINE LICENSES

Sec.

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- 441a.21. Management contracts.
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§ 441a.1. Definitions.

For purposes of this subpart, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

Amenities—Ancillary activities, services or facilities in which a registered guest or the transient public, in return for non-de minimis consideration, may participate at a resort hotel, including, but not limited to:

- (i) Sports and recreational activities and facilities such as a golf course or golf driving range, tennis courts or swimming pools.
- (ii) Health spa.
- (iii) Convention, meeting and banquet facilities.
- (iv) Entertainment facilities.
- (v) Restaurant facilities.

Applicant—A person who applies to the Board to receive a slot machine license as defined in this section.

Developer—A person engaged by a slot machine applicant or licensee to construct a proposed licensed facility or to otherwise make land or buildings suitable for use as a licensed facility.

Guest rooms under common ownership—A room or group of rooms, including timeshare units, that are owned by a well-established resort hotel and that are available for rental.

Licensing hearing—A hearing before the Board in which an applicant for a grant of a permanent slot machine license or a Conditional Category 1 slot machine license will have an opportunity to present to the Board:

- (i) Evidence concerning its eligibility for a license.
- (ii) Evidence concerning its suitability for a license.
- (iii) Evidence of how its proposed facility and operation addresses the criteria identified in section 1325(c) of the act (relating to license or permit issuance).

(iv) For applicants seeking licensure under section 1304 of the act (relating to Category 2 slot machine license), evidence which sets forth a comparison between the applicant and other applicants within the same category of licensure on the standards and criteria in the act.

Non-de minimis consideration—A payment of fair market value of at least \$10 per patron paid to the resort hotel for use of one or more amenities.

Organization—Legal business entities that are under common ownership or control, including, but not limited to, affiliates, subsidiaries, intermediaries and holding companies.

Patron of amenities—An individual who is a registered attendee of a convention, meeting or banquet event or a participant in a sport or recreational event or any other social, cultural or business event held at a resort hotel or who participates in one or more of the amenities provided to registered guests of the resort hotel.

Slot machine license—A Category 1 slot machine license under section 1302 of the act (relating to Category 1 slot machine license), a Conditional Category 1 slot machine license under section 1315 of the act (relating to Conditional Category 1 license), a Category 2 slot machine license under section 1304 of the act (relating to Category 2 slot machine license) and a Category 3 slot machine license under section 1305 of the act (relating to Category 3 slot machine license).

Well-established resort hotel—A resort hotel having at least 275 guest rooms under common ownership at the time of application for a Category 3 slot machine license and having substantial year-round recreational guest amenities.

§ 441a.2. Slot machine application restrictions and deadlines.

(a) Under section 1304 of the act (relating to category 2 slot machine license), an applicant for a Category 2 slot machine license under section 1301 of the act (relating to authorized slot machine licenses), its affiliate, intermediary, subsidiary or holding company, may not possess any ownership or financial interest in any person eligible to apply for a Category 1 slot machine license or its affiliates, intermediaries, subsidiaries or holding companies.

(b) The Board will initiate the formal procedure for the acceptance, consideration and final resolution of applications for slot machine licenses by setting a filing period for filing of Category 1, 2 or 3 slot machine license applications. The filing period set by the Board will be posted on the Board's website (www.pgcb.state.pa.us).

(c) After the expiration of the filing period established by the Board under subsection (b), the Board will set a completion date by which all filed applications are to be complete. An application that is not complete, as determined by the Board, by the completion date will not be considered. The completion date set by the Board under this subsection will be published in the *Pennsylvania Bulletin* at least 30 days prior to the completion date.

§ 441a.3. Slot machine license application.

(a) An applicant for a slot machine license shall submit an application which includes the following:

(1) An original and three copies of the Conditional/Category 1, Category 2 or Category 3 Application and Disclosure Information Form.

(2) A nonrefundable application fee.

(3) A license or waiver application for each principal and key employee under Chapters 433a and 435a (relating to principal licenses; and employees), including an original and three copies of the Multi-jurisdictional Personal History Disclosure Form, the Pennsylvania Supplement and a nonrefundable background investigation deposit to be set by the Board and provided in a fee schedule for each principal and each key employee.

(4) Fingerprints for the applicant and each principal and key employee.

(5) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481a (relating to diversity), which shall be signed by the chief executive officer of the applicant.

(6) If a temporary land-based facility is to be licensed, a plan for how the licensee will transition to a permanent facility, including a date for completion of the permanent facility. A permanent facility shall be the facility proposed by the applicant, which is designated, identified and made part of the evidentiary record by the applicant at the applicant's licensing hearing. Modifications to the proposed permanent facility following the applicant's licensing hearing shall be approved by the Board.

(7) A sworn or affirmed statement that the applicant has developed and implemented internal safeguards and policies to prevent a violation of section 1513 of the act (relating to political influence).

(8) A statement demonstrating compliance with the geographical requirements of section 1302 of the act (relating to Category 1 slot machine license), section 1304 of the act (relating to Category 2 slot machine license) or section 1305 of the act (relating to Category 3 slot machine license).

(b) Failure to provide the information required in subsection (a) may result in the application being returned to the applicant or result in an application being deemed incomplete.

(c) In addition to the materials required under subsection (a), an applicant for a slot machine license shall:

(1) Promptly provide information requested by the Board relating to its application, financial fitness, character, honesty and integrity, or regulation and cooperate with the Board in investigations, hearings and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(d) A copy of the local impact report required as part of the application shall be provided to the political subdivi-

sions in which the licensed facility will be located at the same time as the filing of the application for a slot machine license. The applicant shall file a proof of service with the Board.

(e) An applicant for a slot machine license will be required to reimburse the Board for additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

§ 441a.4. Alternative Category 1 licensing standards.

(a) If an applicant for a Category 1 license, or its affiliate, intermediary, subsidiary or holding company holds a similar license in another jurisdiction in the United States or Canada, the applicant may submit a written request with its application required under § 441a.3 (relating to slot machine license application) for the Board to adopt an abbreviated licensing process under section 1314(b) of the act (relating to alternative Category 1 licensing standards).

(b) The Board may use the abbreviated process if:

(1) The Board determines, after investigation, that the licensing standards in the other jurisdiction in which the applicant or its affiliate, intermediary, subsidiary or holding company is licensed is similarly comprehensive and thorough and provides safeguards that are equal to or greater than those provided in the act and granting the request would be in the public interest.

(2) A completed application for a Category 1 license has been filed with the Board which includes the name and address of the regulatory agency in the other jurisdiction.

(3) The Board has received a copy of the completed application, renewal applications and accompanying documents filed in the other jurisdiction.

(4) The applicant has provided current, updated information to the Board regarding the license in the other jurisdiction and information relating to its financial viability and suitability and good character.

(5) The applicant has no administrative or enforcement actions pending in other jurisdictions or the applicant has disclosed and explained these actions to the satisfaction of the Board.

(6) There are no pending or ongoing investigations of possible material violations by the applicant in other jurisdictions or the applicant has disclosed and explained these investigations to the satisfaction of the Board.

(c) The abbreviated process does not waive fees associated with obtaining a Category 1 license.

(d) The Board may determine to use an abbreviated process requiring only that information determined by the Board to be necessary to consider the issuance of the license, including the financial viability of the applicant.

(e) Following the issuance of a Category 1 license under this section, the Bureau will initiate a complete review of the information submitted under this subpart. If the applicant does not meet the requirements of the act or this part, the Board will revoke, suspend or condition the license until the applicant meets the requirements of the act.

§ 441a.5. License fee payment bond or letter of credit requirements.

(a) An application for a slot machine license shall at all times throughout the period in which the application is on file with the Board include original payment bonds or original irrevocable letters of credit, or some combination

thereof, that include draw instructions guaranteeing the applicant's payment of the slot machine license fee required by section 1209(c) of the act (relating to slot machine license fee) if the license is approved and issued.

(1) Payment bonds or irrevocable letters of credit shall be submitted and approved by the Board before an application may be accepted for filing. The Board's review will include an assessment of both the proposed terms of the payment bond or irrevocable letter of credit and of the surety or financial institution that will issue the payment bond or irrevocable letter of credit. An application will be deemed incomplete if at any time during the period the application is on file with the Board payment bonds or letters of credit approved by the Board in the amounts required in paragraph (2) are not in full force and effect.

(2) Payment bonds or irrevocable letters of credit must aggregate to the following amounts:

(i) \$50,000,000 for each application for a Category 1 or Category 2 license.

(ii) \$5,000,000 for each application for a Category 3 license.

(b) Unless otherwise required by the Board, a payment bond provided under this section must be issued by a surety company that is both licensed by the Insurance Department and assigned a credit rating within the three highest categories, without regard to numerics or other modifiers, by Moody's or Standard & Poor's, or upon the discontinuance of Moody's or Standard & Poor's, by another Nationally recognized rating service. Proof that the surety is licensed by the Insurance Department and has been assigned the required credit rating must accompany any payment bond submitted under this section.

(c) Unless otherwise required by the Board, a letter of credit must be issued by a bank, trust company, National banking association or corporation which is both subject to regulation by the Federal Reserve System under the Bank Holding Company Act of 1956 and assigned a credit rating within the three highest rating categories, without regard to numerics or other modifiers, by Moody's or Standard & Poor's, or upon the discontinuance of Moody's or Standard & Poor's, by another Nationally recognized rating service. Proof that the bank, trust company, National banking association or corporation is subject to regulation by the Federal Reserve System under the Bank Holding Company Act of 1956 and that the issuer has been assigned the required credit rating must accompany any letter of credit submitted under this section.

(d) The payment bond or irrevocable letter of credit provided under this section must state that it is payable to "The Commonwealth of Pennsylvania" as the obligee.

(e) The payment bond or irrevocable letter of credit provided under this section must provide that if the slot machine license has been approved and issued by the Board and the license fee has not been paid in full within 5 business days following the issuance of the license, the Commonwealth will have the right to request immediate payment under the payment bond or irrevocable letter of credit for payment of the slot machine license fee.

(f) The payment bond or irrevocable letter of credit provided under this section must state that it will expire upon the earlier to occur of the following:

(1) A specified expiry date or any automatically extended expiry date.

(2) Receipt by the issuer of the Board's signed statement that:

(i) The application has been denied.

(ii) The slot machine license has been issued and 10 business days have elapsed following the issuance of the license.

(iii) The license fee has been paid.

(iv) The applicant has been permitted by the Board to withdraw its application under § 423a.5 (relating to application withdrawal).

(g) An expiry date applicable to a payment bond or letter of credit provided under this section must be at least 12 months from the date of issuance of the payment bond or letter of credit. A provision automatically renewing or extending a payment bond or letter of credit must do so at intervals of at least 3 months. Notice provisions to the Board in a payment bond or letter of credit applicable to an election by an issuer not to renew or extend a then current expiry date must provide that the Board will receive at least 60 days written notice, by registered mail or overnight courier service, of an election not to renew or extend.

(h) This section does not preclude a slot machine license applicant from substituting or replacing a payment bond or letter of credit during the period the application is on file with the Board provided the replacement payment bond or letter of credit is approved by the Board under this section.

§ 441a.6. Public input.

(a) Prior to granting a slot machine license, the Board will conduct at least one public input hearing.

(b) Public input hearings relating to an application for a slot machine license shall be held in the municipality where the licensed facility will be located. The public input hearings will be organized in cooperation with the municipality.

(c) The Board will develop and post the procedures that will be used to conduct public input hearings on the Board's website (www.pgcb.state.pa.us).

(d) The Board will make public a list of all witnesses scheduled to testify at a public input hearing at least 7 days prior to the hearing. The list of witnesses will be updated at least 3 days prior to the hearing. Additional witnesses will be posted on the Board's website (www.pgcb.state.pa.us) as they are added to the witness list.

§ 441a.7. Licensing hearings for slot machine licenses.

(a) A schedule of licensing hearings for all slot machine license applicants will be posted on the Board's website (www.pgcb.state.pa.us).

(b) The Board will allot each applicant a specified time for its presentation. The length of the presentations, which will be the same for each applicant within each category, will be established at the prehearing conferences.

(c) At a licensing hearing, an applicant shall appear before the Board and at all times have the burden to establish and demonstrate, by clear and convincing evidence, its eligibility and suitability for licensure and to address the criteria identified in section 1325(c) (relating to license or permit issuance) of the act.

(d) For the purposes of this section, an applicant's demonstration of eligibility must include a showing of:

(1) Compliance with section 1302, 1303, 1304 or 1305 (relating to Category 1 slot machine license; additional

Category 1 slot machine license requirements; Category 2 slot machine license; and Category 3 slot machine license) of the act, as applicable.

(2) Compliance with the application requirements in § 441a.3 (relating to slot machine license application).

(3) Compliance with the license fee payment bond or letter of credit requirements in § 441a.5 (relating to license fee payment bond or letter of credit requirements).

(4) Compliance with the diversity requirements in Chapter 481a (relating to diversity) and section 1325(b) of the act.

(e) For the purposes of this section, an applicant's demonstration of suitability must include a showing of:

(1) Good character, honesty and integrity in compliance with section 1310 of the act (relating to slot machine license application character requirements).

(2) Financial fitness in compliance with section 1313 of the act (relating to slot machine license application financial fitness requirements).

(3) Operational viability, including:

(i) The quality of the proposed licensed facility, and temporary land-based facility, if applicable, including the number of slot machines proposed and the ability of the proposed licensed facility to comply with statutory, regulatory and technical standards applicable to the design of the proposed licensed facility and the conduct of slot machine operations therein.

(ii) The projected date of the start of operations of the proposed licensed facility and accessory uses such as hotel, convention, retail and restaurant space proposed in conjunction therewith. Applicants shall provide the Board with a time line on the deliverability of proposed temporary land-based or phased permanent licensed facilities and the accessory uses proposed in conjunction therewith.

(iii) The ability of the applicant's proposed licensed facility to generate and sustain an acceptable level of growth of revenue.

(f) For the purposes of this section, an applicant's demonstration of how it addresses the criteria identified in section 1325(c) of the act must include:

(1) The location and quality of the proposed facility, including, but not limited to, road and transit access, parking and the facility's centrality to its anticipated market service area.

(2) The potential for new job creation and economic development which are expected to result from granting a license to an applicant.

(3) The applicant's good faith plan to recruit, train and upgrade diversity in all employment classifications in the facility.

(4) The applicant's good faith plan for enhancing the representation of diverse groups in the operation of its facility through the ownership and operation of business enterprises associated with or utilized by its facility or through the provision of goods or services utilized by its facility and through the participation in the ownership of the applicant.

(5) The applicant's good faith effort to assure that all persons are accorded equality of opportunity in employment and contracting by it and any contractors, subcontractors, assignees, lessees, agents, vendors and suppliers it may employ directly or indirectly.

(6) The potential for enhancing tourism which is expected to result from granting a license to the applicant.

(7) The history and success of the applicant in developing tourism facilities ancillary to gaming development in other locations if applicable to the applicant.

(8) The degree to which the applicant presents a plan for the project which will likely lead to the creation of quality, living-wage jobs and full-time permanent jobs for residents of this Commonwealth generally and for residents of the host political subdivision in particular.

(9) The record of the applicant and its developer in meeting commitments to local agencies, community-based organizations and employees in other locations.

(10) The degree to which potential adverse effects which might result from the project, including costs of meeting the increased demand for public health care and treatment of problem gamblers and their families, child care, public transportation, affordable housing and social services, will be mitigated.

(11) The record of the applicant and its developer regarding compliance with:

(i) Federal, State and local discrimination, wage and hour, disability and occupational and environmental health and safety laws.

(ii) State and local labor relations and employment laws.

(12) The record of the applicant in dealing with its employees and their representatives at other locations.

(13) The applicant's business probity, experience and ability.

(14) Areas of deficiency in the applicant's application previously identified by the Bureau of Licensing or Chief Enforcement Counsel that have not been resolved.

(g) The applicant's demonstration of how it addresses section 1325(c) of the act and subsection (f) may include information relating to its affiliates, intermediaries, subsidiaries or holding companies.

(h) No later than 30 days before the first scheduled licensing hearing in the category of license for which the applicant has filed an application, the applicant shall file with the Board a memorandum identifying the evidence it intends to use in support of its presentation before the Board. At the same time, Category 1 and Category 3 applicants shall serve the memorandum on the other applicants in the same category. At the same time, Category 2 applicants shall serve the memorandum on other applicants whose proposed facility meets the same location criteria as the applicant's proposed facility as specified in subsection (m)(1)(i)—(iii). The memorandum must include the following:

(1) The name of the applicant and docket number of the applicant's application to which the evidence will relate.

(2) Identification of each standard and criterion in subsections (d)—(f) to which the evidence will relate.

(3) As to each criterion identified, whether the evidence will be presented through oral testimony or, the proffer of documents, or both. If any portion of the evidence will be presented through oral testimony, the notice must include the name, address and telephone number of each testifying witness, the identified criteria about which the witness will testify and a detailed summary of the witness' testimony. If any portion of the evidence will be presented through the proffer of documents, including reports and

exhibits, the memorandum must include a copy of each document to be proffered and the name, address and telephone number of the persons who prepared the document.

(4) If any person identified in paragraph (3) will testify as an expert, the person's qualifications, including the person's education, experience and training, and a listing of the other jurisdictions where the person has been qualified as an expert witness, within the last 5 years, shall be attached to the notice. A copy of the results or reports of any tests, experiments, examinations, studies or documents prepared or conducted by the expert or about which the expert will testify or which will be relied upon by the expert to render an opinion shall be attached to the notice.

(i) The Board will serve on all applicants within that category any expert reports developed for and requested by the Board that pertains to the applicants.

(j) Applicants, at the time of filing, shall provide the Board with an electronic version, in a format prescribed by the Board, of the reports and exhibits provided in paper form.

(k) If an applicant designates any submitted report or exhibit as confidential under § 401a.3 (relating to definitions) or section 1206(f) of the act (relating to Board minutes and records), the applicant shall:

(1) Clearly and conspicuously indicate that the report or exhibit is confidential in both the paper and electronic format and provide these exhibits separately from the nonconfidential exhibits.

(2) Request that the confidential information be presented to the Board in closed deliberations, under section 1206(a) of the act and provide an explanation of the need for the designation of confidentiality and closed deliberations or authorize the release of the report or exhibit in compliance with section 1206(f) of the act.

(l) Applicants are prohibited from relying upon or introducing new evidence, including witnesses' testimony, reports or exhibits, not identified under subsections (h) or (m), except in the following circumstances:

(1) Applicants may update or supplement evidence, including witnesses' testimony, reports or exhibits to respond to requests from the Board.

(2) Applicants may update or supplement evidence, including witnesses' testimony, reports or exhibits to respond to issues raised subsequent to the filing of the memorandum required by subsection (h) at a prehearing conference if the issues could not have been reasonably anticipated by the applicant.

(m) For Category 2 and Category 3 applicants only, in addition to the applicant's presentation of evidence to the Board relative to its eligibility and suitability for a license, an applicant may, during its licensing hearing, present evidence which sets forth a comparison between the applicant and other applicants within the same category with respect to the standards and criteria in subsections (d)—(g).

(1) Comparisons must be limited to:

(i) For applicants seeking to locate a licensed facility in a city of the first class, other applicants for a licensed facility in a city of the first class.

(ii) For applicants seeking to locate a licensed facility in a city of the second class, other applicants for a licensed facility in a city of the second class.

(iii) For applicants seeking to locate a licensed facility in a revenue- or tourism-enhanced location, other applicants for a licensed facility in a revenue- or tourism-enhanced location.

(iv) For applicants seeking to locate a licensed facility in a well-established resort hotel, other applicants for a licensed facility in a well-established resort hotel.

(2) If an applicant desires to present comparative evidence under this subsection, the applicant shall, no later than 20 days prior to the commencement of the first scheduled licensing hearing in the category of license for which the applicant has filed an application, file a separate written notice evidencing the intent with the Board identifying each other applicant about whom the applicant desires to present evidence. A copy of the notice shall also be served on the applicants about whom the evidence will be presented and on the Chief Enforcement Counsel. The notice must include:

(i) The name of the applicant and docket number of the applicant's application to which the evidence will relate.

(ii) Identification of the standards and criteria in subsections (d)—(g) to which the evidence will relate.

(iii) As to each criterion identified, a copy of documents or evidence that will be used to support the comparison to be presented in compliance with subsection (h).

(3) An applicant served with notice under paragraph (2) may present, during its licensing hearing, comparative evidence concerning it and the applicant from whom notice was received with respect to the standards and criteria in subsections (d)—(g). The applicant so served shall have 10 days following services to file a reply notice with the Board which contains the information required by paragraph (2). A complete copy of the reply notice shall be served on the applicant who initially served notice under paragraph (2) and on the Chief Enforcement Counsel.

(4) If the applicant plans to present evidence to the Board concerning another applicant in closed deliberations, the applicant shall provide notice to the other applicant and provide reports or exhibits relied upon to the other applicant. The other applicant may be represented in the closed deliberations.

(n) At the discretion of the Board, an applicant's presentation may include:

(1) Oral presentation.

(2) Documentary evidence submissions, including reports, photographs, audiovisual presentations, exhibits or testimony of witnesses.

(o) The Board, its designee and Chief Enforcement Counsel may:

(1) Examine or question the applicant and witnesses called by the applicant or the Board regarding their testimony and any aspect of the applicant's application and relevant background.

(2) Recall the applicant and other witnesses called by the applicant or the Board during the licensing hearing for further questioning.

(p) A person who testifies at the licensing hearing shall be sworn and testify under oath.

(q) At its discretion, the Board may terminate, recess, reconvene and continue the licensing hearing.

(r) Each Category 1 and Category 3 applicant may file a brief up to 25 pages in length within 10 days of the completion of the hearing with respect to all applications

within its category. Each Category 2 applicant may file a brief up to 25 pages in length within 10 days of the completion of the hearing with respect to all applications that meet the same location criteria as the applicant as specified in subsection (m)(1)(i)—(iii). At the prehearing conferences, applicants in any category may waive the opportunity to file briefs.

(s) At the conclusion of the presentation of all testimony and evidence, the Board will cause the record to be transcribed. The transcript and evidence will become part of the evidentiary record for the Board's consideration. For good cause shown, the Board may seal portions of the record.

(t) Following submission of the applicants' briefs, all applicants will have an opportunity to make final remarks in the form of oral argument before the Board in a manner and time prescribed by the Board. At the prehearing conferences, applicants in any category may waive the opportunity for oral argument.

(u) Upon the conclusion of the licensing hearings and upon review of the evidentiary record in its entirety, the Board will consider, approve, condition or deny the slot machine license applications. A final order, accompanied by the Board's written decision, will be served on the applicants for slot machine licenses.

(v) An applicant may appeal the denial of a slot machine license to the Supreme Court as provided in the act.

(w) This subsection pertains exclusively to intervention in a licensing hearing for a slot machine license under this section and is not applicable to other hearings before the Board. The right to intervene in a hearing under this section is within the sole discretion of the Board.

(1) A person wishing to intervene in a licensing hearing for a slot machine license shall file a petition in accordance with this subsection.

(2) A person may file a petition to intervene under this subsection if the person has an interest in the proceeding which is substantial, direct and immediate and if the interest is not adequately represented in a licensing hearing.

(3) Petitions to intervene in a licensing hearing may be filed no later than 45 days prior to the commencement of the first scheduled licensing hearing, in the category of license for which the applicant, in whose hearing the petitioner seeks to intervene, has filed an application unless, in extraordinary circumstances for good cause shown, the Board authorizes a late filing. At the same time the petitioner files its petition with the Board, a complete copy of the petition to intervene shall be served on the Chief Enforcement Counsel and the applicant in whose licensing hearing the petitioner seeks to intervene.

(4) Petitions to intervene must set out clearly and concisely the facts demonstrating the nature of the alleged right or interest of the petitioner, the grounds of the proposed intervention, the position of the petitioner in the proceeding and a copy of the written statement to be offered under paragraph (6). The petitioner shall fully and completely advise the applicant and the Board of the specific issues of fact or law to be raised or controverted and cite provisions or other authority relied on.

(5) The applicant may file an answer to a petition to intervene, and in default thereof, will be deemed to have waived any objection to the granting of the petition. If made, answers shall be filed within 10 days after the date the petition is filed with the Board, unless for cause the

Board prescribes a different time. A complete copy of the answer to the petition to intervene shall be served on the Chief Enforcement Counsel and the petitioner who seeks to intervene.

(6) Except when the Board determines that it is necessary to develop a comprehensive evidentiary record, the participation of a person granted the right to intervene in a licensing hearing will be limited to the presentation of evidence through the submission of written statements attested to under oath. The written statements will be part of the evidentiary record.

(x) This section supersedes any conflicting provisions of Subpart H (relating to practice and procedure) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

§ 441a.8. Divestiture.

(a) If the Board determines that a slot machine license application cannot be approved because the applicant, its principal or other person who holds a direct or indirect interest in the applicant or in an affiliate, intermediary, subsidiary or holding company of the applicant, does not meet a character or other eligibility criteria required by section 1310 of the act (relating to slot machine license application character requirements), or has an ownership or financial interest that is prohibited by section 1330 of the act (relating to multiple slot machine license prohibition), the Board may grant the person up to 120 days following the determination to completely divest his interest in the applicant or its affiliate, intermediary, subsidiary or holding company.

(b) The person shall notify the Board of his intention to divest within 30 days of notice from the Board of the opportunity to divest. The Board may extend this time period at its discretion.

(c) Failure to divest within 120 days, or within the time period prescribed by the Board, constitutes a per se disqualification of the applicant to receive a slot machine license.

(d) The terms of divestiture will be approved by the Board.

(e) The Board will not approve a divestiture if the compensation received for the divested interest exceeds the value of the interest.

(f) Following divestiture, the Board will reconsider the applicant's suitability for licensure in an expedited procedure.

§ 441a.9. Approval of a slot machine license.

(a) An applicant for a slot machine license shall prove by clear and convincing evidence:

(1) The financial stability and integrity of the applicant and its affiliates, intermediaries, subsidiaries and holding companies in accordance with section 1313 of the act (relating to slot machine license application financial fitness requirements).

(2) The good character, honesty and integrity of the applicant and its affiliates, intermediaries, subsidiaries, holding companies and principals in accordance with section 1310 of the act (relating to slot machine license application character requirements).

(b) For Category 1 slot machine applications, the State Horse Racing Commission or the State Harness Racing Commission may submit additional information to the Board if it believes the information will assist the Board

in making a determination relating to the operational, financial or character fitness of the applicant.

(c) The Board may issue a slot machine license under this chapter if it determines that the applicant:

(1) Has demonstrated that the applicant will establish and is likely to maintain a financially successful, viable and efficient business operation and will likely be able to maintain a steady level of growth of revenue to the Commonwealth.

(2) Is of good character, honesty and integrity.

§ 441a.10. Notification of anticipated or actual changes in principals or key employees.

Each slot machine applicant or licensee shall notify the Board, in writing, as soon as it becomes aware, of the proposed appointment, appointment, proposed nomination, nomination, election, hiring, intended resignation, resignation, removal, firing, incapacitation or death of any person required to be licensed as a principal or key employee under Chapter 433a and § 435a.2 (relating to principal licenses; and key employee license). The notice must be addressed to the Bureau of Licensing.

§ 441a.11. Notification of new financial sources.

Each slot machine applicant or licensee shall notify the Board, in writing, as soon as it becomes aware that it intends to enter into a transaction which may result in any new financial backers. The notice must be sent to the Bureau of Licensing and the Bureau of Corporate Compliance and Internal Controls.

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

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

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

(2) Records with respect to any oral agreement.

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

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

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

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

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

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

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

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

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

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

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

(4) The financial terms of the agreement.

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

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

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

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

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

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

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

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

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

§ 441a.14. Master purchasing and disbursement report.

(a) Each slot machine license applicant or licensee shall generate a monthly Master Purchasing and Disbursement Report for vendor transactions. The report shall be submitted to the Bureau of Licensing no later than the 22nd calendar day of following month. The report must include the following information:

(1) A payee register listing alphabetically by payee all nonpayroll transactions drawn by the slot machine applicant or licensee, including wire transfers and credits to vendors, and the following information next to the name of each payee:

- (i) The vendor certification or registration number or exemption code.
- (ii) The amount of the individual disbursement or credit.
- (iii) The date of the individual disbursement or credit.
- (iv) The subtotal of disbursements or credits by payee.
- (v) The grand total of all disbursements made during the reporting period.
- (vi) The total summarizing all previous payments in the last 12 months beginning from the first payment date.

(2) A payee register listing alphabetically by payee transactions drawn by an affiliate, intermediary, subsidiary, holding company or agent of the slot machine applicant or licensee for goods or services that benefit the slot machine applicant or licensee, including wire transfers and credits to vendors, and the following information next to the name of each payee:

- (i) The vendor certification or registration number or exemption code.
- (ii) The amount of the individual disbursement or credit.
- (iii) The date of the individual disbursement or credit.
- (iv) The subtotal of disbursements or credits by payee.
- (v) The grand total of all disbursements made during the reporting periods.
- (vi) The total summarizing all previous payments in the last 12 months beginning from the first payment date.

(3) A register listing alphabetically by vendor transactions, including wire transfers and credits, in which the slot machine applicant or licensee itself acted in the capacity of a vendor by providing goods or services. The register must include:

- (i) The vendor certification or registration number or exemption code of the vendor to whom the goods or services were provided.
- (ii) The date of each individual transaction.
- (iii) The amount of each individual transaction.
- (iv) A general description of the type of goods or services provided.
- (v) By vendor, subtotals of payments or credits received by the slot machine licensee or applicant or disbursements or credits made by the slot machine licensee or applicant during the reporting period.
- (vi) By vendor, totals of payments or credits received or disbursements or credits made by the slot machine licensee or applicant within the applicable 12-month period.

(b) The reports shall be signed by the slot machine applicant or licensee and transmitted to the Bureau of Licensing by means of electronic data transmission or in a form prescribed by the Board.

§ 441a.15. Slot machine license issuance bond requirement.

(a) Upon the issuance of a slot machine license, a slot machine licensee shall post an original payment bond in the amount of \$1,000,000.

(b) Unless otherwise required by the Board, the payment bond must comply with the following:

(1) The payment bond must be issued by a surety company that is both licensed by the Insurance Department and assigned a credit rating within the three highest categories, without regard to numerics or other modifiers, by Moody's or Standard & Poor's, or upon the discontinuance of Moody's or Standard & Poor's, by another Nationally recognized rating service. Proof that the surety is licensed by the Insurance Department and has been assigned the required credit rating must accompany any payment bond submitted under this section.

(2) A slot machine licensee shall submit its proposed payment bond to the Board prior to the issuance of a slot machine license. The Board will investigate and approve both the proposed terms of the payment bond and the surety that will issue the payment bond.

(3) The payment bond must state that it is payable to "The Commonwealth of Pennsylvania" as the obligee for immediate payment of the slot machine licensee's financial obligations to the Commonwealth under the act and as security to guarantee that the slot machine licensee faithfully makes the payments, keeps its books and records, makes reports and conducts its operations in conformity with the act, this part and the rules and orders promulgated by the Board.

(4) A payment bond issued in accordance with this section will remain in full force and effect throughout the period of time that the slot machine license is in effect. If a bond is canceled and the slot machine licensee fails to file a new bond with the Board in the required amount on or before the effective date of the cancellation, the slot machine licensee's license will be revoked or suspended.

(5) Any notice provision to the Board in a payment bond applicable to an election by a surety to cancel a then current payment bond must provide that the Board will receive at least 30 days written notice, by registered mail or overnight courier service, of the surety's election to cancel.

(c) The Board may demand that the slot machine licensee post a new payment bond upon the occurrence of any of the following:

(1) Liability on the existing payment bond is discharged or reduced by judgment rendered, payment made or similar occurrence.

(2) The Board determines that the surety is no longer satisfactory.

(3) The slot machine licensee requests the right to post a new payment bond.

(4) The Board receives notice that the payment bond will be cancelled.

§ 441a.16. Slot machine license term and renewal.

(a) A slot machine license issued under this chapter will be valid for 1 year from the date of Board approval.

(b) A renewal application shall be submitted to the Board at least 60 days prior to the expiration of a slot machine license.

(c) A slot machine license for which a completed renewal application has been received by the Board will continue in effect until the Board sends written notification to the holder of the slot machine license that the Board has approved or denied the slot machine license renewal application.

§ 441a.17. Change in ownership or control of slot machine licensee and multiple slot machine license prohibition.

(a) A slot machine licensee shall notify the Board prior to or immediately upon becoming aware of any proposed or contemplated change in ownership of the slot machine licensee by a person or group of persons acting in concert which involves any of the following:

(1) More than 5% of a slot machine licensee's securities or other ownership interests.

(2) More than 5% of the securities or other ownership interests of a corporation or other form of business entity that owns, directly or indirectly, at least 20% of the voting or other securities or other ownership interest of the slot machine licensee.

(3) The sale, other than in the normal course of business, of a slot machine licensee's assets.

(4) Other transactions or occurrences deemed by the Board to be relevant to license qualification.

(b) Notice to the Board and Board approval shall be required prior to completion of any proposed change of ownership of a slot machine licensee that meets the criteria in subsection (a).

(c) A person or group of persons acting in concert desiring to acquire an interest in a slot machine licensee that meets the criteria in subsection (a) shall submit an application for approval of the transfer which includes the following:

(1) An application for transfer on a form prescribed by the Board.

(2) A copy of the documents, contracts and agreements related to the transfer.

(3) A principal license application for each person seeking to acquire an interest that does not currently hold a principal license.

(4) Application fees specified by the Board to cover the cost of investigations of the transfer application and persons seeking to acquire an interest. The applicant for the transfer shall be responsible for and remit to the Board any costs associated with the investigation of the transfer that exceed the amount covered by the fees.

(d) A person or group of persons acting in concert that acquires more than 20% of a slot machine licensee's securities or other ownership interests or purchases the assets, other than in the normal course of business, of any slot machine licensee shall independently qualify for a license in accordance with the act and this part and shall pay the licensing fee required by section 1209 of the act (relating to slot machine license fee), except as otherwise required by the Board.

(e) The requirements in subsections (a)—(d) do not apply to:

(1) An underwriter who will hold a security for less than 90 days.

(2) An institutional investor, if:

(i) The institutional investor holds less than 10% of the securities or other ownership interests referred to in subsection (a)(1) or (2).

(ii) The securities or interests are publicly traded securities.

(iii) The institutional investor's holdings if the securities were purchased for investment purposes only and the institutional investor files a certified statement with the Board stating that the institutional investor has no intention of influencing or affecting, directly or indirectly, the affairs of the slot machine licensee.

(f) In accordance with section 1330 of the act (relating to multiple slot machine license prohibition), a slot machine licensee, its affiliates, intermediaries, subsidiaries and holding companies, may not possess an ownership or financial interest in any other slot machine licensee or in any other person eligible to apply for a Category 1 slot machine license or its affiliates, intermediaries, subsidiaries or holding companies that exceeds 33.3%.

(g) Nothing in subsection (f) prevents a slot machine licensee from possessing ownership or financial interests of 33.3% or less, in multiple slot machine licensees or in persons eligible to apply for a Category 1 slot machine license or its affiliates, intermediaries, subsidiaries or holding companies.

(h) If a slot machine licensee, its affiliates, intermediaries, subsidiaries or holding companies has an ownership or financial interest in another slot machine licensee that is in violation of subsection (f), the slot machine licensee will be required to divest that interest which is in excess of 33.3% in compliance with section 1330 of the act.

(i) Nothing in this section concerning ownership or financial interests applies to contractual interests including those in the nature of management contracts, options to purchase exercisable after a license has been issued or leases.

§ 441a.18. Employee status report.

(a) A slot machine licensee shall maintain a complete, accurate and current record of each employee that includes the information in subsection (b)(1).

(b) Each month each slot machine licensee shall generate a monthly employee status report of the slot machine licensee's and management company's employees. The report shall be submitted to the Bureau of Licensing no later than the 15th calendar day of the following month. The report must include the following information:

(1) An alphabetical listing of the individuals currently employed by the slot machine licensee and the management company and the following information with respect to each employee listed:

(i) The name of the employee.

(ii) The address of record of the employee on file with the slot machine licensee.

(iii) The employee's license, permit or registration number.

(iv) The employee's title or position.

(v) Whether the employee is full-time or part-time.

(vi) The date of hire of the employee.

(vii) The access code, if any, assigned to the employee, which designates the restricted areas that the employee is permitted to enter and remain in for the purposes of performing his normal duties.

(2) The total number of persons employed by the slot machine applicant or licensee and management company during the preceding month.

(3) An alphabetical listing of employees who have discontinued or terminated employment with the slot machine licensee or management company during the preceding month and the following information with respect to each employee listed:

- (i) The information listed in paragraph (1)(i)—(vii).
- (ii) The date on which the employee discontinued or terminated employment with the slot machine licensee or management company.
- (4) The total number of employees who have discontinued or terminated employment with the slot machine licensee and management company during the preceding month.
- (5) The date on which the information provided in the report was compiled.

(c) The reports shall be signed by the slot machine licensee and transmitted to the Bureau of Licensing by means of electronic data transmission or in a form prescribed by the Board.

(d) The Board may, at its discretion, request interim employee status reports from a slot machine licensee or management company.

§ 441a.19. Notice of employee misconduct and offenses.

(a) A slot machine licensee or management company shall notify the Board within 5 days of the termination of an employee, of information surrounding the termination of the employee that could be cause for suspension or revocation of the employee's license, permit or registration or enforcement actions related thereto.

- (b) The notice must include the following information:
 - (1) The employee's name.
 - (2) The address of record of the employee on file with the slot machine licensee.
 - (3) The employee's license, permit or registration number.
 - (4) The employee's title or position.
 - (5) A summary of the incident or misconduct by the employee, including violations of this part or the act.
 - (6) The date of termination of the employee.
 - (7) The access code, if any, assigned to the employee, which designates the restricted areas that the employee was permitted to enter and remain in for the purposes of performing his normal duties.

(c) Notwithstanding subsection (a), a slot machine licensee shall, within 24 hours, notify the Board upon learning of the arrest, charging, indictment or conviction of any of its affiliates, intermediaries, subsidiaries, holding companies, principals, key employees, permittees or registrants, for any of the following:

- (1) An offense or violation under the act or this part.
- (2) The willful and knowing violation or attempt to violate an order of the Board by an employee.
- (3) An offense or violation of another applicable law which would otherwise disqualify the person from holding a license, permit or registration.

(4) An offense or violation of a criminal law or ordinance of the United States or the Commonwealth or a comparable offense or violation in other states or foreign jurisdictions.

§ 441a.20. Slot machine license agreements.

(a) An agreement or noncontractual relationship between a person and a slot machine licensee which provides for a payment to the person or an arrangement under which a person receives payment, however defined, of a direct or indirect interest, percentage or share of earnings, profits or receipts from slot machines and associated equipment of a licensed facility, requires Board approval, regardless of the amount or percentage.

(b) An agreement will not receive Board approval if it, or if it when viewed in the aggregate as related to any of the persons who receive payment as a result of the agreement, creates a monopolization of economic opportunities or control of the licensed gaming facilities in this Commonwealth under § 421a.5 (relating to monopolization of economic opportunities and control).

(c) Notwithstanding the definition of a principal, persons who receive payments under the agreements or arrangements shall be licensed by the Board prior to receiving the payments, unless the agreement or person is exempted under subsection (d).

(d) The following are exempt from the requirements of this section:

- (1) Fixed sum and hourly payments.
- (2) Junket agreements.
- (3) Employee profit sharing agreements administered by class or category.
- (4) Management contracts.
- (5) Slot system agreements for wide area progressive slot systems.
- (6) Horsemen's organizations.
- (7) Labor organizations.
- (8) Other agreements determined by the Board.

§ 441a.21. Management contracts.

Notwithstanding any provision to the contrary in the management contract, each slot machine licensee shall be jointly and severally liable for any act or omission by the management company in violation of the act or this part, regardless of actual knowledge by the slot machine licensee of the act or omission.

§ 441a.22. Category 1 slot machine licensees.

(a) A Category 1 license, including a Conditional Category 1 license, may be issued to any qualifying legal business entity within an organization, if a legal business entity within the organization has been approved or issued a license from either the State Horse Racing Commission or the State Harness Racing Commission to conduct thoroughbred or harness race meetings. If a Category 1 license is issued to a legal business entity within an organization, the requirements, duties and obligations imposed by this part or the act on the licensed racing entity or a licensed racetrack shall be deemed to be requirements imposed on any legal business entity within the organization that has been approved or issued a Category 1 license. If more than one licensed racing entity, on July 5, 2004, was conducting a racing meet at the same licensed racetrack where an organization has been issued a Category 1 slot machine license, section 1303 of the act (relating to additional category 1 slot

machine license requirements) applies to each licensed racing entity at the licensed racetrack.

(b) If a Category 1 license is issued to a legal business entity in an organization, any legal business entity within the organization that has been approved or issued a Category 1 license shall be responsible for, in particular, but not limited to, complying with:

(1) Section 1404 of the act (relating to distributions from licensee's revenue receipts).

(2) Section 1405 of the act (relating to Pennsylvania Race Horse Development Fund).

(3) Distribution allocations received from the Pennsylvania Race Horse Development Fund under section 1406 of the act (relating to distributions from Pennsylvania Race Horse Development Fund).

(i) Funds designated for purses under section 1406(a)(1)(i) of the act shall be deposited into an account established by and for the benefit of the horsemen within 36 hours of receipt from the Commonwealth.

(ii) Funds designated for health and pension benefits under section 1406(a)(1)(iii) of the act shall be deposited into an account established under the rules and regulations of the horsemen's organization within 36 hours of receipt from the Commonwealth.

(c) A Category 1 slot machine licensee or management company shall file with the Board no later than the 20th day of the month following the end of each calendar quarter, the following reports:

(1) Quarterly Report of Funds Received from the Pennsylvania Racehorse Development Fund.

(2) Quarterly Report of Funds Distributed for Purses under 4 Pa.C.S. § 1406(a)(1)(i).

(3) Quarterly Report of Funds Distributed for Health and Pension Benefits under 4 Pa.C.S. § 1406(a)(1)(iii).

(4) Quarterly Report of Expenditures for Backside Improvements.

(d) The Board may request interim versions of the reports in subsection (c) from a Category 1 slot machine licensee or management company.

§ 441a.23. Category 3 slot machine licensees.

(a) To qualify as a well-established resort hotel with substantial year-round recreational guest amenities, the resort hotel must offer on its premises a complement of amenities characteristic of a well-established resort hotel, including, but not limited to, the following:

(1) Sports and recreational activities and facilities such as a golf course or golf driving range.

(2) Tennis courts.

(3) Swimming pools or a water park.

(4) A health spa.

(5) Meeting and banquet facilities.

(6) Entertainment facilities.

(7) Restaurant facilities.

(8) Downhill or cross-country skiing facilities.

(9) Bowling lanes.

(10) Movie theaters.

(b) A Category 3 slot machine applicant shall submit, as part of its application and its internal controls required under Chapter 465 (relating to accounting and internal controls), a plan detailing how the applicant will monitor the gaming area to ensure compliance with Chapters 503, 511 and 513 (relating to self-exclusion; persons required to be excluded; and underage gaming) and that only the following persons are permitted to enter the gaming area:

(1) Registered overnight guests.

(2) Patrons of one or more amenities.

(3) Authorized employees.

(4) Other persons authorized by the Board.

(c) Individuals holding a valid seasonal or year-round membership, which has been approved by the Board and entitles the individual to use one or more of the amenities at the well-established resort hotel holding the Category 3 slot machine license, may be allowed on the gaming floor at any time. The Board will base its approval of a membership on the duration of the membership, the amenity or amenities covered by the membership and whether the fee charged for the membership represents the fair market value for the use of the amenity or amenities.

(d) A patron of an amenity at a well-established resort hotel holding a Category 3 slot machine license may be permitted unlimited access to the gaming floor for one 24-hour period within 72 hours of the use of the amenity.

[Pa.B. Doc. No. 07-1044. Filed for public inspection June 15, 2007, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Fertilizer Nutrient Values

The Secretary of Agriculture, under 3 Pa.C.S. §§ 6701—6725 (relating to Fertilizer Act), establishes the commercial values per pound of nitrogen, available phosphate and soluble potash.

The values are established as follows:

Nitrogen	50¢ per pound
Available phosphate	45¢ per pound
Soluble potash	25¢ per pound

Further Information

Further information is available by contacting John W. Breitsman, Chief, Division of Agronomic and Regional Services, Bureau of Plant Industry, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4843.

Effective Date

These commercial values are effective commencing July 1, 2007, and shall remain effective until further notice.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 07-1045. Filed for public inspection June 15, 2007, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending June 5, 2007.

BANKING INSTITUTIONS

Section 112 Applications

<i>Date</i>	<i>Name of Individual</i>	<i>Location</i>	<i>Action</i>
5-24-07	J. Donald Steel, Jr. and Joanne K. Steele, to acquire up to 35.0% of the voting shares of Northumberland Bancorp, Northumberland	Lewisburg	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-25-07	Pennsylvania State Bank, Camp Hill, and Bank of Lancaster County, National Association, Strasburg Surviving Institution— Bank of Lancaster County, National Association, Strasburg, with a change in corporate title to "BLC Bank, National Association"	Camp Hill	Effective
Both entities are wholly-owned by Sterling Financial Corporation, Lancaster, a financial holding company.			
5-25-07	Bank of Hanover and Trust Company, Hanover, and Bank of Lancaster County, National Association, Strasburg Surviving Institution— Bank of Lancaster County, National Association, Strasburg, with a change in corporate title to "BLC Bank, National Association"	Hanover	Effective
Both entities are wholly-owned by Sterling Financial Corporation, Lancaster, a financial holding company.			

NOTICES

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-29-07	First Commonwealth Bank Indiana Indiana County	Corner of Perry Highway and Pine Creek Road McCandless Township Allegheny County	Filed
5-29-07	First Commonwealth Bank Indiana Indiana County	339 Mansfield Avenue Greentree Allegheny County	Filed
5-29-07	First Commonwealth Bank Indiana Indiana County	Corner of Freedom Road and Patriot Drive Cranberry Township Butler County	Filed
5-30-07	Huntingdon Valley Bank Huntingdon Valley Montgomery County	The Lafayette Redeemer Retirement Community 8580 Verree Road Philadelphia Philadelphia County (Limited Service Facility)	Opened
5-31-07	Embassy Bank for the Lehigh Valley Bethlehem Northampton County	1142 South Cedar Crest Boulevard Allentown Salisbury Township Lehigh County	Approved
6-1-07	Graystone Bank Lancaster Lancaster County	One College Avenue Grantham Cumberland County	Filed
6-1-07	Mid Penn Bank Millersburg Dauphin County	2101 Market Street Camp Hill Cumberland County	Filed
6-4-07	Firsttrust Savings Bank Conshohocken Montgomery County	2nd Street Pike and Almshouse Road Richboro Bucks County	Authorization Surrendered

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-4-07	S & T Bank Indiana Indiana County	Two Gateway Center 603 Stanwix Street Pittsburgh Allegheny County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
6-1-07	Republic First Bank Philadelphia Philadelphia County	To amend Article II of the Articles of Incorporation to provide for a change in the principal place of business	Approved and Effective
		<i>From:</i> 1608 Walnut Street, Philadelphia, PA 19103	
		<i>To:</i> Two Liberty Place, 50 South 16th Street, Philadelphia, PA 19102	

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

VICTORIA A. REIDER,
Acting Secretary

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 will hold a meeting on Wednesday, June 27, 2007, 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 07-1047. Filed for public inspection June 15, 2007, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final

determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

I. NPDES Renewal Applications

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0062847 (Small Flow Treatment)	H. A. Berkheimer, Inc. Creditech, Inc. 1883 Jory Road Pen Argyl, PA 18072	Plainfield Township Northampton County	Waltz Creek 1F	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 ?
PA0083470 (Sew)	Paradise Township Sewer Authority 2 Township Drive P. O. Box 40 Paradise, PA 17562	Lancaster County Paradise Township	Pequea Creek 7-K	Y
PA0044521 (Sew)	Franklin County General Authority 5121A Coffey Avenue Chambersburg, PA 17201	Franklin County Letterkenny Township	UNT Dennis Creek 13-C	Y
PA0246484 (SEW)	Little Washington Wastewater Company Links at Gettysburg 762 West Lancaster Avenue Bryn Mawr, PA 19010-3489	Adams County Mount Joy Township	Rock Creek 13-D	Y

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

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

PA0035769. Amendment No. 1, Industrial Waste, SIC 2011, 2048, 2077 and 2875; **Moyer Packing Company**, P. O. Box 395, Souderton, PA 18964-0395.

Description of Proposed Activity: Discharge of treated process wastewater from an industrial wastewater treatment plant serving beef and rendering facility and discharge of stormwater associated with industrial activities in Franconia Township, **Montgomery County**.

The receiving stream Skippack Creek is in the State Water Plan Watershed 3E and is classified for: TSF.

The proposed effluent limits for Outfall 001, based on an average flow of 0.75 mgd, are as follows:

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅ (5-1 to 10-31)	10	20	25
(11-1 to 4-10)	20	40	50
Total Suspended Solids	30	60	75
Oil and Grease	15	25	30
Fecal Coliform	200 colonies/100 ml as a geometric mean		
pH	Within limits of 6.0 to 9.0 Standard Units at all times		
Phosphorus as P (4-1 to 10-31)			
Issuance to April 30, 2008	0.80	1.60	2.00
Phosphorus as P (11-1 to 3-31)			

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Issuance to April 30, 2008 Phosphorus as P (4-1 to 10-31)	1.60	3.2	4.00
May 1, 2008 to Expiration Phosphorus as P (11-1 to 3-31)	0.29	0.58	0.72
May 1, 2008 to Expiration Ammonia as N (5-1 to 10-31)	0.58	1.16	1.45
(11-1 to 4-30)	1.2	2.4	3.0
Dissolved Oxygen	3.6	7.2	9.0
Total Residual Chlorine	0.024	Minimum of 5.0 mg/l at all times	
Osmotic Pressure	95 Milliosmoles/Kg as Maximum Daily		
Total Dissolved Solids	3,100	6,200	7,750
Total Nitrogen	Monitor		Monitor

The proposed effluent limits for stormwater Outfalls MP 101, 002—004 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		Monitor and Report	
COD		Monitor and Report	
Oil and Grease		Monitor and Report	
pH		Monitor and Report	
Suspended Solids		Monitor and Report	
Total Kjeldahl Nitrogen		Monitor and Report	
Total Phosphorus		Monitor and Report	
Iron (Dissolved)		Monitor and Report	

The EPA waiver is not in effect. In addition to the effluent limits, the permit contains the following major special conditions:

1. Remedial Measures.
2. BAT/ELG Reopener.
3. TMDL/WLA Analysis.
4. Requirements for Stormwater Outfalls.
5. Laboratory Certification.
6. Certified Operator.
7. Inspection of stream at Outfall 001.

PA0027634, IW, SIC 4941, **Pennsylvania American Water Company Yardley System**, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033-0888. This proposed facility is located in Lower Makefield Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated filter backwash water from water filtration plant.

The receiving stream, UNT to Brock Creek, is in the State Water Plan Watershed 2E and is classified for: WWF. The nearest downstream public water supply intake for Morrisville Water Filtration Plant is located on the Delaware River and is 3 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.4 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅	Monitor and Report		
Suspended Solids	20	40	50
Aluminum, Total	0.7	1.4	1.8
Iron, Total	2.0	4.0	5.0
Manganese, Total	1.0	2.0	2.5
Chloroform	Monitor and Report		
Dichlorobromomethane	Monitor and Report		
Chlorodibromomethane	Monitor and Report		
pH	Within limits of 6.0 to 9.0 Standard Units at all times		
Total Residual Chlorine	0.5		1.0

In addition to the effluent limits, the permit contains the following major special conditions:

1. The BOD₅ load in discharge shall not exceed the BOD₅ load in raw watering entering the treatment plant.

PA0058408, Sewage, SIC 4952, **Rivercrest Homeowners Association's Rivercrest Sewage Treatment Plant**, Upper Providence Township, **Montgomery County**. Mailing address: 100 Rivercrest Drive, Phoenixville, PA 19460.

Description of Activity: This application is for an existing sewage treatment facility serving the Rivercrest residential golf course community.

The receiving waters, a UNT to the Schuylkill River (Outfall 001) and Doe Run (Outfall 002), is in the State Water Plan Watershed 3E-Perkiomen and is classified for: WWF (UNT to the Schuylkill River), TSF, aquatic life, water supply and recreation (Doe Run). The nearest downstream public water intake/supply is Aqua PA's Pickering Creek Water Filtration Plant and is approximately 3 miles downstream on the Schuylkill River.

The effluent limits for Outfall 001 are based on a design flow of 112,150 gpd:

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Average Weekly	Average Monthly	Average Weekly	Instantaneous Maximum (mg/l)
Flow					
CBOD ₅	9.3	14	10	15	20
Total Suspended Solids	9.3	14	10	15	20
Fecal Coliform			200/100 ml		1,000/100 ml
Dissolved Oxygen			5.0		
pH (Standard Units)			6.0 (Minimum)		9.0
Ammonia as N	3		3.0		6.0

In addition to the effluent limits, the permit contains the following major special conditions:

1. Discharge Must Not Cause Nuisance or Health Hazard.
2. Sludge Disposal According to State and Federal Regulations.

The EPA waiver is in effect.

PA0031771 A1, Sewage, SIC 4952, **Westtown Township**, P. O. Box 79, Westtown, PA 19395. This proposed facility is located in Westtown Township, **Chester County**.

Description of Proposed Activity: Amendment of an NPDES permit to discharge treated sewage from Westtown-Chester Creek STP. This amendment reflects revised limits for copper only.

The receiving stream, East Branch of Chester Creek, is in the State Water Plan Watershed 3G and is classified for: TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua-PA main system is located on Chester Creek and is 10.4 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.495 mgd.

Parameters	Average Monthly (mg/l)	Average Weekly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅				
(5-1 to 10-31)	15	23		30
(11-1 to 4-30)	25	40		50
TSS	30	45		60
NH ₃ -N				
(5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	7.5			15.0
Fecal Coliform	200 lbs/100 ml			1,000 lbs/100 ml
Dissolved Oxygen				3.0 (Instantaneous Minimum)
Copper	0.028		0.056	0.070
Phosphorus, Total	Monitor and Report			Monitor and Report
pH			6.0 to 9.0 Standard Units at all times	

In addition to the effluent limits, the amendment contains the following major special conditions:

1. Operator Notification.
2. Average Weekly Definition.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change in Ownership.
7. Proper Sludge Disposal.
8. TMDL/WLA Analysis.
9. I-max Limits.
10. Laboratory Certification.

NPDES Permit No. PA0050466, Sewage, SIC 4952, **East Vincent Municipal Authority—Veterans Center Sewage Treatment Plant**, 262 Ridge Road, Spring City, PA 19475. This proposed facility is located in East Vincent Township, **Chester County**.

Description of Activity: Renewal of Sewage Treatment Plant's NPDES permit to discharge effluent to a UNT of the Schuylkill River.

The receiving water, a UNT of the Schuylkill River, is in the State Water Plan Watershed 3E-Perkiomen and is classified for: WWF. The nearest downstream public water supply intake for Aqua-PA (Phoenixville) is located on the Schuylkill River and is approximately 3.5 miles below the point of discharge.

The existing effluent limits for Outfall 001 are based on an annual average flow of 0.5 mgd and are in effect from permit issuance to end of year two of permit term:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
Total Suspended Solids	30	45		60
Ammonia as N	20			40
Total Residual Chlorine	0.5			1.2
Fecal Coliform	200 lbs/100 ml (as Geometric Mean)			1,000 lbs/100 ml
Dissolved Oxygen	2.0 (Minimum)			
pH (Standard Units)	6.0 (Minimum)			9.0 (Maximum)

The proposed effluent limits for Outfall 001 are based on an annual average flow of 0.5 mgd and are in effect from beginning of permit term year 3 to expiration:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
Total Suspended Solids	10	15		20
Ammonia as N	4.0			8.0
Total Residual Chlorine	0.2			0.4
Fecal Coliform	200 lbs/100 ml (as Geometric Mean)			1,000 lbs/100 ml
Dissolved Oxygen	5.0 (Minimum)			
pH (Standard Units)	6.0 (Minimum)			9.0 (Maximum)

In addition to the effluent limits, the permit contains the following major special conditions:

1. Dry stream discharge.
2. Proper sludge disposal.

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

Application No. PA 0081060, Sewage, **Ernest E. Kerstetter**, 314 Erford Road, Camp Hill, PA 17011. This facility is located in Fairview Township, **York County**.

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

The receiving stream, UNT to Yellow Breeches Creek, is in Watershed 7-E, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Yellow Breeches Creek, approximately 7.3 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.025 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Interim NH ₃ -N	Monitor and Report	Monitor and Report
Final NH ₃ -N		
(5-1 to 10-31)	4.0	8.0
(11-1 to 4-30)	12.0	24.0
Total Phosphorus	2.0	4.0
Interim Total		
Residual Chlorine	1.0	2.0
Final Total		
Residual Chlorine	0.47	1.55
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	

In addition to the effluent limits, the permit contains the following major special conditions:

Schedule for compliance with final limits within 3 years.

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 0260843, CAFO, **Ken Haller**, 225 SR 501 South, Newmanstown, PA 17073.

Ken Haller has submitted an NPDES permit application for the Ken Haller Farm, an existing broiler, horse and heifer operation located in Heidelberg Township, **Lebanon County**. The existing operation includes five broiler barns. The CAFO is situated in Hammer Creek (Watershed 7-J), which is classified as a HQ-CWF. The CAFO has a target animal population of approximately 278 animal equivalent units consisting of 125,000 broilers, ten heifers and three horses. There are no liquid or semisolid manure storage facilities on the farm and all layer manure is stored as solid litter within the barns. Horse and heifer manure is applied directly to pasture. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Watershed Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

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

PA0027219, Sewage, **Greater Uniontown Joint Sewage Plant Authority**, 90 Romeo Lane, Uniontown, PA 15401. This application is for renewal of an NPDES permit to discharge treated sewage from the Uniontown STP in North Union Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Redstone Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Washington Township Municipal Authority.

Outfall 001: existing discharge, design flow of 8 mgd.

Parameter	Concentration (mg/l)		
	Average Monthly	Average Weekly	Maximum Daily
CBOD ₅			Instantaneous Maximum
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Suspended Solids	30	45	60
Ammonia Nitrogen			
(5-1 to 10-31)	2.3	3.5	4.6
(11-1 to 4-30)	5.2	7.8	10.4
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
Total Residual Chlorine			
1st month—36th month	1.0		3.3
37th month—expiration	0.16		0.38
Dissolved Oxygen	not less than 5 mg/l		
pH	not less than 6.0 nor greater than 9.0		

Other Conditions:

The EPA waiver is not in effect.

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

PA0006343, Industrial Waste, **AK Steel Corporation—Butler Works**, 210 Pittsburgh Road, Butler, PA 16003. This proposed facility is located in Butler Township and City of Butler, **Butler County**.

Description of Proposed Activity: Renewal of an existing discharge of treated industrial waste, noncontact cooling water and stormwater.

The receiving waters are Connoquenessing Creek (Outfalls 001—005, 007—016, 027—030, 033—037 and 040—045), Sawmill Run (Outfalls 006, 026, 031 and 032), Rocklick Run (Outfalls 017—024, 038 and 039) and Sullivan Run (Outfall 025). The receiving streams are in State Water Plan 20-C and are classified for the following uses: WWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, sulfate and chloride the existing/proposed downstream potable water supply considered during the evaluation is the Beaver Falls Municipal Authority intake on the Beaver River, located at Eastvale, approximately 34 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.341 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)					
Total Suspended Solids	179	417			157
Chromium, Total	2.4	6.0			2.1
Nickel, Total	1.8	5.4			1.6
Chromium Hexavalent	0.26	0.51	0.093	0.19	0.23
Iron, Total			4.3	8.7	10.9
pH	Within limits of 6.0 to 9.0 at all times				

The proposed effluent limits for Outfalls 002 and 003 are based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)					
Total Suspended Solids					150
Oil and Grease					30
pH	Within limits of 6.0 to 9.0 at all times				

The proposed effluent limits for Outfall 004 are based on a design flow of 0.286 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)					
pH	Within limits of 6.0 to 9.0 at all times				

The proposed effluent limits for Outfall 005 are based on a design flow of 2.51 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)					
Total Suspended Solids	1,568	3,773			187
Oil and Grease	508	1,522	15		61
Chromium, Total	18.4	46			2.2
Nickel, Total	14	41.4			1.7
Iron, Total	55.7	111	2.54	5.08	6.35
pH	Within limits of 6.0 to 9.0 at all times				

The proposed effluent limits for Outfall 006 are based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)					
Total Suspended Solids					257

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Oil and Grease			15		30
pH	Within limits of 6.0 to 9.0 at all times				

The proposed effluent limits for Outfall 007 are based on a design flow of 1.35 mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)					
Total Suspended Solids	1,157	3,087			259
Oil and Grease		774	15		30
pH	Within limits of 6.0 to 9.0 at all times				

The proposed effluent limits for Outfalls 008, 017—022, 026 and 027 are based on a design flow of n/a mgd.

Stormwater runoff and low volume discharges of treated recycle water from the main plant recycle system.

The proposed effluent limits for Outfalls 009—016, 023—025, 028—045 are based on a design flow of n/a mgd.

Stormwater runoff.

Special Conditions:

1. Temperature.
2. Chemical Additives.
3. Stormwater Best Management Practices.
4. Outfall Labeling—(Heated Waste Discharge)—Outfall 001 and 004.
5. Monitoring Waiver—Outfall 005 and 007.

The EPA waiver is not in effect.

PA0238490, Sewage, **Kennedy MHP**, P. O. Box 226, Slippery Rock, PA 16057. This proposed facility is located in Marion Township, **Butler County**.

Description of Proposed Activity: New NPDES permit for a treated minor discharge from an existing sewage treatment works.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Camp Allegheny intake located on the Slippery Rock Creek and is approximately 36 miles below point of discharge.

The receiving stream, the UNT to McMurray Run, is in Watershed 20-C and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.005 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD ₅	10		20
Total Suspended Solids	10		20
NH ₃ -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
Total Residual Chlorine	1.4		3.3
pH	6.0 to 9.0 Standard Units at all times		

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

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

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

WQM Permit No. 3507401, **Jefferson Township Sewer Authority**, 487 Cortez Road, Lake Ariel, PA 18436. This proposed facility is located in Jefferson Township, **Lackawanna County**.

Description of Proposed Action/Activity: This project consists of construction of sanitary sewers to include gravity sewer, low-pressure sewer, force main and one pump station to service the Evergreen Mobile Home Park in Jefferson Township. Also to be constructed a sanitary sewer extension with low-pressure sewer only along Hitchcock Road to existing pump station in Jefferson Township.

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

WQM Permit No. 6707408, Sewerage, **Bethanne V. Schott**, 9499 Brogueville Road, Felton, PA 17322. This proposed facility is located in Chanceford Township, **York County**.

Description of Proposed Action/Activity: Construction/operation of a small flow treatment facility to serve a single-family residence.

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

WQM Permit No. 1407201, Sewerage 4952, **Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823. This proposed facility is located in Benner Township, **Centre County**.

Description of Proposed Action/Activity: The applicant is proposing to upgrade flow and process metering systems, concrete repair, repair of groundwater pumping systems, improvements to the collection of spring water, the addition of partial recirculation of process water, installation of ultraviolet disinfection. The applicant is also proposing the construction and operation of a new settling tank and effluent disc filters.

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

WQM Permit No. 4307401, Sewerage, **Jefferson Township**, 7407 Lamor Road, Mercer, PA 16137. This proposed facility is located in Jefferson Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for the installation of 24,325 LF pressure main, pressure service sewers, 4,825 LF gravity sewers, manholes, 132 grinder pumps and incidental work to serve the establishments in a portion of Jefferson Township and to be conveyed to the Hermitage Municipal Authority sewage treatment facility.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011507022	Summit Realty Advisors, LLC 8 Devonshires Court Blue Bell, PA 19422	Chester	East Whiteland Township	Valley Creek EV
PAI011507023	The Kilgore Company 489 Devon Park Drive Suite 300A Wayne, PA 19087	Chester	Willistown and Tredyffrin Townships	Valley Creek EV
PAI011507024	Ground Hog Land Conservation, LP 438 Ground Hog College Road West Chester, PA 19382	Chester	West Bradford Township	Broad Run EV

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

Luzerne County Conservation District: 485 Smith Pond Road, Lehman, PA 18627-0250, (570) 674-7991.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024007002	Crystal Penn Ridge, LLC Attn: Phil G. Rizzo 1247 Sussex Turnpike Randolph, NJ 07869	Luzerne	Butler, Dennison and Foster Townships	Nescopeck Creek HQ-CWF CWF Oley Creek HQ-CWF 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041407007	Robert Poole—Toftrees PRD Patton Development Corp I and II Charlestown Partners 2121 Old Gatesburg Road State College, PA 16803	Centre	Patton Township	UNT Buffalo Run HQ-CWF UNT Spring Creek CWF

Sullivan County Conservation District: R. R. 2, Box 2022B, Dushore, PA 18614, (570) 928-7057.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045707001	Max Norton R. R. 3 Box 8086 Canton, PA 17724	Sullivan	Fox Township	Weed Creek Hoagland Branch HQ-CWF

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 3907505 , Public Water Supply.	
Applicant	Lehigh County Authority Lower Macungie Township Lehigh County
Responsible Official	Aurel M. Arndt General Manager Lehigh County Authority 1053 Spruce Street Allentown, PA 18106-0348 (610) 398-2503
Type of Facility	Community Water System
Consulting Engineer	Darrell L. Becker, P. E. ARRO Consulting, Inc. 270 Granite Run Drive Lancaster, PA 17601 (717) 569-7021
Application Received Date	May 22, 2007
Description of Action	Application for construction of a 2 MG finished water storage tank.

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

Permit No. 0107504 , Public Water Supply.	
Applicant	Bermudian Springs School District
Municipality	Huntingdon Township
County	Adams
Responsible Official	Bermudian Springs School District Superintendent 7335 Carlisle Pike York Springs, PA 17372-8807

Type of Facility Public Water Supply
 Consulting Engineer Janet R. McNally, P. E.
 William F. Hill & Assoc., Inc.
 207 Baltimore Street
 Gettysburg, PA 17325
 Application Received: April 2, 2007
 Description of Action Installation of arsenic removal
 treatment.

Permit No. 6707505, Public Water Supply.
 Applicant **Delta Borough**
 Municipality Peach Bottom Township
 County **York**
 Responsible Official Delta Borough
 Borough Council President
 101 College Avenue
 P. O. Box 278
 Delta, PA 17314

Type of Facility Public Water Supply
 Consulting Engineer Charles A. Kehew II, P. E.
 James R. Holley & Assoc., Inc.
 18 South George Street
 York, PA 17401

Application Received: May 3, 2007
 Description of Action Booster Pump Station and
 Storage Tank for Delta Ridge
 Subdivision.

Permit No. 0107506, Public Water Supply.
 Applicant **Fairfield Municipal Authority**
 Municipality Hamiltonban Township
 County **Adams**
 Responsible Official Fairfield Municipal Authority
 Secretary
 P. O. Box 263
 Fairfield, PA 17320

Type of Facility Public Water Supply
 Consulting Engineer Christopher W. Toms, P. E.
 C. S. Davidson, Inc.
 50 West Middle Street
 Gettysburg, PA 17325

Application Received: May 11, 2007
 Description of Action Construction of the McGinley's
 Choice development including
 the addition of 481 customers,
 two wells, treatment and
 finished water storage.

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

Permit No. 1807502—Construction, Public Water Supply.

Applicant **Chapman Township Water Authority**
 Township or Borough Chapman Township
 County **Clinton**

Responsible Official Richard Eliason
 Authority Secretary
 Chapman Township Water Authority
 P. O. Box 433
 North Bend, PA 17760

Type of Facility Public Water Supply—Construction
 Consulting Engineer K. Alan Uhler, Jr., P. E., PLS
 Kerry A. Uhler & Associates
 140 West High Street
 Bellefonte, PA 16823
 Permit Application Date June 1, 2007
 Description of Action Construction of an
 AQUA-STORE water storage
 tank at the location of the
 existing Chapman Township
 water facility. (Western Clinton
 County Interconnect Project.)

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

Application No. 1007502, Public Water Supply.
 Applicant **Perry Lake Estates Mobile Home Park**

Township or Borough Lancaster Township
Butler County
 Responsible Official Saul Hicks, Owner
 Consulting Engineer Kurt H. Todd, P. E.
 The Gateway Engineers, Inc.
 201 South Main Street
 Suite 200
 Butler, PA 16001

Application Received Date May 25, 2007
 Description of Action Modification of public water
 supply for the installation of new
 well to supplement existing
 wells.

Application No. 3707501, Public Water Supply.

Applicant **Volant Borough**
 Township or Borough Volant Borough
Lawrence County
 Responsible Official Carmen Gates, Secretary
 Consulting Engineer Thomas L. Thompson, P. E.
 Gannett Fleming, Inc.
 554 South Erie Street
 Mercer, PA 16137

Application Received Date May 30, 2007
 Description of Action Construction of 100,000 gallon
 storage tank and waterline.

WATER ALLOCATIONS

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

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

WA 10-1009, Water Allocations, Mars Borough Water Department, Mars Borough Water Works, 598 Spring Avenue, P. O. Box 395, Mars, PA 16046 in Mars Borough, Butler County. The permittee has requested an allocation of 216,000 gpd from the Municipal Authority of Adams Township for use during unforeseen emergencies to their existing water supply.

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 alter-

native 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.

West Conshohocken MGP Gulph Creek Site, West Conshohocken Borough, Montgomery County. Bruce Middleman, P. G., Jacques Whitford Co., 450 South Gravers Road, Suite 105, Plymouth Meeting, PA 19462 on behalf of Michael Heffron, P. G., PECO Energy-An Exelon Co., 2301 Market Street, S9-1, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of in organics. The future use of the site will be for nonresidential purposes. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Inquirer* and *The Recorder* on May 14, 2007.

Boiler Erection & Repair Co. Inc., Ambler Borough, Montgomery County. Jeffrey Goudsward, Langan Engineering and Env. Svc., P. O. Box 1569, Doylestown, PA 18901 on behalf of John Carey, Sr., Industrial Management Assoc., Inc., 200 South Main Street, Ambler, PA 19002 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of PAHs. The future use of the site is for residential purpose.

Richland Meadows MHP, Richland Township, Bucks County. Clorece Kulp, DelVal Soil and Env. Consultants, Inc., Sky Run II, 4050 Skyron Drive, Suite A-1, Doylestown, PA 18902 on behalf of Eric Williams, Richland Meadows Mobile Home Park, 2332 Yankee Road, Lot 500, Quakertown, PA 18951 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of kerosene. The future use of the site will be as its current residential use.

Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

S & L Plastics, Inc., Upper Nazareth Township, Northampton County. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Norristown, PA 19401 has submitted a Notice of Intent to Remediate (on behalf of his client, Nazareth Realty, LLC, 2860 Bath Pike, Nazareth, PA 18064) concerning the remediation of site soils and groundwater impacted by historical releases of chlorinated solvents. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the site will be nonresidential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

Former Exxon Station No. 2-4627, Bedford Township, Bedford County. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of C. David Stahl, 5624 Business Route 220, Bedford, PA 15522 and Exxon Mobil Corporation, 7715 Crittenden Street, No. 309, Philadelphia, PA 19118-4421, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX. The property is a former Exxon service station and will be used for

commercial purposes in the future. The applicant seeks to remediate to both the Statewide Health and Site-Specific Standards.

Former BP—Amoco Service Station No. 84749, Carlisle Borough, **Cumberland County**. Sovereign Consulting, Inc., 111 A. North Gold Drive, Robbinsville, NJ 08691, on behalf of BP Products North America, Inc., 1 West Pennsylvania Avenue, Towson, MD 21204-5027, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with gasoline from unregulated storage tanks. The property is a former automobile service station and future use is commercial. The applicant seeks to remediate to the Site-Specific Standard.

Turbine Airfoil Design, City of Harrisburg, **Dauphin County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of NL Ventures V Cameron, LP, 8080 North Central Expressway, Suite 1220, Dallas, TX 75206 and Turbine Airfoil Designs, Inc., 1400 North Cameron Street, Harrisburg, PA 17102-1012, submitted a Notice of Intent to Remediate site soils and groundwater contaminated from historical industrial use of the property. The property is an airline parts manufacturing facility and will remain a manufacturing facility in the future. The applicant seeks to remediate to a special industrial area standard.

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

Former Rhoads Mills Property, Borough of Selinsgrove, **Snyder County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110 on behalf of Ed Rhoads, 10 Fairway Drive, Selinsgrove, PA 17870 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with organo-phosphorous based agricultural compounds (alachlor and metalochlor), fertilizer components (nitrate/nitrite) and chloride. The applicant proposes to remediate the site to meet the Site-Specific Standard. The property will continue as a commercial lodging establishment.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

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

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

Renewal Applications Received

Hamilton Pet Meadow, Inc., 1500 Klockner Road, Hamilton, NJ 08619. License No. PA-HC 0227. Received on May 2, 2007.

ASEPSIS, Inc., 424 W. Lincoln Highway, Suite 204, Pennel, PA 19047-5152. License No. PA-HC 0014. Received on May 23, 2007.

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 permit-

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

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

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

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

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

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

PLAN APPROVALS

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

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

05-05024A: JLG Industries, Inc. (1 JLG Drive, McConnellsburg, PA 17233) for construction of three paint spray booths and associated equipment at their Weber Lane Facility in Bedford Township, **Bedford County**.

07-05003C: Norfolk Southern Railway Co. (200 North Fourth Avenue, Altoona, PA 16601) for modification of an existing baghouse and installation of a wet scrubber at their Juniata Locomotive Shop in Logan Township, **Blair County**.

22-05053A: McDermitt Concrete, Inc. (P. O. Box 3219, Gettysburg, PA 17325) for construction of a hot mix

batch asphalt plant controlled by a fabric collector at their Fiddler's Elbow Plant in Lower Swatara Township, **Dauphin County**. The asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

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

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

06-05085B: New Morgan Landfill Co., Inc. (420 Quarry Road, P. O. Box 128, Morgantown, PA 19543-0128) for expansion of the existing municipal solid waste landfill controlled by a gas collection system and three ground flares in the New Morgan Borough, **Berks County**. The landfill will be expanded by 25.1 million cubic yards. The daily capacity will not change. The expansion will result in the increase in the allowable emissions as follows: 4.4 tpy of particulate, 22.9 tpy of NOx, 8.2 tpy of CO and 17.1 tpy of VOCs. The emission rates from the flares will be the same as found in the current permit. The source is subject to 40 CFR Part 60, Subpart WWW, Standards of Performance for New Stationary Sources and 40 CFR Part 63, Subpart AAAA, National Emission Standards for HAPs from Municipal Solid Waste Landfills. The approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is presently covered by the Title V operating permit No. 06-05085. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

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

PA14-00002I: Graymont—PA, Inc. (965 East College Avenue, Pleasant Gap, PA 16823) for construction and operation of a pneumatic truck transfer line system, as well as installation of two bin-vent fabric filters, at their Con-Lime plant in Benner Township, **Centre County**.

Under 25 Pa. Code § 127.44, the Department of Environmental Protection (Department) hereby provides notice that Graymont (PA), Inc. (965 East College Avenue, Pleasant Gap, PA 16823) has submitted to the Department a plan approval application to construct and operate a pneumatic truck transfer line system, as well as install two bin-vent fabric filters, at the Con-Lime plant located in Benner Township, Centre County. This site is associated with the Pleasant Gap and Bellefonte facility located in Spring Township, Centre County. The application is subject to the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12.

The Department's review of the information provided by Graymont (PA), Inc. indicates that the proposed installation and construction will comply with all air quality requirements, including the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12 pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to issue a plan approval for the proposed project. The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements.

1. All conditions contained in TVOP 14-00002 remain in effect unless superseded or amended by conditions contained in Plan Approval 14-00002I. If there is a conflict between a condition contained in Plan Approval 14-00002I and a condition contained in TVOP 14-00002, the permittee shall comply with the condition contained in Plan Approval 14-00002I.

2. The emission of PM from the IAC model 96TB-BHI-25 bin-vent fabric filters (IDs C523A and C523B) associated with the storage silos and pneumatic truck transfer line system (Source ID P523) shall not exceed 0.01 grain per dry standard cubic foot.

3. The total emissions of PM/PM10 from the pneumatic truck transfer line system shall not exceed 0.26 pound per hour and 0.63 ton in any 12-consecutive month period.

4. The total amount of material processes through Silos 3, 4, 7 and 8 shall not exceed 250,000 tons in any 12-consecutive month period. The total amount of material processes through Silos 1, 2, 5 and 6 shall not exceed 250,000 tons in any 12-consecutive month period.

5. The permittee may install and operate bin-vent fabric filters, other than the IAC model 96TB-BHI-25 bin-vent fabric filters, as long as the permittee requests, in writing, and the Department approves, in writing, the change prior to the installation. The bin-vent fabric filters shall each have a minimum fabric area of 13 square feet per filter and handle no more than 1,500 actual cubic feet of gas per minute. Any substitute bin-vent fabric filters must meet all design specifications and requirements contained in the plan approval application and supplemental materials submitted by Graymont (PA), Inc., dated September 1, 2006 and April 17, 2007, and all conditions of this plan approval.

6. The permittee shall only use 16 weight (ounces per square yard) polytetrafluoroethylene (PTFE) membrane filters, or another bag as approved by the Department that offers equivalent or better control of PM emissions, in the bin-vent fabric filters.

7. The permittee shall not operate the pneumatic truck transfer line system associated with Silos 3, 4, 7 and 8 (unloading station No. 1) without the simultaneous operation of the associated bin-vent fabric filter. The permittee shall not operate the pneumatic truck transfer line system associated with Silos 1, 2, 5 and 6 (unloading station No. 2) without the simultaneous operation of the associated bin-vent fabric filter. The PM emissions from the storage silos and the pneumatic truck transfer line system shall be controlled by the IAC model 96TB-BHI-25 bin-vent fabric filters (IDs C523A and C523B).

8. The permittee shall not simultaneously unload more than two tanker trucks with the pneumatic truck transfer line system. In addition, if two tanker trucks are simultaneously unloaded, one must be at unloading station No. 1 and the other must be at unloading station No. 2.

9. The bin-vent fabric filters shall be equipped with a device to continuously measure differential pressure across the respective fabric filter. In addition, the permittee shall record the differential pressure across each fabric filter at least once per week when each fabric filter is in operation.

10. The permittee shall keep records of the supporting calculations for PM and PM10 emissions on a monthly basis and shall verify compliance with the PM and PM10 emissions limitation for the pneumatic truck transfer line system in any 12-consecutive month period. These records

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

11. The permittee shall keep records of the amount of material process through Silos 3, 4, 7 and 8 on a monthly basis and shall verify compliance with the material throughput limitation for the silos in any 12-consecutive month period. The permittee shall keep records of the amount of material process through Silos 1, 2, 5 and 6 on a monthly basis and shall verify compliance with the material throughput limitation for the silos in any 12-consecutive month period. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

12. The permittee shall comply with the fugitive PM emission limitations specified in 25 Pa. Code § 123.1.

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

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

30-00099G: Allegheny Energy Supply Co., LLC (800 Cabin Hill Drive, Greensburg, PA 15601) for installation and operation of limestone and gypsum Materials Handling Systems at their Hatfield's Ferry Power Station in Monongahela Township, **Greene County**.

Under 25 Pa. Code § 127.44(a), the Department of Environmental Protection (Department) intends to issue a Plan Approval to Allegheny Energy Supply Company, LLC to allow the installation and operation of limestone and gypsum Materials Handling Systems at their Hatfield's Ferry Power Station in Monongahela Township, Greene County. The Materials Handling Systems will support the operation of the previously approved (PA-30-00099F) Flue Gas Desulfurization (FGD) scrubbers which are being installed to control SO₂ emissions from three existing pulverized coal-fired boilers.

This project has been evaluated in two phases; Phase I Flue Gas Desulfurization Project was issued on September 14, 2006 under PA-30-00099F and Phase II FGD Project—Materials Handling System, PA-30-00099G, which is the subject of this Notice. Emission rates from the facility of all PSD pollutants are expected to either decrease, remain unaffected, or be defined as an insignificant increase per 40 CFR Part 52 as a result of this Project. This Project does not meet the 40 CFR Part 52 definition of a major modification (such as, no significant increase of any pollutant listed under 40 CFR 52.21(b)(23)(i)) and as such this Project is not subject to 40 CFR Part 52 requirements.

Copies of the application, Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the address that follows:

Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222

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

1. This Plan Approval authorizes the installation and operation of Materials Handling Equipment which will support the operation of FGD on each of the three existing 5,766 mmBtu/hr Babcock & Wilcox boilers at the Allegheny Energy Supply Company, LLC, Hatfield's Ferry Power Station located in Monongahela Township, Greene County (25 Pa. Code § 127.12b).

2. The Owner/Operator shall comply with the requirements of 25 Pa. Code §§ 123.1 and 123.2 regarding fugitive emissions.

3. The Owner/Operator shall comply with the requirements of 25 Pa. Code § 123.31 regarding the malodorous emissions.

4. Emissions from all limestone silo dust collectors shall not exceed 0.01 gr/dscf and 7% opacity. Compliance with this condition shall be satisfied by performance of the daily inspection and lack of evidence to the contrary (25 Pa. Code § 127.12b).

5. Throughputs at the Facility in any consecutive 12-month period shall be limited as follows (25 Pa. Code § 127.12b):

a. Limestone delivered to the Facility shall not exceed 919,800 tons.

b. Gypsum production shall not exceed 1,610,964 tons.

c. Wastewater treatment plant sludge production shall not exceed 14,600 tons.

1. The Owner/Operator shall utilize underground reclaim on all limestone stockpiles (25 Pa. Code § 127.12b).

2. All stockpiled material shall be adequately wetted prior to, during and after handling, as necessary to control fugitive emissions (25 Pa. Code § 127.12b).

3. The Owner/Operator shall install water sprays on all limestone transfer points which shall be operated at all times when limestone Materials Handling Equipment is in operation. A winterized surfactant shall be utilized at all times when weather conditions make the use of water impractical (25 Pa. Code § 127.12b).

4. All Materials Handling Equipment transfer points shall be fully enclosed in a building (25 Pa. Code § 127.12b).

5. All Materials Handling Equipment conveyors shall fully enclose the material being conveyed or shall be fully enclosed (25 Pa. Code § 127.12b).

6. All in-plant haul roads, utilized to transport limestone, gypsum and/or wastewater treatment plant sludge, shall be paved and maintained as such (25 Pa. Code § 127.12b).

7. Road watering and/or wet sweeping shall be performed, as needed on a preventative basis, on all in-plant roadways and areas of vehicle traffic such that visible fugitive emissions do not cross the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2. Other methods of dust control shall be used when weather conditions make in-plant road watering hazardous, as necessary, to prevent visible fugitive emissions from crossing the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2.

8. All loaded trucks transporting limestone, gypsum, and/or wastewater treatment plant sludge entering or exiting the facility shall be properly tarpaulin covered (25 Pa. Code §§ 127.12b).

9. Road watering and/or wet sweeping shall be performed, as needed, and earth or other material transported from the site shall be removed promptly, as needed, on the paved public road (SR 21) to prevent visible fugitive emissions in accordance with 25 Pa. Code § 123.1(c).

10. The Owner/Operator shall maintain records of the following 12-month rolling totals (25 Pa. Code § 127.12b):

- a. Tons of Limestone delivered to the Facility.
- b. Gypsum produced at the Facility.
- c. Wastewater treatment plant sludge produced at the Facility.

1. The Owner/Operator shall perform a daily inspection of the air contamination sources covered by this plan approval for the presence of fugitive and visible stack emissions. Records of the inspections shall be maintained in a log and include any corrective actions taken (25 Pa. Code § 127.12b).

2. The Owner/Operator shall submit an annual report by March 1 for the previous calendar year for a period of 5 years after the installation of the FGD and support process that compares the actual annual emissions of PM and PM10 to the baseline emissions plus the increase in emissions attributed to demand growth to verify that the threshold for applicability of the Prevention of Significant Deterioration Regulations (40 CFR 52.21) are not exceeded.

3. All logs and required records shall be maintained on site for a minimum of 5 years and shall be made available to the Department upon request (25 Pa. Code § 127.12b).

4. If construction, modification or installation is not commenced with 18 months of the issuance of the plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of this subchapter and Subchapters D and E shall be submitted (25 Pa. Code § 127.13).

5. The Department reserves the right to establish more stringent SO₂ emission limitations than provided for in 25 Pa. Code § 123.22 and the current Title V Operating Permit (TV-30-00099), based upon the findings of the pending Multi-Source Modeling Study, but no more stringent than the requirements of PA-30-00099F (0.325 lb/mmBtu of heat input on an annual average basis and 0.45 lb/mmBtu of heat input on a 3-hour average) (25 Pa. Code § 127.12b).

6. The facility is subject to New Source Performance Standards for Nonmetallic Processing Plants (40 CFR Part 60, Subpart OOO). In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both EPA and the Department at the addresses listed unless otherwise noted.

Director	PADEP
Air Toxics and Radiation	Air Quality Program
US EPA, Region III	400 Waterfront Drive
1650 Arch Street	Pittsburgh, PA 15222-4745
Philadelphia, PA	
19103-2029	

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

(a) The Owner/Operator shall submit written Notice of the Completion of Construction and the Operator's intent

to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

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

(c) Upon receipt of the Notice of the Completion of Construction from the Owner/Operator the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of operation. The Notice submitted by the Owner/Operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

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

(e) Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit an administrative amendment to the Title V Operating Permit to the Department at least 60 days prior to the expiration date of the Plan Approval.

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

(g) If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. Such testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required.

1. The Special Conditions in this Plan Approval are not established under either the Prevention of Significant Deterioration (PSD) requirements promulgated in 40 CFR 52.21, (incorporated by reference in 25 Pa. Code Chapter 127, Subchapter D), or the Pennsylvania New Source Review regulations in 25 Pa. Code Chapter 127, Subchapter E. This Plan Approval is based upon the Plan Approval Application for Materials Handling Systems which will support the previously approved installation of FGD air cleaning devices and PA-30-00099F at the

Hatfield's Ferry Power Station filed by Allegheny Energy Supply Company, LLC. This Plan Approval shall not be construed as barring, diminishing, adjudicating or in any way affecting any pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands that the Department may have against Allegheny Energy Supply Company, LLC or other Allegheny Energy, Inc. entities, including, but not limited to, any enforcement action authorized by applicable State or Federal law.

The Department and other states are currently engaged in litigation in Federal court against Allegheny Energy Supply Company, LLC and other Allegheny Energy, Inc. entities in this *Commonwealth, Department of Environmental Protection, et al., v. Allegheny Energy, Inc., et al.*, Civil Action No. 2:05cv0885 (W. D. Pa.) ("Litigation") concerning, among other topics, the applicability of PSD and New Source Review requirements to the Hatfield's Ferry Power Station based on changes that were made on the units at that station. In light of this pending litigation, the Department reserves its right to establish additional requirements for the Hatfield Ferry's Power Station based on the application of PSD and/or New Source Review requirements as necessary to reflect the outcome of the Litigation. The approval and provisions of this Plan Approval shall not be construed to resolve, adjudicate or affect in any way the Litigation, or to limit, waive or affect in any way any plaintiff's position in the Litigation. The approval and provisions of this Plan Approval shall not be construed to resolve, adjudicate, limit, waive or affect in any way any other litigation involving the applicability of BAT, PSD, New Source Review or New Source Performance Standards to the Hatfield's Ferry Power Station (25 Pa. Code § 127.12b).

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

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

Mark A. Wayner, P. E.
Regional Air Quality Program Manager
Commonwealth of Pennsylvania
Department of Environmental Protection
Southwest Region—Field Operation
400 Waterfront Drive
Pittsburgh, PA 15222-4745

For additional information you may contact the following at the same address:

Mark R. Gorog, P. E.
Air Quality Program
(412) 442-4333

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

10-309D: Multiserv AK Steel Site (Route 8 South, Butler, PA 16001) for installation of a new torch cutting

operation using pipeline quality natural gas as the combustion fuel in South Butler Township, **Butler County**.

Under 25 Pa. Code § 127.44(a) that the Department of Environmental Protection (Department) intends to issue a Plan Approval, No. 10-309D, for their plant in South Butler Township, Butler County. This plan approval will authorize the applicant to install a new torch cutting operation using pipeline quality natural gas as the combustion fuel. The cutting will be performed under a movable 50,000 acfm fabric filter enclosure, as described in the applicant's application of February 14, 2007, with addendum dated April 3, 2007. The Plan Approval will subsequently be incorporated into the company's State-only Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and Department's own analysis, natural gas usage will be limited to 17.64 million cubic feet per year, and PM will be controlled and limited to 12.14 tpy. Sulfur dioxides are being controlled through the usage of pipeline quality natural gas.

Copies of the application, Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at (814) 332-6340, for an appointment.

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 10-309D.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

OPERATING PERMITS

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

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

15-00027: Johnson Matthey, Inc. (456 Devon Park Drive, Tredyffrin, PA 19087) for renewal of their Title V Operating Permit to manufacture inserts for automotive and industrial catalytic converters in Tredyffrin Town-

ship, **Chester County**. The initial permit was issued on 10-24-2001. As a result of potential emissions of NO_x and VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not reflect any change in air emissions from the facility. The facility is subject to the Compliance Assurance Monitoring regulation under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

23-00038: Delaware County Regional Water Authority (100 East 5th Street, Chester, PA 19016) for an administrative amendment to revise their Title V Renewal Permit in response to objections raised in an appeal in **Delaware County**. Changes included additional language to clarify the intent of permit conditions in Section C, corrections of typos and clarifications of language in the permit in Source ID Nos. 001 and 002, removal of duplicate equipment included under Source ID No. 500, the removal of language concerning bypassing Source ID Nos. C01 and C02, clarification of language for Department of Environmental Protection approved standard operating procedures and preventive maintenance schedules associated with Source ID Nos. C03 and C04, and corrections from PM10 to TSP in Section F of the Title V Permit. Any comments taken shall be limited to the changes identified in this notice. The changes listed previously do not result in an increase of emissions from this facility.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.

59-00008: Tennessee Gas Pipeline Co. (1001 Louisiana Street, Houston, TX 77002) for renewal of the Title V operating permit for their Wellsboro facility in Charleston Township, **Tioga County**. The facility's sources include one natural gas-fired compressor turbine, four storage tanks, two space heaters, one boiler, one emergency generator and associated pipeline flanges and valves, which have the potential to emit major quantities of NO_x and CO. The facility has the potential to emit, VOCs, PM/PM10, SO_x and HAPs below the major emission thresholds. The proposed renewal Title V operating permit contains Federal and State regulations and appropriate monitoring, recordkeeping and reporting requirements regarding compliance with the operating permit conditions are included in the renewal Title V operating permit.

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

16-00127: Piney Creek Limited Partnership—Piney Creek Power Plant (428 Power Lane, Clarion, PA 16214) for a Title V Operating Permit Reissuance to operate an Electric Energy Generating Facility, located in Piney Township, **Clarion County**.

10-00311: FB Leopold Co. (227 South Division Street, Zelienople, PA 16063) for a Title V Operating Permit for operation of the facility's air contamination sources consisting of a fiberglass spray up area and a natural gas boiler. The facility manufactures municipal water filtering equipment using a styrene based polyester resin and creates fugitive emissions in the Borough of Zelienople, **Butler County**.

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

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

48-00089: Spray-Tek, LLC (3010 Avenue B, Bethlehem, PA 18017-2114) for a spray drying facility in the City of Bethlehem, **Northampton County**. The facility's main sources include two natural gas fired spray dryers. The facility has potential to emit PM, VOCs, HAPs, NO_x, SO_x and CO below the major emission thresholds. The proposed State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State Air Pollution Regulations.

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

06-03043: Wolf Technologies, LLC (551 Old Swede Road, Douglassville, PA 19518) for operation of an investment castings facility in Amity Township, **Berks County**. This action is a renewal of the State-only operating permit issued in 2002.

06-05023: Stroehmann Bakeries, LC (640 Park Avenue, Reading, PA 19611-1926) for operation of a bread bakery (Reading Plant) in the City of Reading, **Berks County**. This action is a renewal of the State-only operating permit issued in 2002.

21-05033: Wilson Paving, Inc. (480 West Old York Road, Carlisle, PA 17015) for operation of their batch asphalt plant in South Middleton Township, **Cumberland County**. The asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. The State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

36-05086: DONSCO, Inc. (P. O. Box 2001, Wrightsville, PA 17368) for operation of their grey and ductile iron foundry in Mount Joy Borough, **Lancaster County**. This is a renewal of the State-only operating permit issued in 2002.

67-03136: Service Tire Truck Center, Inc. (3403 Concord Road, York, PA 17402) for the operation of a truck retreading process in Springettsbury Township, **York County**. The State-only operating permit will include emission restrictions, monitoring and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

67-05062: Gerard Daniel Worldwide—Keystone Facility (34 Barnhart Drive, Hanover, PA 17331) for operation of their industrial steel wire cloth manufacturing facility in Hanover Borough, **York County**. This is a renewal of the State-only operating permit issued in 2002.

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

59-00023: Buckheit Funeral Chapel, Crematory, and Monuments P. C. (637 South Main Street,

Mansfield, PA 16933) for operation of their facility in Richmond Township, **Tioga County**. The Department of Environmental Protection intends to issue the State-only Operating Permit for this facility. The facility's main source is one natural gas fired human 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.

17-00046: HPM Industries, Inc. (P. O. Box P, DuBois, PA 15801-0319) for manufacture of sintered metal parts for their facility in DuBois, **Clearfield County**. The facility's main sources include five sintering furnaces, 14 space heaters, one oil impregnator, one electric drying oven, one metal powdered parts dip sizing operation and one parts washer. These sources have the potential to emit NOx, SOx, CO, PM/PM10, VOC and HAPs below the major emission thresholds. The proposed renewal-operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

26-00177: Golden Eagle Construction (P. O. Box 945, Uniontown, PA 15401) on May 24, 2007, for operation of Hot Mix Asphalt Plant and RAP Crushing System at Coolspring Asphalt Plant in North Union Township, **Fayette County**. This is a renewal application.

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

42-00178: Glenn O. Hawbaker, Inc.—Turtle Point—Plant No. 7 (1724 Champlain Hill Road, Turtlepoint, PA 16750) for operation of the facility's air contamination sources consisting of a batch mix asphalt operation with the use of a natural gas drier and a rail unloading system in the Borough of Annin, **McKean County**.

10-00298: ESM Group Inc. (955 Saxonburg Boulevard, Saxonburg, PA 16056-2317) for operation of a magnesium-lime powders facility, in Saxonburg Borough, **Butler County**. The facility's primary emission sources include four magnesium grinding buildings, three powdered magnesium transfer and storage silos, powdered lime handling and storage, a mixing operation, a paint booth, truck loading, vessel cleaning and miscellaneous natural gas use.

42-00193: Allegheny Bradford Corp. Mfg. (1522 South Avenue, Route 219 South, Bradford, PA 16701) for operation of the facility's air contamination sources consisting of the stainless steel polishing operation in the Borough of Lewis Run, **McKean County**.

25-00279: Associated Spring Barnes Group (226 South Center Street, Corry, PA 16407) for operation of the facility's air contamination sources consisting of four boilers, Thermadep (dip coating) operation, ten grinders and 20 natural gas fired ovens each rated less than 2 mmBtu/hr in the City of Corry, **Erie County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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 ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The 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.

Permit Number: 32841601 and NPDES Permit No. PA0214159, Robindale Energy Services, (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), to revise the permit for the Dilltown Facility in Brush Valley Township, **Indiana County** to use beneficial coal ash as coal ash placement for reclamation. No additional discharges. Application received February 16, 2007.

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

32860115 and NPDES No. PA0597864. Paul F. Becker Coal Company, (1593 Old Route 22, Duncansville, PA 16635), permit renewal for reclamation only of a bituminous surface mine in Banks Township, **Indiana County**, affecting 78.1 acres. Receiving streams: two UNTs to South Branch of Bear Run and one UNT to Straight Run classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 22, 2007.

56050104 and NPDES No. PA0249777. Hoffman Mining, Inc., (P. O. Box 130, 118 Runway Road, Friedens, PA 15541), revision of an existing bituminous surface mine to add 23.5 acres to the existing permit boundary and includes a request for a road variance for mining within 100 feet of SR 1031 in Paint Township, **Somerset County**, affecting revised area of 164.5 acres. Receiving streams: Shade Creek and UNTs to Shade Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 25, 2007.

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

24030101 and NPDES Permit No. PA0242306. Tamburlin Bros. Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830). Revision to an existing bituminous surface strip operation in Horton Township, **Elk County** affecting 53.2 acres. Receiving stream: Little Toby Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to add blasting. Application received May 25, 2007.

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

14960101 and NPDES No. PA0220388. River Hill Coal Company, Inc. (P. O. Box 141, Kylertown, PA 16847), permit renewal for the continued operation and restoration of a bituminous surface mine in Snow Shoe Township, **Centre County**, affecting 48.5 acres. Receiving streams: UNTs to Black Moshannon Creek and UNTs to North Fork of Beech Creek, classified for the following uses: HQ-CWF, CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 21, 2007.

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

54841303T2. Kimmel's Mining, Inc. (P. O. Box 1, Wiconisco, PA 17097), transfer of an existing anthracite underground mine operation from Tito Coal in Porter Township, **Schuylkill County** affecting 5.7 acres, receiving stream: none. Application received May 22, 2007.

54071301. Kimmel's Mining, Inc. (P. O. Box 1, Wiconisco, PA 17097), commencement, operation and restoration of an anthracite underground mine operation in Porter, Williams and Wiconisco Townships, **Schuylkill and Dauphin Counties** affecting 18.1 acres, receiving streams: Wiconisco and Rausch Creeks, classified for the following uses: CWF and WWF. Application received May 22, 2007.

54970204R2. Jeddo-Highland Coal Company (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite coal refuse reprocessing operation in Frailey and Reilly Townships, **Schuylkill County** affecting 265.0 acres, receiving stream: none. Application received May 30, 2007.

Coal Mining Applications Withdrawn

California District Office: 25 Technology Drive, Coal Center, PA 15423.

Permit Number: 30841317. Consol Pennsylvania Coal Company, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in Morris and Washington Townships, **Greene County** and Morris Township, Washington to add 6,697 acres for development mining. No additional discharges. Application received June 2, 2005. Application withdrawn May 31, 2007.

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*			
pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

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

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

21070801. John W. Gleim, Jr., Inc., (625 Hamilton Street, Carlisle, PA 17013) commencement, operation and restoration of a small noncoal (industrial minerals) operation in Middlesex Township, **Cumberland County**, affecting 7.0 acres, receiving streams: UNT to Conodoguinet Creek. Application received May 23, 2007.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

63920301 and NPDES Permit No. PA0203424. Langeloth Metallurgical Co., LLC (10 Langeloth Plant Drive, P. O. Box 608, Langeloth, PA 15054). NPDES renewal for an existing noncoal surface mine, located in Smith Township, **Washington County**, affecting 13 acres. Receiving streams: UNT to Burgetts Fork, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received May 29, 2007.

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

59060801. John DiMichele (R. R. 1, Box 1364, Rushville, PA 18828), commencement, operation and restoration of a quarry operation (bluestone) in Delmar Township, **Tioga County**, affecting 5.0 acres. Receiving streams: Johnson Run, tributary to East Branch, Stony Fork. Application received March 6, 2006. Permit issued May 21, 2007.

41070801. Gay English (1205 Mosquito Valley Road, Williamsport, PA 17702), commencement, operation and restoration of a quarry operation (Rock for landscape and Veneer) in Armstrong Township, **Lycoming County**, affecting 5.0 acres. Receiving streams: UNTs, tributary to West Branch Susquehanna River. Application received January 12, 2007. Permit issued May 21, 2007.

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

36820301C6 and NPDES Permit No. PA0612171. Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Brecknock Township, **Lancaster County**, receiving streams: UNT to Black Creek, classified for the following use: HQ-WWF. Application received May 21, 2007.

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.

E46-1008. Montgomery Office Park, LLC, 301 Oxford Valley Road, Suite 201A, Yardley, PA 19067, Montgomery Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with associated with the Montgomery Office Park Pond Project, consisting of four two-story buildings with associated parking facilities:

1. To excavate a stormwater basin and impact 0.09 acre of wetland (PEM) which will serve as a stormwater management facility.

2. To modify an existing 36-inch RCP stream enclosure that conveys flow under Horsham Road (SR 0463) by removing and replacing a segment, and extending the pipe in the upstream direction to tie into Junction Box A1 of the basin noted previously near the Horsham Road/Stump Road intersection. The work will impact 185 linear feet of watercourse of which 145 feet is currently in a pipe.

3. To place fill within 62 linear feet of stream channel to facilitate the construction of associated parking area.

The applicant also requests an Environmental Assessment Approval for impacts associated with the construction an on-stream Nonjurisdictional Dam and its appurtenant works that will impact 150 linear feet of watercourse, which will serve as a stormwater management facility.

The site is located at the intersection of Stump Road and Horsham Roads in Montgomeryville Township, Montgomery County (Ambler, PA Quadrangle N: 19.82 inches; W: 13.77 inches).

E23-469. Delaware County Regional Water Quality Control Authority, 100 E. 5th Street, P. O. Box 999, Chester, PA 19016, City of Chester, **Delaware County**, ACOE Philadelphia District.

To modify, replace and maintain approximately 2,000 linear feet of an existing 48-inch diameter combined sewer outfall associated with DELCORA's CSO No: 8, and a portion of bulkhead situated in and along the 100-year floodway of the Delaware River.

The work will begin near the intersection of Tilghman and West Front Streets and terminate where Norris Street meets the Delaware River (Bridgeport, PA USGS Quadrangle; N: 15.6 inches; W: 17.2 inches).

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

E13-158. Delaware and Lehigh National Heritage Corridor, 275 Hugh More Park Road, Easton, PA 18042, in Weissport Borough, **Carbon County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 5-foot high stone retaining wall along 400 feet of the right bank of the Lehigh Canal. The project is located northwest of the intersection of Canal and Bridge Streets (Lehighon, PA Quadrangle N: 14.7 inches; W: 10.5 inches).

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

E36-829. Darrell Eberly/Eberly Residential Lot, 1238 Lampeter Road, Lancaster, PA 17602, West Lampeter Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a 12.0-foot wide single-span bridge having a normal span of 24.0-feet, and an underclearance of 5.0-feet, and to install and maintain a 1.5-inch sewer lateral, a 1.0-inch gas line, and a 0.75-inch water line utility crossing temporarily affecting 12.5-linear feet of stream, all in a UNT to Mill Creek (WWF) (Lancaster, PA Quadrangle N: 1.1"; W: 17.3", Latitude: 40° 0' 22"; Longitude: 76° 56' 35.94") in West Lampeter Township, Lancaster County.

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

E20-554. Greystone Group, 360 Corporate Circle, 30050 Chagrin Boulevard, Pepper Pike, OH 44124-5704. Walgreens Meadville, in the City of Meadville, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 2.8 inches; W: 3.0 inches).

The applicant proposes to remove the existing grocery store and to construct and maintain a 14,280 square foot retail facility (Walgreens) and associated parking areas involving: 1) to extend and maintain an existing stream enclosure in Mill Run with the concrete box culvert extension having a 24-foot wide by 7-foot high waterway opening and a length of approximately 120 feet; 2) to conduct and maintain repairs to the existing stream enclosure in Mill Run within the project boundaries; 3) to reconstruct, extend and maintain a portion of the Dick Run culvert for a length of approximately 30 feet at the confluence with Mill Run; 4) to relocate an existing sanitary sewer crossing of Mill Run with the proposed crossing consisting of 8-inch diameter PVC pipe; and 5) to construct and maintain four stormwater outfalls to Mill Run and to plug several existing stormwater outfalls to Mill Run. Mill Run is a perennial stream classified as a WWF. The project proposes to directly impact approximately 200 feet of stream.

E20-557. Cambridge Area Joint Authority, 161 Car-ringer Street, Cambridge Springs, PA, 16403. Sewage Treatment Plant Upgrade, in Cambridge Springs Borough and Cambridge Township, **Crawford County**, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle, N: 41° 48' 23"; W: 80° 03' 45").

The applicant proposes to construct and maintain an upgrade of the existing wastewater treatment plant involving to construct and maintain: 1) a plant infrastructure upgrade at the existing treatment plant within the 100-year floodway and FEMA floodplain at the Grant Street site; 2) plant infrastructure within the 100-year FEMA floodplain at the proposed Bollard Avenue site; 3) 1.5-foot diameter, 0.8-foot diameter and 0.33-foot diameter ductile iron sewage pipeline crossings and a 0.5-foot diameter ductile iron waterline crossing of Jackson Run; 4) 1.5-foot diameter, 0.8-foot diameter and 0.33-foot diameter ductile iron sewage pipeline crossings and a 0.5-foot diameter ductile iron waterline crossing of PSS wetlands having a length of 185 linear feet and a temporary impact of 0.08 acre; 5) an outfall consisting of a 2-foot diameter ductile iron pipe and a concrete headwall in French Creek; and 6) a sewage pump station in the floodway of French Creek. Project includes removal of some existing plant infrastructure within the floodway and FEMA floodplain of French Creek. French Creek and Jackson Run are perennial streams classified as WWF. The project proposes to temporarily impact 0.08 acre of PSS wetlands.

E62-413. Raymond D. McCanna and Norma J. McCanna, R. D. 2, Box 358-A, Pittsfield, PA 16340. McCanna Driveway, in Brokenstraw Township, **Warren County**, ACOE Pittsburgh District (Youngsville, PA Quadrangle N: 16.2 inches; W: 14.7 inches).

The applicant proposes to construct and maintain a 40-foot long, 6.3-foot wide by 4.9-foot high CMP arch culvert in a tributary to Brokenstraw Creek on the South side of Old Youngsville-Pittsfield Road approximately 1.0 mile NE of the intersection of SR 6 and SR 27. The tributary to Brokenstraw Creek is a perennial stream classified as a CWF.

ENVIRONMENTAL ASSESSMENTS

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

EA67-013. Loganville Borough, P. O. Box 36, Loganville PA 17342, Springfield Township, **York County**, ACOE Baltimore District.

To restore and maintain approximately 2,000 linear feet of a UNT of East Branch Codorus Creek (CWF) through bank grading, stream bank stabilization, invasive species removal, riparian plantings and the installation of seven in-stream grade control structures along Beck Road and Water Street downstream of the proposed Loganville Bypass project (Glen Rock, PA Quadrangle; N: 21.8 inches; W: 4.4 inches, Latitude: 39° 52' 13.62"; Longitude: 76° 43' 7.61" to Glen Rock, PA Quadrangle N: 20.95 inches; W: 5 inches, Latitude: 39° 51' 57.06"; Longitude: 76° 42' 49.80") to compensate for unavoidable stream impacts from the proposed Loganville Bypass project.

EA22-015. Mark X. DiSanto, Triple Crown Corporation, 7700 Derry Street Project, 5351 Jaycee Avenue, Harrisburg, PA 17112, Swatara Township, **Dauphin County**, ACOE Baltimore District.

To: (1) restore 560 linear feet of a UNT to Beaver Creek (WWF) by removing an in-stream sediment basin by grading a channel through the impoundment and native plantings established in the floodway; and (2) construct and maintain two 18-inch and one 15-inch outfall structures with R-5 riprap rock aprons in the same UNT to Beaver Creek. The project is located approximately 360 feet west of Milroy Road in Swatara Township, Dauphin County (Harrisburg East, PA Quadrangle N: 40° 16' 2.2" W: 76° 45' 5.46" W).

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

EA1009-009. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Concord Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes one dangerous highwall totaling 1,950 linear feet. The project will also include the backfilling of wetland (0.13 acre) that has developed within the open surface mine pit (East Butler Quadrangle N: 15.5 inches; W: 10.25 inches).

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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 ?
PA0029289	Borough of Stroudsburg 700 Sarah Street Stroudsburg, PA 18360	Stroudsburg Borough Monroe County	McMichael Creek 1E	N

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 ?
PA0035823 (SEW)	Kent Saunders Saunders Park 5909 Little Cove Creek Mercersburg, PA 17236-9409	Franklin County Warren Township	Little Cove Creek 13-B	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 ?
PA0009385 IW	Con Agra Grocery Products Company 30 Marr Street Milton, PA 17847	Northumberland County Milton Borough	Storm Sewer to West Branch Susquehanna River 10D	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0001236 Industrial Waste	Eaton Electrical One Tuscarawas Road Beaver, PA 15009	Beaver County Vanport Township	Two Mile Run Outfalls 001 and 003—009 Ohio River Outfall 002	Y
PA0218723 Sewage	Blacklick Valley Municipal Authority P. O. Box 272 Twin Rocks, PA 15960	Indiana County Buffington Township	Blacklick Creek	Y
PA0219169 Sewage	Laurel Highlands Municipal Authority R. D. No. 3 Box 93 Rockwood, PA 15557	Somerset County New Centerville Borough	Middle Creek	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. PA0088251, Sewage, **Upper Bern Township**, 25 North Fifth Street, Shartlesville, PA 19554. This proposed facility is located in Upper Bern Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Wolf Creek in Watershed 3-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. 5407401, Sewerage, **Melanie Manor Mobile Home Estates, LLC**, P. O. Box 537, Bainbridge, PA 17502-0537. This proposed facility is located in Union Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

WQM Permit No. 4007402, Sewerage, **Plymouth Township**, 925 West Main Street, Plymouth, PA 18651. This proposed facility is located in Plymouth Township, **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. 0600408, Sewage, **Upper Bern Township**, 25 North Fifth Street, P. O. Box 185, Shartlesville, PA 19554. This proposed facility is located in Upper Bern Township, **Berks County**.

Description of Proposed Action/Activity: Permit amendment approval for the construction/modification of sewerage facilities consisting of mechanical bar screen raw sewage submersible pumps, BESST biological treatment system consisting of an anoxic tank and conventional aeration tanks, two clarifiers and aerated sludge holding tank and UV disinfection system. The collection system is comprised of approximately 8,500 lineal feet of 8-inch and 10-inch diameter gravity sewer, approximately 1,500 lineal feet of 4-inch diameter force main and one pump station, Motel Drive.

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

WQM Permit No. WQG01080604, Sewerage, SIC 4952, **Tad Soden**, R. R. No. 2, Box 60D, Rome, PA 18840. This proposed facility will be located in Windham Township, **Bradford County**.

Description of Proposed Action/Activity: Permit issued approving the design, construction and operation of a small flow treatment facility to serve a residence. Discharge will be to Wysox Creek, a CWF.

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

WQM Permit No. 6306409, Sewerage, **South Strabane Township Sanitary Authority**, 550 Washington Road, Washington, PA 15301. This proposed facility is located in South Strabane Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers, force main and pump station.

WQM Permit No. 5606403, Sewerage, **State Correctional Institution at Laurel Highlands**, P. O. Box 631, 5706 Glades Pike, Somerset, PA 15501. This existing facility is located in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the upgrading of the wastewater treatment plant.

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

WQM Permit No. 2069405, Sewerage Amendment No.1, **Keystone Utilities Group, Inc.**, 764 Bessemer Street, Meadville, PA 16335. This proposed facility is located in Greenwood Township, **Crawford County**.

Description of Proposed Action/Activity: This project is to permit the existing sodium bisulfite feed system used for dechlorination.

WQM Permit No. WQG018544, Sewage, **Thomas Braunstein**, 1252 Woodhill Drive, Gibsonia, PA 15044. This proposed facility is located in Penn Township, **Butler County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010906044	Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056-5310	Bucks	Doylestown Borough Doylestown, Buckingham and Solebury Townships	UNTs to Pine Run, Cooks Run, Walton, Lahaska, Aquetong and Watsons Creeks and Cooks Run TSF, MF, WWF, CWF, HQ
PAI011506016	The Desmond Great Valley Hotel and Conference Center One Libery Boulevard Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek EV
PAI011505024	The Heritage Building Group, Inc. 2500 York Road Suite A100 Jamison, PA 18929	Chester	West Caln Township	UNT West Branch Brandywine Creek HQ-CWF-MF
PAI011507003	Classic Building Concepts 1830 Aarons Way Pottstown, PA 19465	Chester	East Nantmeal Township	Marsh Creek HQ-TSF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021306003	Harry Bowie 45 Knoll Drive Lehigh, PA 18235	Carbon	Towamensing Township	Pine Run EV White Oak Run EV
PAI023506003	Lackawanna Heritage Valley Authority 1300 Old Plank Road Mayfield, PA 18433	Lackawanna	Mayfield Borough Carbondale Township	Lackawanna River 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS102804R(1)	Wendy Melius Fulton Industrial Development Association 536 East Poplar Street McConnellsburg, PA 17233	Fulton	Ayr Township	Big Cove Creek CWF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-02

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Philadelphia Philadelphia County	PAG2015107007	The Provco Group 795 East Lancaster Avenue Building Two Suite 200 Villanova, PA 19085	Schuylkill River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cass Township Schuylkill County	PAG2005407011	SEDCO Attn: Frank Zukas P. O. Box 659 Pottsville, PA 17901 and Coapplicant Miller Brothers Construction P. O. Box 472 Schuylkill Haven, PA 17972	West Branch of Schuylkill River—3,000 Ft. CWF	Schuylkill County Cons. Dist. (570) 622-3742
Hegins Township Schuylkill County	PAG2005407004	Horning Family Limited Partnership 57 St. James Street Schuylkill Haven, PA 17972	Pine Creek—2,000 Ft. CWF	Schuylkill County Cons. Dist. (570) 622-3742
Butler Township Luzerne County	PAG2004003030(1)	Sand Springs Dev. Corp. Phase 5C and 6A 4511 Flamer Drive Bethlehem, PA 18020	Long Run to Nescopeck Creek CWF	Luzerne County Cons. Dist. (570) 674-7991
Bethlehem Township Northampton County	PAG2004807016	MNMS, LP 623 Selvaggio Drive Suite 200 Nazareth, PA 18064	Lehigh River WWF Nancy Run CWF, MF	Northampton County Cons. Dist. (610) 746-1971
City of Pittston Pittston Township Luzerne County	PAG2004007002	Armand Mascioli Stauffer Pointe 400 Third Avenue Suite 117 Kingston, PA 18704	Tributary to Susquehanna River CWF	Luzerne County Cons. Dist. (570) 674-7991
City of Carbondale Lackawanna County	PAG2003507014	Dominick Famularo Carbondale Area School District Route 6 Brooklyn Street Carbondale, PA 18407	Tributary to Lackawanna River CWF	Lackawanna County Cons. Dist. (570) 281-9495
East Pennsboro Township Cumberland County	PAG2002107004	Holy Spirit Hospital Holy Spirit Mediplex 503 North 21st Street Camp Hill, PA 17011-2288	Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Taylor Township Blair County	PAG2000707013	New Enterprise Stone and Lime Co. P. O. Box 77 New Enterprise, PA 16664	Plum Creek WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877 Ext. 5
Conewago Township York County	PAG2006706090	James Craft JG Leasing Co., Inc. 2780 York Haven Road York Haven, PA 17370	Billion Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Township York County	PAG2006706071	James A. Halbert Classic Communities 2151 Linglestown Road Suite 300 Harrisburg, PA 17110	UNT to Fishing Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Union Township Berks County	PAR10C3871	Larry Byrne Heritage Building Group 2500 York Road Jamison, PA 18929	Schuylkill River WWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Swatara Township Dauphin County	PAG2002207024	Triple Crown Corporation 5351 Jaycee Avenue Harrisburg, PA 17112	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
East Hanover and West Hanover Townships Dauphin County	PAG2002207021	Andrew Williams Williams Holding Group, LLC 3035 North Progress Avenue Harrisburg, PA 17110	Manada Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Conewago Township Dauphin County	PAG2002207026	David Koppenhaver/ David Foltz 28 Woodland Avenue Hershey, PA 17033	Spring Creek (east) WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Swatara Township Dauphin County	PAG2002207024	Triple Crown Corporation 5351 Jaycee Avenue Harrisburg, PA 17112	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
East Hanover and West Hanover Township Dauphin County	PAG2002207021	Andrew Williams Williams Holding Group, LLC 3035 North Progress Avenue Harrisburg, PA 17110	Manada Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Conewago Township Dauphin County	PAG2002207026	David Koppenhaver/ David Foltz 28 Woodland Avenue Hershey, PA 17033	Spring Creek (east) WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Clearfield County Sandy Township	PAG2001707006	Christ The King Manor 1100 West Long Avenue Dubois, PA 15801	Sandy Lick Creek TSF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Lycoming County Muncy Township	PAG2004107006	Robert Leimont BHH Real Estate Partnership 66 Enterprise Boulevard Allenwood, PA 17810	Turkey Run WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Butler County Lancaster and Connoquenessing Townships	PAG2001006011(1)	Plantations 1 Subdivision Kenneth Brennan Brennan Builders Inc. 120 Brennan Lane Evans City, PA 16044	UNT to Yellow Creek and Crab Run CWF	Butler Conservation District (724) 284-5270
Crawford County Cambridge Township	PAG2002007004	Crawford County Commissioners Courthouse 903 Diamond Park Meadville, PA 16335	Little Conneautee Creek CWF	Crawford Conservation District (814) 763-5269

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Clarion County Farmington Township	PAG20616060081	Farmington Township 32691 Route 66 P. O. Box 148 Leeper, PA 16233-0148	Licking Creek CWF	Department of Environmental Protection (814) 332-6984
<i>General Permit Type—PAG-3</i>				
<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Taylor Borough/ Ransom Township Lackawanna County	PAR502201	Alliance Sanitary Landfill, Inc. 398 South Keyser Avenue Taylor, PA 18517	UNT to St. John's Creek WWF Snake Run WWF Snake WWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Bradford County Stevens Township	PAR214832	Walter Flagstone, Inc. R. R. 1 Box 40 Sugar Run, PA 18826	UNT to Wyalusing Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Northumberland County West Chillisquaque Township	PAR804838	New Penn Motor Express, Inc. P. O. Box 630 Lebanon, PA 17042	UNT to West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Northumberland County Upper Augusta Township	PAR704808	Anthracite Industries P. O. Box 112 112 Anthracite Road Sunbury, PA 17801	Shamokin Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Northumberland County Upper Augusta Township	PAR704818	Anthracite Industries P. O. Box 112 112 Anthracite Road Sunbury, PA 17801	Shamokin Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Northumberland County Northumberland Borough	PAR804839	Norfolk Southern Railway Company 4th and Duke Streets Northumberland, PA 17857	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
North East Borough Erie County	PAR118325	The Electric Materials Company P. O. Box 390 50 South Washington Street North East, PA 16428	Stormwater sewers to Sixteen Mile Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*City of St. Mary's
Elk County

PAR228313

Penn Pallet, Inc.
P. O. Box 8
St. Mary's, PA 15857

Elk Creek

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942*General Permit Type—PAG-4**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Hilltown Township
Bucks County

PAG040069

Janet and
Michael Trampe
223 Mill Road
Hatfield PA, 19446West Branch
Neshaminy Creek
2F-Neshaminy CreekSoutheast Regional Office
2 East Main Street
Norristown, PA 19401York County
Chanceford
Township

PAG043863

Bethanne V. Schott
9499 Brogueville Road
Felton, PA 17322Carter Creek
CWFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Windham Township
Bradford County

PAG045235

Tad Sohen
R. R. No. 2
Box 60D
Rome, PA 18840Wysox Creek
CWFNorthcentral Regional
Office
Water Management
Program
208 West Third Street
Suite 101
Williamsport, PA 17701
(570) 327-3664Glade Township
Warren County

PAG048801

Chad A. Valone
2058 Conewango Avenue
Extension
Warren, PA 16365-4044UNT to Hatch Run
16-BDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Penn Township
Butler County

PAG049340

Thomas Braunstein
1252 Woodhill Drive
Gibsonia, PA 15044UNT to Thorn Creek
20-CDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Cussewago
Township
Crawford County

PAG048865

Edward M. and Elaine V.
Bercik
19379 Irish Road
Edinboro, PA 16412-4843UNT to Boles Run
16-ADEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Perry Township
Mercer County

PAG048765

Timothy P. Yesko
565 Fredonia-Hadley
Road
Greenville, PA 16125UNT to Otter Creek
20-ADEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942South Shenango
Township
Crawford County

PAG048809

Thomas G. Herrmann
7179 Linesville Road
Hartstown, PA 16131UNT to the Shenango
River
20-ADEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Shenango Township
Lawrence County

PAG048854

Linda Rough
3530 Ellwood Road
New Castle, PA
16101-6122UNT to McKee Run
20-BDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942

*General Permit Type—PAG-5**Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Radnor Township Delaware County	PAG050077 Sunoco Inc. 350 Eagleview Boulevard Suite 300 Exton, PA 19341	Ithan Creek	Southeast Regional Office DEP 2 East Main Street Norristown, PA 19401
Lower Moreland Township Montgomery County	PAG050080 Righters Ferry Associates, LP 2701 Renaissance Boulevard 4th Floor King of Prussia, PA 19406	Schuylkill River Watershed 3F	Southeast Regional Office DEP 2 East Main Street Norristown, PA 19401

General Permit Type—PAG-8

<i>Facility Name</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Facility Municipality & County</i>	<i>Contact Office & Phone No.</i>
Borough of Point Marion Waste Water Treatment Plant	PAG086107	Point Marion Municipal Authority 425 Morgantown Street Point Marion, PA 15474	Point Marion Borough Fayette County	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Eastern Armstrong County Municipal Authority	PAG086110	Eastern Armstrong County Municipal Authority P. O. Box 262 Elderton, PA 15736	Elderton Borough Armstrong County	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-8 (SSN)

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Plum Creek Township Armstrong County	PAG086106	Allegheny County Sanitary Authority 3300 Preble Avenue Pittsburgh, PA 15233-1092	Ramer Farm Biosolids Site	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

General Permit Type—PAG-10

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Whiteley Township Greene County	PAG106109	Columbia Gas Transmission Corporation 950 Manifold Road Washington, PA 15301	Dutch Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Richhill Township Greene County	PAG106110	Columbia Gas Transmission Corporation 950 Manifold Road Washington, PA 15301	Wharton Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 3480046, Operations Permit, Public Water Supply.

Applicant	Bethlehem Authority 10 East Church Street Bethlehem, PA 18018-6025 Lehigh Township
County	Northampton
Type of Facility	PWS
Consulting Engineer	James DeWolfe, P. E. Malcolm Pirnie, Inc. 1224 North Atherton Street State College, PA 16803
Permit to Operate Issued	May 24, 2007

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

Permit No. 0605509, Public Water Supply.

Applicant	Superior Water Company, Inc.
Municipality	Washington Township

County	Berks
Type of Facility	Addition of West Tract Water System which consists of four wells to supply 786 residences, 19 offices, 32 retail and 13 commercial units.
Consulting Engineer	Stanley J. Endlich, P. E. EDM Consultants Inc. 1101 South Broad Street P. O. Box 127 Lansdale, PA 19446
Permit to Construct Issued	May 11, 2007
Permit No. 3807502, Public Water Supply.	
Applicant	KB's Cookies
Municipality	Bethel Township
County	Lebanon
Type of Facility	Installation of nitrate treatment.
Consulting Engineer	Charles A. Kehew II, P. E. James A. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit to Construct Issued	May 16, 2007

Operations Permit issued to: **Pennsylvania American Water Company**, 3060088, Exeter Township, **Berks County** on May 9, 2007, for the operation of facilities approved under Construction Permit No. 0606514MA.

Operations Permit issued to: **City of Lebanon Authority**, 7380010, Swatara Township, **Lebanon County** on May 30, 2007, for the operation of facilities approved under Construction Permit No. 3805506.

Operations Permit issued to: **City of Lebanon Authority**, 7380010, North Lebanon Township, **Lebanon County** on May 30, 2007, for the operation of facilities approved under Construction Permit No. 3805507.

Operations Permit issued to: **Pennsylvania-American Water Company**, 7220017, North Londonderry, **Dauphin County** on May 9, 2007, for the operation of facilities approved under Construction Permit No. 2206505MA.

Operations Permit issued to: **United States Army Corps of Engineers—Baltimore District**, 4310855, Penn Township, **Huntingdon County** on May 16, 2007, for the operation of facilities approved under Construction Permit No. 3107502E.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Snyder Township	R. R. 3, Box 119 Tyrone, PA 16686	Blair County

Plan Description: The approved plan provides for the extension of sanitary sewer collection service to the Gurekovich Hollow area of Snyder Township. The project will serve eight homes and will produce 3,200 gpd of sewage flow. The Department of Environmental Protection's (Department) 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>
Blair Township	575 Cedarcrest Drive Duncansville, PA 16635	Blair County

Plan Description: The approved plan provides for the construction of 1,300 linear feet of new gravity and pressure collection main to serve 22 additional homes. The project will generate 8,800 gpd of sewage flow that will be treated at the Hollidaysburg Borough sewage treatment plant. 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>
Allegheny Township	3131 Old 6th Avenue North Duncansville, PA 16635	Blair County

Plan Description: The approved plan provides for the extension of sanitary sewer collection service to 45 existing homes in the Maple Hollow area and 32 existing homes in the Sugar Run/Broad Avenue Extension area. 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.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Wheatfield Township	6120 Route 22 Highway East New Florence, PA 15944	Indiana

Plan Description: The approved plan provides for the installation of a small flow sewage treatment facility located along Oakwood Drive in West Wheatfield Township, Indiana County. The proposed treatment facility will service one new, single-family dwelling. 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.

United Transportation Co., Morton Borough, **Delaware County**. Richard Burns, Conestoga-Rovers & Assoc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of Stephan Perrson, United Transportation Corp., 501 Highland Avenue, Morton, PA 19070 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents and MTBE. The report is intended to document remediation of the site to meet the Site-Specific Standards.

Trivelpiece Residence, East Coventry Township, **Chester County**. Richard Trimpi, Trimpi Assoc., Inc., 1635 Old Plains Road, Pennsburg, PA 98073 on behalf of Pat Sobeck, Coventry Terrance Mobile Homes, LLC, 6 Orchard Lane, Spring City, PA 19475 has submitted a Final Report concerning remediation of site soil contami-

nated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Panizza Property, East Whiteland Township, **Chester County**. Michael Christie, Penn Env. & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Guy Wolfington, Chester Interchange Assoc., LP, 2701 Renaissance Boulevard, King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil contaminated with PAH. The report is intended to document remediation of the site to meet the Statewide Health Standards.

84 Lumber Site, East Whiteland Township, **Chester County**. Michael Christie, Penn Env. & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Guy Wolfington, Chester Interchange Assoc., LP, 2701 Renaissance Boulevard, King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standards.

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

Shirley Shelley Residence, Mimosa MHP, Hellam Township, **York County**. GemChem, Inc., 53 North Cedar Street, P. O. Box 384, Lititz, PA 17543-0384, on behalf of Shirley Shelley, 421 Ginger Circle, Hallam, PA 17402, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from an above ground storage tank. The report is intended to document remediation of the site to the Statewide Health Standard and was submitted to the Department within 90 days of the release that occurred on February 26, 2007.

Seedway, Inc.—Spring Garden Facility, Spring Garden Township, **York County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Growmark, F. S., Inc., 1701 Towanda Avenue, P. O. Box 2500, Bloomington, IL 61702-2500, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with herbicides. The report is intended to document remediation of the site to the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling

methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790.

Vacant Parcel Adjacent to 300 South Tamaqua Street, Banks Township, **Carbon County**. Daniel Caprio, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 has submitted a Final Report (on behalf of his client, Sloane Six, Broadus Bordeaux, 300 South Tamaqua Street, Hazleton, PA 18201) concerning the remediation of soils found to have been impacted by No. 2 heating oil as a result of an accidental release to the surface. The report documented attainment of the Residential Statewide Health Standard for soils and was approved on May 24, 2007.

Brookshire Development, Upper Milford and Hereford Townships, **Lehigh and Berks County**. Ed Prout, American Resource Consultants, Inc., P. O. Box 579, Quakertown, PA 18951 submitted a Final Report (on behalf of his client, Michael Weaver, Judd Builders and Developers, 1750 Walton Road, Blue Bell, PA 19422-0465) concerning the remediation of soils found to have been impacted by elevated arsenic concentrations as the result of pesticide application to former orchards. The report demonstrated attainment of a combined Residential Statewide Health Standard and Site-Specific Standard for soils and was approved on May 7, 2007. The future use of the property will be residential.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Paul's Chrome Plating Mars, Adams Township, **Butler County**. Core Compliance Group, Inc., 131 Glenbrook Drive, Cranberry Township, PA 16066 on behalf of Paul's Chrome Plating, Inc., 90 Pattison Street, Evans City, PA 16033 has submitted a Final Report concerning the remediation of site groundwater contaminated with nickel. The Final Report demonstrated attainment of the Site-Specific Standards and was approved by the Department on May 8, 2007.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

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

Hazardous Waste Transporter License Renewed

Hazmat Environmental Group, Inc., 60 Commerce Drive, Buffalo, NY 14218-1040. License No. PA-AH 0315. Effective March 23, 2007.

EQ Northeast, Inc., 185 Industrial Road, P. O. Box 617, Wrentham, MA 02093-0617. License No. PA-AH 0224. Effective April 9, 2007.

Weavertown Transport Leasing, Inc., 2 Dorrington Road, Carnegie, PA 15106. License No. PA-AH 0263. Effective April 9, 2007.

EQ Industrial Services, Inc., 2701 North I-94 Service Drive, Ypsilanti, MI 48198. License No. PA-AH 0615. Effective April 12, 2007.

Republic Environmental Systems, 21 Church Road, Hatfield, PA 19440. License No. PA-AH 0317. Effective April 18, 2007.

Marcor Remediation, Inc., 246 Cockeysville Road, Hunt Valley, MD 21030. License No. PA-AH 0568. Effective April 18, 2007.

Earth Technology II, LLC, P. O. Box 338, North Haven, CT 06473. License No. PA-AH 0691. Effective April 20, 2007.

Parts Cleaning Technologies, LLC, 24901 Northwestern Highway, Suite 209, Southfield, MI 48075. License No. PA-AH 0719. Effective May 7, 2007.

Chemtron Corporation, 35850 Schneider Court, Avon, OH 44011. License No. PA-AH 0199. Effective May 23, 2007.

United Environmental Group, Inc., 241 Mcaleer Road, Sewickley, PA 15143. License No. PA-AH 0431. Effective May 24, 2007.

Hazardous Waste Transporter License Voluntarily Terminated

T.A.G. Transport, Inc., 619 West Rockwood Street, Rockwood, TN 37854. License No. PA-AH 0539. Effective February 15, 2007.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

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

Infectious and Chemotherapeutic Waste Transporter License Renewed

Hamilton Pet Meadow, Inc., 1500 Klockner Road, Hamilton, NJ 08619. License No. PA-HC 0227. Effective May 17, 2007.

ASEPSIS, Inc., 424 West Lincoln Highway, Suite 204, Penndel, PA 19047-5152. License No PA-AH 0014. Effective May 25, 2007.

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

Infectious and Chemotherapeutic Waste Transporter License Expired

NYESC Acquisition Corporation d/b/a Health Care Waste Services, 1281 Viele Avenue, Bronx, NY 10474. License No. PA-HC 0216. Effective March 31, 2007.

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.

WSI Sandy Run Landfill, Inc., Broad Top Township, Bedford County Permit No. 101538. This is a major permit modification to Solid Waste Permit No. 101538 for the operation of Sandy Run Landfill, issued in accordance with Article V of the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003). This modification approves a decrease in the maximum daily volume from 1,000 tpd to 900 tpd. Compliance with the terms and conditions set forth in the permit is mandatory. Individuals have the right to file an appeal as to these terms and conditions.

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. 100172. Arden Landfill, Inc., 625 Cherrington Parkway, Moon Township, PA 15108. Arden Landfill, 200 Rangos Lane, Washington, PA 15301. Permit for the Northern Area Expansion was issued in the Regional Office on June 1, 2007.

**DETERMINATION OF APPLICABILITY FOR
INFECTIOUS AND CHEMOTHERAPEUTIC WASTE
GENERAL PERMITS**

Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Infectious and Chemotherapeutic Waste Regulations for a General Permit to Operate Infectious and Chemotherapeutic Waste Processing Facilities.

South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

General Permit No. WMGI005-SC01. GlaxoSmithKline Biologicals NA, 325 North Bridge Street, Marietta, PA 17547, for the processing/disinfection of infectious waste using thermal and chemical deactivation. The Department issued the determination of applicability on May 25, 2007.

Persons interested in reviewing the general permit should contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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.

35-323-023GP4: Lockheed Martin—Archbald (459 Kennedy Drive, Archbald, PA 18403) on May 31, 2007, to construct and operate PCP Burnoff ovens at their facility in Archbald Borough, **Lackawanna County**.

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

GP1-67-03003: Hanover Hospital (300 Highland Avenue, Hanover, PA 17331) on June 1, 2007, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Hanover Borough, **York County**. This is a renewal of the GP1 permit.

GP1-67-03057: GPX International Tire Corp. (P. O. Box 110, 207 Redco Avenue, Red Lion, PA 17356-0110) on May 29, 2007, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Red Lion Borough, **York County**. This is a renewal of the GP1 permit.

GP9-05-03010: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on June 1, 2007, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Snake Spring Township, **Bedford County**.

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

GP-25-1012: Applied Coating Solutions (3152 West 22nd Street, Erie, PA 16506) on April 30, 2007, for a burn off oven in Erie, **Erie County**.

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

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

09-0010: TEVA Pharmaceuticals USA, Inc. (650 Cathill Road, Sellersville, PA 18960) on June 1, 2007, to operate a 60-inch accelacota tablet coater in West Rockhill Township, **Bucks County**.

15-0039A: Highway Materials, Inc. (850 Quarry Road, Downingtown, PA 19462) on June 1, 2007, to operate a new burner in East Caln Township, **Chester County**.

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

08-00003E: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) on April 13, 2007, to install of regenerative thermal oxidizer on the existing Die Form Kiln at their Towanda plant in Wysox Township, **Bradford County**.

17-313-001: Sunnyside Ethanol, LLC (5000 McKnight Road, Suite 405, Pittsburgh, PA 15237) on May 17, 2007, to construct an ethanol production plant, CO₂ liquefaction plant and waste bituminous coal-fired cogeneration plant in Curwensville Borough, **Clearfield County**.

08-00002A: E. I. duPont de Nemours & Co., Inc. (Patterson Boulevard, Towanda, PA 18848) on May 29, 2007, to modify a polymer-coated metal foil treating oven by increasing the potential precontrol VOC emissions from .75 ton in any 12-consecutive month period to 11.7 tons in any 12-consecutive month period and to install an air cleaning device (a condenser) on the respective oven, in North Towanda Township, **Bradford County**.

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

33-033D: Owens Brockway Glass Container (Route 219, Brockport, PA 15823) on May 29, 2007, to modify the HEST process by substituting tin tetrachloride with mono-butyltin trichloride as the bottle coating agent by for their plant in Brockway, **Jefferson County**. The facility is a Title V Facility.

16-149A: Clarion Laminates, LLC (143 Fiberboard Road, Shippensburg, PA 16245) on May 31, 2007, to install two laminate flooring lines and associated equipment at a new facility adjacent to the existing Clarion Boards, LLC facility in Paint Township, **Clarion County**. The facility will be a major facility. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

24-162A: Rebco, Inc. (650 Brandy Camp Road, Kersey, PA 15846) on June 1, 2007, to construct a surface coating process in Fox Township, **Elk County**. This is a State-only facility.

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.

46-0248: Pottstown Borough Authority (100 East High Street, Pottstown, PA 19464) on May 30, 2007, to operate a thermal fluid dryer in Pottstown Borough, **Montgomery County**.

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

07-03049A: A. P. Green Refractories, Inc. (400 Fairway Drive, Moon Township, PA 15108) on May 24, 2007, to operate a refractory manufacturing facility in Greenfield Township, **Blair County**. This plan approval was extended.

36-05129A: Haines & Kibblehouse, Inc. (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on May 8, 2007, to use alternative fuel sources for their existing Silver Hill Quarry batch asphalt plant in Brecknock Township, **Lancaster County**. This plan approval was extended.

36-05136A: Granger Energy of Honeybrook, LLC (481 South Churchtown Road, Narvon, PA 17555) on May 30, 2007, to construct a landfill gas-fired engine at the Lanchester Landfill in Caernarvon Township, **Lancaster County**. This plan approval was extended.

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

14-00002A: Graymont—PA, Inc. (965 East College Avenue, Pleasant Gap, PA 16823) on May 22, 2007, to construct and operate a pulverized lime system and other miscellaneous sources identified in the respective plan approval, until October 1, 2007, at their Pleasant Gap Plant in Spring Township, **Centre County**.

49-00052A: Butter Krust Baking Co., Inc. (249 North Eleventh Street, Sunbury, PA 17801-2433) on May 18, 2007, to construct and operate a natural gas-fired bread oven with a catalytic oxidizer for their Northumberland facility in Northumberland, **Northumberland County** to control the air contaminant emissions from the oven until September 30, 2007. The plan approval has been extended.

14-00002F: Graymont—PA, Inc. (965 East College Avenue, Pleasant Gap, PA 16823) on May 22, 2007, to construct and operate two lime kilns and other miscellaneous sources identified in the respective plan approval, until September 22, 2007, at their Pleasant Gap Plant in Spring Township, **Centre County**.

49-00005B: Hoeganaes Corp. (P. O. Box 37, Watsonstown, PA 17777) on May 10, 2007, to modify the plan approval to make minor revisions to the short-term methylene chloride (MC) emission limit, the condenser temperature recording and shutdown requirements and the MC monitoring equipment used in Delaware Township, **Northumberland County**. In addition, the revision includes the removal of a flange replacement requirement and the removal of a sampling control requirement. The revisions could result in an MC emission increase of up to 180 lbs. per month.

18-315-001B: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) on June 1, 2007, to operate two modified paper machines and a modified adhesive application operation on a temporary basis until September 29, 2007, in Castanea Township, **Clinton County**. The plan approval has been extended.

08-00012A: Cargill Meat Solutions Corp. (P. O. Box 188, Wyalusing, PA 18853) on June 1, 2007, to modify the VOC emission limitation for tallow firing in a 41.84 million Btu/hr natural gas, No. 2 fuel oil, biogas and tallow-fired boiler from .0012 pound per million Btu of heat input to .01 pound per million Btu of heat input and the SOx emission limitation for tallow firing from .0015 pound per million Btu of heat input to .08 pound per million Btu of heat input in Wyalusing Township, **Bradford County**.

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

33-175A: Matson Lumber Co. (132 Main Street, Brookville, PA 15825) on June 1, 2007, effective on June 30, 2007, to construct a wood fired boiler in Union Township, **Jefferson County**.

24-083F: Carbone of America Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) on April 30, 2007, to construct Carbon Baking Kiln No. 34 with a thermal oxidizer connecting to an existing scrubber in St. Marys City, **Elk County**. This is a Title V facility.

24-083E: Carbone of America Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) on April 30, 2007, to construct a scrubber in St. Marys City, **Elk County**. This is a Title V facility.

24-083H: Carbone of America Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) on April 30, 2007, to construct four additional mixers, two mills and a pulverizer in St. Marys City, **Elk County**. The mixers will be controlled by the existing scrubber. This is a Title V facility.

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Norman Frederick, Facilities Permitting Chief, (570) 826-2531.

39-00082: American Atelier Inc. (301 North Front Street, Allentown, PA 18102) on May 30, 2007, to issue a Title V Operating Permit for operation of spray booths and associated air cleaning devices for furniture manufacturing in the City of Allentown, **Lehigh County**.

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

06-05024: Reliant Energy Mid-Atlantic Power Holdings, LLC (121 Champion Way, Canonsburg, PA 16317-5817) on May 31, 2007, to operate an electricity generating station (Titus Station) in Cumru Township, **Berks County**. This is a renewal of the Title V operating permit.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.

49-00007: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821-0600) on April 17, 2007, to issue a renewal Title V Operating Permit for their pharmaceuti-

cals manufacturing facility in Riverside Borough, **Northumberland County**. The renewal Title V operating permit includes revised Reasonably Available Control Technology determinations made by the Department for bulk storage tanks at the Merck facility. In addition, the renewal Title V operating permit includes the terms and conditions of plan approval 49-331-001 for the hazardous waste incinerator. Under 40 CFR Part 64, compliance assurance monitoring conditions have been included in the Title V operating permit. The renewal Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

40-00051: Airport Sand and Gravel Co., Inc. (500 Swetland Lane, West Wyoming, PA 18644) on May 29, 2007, to issue a State-only (Natural Minor) Operating Permit for operation of a stone crushing operation and associated air cleaning devices at their Duryea facility in Duryea Borough, **Luzerne County**.

40-00096: DMS Shredding, Inc. (Rear 9 Fellows Avenue, Wilkes-Barre, PA 18703) on June 1, 2007, to issue a State-only (Natural Minor) Operating Permit for operation of a metal shredding operation and associated air cleaning devices at their facility in Hanover Township, **Luzerne County**.

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

06-03102: City of Reading (815 Washington Street, Reading, PA 19601) on June 1, 2007, to operate a waste water treatment plant controlled by a ground flare and two pack bed scrubbers in the City of Reading, **Berks County**.

31-03003: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664-0077) on June 1, 2007, to operate a stationary and a portable limestone crushing plant at their Orbisonia Quarry in Cromwell Township, **Huntingdon County**.

67-03074: Heffner Funeral Chapel & Crematory, Inc. (1551 Kenneth Road, York, PA 17408) on May 24, 2007, to operate their human crematory in West Manchester Township, **York County**. This is a renewal of the State-only operating permit.

67-03091: AMZ Manufacturing Corp. (2206 Pennsylvania Avenue, York, PA 17404-1790) on May 24, 2007, to operate their electroplating facility in the City of York, **York County**. This is a renewal of the State-only operating permit.

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

17-00002: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) on May 29, 2007, to operate a natural gas compressor station (Helvetia Station) in Brady Township, **Clearfield County**. This is a renewal.

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

04-00067: International Mill Service, Inc.—J & L Specialty Steel (1155 Business Center Drive, Suite 200, Horsham, PA 19044) on May 22, 2007, to operate a slag processing facility in Midland Borough, **Beaver County**.

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

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

22-05034: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17104-1645) on May 29, 2007, for a hot mix batch asphalt plant at their facility in Hummelstown Quarry in South Hanover Township, **Dauphin County**. This operating permit was administratively amended to incorporate plan approval 22-05034D. This is revision No. 2.

36-03135: Shared Mail Acquisitions, LLC (72 Industrial Circle, Lancaster, PA 17601-5928) on May 24, 2007, to operate presses at their printing facility in Upper Leacock Township, **Lancaster County**. This operating permit was administratively amended to incorporate plan approvals No. 36-05135B and No. 36-05135C. This is revision No. 3.

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

14-00010: Snow Shoe Refractories, LLC (895 Clarence Road, P. O. Box 276, Snow Shoe, PA 16874) on May 22, 2007, to operate a brick and refractory products manufacturing plant, which includes two grinding systems, five tempering pans, 18 brick kilns, 19 combustion units and three brick dryers in Snow Shoe Township, **Centre County**.

49-00007: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821), on May 14, 2007, to incorporate the conditions of plan approvals 49-00007C and 49-00007D into their Title V operating permit in Riverside Borough, **Northumberland County**. The modified Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air

Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

California District Office: 25 Technology Drive, Coal Center, PA 15423.

Permit No.: 03961301 and NPDES Permit No. PA0214787, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Tracy Lynne Mine in Kiskiminetas Township, **Armstrong County** to add underground and subsidence control plan area permit acres. Underground Acres Proposed 500.0, Subsidence Control Plan Acres Proposed 500.0. No additional discharges. Application received August 9, 2006. Permit issued May 29, 2007.

Permit Number: 56951301 and NPDES Permit No. PA024850, RoxCOAL, Inc., (P. O. Box 149, Friedens, PA 15541), to renew the permit for the August Mine in Shade Township, **Somerset County** and related NPDES permit. No additional discharges. Application received October 30, 2006. Permit issued May 31, 2007.

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

56970104 and NPDES No. PA0234541. Sherpa Mining Contractors, Inc., 337 Benny Road, Hooversville, PA 15936, revision of an existing bituminous surface mine to add auger mining in Shade Township, **Somerset County**, affecting 95.1 acres. Receiving streams: Stonycreek River and UNT to Stonycreek River classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Somerset County Municipal Authority Stonycreek SWI. Application received April 2, 2007. Permit issued May 30, 2007.

56020102 and NPDES No. PA0249157. Croner, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface and redstone limestone mine in Brothersvalley and Summit Townships, **Somerset County**, affecting 170.8 acres. Receiving streams: UNTs to Blue Lick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 19, 2007. Permit issued May 30, 2007.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

03950114 and NPDES Permit No. PA0201928. Thomas J. Smith, Inc. (2340 Smith Road, Shelocta, PA 15774). Permit renewal issued for continued reclamation only of a bituminous surface/auger mining site located in South Bend Township, **Armstrong County**, affecting 221.6 acres. Receiving streams: UNT to Sugar Run. Application received March 19, 2007. Renewal issued June 1, 2007.

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

10070101. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Clay Township, **Butler County** affecting 7.7 acres. Receiving streams: None. Application received March 13, 2007. Permit Issued May 24, 2007.

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

GFCC No. 17-05-08, Swisher Contracting, Inc., Goshen Township, Clearfield County (Lick Run—Upper West Branch Watershed): A Government-Financed Construction Contract has been awarded to Swisher Contracting, Inc., that will result in the reclamation of 1,000 feet of open highwall and the reclamation of approximately 9.0 acres of abandoned mine lands in Goshen Township, **Clearfield County**. The reclamation of the abandoned mine lands will reduce the amount of sediment entering a UNT to Lick Run. Alkaline addition in the form of waste lime will also be added to the mining area at a rate of 500 tons/acre. The value of this reclamation is estimated at \$63,000 (Contact: John Varner; (814) 342-8200, Moshannon).

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

54060104 and NPDES Permit No. PA0224570. Post Mining, (698 Fairview Street, Tamaqua, PA 18252), commencement, operation and restoration of an anthracite surface mine operation in Reilly Township, **Schuylkill County** affecting 165.0 acres, receiving stream: UNT to Swatara Creek. Application received December 5, 2006. Permit issued June 1, 2007.

Noncoal Permits Actions

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

58070824. Courtland Birchard, (R. R. 5, Box 113, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Middletown Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received March 22, 2007. Permit issued May 30, 2007.

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

62070801. Paul Pirozzola (R. D. 2, Box 151, Corry, PA 16407). Commencement, operation and restoration for a small noncoal gravel operation in Columbus Township, **Warren County** affecting 5.0 acres. Receiving streams: UNT to Brokenstraw Creek. Application received January 25, 2007. Permit Issued May 29, 2007.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

28074127. M & J Explosives, Inc., (P. O. Box 208, Carlisle, PA 17013-0608), blasting activity permit issued for single dwelling development in Quincy Township, **Franklin County**. Blasting activity permit end date is May 31, 2008. Permit issued May 22, 2007.

28074131. R & M Excavating, (403 Hilltop Road, Newburg, PA 17240-9202), blasting activity permit issued for residential development in Washington Township,

Franklin County. Blasting activity permit end date is May 21, 2008. Permit issued May 23, 2007.

28074130. R & M Excavating, (403 Hilltop Road, Newburg, PA 17240-9202), blasting activity permit issued for utility development in Guilford Township, **Franklin County.** Blasting activity permit end date is May 21, 2008. Permit issued May 23, 2007.

28074128. Geological Tech Inc., P. O. Box 70, Falling Waters, WV 25419-0070, blasting activity permit issued for pool/pond development in Antrim Township, **Franklin County.** Blasting activity permit end date is June 30, 2007. Permit issued May 23, 2007.

28074129. R & M Excavating, (403 Hilltop Road, Newburg, PA 17240-9202), blasting activity permit issued for residential development in Guilford Township, **Franklin County.** Blasting activity permit end date is December 15, 2007. Permit issued May 23, 2007.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

03074002. Demtech (65 Bald Mountain Road, Debois, WY 82513). Blasting activity permit for demolition of the Route 68 bridge located in Bradys Bend and East Brady Townships, **Armstrong and Clarion Counties,** with an expected duration of 90 days. Permit issued May 30, 2007.

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

14074010. Glenn O. Hawbaker, Inc. (P. O. Box 135, State College, PA 16803), construction blasting for White Rock Quarry Track located in Spring Township, **Centre County.** Permit issued May 8, 2007. Permit expires May 18, 2008.

14074013. Douglas Explosives, Inc. (664 Graham Station Road, Philipsburg, PA 16866), blasting in Cottonwood Sub-Division, Lot No. 5, located in College Township, **Centre County.** Permit issued June 1, 2007. Permit expires June 1, 2008.

53074001. Pennsylvania General Energy, (208 Liberty Street, Warren, PA 16365), construction blasting located in Wharton Township, **Potter County.** Permit issued May 14, 2007. Permit expires November 30, 2007.

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

06074109. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in Wyomissing Borough, **Berks County** with an expiration date of August 30, 2007. Permit issued June 1, 2007.

15074108. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Round Hill in Valley Township, **Chester County** with an expiration date of December 31, 2007. Permit issued June 1, 2007.

36074153. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Eby Tract in Paradise Township, **Lancaster County** with an expiration date of June 1, 2008. Permit issued June 1, 2007.

36074154. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Bridington Development Township, **Lancaster County** with an expiration date of June 1, 2008. Permit issued June 1, 2007.

36074155. Gerlach's Drilling & Blasting, (172 Bender Mill Road, Lancaster, PA 17603), construction

blasting for the Reserve at Union School in East Donegal Township and Mt. Joy Borough, **Lancaster County** with an expiration date of June 1, 2008. Permit issued June 1, 2007.

38074109. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Huntlar, Inc. in South Lebanon Township, **Lebanon County** with an expiration date of May 30, 2008. Permit issued June 1, 2007.

46074111. Ed Wean Drilling & Blasting, Inc., (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for Canaberry Estates in Whitpain Township, **Montgomery County** with an expiration date of May 25, 2008. Permit issued June 1, 2007.

46074112. Horst Drilling & Blasting, Inc., (141 Ranck's Church Road, New Holland, PA 17557), construction blasting for Edgehill Development in Upper Providence Township, **Montgomery County** with an expiration date of May 20, 2008. Permit issued June 1, 2007.

48074108. Eastern Blasting Co., Inc., (1292 Street Road, New Hope, PA 18938), construction blasting for Hills of Greenock in Lehigh Township, **Northampton County** with an expiration date of December 31, 2007. Permit issued June 1, 2007.

67074124. John W. Gleim, Jr., Inc., (625 Hamilton Street, Carlisle, PA 17013), construction blasting for the Shops at Old York Shopping Plaza in Fairview Township, **York County** with an expiration date of December 15, 2007. Permit issued June 1, 2007.

District Mining Operations

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, Telephone No. (814) 342-8200.

Bond Forfeiture Contract Awarded	PBF 17820132.1
Location	Decatur Township Clearfield County
Description	Bond Forfeiture Reclamation Project, Benjamin Coal Company, Little Beaver No. 1, Permit No. 17820132
Contractor	Junior Coal Contracting, Inc. 2330 Six Mile Road Philipsburg, PA 16866
Amount	\$17,400
Date of Award	May 23, 2007

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-769. Aqua Pennsylvania, Inc., 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489, Schuylkill Township, **Chester County**, ACOE Philadelphia District.

To perform the following activities associated with the Pickering West Water Treatment Facility:

1. To construct and maintain a new high lift pump station inside an existing building within the 100-year floodplain of the Pickering Creek (WWF).
2. To construct and maintain new pavement within the 100-year floodway and the floodway fringe of the Pickering Creek.
3. To construct and maintain improvements to two existing exterior clearwells within the 100-year floodplain of the Pickering Creek.
4. To construct and maintain a new post-chemical feed building within the 100-year floodplain of the Pickering Creek.
5. To construct and maintain new exterior supply and discharge piping within the 100-year floodplain of the Pickering Creek.
6. To perform minor grading within the 100-year floodway and the floodway fringe of the Pickering Creek.
7. To construct and maintain a minor road crossing, consisting of a 42-inch diameter pipe, across a UNT to the Schuylkill River (CWF).

8. To restore and maintain an existing stormwater management facility.

The site is located at the intersection of Route 23 (Valley Forge Road) and McAvoy Lane (Valley Forge, PA Quadrangle N: 22.0 inches; W: 16.7 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)).

E23-468. Christopher D. Law, 349 Willits Way, Boothwyn, PA 19061-1423, Chester Heights Borough, **Delaware County**, ACOE Philadelphia District.

To construct and maintain a 160-foot long by 8-foot wide bike path along the floodplain of the West Branch Chester Creek (TSF) and also to maintain an existing rectangular wooden fence measuring 200-foot long by 60-foot wide with the bottom portion open to accommodate the passage of flood flows. The cross-section of floodplain will remain unchanged. The site is located about 400 feet north of Willits Way and Mattson Road (Media, PA, USGS Quadrangle N: 0.60 inches; W: 13.5 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)).

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

E13-154. Department of Conservation and Natural Resources, Bureau of Forestry-District 18, 890 SR 903, Jim Thorpe, PA 18229. Penn Forest Township, **Carbon County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a dry hydrant in Towamensing Lake (HQ-CWF) for the purpose of providing fire protection. The project is located on the south side of Towamensing Lake immediately north of the intersection of Henley Way and Holmes Way (Pohopoco Mountain, PA Quadrangle N: 21.3 inches; W: 10.3 inches). Subbasin: 2B

E13-153. Department of Conservation and Natural Resources, Bureau of Forestry-District 18, 890 SR 903, Jim Thorpe, PA 18229. Lower Towamensing Township, **Carbon County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a dry hydrant in Buckwha Creek (HQ-CWF) for the purpose of providing fire protection. The project is located along the eastern bank of Buckwha Creek approximately 40 feet north of the intersection of Covered Bridge and Lower Smithfield Roads. (Palmerton, PA Quadrangle N: 13.7 inches; W: 3.1 inches). Subbasin: 2B.

E13-148. Department of Conservation and Natural Resources, Bureau of Forestry-District 18 890 SR 903, Jim Thorpe, PA 18229. Summit Hill Borough, **Carbon County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a dry hydrant in Mauch Chunk Lake (HQ-CWF) for the purpose of providing fire protection. The project is located on the north side of Mauch Chunk Lake approximately 1.1 mile east of the intersection of SR 0902 and SR 3012 near Boat Launch B (Nesquehoning, PA Quadrangle N: 14.6 inches; W: 11.3 inches). Subbasin: 2B.

E13-151. Department of Conservation and Natural Resources, Bureau of Forestry-District 18, 890 S.R. 903, Jim Thorpe, PA 18229. Kidder Township, **Carbon County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a dry hydrant attached to an existing bridge across Hickory Run (HQ-CWF) for the purpose of providing fire protection. The project is located within Hickory Run State Park (Hickory Run, PA Quadrangle N: 4.4 inches; W: 11.8 inches). Subbasin: 2B.

E45-483. S.I.D.E. Corporation, P. O. Box 1050, Blakeslee, PA 18610. Tobyhanna Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a riprap stilling basin outfall structure in the floodway of Tobyhanna Creek (HQ-CWF) for the purpose of conveying stormwater runoff from a proposed 5-lot residential subdivision known as Stream's Edge Subdivision. The project is located on the south side of Tobyhanna Creek adjacent to New Ventures Business Park (Blakeslee, PA Quadrangle N: 15.5 inches; W: 11.0 inches). Subbasin: 2A.

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

E07-414: Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648, Frankstown Township, **Blair County**, ACOE Baltimore District.

To construct and maintain 4,314 lineal feet of bank stabilization from SR 0022 stations 300+05 to 343+19 using R-7 riprap along a UNT to Canoe Creek (HQ-CWF) in Frankstown Township, Blair County (Frankstown, PA Quadrangle; N: 17.10 inches; W: 6.18 inches, Latitude 40° 28' 09"; Longitude 78° 17' 40") for the purpose of stabilizing the westbound shoulder of SR 22 and replacing guide rail as part of a safety improvements project.

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

E12-165. Wycoff Run Cooperative Fishery, 113 Hardinger Street, Sinnemahoning, PA 15861. Intake House and Intake Structure Replacement, in Grove Township, Cameron County, ACOE Baltimore District (Sinnemahoning, PA Quadrangle N: 41° 18' 49"; W: 78° 04' 42").

To construct and maintain an Intake House and an Intake Structure with a Log Deflector as protection for the intake structure. The project is located at the Wycoff Run Cooperative Fish Hatchery. This project proposes no permanent impact Wycoff Run, which is, designated a HQ-stream and does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E17-428. Clearfield Creek Watershed Association, 216 Bedlin Hollow Road, Ashville, PA 16613. Morgan Run No. 7 Acid Mine Drainage Treatment Project in Decatur Township, **Clearfield County**, ACOE Baltimore District (Wallaceton, PA Quadrangle Latitude: 40° 54' 19.2"; Longitude: 78° 21' 31.4").

The permittee shall construct, operate and maintain a passive acid mine drainage treatment system; rock flow diversion; three rock outfalls; and three minor road crossings in a UNT to Morgan Run and wetlands associ-

ated to the same UNT for the abatement of acid mine drainage pollution. The permittee shall construct two replacement wetlands that shall result in 1.65-acres of mitigation for the Morgan Run No. 7, Morgan Run Frog and Morgan Run Tuff acid mine drainage treatment projects. The Morgan Run No. 7 Acid Mine Drainage Treatment Project permanently impacts 0.053-acre of wetland, for which the permittee as agreed to include in the construction of a 1.65-acre replacement wetland to mitigate the 0.053-acre of impact. Construction of the 1.65-acres replacement wetland shall commence prior to the construction activities authorized by this permit. The project is located along the northern right-of-way of SR 2012 approximately one stream mile north the point where Morgan Run crosses beneath SR 2012.

E19-258. Town of Bloomsburg, 301 East Second Street, Bloomsburg, PA 17815-1870. Airport Runway Relocation, in Snyder Township, **Columbia County**, ACOE Baltimore District (Mifflinville, PA Quadrangle N: 40° 59' 52.2"; W: 76° 26' 09.6").

To Construct and Maintain a 3,200 ft by 60-ft. runway in the floodplain of the Susquehanna River. The project is located at the current Bloomsburg Airport. The runway will be realigned and constructed to reduce the impact of flooding on the runway. The application was accompanied with a Hydrologic and Hydraulic Report that shows no change in floodwaters or flood risk for the Town. This project proposes no permanent impact to the Susquehanna River; which is, designated a WWF stream and does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects."

E19-260. John Severn, 438 West Ninth Street, Bloomsburg, PA 17815, Severn Cabin Reconstruction, in Fishing Creek Township, **Columbia County**, ACOE Baltimore District (Mifflinville, PA Quadrangle N: 41° 06' 26"; W: 76° 21' 18").

To construct and maintain an elevated cabin along Huntington Creek floodplain. The cabin will be constructed 1.5 ft. above the 100-year floodplain elevation for this site in accordance with municipal regulations. The site is located on left side of SR 1020, 0.4 mile east of the intersection with SR 0487. This project proposes no permanent impact to Huntington Creek, which is, designated a Trout Stream Fishery stream and does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects."

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

E24-246, Johnsonburg Municipal Authority, 520 A Market Street, Johnsonburg, PA 15845. Johnsonburg Municipal Authority Wastewater System Upgrade Project, in Johnsonburg Borough, **Elk County**, ACOE Pittsburgh District.

To construct and maintain the following as part of the Johnsonburg Municipal Authority's wastewater system upgrade project:

1. Relocated Building 80 Pump Station within the 100-year floodplain of Silver Creek and West Branch Clarion River approximately 200 feet south of the intersection of Center Street and Mill Avenue (Ridgway, PA Quadrangle N: 41° 29' 53"; W: 78° 41' 02").

2. Relocate the Venor's Island Pump Station within the 100-year floodplain of East Branch Clarion River along Clarion Avenue (Ridgway, PA Quadrangle N: 41° 29' 39.5"; W: 78° 40' 22.5").

3. Relocate the West Center Street Pump Station within the 100-year floodplain and floodway of West Branch Clarion River downstream of the SR 219 (West Center Street) bridge (Ridgway, PA Quadrangle N: 41° 29' 36"; W: 78° 40' 52").

4. Install and maintain a sanitary sewer force main across East Branch Clarion River within an existing casing attached to the downstream side of the Clarion Avenue Bridge (Ridgway, PA Quadrangle N: 41° 29' 38.2"; W: 78° 40' 23").

5. Install and maintain a sanitary sewer gravity line across approximately 150 feet of a wetland adjacent to Powers Run approximately 250 feet east of the confluence with Clarion River (Ridgway, PA Quadrangle N: 41° 28' 45.5"; W: 78° 40' 20").

E37-156, Wayne Township Municipal Authority, 1418 Wampum Road, Ellwood City, PA 16117. Wayne Township Sewer Project 2004, in Wayne Township, **Lawrence County**, ACOE Pittsburgh District.

Contract 2004-01

To construct and maintain a conventional gravity sewage collection system having nine stream crossings of Squaw Run (WWF) beginning at latitude 40° 52' 45"; longitude 80° 15' 37" and ending at latitude 40° 53' 27"; longitude 80° 15' 24" and nine wetland crossings located at latitude 40° 53' 02"; longitude 80° 15' 33", latitude 40° 53' 09"; longitude 80° 15' 29", latitude 40° 53' 08";

longitude 80° 15' 29", latitude 40° 53' 15"; longitude 80° 15' 25", latitude 40° 53' 18"; longitude 80° 15' 23", latitude 40° 52' 57"; longitude 80° 15' 08", latitude 40° 53' 18"; longitude 80° 15' 39", latitude 40° 53' 21"; longitude 80° 15' 41", latitude 40° 52' 44"; longitude 80° 15' 17" (New Castle South, PA Quadrangle).

Contract 2004-02

To construct and maintain a conventional gravity sewage collection system having six stream crossings of Squaw Run (WWF) beginning at latitude 40° 53' 54"; longitude 80° 15' 22" and ending at latitude 40° 54' 09"; longitude 80° 15' 17" and ten wetland crossings located at latitude 40° 54' 13"; longitude 80° 15' 31", latitude 40° 54' 18"; longitude 80° 15' 37", latitude 40° 53' 57"; longitude 80° 15' 44", latitude 40° 53' 51"; longitude 80° 15' 08", latitude 40° 53' 52"; longitude 80° 15' 04", latitude 40° 53' 56"; longitude 80° 15' 21", latitude 40° 53' 58"; longitude 80° 15' 20", latitude 40° 54' 07"; longitude 80° 15' 18", latitude 40° 54' 09"; longitude 80° 15' 18", latitude 40° 54' 20"; longitude 80° 15' 18" (New Castle South, PA Quadrangle).

Contract 2004-03

To construct and maintain approximately 6,150 linear feet of sanitary force main with one crossing of Duck Run (WWF) and to construct and maintain an access road within the floodway of Duck Run to provide access to the existing pump station located at latitude 40° 52' 35"; longitude 80° 15' 51" (New Castle South, PA Quadrangle).

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 and 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
0742005	American Refining Group, Inc. 77 North Kendall Avenue Bradford, PA 16701 Attn: Steve Sherk	McKean	Bradford City	2 ASTs storing motor oil	48,594 gallons total

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of May 2007, the Department of Environmental Protection, under Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240 (relating to radon certification), has certified the persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Chad Albright CA Construction	3810 Broad Avenue Altoona, PA 16601	Testing and Mitigation
Alpha Detection & Control	98 Porter Avenue Scottdale, PA 15683	Testing
Arick Amspacker	3262 Reeve Drive Bethlehem, PA 18020	Testing
David Artigliere	P. O. Box 4475 Reading, PA 19606	Testing
Brian Bacchus	125 Twin Oak Drive Wexford, PA 15090	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Jay Bauder	3 Yoder Lane Newmanstown, PA 17073	Mitigation
Benchmark Professional Home Inspection Inc.	219 West Grove Street Clarks Summit, PA 18411	Testing
Thomas Biebel	2820 West 23rd Street Erie, PA 16506	Testing
Robert Blanchfield	2830 Stephens Street Easton, PA 18045	Testing
Deborah Buck	P. O. Box 699 Saylorsburg, PA 18353	Testing
Ellen Butkus	2291 Cable Hollow Road Russell, PA 16345	Testing
Lois Distenfeld	4326 Crestview Road Harrisburg, PA 17112	Testing and Laboratory
Mark Dolph	R. R. 8, Box 8320 Moscow, PA 18444	Testing
Kevin Dunkle	P. O. Box 211 Worthington, PA 16262	Testing
Susan Fella	316 Hard Hill Road Hamburg, PA 19526	Testing
Todd Giddings & Associates, Inc.	3049 Enterprise Drive State College, PA 16801	Testing
Housing Inspection Services, Inc.	P. O. Box 373 Murrysville, PA 15668	Testing
John Jenkins, Jr.	72 Glenmaura National Boulevard Moosic, PA 18507	Testing
John Lisznaski	201 Strykers Road Suite 19, No. 173 Phillipsburg, NJ 08865	Testing
Randy Martin	P. O. Box 255 Mifflinburg, PA 17844	Testing and Mitigation
Wendy McCorkel EMG	11011 McCormick Road Hunt Valley, MD 21031	Testing
Robert J. Meyer, Jr.	247 Mine Bank Road Wellsville, PA 17365	Mitigation
Patrick Moran	1250 North Mountain Road Suite 306 Harrisburg, PA 17112	Testing
James Nase Moyer & Son, Inc.	113 East Reliance Road P. O. Box 64198 Souderton, PA 18964	Testing
John Platz	2006 West 51st Street Erie, PA 16509	Testing
Terry Renner	1404 SR 254 Millville, PA 17846	Testing
Brian Reuss House Master Home Inspections	9125 Marshall Road Suite B-12 Cranberry Township, PA 16066	Testing
Eric Rode	1050 Broad Street Suite 14 Montoursville, PA 17754	Testing
Mark Salasky Landauer, Inc.	2 Science Road Glenwood, IL 60425	Laboratory
Fred Shaffer, III	304 Earl Drive, N.W. Warren, OH 44483	Testing
Karl Smith	617 Cameltown Hill Road Danville, PA 17821	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Reid Stever	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Valueguard USA, Inc.	40 Morris Avenue Suite 140 Bryn Mawr, PA 19010	Testing
Terry Wilver	1015 Green Street Milton, PA 17847	Testing
Jeffrey Yocum	4351 Vera Cruz Road Center Valley, PA 18034	Testing
John Zym	205 West St. Elmo Street Nazareth, PA 18064	Testing

[Pa.B. Doc. No. 07-1048. Filed for public inspection June 15, 2007, 9:00 a.m.]

Request for Bids

OSM 24(3890)101.1, Abandoned Mine Reclamation Project, Dents Run, Benezette Township, Elk County. The principal items of work and approximate quantities include 1,150 linear feet of rock underdrain, 2,220 tons of alkaline addition, 210 linear feet of permanent swale, 2,110 linear feet of permanent access road, 15,062 cubic yards of refuse restoration and placement (Area No. 4), grading in the following areas: 53,227 cubic yards in Area 1, 86,253 cubic yards in Area 2, 18,989 cubic yards in Area 3, 37,045 cubic yards in Area 5, 74,745 cubic yards in Area 6, 61,165 cubic yards in Area 7, 38,043 cubic yards of Area 8, 39,822 cubic yards on Area 9, 49.7 acres of seeding and planting 8,550 trees. This project issues on June 15, 2007, and bids will be opened on July 12, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, "The Surface Mining Control Act of 1977," and is subject to that law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1049. Filed for public inspection June 15, 2007, 9:00 a.m.]

Request for Bids

OSM 40(2233)101.1, Abandoned Mine Reclamation, Swoyersville, Swoyersville Borough, Luzerne County. The principal items of work and approximate quantities include 139,300 cubic yards of grading, removal and disposal of structures, 270 linear feet of angular overburden drilling, 475 linear feet of 2-inch size angular core drilling including sampling of unconsolidated material below the bedrock to soil interface, and 33.2 acres of seeding. This project issues on June 15, 2007, and bids will be opened on July 12, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. Federal funds available for

this program total \$21,182,477 for Pennsylvania's 2006 AML Grant. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1050. Filed for public inspection June 15, 2007, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale Adams County

The Department of General Services (Department) has State-owned real estate for sale in Cumberland Township, Adams County, PA through its broker, Studley, Inc. The Department will accept bids for the purchase of 24.28 gross acres (18.1 net acres) +/- of unimproved land zoned AR located on Barlow Greenmount Road at US 15 Bypass in Cumberland Township, Adams County. Bids are due Thursday, August 30, 2007. Interested parties wishing to receive a copy of Solicitation No. 94127 should contact Bradford Mills, Studley, Inc. at (267) 256-7575 or bmills@studley.com.

JAMES P. CREEDON,
Secretary

[Pa.B. Doc. No. 07-1051. Filed for public inspection June 15, 2007, 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 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>
Babich Plumbing Company and Ted Babich	625 Narrows Run Road Coraopolis, PA 15108	5/9/2007

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 07-1052. Filed for public inspection June 15, 2007, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Max-A-Millions Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Max-A-Millions.

2. *Price:* The price of a Pennsylvania Max-A-Millions instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Max-A-Millions instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Moneybag (MNYBAG), \$\$ (DBLS) and a 10X (10TIMES).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$250

(TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$250, \$500, \$1,000, \$10,000, \$100,000 and \$1,000,000. The \$1,000,000 top prize is a lump sum cash payment. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,400,000 tickets will be printed for the Pennsylvania Max-A-Millions instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1MILL (ONE MIL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$1,000 (ONE THO) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$1,000 (ONE THO) appears under the Moneybag symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$500 (FIV HUN) appears under the \$\$ symbol (DBLS) on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$100 (ONE HUN) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$500 (FIV HUN)

appears under the Moneybag symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$250 (TWOHUNFTY) appears under the \$\$ symbol (DBLS) on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$50\$ (FIFTY) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$250 (TWOHUNFTY) appears under the Moneybag symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$250.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$25\$ (TWY FIV) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$250.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$100 (ONE HUN) appears under the Moneybag symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$50\$ (FIFTY) appears under the \$\$ symbol (DBLS) on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$50\$ (FIFTY) appears

under the Moneybag symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$25\$ (TWY FIV) appears under the \$\$ symbol (DBLS) on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$40\$ (FORTY) appears under the Moneybag symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$40.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$20\$ (TWENTY) appears under the \$\$ symbol (DBLS) on a single ticket, shall be entitled to a prize of \$40.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$25\$ (TWY FIV) appears under the Moneybag symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$25.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$20\$ (TWENTY) appears under the Moneybag symbol (MNYBAG) on a single ticket, shall be entitled to a prize of \$20.

(ee) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the \$\$ symbol (DBLS) on a single ticket, shall be entitled to a prize of \$20.

(ff) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers
Match Any Of The Winning
Numbers, Win With Prize(s)
Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 5,400,000 Tickets:
\$10 × 2	\$20	30	180,000
\$10 w/\$\$	\$20	30	180,000
\$20 w/MONEYBAG	\$20	30	180,000
\$20	\$20	30	180,000
\$25 w/MONEYBAG	\$25	30	180,000
\$25	\$25	30	180,000
\$10 × 4	\$40	100	54,000
\$20 × 2	\$40	100	54,000
\$20 w/\$\$	\$40	100	54,000
\$40 w/MONEYBAG	\$40	100	54,000
\$40	\$40	100	54,000
\$10 × 5	\$50	300	18,000
\$25 × 2	\$50	300	18,000
\$25 w/\$\$	\$50	300	18,000
\$50 w/MONEYBAG	\$50	300	18,000
\$50	\$50	37.50	144,000
\$10 × 10	\$100	300	18,000
\$10 w/10X	\$100	300	18,000
\$50 w/\$\$	\$100	300	18,000
\$100 w/MONEYBAG	\$100	300	18,000
\$100	\$100	300	18,000
\$25 × 10	\$250	800	6,750
\$50 × 5	\$250	800	6,750
\$25 w/10X	\$250	800	6,750
\$250 w/MONEYBAG	\$250	800	6,750
\$250	\$250	800	6,750
\$25 × 20	\$500	3,529	1,530
\$50 × 10	\$500	3,529	1,530
\$100 × 5	\$500	3,529	1,530
\$250 w/\$\$	\$500	3,529	1,530
\$50 w/10X	\$500	3,158	1,710
\$500 w/MONEYBAG	\$500	3,529	1,530
\$500	\$500	3,529	1,530
\$50 × 20	\$1,000	12,000	450
\$100 × 10	\$1,000	12,000	450
\$200 × 5	\$1,000	12,000	450
\$100 w/10X	\$1,000	12,000	450
\$500 × 2	\$1,000	12,000	450
\$500 w/\$\$	\$1,000	12,000	450
\$1,000 w/MONEYBAG	\$1,000	12,000	450
\$1,000	\$1,000	12,000	450
\$1,000 × 10	\$10,000	120,000	45
\$1,000 w/10X	\$10,000	120,000	45
\$10,000	\$10,000	120,000	45
\$10,000 × 10	\$100,000	1,080,000	5
\$100,000	\$100,000	1,080,000	5
\$1,000,000	\$1,000,000	1,080,000	5

MONEYBAG (MNYBAG) = Win prize shown under it automatically.

\$\$ (DBL\$) = Win double the prize shown under it.

10X (10TIMES) = Win 10 times the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Max-A-Millions instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Max-A-Millions, prize money from winning Pennsylvania Max-A-Millions

instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Max-A-Millions instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa.

Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Max-A-Millions or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-1053. Filed for public inspection June 15, 2007, 9:00 a.m.]

Pennsylvania Platinum 7's Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Platinum 7's.

2. *Price:* The price of a Pennsylvania Platinum 7's instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Platinum 7's instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR) and 7X (7TIMES).

4. *Prize Symbols:* The prize symbols and their captions, located in the 12 "prize" areas are: \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIV DOL), \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$14\$ (FORTN), \$15\$ (FIFTN), \$20\$ (TWENTY), \$35\$ (TRY FIV), \$70\$ (SEVENTY), \$100 (ONE HUN), \$700 (SVN HUN), \$7,000 (SVN THO), and \$70,000 (SVY THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$5, \$7, \$10, \$14, \$15, \$20, \$35, \$70, \$100, \$700, \$7,000 and \$70,000. The player can win up to 10 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Platinum 7's instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$70,000 (SVY THO) appearing in the "prize" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$70,000.

(b) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$7,000 (SVN THO) appearing in the "prize" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$7,000.

(c) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$700 (SVN HUN) appearing in the "prize" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$700.

(d) Holders of tickets with a 7X (7TIMES) play symbol, and a prize symbol of \$100 (ONE HUN) appearing in the "prize" area to the right of that 7X (7TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$700.

(e) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$100 (ONE HUN) appearing in the "prize" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$70\$ (SEVENTY) appearing in the "prize" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$70.

(g) Holders of tickets with a 7X (7TIMES) play symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the "prize" area to the right of that 7X (7TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$70.

(h) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$35\$ (TRY FIV) appearing in the "prize" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$35.

(i) Holders of tickets with a 7X (7TIMES) play symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the "prize" area to the right of that 7X (7TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$35.

(j) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$20\$ (TWENTY) appearing in the "prize" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$15\$ (FIFTN) appearing in the "prize" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$14\$ (FORTN) appearing in the "prize" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$14.

(m) Holders of tickets with a 7X (7TIMES) play symbol, and a prize symbol of \$2⁰⁰ (TWO DOL) appearing in the "prize" area to the right of that 7X (7TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$14.

(n) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the "prize" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$7⁰⁰ (SVN DOL) appearing in the "prize" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$7.

(p) Holders of tickets with a play symbol of 7 (SEVN), and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the "prize" area to the right of that 7 (SEVN) play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Find A "7" Symbol, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$5	\$5	12.24	588,000
\$7	\$7	20	360,000
\$5 × 2	\$10	60	120,000
\$10	\$10	37.50	192,000
\$2 w/7X	\$14	200	36,000
\$7 × 2	\$14	600	12,000
\$14	\$14	600	12,000
\$5 × 3	\$15	600	12,000
\$10 + \$5	\$15	600	12,000
\$15	\$15	200	36,000
\$5 × 4	\$20	200	36,000
\$10 × 2	\$20	200	36,000
\$20	\$20	120	60,000
\$5 × 7	\$35	600	12,000
\$5 w/7X	\$35	200	36,000
\$7 × 5	\$35	600	12,000
\$35	\$35	600	12,000
\$7 × 10	\$70	685.71	10,500
\$10 × 7	\$70	685.71	10,500
\$10 w/7X	\$70	378.55	19,020
\$14 × 5	\$70	685.71	10,500
\$35 × 2	\$70	685.71	10,500
\$70	\$70	685.71	10,500
\$10 × 10	\$100	2,000	3,600
\$10 w/7X + \$10 × 3	\$100	1,200	6,000
\$10 w/7X + \$15 × 2	\$100	1,200	6,000
\$20 × 5	\$100	2,000	3,600
\$100	\$100	1,500	4,800
\$100 w/7X	\$700	8,000	900
\$700	\$700	24,000	300
\$7,000	\$7,000	120,000	60
\$70,000	\$70,000	480,000	15

7X (7TIMES) = Win 7 times the prize shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Platinum 7's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Platinum 7's, prize money from winning Pennsylvania Platinum 7's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Platinum 7's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Platinum 7's or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-1054. Filed for public inspection June 15, 2007, 9:00 a.m.]

Pennsylvania \$250,000 Monopoly™ Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$250,000 Monopoly™.

2. *Price:* The price of a Pennsylvania \$250,000 Monopoly™ instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania \$250,000 Monopoly™ instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are:

1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRTY), ? (CHANCE), GO (GO) and MR. MONOPOLY (MRMNPY).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$2,000 (TWO THO), \$25,000 (TWYFIVTHO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$2,000, \$25,000 and \$250,000. The player can win up to fifteen times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania \$250,000 Monopoly™ instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2,000 (TWO THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MR. MONOPOLY symbol (MRMNPY), and a prize symbol of \$100 (ONE HUN) appears in ten of the "prize" areas, and a prize symbol of \$200 (TWO HUN) appears in five of the "prize" areas on a single ticket, shall be entitled to a prize of \$2,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a ? symbol (CHANCE), and a prize symbol of \$1,000 (ONE THO) appears under the ? symbol (CHANCE) on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MR. MONOPOLY symbol (MRMNPY), and a prize symbol of \$50\$ (FIFTY) appears in ten of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a ? symbol (CHANCE), and a prize symbol of \$500 (FIV HUN) appears under the ? symbol (CHANCE) on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MR. MONOPOLY symbol (MRMNPY), and a prize symbol of \$20\$ (TWENTY) appears in five of the "prize" areas, and a prize symbol of \$40\$ (FORTY) appears in ten of the "prize" areas on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a ? symbol (CHANCE), and a prize symbol of \$400 (FOR HUN) appears under the ? symbol (CHANCE) on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MR. MONOPOLY symbol (MRMNPY), and a prize symbol of \$40\$ (FORTY) appears in five of the "prize" areas, and a prize symbol of \$20\$ (TWENTY) appears in ten of the "prize" areas on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a ? symbol (CHANCE), and a prize symbol of \$200 (TWO HUN) appears under the ? symbol (CHANCE) on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MR. MONOPOLY symbol (MRMNPY), and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the "prize" areas, and a prize symbol of \$20\$ (TWENTY) appears in five of the "prize" areas on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a GO symbol (GO) on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a ? symbol (CHANCE), and a prize symbol of \$100 (ONE HUN) appears under the ? symbol (CHANCE) on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MR. MONOPOLY symbol (MRMNPY), and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the "prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the "prize" areas on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a ? symbol (CHANCE), and a prize symbol of \$50\$ (FIFTY) appears under the ? symbol (CHANCE) on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a ? symbol (CHANCE), and a prize symbol of \$40\$ (FORTY) appears under the ? symbol (CHANCE) on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the

"WINNING NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a ? symbol (CHANCE), and a prize symbol of \$25\$ (TWY FIV) appears under the ? symbol (CHANCE) on a single ticket, shall be entitled to a prize of \$25.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a ? symbol (CHANCE), and a prize symbol of \$20\$ (TWENTY) appears under the ? symbol (CHANCE) on a single ticket, shall be entitled to a prize of \$20.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a ? symbol (CHANCE), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the ? symbol (CHANCE) on a single ticket, shall be entitled to a prize of \$10.

(ee) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Of The Winning Numbers, Win with Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$10	\$10	24	300,000
\$10 w/?	\$10	24	300,000
\$5 x 2	\$10	24	300,000
\$20	\$20	30	240,000
\$20 w/?	\$20	60	120,000
\$5 x 4	\$20	120	60,000
\$10 x 2	\$20	120	60,000
\$25	\$25	120	60,000
\$25 w/?	\$25	60	120,000
\$5 x 5	\$25	120	60,000
\$40	\$40	600	12,000
\$40 w/?	\$40	600	12,000
\$5 x 8	\$40	600	12,000
\$10 x 4	\$40	600	12,000
\$20 x 2	\$40	100	72,000
\$50	\$50	600	12,000
\$50 w/?	\$50	600	12,000
\$5 x 10	\$50	600	12,000
\$10 x 5	\$50	600	12,000
\$25 x 2	\$50	600	12,000

<i>When Any Of Your Numbers Match Any Of The Winning Numbers, Win with Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$100	\$100	2,400	3,000
\$100 w/?	\$100	2,400	3,000
\$10 × 10	\$100	2,400	3,000
\$20 × 5	\$100	2,400	3,000
\$25 × 4	\$100	2,400	3,000
(\$40 × 2) + (\$10 × 2)	\$100	2,400	3,000
\$50 × 2	\$100	2,400	3,000
MR. MONOPOLY w/(\$5 × 10) + (\$10 × 5)	\$100	2,400	3,000
\$200	\$200	2,400	3,000
\$200 w/?	\$200	2,400	3,000
\$200 w/GO	\$200	385.85	18,660
\$20 × 10	\$200	2,400	3,000
\$40 × 5	\$200	2,400	3,000
\$50 × 4	\$200	2,400	3,000
\$100 × 2	\$200	2,400	3,000
MR. MONOPOLY w/(\$10 × 10) + (\$20 × 5)	\$200	2,400	3,000
\$400	\$400	12,000	600
\$400 w/?	\$400	12,000	600
\$40 × 10	\$400	12,000	600
\$100 × 4	\$400	12,000	600
(\$200 w/GO) + (\$40 × 5)	\$400	1,600	4,500
MR. MONOPOLY w/(\$40 × 5) + (\$20 × 10)	\$400	12,000	600
\$500	\$500	30,000	240
\$500 w/?	\$500	30,000	240
\$50 × 10	\$500	30,000	240
\$100 × 5	\$500	30,000	240
MR. MONOPOLY w/(\$20 × 5) + (\$40 × 10)	\$500	30,000	240
(\$200 w/GO) + (\$50 × 6)	\$500	30,000	240
\$1,000	\$1,000	40,000	180
\$1,000 w/?	\$1,000	40,000	180
\$100 × 10	\$1,000	40,000	180
\$200 × 5	\$1,000	40,000	180
(\$100 × 2) + (\$400 × 2)	\$1,000	40,000	180
\$500 × 2	\$1,000	40,000	180
(\$200 w/GO) + (\$200 × 4)	\$1,000	13,333	540
MR. MONOPOLY w/(\$50 × 10) + (\$100 × 5)	\$1,000	40,000	180
\$2,000	\$2,000	240,000	30
(\$200 w/GO) + (\$200 × 9)	\$2,000	240,000	30
MR. MONOPOLY w/(\$100 × 10) + (\$200 × 5)	\$2,000	240,000	30
\$25,000	\$25,000	480,000	15
\$250,000	\$250,000	480,000	15

? (CHANCE) symbol = Win prize shown under it automatically.

GO (GO) symbol = Win \$200 automatically.

MR. MONOPOLY (MRMNPY) symbol = Win all 15 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$250,000 Monopoly™ instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$250,000 Monopoly™, prize money from winning Pennsylvania \$250,000 Monopoly™ instant lottery game tickets will be

retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$250,000 Monopoly™ instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provi-

sions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$250,000 Monopoly™ or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-1055. Filed for public inspection June 15, 2007, 9:00 a.m.]

Pennsylvania Winner Take All '07 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Winner Take All '07.

2. *Price:* The price of a Pennsylvania Winner Take All '07 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Winner Take All '07 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and a "WINNER TAKE ALL NUMBER" area. The play symbols and their captions located in the "WINNING NUMBERS" area and in the "WINNER TAKE ALL NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a \$\$ symbol (DBLS).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$24,000 (TWYFORTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$24,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Winner Take All '07 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$24,000 (TWYFORTHO) appears under the matching

"YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$24,000.

(b) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$100 (ONE HUN) appears in all ten of the "prize" areas on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$50\$ (FIFTY) appears in all ten of the "prize" areas on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$40\$ (FORTY) appears in all ten of the "prize" areas on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$100 (ONE HUN) appears under the \$\$ symbol (DBLS) on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$50\$ (FIFTY) appears under the \$\$ symbol (DBLS) on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in all ten of the "prize" areas on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$5⁰⁰

(FIV DOL) appears in all ten of the "prize" areas on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$20\$ (TWENTY) appears under the \$\$ symbol (DBLS) on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$4⁰⁰ (FOR DOL) appears in all ten of the "prize" areas on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the \$\$ symbol (DBLS) on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$2⁰⁰ (TWO DOL) appears in all ten of the "prize" areas on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the \$\$ symbol (DBLS) on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$1⁰⁰ (ONE DOL) appears in all ten of the "prize" areas on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4⁰⁰ (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(y) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the \$\$ symbol (DBLS) on a single ticket, shall be entitled to a prize of \$4.

(z) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(aa) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the \$\$ symbol (DBLS) on a single ticket, shall be entitled to a prize of \$2.

(bb) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Of The Winning Numbers, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$1 x 2	\$2	37.50	192,000
\$1 w/\$\$	\$2	18.75	384,000
\$2	\$2	75	96,000
\$1 x 4	\$4	75	96,000
\$2 x 2	\$4	75	96,000
\$2 w/\$\$	\$4	37.50	192,000
\$4	\$4	75	96,000
\$1 x 5	\$5	150	48,000
(\$1 w/\$\$) + (\$1 x 3)	\$5	75	96,000
\$5	\$5	150	48,000
\$1 x 10	\$10	500	14,400
\$1 x 10 w/WINNER TAKE ALL MATCH	\$10	187.50	38,400
\$5 w/\$\$	\$10	300	24,000
\$5 x 2	\$10	750	9,600
\$10	\$10	750	9,600

*When Any Of Your Numbers Match
Either Of The Winning Numbers,
Win With Prize(s) Of:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$2 × 10	\$20	750	9,600
\$2 × 10 w/WINNER TAKE ALL MATCH	\$20	300	24,000
\$10 w/\$\$	\$20	1,500	4,800
\$10 × 2	\$20	1,500	4,800
\$20	\$20	1,500	4,800
\$4 × 10	\$40	3,000	2,400
\$4 × 10 w/WINNER TAKE ALL MATCH	\$40	923.08	7,800
\$10 × 4	\$40	4,000	1,800
\$20 w/\$\$	\$40	3,000	2,400
\$20 × 2	\$40	4,000	1,800
\$40	\$40	4,000	1,800
\$5 × 10	\$50	5,217	1,380
\$5 × 10 w/WINNER TAKE ALL MATCH	\$50	2,667	2,700
\$10 × 5	\$50	6,000	1,200
(\$10 w/\$\$) + (\$10 × 3)	\$50	6,000	1,200
\$50	\$50	6,000	1,200
\$10 × 10	\$100	6,000	1,200
\$10 × 10 w/WINNER TAKE ALL MATCH	\$100	3,000	2,400
\$50 w/\$\$	\$100	6,000	1,200
\$50 × 2	\$100	12,000	600
\$100	\$100	12,000	600
\$40 × 10	\$400	40,000	180
\$40 × 10 w/WINNER TAKE ALL MATCH	\$400	12,000	600
(\$100 w/\$\$) + (\$100 × 2)	\$400	30,000	240
\$400	\$400	40,000	180
\$50 × 10	\$500	40,000	180
\$50 × 10 w/WINNER TAKE ALL MATCH	\$500	15,000	480
\$500	\$500	40,000	180
\$100 × 10	\$1,000	120,000	60
\$100 × 10 w/WINNER TAKE ALL MATCH	\$1,000	120,000	60
\$1,000	\$1,000	120,000	60
\$24,000	\$24,000	600,000	12

\$\$ (DBL\$) = Win double the prize shown under that symbol automatically.
WINNER TAKE ALL MATCH = Win all 10 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Winner Take All '07 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Winner Take All '07, prize money from winning Pennsylvania Winner Take All '07 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Winner Take All '07 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Winner Take All '07 or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-1056. Filed for public inspection June 15, 2007, 9:00 a.m.]

Realty Transfer Tax; 2006 Common Level Ratio Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2006. These factors are the mathematical reciprocals of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2007, to June 30, 2008, except as indicated. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102 (relating to acceptance of documents)).

<i>County</i>	<i>Common Level Ratio Factor</i>
Adams	4.53
Allegheny	1.15
Armstrong	2.79
Beaver	3.41
Bedford	5.81
Berks	1.47
Blair	12.20
Bradford	2.68
Bucks	10.99
Butler	10.42
Cambria	3.22
Cameron	2.96
Carbon	3.12
Centre	3.41
Chester	1.93
Clarion	5.65
Clearfield	5.75
Clinton	4.46
Columbia	3.55
Crawford	3.04
Cumberland	1.22
Dauphin	1.40
Delaware	1.64
Elk	2.65
Erie	1.20
Fayette	1.17
Forest	5.21
Franklin	10.20
Fulton	2.99
Greene	1.16
Huntingdon	7.87
Indiana	6.17
Jefferson	1.87
Juniata	6.25
Lackawanna	7.09
Lancaster	1.31
Lawrence	1.14
Lebanon	7.35
Lehigh	3.58
Luzerne	20.00
Lycoming	1.16
McKean	1.11
Mercer	3.66
Mifflin	2.20
Monroe	7.81
Montgomery	1.97
Montour	1.14

<i>County</i>	<i>Common Level Ratio Factor</i>
Northampton	3.44
Northumberland	4.53
Perry	1.36
Philadelphia	3.52
Pike	6.17
Potter	2.80
Schuylkill	2.62
*Snyder	5.32
Somerset	2.91
Sullivan	1.40
Susquehanna	2.96
Tioga	1.33
Union	1.13
Venango	1.13
Warren	2.93
Washington	7.52
Wayne	1.32
Westmoreland	5.05
Wyoming	4.95
York	1.31

* Adjusted by the Department of Revenue to reflect assessment ratio change effective January 1, 2007.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-1057. Filed for public inspection June 15, 2007, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under section 2003(a)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

Parcel No. 611—Borough of Tarentum, Allegheny County. The parcel consists of an assemblage of four properties and contains approximately 1.04± acre or 45,302± square feet of unimproved land. The property is situated east of SR 366 between the intersection of East Tenth and East Eleventh Avenues. The estimated fair market value of the parcel is \$11,000.

Interested public entities are invited to express their interest in purchasing this parcel within 30-calendar days

from the date of publication of this notice to H. Daniel Cessna, P. E., District Executive, Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA. 15017.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 07-1058. Filed for public inspection June 15, 2007, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Easton Area Joint Sewer Authority v. DEP; EHB Doc. No. 2007-134-MG

Easton Area Joint Sewer Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Easton Area Joint Sewer Authority for a facility in the City of Easton, Northampton 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 any interested party 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.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 07-1059. Filed for public inspection June 15, 2007, 9:00 a.m.]

Harry J. Darrah, J & K Salvage, Inc. v. DEP; EHB Doc. No. 2007-138-L

Harry J. Darrah, J & K Salvage, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Harry J. Darrah, J & K Salvage, Inc. for a facility in Spring Garden Township, York 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 any interested party 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.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 07-1060. Filed for public inspection June 15, 2007, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-627	State Board of Examiners of Nursing Home Administrators Administrator-In-Training Program 37 Pa.B. 1494 (April 7, 2007)	5/7/07	6/6/07
125-57	Pennsylvania Gaming Control Board Persons Required to be Excluded; Underage Gaming 37 Pa.B. 1490 (April 7, 2007)	5/7/07	6/6/07

**State Board of Examiners of Nursing Home
Administrators Regulation #16A-627 (IRRC #2600)**

Administrator-In-Training Program

June 6, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the April 7, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Examiners of Nursing Home Administrators (Board) to respond to all comments received from us or any other source.

1. Section 39.5. Requirements for admission to licensing examination; examination procedures.—Reasonableness; Clarity.

Subsection (b)(3)(ii) states “The Board will evaluate the transcripts and course descriptions of the candidate to determine if the 120-hour program was successfully completed as part of the baccalaureate curriculum.” What criteria will be used to evaluate the transcripts? Will the Board use the breakdown of subjects required in existing Section 39.14(a)(2)? The Board should set forth the criteria use for evaluation or add a cross-reference to Section 39.14(a)(2).

Subsection (b)(3)(iii)(C) adds language that the candidate have 1,000 hours of experience working with a Nursing Home Administrator licensed in PA “or in another state whose licensing standards are equal to those of the Commonwealth.” Will the Board publish a list of states whose licensing standards are “equal” to Pennsylvania’s? Will this be made available on the Board’s website? A similar concern applies to Subsection (b)(4)(ii)(B).

2. Section 39.102. AIT program.—Reasonableness; Clarity.

Subsection (a)(1) requires the administrator-in-training (AIT) and the AIT supervisor to jointly make a “pretraining assessment” of certain aspects of the AIT’s background and training. What criteria will be used to ensure that uniform assessments are made? These criteria should be set forth in the final-form regulation.

Subsection (a)(2)(iii) requires that the training plan include “Training sites or agencies involved.” What “agencies” is the Board referring to? This term should be defined or deleted from the final-form regulation.

Subsection (d)(1) provides that if the AIT program is discontinued prior to completion because of full-time military service, the program may be completed within one year after that military service. However, Subsection (d)(4) states “Only one discontinuance will be permitted.” What alternatives are there for AITs who have two or more discontinuances of their programs due to involuntary military service?

3. Section 39.103. AIT program reports.—Reasonableness; Clarity.

Subsections (2) and (3) are part of the information in the training plan that is submitted to the Board. Why is this information being required to be submitted a second time? These requirements are redundant and should be deleted.

Subsection (8) requires a progress report to include “Other information the Board requests.” What type of

“other information” would this include? How will the AIT and the supervisor know if the Board requests “other information” before this report is submitted?

**Pennsylvania Gaming Control Board Regulation
#125-57 (IRRC #2601)**

**Persons Required to be Excluded;
Underage Gaming**

June 6, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the April 7, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Statutory authority of the Board to withhold and allocate winnings.

Majority Chairman James and Minority Chairman Clymer of the House Gaming Oversight Committee submitted comments that questioned the Board’s authority to withhold winnings of both excluded persons and underage gaming patrons. They also questioned the Board’s authority to allocate those winnings to support compulsive and problem gambling programs. We share their concern and ask the Board to explain its statutory authority for both seizure and allocation of winnings under the two chapters of this rulemaking.

2. Section 511.a.2.—Maintenance and distribution of the exclusion list.—Need.

According to the Preamble, the exclusion list will be available to the public at the Board’s office and on its website. There is no reference to the exclusion list being placed on the Board’s website in the regulation. It is our understanding that this was an oversight and the final-form regulation will include a provision that states the exclusion list will be available on the website. We question the need for allowing public access to the exclusion list. This should be explained in the Preamble to the final-form regulation.

3. Section 511a.3.—Criteria for exclusion.—Implementation procedures; Clarity.

This section lists the criteria the Board will use to determine if an individual should be placed on the exclusion list. We have six concerns.

First, Subsection (a) allows the Board discretion as to who may be placed on the exclusion list. Under what circumstances would a person who meets the criteria in this subsection not be placed on the exclusion list?

Second, the criteria listed could be broadly interpreted to include many individuals whose presence in a licensed facility would not be harmful to the interest of the Commonwealth or a slot machine licensee. The Board has explained that the criteria will only be applicable to those individuals whose conduct would directly affect gaming. In the Preamble to the final-form regulation, the Board should explain its intentions for applying the criteria when determining placement on the exclusion list.

Third, under Subsection (a)(2), an “associate” of a career or professional offender may be placed on the exclusion list. The Board has explained that this term would apply to individuals who have some known relationship or connection with a career or professional offender. Including similar language in the final-form regulation would improve the clarity of this term.

Fourth, the term “moral turpitude” is used in Subsection (a)(3). This term is not defined in the Pennsylvania Race Horse Development and Gaming Act (Act) (4 Pa.C.S. §§ 1101–1904). However, we note that Pennsylvania case law provides several definitions for this term. To improve clarity, we suggest that the term be defined in the final-form regulation.

Fifth, Subsection (a)(4)(iii) references “permits, licenses or other approvals that have been revoked.” It is unclear whether this reference pertains to permits, licenses or other approvals issued solely by the Board. The final-form regulation should specify whose approval is required.

Sixth, Subsection (b) lists existing “attributes” that determine whether a person’s presence is “inimical to the interest of the Commonwealth or of licensed gaming therein.” Subsection (c) provides an additional list of factors to determine a “finding” of inimicality. Two separate lists of factors that, in essence, define the same thing is redundant. To eliminate any confusion, we recommend that there be one list of factors to determine “inimicality.”

4. Section 511.a.5.—Placement on the exclusion list.—Clarity.

Subsection (a) pertains to when persons “may” be placed on the exclusion list. Similar to our first concern under Section 511.a.3, under what circumstances would a person who meets the criteria in this subsection not be placed on the exclusion list?

5. Section 511.a.8.—Duties of slot machine licensees.—Statutory authority; Legislative intent; Implementation procedures.

Subsection (c) states the following: “If an excluded person enters, attempts to enter, or is in a licensed facility and is recognized by employees of the slot machine licensee, the slot machine licensee shall immediately notify the Bureau of the fact in accordance with the procedures set forth by the Board.” We recommend that the final-form regulation include the procedures for notification.

Subsection (e) states that slot machine licensees or their employees will not be liable to any person for damages in a civil action based on three factors. Section 1516(c) of the Act provides immunity to gaming entities or employees as it relates to the self-exclusion list. However, the Act does not provide similar immunity to gaming entities as it relates to their responsibilities for the enforcement of the exclusion list. We have two questions. First, what is the Board’s statutory authority for providing this immunity? Second, is this provision properly aligned with the legislative intent of the Act?

6. Section 513a.4. Signage requirements.—Implementation procedures; Clarity.

This section pertains to text that must be included on signage posted in slot machine licensed facilities. The section notes that the complete text to be included “shall be determined by the Board.” Will the text differ for each facility or licensee? How will the Board inform the licensees of the correct standards for eligibility? This information should be included in the final-form regulation.

7. Miscellaneous clarity.

Subsections 511a.3(a)(1), (2), and (3) use the phrase “inimical to the interest of the Commonwealth or slot

machine licensee, or both.” We note that § 511a.3(a)(4) and (b) use a phrase similar to “inimical to the interest of the Commonwealth or licensed gaming therein.” Is there a reason one phrase is not used consistently throughout?

The phrase “notorious or unsavory” is used in § 511a.3(a)(4)(ix). This phrase is non-regulatory language that should be deleted.

Subsection 513a.2(e) indicates that winnings incurred by an individual under 21 years of age shall be remitted to the Board “to support compulsive and problem gambling programs.” We note that § 513a.3(c) states that under § 513a.2(e), winnings obtained by a slot machine licensee from or held on account of a person under 21 years of age shall be remitted to the Board and “deposited into the Compulsive and Problem Gambling Treatment Fund.” Is there a reason that this Fund is not mentioned consistently in each of these subsections?

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-1061. Filed for public inspection June 15, 2007, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted as follows. The Commission’s public meetings are held at 333 Market Street, 14th Floor, in Harrisburg at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check our website at www.irrc.state.pa.us for updates.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-53	Pennsylvania Gaming Control Board General Rules of Practice	6/5/07	7/19/07
125-54	Pennsylvania Gaming Control Board Compulsive and Problem Gambling; Self Exclusion	6/5/07	7/19/07

Final-Omitted

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
14-511	Department of Public Welfare Inpatient Hospital Services	6/5/07	7/19/07

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-1062. Filed for public inspection June 15, 2007, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Merger

An application has been received requesting approval of the merger of Aetna Health, Inc., a corporation organized under the laws of the State of Massachusetts (AHI-MA), with and into Aetna Health, Inc., a corporation organized under the laws of the Commonwealth (AHI-PA). AHI-PA is licensed in this Commonwealth to operate a health maintenance organization. AHI-MA is not licensed to operate in this Commonwealth. The initial filing was received on June 1, 2007, and was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 14 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement 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.

RANDOLPH L. ROHRBAUGH,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1063. Filed for public inspection June 15, 2007, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of Aetna Health Inc., a corporation organized under the laws of the State of New Hampshire (AHI-NH), with and into Aetna Health Inc., a corporation organized under the laws of the Commonwealth (AHI-PA). AHI-PA is licensed in this Commonwealth to operate a health maintenance organization. AHI-NH is not licensed to operate in this Commonwealth. The initial filing was received on June 1, 2007, and was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 14 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement 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.

RANDOLPH L. ROHRBAUGH,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1064. Filed for public inspection June 15, 2007, 9:00 a.m.]

Per Diem Charges for Financial Examinations; Notice No. 2007-03

Under the authority contained in section 907 of The Insurance Department Act of 1921 (40 P. S. § 323.7) and under 31 Pa. Code § 12.4 (relating to per diem charges), an updated schedule of per diem charges for financial examinations conducted by the Insurance Department (Department) is hereby adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$281 per day
Actuarial Associate 1	\$278 per day
Actuary 1	\$568 per day
Examiner 1	\$340 per day
Examiner 2	\$460 per day
Examiner 3	\$502 per day
Examination Manager	\$645 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for financial examination costs in 1/2 hour units.

This schedule is effective July 1, 2007.

This document supersedes the notice published at 36 Pa.B. 3172 (June 24, 2006), and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1065. Filed for public inspection June 15, 2007, 9:00 a.m.]

Per Diem Charges for Market Conduct Examinations; Notice No. 2007-02

Under the authority of section 907 of The Insurance Department Act of 1921 (40 P. S. § 323.7) and 31 Pa. Code § 12.4 (relating to per diem charges), an updated schedule of per diem charges for market conduct examinations conducted by the Insurance Department (Department) is adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$248 per day
Examiner 1	\$339 per day
Examiner 2	\$422 per day
Examiner 3	\$423 per day
Examiner Manager	\$561 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for examination costs in 1/2 hour units.

This schedule is effective July 1, 2007.

This notice supersedes the schedule of per diem charges published at 36 Pa.B. 3173 (June 24, 2006) which prior notice is hereby repealed. These new charges shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1066. Filed for public inspection June 15, 2007, 9:00 a.m.]

State Farm Fire and Casualty Company; Homeowners Rate and Rule Revision; Rate Filing

On May 24, 2007, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for a proposed rate change for homeowners insurance.

The company requests an overall 5.5% decrease amounting to -\$21.516 million annually, to be effective August 1, 2007, for new business and October 1, 2007, for renewal business.

Unless formal administrative action is taken prior to June 23, 2007, 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. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1067. Filed for public inspection June 15, 2007, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Armstrong County, Wine & Spirits Shoppe #0301, 410 Ford Street, Ford City, PA 16226.

Lease Expiration Date: 90-day status since February 1, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,500 net useable square feet of new or existing retail commercial space serving Ford City and surrounding area. Site must have rear loading access for tractor-trailer deliveries.

Proposals due: July 6, 2007, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Montgomery County, Wine & Spirits Shoppe #4606, 1925 Norristown Road, Maple Glen, PA 19002.

Lease Expiration Date: 90-day status since April 1, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 10,000 net useable square feet of new or existing retail commercial space within a 1.0 mile radius of Route 63 and Norristown Road, Horsham Township.

Proposals due: July 6, 2007, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Henry Blocker, Jr., (215) 482-9671

Philadelphia County, Wine & Spirits Shoppe #5101, 135 West Cheltenham Avenue, Philadelphia, PA 19144.

Lease Expiration Date: November 30, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a .25 mile radius of Wayne and Cheltenham Avenues in Philadelphia.

Proposals due: July 6, 2007, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Henry Blocker, Jr., (215) 482-9671

Philadelphia County, Wine & Spirits Shoppe #5180, 3521 Cottman Avenue, Philadelphia, PA 19149.

Lease Expiration Date: February 29, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a .50 mile radius of Cottman and Frankford Avenues in Philadelphia.

Proposals due: July 6, 2007, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Henry Blocker, Jr., (215) 482-9671

Philadelphia County, Wine & Spirits Shoppe #9114, 730 Adams Avenue, Philadelphia, PA 19124.

Lease Expiration Date: August 31, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within a .25 mile radius of Adams Avenue and Tabor Road in Philadelphia.

Proposals due: July 6, 2007, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Henry Blocker, Jr., (215) 482-9671

The Liquor Control Board seeks the following new lease:

Philadelphia County, Wine & Spirits Shoppe #5104, Ridge Avenue and Domino Lane, Philadelphia, PA 19128.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a .50 mile radius of the intersection of Ridge Avenue and Domino Lane, Philadelphia.

Proposals due: July 6, 2007, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Henry Blocker, Jr., (215) 482-9671
 PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 07-1068. Filed for public inspection June 15, 2007, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's 11 member Board of Directors on Tuesday, July 10, 2007, at 10:30 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HAAC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 07-1069. Filed for public inspection June 15, 2007, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Abandonment of Steam Service

A-130175F2001. NRG Energy Center Harrisburg, LLC. Application of NRG Energy Center Harrisburg, LLC, for a Certificate of Public Convenience authorizing it to abandon steam service on the following eight segments of its low pressure steam system in the City of Harrisburg, Dauphin County, PA: a) Forster Street between North Third and Susquehanna Streets; b) Forster Street between North Second and Green Streets; c) the North Side of State Street between Willow and North

Second Streets; d) Briggs Street between Green and North Third Streets; e) Cranberry Street between North Second and River Streets; f) Bartine Street between Boas and Union Streets; g) Walnut Street between North Tenth and Cameron Streets; and h) North Sixth Street between Pear and Herr Streets.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 2, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: NRG Energy Center Harrisburg, LLC

Through and By Counsel: Louise A. Knight, Esquire, David P. Zambito, Esquire, Reger Rizzo Kavulich and Darnall, LLP, 20 North Market Square, Suite 300, Harrisburg, PA 17101

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1070. Filed for public inspection June 15, 2007, 9:00 a.m.]

Order

Public Meeting held
 May 30, 2007

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

Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge; Doc. No. M-00900239F0015

Order

By the Commission:

In accordance with our May 29, 1990 Order at Docket No. M-00900239, which established the Pennsylvania Telephone Relay Service (Relay) and a surcharge funding mechanism (TRS surcharge); and with Act 34 of 1995, 35 P. S. §§ 6701.1, et seq.,¹ which established the Telephone Device Distribution Program (TDDP) to be funded by the TRS surcharge and which codified Relay and use of the TRS surcharge funding mechanism; and with Act 174 of 2004, 35 P. S. § 6701.3a, which established the Print Media Access System Program (PMASP) to be funded in part by the TRS surcharge,² we have completed the 17th annual recalculation of the TRS surcharge as it applies to residence and business wireline access lines for July 1, 2007, through June 30, 2008. The monthly residential and business monthly wireline access line surcharge will remain set at \$0.08 and \$0.09, respectively.

¹ The statutory provisions were also amended by Act 181 of 2002 to be more inclusive of persons with disabilities.

² PMASP is a reading service for persons with certain vision and physical disabilities. The law is now called the "Universal Telecommunications and Print Media Access Act."

As part of their continuing obligations under the TRS surcharge recalculation process, the local exchange carriers (LECs)³ have submitted their wireline access line counts. The total number of wireline access lines, adjusted for Centrex lines, is 7,584,143 which include 4,701,674 residence wireline access lines and 2,882,469 business wireline access lines. The Relay Provider, AT&T Communications of Pennsylvania, LLC, has submitted the estimated minutes of use and charges for July 1, 2007, through June 30, 2008. U. S. Bank,⁴ the Fund Administrator, has provided a statement of the financial status of the Fund.⁵ The executive director of the Office of Vocational Rehabilitation (OVR) in the Department of Labor and Industry has submitted the 2007-2008 TDDP budget and the 2007-2008 PMASP budget. Additionally, the surcharge will fund the Captioned Telephone Voice-Carry-Over Relay Service (CTVRS), TRS Advisory Board activities, and Fund administration costs.

Based upon the number of wireline access lines; the estimated cost of the CTVRS; the projected costs of Relay, TDDP, and PMASP; anticipated Relay Advisory Board expenses; and TRS Fund administration costs, coupled with the financial status of the TRS Fund,⁶ the 2007-2008 residential and business monthly wireline access line will remain set at the surcharge rates of \$0.08 and \$0.09, respectively.⁷ Since the 2007-2008 surcharge has not changed from the 2006-2007 surcharge, no tariff supplements are required at this time.

Effective July 1, 2007, the monthly surcharge collected shall be remitted and allocated to each fund account on a percentage basis as follows:⁸

	<i>2007-2008 Monthly Surcharge Percentage</i>	
	<i>Residence %</i>	<i>Business %</i>
Relay	98.0	98.0
TDDP	0.0	0.0
PMASP	2.0	2.0
Total Percentage	100.0	100.0

All TRS surcharge revenues shall continue to be remitted to the Fund Administrator.⁹

³ Including both incumbent local exchange carriers (ILECs) and competitive local exchange carriers (CLECs). This total is further adjusted under a Centrex equivalency formula. As of May 15, 2007, fourteen LECs (ARC Networks, BCN Telecom, Broadwing Communications, Claricom Networks, CTSI, Full Service Computing, Global Crossing Local Service, Lightyear Networks, McGraw Communications, Penn Telecom, Remi Retail Communications, Shared Network User Group, US LEC of PA, PaeTec Communications) have not filed their access line data. Staff is currently investigating this noncompliance issue.

⁴ As a result of mergers, acquisitions, and name changes, Fund administration has been handled by Hamilton Bank, CoreStates Bank N.A. (1995), First Union National Bank (1999), Wachovia Bank, N.A. (2002), and U.S. Bank Institutional Trust & Custody (2006).

⁵ Separate accounts are maintained for the portion of the surcharge allocated to Relay, the portion allocated to TDDP, and the portion allocated to PMASP. Relay Advisory Board, CTVRS, and outreach activities draw from the Relay account; Fund administration draws from each respective account.

⁶ The TRS Funds consists of three separate accounts: one for Relay; one for TDDP and one for PMASP. The separation of account activity is accomplished by individual bank accounts increasing accountability.

⁷ The annual expense is based on the estimated annual charges submitted by AT&T Relay, estimated annual TRS Advisory Board expenses, estimated annual compensation to the Fund Administrator, contracted cost of Relay outreach campaign, staff estimated annual charges for CTVRS use; and the estimated annual budget for the TDDP and PMASP submitted by OVR.

⁸ The TRS surcharge appears as a single line item on customers' bills but actually has three components (Relay TDDP and PMASP).

⁹ LECs shall remit surcharge revenues to U.S. Bank Institutional Trust & Custody, Attn: Sue Massey, EX-PA-WBSP, 50 South 16th Street, 20th Floor, Philadelphia, PA 19102, payable to the "PA Relay Service Fund" and designated for Relay. Wire instructions effective September 11, 2006 can be found on the remittance form.

We shall continue our active oversight of the operations of the Pennsylvania Relay and continue to collaborate with OVR and its TDDP administrator¹⁰ to ensure adequate funding for distribution of TDDP equipment to low-income households in accordance with 35 P. S. §§ 6791.3 and 4. We shall also work with OVR to ensure adequate funding for PMASP in accordance with 35 P. S. §§ 6791.3a and 4.

On August 7, 2003, our Secretarial letter required AT&T to file on or before May 1st of each year a Statement of Actual Underlying Costs of the PA TRS for the period of July 1 of the previous year through June 30 of the current year. The Commission's Bureau of Audits has completed its Audit of the Underlying Costs of the PA TRS for the Fiscal year ended June 30, 2004 and June 30, 2005. The Bureau of Audits has issued a Report dated February 15, 2007, at Docket No. D-040SPA050.

On May 29, 2003, the Commission authorized an audit of the TRS fund. The scope of this audit has expanded to include the fiscal period ending June 30, 2006. The audit currently includes the 36 months of July 1, 2003 through June 30, 2006. The Commission's Bureau of Audits has completed the field work of the TDDP for the twelve months ended June 30, 2006. The Commission is generally satisfied that ratepayer funds are appropriately used for the TDDP during the audit periods; *Therefore,*

It is Ordered That:

1. For the period of July 1, 2007, through June 30, 2008, the residence surcharge per wireline access line per month shall be \$0.08 and the business surcharge per wireline access line per month shall be \$0.09, unless we take further action to revise the TRS surcharge prior to June 30, 2008.

2. All local exchange carriers are directed to use the attached form to remit the monthly TRS surcharge collections to U. S. Bank, Institutional Trust & Custody.

3. A copy of this Order be served upon all local exchange carriers, AT&T Communications Company of Pennsylvania, LLC, U. S. Bank Institutional Trust & Custody, the Office of Vocational Rehabilitation in the Department of Labor and Industry, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Pennsylvania Telephone Association.

4. A copy of this Order be published in the *Pennsylvania Bulletin*.

5. A copy of this Order be posted to the Commission's website.

JAMES J. MCNULTY,
Secretary

¹⁰ As of January 1, 2007, the TDD program is administered by Pennsylvania's Initiative on Assistive Technology (PIAT), Institute on Disabilities, Temple University (IDT).

REMITTANCE FORM FOR MONTHLY TRS SURCHARGE COLLECTIONS

Effective July 1, 2007 through June 30, 2008; M-00900239F0015

All local service providers are required to collect and remit the TRS surcharge revenue monthly, by the 20th of each month. It is advisable to use the following format for the monthly remittance:

Pennsylvania TRS Surcharge

For the Month Ending

Number of Residential access lines
X \$0.08 per line
Allocated: TRS 98.0 percent, TDDP 0.0 percent, PMASP 2.0 percent
Number of Business access lines
X \$0.09 per line
Allocated: TRS 98.0 percent, TDDP 0.0 percent, PMASP 2.0 percent
Total Remittance

Make check payable to: Pennsylvania TRS Fund

Mail Report and payment to:

U. S. Bank Institutional Trust & Custody
Sue Massey
EX-PA-WBSP
50 South 16th Street, 20th Floor
Philadelphia, PA 19102

Wire Instructions:

BANK U. S. Bank N.A.
ADDRESS 60 Livingston Avenue,
St. Paul, MN 55107-2292
ABA 091 000 022
BNF ITC Depository South and East
ACCOUNT 173 103 781 832
OBI PA Relay
ATTN: Sue Massey

Remittance for: Company Name(s):
Contact Person:
Voice Phone Number: ()
FAX: ()
E-mail address

Authorized Signature: Date:

Please direct any questions regarding the TRS Surcharge remittance to Eric Jeschke at (717) 783-3850 or ejeschke@state.pa.us.

[Pa.B. Doc. No. 07-1071. Filed for public inspection June 15, 2007, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 9, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary

between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-00123761. (Corrected) Map Shuttle Service, LLC (939 Oakland Avenue, Langhorne, Bucks County, PA 19047), a limited liability company of the Commonwealth—persons, in group and party service, using vehicles seating 11 to 15 passengers, including the driver, from points in the City and County of Philadelphia and the Counties of Bucks, Montgomery, Chester and Delaware, to the Philadelphia Park Casino and Racetrack, in the Township of Bensalem, Bucks County, and vice versa. Attorney: Brandon R. Wind, P. O. Box 1214, Newtown, PA 18940.

A-00123819. Rides, Inc., t/a Rides (525 A2 Knightsbridge Court, Andalusia, PA 19020)—certificate of public as a common carrier for LogistiCare Solutions, LLC (A-00123240), persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.

A-00108814, F.4, Am-A. (Corrected) Bucks Transit Co., Inc. (609 Iva Lane, Fairless Hills, Bucks County, PA 19030)—a corporation of the Commonwealth—for amendment to its common carrier certificate, which grants the right to transport, by motor vehicle, persons in airport transfer service from points in the Borough of Bristol, the Township of Bristol and that portion of the Township of Bensalem southeast of US Route 1, but excluding that portion of the Township of Bensalem west of Woodhaven Boulevard, to the Philadelphia International Airport located in the City and County of Philadelphia and the Township of Tinicum, Delaware County, and vice versa: *So As To Permit* the transportation of persons in airport transfer service, from the Townships of Lower Makefield, Newtown, Falls and the Boroughs of Newtown and Tullytown, the Townships of Bensalem, Middletown, Lower Southampton and Northampton, and the Borough of Doylestown, to the Philadelphia International Airport located in the City and County of Philadelphia and the Township of Tinicum, Delaware County, and vice versa.

Applications of the following for the approval of the transfer of stock as described under each application.

A-00115842, F.5000. Red Rose Limousine Service, Inc. (3627 Hermitage Road, Transfer, Mercer County, PA 16154), a corporation of the Commonwealth—for the approval of the transfer of 500 shares of issued and outstanding shares held by Margaret M. Fiedler to Jeanine Haynes. *Attorney:* William A. Gray, Esquire, Vuono & Gray, 2310 Grant Building, Pittsburgh, PA 15219.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1072. Filed for public inspection June 15, 2007, 9:00 a.m.]

Tentative Order

Public Meeting held
May 30, 2007

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

In re: OCMC, Inc. d/b/a AdvantTel, LiveTel, Once Call Communications, Inc., OPTICOM, RegionTel, SuperTel and 1-800-Max-Save (2007.0014); Doc. No. A-311197

Tentative Order

By the Commission:

OCMC, Inc. d/b/a AdvantTel, LiveTel, Once Call Communications, Inc., OPTICOM, RegionTel, SuperTel and

1-800-Max-Save (OCMC) has failed to pay its \$486 general assessment for 2006-2007 pursuant to section 510(c) of the Public Utility Code. 66 Pa.C.S. § 510(c). OCMC is a telecommunications interexchange reseller certificated at A-311197 on July 18, 2002. On or about August 21, 2006, Commission staff sent an invoice to OCMC notifying it that its 2006-2007 annual assessment was due. The Commission has not received payment for this invoice. When Commission staff attempted to contact OCMC about payment, a copy of a generic letter dated May 25, 2006, was forwarded to staff, stating that Meridian Financial Advisors, Ltd. d/b/a The Meridian Group was appointed by order entered by the United States District Court for the Southern District of Indiana as the Receiver over the assets and business of OCMC and that OCMC was no longer conducting business in Pennsylvania. The letter, signed by the president of the Meridian Group, also advised that OCMC was relinquishing any and all certificates or regulatory authorization.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on the above and because of OCMC's failure to pay its annual assessment for 2006-2007, we believe it is appropriate to revoke OCMC's certificate of public convenience without the necessity of a formal complaint, and we tentatively conclude that revocation of OCMC's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if OCMC or any successor in interest seeks relief from this Tentative Order; *Therefore,*

It is Ordered That:

1. Revocation of OCMC, Inc. d/b/a AdvantTel, LiveTel, Once Call Communications, Inc., OPTICOM, RegionTel, SuperTel and 1-800-Max-Save's certificate of public convenience is hereby approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon OCMC, Inc. d/b/a AdvantTel, LiveTel, Once Call Communications, Inc., OPTICOM, RegionTel, SuperTel and 1-800-Max-Save; Meridian Financial Advisors, Ltd. d/b/a The Meridian Group; the Office of Consumer Advocate; the Office of Small Business Advocate; the Office of Trial Staff; the Pennsylvania Emergency Management Agency; and the Department of Revenue, Bureau of Corporation Taxes, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final, and without further action by the Commission, the certificate of public convenience held by OCMC, Inc. d/b/a AdvantTel, LiveTel, Once Call Communications, Inc., OPTICOM, RegionTel, SuperTel and 1-800-Max-Save at A-311197 shall be canceled, and OCMC, Inc.'s name stricken from all active

utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1073. Filed for public inspection June 15, 2007, 9:00 a.m.]

Wastewater Service

A-230073F0012. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of: 1) the transfer, by sale, of substantially all of Claysville-Donnegal Joint Municipal Authority's assets, properties and rights related to its wastewater system to Pennsylvania-American Water Company; and 2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in all of Claysville Borough and portions of Donegal Township, Washington County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 2, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan D. Simms, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1074. Filed for public inspection June 15, 2007, 9:00 a.m.]

Water Service

A-212285F0145. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of: 1) the transfer, by sale, of substantially all of Claysville-Donnegal Joint Municipal Authority's assets, properties and rights related to its water system to Pennsylvania-American Water Company; and 2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in the Borough of Claysville and in portions of Donegal, East Finley and Buffalo Townships, Washington County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 2, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan D. Simms, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1075. Filed for public inspection June 15, 2007, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #07-056.6, Replace Fire Alarm System, 5-Year Testing & Certification at Tioga Administrative Building until 2 p.m. on Thursday, July 12, 2007. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available June 19, 2007. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

Mandatory prebid job site meeting will be held June 28, 2007, 10 a.m. at Tioga Administration Building, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 07-1076. Filed for public inspection June 15, 2007, 9:00 a.m.]

