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PENNSYLVANIA BULLETIN

Volume 37

Number 26

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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.

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Printing Format

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

Fiscal Notes

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

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

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THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Promulgation of Rule 229.2 Governing Petitions to Transfer Structured Settlement Payment Rights; No. 480 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 15th day of June, 2007, Pennsylvania Rule of Civil Procedure 229.2 is promulgated to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective September 1, 2007.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 229.2. Petition to Transfer Structured Settlement Payment Rights.

(a) Words used in this rule, which are defined by the Structured Settlement Protection Act, shall have the meaning set forth in the Act.

Official Note: See Section 2 of the Act, 40 P. S. § 4002, which defines numerous terms including “best interests,” “dependents,” “payee,” “structured settlement obligor,” and “structured settlement payment rights.”

(b) A petition to transfer structured settlement payment rights shall be filed in the county in which the payee is domiciled.

Official Note: See Section 4 of the Act, 40 P. S. § 4004, providing that the court of common pleas of the judicial district in which the payee is domiciled shall have jurisdiction over the petition.

(c) The parties to the petition shall be the payee and the transferee.

(d) The petition shall be verified by the transferee and shall contain:

(1) a statement setting forth the payment provisions of the structured settlement agreement and the payment rights that the payee seeks to transfer,

(2) separate paragraphs which in bold type set forth

(i) the net amount payable to the payee after deduction of all commissions, fees, costs, expenses, and charges, and

(ii) the following statement setting forth the interest rate:

“Based on the net amount that the payee will receive from this transaction (\$ _____) and the amounts and timing of the structured settlement payments that would be assigned, the payee is, in effect, paying interest at a rate of _____ % per year.”

(3) four attachments:

(i) a Payee’s Affidavit in Support of Petition, in the form prescribed by subdivision (f) as Attachment 1,

(ii) an initial order of court scheduling the hearing, in the form prescribed by subdivision (g),

(iii) a certification by an attorney for the transferee representing to the best of his or her knowledge, information and belief, formed after reasonable inquiry, that the transfer will comply with the requirements of the Act and will not contravene any other applicable federal or state statute or regulation or the order of any court or administrative authority, and

(iv) a final order of court granting the petition, in the form prescribed by subdivision (i).

Official Note: These four attachments are in addition to any other documents which are required to support the findings set forth in Section 3 of the Act, 40 P. S. § 4003.

Subdivision (d) requires that two documents be verified. As the two documents contain different information, each must be verified by a different person. The petition to transfer structured settlement payment rights must be verified by the transferee. The Payee’s Affidavit in Support of Petition must be verified by the payee. The transferee is not required to verify the information set forth in the Payee’s Affidavit.

(e)(1) If the petition and Payee’s Affidavit in Support of Petition meet the requirements of this rule and contain factual allegations which, if established, will support the findings set forth in Section 3 of the Act, the court shall promptly enter an order scheduling a hearing date. The transferee shall give notice of the hearing, in the form prescribed by subdivision (h), to the payee, the structured settlement obligor, the annuity issuer, the payee’s spouse and any person who receives child support, alimony or alimony pendente lite from the payee.

(2) If the petition is denied without a hearing for failure to meet the requirements of this rule or to contain necessary factual allegations, which will support the findings set forth in Section 3 of the Act. The court shall state reasons for the denial and the payee may file an amended petition as of course.

(f) The Payee’s Affidavit in Support of Petition shall be substantially in the following form:

(Caption)

Payee’s Affidavit in Support of Petition to Transfer Structured Settlement Rights

I, _____, the payee, verify that the statements below are true and correct:

1. Payee’s name, address and age: _____

2. Marital Status:

_____ Never Married; _____ Married;
_____ Separated; _____ Divorced

If married or separated, name of spouse: _____

3. Minor children and other dependents:

Names, ages, and places of residence: _____

4. Income:

(a) Payee’s monthly income and sources: _____

(b) If presently married, spouse's monthly income and sources: _____

5. Child support, alimony or alimony pendente lite:

Obligation to pay: ____ Yes ____ No

If yes, state the amount of the obligation, to whom payable, and whether there are arrearages: _____

6. Previous transfers:

Have you previously filed a petition to transfer payment rights under the structured settlement that is the subject of this petition? ____ Yes ____ No

If yes, for each petition that you filed,

(a) If the transfer was submitted for court approval, list the court, the case caption and case number, and state whether the court approved or disapproved the transfer: _____

(b) If the transfer was approved,

(i) State the name of the transferee and identify (listing due dates and payment amount(s)) the payments involved in the transfer: _____

(ii) State the amount of money and the manner in which the money was used: _____

(c) Have you ever transferred payments without court approval? If so, please explain: _____

7. Reasons for transfer:

Describe in detail your reasons for the proposed transfer, including an explanation as to why a sale of a lesser amount of the structured settlement amount will not better serve your interests: _____

8. Payment of debts:

If you seek the transfer in order to pay debts, list each debt, including the name of the creditor and the amount presently owed:

Debt	Creditor	Amount Owed
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Verification

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

DATE: _____ Signature _____

(g) The initial order of court shall be substantially in the following form:

(CAPTION)

Initial Order of Court

On this ____ day of _____, 2____, it is ordered that a hearing on this Petition to Transfer Structured Settlement Payment Rights will be held on _____, in Courtroom _____ at _____ o'clock. The payee shall bring income tax returns for the prior two (2) years to the hearing.

Within seven (7) days, the transferee shall give notice of the hearing date to the payee, the structured settlement obligor, the annuity issuer, the payee's spouse and any person receiving child support, alimony, or alimony pendente lite. The transferee shall attach a certificate of service to the notice of hearing date. A copy of the notice with the certificate of service shall be filed with the court prior to the hearing.

BY THE COURT:

J.

(h) The notice of hearing shall be substantially in the following form:

(CAPTION)

Notice of Hearing on Petition to

Transfer Structured Settlement Payment Rights

To: _____

You are hereby given notice that _____ (name of payee)

has filed a petition to transfer structured settlement payment rights. A hearing in this matter has been scheduled on _____, 2____ at _____ o'clock in courtroom no. _____, courthouse, _____ (address).

You are entitled to support, oppose or otherwise respond to the payee's petition, either in person or by counsel, by filing written comments with the court prior to the hearing or by attending the hearing.

Date _____ Transferee _____

Address _____

Telephone Number _____

(i) The final order of court shall be substantially in the following form:

(CAPTION)

Final Order of Court

On this ____ day of _____, 2____, it is ordered that the Petition to Transfer of Structured Settlement Payment Rights is granted.

The court specifically finds that:

(1) the payee has established that the transfer is in the best interests of the payee or the payee's dependents;

(2) based on the certification by an attorney for the transferee, and the court having not been made aware of any statute, regulation or order that would be incompatible with the proposed transfer, the transfer will not

contravene any applicable federal or state statute or regulation, or the order of any court or administrative authority;

(3) the transfer complies with the remaining requirements of the Structured Settlement Protection Act, including Sections 3(a)(2), 3(a)(4), 3(a)(5) and 3(a)(6);

(4) the payments that are to be transferred are designated as follows: _____

(5) the terms of this order shall survive the death of the payee and shall be binding on the payee's heirs, beneficiaries and assigns;

(6) the payee shall receive from the transferee, as of _____, the amount of \$ _____, from which no funds are owed for counsel fees, administrative fees, or other costs, fees or expenses.

BY THE COURT:

J.

Official Note: The form of order does not preclude a court from adding additional language to the order as deemed appropriate in the individual circumstances of a case.

Explanatory Comment

In 2000, the General Assembly passed the Structured Settlement Protection Act, Act of February 11, 2000, P. L. 1, 40 P. S. § 4001 et seq., providing for, inter alia, the court of common pleas to permit the transfer of structured settlement payment rights only upon an express finding that the transfer is in the best interests of the payee. While the Act requires the disclosure of information to the payee concerning the transfer, it does not specify what factual allegations or other information must be included in the petition to enable the trial court to make its determination. New Rule 229.2 is intended to provide the additional information necessary for a trial court to determine whether a petition to transfer structured settlement payment rights satisfies the best interest standard.

Subdivision (c) of the rule identifies the parties to the petition as the payee and the transferee. The transferee is required to verify the petition and, in doing so, must set forth the circumstances surrounding the proposed transfer of structured settlement payment rights. The petition must contain averments that the requirements of the Act have been satisfied, e.g., the proper disclosures have been made to the payee. In contrast, the payee is required through the Payee's Affidavit in Support of Petition to provide the necessary information to enable the trial court to determine whether the transfer is in the best interests of the payee. The court will enter an order scheduling a hearing date only if the petition and the payee's affidavit meet the requirements of the rule and contain factual allegations, which, if established, satisfy the requirements of Section 3 of the Act, 40 P. S. § 4003.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 07-1132. Filed for public inspection June 29, 2007, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Civil Procedural Rules Committee; Proposed Amendment to Local Rule 102 Definitions; Proposed Repeal and Replacement of Local Rule 131 Self Representation

The Philadelphia Municipal Court Civil Procedural Rules Committee is proposing the amendment of Rule 102 Definitions and the repeal and replacement of Rule 131 Self Representation. The proposed changes are being submitted to the bench and bar for comments and suggestions.

All communications in reference to the proposed changes should be sent not later than July 30, 2007 to:

The Honorable Barbara S. Gilbert, Chair
Municipal Court Civil Procedural Rules Committee
1301 Filbert Street
Suite 1305
Philadelphia, PA 19107

Rule 102 of the Philadelphia Municipal Court Civil Procedure Rules is amended to include the following:

Rule 102. Definitions.

Authorized Representative—An authorized representative is an individual who is an agent of a party, has personal knowledge of the subject matter of litigation, and files a written authorization with the Court prior to the commencement of trial. A written authorization shall be signed by a party and specify the nature and extent of the authority that the party has given to the authorized agent. A valid written authorization must be filed with the Court before an authorized representative may take any actions on behalf of a party. An approved written authorization form is attached to these rules.

Rule 131 of the Philadelphia Municipal Court Civil Procedure Rules is repealed and replaced by the following:

Rule 131. Representations.

a. An individual or sole proprietor may be represented by himself or herself, by an attorney at law, or by an authorized representative.

b. A corporation as defined in Part II of Title 15 of *Pennsylvania Consolidated Statutes* may be represented by an officer, an attorney at law, or by an authorized representative.

c. A general partnership as defined in Part III of Title 15 of *Pennsylvania Consolidated Statutes* may be represented by a partner, an attorney at law, or by an authorized representative. A limited partnership as defined in Part III of Title 15 of *Pennsylvania Consolidated Statutes* may be represented by a general partner, an attorney at law, or by an authorized representative. A limited liability company as defined in Part III of Title 15 of *Pennsylvania Consolidated Statutes* may be represented by a manager, an attorney at law, or by an authorized representative.

d. A professional association as defined in Part IV of Title 15 of *Pennsylvania Consolidated Statutes* may be represented by an officer of its board of governors, an attorney at law, or by an authorized representative.

e. A business trust as defined in Part V of Title 15 of *Pennsylvania Consolidated Statutes* may be represented by a trustee, an attorney at law, or by an authorized representative.

f. If authorized by a party, an authorized representative may take any action that a party may take, including, but not limited to, filing a statement of claim, filing a landlord tenant complaint, testifying, submitting documents into evidence, and making filings and appearing in court after the adjudication of a small claims or landlord tenant action. A party shall always have the right to file a document limiting or rescinding a person's right to act as an authorized representative.

g. Notwithstanding the above, a party may not use an authorized representative in any action in which the City of Philadelphia is seeking fines, penalties, unpaid taxes, or unpaid water/sewer charges.

Official Note: An authorized representative is defined in Rule 102. The addition of an authorized representative as a person who may be a representative of a party is intended to permit a party to select and authorize an individual who has knowledge of the subject matter of litigation to represent it in all court proceedings. As noted in the definition of an authorized representative, a person must file an appropriate authorization form prior to the commencement of trial in order to act as an authorized representative. This rule is not intended to allow a non-lawyer to establish a business for the purpose of representing others in Court proceedings.

[Pa.B. Doc. No. 07-1133. Filed for public inspection June 29, 2007, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Rules of the Criminal Procedure; Criminal Division; No. CP-02-AD-3-2007 Rules Doc.

Order of Court

And Now, to-wit this 11th day of June, 2007, it is hereby *Ordered*, pursuant to action of the Board of Judges, that the following Allegheny County local rules of Criminal Procedure (All.C.R.Crim.P.) are adopted as the Rules of this Court. All prior Allegheny Court Rules of Criminal Procedure are rescinded as of the effective date of the new Rules.

And Further, it is *Ordered* that these Rules shall be effective thirty (30) day after the publication in the *Pennsylvania Bulletin*.

By this Order, the District Court Administrator for the Fifth Judicial District is hereby directed to:

1. File seven (7) certified copies of this Order and the following Rules with the Administrative Office of Pennsylvania Courts.

2. Distribute two (2) certified copies of the following Rules and a computer diskette that complies with the requirements of 1 Pa. Code § 13.11(b) to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy of the following Rules with the Criminal Procedural Rules Committee.

4. File original of this Order of Court and the following Rules in the office of the Prothonotary and a certified copy of this Order of Court and the following Rules in the office of the Clerk of Courts.

By the Court:

JOSEPH M. JAMES,
President Judge

Local Rules of The Court of Common Pleas of Allegheny County, Pennsylvania (Fifth Judicial District), Governing the Practice and Procedures in Criminal Matters

Rule 100.1. Scope of Rules.

These rules are adopted in accordance with the Pennsylvania Rules of Criminal Procedure (Pa.R.Crim.P.) and govern criminal proceedings in the Criminal Division of the Court of Common Pleas, as well as the magisterial district courts and Pittsburgh Municipal Court, of Allegheny County, Pennsylvania.

Rule 101.1. Construction of Rules.

All rules of construction adopted by the Supreme Court of Pennsylvania shall apply to local rules adopted by the Court of Common Pleas of Allegheny County that govern the practice and procedure in criminal matters.

Rule 102.1. Citation of Local Rules.

These rules shall be known as the Allegheny County Rules of Criminal Procedure and shall be cited as "All.C.R.Crim.P."

Rule 103.1. Definitions.

Definitions contained in Pa.R.Crim.P. 103 shall apply to all local rules heretofore and hereafter adopted which govern practice and procedure in criminal matters.

Rule 105.1. Rules and Administrative Orders of Court.

(a) The Clerk of Courts shall maintain a consolidated set of local rules, fully updated, for public inspection during business hours.

(b) The Clerk of Courts shall establish and maintain a docket to be known as the Administrative Docket, in which shall be filed and recorded all Administrative Orders indexed by year, number and caption.

Rule 112.1. Pittsburgh Municipal Court; Publicity, Broadcasting, and Recording of Proceedings; Electronic Devices.

(a) Except as provided for in Pa.R.Crim.P. 542(C)(5), the broadcasting, televising, recording of proceedings, or the taking of photographs, is prohibited in all courtrooms in the Pittsburgh Municipal Court.

(b) Except as provided for in Pa.R.Crim.P. 542(C)(5), all persons present at hearings at the Pittsburgh Municipal Court who are in possession of any electronic device including, but not limited to, cellular telephones, beepers, personal data assistants, and the like, must turn such devices off before entering the courtroom.

(c) If any electronic device is enabled or in any way disrupts court proceedings, the Sheriff is authorized to confiscate the device until the conclusion of the proceedings and/or to remove the person in possession of the device from the courtroom.

Rule 114.1. Legal Advertising.

(a) In all actions, proceedings, or other matters, where by law or Rule of Court, notice is required to be given by advertisement in a newspaper, such publication shall be in a newspaper of general circulation in Allegheny County and proof of publication shall be on the affidavit of the publisher or the agent of the publisher, filed of record before the entry of final order, decree or judgment.

(b) The daily edition of the *Pittsburgh Legal Journal* is designated as the legal newspaper of the Court for the publication of legal notices. All advertisements or notices required by law or Rule of Court to be advertised in a newspaper of general circulation shall also be advertised in the *Pittsburgh Legal Journal* daily edition, unless dispensed with by an order of the Court filed of record.

Rule 116. Court Sessions.

(a) Court shall be in session on Monday through Friday throughout the calendar year except for legal holidays, unless otherwise ordered by the President Judge.

(b) For each day of court sessions, the Administrative Judge shall designate a Motions Judge, who will be available to hear motions on matters wherein a judge has not been assigned, all bail hearings pursuant to All.C.R.Crim.P. 529.1, all bench warrant hearings pursuant to All.C.R.Crim.P. 150.1, all consent and default forfeiture orders entered pursuant to 42 Pa.C.S. §§ 6801 and 6802, and other matters of a miscellaneous nature as determined by the Administrative Judge.

Rule 117.1. Coverage for Issuing Warrants, Preliminary Arraignments and Summary Trials, and Setting and Accepting Bail.

(a) All magisterial district judges' offices shall be open for regular business on Mondays through Fridays from 8:30 a.m. until 4:30 p.m. prevailing time except court holidays or as otherwise published on the website of the Fifth Judicial District of Pennsylvania at www.alleghencycourts.us.

(b) Continuous coverage for issuance of search and arrest warrants, acceptance of criminal complaints, conduct of preliminary arraignments, setting and acceptance of bail, holding of summary trials or setting of collateral therefor shall be provided at Pittsburgh Municipal Court Arraignment Court, Municipal Courts Building, 660 First Avenue, Pittsburgh, PA 15219. Arraignment Court shall be staffed by an on-duty issuing authority and support personnel during all off-hours and during regular business hours, if circumstances prevent utilization of the established magisterial district judge office.

(c) Magisterial district judges and the Clerk of Courts shall be authorized to accept bail in accordance with the provisions of the Pa.R.Crim.P. and as between both entities shall provide continuous coverage to do so.

COMMENT: Arraignment Court provides off-hours coverage for Protection from Abuse Act cases pursuant to 23 Pa.C.S. § 6110 and Rule 1203 the Pennsylvania Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges, and issuance of arrest warrants pursuant to Rules 210 and 211 of Pennsylvania Rules of Juvenile Court Procedure (Pa.R.J.C.P.), as well.

Rule 120.2. Counsel; Change of Address or Telephone.

Defense counsel shall promptly file in the Clerk of Courts written notice of any change of address and/or telephone number and give prompt written notice thereof to the Attorney for the Commonwealth and co-counsel, if any.

Rule 122.1. Court Appointed Counsel; General Guidelines.

(a) The Office of the Public Defender of Allegheny County may petition the Court for the appointment of counsel at any time.

(b) If, in any court case, prior to arraignment and the assignment of a judge, the Office of the Public Defender of Allegheny County asserts a conflict in representation, the Office of the Public Defender shall refer a request to the Office of Conflict Counsel, which shall accept the case or appoint counsel under the authority of the Administrative Judge.

(c) After a judge has been assigned to a case, the Public Defender shall file a petition to withdraw. The court shall make a determination on the record as to whether a valid conflict exists precluding the Public Defender's representation. If the judge grants the petition, the Office of Conflict Counsel shall accept the case or appoint counsel.

(d) In homicide cases and cases deemed by the Administrative Judge to be of a complex nature, the provisions of (b) and (c) shall not apply and, in those cases, the appointment of counsel shall be at the discretion of the Administrative Judge or a designee.

(e) The Administrative Judge of the Criminal Division shall maintain a list of eligible attorneys available for appointments. Attorneys interested in appointments shall submit a request for consideration to the Office of Conflict Counsel.

(f) Upon appointment by the Office of Conflict Counsel, private counsel will receive an appointment order with information concerning the date and time of the next court appearance. Counsel must be available on the next court appearance date.

(g) Attorneys requesting and accepting court appointments should be familiar with the procedures for consideration as court appointed counsel, the Court Appointed Counsel Fee Schedule, Billing Guidelines and Billing Procedures set forth by the Administrative Judge of the Criminal Division which are available in the Clerk of Courts Office and published on the website of the Fifth Judicial District of Pennsylvania at www.alleghencycourts.us.

Rule 131.1. Designation of Pittsburgh Municipal Court; Homicide Cases; Court Reporters.

(a) Pittsburgh Municipal Court is designated as the central location for all preliminary arraignments, whether live or by use of advanced communication technology, wherein the defendant is charged with Criminal Homicide (18 Pa.C.S. § 2501), Murder (18 Pa.C.S. § 2502), Voluntary Manslaughter (18 Pa.C.S. § 2503), Involuntary Manslaughter (18 Pa.C.S. § 2504), Drug Delivery Resulting in Death (18 Pa.C.S. § 2506), Homicide by Vehicle (75 Pa.C.S. § 3732), Homicide by Vehicle While Driving Under Influence (75 Pa.C.S. § 3735), Homicide by Watercraft (30 Pa.C.S. § 5502.2), Homicide by Watercraft While Operating Under Influence (30 Pa.C.S. § 5502.1), Criminal Homicide of Unborn Child (18 Pa.C.S. § 2603), Murder of Unborn Child (18 Pa.C.S. § 2604) and/or Voluntary Manslaughter of Unborn Child (18 Pa.C.S. § 2605) for a criminal incident arising within the jurisdiction of Allegheny County, Pennsylvania, and for all preliminary hearings for criminal complaints wherein the defendant is charged with Criminal Homicide (18 Pa.C.S. § 2501), Murder (18 Pa.C.S. § 2502), Voluntary Manslaughter (18 Pa.C.S. § 2503), Involuntary Manslaughter (18 Pa.C.S. § 2503), Involuntary Manslaughter (18 Pa.C.S. § 2503), Involuntary Manslaughter (18 Pa.C.S. § 2503).

§ 2504), Drug Delivery Resulting in Death (18 Pa.C.S. § 2506), Homicide by Vehicle (75 Pa.C.S. § 3732), Homicide by Vehicle While Driving Under Influence (75 Pa.C.S. § 3735), Homicide by Watercraft (30 Pa.C.S. § 5502.2), Homicide by Watercraft While Operating Under Influence (30 Pa.C.S. § 5502.1), Criminal Homicide of Unborn Child (18 Pa.C.S. § 2603), Murder of Unborn Child (18 Pa.C.S. § 2604) and/or Voluntary Manslaughter of Unborn Child (18 Pa.C.S. § 2605) for a criminal incident arising within the jurisdiction of Allegheny County, Pennsylvania.

(b) The President Judge shall assign a magisterial district judge to preside in Pittsburgh Municipal Court for any preliminary hearing wherein one or more of the aforementioned charges are brought.

(c) The Allegheny County Court Reporters Office is designated as the official court reporting entity for and shall record and transcribe all notes of testimony at all preliminary hearings in cases heard at Pittsburgh Municipal Court pursuant to this rule.

Rule 131.2. Designation of Pittsburgh Municipal Court; Act 33 Cases.

(a) This rule is applicable only to cases involving any child, as that term is defined in Subsection (1) of the definition of "Child" in 42 Pa.C.S. § 6302, who is excluded from the Juvenile Act in accordance with Subsection (2)(ii) and (iii) of the definition of "Delinquent act" in 42 Pa.C.S. § 6302 (hereinafter "excluded actor").

(b) Pittsburgh Municipal Court is designated as the central site for all filings of criminal complaints, all preliminary arraignments, whether live or by use of advanced communication technology, and for all preliminary hearings for excluded actors.

(c) Magisterial district judges and senior magisterial district judges assigned to Pittsburgh Municipal Court are authorized to conduct preliminary arraignments and preliminary hearings wherein an excluded actor is charged with:

(1) Any of the following prohibited conduct where the child was 15 years of age or older at the time of the alleged conduct and a deadly weapon as defined in 18 Pa.C.S. § 2301 (relating to definitions) was used during the commission of the offense, which, if committed by an adult, would be classified as:

- (A) Rape as defined in 18 Pa.C.S. § 3121.
- (B) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123.
- (C) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2).
- (D) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii).
- (E) Robbery of motor vehicle as defined in 18 Pa.C.S. § 3702.
- (F) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125.
- (G) Kidnapping as defined in 18 Pa.C.S. § 2901.
- (H) Voluntary manslaughter as defined in 18 Pa.C.S. § 2503.

(I) An attempt, conspiracy or solicitation to commit murder or any of these crimes, as provided in 18 Pa.C.S. §§ 901, 902 and 903.

(2) Any of the following prohibited conduct where the child was 15 years of age or older at the time of the

alleged conduct and has been previously adjudicated delinquent of any of the following prohibited conduct which, if committed by an adult, would be classified as:

- (A) Rape as defined in 18 Pa.C.S. § 3121.
- (B) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123.
- (C) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii).
- (D) Robbery of motor vehicle as defined in 18 Pa.C.S. § 3702.
- (E) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125.
- (F) Kidnapping as defined in 18 Pa.C.S. § 2901.
- (G) Voluntary manslaughter as defined in 18 Pa.C.S. § 2503.
- (H) An attempt, conspiracy or solicitation to commit murder or any of these crimes as provided in 18 Pa.C.S. §§ 901, 902 and 903.

(d) The complaint and/or affidavit of probable cause, if applicable, shall include the basis for the arresting officer's determination that an offense is excluded from the Juvenile Act in accordance with Subsection (2)(ii) and/or (iii) of the definition of "Delinquent act" in 42 Pa.C.S. § 6302.

(e) Excluded actors shall be afforded preliminary arraignments pursuant to Pa.R.Crim.P. 540.

(f) The magisterial district judge may determine at the preliminary arraignment or at the preliminary hearing that the child is not an excluded actor. In such a case, the affiant may elect to proceed with a delinquency case based upon the same conduct of the child by contacting the Allegheny County Juvenile Probation Office Intake Division or, if the delinquency case implicates issuance of an arrest warrant, the affiant may submit a written allegation to the magisterial district judge, pursuant to Pa.R.J.C.P. 231, and request an arrest warrant, pursuant to Pa.R.J.C.P. 210. The arresting officer shall then comply with the dictates of Pa.R.J.C.P. 220.

Rule 150.1. Bench Warrants.

(a) In any court case when a bench warrant issued by a judge of the Criminal Division is executed, or the subject of the warrant has surrendered, the bench warrant hearing shall be conducted in open court and on the record by the Motions Judge.

(b) If the defendant is incarcerated in the Allegheny County Jail, these proceedings may be conducted using two-way simultaneous audio-visual communication, in the discretion of the Motions Judge.

(c) If bail is set as a result of the bench warrant hearing, the requirements of All.C.R.Crim.P. 529.1 must be met.

Rule 202.1. Approval of Search Warrant Applications by Attorney for the Commonwealth in Homicide Cases.

The District Attorney, Stephen A. Zappala, Jr., having filed a certification pursuant to Pa.R.Crim.P. 202, search warrants in the following circumstances: wherein the search warrant is relative to the investigation or prosecution of the following criminal offenses: Criminal Homicide (18 Pa.C.S. § 2501), Murder (18 Pa.C.S. § 2502), Voluntary Manslaughter (18 Pa.C.S. § 2503), Involuntary Manslaughter (18 Pa.C.S. § 2504), Drug Delivery Resulting in Death (18 Pa.C.S. § 2506), Homicide by Vehicle (75

Pa.C.S. § 3732), Homicide by Vehicle While Driving Under Influence (75 Pa.C.S. § 3735), Homicide by Watercraft (30 Pa.C.S. § 5502.2), Homicide by Watercraft While Operating Under Influence (30 Pa.C.S. § 5502.1), Criminal Homicide of Unborn Child (18 Pa.C.S. § 2603), Murder of Unborn Child (18 Pa.C.S. § 2604) and Voluntary Manslaughter of Unborn Child (18 Pa.C.S. § 2605) shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an Attorney for the Commonwealth prior to filing.

Rule 454.1. Summary Offenses; County Intermediate Punishment.

Magisterial district judges are authorized to sentence appropriate and eligible offenders to participate in the Allegheny County Intermediate Punishment Program by undergoing house arrest, electronic monitoring, and drug and alcohol treatment upon conviction for violations of 75 Pa.C.S. § 1543(b)(1) and (b)(1.1)(i).

Rule 507.1. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth in Homicide Cases.

The District Attorney, Stephen A. Zappala, Jr., having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Pennsylvania Rules of Criminal Procedure, charging Criminal Homicide (18 Pa.C.S. § 2501), Murder (18 Pa.C.S. § 2502), Voluntary Manslaughter (18 Pa.C.S. § 2503), Involuntary Manslaughter (18 Pa.C.S. § 2504), Drug Delivery Resulting in Death (18 Pa.C.S. § 2506), Homicide by Vehicle (75 Pa.C.S. § 3732), Homicide by Vehicle While Driving Under Influence (75 Pa.C.S. § 3735), Homicide by Watercraft (30 Pa.C.S. § 5502.2), Homicide by Watercraft While Operating Under Influence (30 Pa.C.S. § 5502.1), Criminal Homicide of Unborn Child (18 Pa.C.S. § 2603), Murder of Unborn Child (18 Pa.C.S. § 2604) and Voluntary Manslaughter of Unborn Child (18 Pa.C.S. § 2605) shall not hereafter be accepted by any judicial officer unless the criminal complaint and arrest warrant affidavit have the approval of an Attorney for the Commonwealth prior to filing.

Rule 523.1. Behavior Clinic Evaluation as Condition of Bail.

(a) In any court case, wherein the defendant is preliminarily arraigned and the issuing authority has a good faith doubt as to the defendant's adjudicative competency or has reason to believe that the defendant is severely mentally disabled and may be in need of eventual court-ordered treatment upon a determination of clear and present danger pursuant to the definitions in the Mental Health Procedures Act (50 P.S. § 7101, et seq.), the issuing authority may make it a condition of bail that the defendant be examined by the Behavior Clinic within forty-eight (48) hours if the preliminary arraignment occurs on Monday through Friday, otherwise within seventy-two (72) hours.

(b) In any court case, at the time of the preliminary hearing, if the issuing authority has a good faith doubt as to the defendant's adjudicative competency or has reason to believe that the defendant is severely mentally disabled and may be in need of eventual court-ordered treatment upon a determination of clear and present danger pursuant to the definitions in the Mental Health Procedures Act (50 P.S. § 7101, et seq.), the issuing authority, when permitted by the Pa.R.Crim.P., may make it a condition of bail that the defendant be examined by the Behavior Clinic within seventy-two (72) hours of the preliminary hearing.

Rule 525.1. Authorized Agents of Bondsman or Surety to Sign Bail Bonds.

(a) Only authorized agents of a professional bail bondsman or surety company may sign as surety on any bail bond posted by said professional bail bondsman or surety company.

(b) The Clerk of Courts shall require proper identification and proof of authorization by any agent of a professional bail bondsman or surety company before allowing him to sign as surety on any bail bond.

Rule 528.1. Percentage Cash Bail.

The bail authority, after consideration of the criteria set forth in Pa.R.Crim.P. 523, may issue an order allowing the defendant to post as bail a cash deposit of a sum of money equal to ten percent (10%) of the amount of bail set.

Rule 529.1. Modification of Bail Order Prior to Verdict.

(a) All motions concerning bail before verdict pursuant to Pa.R.Crim.P. 529(C) shall be heard by the Motions Judge of the Criminal Division in open court and on the record.

(b) Notice of hearing concerning bail before verdict must be given to the Attorney for the Commonwealth, defense counsel of record and the Bail Agency Unit and no hearing shall be conducted unless the Attorney for the Commonwealth and a representative of the Bail Agency Unit are present.

(c) In cases of emergency, if defense counsel of record could not be notified of the bail hearing, defense counsel shall be promptly notified by the Bail Agency Unit of the Motions Judge's disposition on the motion and if, upon such notification, defense counsel requests an opportunity to be heard, another hearing will be scheduled by the Bail Agency Unit.

Rule 530.1. Designation of Bail Agency.

The Division of Pre-Trial Services, Bail Agency Unit, is designated as the bail agency of the Court of Common Pleas of Allegheny County.

Rule 531.1. Qualifications of Sureties and Professional Bondsmen.

(a) No surety company shall be qualified to act as surety in Allegheny County in criminal cases except upon petition to and approval by the Administrative Judge of the Criminal Division of the Court of Common Pleas.

(b) Upon presentation of such petition, the Administrative Judge shall direct the District Attorney of Allegheny County to conduct an investigation of the allegations of fact contained in the petition, to report the results of such investigation and to make any recommendations to the Administrative Judge at such time as may be set for hearing with notice to the petitioner.

(c) After hearing on the petition, the Administrative Judge shall enter an appropriate order. Denial of the authority to act as surety in Allegheny County shall be deemed a final order.

Rule 543.1. Disposition of Case at Preliminary Hearing.

(a) When a defendant has been held for court, after either a preliminary hearing or a waiver thereof, the issuing authority shall serve the defendant with a subpoena directing his/her appearance for arraignment at the Court Arraignment Office in accordance with the provi-

sions of All.C.R.Crim.P. 571.2. Defendant or defendant's counsel shall indicate receipt of notice by signing a copy thereof.

(b) When a defendant has been held for court, pursuant to Pa.R.Crim.P. 543(D)(2), the subpoena for the defendant's required appearance for arraignment at the Court Arraignment Office shall be included in defendant's notice of the results of the preliminary hearing by first class mail, as set forth in Pa.R.Crim.P. 543(D)(2)(b) and (c).

(c) When either the provisions of (a) or (b) of this rule apply, the date and time of the arraignment shall be duly recorded by the issuing authority in the Magisterial District Judge System (MDJS).

Rule 570.1. Pretrial Conference.

At the pretrial conference, the assigned judge shall ascertain whether the parties wish to proceed by jury or non-jury trial, or by plea, and shall fix a date and time certain for necessary proceedings. The defendant shall be issued a hearing notice directing the defendant to appear on that date and at such time as the Court shall designate.

Rule 570.2. Individual Judicial Calendars.

(a) Judges of the Court of Common Pleas of Allegheny County, Criminal Division, shall maintain individual judicial case calendars and, pursuant to the procedures established by the Administrative Judge, cases shall be assigned and recorded in the Common Pleas Case Management System (CPCMS).

(b) With the exception of those matters specified in All.C.R.Crim.P. 116.1(b), 582.1 and 582.2, once assigned to a case, the judge shall preside throughout all proceedings, unless reassigned by Order of Court.

Rule 570.3. Behavior Clinic Orders and Records.

In any court case, the facilities and staff of the Behavior Clinic shall be available for the examination of a defendant upon the order of a judge of this Court. The records and reports of the Behavior Clinic are confidential records of the court to be used only as directed by the court. In the event, however, that the reports of the Behavior Clinic or testimony by any representative thereof be used by the court, such shall be made available to counsel for both sides.

Rule 571.1. Arraignment; Material to be Provided to Defendant.

At arraignment, the defendant or counsel for defendant shall be given and shall execute a receipt for a copy of the criminal information, a hearing notice for the next court appearance, and a notice advising the defendant of the time period within which pretrial motions must be filed.

Rule 571.2. Arraignment; Presence of Defendant and Counsel.

A defendant whose charges are held for or waived to court shall appear in person on the date and at the time ordered for arraignment at the Court Arraignment Office, accompanied by counsel who must file an appearance at that time in accordance with Pa.R.Crim.P. 120, provided that:

(a) If defense counsel has entered an appearance, either personally or by mail prior to the date set for the arraignment, defense counsel shall not be required to be present at arraignment if the defendant appears personally.

(b) If defense counsel secures an Order of Court authorizing defense counsel to appear on behalf of the defendant at arraignment, defense counsel may appear in lieu of the defendant at arraignment, accept and acknowledge receipt of the materials specified in All.C.R.Crim.P. 571.1, and defense counsel shall be responsible for notifying the defendant of the next required court appearance.

(c) Such order shall not excuse a defendant from any personal interview required by the Attorney for the Commonwealth for evaluating the eligibility of the defendant for Accelerated Rehabilitative Disposition.

(d) If such an order has been obtained and arraignment cannot be completed due to a delay of a criminal information being filed by the Attorney for the Commonwealth or for other good reason and it is necessary to schedule a subsequent arraignment, the defendant shall not be required to appear in person at such later arraignment if the attorney of record appears on the defendant's behalf. Counsel may do so without further Order of Court.

(e) If the defendant appears for scheduled arraignment without the defendant's counsel of record and it is necessary to schedule a subsequent arraignment, the defendant must appear personally at the rescheduled arraignment, unless an order of the court is obtained authorizing the defendant's attorney to appear on the defendant's behalf.

(f) A defendant shall not be required to appear in person at a scheduled arraignment if all charges have been dismissed or withdrawn, or an order of nolle prosequi or return to magisterial district judge for further proceedings prior to arraignment or for such other reason granted by order of the court has been entered.

Rule 571.5. PDQ; Fast Track Pleas.

When an attorney representing a defendant whose case has been approved for PDQ (fast track plea) disposition elects not to appear at arraignment with the defendant, the proposed PDQ order shall be given to the defendant for completion with counsel. The defendant shall be rescheduled for a subsequent arraignment within ten (10) business days. If, on the subsequent arraignment date, the PDQ forms have been completed by the defendant and counsel indicates acceptance of PDQ disposition by the defendant, the defendant's case shall be scheduled for the first available PDQ hearing date. If PDQ disposition is rejected by the defendant, the defendant and the case file shall be directed to Court Arraignment for scheduling of a pretrial conference.

Rule 580.1. Disposition of Pretrial Motions; Timing.

All outstanding pretrial motions shall be heard and disposed of prior to the selection of a jury.

Rule 580.2. Procedure Following Recusal.

In the event that any assigned judge shall recuse himself or herself from trial of any case, the case shall forthwith be referred to the Administrative Judge for reassignment to any available judge, including the Administrative Judge.

Rule 580.3. Transfer of Juvenile from Criminal Proceedings.

(a) This rule is applicable only to cases involving any child, as that term is defined in Subsection (1) of the definition of "Child" in 42 Pa.C.S. § 6302, who is excluded from the Juvenile Act in accordance with Subsection (2)(ii), (iii), and (v) of the definition of "Delinquent act" in 42 Pa.C.S. § 6302 (hereinafter "excluded actor").

(b) Should any excluded actor seek transfer of a case from Criminal Division to the Juvenile Section of the Family Division, such excluded actor shall file a petition to transfer (hereinafter "petition") with the Clerk of Courts within twenty (20) days after the excluded actor's preliminary hearing.

(c) The Clerk of Courts shall identify and segregate all case files maintained on excluded actors and, upon request, make such files available to the Judge designated to hear petitions at any time such files are necessary for the orderly administration of justice.

(d) If the excluded actor's petition is denied, the case shall proceed in the Criminal Division.

(e) If the excluded actor's petition is granted, and barring an appeal by the Commonwealth, the criminal proceeding shall halt immediately. The case shall be transferred to the Juvenile Section of the Family Division together with a copy of the accusatory pleading and other papers, documents, and transcripts of testimony related to the case. If the child is incarcerated in the Allegheny County Jail, the child shall be transferred immediately to Shuman Center. The Court may release the child to the custody of a parent, guardian or custodian, or other person legally responsible for the child. The Court shall direct completion and transmission of written notification of the transfer to the Juvenile Section of the Family Division and, if applicable, to the Sheriff.

(f) Upon receipt of the order of court transferring the case to the Juvenile Section of the Family Division, the Clerk of Courts shall immediately transfer the case file to the Prothonotary.

Rule 582.1. Joinder; Trial of Separate Indictments or Informations.

In the event that all cases to be joined for trial have been assigned to the same judge, that assigned judge shall rule on any motion for joinder. In all other cases, the Administrative Judge shall rule on such motion.

Rule 582.2. Consolidation of Cases.

(a) When one or more defendants are charged in more than one criminal information and those cases have been assigned to different judges, in the interest of judicial economy, at the request of either party, or on the Court's own motion, such cases shall be consolidated in the following manner:

(1) The judge assigned to the most serious criminal information(s) as reflected by the grade of the offense(s) shall dispose of all criminal informations.

(2) If all the criminal informations are of the same grading, the judge assigned to the criminal information(s) scheduled for the earliest original pretrial conference date shall dispose of all the criminal informations.

(3) If a defendant is incarcerated, the judge assigned to the criminal information(s) scheduled for the earliest original pretrial conference date shall dispose of all criminal informations irrespective of whether that Judge is assigned to the most serious criminal information.

(b) Nothing herein prohibits the assigned judges from agreeing to modify this procedure, where the interest of judicial economy so dictates, nor do these provisions prohibit any of the assigned judges from denying consolidation of any one or all of the criminal informations.

Rule 602.1. Waiver of Right to Testify by Defendant.

In all cases, the defendant may waive the right to testify. The judge shall ascertain from the defendant

whether the waiver is a knowing, voluntary and intelligent waiver. A waiver colloquy, on the record, should be conducted by defense counsel, but may be supplemented by the Court and/or the Attorney for the Commonwealth. In a jury trial, the colloquy shall be held outside the presence of the jury before the defense rests its case.

Rule 602.2. Waiver of Character Defense.

In all cases, the defendant shall have the right to call character witnesses in the defendant's defense. Where the defendant chooses not to call character witnesses, the trial judge shall ascertain from the defendant whether this is a knowing, voluntary and intelligent waiver. A waiver colloquy, on the record, should be conducted by defense counsel, but may be supplemented by the Court and/or the Attorney for the Commonwealth. In a jury trial, the colloquy shall be held outside the presence of the jury before the defense rests its case.

Rule 630.1. Requests for Information Concerning Prospective Jurors.

All requests for lists of prospective jurors, requests for juror qualification forms and any other requests for information concerning prospective jurors pursuant to Pa.R.Crim.P. 630 shall be made in writing to the President Judge.

Rule 701.1. Pleas to Multiple Informations.

When a defendant is charged in more than one criminal information and the cases have been assigned to different judges, the provisions of All.C.R.Crim.P 582.2 shall apply when the defendant seeks to consolidate all criminal informations before one judge for purposes of entering a general plea of guilty to all cases, a negotiated plea, a plea of nolo contendere or any combination of the foregoing pleas.

Rule 705.1. Fines, Costs and Restitution.

(a) In any matter in the Criminal Division, wherein fines, costs and/or restitution are ordered by the Court, all monies shall be paid to and be collected by the Clerk of Courts.

(b) The Clerk of Courts shall keep proper records of the collection and disbursement of any court-ordered fines, costs and/or restitution and make appropriate payment to parties entitled to same.

Rule 720.1. Post-Sentence Motions.

(a) Counsel filing post-sentence motions shall indicate thereon in writing whether or not a transcript is required for the hearing of the motion and whether the same, if required, has been ordered from the court reporter.

(b) In the event that one or more claims of ineffective assistance of trial counsel is raised in post-sentence motions, counsel filing the motions shall indicate thereon in writing that an evidentiary hearing on the matter is requested and attach thereto a preliminary order of court scheduling said hearing for action by the judge.

(c) In the event that one or more claims of after-discovered evidence is raised in post-sentence motions, counsel filing the motions shall indicate thereon in writing that an evidentiary hearing on the matter is requested and attach thereto a preliminary order of court scheduling said hearing for action by the judge.

Rule 720.2. Briefs Required; Time for Filing; Copies to be Served.

(a) Upon receiving notice of an order that, pursuant to Pa.R.Crim.P. 720(B)(2)(a), briefs are required for a resolution of the motion, the defendant shall file a brief not

later than twenty-one (21) days prior to the day scheduled for argument. The Commonwealth shall file a brief not later than seven (7) days after service of the defendant's brief. A reply may be filed by defendant two (2) days after service of the Commonwealth's brief, and by the Commonwealth two (2) days after service of defendant's reply brief.

(b) One copy of each brief shall be filed with the Clerk of Courts, one copy shall be served on each co-defendant separately represented, one copy shall be served on the Attorney for the Commonwealth, and one copy shall be served on the Court Administrator of the Criminal Division.

Rule 902.1. Form and Filing of PCRA Petitions.

Petitions under the Post Conviction Relief Act shall be docketed to the case number of the conviction which the defendant is challenging, with a cross-reference to companion cases, if any.

Rule 903.1. Time for Preliminary Order.

Except where summary dispositions may be made pursuant to Pa.R.Crim.P. 907, the judge shall review the petition and enter a preliminary order thereon, within twenty (20) days following its receipt.

Rule 904.1. Waiver of Post-Conviction Counsel.

If the petitioner indicates that he wishes to proceed without the assistance of post-conviction counsel, the judge shall schedule a date to place a waiver colloquy on the record, at which time the petitioner, appointed or retained counsel, and the Attorney for the Commonwealth shall be present.

Rule 905.1. Amended Petitions.

(a) Counsel for petitioner shall file an amended petition within thirty (30) days of the entry of the order directing the filing of an amended petition, or within the time otherwise set forth in the order of the court.

(b) The amended petition shall plead specific facts which are the basis of the relief requested in the petition, and either point to the place in the record where such are found or attach supporting affidavits or other proffers of evidence.

(c) For good cause shown, the judge may extend the time for filing an amended petition.

Rule 906.1. Answers to Petitions.

(a) If an amended petition is ordered by the judge or if deemed necessary by the Commonwealth's attorney, the Commonwealth shall have thirty (30) days from the filing of the amended petition to file an answer, or such time as is otherwise set forth by order of the court.

(b) For all petitions, when the judge has ordered the Commonwealth to file an answer and the Attorney for the Commonwealth fails to file an answer within the time permitted in the preliminary order or in any extension(s) which may be granted, counsel for the petitioner may move the Court that the requested relief be granted. The judge shall forthwith enter an order either directing the Attorney for the Commonwealth to file an answer or fixing the time for a hearing or argument.

Rule 907.1. Disposition Without Hearing.

If, after reviewing the petition and any amendments and answers thereto, the judge determines that there are no genuine issues of material fact, a notice and order comporting with the requirements of Pa.R.Crim.P. 907 shall be entered and served upon the petitioner, by certified mail, and upon counsel, as prescribed by Pa.R.Crim.P. 114.

Rule 908.1. Hearing.

(a) If the judge determines that a hearing is required under Pa.R.Crim.P. 907 and 908, the judge shall set a hearing date within sixty (60) days of the filing of the answer by the Commonwealth.

(b) The judge shall render a decision within ninety (90) days following the close of the evidentiary hearing or following the submission of post-hearing briefs.

[Pa.B. Doc. No. 07-1134. Filed for public inspection June 29, 2007, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BUCKS COUNTY

Public Access Policy of the United Judicial System Magisterial District Court Records—Fees for Copies

And Now, this 11th day of April, 2007, it is hereby Order and Directed pursuant to Public Access Policy of the United Judicial System Magisterial District Court Records, the following fee schedule is hereby enacted effective April 16, 2007:

Fees

\$0.50 per page copied.

\$8.00 for each quarter (1/4) hour associated with the preparation, copying and re-filing of requested court dockets.

Pre-payment of estimated costs for services may be required at the discretion of the magisterial district court judge.

Fees paid for services are non-refundable.

Each magisterial district court is to establish a reasonable time when their court records are accessible.

All monies generated from the previous fees are to be transferred monthly to the County of Bucks General Fund.

By the Court

DAVID W. HECKLER,
President Judge

[Pa.B. Doc. No. 07-1135. Filed for public inspection June 29, 2007, 9:00 a.m.]

ELK AND CAMERON COUNTIES

Promulgation of Local Rules; County Branch Elk Doc. No. 2007-493; County Branch Cameron Doc. No. 2007-1748

Order of Court

Now, June 8, 2007, *It Is Ordered and Decreed* as follows:

1. The Local Rules of Court are hereby adopted, effective 30 days after publication in the *Pennsylvania Bulletin*;

2. The District Court Administrator of the 59th Judicial District is hereby *Ordered* to:

a. File seven certified copies of this Order and the Local Rules with the Administrative Office of Pennsylvania Courts;

b. File two certified copies and a computer diskette containing this Order and the Local Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one certified copy of this Order and the Local Rules with the Pennsylvania Civil Procedural Rules Committee;

d. Provide one copy of this Order and the Local Rules to each member of the Elk County Bar Association and the Cameron County Bar Association;

e. Keep continuously available for public inspection copies of this Order and the Local Rules.

It Is Further Ordered and Decreed that contemporaneously with the effective date of the within Local Rules, any previously adopted local rules of court are rescinded and vacated.

RICHARD A.
President Judge

Rule L205.2. Pleadings and Other Legal Papers. Format.

1. All papers and documents consisting of more than one page shall be fastened or stapled on the top.

2. The first page of any pleading filed, except a pleading requiring a Notice to Defend, shall be an identification sheet, setting forth the following information and typed according to the format presented in Appendix A.

a. In capital letters, centered from left to right margin:

“IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH JUDICIAL DISTRICT OF PENNSYLVANIA.”

b. In capital letters, on the left side of center, the complete names of all parties (if the party filing the attached pleading has made a previous filing, an appropriate and obvious shortened caption may be used).

c. Type on the right side of center:

i. The county branch, either Cameron or Elk.

ii. The type of action, i.e., Civil, Criminal, Orphans’ Court Division.

***Note:** The word **Division** shall not be used except for “Orphans’ Court Division.”

iii. The docket number, if assigned, beginning with the year, i.e., 2007-XXX.

iv. The name of the pleading.

v. The specific type of action in Civil cases, e.g. Divorce, Custody, etc. or in Orphans’ Court cases, e.g., Adoption.

vi. The completed statement “Filed on behalf of _____ (party’s name and relationship to case).”

vii. The completed statement showing the name, address, and telephone number of counsel of record.

3. The Prothonotary shall not accept for filing any pleading or other document that does not comply with this Rule or other applicable Pa. Rule of Civil Procedure (Pa.R.C.P. 204.1, 205.2, 205.3).

APPENDIX to Rule L205.2

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH JUDICIAL DISTRICT OF PENNSYLVANIA

SAMUEL HAZLET and ETHYL R. HAZLET, his wife,	*	COUNTY BRANCH (CAMERON)(ELK)
	*	
Plaintiffs	*	CIVIL
	*	
vs.	*	NO. _____
	*	
W. BARTON LEACH; A. JAMES CASNER, T/D/B/A CASNER AND LEACH REALTY, A PARTNERSHIP, Defendants	*	Answer to Complaint Joining Additional Defendant
	*	
vs.	*	Filed on behalf of: SUSAN SMITH, Additional Defendant
	*	
SUSAN SMITH,	*	Counsel of Record for this Party:
	*	Janice T. Gray, Esq.
	*	Simes, Smith, Gray, & Moynihan
	*	Firm #123
	*	2496 Frick Building
vs.	*	Pittsburgh, PA 15219
JOHN DOE, Additional Defendant	*	(412) 555-1234

Rule L206.1(a). Petition.

1. All petitions, which allege facts not of record, must be verified and shall be endorsed with a notice to plead. Petitions shall be filed with the Prothonotary before being presented to the Court and shall include a proposed order of court for scheduling the hearing. Hearing on a petition will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented party of the date, time and place for hearing.

2. A petition submitted to the Court by facsimile or other electronic transmission will not be considered except in extraordinary or emergency situations. Any petition initially submitted by facsimile or other electronic transmission must be filed of record within two (2) business days thereafter.

3. The proposed order scheduling a hearing on the petition shall include the phrase “_____ hour(s) is allotted for the hearing.” Upon receipt of the scheduling order, if counsel or a self-represented party does not believe that the allotted time is reasonably sufficient, it is the duty of counsel or the party to contact the Court Administrator’s office, in writing, to request a continuance in order to reschedule the time necessary for the hearing.

4. The Court, in its discretion and for good cause shown, may grant a prompt written request from counsel or self-represented party to allow testimony by telephone or videoconference. The party requesting the opportunity to participate electronically shall bear the cost thereof unless the Court provides otherwise and shall arrange for the administration of an oath at the location from which the testimony will be given.

Rule L206.4. Rule to Show Cause.

1. A rule to show cause must strictly comply with Pa.R.C.P. 206.4. As with all other pleadings, a petition for a rule to show cause must be filed with Prothonotary prior to being presented to the Court.

2. A petition for a rule to show cause submitted to the Court by facsimile or other electronic submission will not be considered except in extraordinary or emergency situations. Any petition initially submitted by facsimile or other electronic transmission must be filed of record within two (2) business days thereafter.

3. A proposed order of court in the form prescribed by Pa.R.C.P. 206.5 shall be attached to the petition for a rule to show cause.

4. *A proposed order of court in the form prescribed by Pa.R.C.P. 206.5 shall not be used to schedule an argument on general motions, preliminary objections, or a hearing on petitions that do not comply with Pa.R.C.P. 206.4.*

Rule L208.3(b). Motion. Alternative Procedures.

1. All motions which request relief on matters of record shall be filed with the Prothonotary before being presented to the Court and shall include a proposed order of court for scheduling the argument. Argument on a motion will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented party of the date, time and place for argument. The Court, in its discretion, may decide the matter at argument or take the matter under advisement.

2. Motions submitted to the Court by facsimile or other electronic submission will not be considered except in extraordinary or emergency situations. Any motion initially submitted by facsimile or other electronic transmission must be filed of record within two (2) business days thereafter.

3. The Court, in its discretion, may hear any argument by telephone or videoconference provided that counsel has submitted a prompt written request to the Court to participate electronically. The party requesting the opportunity to participate electronically shall bear the cost thereof unless the Court provides otherwise.

4. A court reporter will not attend arguments unless specifically directed by the Court.

5. Emergency motions shall be governed by the above procedure except that, after filing, the moving party shall notify the Prothonotary and the Court Administrator of the emergency situation and may request that the Court immediately consider the motion. If the moving party is requesting a waiver of the certificate of service requirement, the party shall make every effort to notify the opposing parties of the substance of the motion and the time of filing and presentation to the Court.

6. Motions to compel discovery shall be considered by the Court without the necessity for briefs and argument.

7. Motions involving disputed issues of fact will be disposed of in accordance with Pa.R.C.P. 208.4.

8. Motions involving questions of law only will be disposed of by the Court on briefs without oral argument unless the moving party files a praecipe for argument simultaneously with the motion.

9. No response is required to any motion unless required by Pa. Rule of Civil Procedure or unless required by the Court in the scheduling order. (e.g., Pa.R.C.P. 1035.3)

10. The proposed order scheduling an argument on the motion shall include the phrase “_____ hour(s) is allotted for the argument.” Upon receipt of the scheduling order, if counsel or a self-represented party does not believe that the allotted time is reasonably sufficient, it is the duty of counsel or the party to contact the Court Administrator’s office, in writing, to request a continuance in order to reschedule the time necessary for the argument

Rule L210. Briefs.

1. Briefs shall be prepared in the form prescribed by Pa.R.C.P. 210. Briefs shall not be filed of record unless directed by the Court. Unless otherwise directed, briefs shall be submitted to the Court as follows:

a. The moving party shall submit a brief fourteen (14) days in advance of argument

b. The responding party shall submit a brief seven (7) days in advance of argument.

Rule L212.1. Trial.

1. Trial sessions shall be held at such time as established by the annual court calendar to dispose of all trial-ready jury and non-jury cases.

2. Cases shall be placed on the civil trial list by filing a certificate of readiness and a praecipe to list with the Prothonotary, along with a certificate of service showing service on all other parties in interest or their counsel of record.

3. Any party or counsel of record filing a certificate of readiness shall certify thereon that: (1) all pleadings have been completed; (2) all pretrial discovery procedures have been completed; (3) all medical examinations have been completed and medical reports exchanged; and (4) the case is ready for trial.

4. Any party or counsel of record who is served with a copy of a certificate of readiness that has been filed by an adverse party shall have ten (10) days from the date of service in which to file exceptions thereto. A proposed order scheduling argument on the exceptions shall be submitted simultaneously with the filing of the exceptions and argument on the exceptions will be scheduled thereafter.

Rule L212.2. Pre-trial Statement.

1. No less than ten (10) days prior to the date scheduled for the pre-trial conference, each party shall file with the Prothonotary a pre-trial statement containing those items set forth in Pa.R.C.P. 212.2 and serve other counsel of record or self-represented litigant. In addition, the pre-trial statement shall set forth an estimate of the length of time which will be required to present the party’s case in chief. Amendments to a pre-trial statement may be submitted up to 30 days prior to the date trial is to begin and not thereafter unless approved by the Court.

Rule L212.3. Pre-trial Conference.

1. For the purposes of this rule, “pre-trial conference” shall mean a type of conference described in Pa.R.C.P. 212.3.

2. Except as otherwise ordered by the Court, a pre-trial conference shall be held at a date and time directed by the Court Administrator. Pre-trial conferences are extended to all jury and non-jury actions not subject to arbitration under Rule L1301.

3. Counsel attending the pre-trial conference must have actual authority to stipulate on items of evidence and admissions, and must have actual settlement authority. If counsel does not have such authority then the person or corporation having an actual interest in the case, whether as a party, as an insurance carrier or otherwise, shall be personally present at the pre-trial conference.

4. The attorney who will be in charge of the handling of the trial of the case as well as any other attorney who will handle the examination or cross-examination of witnesses must attend the pre-trial conference.

5. During the pre-trial conference a date certain will be established for jury selection.

6. Immediately following the pre-trial conference the Court will issue a case management order covering all matters addressed at pre-trial. Following the issuance of a case management order, the Court Administrator shall schedule active jury and non-jury cases for trial on a date certain after consultation with counsel and any self-represented party.

Rule L216. Motion for Continuance.

1. All continuance motions must be filed with the Prothonotary before being presented to the Court.

2. A motion for continuance shall be in writing, shall be signed by counsel, shall set forth specifically the reason for the request, and shall contain a statement that opposing counsel or any self-represented litigant either objects or does not object to the proposed continuance. In addition, any motion for continuance filed by an attorney shall include a statement that the client represented by the attorney requesting the continuance has been made aware of the motion and has consented to the continuance.

3. Motions submitted to the Court by facsimile or other electronic transmission will not be considered except in extraordinary or emergency situations. Any motion initially submitted by facsimile or other electronic submission must be filed of record within two (2) business days thereafter.

4. All motions for continuances based upon a calendar conflict due to an appearance scheduled in another court must include a copy of the scheduling order or notice issued by the other court. Since the Court of Common Pleas of the 59th Judicial District routinely schedules cases on a date certain after consultation with all counsel, absent extraordinary circumstances, a motion for continuance based upon proceedings scheduled in another court of record or appellate court will be granted only if the other court's scheduling order was issued before the order scheduling the proceeding for which the continuance is sought.

Rule L227.1. Post-Trial Conferences.

1. In every case in which a motion for post-trial relief has been filed or, alternatively, at the Court's discretion, the Court Administrator shall schedule a post-trial conference to be held as soon as the business of the Court permits. The purpose of such conference shall be to determine the precise issue or issues that will be before

the Court on said motion and the extent of the trial record that will need to be transcribed.

a. Absent a request for transcription of a portion of the record, the Court will dispose of the motion without transcript.

b. A party filing a post-trial motion who desires a transcript shall cause the transcript or portion thereof to be prepared before the motion is argued.

c. In all cases where a transcript is requested, the party requesting the transcript must present a motion and order to the Court specifically identifying that portion of the record that is requested, and in the event that less than all of the trial is to be transcribed, the date and witnesses that are requested.

d. The court reporter shall, upon written request of counsel, provide an estimate of the cost of the transcript. Unless otherwise directed by the Court, the court reporter shall not begin transcribing notes until a deposit is made by the requesting party in an amount equal to one-half of the estimate cost of the transcription. Upon completion of the transcript, the court reporter shall invoice the party requesting the transcript. The transcript shall not be filed nor a copy delivered to any party until the invoice is paid in full. In the discretion of the Court and upon order specially made, the invoice may be taxed as costs of suit.

Rule L230.2. Termination of Inactive Cases.

1. On or before September 1 of each year, the Prothonotary shall prepare a list of all civil matters in which there has been no activity of record for two years or more prior thereto by serving a notice of proposed dismissal of court case.

2. The Prothonotary shall serve notice of proposed dismissal for each case on counsel of record, and on the parties if not represented, at least sixty (60) days prior to the date of the proposed termination. The notice shall contain the date of the proposed termination and the procedure to avoid termination.

a. Where it would be unduly burdensome to research the captions, parties, and mailing addresses of Cameron County divorce cases that have been inactive for two years or more, such cases shall be terminated pursuant to Pa.R.C.P. 230.2, provided, however, the Cameron County Prothonotary shall serve notice of the proposed dismissal upon plaintiffs' counsel or self-represented plaintiffs, at least sixty (60) days prior to the date of the proposed termination.

b. The President Judge shall determine when the use of L230.2(a) is appropriate and shall issue an order of court authorizing the Cameron County Prothonotary to proceed under this rule.

Rule L430. Service by Publication.

1. In all actions where service by publication is permitted, publication shall be made one time in a daily newspaper published in the county in which the action is brought, as no legal journal or publication exists in the 59th Judicial District.

Rule L1018. Notice to Defend. Form.

1. The officer to be named in the notice to defend from whom information concerning legal help can be obtained is:

- a. For matters filed in Elk County:

Elk County Prothonotary
Elk County Courthouse
Main Street
Ridgway, PA 15853
(814) 776-5344

- b. For matters filed in Cameron County:

Cameron County Prothonotary
Cameron County Courthouse
20 East Fifth Street
Emporium, PA 15834
(814) 486-3349

Rule L1028. Preliminary Objections.

1. Preliminary objections shall be filed with Prothonotary and shall include a proposed order scheduling argument on the preliminary objections, including a provision for the time allotted for the argument. Courtesy copies for the Court are not required. Briefs shall be filed in accordance with Pa.R.C.P. 210 and Rule L210.

Rule L1042.21. Medical Professional Liability Actions. Motion for Settlement Conference or Mediation.

1. Upon agreement of the parties that mediation would be appropriate for resolution of a case, a "stipulation for mediation" requesting a mediation conference and signed by all parties and counsel shall be filed of record and submitted to the Court. The stipulation shall specify that all parties involved agree to the mediation and believe that there is a realistic possibility of settlement. The Court shall request the appointment of a senior judge to act as the mediator.

2. Prior to the mediation conference,

a. All discovery must be completed.

b. A discussion of consent to settle must have taken place with all defendant doctors and health care providers.

c. The respective insurers must have completed all relevant claim evaluations.

d. All pre-trial dispositive motions, e.g., motions for summary judgment, must have been filed and resolved.

3. The date, time and place of the mediation conference shall be established by the mediator/judge.

4. Unless specifically requested by the mediator/judge, the parties shall not contact or forward documents to the mediator/judge.

5. The mediation session procedure shall be directed by the mediator/judge, but shall generally include an introduction of the parties, opening statements by counsel and any of the principals, if desired. Thereafter, caucuses will be conducted with the respective parties to permit the mediator/judge to develop and refine the parties' positions.

6. Counsel who will actually try the case must attend the mediation conference, as must any unrepresented party. All parties, insurers and principals of parties with decision-making authority must attend the mediation conference in person unless excused by the mediator/judge. Any doctor who has not provided a signed statement indicating that he or she has discussed the case with his or her attorney of record and do or do not consent to a settlement must attend the mediator conference.

7. All mediation proceedings, including any statement made or writing submitted by a participant, shall not be disclosed to any person who is not directly involved with the mediation conference.

The parties' settlement positions and statements during mediation shall not be disclosed to the trial judge unless mutually agreed to by the parties. In the event of a non-jury trial, under no circumstances shall the parties' settlement positions and statements be disclosed to the trial judge.

No transcript or other recording may be made of the mediation conference and the mediation proceedings shall not be used by any adverse party for any reason in the litigation at issue provided, however, that a settlement agreement resulting from the mediation conference may be sought to be enforced.

8. The mediator/judge shall submit a confidential report to the trial judge indicating whether a settlement has been reached. The mediator/judge may recommend that further mediation be ordered if settlement has not been achieved.

Rule L1301. Compulsory Arbitration.

1. All civil matters where the amount in controversy, exclusive of interest and costs, does not exceed the maximum limitation prescribed by 42 Pa.C.S. 7361(b)(2) shall be tried before a Board of Arbitrators appointed from the list of available arbitrators for the 59th Judicial District.

2. The list of arbitrators shall consist of all active members of the Elk County and Cameron County Bar Associations in the 59th Judicial District, excepting only such attorney who files with the Prothonotary of each county in the district a written statement to the effect that he or she does not wish to be an arbitrator.

3. The Board of Arbitrators shall be chaired by a member of the Bar admitted to the practice of law for at least three (3) years.

4. Within ten (10) days after any party files a praecipe for arbitration, the Prothonotary shall appoint three arbitrators, with the first named to be the chairperson.

5. Appointment shall be rotated as evenly as possible among the members of the Bar, but no person shall be appointed to act as an arbitrator when another member of the same law firm has been appointed; or when an attorney is related by blood or marriage to any party involved; or when an attorney is a partner or associate of any attorney involved; or when an attorney informs the Prothonotary in writing that he or she is unable or does not wish to accept such appointment.

6. The party filing a praecipe shall immediately mail a copy of the praecipe to the adverse party or counsel.

7. If an appointed arbitrator dies or becomes incapable of acting before a hearing, the Prothonotary shall immediately appoint a substitute arbitrator.

8. A member of a Board of Arbitrators who would be disqualified for any reason that would disqualify a judge under the Code of Judicial Conduct shall immediately withdraw as an arbitrator; and a substitute shall be immediately appointed by the Prothonotary.

9. If any case is settled or discontinued after the arbitrators have been appointed, and before a hearing, counsel for the plaintiff shall immediately notify all appointed arbitrators at least one (1) day prior to any scheduled hearing, and upon failure to do so, counsel shall pay each appointed arbitrator \$50.00.

10. The arbitrators shall be sworn and hold all hearings at the courthouse facilities of the appropriate county unless the parties or their counsel agree to an alternate location.

11. The arbitrators shall hold a hearing within sixty (60) days after their appointment unless the time is extended by agreement of all parties or their counsel. The chairperson shall give at least thirty (30) days notice of the hearing to all parties or their counsel. No hearing shall be continued to a date more than one hundred eighty (180) days from date of appointment unless upon good cause.

12. The arbitrators shall conduct the hearing and receive evidence in accordance with Pa.R.C.P. 1304 and 1305.

13. The arbitrators shall make their award in substantially the form set forth in Pa.R.C.P. 1312 and file it with the Prothonotary within one day after the hearing, unless the time is extended by the parties. If an appointed arbitrator dies, becomes incapable of acting, or refuses to perform his duties after a hearing, but before an award is made, the case shall be decided and the award signed by the remaining arbitrators. If they cannot agree, the case shall be heard de novo by three arbitrators, two of whom shall be the original arbitrators, and one of whom shall be immediately appointed by the Prothonotary. The decision of the majority of the appointed arbitrators shall be conclusive.

14. The award shall be docketed, notice given, molded, and judgment entered as prescribed by Pa.R.C.P. 1307.

15. Within 30 days from the date of filing of an award, any party may appeal to the Court as provided by Pa.R.C.P. 1308.

16. Parties to appeal, discontinuance of appeal, and appeal procedures shall be in accordance with Pa.R.C.P. 1309, 1310, and 1311.

17. Each appointed arbitrator shall be paid \$125.00 from county funds and an additional \$10.00 for travel from one county to another within the judicial district. The chairperson of the arbitration board shall be entitled to an additional \$25.00 in compensation, or a total of \$150.00, plus \$10.00 for travel from one county to another within the judicial district. In cases requiring hearings of unusual complexity, the Court, upon petition of the appointed arbitrators, may allow additional compensation. Upon petition of any party, the Court may, for cause shown, disallow compensation to any or all of the appointed arbitrators. The arbitrators' compensation shall not be taxed as costs nor follow the award.

Rule L1910.4. Support. Commencement of Action.

1. All claims for support must be initiated in the appropriate county Domestic Relations Section of the Court of Common Pleas of the 59th Judicial District by filing a complaint for support or a copy of the divorce complaint containing a count for support. An application for child support services must also be completed.

2. If an agreement regarding support is reached pursuant to a divorce, the support agreement shall be specifically set forth apart from the remaining provisions of the divorce agreement and shall be filed in the appropriate county Domestic Relations Section.

3. Each complaint in divorce that contains a count for child support shall allow for a separate domestic relations number to be assigned by the Domestic Relations Section.

4. Filing fees shall be determined by the Prothonotary.

Rule L1910.11. Support. Office Conference. Subsequent Proceedings. Order.

1. In Cameron County, Pa.R.C.P. 1910.11 is hereby adopted.

Rule L1910.12. Support. Office Conference. Hearing. Record. Exceptions. Order.

1. In Elk County, the Alternative Hearing Procedure, Pa.R.C.P. 1910.12, is hereby adopted.

Rule L1915.3. Custody and Visitation. Commencement of Action.

1. All complaints for custody, partial custody and visitation are to be filed with the appropriate county Prothonotary and shall be substantially in the form prescribed in Pa.R.C.P. 1915.15 and 1915.16.

Rule L1915.4-2. Custody Conference.

1. In all claims for custody, partial custody and visitation, the custody conference officer shall conduct a custody conference.

2. A conference fee of \$100.00 shall be submitted at time of filing the custody complaint or petition to modify custody unless the Court prior to the filing of a custody complaint or petition to modify custody has granted plaintiff or petitioner in forma pauperis status. The fee is payable to the custody conference officer. The custody conference officer may petition the Court for additional fees in appropriate circumstances.

3. If an agreement is reached at the custody conference, said agreement shall be noted by the custody conference officer or reduced to a written proposal signed by both parties and shall be submitted to the Court for an order.

4. If no agreement is reached at the conference, the custody conference officer shall make a recommendation for an interim custody order to the Court. A custody pretrial conference will be scheduled with the Court, following which, if necessary, a custody trial will be scheduled.

5. Prior to the custody pre-trial conference, the parties shall complete and submit a pre-trial statement to the Court and opposing party.

6. Prior to a custody trial, the parties shall complete and submit a parenting plan to the Court and opposing party.

7. Unless specifically ordered by the Court, the minor children shall not appear at the custody pre-trial conference or the custody trial.

Rule L1915.15. Form of Complaint. Caption. Order.

1. The complaint for custody, partial custody and visitation or a petition to modify custody shall be in the form prescribed by Pa.R.C.P. 1915.15.

2. The order accompanying said complaint shall be in the form prescribed in Pa.R.C.P. 1915.16, except that the order in custody matters shall not require the children to appear at the custody conference. The order shall direct the parties to appear for a conference at the Domestic Relations Section, Elk County Courthouse Annex, Center Street, Ridgway, PA. (see Appendix L1915.15.) Service of the hearing notices is the responsibility of the moving party.

3. The officer to be named in the order to appear from whom information concerning legal help can be obtained is:

a. For matters filed in Elk County:
 Elk County Prothonotary
 Elk County Courthouse
 Main Street
 Ridgway, PA 15853
 (814) 776-5344

b. For matters filed in Cameron County:
 Cameron County Prothonotary
 Cameron County Courthouse
 20 East Fifth Street
 Emporium, PA 15834
 (814) 486-3349

APPENDIX to Rule L1915.15

IN THE COURT OF COMMON PLEAS OF THE
 FIFTY-NINTH JUDICIAL DISTRICT OF
 PENNSYLVANIA

_____* COUNTY BRANCH *
 Plaintiff (ELK)(CAMERON) *
 vs. * CIVIL ACTION - CUSTODY *
 *
 *
 Defendant * NO.

ORDER AND NOTICE

You, _____, Defendant, have been sued in court to obtain or modify custody, partial custody or visitation of the child(ren): _____.

You are ordered to appear in person at the Elk County Domestic Relations Section, 2nd Floor, Elk County Courthouse Annex, 300 Center Street, Ridgway, PA, on _____ at _____ a.m./p.m. for

- _____ a conciliation or mediation conference
- _____ a pretrial conference
- _____ a hearing before the court.

If you fail to appear as provided by this order, an order for custody, partial custody or visitation may be entered against you or the court may issue a warrant for you arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Prothonotary	OR	Prothonotary
Elk County Courthouse		Cameron County Courthouse
Main Street		East 4th Street
Ridgway PA 15853		Emporium, PA 15834
(814) 776-5344		(814) 486-3349

BY THE COURT:

DATE: _____

A. AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Elk / Cameron County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made

at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

Rule L1920.3. Divorce. Commencement of Action.

1. A complaint for divorce shall be filed with the appropriate county Prothonotary of the Court of Common Pleas of the 59th Judicial District.

2. The officer to be named in the notice to defend from whom legal help can be obtained is:

a. For matters filed in Elk County:

Elk County Prothonotary
 Elk County Courthouse
 Main Street
 Ridgway, PA 15853
 (814) 776-5344

b. For matters filed in Cameron County:

Cameron County Prothonotary
 Cameron County Courthouse
 20 East Fifth Street
 Emporium, PA 15834
 (814) 486-3349

3. The request for the entry of a decree in divorce which includes the approval or incorporation of a settlement agreement shall be denied unless the claims addressed in the settlement agreement, i.e., custody, support, alimony, alimony pendente lite, counsel fees, expenses and costs, and equitable distribution of property, have been raised of record in accordance with 23 Pa.C.S.A. 3104.

Rule L1920.51. Appointment of Master.

1. The Court shall, whenever necessary, appoint a permanent master who shall be an attorney. The permanent master's fee for all claims related to a divorce shall be \$500. Said fee is payable to the permanent master and shall be submitted with the motion for the appointment of a master at time of filing. The permanent master may petition the Court for additional fees in appropriate circumstances and the allocation of the permanent master's fee may be determined in the master's report and recommendation.

2. All claims for equitable distribution, alimony, alimony pendente lite, attorney's fees and costs shall be referred to a permanent master for hearing. The party requesting the hearing shall file with the appropriate county Prothonotary a motion for the appointment of a master in substantially the form prescribed in Pa.R.C.P. 1920.74.

3. The permanent master shall prepare a case management order and schedule the master's conference or hearing.

4. The permanent master shall conduct the conference/hearing with due regard to the law and according to Pa.R.C.P. 1920.55-2 and to the established rules of evidence. The permanent master shall have the general power of a court, including, but not limited to:

a. The power to issue subpoenas and the power to issue an attachment upon allowance by the court for failure to comply therewith.

b. The power to administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by deposition, and to decide the law and facts of the case submitted.

c. The power to compel the production of all books, paper, and documents which shall be deemed material to the case.

5. The permanent master shall tape record the hearing for later transcription upon request by any party. The party requesting the same shall pay the cost thereof.

6. Form and procedures with respect to a claim for custody and/or visitation incident to a divorce shall be as prescribed by Local Rule L1915.3, L1915.4-2 and L1915.15.

Rule L1920.53. Hearing by Master. Report.

1. All actions requesting a divorce pursuant to 23 Pa.C.S.A. 3301(a) or an annulment pursuant to 23 Pa.C.S.A. 3303 shall be referred to the permanent master upon the filing of a motion for the appointment of a master substantially in the form prescribed by Pa.R.C.P. 1920.74 with the appropriate county Prothonotary. The permanent master's fee shall be \$500. Said fee is payable to the permanent master and shall be submitted with the motion for the appointment of a master at time of filing. The permanent master may petition the Court for additional fees in appropriate circumstances.

2. The permanent master shall give at least ten (10) days written notice of the time and place of the hearing to both parties or their attorneys.

MAGISTERIAL DISTRICT JUDGES

PCPMDJ Rule L112 Availability and Temporary Assignments of Magisterial District Judges

1. The Court shall file an order of court establishing an annual on-call schedule for magisterial district judges to be available at all times to handle matters requiring immediate attention and possessory matters.

2. The on-call schedule may be amended upon cause shown by the assigned on-call magisterial district judge and the agreement of another magisterial district judge within the district to be the substitute on-call magisterial district judge.

3. The order of court establishing the annual on-call schedule and any subsequent orders amending the annual on-call schedule shall be conspicuously posted in the offices of the magisterial district courts within the judicial district and the Court Administrator shall distribute copies to all law enforcement agencies and other agencies affected.

[Pa.B. Doc. No. 07-1136. Filed for public inspection June 29, 2007, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 131]

Preliminary Provisions; Wildlife Conservation Officers

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, adopted an amendment to § 131.6 (relating to administration of police powers by wildlife conservation officers).

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 1325 (March 24, 2007).

1. Purpose and Authority

An issue that has proven perpetually problematic for the Commission has been the exercise of police powers by wildlife conservation officers. Section 901(a)(17) of the act (relating to powers and duties of enforcement officers) provides clear and broad police power authority to wildlife conservation officers acting within the scope of their employment. Despite this broad authorization, however, it is the general policy of the Commission that the primary responsibility of the wildlife conservation officer is the enforcement of the code and that all general law enforcement duties shall remain the responsibility of the appropriate law enforcement agencies empowered to conduct those activities. In an effort to reduce legal challenges, reduce potential civil liability and also provide recognition of the importance of the relevant competing interests on this issue, the Commission amended § 131.6 to redirect the extent and manner in which it authorizes wildlife conservation officers to engage in the administration of police powers.

Section 901(a)(17) of the code states in relevant part "All powers as provided for in this paragraph will be limited by such administrative procedure as the director, with the approval of the commission, shall prescribe." Section 322(c)(12) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Take any necessary action to accomplish and assure the purposes of this title." The amendments to § 131.6 were adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 131.6 to redirect the extent and manner in which the Commission authorizes salaried wildlife conservation officers to engage in the administration of police powers.

3. Persons Affected

Persons within the jurisdictional limits of this Commonwealth may be affected by the final-form rulemaking.

4. Comment and Response Summary

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

5. Cost and Paperwork Requirements

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

6. Effective Date

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

7. Contact Person

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 131, are amended by amending § 131.6 to read as set forth in Annex A.

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

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

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-244 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.6. Administration of police powers by wildlife conservation officers.

(a) General.

(1) Section 901(a)(17) of the act (relating to powers and duties of enforcement officers) authorizes wildlife conservation officers, when acting within the scope of their employment, to pursue, apprehend or arrest any individual suspected of violating any provision of 18 Pa.C.S. (relating to the Crimes Code) or any other offense classified as a misdemeanor or felony and, in addition, to serve and execute warrants and subpoenas for these offenses.

(2) For the purposes of enforcement of the authority granted by section 901(a)(17) of the act, "when acting within the scope of their employment" means that period of time that a wildlife conservation officer is currently engaged in any activity the officer is employed to perform at the time and places the officer is authorized to perform the activity.

(b) *Procedures.*

(1) A wildlife conservation officer shall arrest or take other appropriate enforcement action pursuant to the authority vested by section 901(a)(17) of the act only to the degree necessary to protect life and property in any one or more of the following circumstances:

- (i) The offense occurs in the officer's presence.
- (ii) The offense occurs on lands or waters owned, leased or otherwise controlled by the Commission.
- (iii) The offense arises out of Commission operations.
- (iv) Another law enforcement agency has reasonably requested the assistance.

(2) A wildlife conservation officer who exercises any authority vested by section 901(a)(17) of the act shall do the following, without unreasonable delay:

- (i) Notify the appropriate State or local law enforcement agency of the enforcement action.
- (ii) Secure and maintain onsite information and evidence as deemed appropriate.
- (iii) Transmit secured information and evidence to the appropriate State or local law enforcement agency for further investigation or prosecution, or both.
- (iv) Prosecute violations, as may be reasonably necessary if the appropriate State or local law enforcement agency declines further action.

[Pa.B. Doc. No. 07-1137. Filed for public inspection June, 29, 2007, 9:00 a.m.]

GAME COMMISSION
[58 PA. CODE CH. 137]
Wildlife; Release of Animals

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, adopted an amendment to § 137.2 (relating to release of animals).

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 1333 (March 24, 2007).

1. *Purpose and Authority*

Wild boar, Russian boar and feral hog all refer to a breed of pigs that are believed to have been brought into this Commonwealth by hunting preserves. Many of these feral hogs have either escaped or been intentionally released into the wild and evidence suggests they are successfully reproducing. The Commission's participation in the Commonwealth's Invasive Species Council has resulted in a collaborative determination that feral hogs are an invasive species that must be eliminated and kept out of the wild. Feral hogs are known to pose a number of threats to the health, safety and welfare of wildlife, wildlife habitat, private property, humans and this Commonwealth's agricultural industry. The Commission is currently taking a number of steps to help combat this growing problem, but it recognizes that eliminating feral hogs from the wild cannot be successful if their continued release into the wild is not restricted. Therefore, the

Commission amended § 137.2 to prohibit the release of members of the suidae family into the wild.

Section 322(c)(9) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Prohibit the possession, importation, exportation or release of any species of birds or animals which may be considered dangerous or injurious to the general public or to the wildlife of this Commonwealth." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 137.2 was adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amended § 137.2 to prohibit the release of members of the suidae family into the wild.

3. *Persons Affected*

Persons who release members of the suidae family into the wild will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

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

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 137, are amended by amending § 137.2 to read as set forth in Annex A.

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

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

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-250 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 137. WILDLIFE

§ 137.2. Release of animals.

(a) Except as otherwise provided, it is unlawful to release captive held or captive raised game or wildlife on to any lands, public or private, without first securing a permit from the Commission. Lawfully acquired mallard ducks, ringneck pheasant, bobwhite quail and chukar partridge may be released for dog training or hunting purposes.

(b) It is unlawful to release any animal that is a member of the *suidae* family into the wild.

(c) A person violating this section is subject to the penalties provided in the act.

[Pa.B. Doc. No. 07-1138. Filed for public inspection June 29, 2007, 9:00 a.m.]

GAME COMMISSION
[58 PA. CODE CH. 139]
Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, adopted an amendment to § 139.4 (relating to seasons and bag limits for the license year).

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 1327 (March 24, 2007).

1. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2007-2008 seasons and daily season and possession limits are similar to those set in 2006-2007, the 2007-2008 seasons and bag limits have been amended to conform to current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the wildlife resources of this Commonwealth. Some notable proposed changes for hunters next season will be expanded squirrel, rabbit and pheasant hunting opportunities Statewide, additional expanded pheasant hunting opportunities in Wildlife Management Units (WMU) 5C and 5D, expanded fall turkey hunting opportunities in WMUs 2G and 4D,

reduced fall turkey hunting opportunities in WMUs 2A and 2F, expanded spring turkey hunting opportunities Statewide, expanded deer hunting opportunities in WMUs 2B, 5C and 5D, expanded elk hunting opportunities in Elk Hunt Zone 1 during the September season and expanded mink and bobcat hunting/trapping opportunities. As the next license year is fast approaching, the Commission amended § 139.4 to provide updated seasons and bag limits for the 2007-2008 license year.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking” The amendment to § 139.4 was adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 139.4 by establishing when and where it is lawful to hunt and trap various game species and also place limits on the numbers that can be legally taken during the 2007-2008 license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2007-2008 license year will be affected by the final-form rulemaking.

4. Comment and Response Summary

The Commission received a total of 572 official comments concerning this final-form rulemaking. The comments received concerned the following subtopics:

Deer Season (In General)

Out of a total of 553 comments received concerning this subtopic, 10 supported and 94 opposed the Commission’s current deer program, 7 supported and 99 opposed herd reduction, 16 supported limiting each hunter to only one deer harvest per day, 13 supported and 161 opposed the time frame of the concurrent deer rifle season, 12 opposed opening the concurrent deer rifle season on a Monday rather than on a weekend, 10 opposed starting antlerless deer rifle season on the first Monday rather than the first Saturday after Thanksgiving, 1 opposed the length of the concurrent deer rifle season (too short), 2 opposed the length of the concurrent deer rifle season (too long), 1 opposed antlerless hunting in Asaph State Forest, 1 opposed hunting between I-81 and SR 924, 125 opposed the establishment of any antlerless deer season for 1 or 2 years and 1 opposed the special deer rifle season beginning the final weekend of the October muzzleloader season rather prior to the same.

Deer Archery Season

Out of a total of ten comments received concerning this subtopic, six supported and four opposed a longer archery deer season.

Deer Muzzleloader Season

Out of a total of two comments received concerning this subtopic, both opposed the establishment of the October muzzleloader season for all bur junior hunters.

Turkey Seasons

Out of a total of three comments received concerning this subtopic, one opposed a shorter fall turkey season in

WMU 2F, one opposed a shorter fall turkey season in WMU 2G and one opposed starting spring gobbler season so late in the spring.

Small Game Season

Out of a total of two comments received concerning this subtopic, one supported the extension of rabbit season and one supported the extension of grouse season.

Furbearer Hunting/Trapping Season

Out of a total of two comments received concerning this subtopic, one opposed the establishment of a trapping season and one opposed the length of the cable restraint season (too short).

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

The final-form rulemaking will be effective from July 1, 2007, to June 30, 2008, upon publication in the *Pennsylvania Bulletin*.

7. *Contact Person*

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

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.4 to read as set forth in Annex A.

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

(c) This order will be effective from July 1, 2007, to June 30, 2008, upon publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-251 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.4. Seasons and bag limits for the license year.

**(SEASONS AND BAG LIMITS TABLE)
2007-2008 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 12	6	12
Squirrels—(Combined species)	Oct. 13 and Dec. 10 and Dec. 26	Nov. 24 and Dec. 22 and Feb. 9, 2008	6	12
Ruffed Grouse—(Statewide)	Oct. 13 and Dec. 10 and Dec. 26	Nov. 24 and Dec. 22 and Jan. 26, 2008	2	4

Ruffed Grouse—There is no open season for taking ruffed grouse in that portion of State Game Lands No. 176 in Centre County which is posted "RESEARCH AREA—NO GROUSE HUNTING"

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Rabbits, Cottontail	Oct. 20 Dec. 10 Dec. 26	and and Nov. 24 Dec. 22 Feb. 9, 2008	4	8
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A and 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 12	2	4
Ringneck Pheasant—Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 12	2	4
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A and 5B	Oct. 20	Nov. 24	2	4
Ringneck Pheasant—Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D	Oct. 20 Dec. 10 Dec. 26	and and Nov. 24 Dec. 22 Feb. 9, 2008	2	4
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all Wildlife Management Units except in Wildlife Management Units 4A, 4B, 5A, 5B, 5C and 5D where the season is closed.	Oct. 20	Nov. 24	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 1, 2008	1	2
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.			Unlimited
Species	First Day	Last Day	Daily Limit	Season Limit
Turkey—Male or Female			1	1
Wildlife Management Units 1A, 1B and 2A (Shotgun, Bow and Arrow only)	Oct. 27	Nov. 12		
Wildlife Management Unit 2B (Shotgun, Bow and Arrow only)	Oct. 27	Nov. 17		
Wildlife Management Units 2C, 2E, 2F, 4A and 4B	Oct. 27	Nov. 12		
Wildlife Management Units 2D, 2G, 3A, 3B, 3C, 3D, 4C, 4D and 4E	Oct. 27	Nov. 17		
Wildlife Management Units 5A and 5B	Closed to fall turkey hunting.			
Wildlife Management Units 5C and 5D (Shotgun, Bow and Arrow only)	Oct. 27	Nov. 2		
Turkey (Spring Gobbler) Statewide ⁵ Bearded Bird only	April 26, 2008	May 26, 2008	1	2

Species	First Day	Last Day	Daily Limit	Season Limit
Turkey (Spring Gobbler) Statewide Youth Hunt ⁵ Bearded Bird only Eligible Junior Hunters only with the required license and when properly accompanied	April 19, 2008	April 19, 2008	1	1

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) as published in the *Federal Register* on or about August 27 and September 28 of each year.

Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 1 and Dec. 28	Nov. 24 April 6, 2008		Unlimited
Starlings and English Sparrows	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.			Unlimited

FALCONRY

Squirrels—(Combined species)	Sept. 1	Mar. 31, 2008	6	12
Quail	Sept. 1	Mar. 31, 2008	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2008	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2008	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2008	1	2
Ringneck Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2008	2	4

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

DEER

Species	First Day	Last Day	Season Limit
Deer, Antlered and Antlerless—(Statewide) ¹ (Archery—Bows and Arrows Only) Crossbows may be used in Wildlife Management Units 2B, 5C and 5D	Sept. 29 and Dec. 26	Nov. 10 Jan. 12, 2008	One antlered and an antlerless deer with each required antlerless license.
Deer, Antlerless—WMUs 2B, 5C and 5D (Archery—Bows and Arrows and Crossbows)	Sept. 15 and Nov. 12	Sept. 28 Nov. 24	An antlerless deer with each required antlerless license.
Deer, Antlerless—WMU 2B (Archery—Bows and Arrows and Crossbows)	Dec. 10	Dec. 22	An antlerless deer with each required antlerless license.
Deer, Regular Antlered and Antlerless—(Statewide) ¹	Nov. 26	Dec. 8	One antlered, and an antlerless deer with each required antlerless license.

DEER

Species	First Day	Last Day	Season Limit
Deer, Antlerless only—(Statewide) Only Junior and Senior License Holders, ² PGC Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the U.S. Armed Forces, or in the U.S. Coast Guard, with required antlerless license.	Oct. 18	Oct. 20	An antlerless deer with each required antlerless license.
Deer, Antlerless only—(Statewide) (Muzzleloading season)	Oct. 13	Oct. 20	An antlerless deer with each required antlerless license.
Deer, Antlered or Antlerless—(Statewide) ¹ (Flintlock Muzzleloading season)	Dec. 26	Jan. 12, 2008	One antlered, or one antlerless—plus an additional antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Unit 2B	Dec. 26	Jan. 26, 2008	An antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Units 5C and 5D	Dec. 10 and Dec. 26	Dec. 22 Jan. 26, 2008	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

BEAR

Species	First Day	Last Day	Daily Limit	Season Limit
Bear, any age—(Bows and Arrows only) ⁴ Wildlife Management Units 2C, 2D, 2E, 2F, 2G, 3A, 4A, 4B and 4D	Nov. 14	Nov. 15	1	1
Bear, any age—(Statewide) ⁴	Nov. 19	Nov. 21	1	1
Bear, any age ⁴ Wildlife Management Units 3C and that portion of 3B, East of Rt. 14 from Troy to Canton, East of Rt. 154 from Canton to Rt. 220 at Laporte and East of Rt. 42 from Laporte to Rt. 118 and that portion of 4E, East of Rt. 42.	Nov. 26	Dec. 1	1	1
Also, those portions of Wildlife Management Units 2G and 3B in Lycoming County that lie North of the West branch of the Susquehanna River from the Rt. 405 bridge, West to the Rt. 220 bridge, East of Rt. 220 to Rt. 44 and East of Rt. 44 to Rt. 973, South of Rt. 973 to Rt. 87, West of Rt. 87 to Rt. 864, South of Rt. 864 to Rt. 220 and West of Rt. 220 to Rt. 405 and West of Rt. 405 to the West branch of the Susquehanna River.				
Bear, any age ⁴ Wildlife Management Unit 3D	Nov. 28	Dec. 1	1	1
Bear, any age ⁴ Rockview Prison	Nov. 26	Dec. 1	1	1

Species	First Day	Last Day	Daily Limit	Season Limit
ELK				
Elk, Antlered and Antlerless ⁶ (With each required license)	Nov. 5	Nov. 10	1	1
Elk, Antlered and Antlerless ⁶ (With each required license) Elk Hunt Zone ¹	Sept. 3 Sept. 1, 2008	Sept. 29 and Sept. 27, 2008	1	1
FUR TAKING—TRAPPING				
Minks and Muskrats—(Statewide)	Nov. 17	Jan. 6, 2008		Unlimited
Beaver—(Statewide)	Dec. 26	Mar. 31, 2008		
Wildlife Management Units 2E, 2F and 2G (Combined)			20	20
Wildlife Management Units 1A, 1B, 3A, 3B, 3C and 3D (Combined)			20	40
Wildlife Management Units 2A, 2B, 2C, 2D, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C and 5D (Combined)			10	10
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—(Statewide)	Oct. 21	Feb. 17, 2008		Unlimited
Coyotes & Foxes—(Statewide) (Cable restraint devices may be used)	Jan. 1	Feb. 17, 2008		Unlimited
Bobcat ³ Wildlife Management Units 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C and 3D	Oct. 21	Feb. 17, 2008	1	1
FUR TAKING—HUNTING				
Coyotes—(Statewide)	Outside of any deer or bear season may be taken with a hunting license or a furtaker's license and without wearing orange.			Unlimited
Coyotes—(During any archery deer season)	May be taken while lawfully hunting deer or with a furtaker's license.			
Coyotes—(During the regular firearms deer season and any bear season)	May be taken while lawfully hunting deer or bear or with a furtaker's license while wearing 250 square inches of daylight fluorescent orange—colored material in a 360° arc.			
Coyotes—(During the spring gobbler turkey season)	May be taken by persons who have a valid tag and meet fluorescent orange and shot size requirements.			
Opossums, Skunks, Weasels ⁷ (Statewide)	No closed season. These species may not be hunted prior to noon during the spring gobbler turkey season.			
Raccoons and Foxes—(Statewide) ⁷	Oct. 20	Feb. 16, 2008		Unlimited
Bobcat ³ Wildlife Management Units 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C and 3D	Oct. 20	Feb. 16, 2008	1	1

No open seasons on other wild birds or wild mammals.

¹ Only one antlered deer (buck) may be taken during the hunting license year.

² Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

³ Bobcat may only be taken by furtakers in possession of a Bobcat Hunting-Trapping Permit and may not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to 1/2 hour after sunset.

⁴ Only one bear may be taken during the hunting license year.

⁵ Second spring gobbler may only be taken by persons who possess a valid special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees).

⁶ Only one elk may be taken during the hunting license year.

⁷ May not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to 1/2 hour after sunset.

[Pa.B. Doc. No. 07-1139. Filed for public inspection June 29, 2007, 9:00 a.m.]

GAME COMMISSION
[58 PA. CODE CH. 141]
Hunting and Trapping; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, adopted amendments to §§ 141.41, 141.43 and 141.47 (relating to general; deer; and elk).

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 1320 (March 24, 2007).

1. Purpose and Authority

The Commission received a number of requests from hunters to permit the lawful use of muzzleloading handguns to hunt various big game animals. Formerly, muzzleloading handguns were prohibited from use while hunting big game animals. The Commission determined that expanding the use of muzzleloading handguns to big game animals is reasonable so long as their use is limited to deer, bear and elk and to .50 caliber or larger muzzleloading handguns only. Therefore, the Commission amended §§ 141.41, 141.43 and 141.47 to permit the lawful use of .50 caliber or larger muzzleloading handguns while hunting deer, bear and elk.

The Commission also received a number of requests from certain hunters to permit the lawful use of aperture or peep sights during the flintlock muzzleloading season. Formerly, § 141.43 prohibited the use of aperture or peep sights during the flintlock muzzleloading season. The Commission determined that the use of aperture or peep

sights during the flintlock muzzleloading season would be permissible since their use appears to be consistent with 18th century technology and therefore would not undermine the traditional nature of the flintlock muzzleloading season. Therefore, the Commission amended § 141.43 to permit the lawful use of aperture or peep sights during the flintlock muzzleloading season.

The Commission also received a number of requests from hunters to permit the lawful use and possession of both a bow and arrow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader seasons and the late archery and flintlock muzzleloading seasons. Formerly, § 141.43 prohibited the possession of any firearm while hunting during the early and late archery seasons with a bow and arrow or crossbow. The Commission determined that the dual use and possession of both a bow and arrow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader seasons and the late archery and flintlock muzzleloading seasons would be permissible only to the extent that the person is in possession of both a valid archery license and valid muzzleloader license and meets the greater protective material requirements for the muzzleloader season, if applicable. Therefore, the Commission amended § 141.43 to permit the lawful use and possession of both a bow and arrow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader seasons and the late archery and flintlock muzzleloading seasons.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” Section 2102(a) of the code provides that “The commission shall

promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 141.41, 141.43 and 141.47 were adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amended §§ 141.41, 141.43 and 141.47 to permit the lawful use of .50 caliber or larger muzzleloading handguns while hunting deer, bear and elk. The final-form rulemaking amended § 141.43 to permit the lawful use of aperture or peep sights during the flintlock muzzleloading season and to permit the lawful use and possession of both a bow and arrow or crossbow and a muzzleloading firearm during the overlaps of the early archery and muzzleloader seasons and the late archery and flintlock muzzleloading seasons.

3. Persons Affected

Persons wishing to hunt deer, bear or elk in this Commonwealth with a muzzleloading firearm may be affected by the final-form rulemaking.

4. Comment and Response Summary

The Commission received two official written comments in support of the Commission's proposal to permit the use of peep sights in the flintlock muzzleloader season.

5. Cost and Paperwork Requirements

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

6. Effective Date

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

7. Contact Person

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending §§ 141.41, 141.43 and 141.47 to read as set forth at 37 Pa.B. 1320.

(b) The Executive Director of the Commission shall certify this order and 37 Pa.B. 1320 and deposit them with the Legislative Reference Bureau as required by law.

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

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-247 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 07-1140. Filed for public inspection June 29, 2007, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Cable Restraint

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, adopted amendments to § 141.63 and 141.66 (relating to definitions; and cable restraints).

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 1321 (March 24, 2007).

1. Purpose and Authority

Regulations concerning the use of cable restraint devices were first proposed at the Commission's October 5, 2004, meeting and were finally adopted at its January 25, 2005, meeting. These regulations essentially define the nature of the device, the manner of its use, as well as the time period for its use. Upon final completion of the 2005-2006 furtaking season, the Commission conducted a survey of all certified cable restraint users to assess use, efficiency, selectivity and capture related injuries or mortalities. The survey results indicated the following findings: 1) recent trap testing data now supports the use of 1 × 19 cable; 2) extending the cable length by 1 foot will allow for cable restraints to be set legally in a variety of winter snow conditions; 3) a clearer definition of "relaxing-type lock" will reduce confusion for trappers purchasing commercially available devices; and 4) increasing the weight rating of the breakaway device will improve efficiency and effectiveness of cable restraint devices when large coyotes are captured. Based upon the results of these postseason surveys, the Commission amended § 141.63 to improve the definition of "cable restraint" by permitting the use of 1 × 19 cable, extending the cable length limit to 7 feet, more clearly defining "relaxing-type lock" and increasing the weight rating of the breakaway device to 375 pounds.

The Commission recently identified that the prior version of § 141.66 overly restricted the classes of persons that are eligible to be certified through the Commission's cable restraint training course in apparent contravention of certain statutory exemptions found in sections 2363 and 2706 of the code (relating to trapping exception for certain persons; and resident license and fee exemptions). In an effort to permit individuals who are authorized to trap without license to more fully enjoy their privilege by being eligible to participate in the Commission's cable

restraint training course, the Commission amended § 141.66 to expand the program's eligibility requirements.

Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices." Section 2102(d) of the code authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 141.66 and 141.66 were adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 141.63 to improve the definition of "cable restraint" by permitting the use of 1 x 19 cable, extending the cable length limit to 7 feet, more clearly defining "relaxing-type lock" and increasing the weight rating of the breakaway device to 375 pounds. The final-form rulemaking also amends § 141.66 to permit individuals meeting certain statutory license exemptions to participate in cable restraint training courses.

3. *Persons Affected*

Persons wishing to trap in this Commonwealth with cable restraint devices will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

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

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending §§ 141.63 and 141.66 to read as set forth at 37 Pa.B. 1321.

(b) The Executive Director of the Commission shall certify this order and 37 Pa.B. 1321 and deposit them with the Legislative Reference Bureau as required by law.

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

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-245 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 07-1141. Filed for public inspection June 29, 2007, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Hunting Hours

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, adopted amendments to § 141.4 and Chapter 141, Appendix G (relating to hunting hours)

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 1323 (March 24, 2007).

1. *Purpose and Authority*

In recent years there has been a growing interest among hunters to expand legal hunting hours to include the 1/2-hour period after sunset (also known as evening civil twilight). While the Commission is always looking for appropriate ways to increase hunting opportunity for sporting men and women, it recognizes its responsibility to do so with caution. The Commission is aware that permissive hunting occurring during the 1/2-hour period after sunset has the distinct possibility of causing confusion amongst hunters regarding differing closing times for certain wildlife, increasing the occurrence of wounding loss of game animals and, most importantly, increasing safety hazards associated with hunting activities due to rapidly decreasing levels of light during that time period. However, after review of available data regarding hunting hours in other states as well as safety statistics from within this Commonwealth, the Commission determined that the risks of an expansion are acceptable. Therefore, the Commission amended § 141.4 to expand legal hunting hours to include the 1/2-hour period after sunset for certain species.

It is important to note that as a result of this amendment, the Commission determined that the former table

of hunting hours should be replaced with a sunrise/sunset table that will have cross application to the differing legal hunting hour periods of the various game species. Therefore, the Commission also amended Appendix G to replace the table of hunting hours with a sunrise/sunset table for the 2007-2008 license year.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to Appendix G were adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amends § 141.4 and Appendix G to expand legal hunting hours to include the 1/2-hour period after sunset for certain species and also replaced the table of hunting hours with a sunrise/sunset table for the 2007-2008 license year.

3. Persons Affected

Persons wishing to hunt or trap within this Commonwealth will be affected by the final-form rulemaking.

4. Comment and Response Summary

The Commission received a total of 233 official written comments concerning this final-form rulemaking; 202 were in support and 31 were in opposition to the Commission's proposal to extend legal hunting hours.

5. Cost and Paperwork Requirements

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

6. Effective Date

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

7. Contact Person

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.4 and Appendix G to read as set forth at 37 Pa.B. 1323.

(b) The Executive Director of the Commission shall certify this order and 37 Pa.B. 1323 and deposit them with the Legislative Reference Bureau as required by law.

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

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-246 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 07-1142. Filed for public inspection June 29, 2007, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Protective Material

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, adopted an amendment to § 141.20 (relating to protective material required).

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 1324 (March 24, 2007).

1. Purpose and Authority

The Commission received a number of calls from hunters regarding protective material requirements for hunters hunting from artificial or manufactured blinds during the deer, elk or bear seasons. These hunters identified a conceptual conflict in requiring hunters to wear protective material inside a blind where its visual effectiveness is severely diminished. These hunters have requested the ability to post protective material outside the blind, where it is more readily observable, instead of wearing the required amount of protective material on their person in the blind. Since the posting of protective material outside of an artificial or manmade blind that conceals movement from within is undeniably more consistent with the safety interests involved, the Commission determined that permitting hunters to post a minimum of 100 square inches of protective material within 15 feet from the blind in a manner that it is visible in a 360° arc is acceptable. Therefore, the Commission amended § 141.20 to permit the posting of 100 square inches of daylight fluorescent orange-colored material within 15 feet of a blind meeting the requirements in section 2308(b)(3) of the code (relating to unlawful devices and methods) instead of wearing the required 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate con-

cerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 141.20 was adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 141.20 to permit the posting of 100 square inches of daylight fluorescent orange-colored material within 15 feet of a blind meeting the requirements in section 2308(b)(3) of the code instead of wearing the required 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined.

3. *Persons Affected*

Persons wishing to hunt deer, elk or bear from a blind meeting the requirements in section 2308(b)(3) of the code will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

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

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.20 to read as set forth at 37 Pa.B. 1324.

(b) The Executive Director of the Commission shall certify this order and 37 Pa.B. 1324 and deposit them with the Legislative Reference Bureau as required by law.

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

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-248 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 07-1143. Filed for public inspection June 29, 2007, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Deer Management Assistance Program Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 18, 2007, meeting, adopted an amendment to § 147.674 (relating to issuance of DMAP harvest permits).

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 1333 (March 24, 2007).

1. *Purpose and Authority*

Since the implementation of the Deer Management Assistance Program (DMAP) in 2003, harvest permit fees for residents and nonresidents have remained unchanged. However, operating costs throughout this Commission have increased significantly, especially since the Commission's last license fee increase occurred in 1999. Given the added recreational opportunities that DMAP harvest permits offer and the nominal cost currently associated with them, the Commission determined that an increase in permit fees will better represent the value of the privilege and improve funding for the management of wildlife resources. Therefore, the Commission amended § 147.674 to increase DMAP harvest permit fees from \$6 to \$10 for residents and \$26 to \$35 for nonresidents.

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." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 147.674 was adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 147.674 to increase DMAP harvest permit fees from \$6 to \$10 for residents and \$26 to \$35 for nonresidents.

3. *Persons Affected*

Persons wishing to purchase DMAP harvest permits from the Commission will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

The Commission received two official written comments in opposition of the Commission's proposal to increase DMAP permit fees.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

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

Findings

The Commission finds that:

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

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

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.674 to read as set forth at 37 Pa.B. 1333.

(b) The Executive Director of the Commission shall certify this order and 37 Pa.B. 1333 and deposit them with the Legislative Reference Bureau as required by law.

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

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-249 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 07-1144. Filed for public inspection June 29, 2007, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD Expiration of Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under 4 Pa.C.S. § 1203 (relating to temporary regulations),

was authorized to adopt temporary regulations. The authority to adopt temporary regulations expired on April 15, 2007. The temporary regulations will expire on July 5, 2007.

For the past 10 months, the Board has been promulgating permanent regulations to replace the temporary regulations. Proposed rulemakings have been adopted by the Board and published in the *Pennsylvania Bulletin* for all of the temporary chapters.

Final-form regulations, for the following chapters have been adopted by the Board, have been approved by the standing committees, the Independent Regulatory Review Commission and the Office of Attorney General, and published in the *Pennsylvania Bulletin*:

Chapter 401a. Preliminary Provisions
Chapter 403a. Board Operations and Organization
Chapter 405a. Bureau of Investigations and Enforcement
Chapter 407a. Public Access to Board Files
Chapter 451a. Recordkeeping Requirements
Chapter 471a. Filing Fees
Chapter 481a. Diversity

These chapters are in effect now.

Final-form rulemakings have been approved by the Board and have been submitted to or approved by the standing committees, the IRRC and the Office of Attorney General for the following chapters:

Chapter 461a. Slot Machine Testing and Certification Requirements
Chapter 463a. Possession of Slot Machines
Chapter 465a. Accounting and Internal Controls
Chapter 466a. Slot Computer Systems
Chapter 467a. Commencement of Slot Operations
Chapter 491a. General Rules of Practice
Chapter 501a. Compulsive and Problem Gambling Requirements
Chapter 503a. Self-Exclusion
Chapter 511a. Persons Required to be Excluded
Chapter 513a. Underage Gaming

Final publication of these chapters can be anticipated to occur during the next 3 months and final publication of the remaining chapters shortly thereafter.

After July 5, 2007, and until final publication of each of the final regulations, the Board will rely on the statutory provisions of 4 Pa.C.S. Part II (relating to Pennsylvania Race Horse Development and Gaming Act) to govern Board operations. However, applicants for and holders of Board licenses, permits, certifications or registrations are expected to look to the proposed and final-form regulations that have been adopted by the Board for guidance on any matter that is not completely addressed by 4 Pa.C.S. Part II.

THOMAS A. DECKER,
Chairperson

[Pa.B. Doc. No. 07-1145. Filed for public inspection June 29, 2007, 9:00 a.m.]

PROPOSED RULEMAKING

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 14]

Special Education Services and Programs

The State Board of Education (Board) proposes to amend Chapter 14 (relating to special education services and programs) to read as set forth in Annex A. The Board is acting under the authority of sections 1372 and 2306-B of the Public School Code of 1949 (code) (24 P. S. §§ 13-1372 and 26-2603-B).

This proposed rulemaking establishes procedures for the identification of students who are disabled and in need of special education services and programs. This proposed rulemaking sets forth requirements and procedures for the delivery of those services and programs. As provided in the code, Chapter 14 does not apply to public charter schools or cyber charter schools. Instead these schools must follow the regulations of the Department of Education (Department) in Chapter 711 (relating to charter school services and programs for children with disabilities).

A committee of the Board (committee) held five regional public roundtable meetings during December 2006 and January 2007 and stakeholders were provided an opportunity to discuss the issues and share their concerns about special education. The committee then circulated draft regulations and conducted three regional public hearings to solicit public input on the draft regulations in March 2007. Notices of the meetings were distributed to individuals and organizations who asked to be included on the Board's stakeholder list. Notice was sent to superintendents, intermediate unit executive directors, area vocational school directors and others through the Department's PennLINK email system. Legal notices of the hearings were published in regional newspapers, public notice was posted on the Board website and Sunshine Act notices were posted at the meeting sites. A number of large Statewide education associations alerted their members and others about the meetings through e-mail distribution lists, websites and publications.

Throughout the process of drafting this proposed rulemaking, the Board prepared and posted updated drafts on the Board's website. The Chapter 14 committee met in public meetings on November 14, 2006, January 17, 2007, March 21, 2007, and May 16, 2007, when various versions of the proposed rulemaking were reviewed and discussed. Members of the public were provided opportunities to provide comments to the committee at these meetings. In addition to the comments provided at the roundtables, hearings and committee meetings, numerous individuals and organizations provided written comments to the Board by means of letters and e-mails. The Board heard from over 250 individuals and organizations throughout this process.

Purpose

The proposed amendments to Chapter 14 are designed to align the chapter with the Federal Individuals With Disabilities Education Act (IDEA) (20 U.S.C.A. §§ 1400—1482), as amended December 3, 2004, related Federal regulations and applicable provisions of Pennsylvania

statute, court decisions and settlement agreements. The Federal regulations are available at <http://idea.ed.gov/explore/home>.

The Board determined that many areas in the Federal rules are sufficiently detailed to provide for effective implementation and, therefore, are proposed to be incorporated by reference.

Additional language is found in this proposal when: 1) Federal rules require greater detail for implementation; 2) court decisions or settlement agreements applicable to the Commonwealth require regulation; 3) State statute requires regulation; and 4) the current practice of special education in this Commonwealth requires regulation.

This proposed rulemaking will become part of the eligibility grant application to the United States Department of Education under IDEA ensuring the provision of a free, appropriate public education to students and children with disabilities. The Commonwealth must demonstrate a good faith effort to align its policies with IDEA and its implementing regulations to be eligible to receive Federal funds. Copies of the eligibility grant application will be made available to the public through the Department.

Requirements of the Proposed Rulemaking

The proposed rulemaking adopts terminology, establishes the purpose, specifies time lines for development and implementation of Individualized Education Program (IEP) plans, maintains requirements regarding extended school year services, requires behavior support in addition to the Federal requirements, establishes qualifications for instructional paraprofessional staff, sets qualifications for educational sign language interpreters and provides criteria for the facilities in which special education services and programs are to be delivered. Major elements of the proposed rulemaking include the following:

§ 14.101. Definitions.

This section defines the term "school entity" that is used throughout the chapter. In select locations, the regulation applies only to specific type of entities so they are identified when appropriate instead of using the blanket term "school entity." For the purpose of adding clarity, additional detail is added to the definition of "early intervention services." The term "instructional support team" is deleted as it is no longer used.

§ 14.102. Purposes.

Language is added to this section so that children with disabilities have access to the general curriculum and participate in State and local assessments. Children with disabilities are to be educated, to the extent appropriate, with students without disabilities and provided supplementary aids and services as indicated in their IEP. School entities are to provide a full continuum of placement options. Outdated references to Federal regulations are deleted and replaced with references to the current Federal regulations issued on August 14, 2006.

§ 14.103. Terminology related to Federal regulations.

Language is added to this section to indicate that intermediate units are considered the local education agency for purposes under Federal regulations regarding children with disabilities enrolled in private schools.

§ 14.104. Educational plans.

This section requires that each school district and intermediate unit special education plan describe early

intervention services, if offered, by the school district. This section also requires school districts to establish procedures for complying with the identification of children with specific learning disabilities, provides examples of the kinds of supplementary aids and services to be provided by the district, describes access to a full continuum of educational placements, requires policies and procedures designed to prevent over identification or disproportionate representation by race or ethnicity and establishes policies on behavior support services and parent counseling and training activities in accordance with Federal regulations. This section requires early intervention plans to be submitted every year instead of every 3 years as in the current regulation.

This section also prohibits making educational placement of a student with a disability because of a lack of resources, facilities, staff or simply administrative convenience. This section places into regulation the long-standing Federal reporting requirements that require states and school entities to maintain and report information concerning students with disabilities.

§ 14.105. Personnel.

This proposed section pertains to instructional paraprofessional staff working with students with disabilities to align their qualifications with those of paraprofessionals employed in schools that receive Federal Title I funds and those employed in prekindergarten programs. As directed in the act of July 11, 2006 (P. L. 1092, No. 114), the Board establishes qualifications for educational sign language interpreters. Professional caseload requirements are amended to reflect current practice in schools.

§ 14.106. Access to instructional materials.

As required by Federal regulations, the Board establishes standards for instructional materials in alternative formats by adopting the National Instructional Materials Accessibility Standard as defined in section 674 of IDEA (20 U.S.C.A. § 1474(e)(3)(B)).

§ 14.107. Complaint procedure.

This proposed section directs the Department to establish a complaint procedure consistent with Federal regulations and to disseminate notice of the procedure.

§ 14.108. Access to classrooms.

This proposed section states that a parent is to have reasonable access to the child's classroom within the parameters of local educational agency policy.

§ 14.121. Child find.

This section clarifies the types of awareness activities acceptable under the current provision. The regulation directs school districts to include information in its handbook and website. It also expands the annual notification requirement to include electronic media. Language is added, per Federal regulations, to require intermediate units to comply with the child find activities necessary for compliance for children with disabilities enrolled in private schools.

§ 14.122. Screening.

This section clarifies requirements for school districts to establish systems for the initial screening of students before making referrals students for special education evaluation.

§ 14.123. Evaluation.

This section provides that a parent who requests an evaluation of his child shall be given an evaluation request form within 5 days of the request. This section

also provides that a copy of the evaluation report shall be provided to the parent at least 10 school days prior to the meeting of the IEP team unless waived in writing by the parent.

§ 14.124. Reevaluation.

This section provides clarification of the requirement that the reevaluation report be provided to parents within 60 school days from the date of action specified. This section also provides that a copy of the reevaluation report be provided to the parent at least 10 school days prior to the meeting of the IEP team unless waived by the parent in writing. This section also provides that a copy of the reevaluation report shall be provided to the parent at least 10 school days prior to the meeting of the IEP team unless waived in writing by the parent.

§ 14.125. Criteria for the determination of specific learning disabilities.

As required by IDEA, this section establishes criteria that school districts and intermediate units shall follow when establishing procedures for determining specific learning disabilities.

§ 14.131. IEP.

Requirements for IEPs in this section are amended to improve the focus and functionality of IEPs based on the category or categories of each child's disability and the types of supports and accommodations that will be provided. This section maintains transition planning at 14 years of age. This section grandfathered IEPs that exist at the time the final-form rulemaking becomes effective.

§ 14.132. ESY.

This proposed rulemaking adds requirements that students with severe disabilities be provided expeditious determinations of eligibility for extended school year services. The proposed rulemaking also requires that school entities consider eligibility for extended school year services for every student at the students' IEP meeting and that it be done so in a timely manner.

§ 14.133. Behavior support.

Language is added to this section to further encourage the use of positive behavior support strategies and to limit the use of restraints and bans the use of face down prone restraints unless determined necessary by a physician and documented in the student's current IEP. This section requires schools to maintain records on the use of restraints. This section also provides: a process to identify the need for the use of restraints to protect the student's safety or safety of others and that parental consent should be obtained; procedures for when there is an emergency use of restraints; and a meeting of the IEP team when restraints are used outside the parameters of the behavior management practices specified in the student's IEP. This section also requires that a review take place within 10 days whenever injuries requiring treatment by medical personnel occur resulting from self-injurious behavior or a nonaccidental act by another student.

§ 14.141. Terminology related to educational placement.

This section is proposed to be rescinded.

§ 14.142. Caseload for special education.

This section is proposed to be rescinded as the caseload requirements are included in proposed § 14.105 (relating to personnel).

§ 14.143. Disciplinary placements.

This proposed rulemaking updates the references to Federal regulations.

§ 14.145. Least restrictive environment requirements.

As required by IDEA, this proposed section provides State requirements for providing students services in the least restrictive environment.

§ 14.146. Age range restrictions.

This proposed section establishes age range restrictions which are designed to limit the placement of students with disabilities into classroom settings when there is a significant age difference with other students.

§ 14.153. Evaluation.

This proposed rulemaking updates references to Federal regulations and clarifies the 60-day time frame to provide the evaluation report is 60 calendar days from the date of parental consent.

§ 14.154. IEP.

This section clarifies that the 14-day implementation requirement is 14 calendar days and grandfathers IEPs developed prior to the effective date of the final-form rulemaking.

§ 14.155. Range of services.

This section clarifies that early intervention agencies or other licensed agencies may provide services under contract. This proposed rulemaking also restructures the regulation to improve clarity and focus regarding the services available and teacher caseloads.

§ 14.161. Prehearing conferences.

This section is proposed to be rescinded because it is no longer necessary as it is not required by IDEA.

§ 14.162. Impartial due process hearing and expedited due process hearing.

Proposed amendments to this section reflect changes in Federal requirements. This proposed rulemaking also adds requirements that due process hearings, appeal panel proceedings and hearing officers are to adhere to 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure). It also requires the Department to provide an annual report to the Board as to the activities of the due process hearings and appeal panel proceedings and to also report activities taken by the Department to strengthen the due process hearings and appeal panel proceedings.

§ 14.163. Resolution session.

This proposed section incorporates Federal requirements for resolution sessions for parents of children with disabilities and permits parent advocates to attend resolution sessions.

Affected Parties

Students who need or may need special education services and programs will be affected by this proposed rulemaking. This proposed rulemaking will also affect parents and guardians of those students by guaranteeing their participation in the process of determining services and programs that best meet the needs of their children. The Department, school districts, intermediate units and area vocational technical schools will be affected through compliance with the regulations.

Cost and Paperwork Estimates

The proposed rulemaking will not result in significant added costs or savings to either the Department or school entities since it reflects existing Federal or State requirements, judicial rulings or settlement agreements.

The most significant potential cost factor is that of establishing minimum requirements on the qualifications of instructional paraprofessionals who provide support to a student with disabilities under the direction of a classroom teacher in § 14.105. Instructional paraprofessionals hired before July 1, 2008, shall demonstrate knowledge in and ability to assist in instruction in reading, writing and mathematics or readiness in these disciplines through a rigorous State or local academic assessment. Instructional paraprofessionals hired after July 1, 2008, need to meet the same requirement in addition to either having an associate's degree or higher or completed 2 years of postsecondary study.

Similar requirements have been in place under the Federal No Child Left Behind Act of 2001 (NCLB) (Pub. L. No. 107—110, 115 Stat. 1425) for instructional paraprofessionals employed in schools receiving Title I funds and under Chapter 4 for paraprofessionals working in prekindergarten programs. Since the testing program already exists to address the NCLB requirements, costs associated with the testing program are limited to staff time and test administration. With respect to the requirement that newly hired paraprofessionals have 2 or more years of postsecondary education this requirement may require school entities to conduct increased recruitment efforts to meet this requirement. The Board believes the benefits of staff with greater levels of education far outweigh any potential minimal cost for school entities to conduct expanded outreach and recruitment of staff.

The proposed rulemaking requires that the Department report annually to the Board on the activities and results of due process hearings and appeal panel proceedings. Since the Department already collects this information, the cost of generating the annual report to the Board is minimal.

The proposed rulemaking adds a requirement that school entities maintain data on the use of restraints. This data will be reviewed as part of existing compliance reviews conducted by the Department. The cost to implement and administer this new requirement is minimal.

Requirements for the access to instructional materials as required by IDEA are added. The resource center is funded by the Federal government.

Under this proposed rulemaking, educational interpreters providing services to students who are deaf or hearing impaired employed by intermediate units and school districts need to meet the qualification of scoring a 3.5 or above on the Educational Interpreter Performance Assessment and participate in at least 20 hours of continuing professional education in interpreting or transliterating services each year to continue to provide education interpreting services to students. A number of intermediate units and the Pennsylvania Training and Technical Assistance network provide training at no or relatively small cost to educational interpreters to assist them in meeting these requirements.

Effective Date

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

Sunset Date

The Board will review the effectiveness of Chapter 14 every 4 years in accordance with the Board's policy and

practice respecting all regulations promulgated by the Board. Therefore, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 19, 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 and Senate Committees on Education. A copy of this material is available to the public upon request.

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

Public Comments and Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, j buckheit@state.pa.us. Public comments must be received within 30 days following publication in the *Pennsylvania Bulletin*.

Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling Jim Buckheit at (717) 787-3787 or TTY (717) 783-8445.

JIM BUCKHEIT,
Executive Director

Fiscal Note: 6-306. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart A. MISCELLANEOUS PROVISIONS

CHAPTER 14. SPECIAL EDUCATION SERVICES AND PROGRAMS

GENERAL PROVISIONS

§ 14.101. Definitions.

In addition to the definitions in §§ 14.102 and 14.103 (relating to purposes; and terminology related to Federal regulations), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Agency—[**An intermediate unit, school district**] **A school entity**, approved private school, State-operated program or facility or other public (excluding charter schools and cyber charter schools under Article XVII-A of The Public School Code of 1949 (24 P. S. §§ 17-1701-A—17-1751-A) or private organization providing educational services to children with disabilities or providing early intervention services.

* * * * *

Early intervention agency—[**An intermediate unit, school district**] **A school entity** or licensed provider

which has entered into a mutually agreed upon written arrangement (**MAWA**) with the Department to provide early intervention services to eligible young children in accordance with the act.

Early intervention services—As defined in the act **are individualized services and supports provided to eligible young children in the least restrictive environment, including the child's home, in order to make measurable progress in preparation for school.**

Eligible young child—A child who is less than the age of beginners and at least 3 years of age and who meets the criteria in 34 CFR [**300.7**] **300.8** (relating to [**a**] child with a disability).

* * * * *

[**IST—Instructional support team.**]

* * * * *

Parent—The term as defined in 34 CFR [**300.20**] **300.30** (relating to parent) and also includes individuals appointed as foster parents under [**42 Pa.C.S. §§ 6301—6311 (relating to the Juvenile Act)**] **55 Pa. Code § 3700.4 (relating to definitions).**

School entity—**A local public education provider such as a school district, area vocational-technical school or intermediate unit but excluding charter and cyber charter schools under Article XVII-A of the Public School Code of 1949 (24 P. S. §§ 17-1701-A—17-1751-A).**

* * * * *

Student with a disability—A child of school age who meets the criteria in 34 CFR [**300.7 (relating to a child with a disability)**] **300.8.**

§ 14.102. Purposes.

(a) It is the intent of the Board that children with disabilities be provided with quality special education services and programs. The purposes of this chapter are to serve the following:

(1) To adopt Federal regulations by incorporation by reference to satisfy the statutory requirements under the Individuals with Disabilities Education Act (20 U.S.C.A. §§ 1400—[**1419**] **1482**) and to ensure that:

* * * * *

(ii) **Children with disabilities have access to the general curriculum, and participate in State and local assessments as established and described in Chapter 4 (relating to academic standards and assessment).**

(iii) **Children with disabilities are educated, to the maximum extent appropriate, with their nondisabled peers and are provided with supplementary aids and services.**

(iv) **School entities provide access to a full continuum of placement options as appropriate and necessary according to the child's IEP.**

(v) **The rights of children with disabilities and parents of these children are protected.**

(vi) **The use of early intervening services promotes students' success in a general education environment.**

(2) To adopt, except as expressly otherwise provided in this chapter, the requirements of 34 CFR Part 300 (relating to assistance to states for the education of children with disabilities) as published at [64 FR 12418—12469 (March 12, 1999)] 71 FR 46540—46845 (August 14, 2006). The following sections are incorporated by reference [.]:

(i) [34 CFR 300.4—300.6 (defining the terms “act”; “assistive technology device”; and “assistive technology service”).

(ii) 34 CFR 300.7(a) and (c) (defining the term “child with a disability”).

(iii) 34 CFR 300.8—300.24 (defining the terms “consent”; “day”; “business day”; “school day”; “educational service agency”; “equipment”; “evaluation”; “free appropriate public education”; “include”; “individualized education program”; “individualized education program team”; “individualized family service plan”; “local educational agency”; “native language”; “parent”; “personally identifiable”; “public agency”; “qualified personnel”; and “related services”).

(iv) 34 CFR 300.26 (defining the term “special education”).

(v) 34 CFR 300.28 and 300.29 (defining the terms “supplementary aids and services”; and “transition services”).

(vi) 34 CFR 300.121—300.125 (relating to free appropriate public education (FAPE); exception to FAPE for certain ages; full educational opportunity goal (FEOG); FEOG—timetable; and child find).

(vii) 34 CFR 300.138 and 300.139 (relating to participation in assessments; and reports relating to assessments).

(viii) 34 CFR 300.300 (relating to provision of FAPE).

(ix) 34 CFR 300.302—300.309 (relating to residential placement; proper functioning of hearing aids; full educational opportunity goal; program options; nonacademic services; physical education; assistive technology; and extended school year services).

(x) 34 CFR 300.311(b) and (c) (relating to FAPE requirements for students with disabilities in adult prisons).

(xi) 34 CFR 300.313 (relating to children experiencing developmental delays).

(xii) 34 CFR 300.320 and 300.321 (relating to initial evaluations; and reevaluations).

(xiii) 34 CFR 300.340 (relating to definitions related to IEPs).

(xiv) 34 CFR 300.342—300.346 (relating to when IEPs must be in effect; IEP meetings; IEP team; parent participation; and development, review and revision of IEP).

(xv) 34 CFR 300.347 (a), (b) and (d) (relating to content of IEP).

(xvi) 34 CFR 300.348—300.350 (relating to agency responsibilities for transition services; private school placements by public agencies; and IEPs—accountability).

(xvii) 34 CFR 300.401 (regarding responsibility of state educational agency in connection with chil-

dren with disabilities in private schools placed or referred by public agencies).

(xviii) 34 CFR 300.403 (relating to placement of children by parents if FAPE is at issue).

(xix) 34 CFR 300.450—300.462 (relating to children with disabilities enrolled by their parents in private schools).

(xx) 34 CFR 300.500—300.515 (regarding certain due process procedures for parents and their children).

(xxi) 34 CFR 300.519—300.529 (relating to discipline procedures).

(xxii) 34 CFR 300.531—300.536 (regarding certain procedures for evaluation and determination of eligibility).

(xxiii) 34 CFR 300.540—300.543 (relating to additional procedures for evaluating children with specific learning disabilities).

(xxiv) 34 CFR 300.550—300.553 (relating to least restrictive environment (LRE) including general LRE requirements; continuum of alternative placements; placements; and nonacademic settings).

(xxv) 34 CFR 300.560—300.574(a) and (b) (providing for confidentiality of information).

(xxvi) 34 CFR 300.576 (relating to disciplinary information).]

34 CFR 300.4—300.6 (relating to act; assistive technology device; and assistive technology service).

(i) 34 CFR 300.8(a) and (c) (relating to child with a disability).

(ii) 34 CFR 300.9—300.15 (relating to consent; core academic subjects; day; business day; school day; educational service agency; elementary school; equipment; and evaluation).

(iii) 34 CFR 300.17—300.20 (relating to free appropriate public education; highly qualified special education teachers; homeless children; and include).

(iv) 34 CFR 300.22—300.24 (relating to individualized education program; individualized education program team; and individualized family service plan).

(v) 34 CFR 300.27—300.30 (relating to limited English proficient; local educational agency; native language; and parent).

(vi) 34 CFR 300.32—300.37 (relating to personally identifiable; public agency; related services; scientifically based research; secondary school; and services plan).

(vii) 34 CFR 300.39 (relating to special education).

(viii) 34 CFR 300.41—300.45 (relating to State educational agency; supplementary aids and services; transition services; universal design; and ward of the State).

(ix) 34 CFR 300.101 and 300.102 (relating to free appropriate public education (FAPE); and limitation—exception to FAPE for certain ages).

(xi) 34 CFR 300.104—300.108 (relating to residential placement; assistive technology; extended school year services; nonacademic services; and physical education).

(xii) 34 CFR 300.113 and 300.114(a)(2) (relating to routine checking of hearing aids and external components of surgically implanted medical devices; and LRE requirements).

(xiii) 34 CFR 300.115—300.117 (relating to continuum of alternative placements; placements; and nonacademic settings).

(xiv) 34 CFR 300.122 (relating to evaluation).

(xv) 34 CFR 300.130—300.144, regarding students enrolled by their parents in private schools.

(xvi) 34 CFR 300.148 (relating to placement of children by parents when FAPE is at issue).

(xvii) 34 CFR 300.172 (relating to access to instructional materials).

(xviii) 34 CFR 300.174 (relating to prohibition on mandatory medication).

(xix) 34 CFR 300.207 (relating to personnel development).

(xx) 34 CFR 300.210—300.213 (relating to purchase of instructional materials; information for SEA; public information; and records regarding migratory children with disabilities).

(xxi) 34 CFR 300.224 (relating to requirements for establishing eligibility).

(xxii) 34 CFR 300.226 (relating to early intervening services).

(xxiii) 34 CFR 300.300 and 300.301 (relating to parental consent; and initial evaluations).

(xxiv) 34 CFR 300.302—300.307(a)(1) and (2) and (b) (relating to screening for instructional purposes is not evaluation; reevaluations; evaluation procedures; additional requirements for evaluations and reevaluations; determination of eligibility; and specific learning disabilities).

(xxv) 34 CFR 300.308—300.311 (relating to additional group members; determining the existence of a specific learning disability; observation; and specific documentation for the eligibility determination).

(xxvi) 34 CFR 300.320—300.325 (relating to definition of individualized education program; IEP Team; parent participation; when IEPs must be in effect; development, review, and revision of IEP; and private school placement by public agencies).

(xxvii) 34 CFR 300.327 and 300.328 (relating to educational placements; and alternative means of meeting participation).

(xxviii) 34 CFR 300.501—300.508 (relating to opportunity to examine records; parent participation in meetings; independent education evaluation; prior notice by the public agency; content of notice; procedural safeguards notice; electronic mail; mediation; filing a due process complaint; and due process complaint).

(xxix) 34 CFR 300.510—300.516 (relating to resolution process; impartial due process hearing; hearing rights; hearing decisions; finality of decisions,

appeal; partial review; timelines and convenience of hearings and reviews; and civil action).

(xxx) 34 CFR 300.518(a), (b) and (d) and 300.519 (relating to child's status during proceedings; and surrogate parents).

(xxxii) 34 CFR 300.530—300.537 (relating to authority of school personnel; determination of setting; appeal; placement during appeals; protections for children not determined eligible for special education and related services; referral to and action by law enforcement and judicial authorities; change of placement because of disciplinary removals; and state enforcement mechanisms).

(xxxii) 34 CFR 300.610—300.625 (relating to confidentiality; definitions; notice to parents; access rights; record of access; records on more than one child; list of types and locations of information; fees; amendment of records at parent's request; opportunity for a hearing; result of hearing; hearing procedures; consent; safeguards; destruction of information; and children's rights).

* * * * *

(b) To provide services and programs effectively, the Commonwealth will delegate operational responsibility for school aged students to its school districts to include the provision of child find duties prescribed by 34 CFR [300.125(a)] 300. 111 (relating to child find).

§ 14.103. Terminology related to Federal regulations.

For purposes of interfacing with 34 CFR Part 300 (relating to assistance to states for the education of children with disabilities), the following term applies, unless the context clearly indicates otherwise:

Local educational agency—Where the Federal provision uses the term “local educational agency,” for purposes of this chapter, the term means an intermediate unit, school district, State operated program or facility or other public organization providing educational services to children with disabilities or providing early intervention services. Applicability of this term to public charter schools is found in Chapter 711 (relating to charter school services and programs for children with disabilities). **In the application of 34 CFR 300.130—300.144, regarding children with disabilities enrolled by their parents in private schools, intermediate units shall be considered to be the local education agency.**

§ 14.104. [Educational] Special education plans.

(a) Each school district shall develop **and implement** a special education plan aligned with the strategic plan of the school district under § 4.13 (relating to strategic plans). The special education plan shall be developed every 3 years consistent with the [**3-year review cycle**] phase of the strategic plan of the school district. The Secretary will prescribe the format, content and time for submission of the special education plan.

(b) Each school district's special education plan [**shall**] **must** specify the special education programs that operate in the district and those that are operated in the district by intermediate units, area vocational technical schools [**and**], other agencies **and describe**:

(1) **Early intervening services under 34 CFR 300.226 (relating to early intervening services) and this chapter, if the services are provided by the school district.**

(2) The school district procedures for complying with the State criteria for identifying children with specific learning disabilities.

(3) Examples of supplementary aids and services provided by the school district.

(4) Access to a full continuum of educational placements as required by the student's IEP.

(5) Policies and procedures designed to prevent the inappropriate over-identification or disproportionate representation by race and ethnicity of children with disabilities, for those school districts identified with significant disproportionality in accordance with 34 CFR 300.646(a) (relating to disproportionality).

(6) School district procedures on behavior support services including a description of the training provided to staff in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.

(7) Parent training activities provided by the school district.

(c) Each school district's special education plan [shall] must include procedures for the education of all students with [a disability] disabilities who are residents of the district including those receiving special education in approved private schools and students with [a disability] disabilities who are nonresidents placed in private homes or institutions in the school district under sections 1305, 1306 and 1306.2 of the Public School Code of 1949 (24 P. S. §§ 13-1305, 13-1306 and 13-1306.2).

(d) Each intermediate unit shall prepare annually and submit to the Secretary a special education plan specifying the special education services and programs to be operated by the intermediate unit, including equitable services provided consistent with 34 CFR 300.130—300.144 and subsection (b)(2)—(4), (6) and (7). The Secretary will prescribe the format, content and time for submission of the intermediate units' plans.

(e) Each early intervention agency shall develop and submit to the Department an early intervention special education plan every [3 years] year.

(f) The Department will approve plans in accordance with the following criteria:

* * * * *

(3) Placement of students with disabilities in settings other than regular education settings may not be based on lack of resources, facilities, staff or for administrative convenience.

(4) The plan meets the specifications defined in this chapter and the format, content and time for submission of the agency plans prescribed by the Secretary.

* * * * *

(i) Each school entity shall maintain information concerning students with disabilities, the services provided, performance and discipline data, as specified by the Secretary, and report information in a form and at times as required by the Secretary.

§ 14.105. Personnel.

(a) An instructional paraprofessional is a school employee who works under the direction of a cer-

tified staff member to support and assist in providing instructional programs and services to children with disabilities or eligible young children. Instructional paraprofessional personnel hired by a school entity on or after July 1, 2008, shall meet the qualifications outlined in paragraph (1) or (2) and paragraph (3) or (4). Instructional paraprofessionals who were hired in that role by a school entity before July 1, 2008, shall meet the qualifications outlined in paragraph (3) or (4) by July 1, 2010.

(1) Have completed at least 2 years of postsecondary study.

(2) Possess an associate degree or higher.

(3) Meet a rigorous standard of quality as demonstrated through a formal State or local academic assessment of knowledge in and ability to assist in instruction in reading, writing and mathematics.

(4) Meet a rigorous standard of quality as demonstrated through a formal State or local academic assessment of knowledge of, and the ability to assist in instruction, reading readiness, writing readiness and mathematics readiness, as appropriate.

(b) Nothing in subsection (a) should be construed to supersede the terms of a collective bargaining agreement in effect on _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.).

(c) To serve as an educational interpreter, an individual shall meet the qualifications in paragraph (1) or (2) and paragraph (3):

(1) Achieve and provide evidence of a score of 3.5 on the Educational Interpreter Performance Assessment (EIPA) for the appropriate grade level to which the person has been assigned.

(2) Be a qualified educational interpreter or qualified transliterator under the Sign Language Interpreter and Transliterator Registration Act (63 P. S. §§ 1725.1—1725.12) and its implementing regulations.

(3) Provide evidence of a minimum of 20 hours of staff development activities relating to interpreting or transliterating services annually.

(d) The Board, in consultation with Department, will review the EIPA score requirement every 2 years.

(e) The following words and terms, when used in this subsection, have the following meanings, unless the context clearly indicates otherwise:

Case management—Development and management of an individual IEP, and if required in the IEP, monitoring and consultation with regular education or special education teachers, or both.

Replacement services—

(i) Direct services to an individual student with disabilities or small group of those students, that replace general education instruction within the regular education curriculum or replace the general curriculum with alternate curriculum.

(ii) The term includes teaching to the State-approved alternate standards.

(A) The following chart presents the maximum caseload allowed on a single teacher's roll for each school district:

<i>Level I Services</i>	50 students
Level I services may include one or any combination of the following services: Case Management; Supplemental Services; and Replacement Services up to 20% of the instructional day	
<i>Level II Services</i>	25 students
Level II services must include Replacement Services 21% to 50% of the instructional day and may also include Case Management and Supplemental Services	
<i>Level III Services</i>	15 students
Level III services must include Replacement Services 51% to 75% of the instructional day and may also include Case Management and Supplemental Services	
<i>Level IV Services</i>	8 students
Level IV services must include Replacement Services more than 75% of the instructional day and may also include Case Management and Supplemental Services	
<i>Speech and Language Support</i>	65 students

(B) If a teacher provides more than one level of support to different students, the maximum number for the purpose of caseload will be prorated based upon the percentage of time providing that level of service and the maximum number of students allowed.

(C) A school district may request approval for a caseload chart which varies from that in clause (A) as part of its special education plan consistent with § 14.104 (relating to special education plans). The caseload and supporting documents submitted must:

(I) Ensure the ability of assigned staff to provide the services required in each student's IEP.

(II) Apply to special education classes operated in the school district.

(III) Provide a justification for why the chart deviates from the caseload chart in clause (E).

(IV) Describe the opportunities for parents, teachers and other interested parties to review and comment on the chart prior to its submission. The district shall provide and include a copy of the notice to the public indicating the district intends to request a waiver of caseload regulations and a description of how parents, teachers and other interested parties were provided opportunities to give comment on the waiver request.

(D) Classes or programs with students from more than one district regardless of whether operated by a school district, intermediate unit or agency shall follow the caseload chart of the district where the class or program is located. Intermediate unit itinerant services provided to multiple districts must follow the caseload chart under subsection (e).

(E) Caseloads are not applicable to approved private schools or to chartered schools for the deaf and blind.

(F) The Department may withdraw approval of variance in the caseload chart for a school district if its caseload is determined to be inadequate. The Department will consider at least the following indicators when making the determination:

(I) Graduation rates of students with a disability.

(II) Drop-out rates of students with a disability.

(III) Postsecondary transition of students with a disability.

(IV) Rate of grade level retentions.

(V) Statewide and district-wide assessment results as prescribed by §§ 4.51 and 4.52 (relating to State assessment system; and local assessment system).

Supplemental services—

(i) Direct services to an individual student with disabilities or small group of those students, that supplement the general education curriculum.

(ii) For example, the term includes co-teaching, preteaching, reteaching, modeling, guided practice, and the like.

§ 14.106. Access to instructional materials.

(a) The Board adopts the National Instructional Materials Accessibility Standard (NIMAS) as defined in section 674(e)(3)(B) of the Education of Individuals with Disabilities Education Act (20 U.S.C.A. § 1474(e)(3)(B)) and set forth in 71 FR 41084 (July 19, 2006) for the purpose of providing print instructional materials in alternate accessible formats or specialized formats to blind persons or other persons with print disabilities in a timely manner. To insure the timely provision of high quality, accessible instructional materials to children who are blind or other persons with print disabilities, agencies shall adopt the NIMAS. The NIMAS refers to a standard for source files of print instructional materials created by publishers that may be converted into accessible instructional materials.

(b) Agencies shall provide print instructional materials in specialized, accessible formats (that is, Braille, audio, digital, large-print, and the like) to children who are blind or other persons with print disabilities, as defined in the act to provide books for adult blind approved March 3, 1931 (see 2 U.S.C.A. § 135a (regarding books and sound-reproduction records for blind and other physically handicapped residents; annual appropriations; and purchases)), in a timely manner.

(c) Agencies act in a timely manner in providing instructional materials under subsection (a) if they take all reasonable steps to ensure that children who are blind or other persons with print disabilities have access to their accessible format instructional materials at the same time that students without disabilities have access to instructional materials. Agencies may not withhold instructional materials from other students until instructional materials in accessible formats are available.

(d) Receipt of a portion of the instructional materials in alternate accessible or specialized format

will be considered receipt in a timely manner if the material received covers the chapters that are currently being taught in the student's class.

(e) If a child who is blind or other person with a print disability enrolls in school after the start of the school year, an agency shall take all reasonable steps to ensure that the student has access to accessible format instructional materials within 10 school days from the time it is determined that the child requires printed instructional materials in an alternate accessible or specialized format.

(f) The Department or agencies may coordinate with the National Instructional Materials Access Center (NIMAC) to facilitate the production of and delivery of accessible materials to children who are blind or other persons with print disabilities. The NIMAC refers to the central repository, established under section 674(e) of the Education of Individuals with Disabilities Education Act, which is responsible for processing, storing and distributing NIMAS files of textbooks and core instructional materials.

(g) Agencies coordinating with NIMAC shall require textbook publishers to deliver the contents of print instructional materials to the NIMAC in NIMAS format files on or before delivery of the print instructional materials to the agency. Agencies that choose not to coordinate with NIMAC may require that publishers deliver the contents of print instructional materials to the NIMAC in NIMAS format files on or before delivery of the print instructional materials to the agency.

§ 14.107. Complaint procedure.

The Department will establish a complaint procedure consistent with 34 CFR 300.151—300.153 (relating to adoption of State complaint procedures; minimum State complaint procedures; and filing a complaint) and disseminate notice of that procedure.

§ 14.108. Access to classrooms.

Parents shall have reasonable access to their child's classrooms, within the parameters of local educational agency policy.

CHILD FIND, SCREENING AND EVALUATION

§ 14.121. Child find.

(a) In addition to the requirements incorporated by reference in 34 CFR [300.125(a)(1)(i)] 300.111 (relating to child find), each school district shall adopt and use a public outreach awareness system to locate and identify children thought to be eligible for special education within the school district's jurisdiction.

(b) Each school district shall conduct awareness activities to inform the public of its early intervention and special education services and programs and the manner in which to request services and programs. **Written information shall be published in the school district handbook and school district website. The public awareness effort must include information regarding potential signs of developmental delays and other risk factors that could indicate disabilities.**

(c) Each school district shall provide annual public notification, published or announced in newspapers [or], **electronic media and other media**[, or both], with circulation adequate to notify parents throughout the

school district of child identification activities and of the procedures followed to ensure confidentiality of information pertaining to students with disabilities or eligible young children in accordance with this chapter.

(d) **Intermediate units are responsible for child find activities necessary to provide equitable services consistent with 34 CFR 300.130—300.144, regarding children with disabilities enrolled by their parents in private schools.**

§ 14.122. Screening.

(a) Each school district shall establish a system of screening **which may include early intervening services** to accomplish the following:

(1) Identify and provide initial screening for students prior to referral for a special education evaluation.

(2) Provide peer support for teachers and other staff members to assist them in working effectively with students in the general education curriculum. **To provide this support, school districts may implement instructional support teams according to Department guidelines or use an alternative process.**

(3) [**Conduct hearing and vision screening in accordance with section 1402 of the Public School Code of 1949 (24 P. S. § 14-1402) for the purpose of identifying students with hearing or vision difficulty so that they can be referred for assistance or recommended for evaluation for special education.**

(4) [**Identify students who may need special education services and programs.**

(b) [**Each school district shall implement a comprehensive screening process. School districts may implement instructional support according to Department guidelines or an alternative screening process. School districts which elect not to use instructional support for screening shall develop and implement a comprehensive screening process that meets the requirements specified in subsections (a) and (c).**

(c) **The screening process shall include:**

(1) **For students with academic concerns, an assessment of the student's functioning in the curriculum including curriculum-based or performance-based assessment.**

(2) **For students with behavioral concerns, a systematic observation of the student's behavior in the classroom or area in which the student is displaying difficulty.**

(3) **An intervention based on the results of the assessments under paragraph (1) or (2).**

(4) **An assessment of the student's response to the intervention.**

(5) **A determination as to whether the student's assessed difficulties are due to a lack of instruction or limited English proficiency.**

(6) **A determination as to whether the student's needs exceed the functional ability of the regular education program to maintain the student at an appropriate instructional level.**

(7) **Activities designed to gain the participation of parents.**

(d) **If screening activities have produced little or no improvement within 60 school days after initia-**

tion, the student shall be referred for evaluation under § 14.123 (relating to evaluation).

(e) Screening activities do not serve as a bar to the right of a parent to request an evaluation, at any time, including prior to or during the conduct of screening activities.]

The screening process must include:

(1) Hearing and vision screening in accordance with section 1402 of the Public School Code of 1949 (24 P.S. § 14-1402) for the purpose of identifying students with hearing or vision difficulty so that they can be referred for assistance or recommended for evaluation for special education.

(2) Screening at reasonable intervals to determine whether all students are performing based on grade-appropriate standards in core academic subjects.

(c) Each school district may develop a program of early intervening services. In the case of school districts meeting the criteria in 34 CFR 300.646(b)(2) (relating to disproportionality), as established by the Department, the early intervening services are required and must include:

(1) A verification that the student was provided with appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act of 1965 (ESEA) (20 U.S.C.A. § 6368(3)), and appropriate instruction in math.

(2) For students with academic concerns, an assessment of the student's performance in relation to State-approved grade level standards.

(3) For students with behavioral concerns, a systematic observation of the student's behavior in the school environment where the student is displaying difficulty.

(4) A research-based intervention to increase the student's rate of learning or behavior change based on the results of the assessments under paragraph (2) or (3).

(5) Repeated assessments of achievement or behavior, or both, conducted at reasonable intervals, reflecting formal monitoring of student progress during the interventions.

(6) A determination as to whether the student's assessed difficulties are the result of a lack of instruction or limited English proficiency.

(7) A determination as to whether the student's needs exceed the functional ability of the regular education program to maintain the student at an appropriate instructional level.

(8) Documentation that information about the student's progress as identified in paragraph (5) was periodically provided to the student's parents.

(d) Screening or early intervening activities do not serve as a bar to the right of a parent to request an evaluation, at any time, including prior to or during the conduct of early intervening activities.

§ 14.123. Evaluation.

(a) The group of qualified professionals, which reviews the evaluation materials to determine whether the child

is a child with a disability under 34 CFR [300.534(a)(1)] 300.306 (relating to determination of eligibility), shall include a certified school psychologist when evaluating a child for autism, emotional disturbance, mental retardation, multiple disabilities, other health impairments, specific learning disability or traumatic brain injury.

(b) In addition to the requirements incorporated by reference in 34 CFR [300.531—300.535] 300.301 (relating to initial evaluations), the initial evaluation shall be completed and a copy of the evaluation report presented to the parents no later than 60 school days after the agency receives written parental consent for evaluation.

(c) Parents may request an evaluation at any time and the request must be in writing. The school entity shall have readily available for that purpose, an evaluation request form. If a request is made orally to any professional employee or administrator of the school entity, that individual shall provide a copy of the evaluation request form to the parents within 5 school days of the oral request.

(d) Copies of the evaluation report shall be disseminated to the parents at least 10 school days prior to the meeting of the IEP team unless this requirement is waived by a parent in writing.

§ 14.124. Reevaluation.

(a) The group of qualified professionals, which reviews the evaluation materials to determine whether the child is a child with a disability under 34 CFR [300.536] 300.303 (relating to [reevaluation] reevaluations), shall include a certified school psychologist when evaluating a child for autism, emotional disturbance, mental retardation, multiple disabilities, other health impairment, specific learning disability and traumatic brain injury.

(b) In addition to the requirements incorporated by reference in 34 CFR [300.536 (relating to reevaluation)] 300.303, a reevaluation report shall be provided to the parents within 60 school days from the date [that the request for reevaluation was received from the parent or teacher, or from the date that a determination is made by the agency that conditions warrant a reevaluation.] on which the agency is able to document that it has made reasonable efforts to obtain parental consent in accordance with 34 CFR 300.300(c)(2) (relating to parental consent) and the parents have failed to respond.

* * * * *

(d) Copies of the reevaluation report shall be disseminated to the parents at least 10 school days prior to the meeting of the IEP team unless this requirement is waived by a parent in writing.

§ 14.125. Criteria for the determination of specific learning disabilities.

(a) This section contains the State-level criteria for determining the existence of a specific learning disability. Each school district and intermediate unit shall develop procedures for the determination of specific learning disabilities that conform to criteria in this section. These procedures shall be included in the school district's and intermediate unit's special education plan in accordance with § 14.104(b) (relating to special education plans). To

determine that a child has a specific learning disability, the school district or intermediate unit shall:

(1) Address whether the child does not achieve adequately for the child's age or meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and scientifically based instruction appropriate for the child's age or State-approved grade-level standards:

- (i) Oral expression.
- (ii) Listening comprehension.
- (iii) Written expression.
- (iv) Basic reading skill.
- (v) Reading fluency skills.
- (vi) Reading comprehension.
- (vii) Mathematics calculation.
- (viii) Mathematics problem solving.

(2) Use one of the following procedures:

(i) A process based on the child's response to scientific, research-based intervention, which includes documentation that:

(A) The student received high quality instruction in the general education setting.

(B) Research-based interventions were provided to the student.

(C) Student progress was regularly monitored.

(ii) A process that examines whether a child exhibits a pattern of strengths and weaknesses, relative to intellectual ability as defined by a severe discrepancy between intellectual ability and achievement, or relative to age or grade.

(3) Have determined that its findings under this section are not primarily the result of:

- (i) A visual, hearing or orthopedic disability.
- (ii) Mental retardation.
- (iii) Emotional disturbance.
- (iv) Cultural factors.
- (v) Environmental or economic disadvantage.
- (vi) Limited English proficiency.

(4) Ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or mathematics by considering documentation that:

(i) Prior to, or as a part of, the referral process, the child was provided scientifically-based instruction in regular education settings, delivered by qualified personnel, as indicated by observations of routine classroom instruction.

(ii) Repeated assessments of achievement were conducted at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

IEP

§ 14.131. IEP.

(a) In addition to the requirements incorporated by reference (see 34 CFR 300.320—300.324), the [follow-

ing provisions apply to IEPs] IEP of each student with a disability must include:

(1) [Copies of the comprehensive evaluation report shall be disseminated to the parents at least 10 school days prior to the meeting of the IEP team. A parent may waive this provision.] A description of the type or types of support as defined in this paragraph that the student will receive, the determination of which may not be based on the categories of the child's disability alone. Students may receive more than one type of support as appropriate and as outlined in the IEP and in accordance with this chapter.

(i) *Autistic support.* Services for students with the disability of autism who require services to address needs primarily in the areas of communication, social skills or behaviors consistent with those of autism spectrum disorders. The IEP for these students must address needs as identified by the team which may include, as appropriate, the verbal and nonverbal communication needs of the child; social interaction skills and proficiencies; the child's response to sensory experiences and changes in the environment, daily routine and schedules; and, the need for behavioral interventions or supports.

(ii) *Blind-visually impaired support.* Services for students with the disability of visual impairment including blindness, who require services to address needs primarily in the areas of accessing print and other visually-presented materials, orientation and mobility, accessing public and private accommodations, or use of assistive technologies designed for individuals with visual impairments or blindness. For students who are blind or visually impaired, the IEP must include a description of the instruction in Braille and the use of Braille unless the IEP team determines, after the evaluation of the child's reading and writing needs, and appropriate reading and writing media, the extent to which Braille will be taught and used for the student's learning materials.

(iii) *Deaf and hard of hearing support.* Services for students with the disability of deafness or hearing impairment, who require services to address needs primarily in the area of reading, communication accessing public and private accommodations or use of assistive technologies designed for individuals with deafness or hearing impairment. For these students, the IEP must include a communication plan to address the language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and assistive technology devices and services.

(iv) *Emotional support.* Services for students with a disability who require services primarily in the areas of social or emotional skills development or functional behavior.

(v) *Learning support.* Services for students with a disability who require services primarily in the areas of reading, writing, mathematics, or speaking or listening skills related to academic performance.

(vi) *Life skills support.* Services for students with a disability who require services primarily in the

areas of academic, functional or vocational skills necessary for independent living.

(vii) *Multiple disabilities support.* Services for students with more than one disability the result of which is severe impairment requiring services primarily in the areas of academic, functional or vocational skills necessary for independent living.

(viii) *Physical support.* Services for students with a physical disability who require services primarily in the areas of functional motor skill development including adaptive physical education or use of assistive technologies designed to provide or facilitate the development of functional motor capacity or skills.

(ix) *Speech and language support.* Services for students for students with speech and language impairments who require services primarily in the areas of communication or use of assistive technologies designed to provide or facilitate the development of communication capacity or skills.

(2) [The IEP of each student shall be implemented as soon as possible but no later than 10 school days after its completion.] Supplementary aids and services in accordance with 34 CFR 300.42 (relating to supplementary aids and services).

(3) [If a student with a disability moves from one school district in this Commonwealth to another, the new district shall implement the existing IEP to the extent possible or shall provide the services and programs specified in an interim IEP agreed to by the parents. The interim IEP shall be implemented until a new IEP is developed and implemented or until the completion of due process proceedings under this chapter.] A description of the level or levels of support as defined in § 14.105(e) (relating to personnel).

(4) [If a student with a disability moves into a school district in this Commonwealth from another state, the new school district may treat the student as a new enrollee and place the student into regular education and it is not required to implement the student's existing IEP.] The location where the student attends school and whether this is the school the student would attend if the student did not have an IEP.

(5) [Every student receiving special education and related services provided for in an IEP developed prior June 9, 2001, shall continue to receive the special education and related services under that IEP subject to the terms, limitations and conditions set forth in law.] For students who are 14 years of age or older, a transition plan which includes appropriate measurable postsecondary goals related to training, education, employment and, when appropriate, independent living skills.

(6) The IEP of each student shall be implemented as soon as possible but no later than 10 school days after its completion.

(7) Every student receiving special education and related services provided for in an IEP developed prior to _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), shall continue to receive the special

education and related services under that IEP subject to the terms, limitations and conditions set forth in law.

(b) In addition to the requirements incorporated by reference in 34 CFR [300.29, 300.344(b) and 300.347(b) (relating to transition services; IEP team; and content of IEP)] 300.324 (relating to development, review, and revision of IEP), each school [district] entity shall designate persons responsible to coordinate transition activities.

(c) The member of the IEP team from the school entity, as identified in 34 CFR 300.321(a)(4) (relating to IEP Team), may not be excused from attendance from an IEP team meeting.

§ 14.132. ESY.

[This section sets forth the standards for determining whether a student with disabilities requires ESY as part of the student's program.]

(a) In addition to the requirements incorporated by reference in 34 CFR 300.106 (relating to extended school year services), school entities shall use the following standards for determining whether a student with disabilities requires ESY as part of the student's program:

(1) At each IEP meeting for a student with disabilities, the school [districts] entity shall determine whether the student is eligible for ESY services and if so, make subsequent determinations about the services to be provided.

* * * * *

[(3)] (b) Reliable sources of information regarding a student's educational needs, propensity to progress, recoupment potential and year-to-year progress may include the following:

[(i)] (1) Progress on goals in consecutive IEPs.

[(ii)] (2) Progress reports maintained by educators, therapists and others having direct contact with the student before and after interruptions in the education program.

[(iii)] (3) Reports by parents of negative changes in adaptive behaviors or in other skill areas.

[(iv)] (4) Medical or other agency reports indicating degenerative-type difficulties, which become exacerbated during breaks in educational services.

[(v)] (5) Observations and opinions by educators, parents and others.

[(vi)] (6) Results of tests including criterion-referenced tests, curriculum-based assessments, ecological life skills assessments and other equivalent measures.

[(4)] (c) The need for ESY services will not be based on any of the following:

[(i)] (1) The desire or need for day care or respite care services.

[(ii)] (2) The desire or need for a summer recreation program.

[(iii)] (3) The desire or need for other programs or services which, while they may provide educational benefit, are not required to ensure the provision of a free appropriate public education.

(d) Students with severe disabilities such as autism/pervasive developmental disorder, serious emotional disturbance; severe mental retardation; degenerative impairments with mental involvement; and severe multiple disabilities require expeditious determinations of eligibility for extended school year services to be provided as follows:

(1) Parents of students with severe disabilities shall be notified by the school entity of the annual review meeting to ensure their participation.

(2) The IEP review meeting must occur no later than February 28 of each school year for students with severe disabilities.

(3) The Notice of Recommended Educational Placement (NOREP) shall be issued to the parent no later than March 31 of the school year for students with severe disabilities.

(4) If a student with a severe disability transfers into a school entity after the dates in paragraphs (2) and (3), and the ESY eligibility decision has not been made, the eligibility and program content must be determined at the IEP meeting.

(e) School entities shall consider the eligibility for ESY services of all students with disabilities at the IEP meeting. ESY determinations for students other than those described in subsection (d) are not subject to the time lines in subsection (d). However, these determinations shall still be made in a timely manner. If the parents disagree with the school entity's recommendation on ESY, the parents will be afforded an expedited due process hearing.

§ 14.133. Behavior support.

(a) Positive rather than negative measures shall form the basis of behavior support programs to ensure that all students shall be free from demeaning treatment and aversive techniques or the inappropriate use of restraints. Behavior support programs include a variety of techniques to develop and maintain skills that will enhance an individual student's or young child's opportunity for learning and self-fulfillment. The types of intervention chosen for a particular student or young child shall be the least intrusive necessary.

(b) Notwithstanding the requirements incorporated by reference in 34 CFR [300.24(b)(9)(vi), (13)(v), 300.346(a)(2)(i) and (d) and 300.520(b) and (c) (relating to related services; development, review, and revision of IEP; and authority of school personnel)] 300.34, 300.324 and 300.530 (relating to related services; development, review, and revision of IEP; and authority of school personnel), with regard to a child's behavior, the following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Positive techniques—Methods which utilize positive reinforcement and other positive techniques to shape a student's behavior, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards.

Restraints—

(i) Devices and techniques, that last longer than 30 consecutive seconds, designed and used to control acute [or], episodic [aggressive] behaviors [or to control involuntary movements or lack of muscular

control due to organic causes or conditions. The term includes physical and mechanical restraints.], including aggressive or self injurious behaviors. Redirection or physical prompting as a teaching technique when a student does not exhibit active resistance is not considered a restraint. Devices, objects or techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatments are excluded from this definition.

(ii) Examples excluded from this definition include devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets for balance and safety, safety harnesses in buses, functional positioning devices or hand over hand assistance with feeding or task completion.

(c) Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to himself, to other students or to employees, and only when less restrictive measures and techniques have proven to be or are less effective. [The use of restraints to control the aggressive behavior of an individual student shall cause a meeting of the IEP team to review the current IEP for appropriateness and effectiveness. The use of restraints may not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as punishment.]

(1) When there is evidence to suggest that the emergency use of restrictive procedures, such as restraints may be necessary to ensure a student's safety or the safety of others, parental consent should be obtained. If a restrictive procedure is needed on an emergency basis, parents should be informed and consent for future uses be obtained within 10 school days following the need for the use of a restrictive procedure. The need for restrictive procedures for safety should be noted in the student's IEP.

(2) The use of restraints to control the aggressive and self injurious behavior on the part of an individual student shall cause a meeting of the IEP team within 10 school days of the behavior causing the use of restraints unless the use of restraint was consistent with the explicit provisions of the existing IEP and that IEP remains current and appropriate for the student. At this meeting, the team shall consider whether the student needs a behavioral assessment, reevaluation, a new or revised behavior plan, or a change of placement to address the inappropriate behavior.

(3) The use of restraints may not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as punishment.

(4) School entities shall maintain and report data on the use of restraints as prescribed by the Secretary.

* * * * *

(e) The use of face down prone restraints is prohibited in educational programs, unless determined necessary by a physician and documented in the student's current IEP.

(f) The following aversive techniques of handling behavior are considered inappropriate and may not be used by agencies in educational programs:

* * * * *

[(f) Agencies] (g) School entities have the primary responsibility for ensuring that behavior [management] support programs are in accordance with this chapter, including the training of personnel for the use of specific procedures, methods and techniques, and for having a written policy and procedures on the use of behavior [management] support techniques and obtaining parental consent prior to the use of highly restraining or intrusive procedures.

(h) Injuries requiring treatment by medical personnel that occur as the result of self injurious behavior or a nonaccidental act by another student shall receive prompt review within 10 school days. The review must include consideration as to whether the student causing the injury needs a behavioral assessment, reevaluation, a new or revised behavior plan or other change in program or placement. Recommended changes or determinations should be communicated to the parent and other IEP team members who may request that an IEP meeting be held.

[(g)] (i) In accordance with their plans, agencies may convene a review, including the use of human rights committees, to oversee the use of [restraining] restrictive or intrusive procedures [and] or restraints.

EDUCATIONAL PLACEMENT

§ 14.141. [Terminology related to educational placement] (Reserved).

[Notwithstanding the requirements incorporated by reference with regard to educational placements, the following words and terms, when used in § 14.142 (relating to caseload for special education), have the following meanings:

Autistic support—Services for students with the disability of autism.

Blind and visually impaired support—Services for students with the disability of visual impairment, including blindness.

Deaf and hard of hearing impaired support—Services for students with the disabilities of deafness or hearing impairment.

Emotional support—Services for students with a disability whose primary identified need is emotional support.

Full-time—Special education classes provided for the entire school day, with opportunities for participation in nonacademic and extracurricular activities to the maximum extent appropriate, which may be located in or outside of a regular school.

Itinerant—Regular classroom instruction for most of the school day, with special education services and programs provided by special education personnel inside or outside of the regular class for part of the school day.

Learning support—Services for students with a disability whose primary identified need is academic learning.

Life skills support—Services for students with a disability focused primarily on the needs of students for independent living.

Multiple disabilities support—Services for students with multiple disabilities.

Part-time—Special education services and programs outside the regular classroom but in a regular school for most of the school day, with some instruction in the regular classroom for part of the school day.

Physical support—Services designed primarily to meet the needs of students with the disabilities of orthopedic or other health impairment.

Resource—Regular classroom instruction for most of the school day, with special education services and programs provided by special education personnel in a resource room for part of the school day.

Speech and language support—Services for students with the disability of speech and language impairment.]

§ 14.142. [Caseload for special education] (Reserved).

[(a) This chart presents the maximum caseload allowed on a single teacher's roll for each school district.

<i>Type of Service</i>	<i>Itinerant</i>	<i>Resource</i>	<i>Part-time</i>	<i>Full-time:</i>
Learning Support	50	20	15	12
Life Skills Support	20	20	15	12 Elementary 15 Secondary
Emotional Support	50	20	15	12
Deaf and Hearing Impaired Support	50	15	10	8
Blind or Visually Impaired Support	50	15	15	12
Speech and Language Support	65			8
Physical Support	50	15	12	12
Autistic Support	12	8	8	8
Multiple Disabilities Support	12	8	8	8

(b) A school district may request approval for a caseload chart which varies from that in subsection (a) as part of its special education plan consistent

with § 14.104 (relating to educational plans). The caseload and supporting documents submitted shall:

(1) Ensure the ability of assigned staff to provide the services required in each student's IEP.

(2) Apply to special education classes operated in the school district.

(3) Provide a justification for why the chart deviates from the caseload chart in subsection (a).

(4) Describe the opportunities for parents, teachers and other interested parties to review and comment on the chart prior to its submission.

(c) Classes or programs with students from more than one district regardless of whether operated by a school district, intermediate unit, or agency shall follow the caseload chart of the district where the class or program is located. Intermediate unit itinerant services provided to multiple districts shall follow the caseload chart under subsection (a).

(d) Caseloads are not applicable to approved private schools.

(e) The Department may withdraw approval of variance in the caseload chart for a school district if its caseload is determined to be inadequate. The Department will consider at least the following indicators when making the determination:

- (1) Graduation rates of students with a disability.
- (2) Drop-out rates of students with a disability.
- (3) Postsecondary transition of students with a disability.
- (4) Rate of grade level retentions.
- (5) Statewide and district-wide assessment results as prescribed by §§ 4.51 and 4.52 (relating to State assessment system; and local assessment system).

(f) The maximum age range shall be 3 years in elementary school (grades K-6) and 4 years in secondary school (grades 7-12). A student with a disability may not be placed in a class in which the chronological age from the youngest to the oldest student exceeds these limits unless an exception is determined to be appropriate by the IEP team and is justified in the IEP.]

§ 14.143. Disciplinary placements.

(a) Notwithstanding the requirements incorporated by reference in 34 CFR [300.519(b) (relating to change of placement for disciplinary removals)] 300.530(b) and 300.536 (relating to authority of school personnel; and change of placement because of disciplinary removals), a disciplinary exclusion of a student with a disability for more than 15 cumulative school days in a school year will be considered a pattern so as to be deemed a change in educational placement.

(b) A removal from school is a change of placement for a student who is identified with mental retardation, except if the student's actions are consistent with 34 CFR [300.520 (a)(2)(i) and (ii) (relating to authority of school personnel)] 300.530—300.535 (relating to authority of school personnel; determination of setting; appeal; placement during appeals; protections for children not determined eligible for special education and related services; referral to and action by law enforcement; and judicial authorities). [For this purpose, the definitions in 34 CFR 300.520(d) apply.]

§ 14.145. Least restrictive environment requirements.

(a) Students with disabilities shall be educated in the least restrictive environment. Each school entity shall ensure that:

(1) To the maximum extent and as provided in the IEP, the student with a disability is educated with students who are not disabled.

(2) Special classes, separate schooling or other removal of a student with a disability from the regular education class when the nature of severity of the disability is such that education in the regular education class with the use of appropriate supplementary aids and services cannot be achieved satisfactorily.

(3) A student may not be determined to require separate education because the child cannot achieve at the same level as classmates who do not have disabilities if the child can, with supplementary aids and services, make progress in the goals included in the student's IEP.

(4) A student may not be removed from or determined to be ineligible for placement in a regular education classroom solely because of the nature or severity of the student's disability, or solely because educating the student in the regular education classroom would necessitate additional cost or administrative convenience.

(5) School entities shall be required to provide a full continuum of placement options.

§ 14.146. Age range restrictions.

(a) The maximum age range in specialized settings shall be 3 years in elementary school (grades K-6) and 4 years in secondary school (grades 7-12).

(b) A student with a disability may not be placed in a class in which the chronological age from the youngest to the oldest student exceeds these limits unless an exception is determined to be appropriate by the IEP team of that student and is justified in the IEP.

EARLY INTERVENTION

§ 14.151. Purpose.

* * * * *

(b) Notwithstanding the requirements incorporated by reference, with regard to early intervention services:

* * * * *

(2) The Department may provide for the delivery of some or all of these services through mutually agreed-upon written arrangements. Each mutually agreed-upon written arrangement may include memoranda of understanding under an approved plan submitted to the Department by [an intermediate unit, school district] a school entity or other agencies.

§ 14.153. Evaluation.

Notwithstanding the requirements [adopted by reference] in 34 CFR 300.122 (relating to evaluation):

* * * * *

(3) The assessment [shall] must include information to assist the MDT to determine whether the child has a disability and needs special education and related ser-

vices [and to determine the extent to which the child can be involved in appropriate preschool activities].

(4) The following [timeline] time line applies to the completion of evaluations and reevaluations under this section:

(i) Initial evaluation or reevaluation shall be completed and a copy of the evaluation report presented to the parents no later than 60 calendar days after the early intervention agency receives written parental consent.

* * * * *

(ii) Notwithstanding the requirements incorporated by reference in 34 CFR [300.536] 300.303 (relating to [reevaluation] reevaluations), a reevaluation report shall be provided within 60 calendar days from the date that the [request] parental consent for reevaluation was received [from the parent or teacher, or from the date that a determination is made that conditions warrant a reevaluation].

* * * * *

§ 14.154. IEP.

* * * * *

(d) Notwithstanding the requirements incorporated by reference, the following [timelines] time lines govern the preparation and implementation of IEPs:

(1) The IEP of each eligible young child shall be implemented as soon as possible, but no later than 14 calendar days after the completion of the IEP.

* * * * *

(g) If an eligible young child moves from one early intervention agency to another in this Commonwealth, the new early intervention agency shall implement the existing IEP to the extent possible or shall provide services and programs specified in an interim IEP agreed to by the parents until a new IEP is developed and implemented [and] or until the completion of due process proceedings under this chapter.

(h) Every eligible young child receiving special education and related services provided for in the IEP developed prior to [June 9, 2001] _____(Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.), shall continue to receive the special education and related services under that IEP subject to the terms, limitations and conditions set forth in law.

§ 14.155. Range of services.

(a) The Department will ensure that options are available to meet the needs of children eligible for early intervention. The options may be made available directly by early intervention agencies or through contractual arrangements for services and programs of other agencies in the community, including preschools [provided these other agencies are licensed, when appropriate, by the Department or the Department of Public Welfare]. The options may be made available directly by early intervention agencies or through contractual arrangements for services and programs with other agencies in the community, including preschools, provided that the other agencies are subject to the supervision or licensure of the Depart-

ment of Public Welfare or licensed by the State Board of Private Academic Schools.

(b) The IEP team shall [review the alternatives in subsection (c) in descending order, except for the options relating to services and programs provided in the home. Services provided in the home may be the least restrictive early intervention program for an eligible young child] recommend services and programs to be provided in the least restrictive environment with appropriate and necessary supplementary aids and services. The placement options may include one or more of the following:

(1) Early childhood environment. Services provided in a typical preschool program with non-eligible young children.

(2) Early childhood special education environment. Services provided in a special education preschool program funded by the early intervention agency.

(3) Home environment. Services provided in the home.

(4) Services outside of the home environment.

(5) Specialized environment. Services provided in a specialized setting including the following:

(i) An approved private school.

(ii) A residential school, residential facility, State school or hospital or special secure setting.

(iii) An approved out-of-State program.

(c) [The IEP team shall recommend services and programs be provided in a regular class or regular preschool program unless the IEP team determines that the IEP cannot be implemented in a regular class or regular preschool program even with supplemental aids and services. The placement options include the following:

(1) Regular preschool program or class for the entire school or program day with supportive intervention, including modifications to the regular program and individualization by the preschool program or classroom teacher.

(2) Regular preschool program or class for all or most of the school or program day, with supplemental aids and services provided by early intervention personnel.

(3) Early intervention services and programs provided in a specialized setting for most or all of the program day, with non-eligible young children.

(4) Early intervention services and programs provided in a specialized setting, with some programming provided in the regular preschool program or class and opportunities for participation with noneligible young children in play or other activities.

(5) Early intervention services and programs provided in the home, including services which are provided in conjunction with services provided in another setting.

(6) Early intervention services provided in a specialized early intervention program.

(7) Early intervention services and programs provided in a specialized setting, including the following:

(i) An approved private school.

(ii) A residential school, residential facility, State school or hospital or special secure setting on an individual or group basis, with parental consent.

(iii) An approved out-of-State program.]

The duration of early intervention services, in terms of program days and years, shall accommodate the individual needs of eligible young children.

(1) The duration of early intervention services shall be developed by each early intervention agency in accordance with the Mutually Agreed upon Written Arrangement (MAWA) and shall be included in [its plans] the MAWA's plan under § 14.104 (relating to educational plans).

(2) Some eligible young children may lose skills over breaks and have difficulty in regaining these skills as evidenced through child performance data. In those cases, the IEP team shall consider whether services should be provided during the break period to maintain skills.

[(e)] (d) The caseloads of professional personnel shall be determined on the basis of maximums allowed and the amount of time required to fulfill eligible young children's IEPs. The following caseloads shall be used in early intervention programs:

(1) [*Supportive intervention.* In a regular preschool program in which supportive intervention is the primary method of service, the caseload range shall be 10-40 children with no more than six eligible young children serviced in the same session. Supportive intervention includes consultation, integrated therapies and other instructional strategies.] *Early intervention itinerant teachers.* Teachers who provide services in a typical preschool, community program or the child's home, shall have a caseload range of 20-40 children, based on the duration and frequency of service as indicated on each IEP.

(2) [*Specialized setting.* In early intervention programs provided in a specialized setting, the staff ratio is based on the developmental levels of the children. At least one staff member shall be a certified professional. For children functioning at:

(i) *0-18 months*—One staff member for every three eligible young children, with a maximum class size of nine.

(ii) *18-36 months*—One staff member for every four eligible young children, with a maximum class size of 12.

(iii) *36 months and up*—One staff member for every six eligible young children, with a maximum class size of 18 children.]

Early intervention classroom teachers. Teachers who provide specialized instruction in a special education classroom, shall have a caseload range of three to six eligible young children based on developmental levels with a maximum of 35 children. For each additional child up to six children enrolled in the classroom, one additional adult shall be provided.

(3) [*Home based program.* In early intervention programs in which the home based program is provided to eligible young children as the only

program, the ratio is 10 to 20 eligible young children per teacher. This shall also include teachers of the visually impaired, hearing impaired, and orientation and mobility specialists.] *Speech therapists.* Speech therapists who provide services in classrooms, typical preschools, community programs, or the child's home shall have 25-50 children based on the duration and frequency of service as indicated on each IEP.

[(4) *Early intervention program—speech and language.* In early intervention programs, the speech and language itinerant program will be provided within a caseload of 10 to 50 eligible young children enrolled per teacher.

(5) *Early intervention program—physical and occupational therapies.* In early intervention programs where physical therapy or occupational therapy, or both, is specified on the IEP, individual caseloads are determined with consideration to the type of services delivered and the time required for those services.]

PROCEDURAL SAFEGUARDS

§ 14.161. [Prehearing conferences] (Reserved).

[The purpose of the prehearing conference is to reach an amicable agreement in the best interest of the student or young child.

(1) In addition to the requirements incorporated by reference in 34 CFR 300.503-300.505 (relating to prior notice by the public agency; content of notice; procedural safeguards notice; and parental consent), the notice shall provide for a parent to request the school district or early intervention agency in the case of a young child to convene a prehearing conference in instances when the parent disapproves the school district's proposed action or refusal to act.

(2) When a parent requests and the school district or early intervention agency in the case of a young child agrees to participate in a prehearing conference, the conference shall be convened within 10 days of receipt of the parent notice and shall be chaired by the superintendent, the early intervention agency representative or their designees.

(3) A parent or the school district or early intervention agency in the case of a young child may waive the right to a prehearing conference and immediately request an impartial due process hearing under § 14.162 (relating to impartial due process hearing and expedited due process hearing).

(4) If the prehearing conference results in agreement, the provisions under § 14.131 (relating to IEP) shall be applied.

(5) Within 5 days of the agreement, a parent may notify the school district or early intervention agency in the case of a young child, in writing, of a decision not to approve the identification, evaluation, recommended assignment or the provision of a free appropriate public education. When a parent gives notice not to approve the identification, evaluation, recommended assignment, or the provision of a free appropriate public education, or if the prehearing conference does not result in an agreement, the provisions under § 14.162 shall be applied.]

§ 14.162. Impartial due process hearing and expedited due process hearing.

* * * * *

(c) A school district or early intervention agency may request a hearing to proceed with an initial evaluation or a reevaluation when [the district has not obtained parental consent as required by 34 CFR 300.505(c) (relating to parental consent)] a parent fails to respond to the district or early intervention agency's proposed evaluation or reevaluation. When a parent rejects the [district's] district or early intervention agency's proposed identification of a child, proposed evaluation, proposed provision of a free appropriate public education or proposed educational placement, other than the initial placement, the school district or early intervention agency may request an impartial due process hearing. If the parent fails to respond or refuses to consent to the initial provision of special education services, neither due process nor mediation may be used to obtain agreement or a ruling that the services may be provided.

(d) The hearing for a child with a disability or thought to be a child with a disability shall be conducted [by] on behalf of and held in the school district at a place and time reasonably convenient to the parents and child involved. A hearing for an eligible young child or thought to be an eligible young child shall be conducted [by] on behalf of the early intervention agency at a place and time reasonably convenient to the parents and child involved. These options shall be set forth in the notice provided for requesting a hearing.

* * * * *

(q) The following [timeline] time line applies to due process hearings:

(1) A hearing shall be held [within 30 days after a parent's or school district's initial request for a hearing. If the school district uses the coordination services under subsection (p), the parent's request must be forwarded by the school district within 5 days of the receipt of the request to the service agency supported by the Secretary] after the conclusion of the resolution session under 34 CFR

300.510 (relating to resolution process) or after one of the parties withdraws from mediation or the parties agree to waive or agree to end the resolution session.

(2) The hearing officer's decision shall be issued within 45 days after the [parent's or school district's request for a hearing] the resolution or mediation session ends without resolution or agreement date.

* * * * *

(t) Except as provided in 34 CFR 300.533 (relating to placement during appeals), during the pendency of any mediation proceeding conducted in accordance with 34 CFR 300.506 (relating to mediation), unless the school entity and the parents of the child agree otherwise, the child that is the subject of the mediation shall remain in the current education placement until the mediation process is concluded.

(u) Impartial due process hearings, appeal panel proceedings and the hearing officers who conduct the hearings and proceedings shall be subject to 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(v) The Department will report to the Board by September 1 each year on the number of impartial due process hearings and appeal panel proceedings held during the previous school year. The report will also provide a Statewide summary of the results of the proceedings in a manner that will not violate the confidentiality of children and families. The report will also address actions taken during the previous school year and future plans to strengthen the activities of due process hearings and appeal panel proceedings.

§ 14.163. Resolution session.

The resolution session required under 34 CFR 300.510 (relating to resolution process) will be available to parents of both school age and eligible young children with disabilities. Parent advocates may attend the sessions.

[Pa.B. Doc. No. 07-1146. Filed for public inspection June 29, 2007, 9:00 a.m.]

STATEMENTS OF POLICY

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 4300]

Administrative Entity and Provider Contracts

Scope

This statement of policy applies to administrative entity (AE) directors and administrators and providers of mental retardation services.

Purpose

The purpose of this statement of policy is to interpret the Department of Public Welfare's (Department) regulations regarding standard language requirements in AE and provider contracts, both for waiver and nonwaiver funding.

Background

Historically, the Department required AEs to develop contracts for waiver and nonwaiver services as per applicable Commonwealth and local requirements. Beginning in Fiscal Year 2006-2007, the Department began requiring AEs to utilize a standard AE/Waiver Provider contract when contracting with waiver providers. This standard contract has been approved to achieve consistency across this Commonwealth required by the Centers for Medicare and Medicaid Services.

Discussion

The Department developed standard contract language for AEs to use in Waiver Provider contracts. This standardized contract language must be used verbatim. AEs may not alter the standard AE/Waiver Provider contract in any way. Both waiver and nonwaiver funding are governed by Chapter 4300 (relating to county mental health and mental retardation fiscal manual).

Specific questions have arisen under Chapter 4300 regarding title to real property in which services are provided. Section 4300.87 (relating to occupancy) and its multiple provisions concerning the financing of real property contemplate that title to real property, subject to both waiver and nonwaiver funding under Chapter 4300, will remain with the provider.

Accordingly, the Department will not fund contracts in violation of Chapter 4300. Where this language exists in current AE/Nonwaiver Provider contracts, it must be removed from contracts with an effective date of July 1, 2007, and thereafter.

Effective Date

This statement of policy is effective July 1, 2007.

Contact Person

Comments and questions regarding this statement of policy should be directed to Kelly Svalbonas, Policy Supervisor, Office of Developmental Programs, Bureau of Quality Improvement and Policy, Division of Policy and Training, (717) 783-1003, ksvalbonas@state.pa.us.

(Editor's Note: Title 55 of the *Pennsylvania Code* is amended by adding a statement of policy in § 4300.87a to read as set forth in Annex A.)

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-BUL-073. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART VI. MENTAL HEALTH/MENTAL RETARDATION MANUAL

Subpart C. ADMINISTRATION AND FISCAL MANAGEMENT

CHAPTER 4300. COUNTY MENTAL HEALTH AND MENTAL RETARDATION FISCAL MANUAL CONTRACTED AGENCY ALLOWABLE COST STANDARDS

§ 4300.87a. Title to real estate—statement of policy.

Title to real estate, in which services are provided, whether under the waiver or nonwaiver program, must provide that title to real estate is to remain with the provider. The provider's withdrawal or termination from the program is not to affect title.

[Pa.B. Doc. No. 07-1147. Filed for public inspection June 29, 2007, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking of the Commonwealth of Pennsylvania, 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 19, 2007.

BANKING INSTITUTIONS

Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-13-07	Abington Savings Bank Jenkintown Montgomery County	Jenkintown	Approved
	Abington Savings Bank (the Bank), which is currently organized in mutual holding company structure, including a mid-tier bank holding company, Abington Community Bancorp, Inc. (the Mid-Tier), under Abington Mutual Holding Company (the MHC), is proposing to reorganize by converting the MHC and the Mid-Tier to Federal charters and then creating a thrift holding company and an interim bank (the Interim) and thereafter merging the Mid-tier and the MHC into the Bank and then merging the Interim into the Bank. The resulting structure will be a Stock Federal Thrift Holding Company, Abington Bancorp, Inc., which will own all of the shares of the Bank.		

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-11-07	Berkshire Bank Wyomissing Berks County	Wyomissing	Effective
	Purchase of assets/assumption of liabilities of two branch offices of Fleetwood Bank, Fleetwood, located at: 555 Penn Avenue West Reading Berks County		
		2493 Bernville Road Reading Berks County	
6-16-07	Orrstown Bank, Shippensburg, and The First National Bank of Newport, Newport Surviving Institution— Orrstown Bank, Shippensburg <i>Branches Acquired by means of Merger:</i> 1 South Carlisle Street New Bloomfield Perry County 18 Newport Plaza Newport Perry County	Shippensburg Center Square Newport Perry County	Effective

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-1-07	Colonial American Bank West Conshohocken Montgomery County	300 Welsh Road Horsham Montgomery County	Opened
6-15-07	CNB Bank Clearfield Clearfield County	101 10th Street Erie Erie County	Approved
6-15-07	CNB Bank Clearfield Clearfield County	1925-2055 Edinboro Road Millcreek Erie County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-14-07	S & T Bank Indiana Indiana County	<i>To:</i> Corner of Logan Boulevard and Dewey Street Altoona Blair County <i>From:</i> 208 West Plank Street Altoona Blair County	Effective
6-15-07	Northwest Savings Bank Warren Warren County	<i>To:</i> 1010 Eichelberger Street Hanover York County <i>From:</i> 1 Center Square Hanover York County	Filed

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

[Pa.B. Doc. No. 07-1148. Filed for public inspection June 29, 2007, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of College Misericordia for Approval of Change to University Status, Name Change and Amendment and Restatement of its Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of College Misericordia for a Certificate of Authority approving the institution's change to university status and a change of name to Misericordia University. Additionally and in tandem, the Department will consider the request to amend and restate the institution's Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon these items without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23—35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date

prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 07-1149. Filed for public inspection June 29, 2007, 9:00 a.m.]

Application of The Waynesburg College for Ap- proval of Change to University Status, Name Change and Amendment and Restatement of its Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of The Waynesburg College, for a Certificate of Authority approving the institution's change to university status and a change of name to The Waynesburg University, doing business as Waynesburg University. Additionally and in tandem, the Department will consider the request to amend and restate the institution's Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon these items without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23—35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the

application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 07-1150. Filed for public inspection June 29, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0086134 (Sew)	Jeffrey D. Lapp 906 Huffs Church Road Alburtis, PA 18011	Berks County District Township	Perkiomen Creek 3-E	Y
PA0086771 (Sew)	Centre Township Municipal Authority 449 Bucks Hill Road Mohrsville, PA 19541	Berks County Centre Township	Irish Creek 3-B	Y
PA0088978 (Sew)	West Pennsboro Township Municipal Authority 2150 Newville Road Carlisle, PA 17013-8957	Cumberland County West Pennsboro Township	Conodoguinet Creek 7-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0115053 (Nonmunicipal)	Nicholas Wolff Foundation Camp Victory Road Millville, PA 17846	Columbia County Greenwood Township	Mud Run 5C	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.

PA0026859, Sewage, **Pennsylvania American Water**, 4 Wellington Boulevard, Wyomissing, PA 19610. This existing facility is located in South Coatesville Borough, **Chester County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit for the existing discharge of treated sewage from the Coatesville Sewage Treatment Plant.

The receiving stream, West Branch Brandywine Creek, is in the State Water Plan Watershed 3H and is classified for: WWF, migratory fish, aquatic life, water supply, recreation and fishing. West Branch Brandywine Creek is a tributary to Brandywine Creek. There are no public water supply intakes identified downstream in this Commonwealth. The confluence with Brandywine Creek is approximately 15 river miles downstream from the discharge point. The State Line is approximately 9.5 river miles downstream from the confluence. A Wilmington, DE, water supply intake is located on Brandywine Creek approximately 7.5 river miles downstream from the State Line.

The proposed sewage effluent limits for Outfall 001, based on an existing design flow of 3.85 mgd, are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	
CBOD ₅					
(5-1 to 10-31)	355	533	11.07	16.61	22.14
(11-1 to 4-30)	711	1,066	22.14	33.21	44.28
Total Suspended Solids			30	45	60
Ammonia (as N)					
(5-1 to 10-31)	64		2.0		4.0
(11-1 to 4-30)	193		6.0		12.0
Phosphorus (as P)	48		1.48		2.96
Fecal Coliform			200/100 ml		1,000/100 ml
Total Residual Chlorine			0.2		0.7
Total Nitrogen	Monitor and Report		Monitor and Report		
Copper, Total	0.48		0.015		0.030
Dissolved Oxygen			Minimum of 5.0 mg/l at all times		
pH (Standard Units)			Within limits of 6.0 to 9.0 Standard Units at all times		

The proposed sewage effluent limits for Outfall 001, based on a proposed design flow of 4.6 mgd, are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Maximum (mg/l)</i>
CBOD ₅					
(5-1 to 10-31)	355	533	9.3	13.9	18.6
(11-1 to 4-30)	711	1,066	18.5	27.8	37.0
Total Suspended Solids			30	45	60
Ammonia (as N)					
(5-1 to 10-31)	64		1.7		3.4
(11-1 to 4-30)	193		5.0		10.0
Phosphorus (as P)	48		1.3		2.6
Fecal Coliform			200/100 ml		1,000/100 ml
Total Residual Chlorine			0.17		0.54
Total Nitrogen	Monitor and Report		Monitor and Report		
Copper, Total	0.45		0.014		0.028
Dissolved Oxygen			Minimum of 5.0 mg/l at all times		
pH (Standard Units)			Within limits of 6.0 to 9.0 Standard Units at all times		

The proposed sewage effluent limits for Outfall 001, based on a proposed design flow of 7.0 mgd, are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅					
(5-1 to 10-31)	355	533	6.1	9.2	12.2
(11-1 to 4-30)	711	1,066	12.2	18.3	24.4
Total Suspended Solids			30	45	60
Ammonia (as N)					
(5-1 to 10-31)	64		1.1		2.2
(11-1 to 4-30)	193		3.3		6.6
Phosphorus (as P)	48		0.82		1.64
Fecal Coliform			200/100 ml		1,000/100 ml
Total Residual Chlorine			0.11		0.36
Total Nitrogen	Monitor and Report		Monitor and Report		
Copper, Total	0.42		0.013		0.026
Dissolved Oxygen			Minimum of 5.0 mg/l at all times		
pH (Standard Units)			Within limits of 6.0 to 9.0 Standard Units at all times		

The proposed monitoring requirements for stormwater Outfalls 002 and 003 are as follows:

<i>Parameters</i>	<i>Average Annual (mg/l)</i>	<i>Average Semi Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	Monitor and Report		Monitor and Report
COD	Monitor and Report		Monitor and Report
Oil and Grease	Monitor and Report		Monitor and Report
pH (Standard Units)	Monitor and Report		Monitor and Report
Total Suspended Solids	Monitor and Report		Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report		Monitor and Report
Phosphorus (as P)	Monitor and Report		Monitor and Report
Iron (Dissolved)	Monitor and Report		Monitor and Report

In addition to the effluent limits, the permit contains the following major special conditions:

1. Notification of Designation of Operator.
2. Average Weekly Reporting.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Total Residual Chlorine Requirement.
8. Sludge Disposal Requirement.
9. WET Testing.
10. Imax Requirements.
11. Requirements Applicable to Stormwater Outfalls.
12. Training Plan for Treatment System Operators.
13. Prior Approval Needed for Increased Discharge Rates.

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

Application No. PA 0246654, Sewage, **Centre Township Municipal Authority (Hillcrest Estates)**, 449 Bucks Hill Road, Mohrsville, PA 19541. This facility is located in Centre Township, **Berks 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 Irish Creek, is in Watershed 3-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Borough of Pottstown Water and Sewer Authority is located on the Schuylkill River, approximately 34 miles downstream. The discharge is not expected to affect the water supply.

The proposed Interim effluent limits for Outfall 001 for a design flow of 0.025 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3.0		6.5
(11-1 to 4-30)	9.0		19.0
Total Residual Chlorine	0.32		1.0
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)		4,000/100 ml as a geometric average	

The proposed Final effluent limits for Outfall 001 for a design flow of 0.025 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3.0		6.5
(11-1 to 4-30)	9.0		19.0
Total Residual Chlorine	0.16		0.52
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	

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

The EPA waiver is not in effect.

Application No. PA 0248363, CAFO, **Pennsylvania National Turf Club, Inc.**, P. O. Box 32, Grantville, PA 17028.

Pennsylvania National Turf Club, Inc. has submitted an application for an NPDES permit for an existing CAFO known as Penn National of Grantville, located in East Hanover Township, **Dauphin County**. The operation consists of a horse racing track and stable area housing 1,300 horses, for a total of 1,300 animal equivalent units. The farm is situated near a UNT of Swatara Creek which is classified for WWF.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Application No. PA0088927, CAFO, **John Keating Farm**, 1620 Beans Cove Road, Clearville, PA 15535.

John Keating has submitted an NPDES permit renewal application for the John Keating Farm, an existing swine and beef operation located in South Hampton Township, **Bedford County**. The CAFO is situated near Lost Run and Rocky Gap Run (Watershed 13-A), which are classified as HQ-CWF. The CAFO has a target animal population of approximately 453 animal equivalent units consisting of 3,380 finishing swine, two beef cows and two beef calves. There are two liquid manure storage facilities on the farm. Manure is stored in deep pits below the animals inside the each of the two hog

barns. 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.

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

PA0228214, Industrial Waste SIC, 3085, **CCDA Waters LLC**, One Aqua Penn Drive, Milesburg, PA 16853-0938. This existing facility is located in Boggs Township, **Centre County**.

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

The receiving stream, Bald Eagle Creek, is in the State Water Plan Watershed 9C and classified for: TSF. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on West Branch Susquehanna River is 80 miles below the point of discharge.

The proposed effluent limits for Outfall 101 based on a design flow of 0.03 mgd.

Parameter	Mass Units lbs/day			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			6.0			9.0
BOD ₅	5.5	12		22	49	61
TSS	9.0	29		36	117	146
Oil and Grease	3.8	7.5		15		30

The proposed effluent limits for Outfall 102 based on a design flow of 0.224 mgd.

Parameter	Mass Units lbs/day			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			6.0			9.0
TSS				30	60	
Total Iron				2.0	4.0	
Total Manganese				1.0	2.0	
TDS				Report	Report	

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

PA0253227, Sewage, **East Franklin Township**, R. D. 3, Box 211A, Kittanning, PA 16201. This application is for issuance of an NPDES permit to discharge treated sewage from Adrian STP in East Franklin Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Limestone Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority.

Outfall 001: new discharge, design flow of 0.018 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 4607403, Sewerage, **Lower Salford Township Authority**, P. O. Box 243, 57 Main Street, Mainland, PA 19451. This proposed facility is located in Lower Salford Township, **Montgomery County**.

Description of Action /Activity: Replacement of existing 12" interceptor sewer with a new 18 and 15 PVC and ductile iron sewer main.

WQM Permit No. 4607404, Sewerage, **Upper Frederick Township**, 3205 Big Road, P. O. Box 597, Frederick, PA 19435. This proposed facility is located in Upper Frederick Township, **Montgomery County**.

Description of Action/Activity: Construction and upgrades to Perkiomen Creek WWTP.

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

WQM Permit No. 0707402, Sewerage, **David Kephart**, R. R. 1, Box 666, East Freedom, PA 16637. This proposed facility is located in Freedom Township, **Blair County**.

Description of Proposed Action/Activity: Application for construction/operation of a small flow sewage treatment system to serve their single-family residence on Butler Hollow Road.

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

WQM Permit No. WQG026116, Sewerage, **Ohio Township Sanitary Authority**, 1719 Roosevelt Road, Pittsburgh, PA 15237. This proposed facility is located in Ohio Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of sanitary sewer force main.

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

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

Luzerne County Conservation District: Smith Pond Road, Lehman, PA 18627-0250, (570) 674-7991.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024006004	Michael Matheos 1181 Sandy Valley Road White Haven, PA 18661	Luzerne	Foster Township	Lehigh River HQ-CWF
PAI024007001	Aqua Pennsylvania, Inc. Thomas Roberts 700 West Sproul Road Springfield, PA 19064	Luzerne	Kingston Township	Toby Creek TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032807003	Thomas B. Mongold Kylea and Associates 18182 Fort Davis Road Mercersburg, PA 17236	Franklin	Guilford Township	Raccoon Creek HQ-CWF
PAI032807004	All Land Services, Inc. 75 South Second Street Chambersburg, PA 17201	Franklin	Guilford Township	Falling Spring Creek HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041407009	Mike Spicer State College Area School Field Turf 131 West Nittany Avenue State College, PA 16801	Centre	State College Borough	UNT to Thompson Run HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056507002	Norwin School District Dr. Boyland, Superintendent 281 McMahan Drive North Huntingdon, PA 15642	Westmoreland	North Huntingdon Township	UNT to Long Run HQ/TSF

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

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

Permit No. 5907501—Construction, Public Water Supply.

Applicant	Hamilton Township Municipal Authority
Township or Borough	Hamilton Township
County	Tioga

Responsible Official Ralph Bender, Chairperson
Hamilton Township Municipal
Authority
P. O. Box 236
Morris Run, PA 16939

Type of Facility Public Water
Supply—Construction

Consulting Engineer William S. Bray, P. E.
P. O. Box 535
Wellsboro, PA 16901

Permit Application June 19, 2007
Date

Description of Action Install a transmission/distribution
main and booster station to
interconnect with the Blossburg
water system.

MINOR AMENDMENT**Applications Received under the Pennsylvania Safe
Drinking Water Act**

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

Application No. 0407502MA, Minor Amendment.

Applicant **Municipal Authority of the
Township of North Sewickley**
590 Mercer Road
Beaver Falls, PA 15010

Township or Borough North Sewickley Township

Responsible Official Ken Douglass, Municipal
Authority of the Township of
North Sewickley
590 Mercer Road
Beaver Falls, PA 15010

Type of Facility Water storage tank

Consulting Engineer United States Engineering, LLC
75 Jardin Circle
Highland, IL 62249

Application Received June 7, 2007
Date

Description of Action Repainting the 200,000 gallon
Heights No. 1 water storage
tank.

Application No. 0407503MA, Minor Amendment.

Applicant **Municipal Authority of the
Township of North Sewickley**
590 Mercer Road
Beaver Falls, PA 15010

Township or Borough North Sewickley Township

Responsible Official Ken Douglass, Municipal
Authority of the Township of
North Sewickley
590 Mercer Road
Beaver Falls, PA 15010

Type of Facility Water storage tank

Consulting Engineer US Engineering, LLC
75 Jardin Circle
Highland, IL 62249

Application Received June 7, 2007
Date

Description of Action Repainting the 200,000 gallon
Heights No. 2 water storage
tank.

Application No. 1107501MA, Minor Amendment.

Applicant **Nanty Glo Water Authority**
1015 First Street
Suite 1
Nanty Glo, PA 15943

Township or Borough City of Nanty Glo

Responsible Official Linda Long, Nanty Glo Water
Authority
1015 First Street
Suite 1
Nanty Glo, PA 15943

Type of Facility Water storage tank

Consulting Engineer United States Engineering, LLC
75 Jardin Circle
Highland, IL 62249

Application Received June 12, 2007
Date

Description of Action Repainting the 100,000 gallon
Revloc water storage tank.

Application No. 2607501MA, Minor Amendment.

Applicant **Mountain Water Association**
P. O. Box 297
Fairchance, PA 15436

Township or Borough City of Smithfield

Responsible Official Scott Trump, Mountain Water
Association
P. O. Box 297
Fairchance, PA 15436

Type of Facility Water storage tank

Consulting Engineer United States Engineering, LLC
75 Jardin Circle
Highland, IL 62249

Application Received June 8, 2007
Date

Description of Action Repainting the 200,000 gallon
Sutton water storage tank.

Application No. 0407504MA, Minor Amendment.

Applicant **Beaver Falls Municipal
Authority**
1425 Eighth Avenue
Beaver Falls, PA 15010

Township or Borough Patterson Township

Responsible Official James Riggio, General Manager
Beaver Falls Municipal
Authority
1425 Eighth Avenue
Beaver Falls, PA 15010

Type of Facility Water storage tank

Consulting Engineer Michael Baker Jr., Inc.
4301 Dutch Ridge Road
Beaver, PA 15009

Application Received June 13, 2007
Date

Description of Action Repainting the Patterson No. 2 water storage tank, and installation of a new tank roof vent, two additional man way access hatches in the bottom ring of the tank and enhancements to the tank's exterior roof ladder system.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

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

WA-46-1002, Water Allocation, **The Upper Hanover Authority**, 1704 Pillsbury Road, P. O. Box 205, East Greenville, PA 18041, Hereford and Upper Hanover Townships, **Berks and Montgomery Counties**. The application is for a subsidiary use of water through interconnection with the Red Hill Water Authority withdrawn from Kimmerer Spring projected additional 10 year demand for TUHA service area approximately 871,000 gpd.

WA-434-A, Water Allocation, **Red Hill Water Authority**, 1704 Pillsbury Road, P. O. Box 205, East Greenville, PA 18041, Upper Milford Township, **Lehigh County**. The application is for increase in water allocation from Kimmerer Spring.

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

WA 14-1011, Water Allocations. **Spring Mill Group**, 20 Penarth Road, Bala Cynwyd, PA 19004, Spring Township, **Centre County**. Water allocation requested was determined in accordance with the Waterstone Residential Development plans. The amount of water to be allocated to the new development is proposed to supply 653 units over the next 20 years (approximately 33 units per year) until the development is full. This includes adequate allocation for the next 25 years for the proposed project area. The Waterstone Residential Site will purchase all of its water from Bellefonte Borough Water Authority. 653 EDU's by 2.5 people/EDU by 65 gpd/person = 106,000 gpd.

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 Stan-

dard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Phillips Property, West Norriton Township, **Montgomery County**. Joseph Diamadi, Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426, Mike McCann, Ferguson & McCann, Inc., 270 Bodley Road, Aston, PA 19014, on behalf of Joe Phillips, 2546 West Ridge Road, Norristown, PA 19403 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with unleaded gasoline. The intended future use of the site is will remain commercial.

Kimberton Road Commercial Property, Schuylkill Township, **Chester County**. Justin Lauterbach, RT Env. Svc., Inc., 510 Heron Drive, Suite 306, Bridgeport, NJ 08014, on behalf of John Zaharchuk, Summit Realty Advisors, LLC, 8 Devonshires Court, Blue Bell, PA 19422 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with lead. The site will be developed as a pharmacy and gasoline convenience store.

WaWa Food Market, 134, New Hanover, **Montgomery County**. Jeff Brudereck, GES, Inc., 440 Creamery

Way, Suite 500, Exton, PA 19341 on behalf of Matthew Winters, WaWa, Inc., 260 West Baltimore Pike, WaWa, PA 19063 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with leaded gasoline. The future use of the site will remain residential. A summary of the Notice of Intent to Remediate was reported to have been published in *The Mercury* on April 17, 2007.

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

Linda Kurtz Residence, Borough of Mechanicsburg, **Cumberland County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Linda Kurtz, 102 North Washington Street, Mechanicsburg, PA 17055-3263 and Shipley Energy Group, P. O. Box 1509, York, PA 17405, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The property is and will remain a private residence. The applicant seeks to remediate to the Residential Statewide Health Standard.

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

Lotta Hill Dairy Farm, Springfield Township, **Bradford County**, Tyler Petroleum Services, Inc., R. R. 2, Box 179B, Meshoppen, PA 18630 on behalf of Lotta Hill Dairy Farm, Roy Beardsley, R. R. 3, Box 413B, Pisgah View Road, Troy, PA 16947 has submitted a Notice of Intent to Remediate soil contaminated with fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Ferrotech Corporation, City of New Castle, **Lawrence County**. R.A.R. Engineering Group, Inc. on behalf of Ferrotech Corporation, 526 South Jefferson Street, New Castle, PA 16101 has submitted a Notice of Intent to Remediate (NIR). The site, a scrap metal recycling facility and former industrial area, has been found to be contaminated with boron, lead, hexavalent chromium and nickel which have contaminated soil on the site and chlorinated solvents and polynuclear aromatic hydrocarbons which has contaminated groundwater on the site. The future use of the property will be nonresidential for commercial and industrial use. Public notice of the NIR was published in *The New Castle News* on May 24, 2007.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE GENERAL PERMITS

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Municipal Waste Regulations for a General Permit to Operate Infectious and Chemotherapeutic Waste Processing Facilities.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application Number WMGI010. Glaxosmithkline, 1250 South Collegeville Road, Collegeville, PA 19426-0989. General Permit Number WMGI010 authorizes processing of infectious waste through chemical and thermal digestion of biological tissues using sodium or potassium hydroxide. The appli-

cation for renewal of General Permit Number WMGI010 was accepted as administratively complete by Central Office on June 13, 2007.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7281. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications 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.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit Application No. 101358. East Penn Transfer Station, East Penn Sanitation, Inc., P. O. Box 150, Phillipsburg, NJ 08865. A Permit Renewal application, requesting approval for the continued operation of this municipal waste transfer station located in Lower Nazareth Township, **Northampton County**. The application was received in the Regional Office on March 27, 2007; and as of May 29, 2007, it was found to be administratively complete.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be

held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984. Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

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

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

01-05016I: ISP Minerals, Inc. (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for installation of a single screen deck and an associated pan feeder in Hamiltonban Township, **Adams County**. These sources will be controlled by the use of existing fabric filter baghouses.

07-03051: Sheetz Distribution Services, LLC (Sheetz Way, R. D. 1, Box 587, Claysburg, PA 16625) for construction of a food preparation facility which includes baking ovens and doughnut fryers in Greenfield Township, **Blair County**.

28-05002A: Letterkenny Army Depot—United States Department of Defense (AMSAM-LE-EE-N, Chambersburg, PA 17201) for construction of a new boiler at their facility in Greene/Letterkenny Townships, **Franklin County**.

67-03143A: ESAB Welding and Cutting (1500 Karen Lane, Hanover, PA 17331) for construction of a flux powder operation controlled by a fabric collector at their welding equipment manufacturing facility in Hanover Borough, **York County**.

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

11-00034A: Johnstown Specialty Castings, Inc. (545 Central Avenue, Johnstown, PA 15902) for installation of a billet grinder at their facility in Johnstown, **Cambria County**.

65-00980A: Delmont Quality Limestone, LLC (200 Neville Road, Pittsburgh, PA 15225) for construction of a limestone processing facility in Washington Township, **Westmoreland County**.

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

61-181C: Scrubgrass Generating Co., LP (2151 Lisbon Road, Kennerdell, PA 16374), for addition of an onsite ash conditioning/handling area at their facility in the Township of Scrubgrass, **Venango County**. This is a Title V facility.

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

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

15-0037B: Oberthur Card Systems, Inc. (523 James Hance Court, Exton, PA) for installation of two new screen presses at their existing facility in West Whiteland Township, **Chester County**. This facility is a Title V facility. The two old screen presses at this facility will be taken off line prior to start up of the two new screen presses. The Plan Approval will contain recordkeeping requirements, monitoring requirements, operating conditions and testing requirements designed to keep the two new screen presses and the facility operating within the allowable emission limitations and all applicable air quality requirements.

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

40-317-032: Mission Foods—GRUMA Corp. (15 Elmwood Avenue, Mountaintop, PA 18707) for modification and operation of their snack processing operations at their facility in Wright Township, **Luzerne County**. The operations consist of three TT Press line, two corn tortilla line containing natural gas fired ovens and a chip line. The chip line consists of a 3-pass toaster oven, the fryer and a recuperative oxidizer to control emissions from the frying operation. The oxidizer will be operated at an above 1,400° F temperature with a minimum residence time of 0.5 second in combustion chamber. By this application the company has requested to add two new additional TT-2000 press lines. Expected NOx and CO emissions will be 6.17 tpy and 5.19 tpy respectively from the combustion sources after addition of two new lines. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

11-00241A: Department of Corrections (P. O. Box 598, Camp Hill, PA 17001) on June 5, 2007, to operate a wood fired boiler at the State Correctional Institution in Cresson Township, **Cambria County**.

OPERATING PERMITS

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

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

46-00005: Merck & Co., Inc. (770 Sumneytown Pike, West Point, PA 19486-0004) for renewal of their Title V Operating Permit in Upper Gwynedd Township, **Montgomery County**. The original Title V Operating Permit was issued on August 6, 2002, and became effective on September 1, 2002. The facility's major emission points boilers, incinerators, power generation equipment and support equipment for R & D, and manufacturing processes, which emit major levels of NOx, SOx, VOCs and PM/PM10. The renewed Title V operating permit will contain sufficient monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. Sources at this facility are subject to CAM (40 CFR Part 64), which has been addressed at this time.

46-00032: SPS Technologies, LLC (301 Highland Avenue, Jenkintown, PA 19046) for renewal of their Title V Operating Permit in Abington Township, **Montgomery County**. The initial permit was issued on December 19, 2001. The facility manufactures metal nuts, bolts and fasteners for the aerospace industry. The facility operates a number of electroplating lines; spray coating booths; two boilers; heat treat units and a vapor degreaser that uses trichloroethylene as a solvent. As a result of potential emissions of NOx, SOx, VOCs and HAPs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

15-00037: Oberthur Card Systems, Inc.—Oakland Corp. Center (523 James Hance Court, Exton, PA 19341) for an administrative amendment to their Title V Operating Permit for the production of printed credit and electronic access cards in West Whiteland Township, **Chester County**. The amended Title V operating permit will contain monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. The Title V Permit is to be amended in Section D, Source ID 109 (Litho Press No. 4) to clarify the term "specialty cleaners."

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

01-05003: Columbia Gas Transmission Corp.—Gettysburg Compressor Station (1700 MacCorkle Avenue SE, Charleston, WV 25325-1273) for renewal of the Title V Operating Permit issued in 2002 in Straban Township, **Adams County**. The facility's major sources of emissions include four natural gas fired gas turbines, which primarily emit NOx.

28-05003: Columbia Gas Transmission Corp.—Greencastle Compressor Station (1700 MacCorkle Av-

enue SE, Charleston, WV 25325-1273) for renewal of the Title V Operating Permit issued in 2002 in Montgomery Township, **Franklin County**. The facility's major sources of emissions include four natural gas fired gas turbines, which primarily emit NOx.

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

62-00018: Warren State Hospital (33 Main Drive, North Warren, PA 16365) for a Title V Operating Permit Reissuance to operate the combustion sources in Conewango Township, **Warren 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.

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

09-00056: GE Betz, Inc. (4636 Somerton Road, Trevose, PA 19053-6783) for a State-only, Synthetic Minor Operating Permit in Bensalem Township, **Bucks County**. Miscellaneous hot water boilers and emergency generators at the facility are a major source of NOx. The company has elected to take appropriate operating and emission restrictions to restrict NOx emissions to below 24.9 tpy and maintain a minor operating status. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

46-00224: Harleysville Mutual Insurance Co. (355 Maple Avenue, Harleysville, PA 19438) for a State-only, Synthetic Minor Operating Permit in Lower Salford Township, **Montgomery County**. Boilers and generators at the facility are a major source of NOx. The company has elected to take appropriate operating and emission restrictions to restrict NOx emissions to below 18.2 tpy and maintain a minor operating status. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

21-05032: Domestic Casting Co., LLC (275 North Queen Street, Shippensburg, PA 17257) for operation of their foundry in Shippensburg Borough, **Cumberland County**. This is a renewal of the State-only operating permit issued in 2002.

36-05087: Morgan Corp. (485 Wenger Drive, Ephrata, PA 17522) for renewal of their State-only operating permit for operation of their truck body manufacturing facility in Ephrata Borough, **Lancaster County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-03105: American Colloid Co. (600 Lincoln Street, York, PA 17401) for operation of their foundry premix blending and cat litter packaging facility in the City of York, **York County**. 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.

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

08-00027: Oak Hill Veneer, Inc. (Route 14 North, Troy, PA 16947) for operation of a hardwood veneer manufacturing facility in Troy Township, **Bradford County**.

The facility incorporates a 16.26 million Btu/hr wood-fired boiler, a 14.7 million Btu/hr natural gas-fired boiler, two veneer dryers, woodworking operations and a sawdust storage silo and associated sawdust transfer system. The PM emissions from the wood-fired boiler are controlled by a multicyclone collector. The PM emissions from the sawdust transfer system and most of the facility's woodworking operations are controlled with bag collectors.

The air contaminant emissions from the facility are not expected to exceed 97.97 tons of CO, 36.39 tons of PM/PM10, 7.46 tons of NOx, 1.79 tons of SOx, 1.58 tons of VOC and 1.33 tons of HAP per year.

The facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously contained in Operating Permit 08-302-042, issued on November 13, 2001.

The conditions previously contained in Operating Permit 08-302-042 include:

1. A condition limiting the PM emissions from the wood-fired boiler to 0.3 pound per million Btu of heat input, the CO emissions to 1.35 pounds per million Btu of heat input and the NOx emissions to .08 pound per million Btu of heat input.
2. A condition restricting the fuel used in the wood-fired boiler to green or kiln-dried wood only.
3. A condition requiring all fuel placed in the sawdust storage silo to be blended at a consistent ratio in order to avoid any stratification.
4. A condition requiring the permittee to provide analyses or samples of the fuel burned in the wood-fired boiler upon Department request.
5. A condition requiring the multicyclone collector associated with the wood-fired boiler to be equipped with a differential pressure gauge to monitor the differential pressure across the collector on a continuous basis.
6. Conditions requiring the ash discharge system associated with the multicyclone collector to remain sealed at all times except when changing the fly ash disposal drums and the level of accumulated ash in the disposal drums to be checked daily and the drums emptied prior to becoming full.
7. A condition limiting the NOx emissions from the natural gas-fired boiler to 85 parts per million, corrected to 3% oxygen.
8. A condition restricting the fuel used in the natural gas-fired boiler to natural gas.
9. A condition restricting the operation of the natural gas-fired boiler to 3,000 hours in any 12-consecutive month period.

10. Conditions requiring the natural gas-fired boiler to be equipped with instrumentation to monitor the number of hours the boiler is operated each month and records to be maintained of the number of hours it operates each month.

The Department additionally proposes to incorporate several new conditions into the operating permit to be issued including:

11. A condition requiring an annual report to be submitted of the number of hours the natural gas-fired boiler is operated each month during the respective year.

12. A condition requiring records to be maintained of the type of veneer (hardwood or softwood) and the number of board feet of veneer processed through the veneer dryers each month.

13. A condition requiring the cyclone on top of the sawdust storage silo to be part of a closed loop system and the ground level sawdust transfer system cyclone to be exhausted to atmosphere only through a bag collector.

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

63-00886: All Clad Metalcrafters, LLC (424 Morganza Road, Cannonsburg, PA 15317) for manufacturing of cookware at their Cannonsburg facility in Cecil Township, **Washington County**. This is a State-only Permit Renewal.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based

effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person

<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 No. 30831303 and NPDES Permit No. PA0013511, Cumberland Coal Resources, LP (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Center Township, **Greene County** and related NPDES permit to construct and operate the No. 9 airshaft. Surface acres proposed: 56.00. Receiving stream: Maple Run, classified for the following use: HQ-WWF. Application received April 18, 2007.

Permit No: 30010701 and NPDES Permit No. PA0235440, Cumberland Coal Resources, LP (855 Kirby Road, P. O. Box 1020, Waynesburg, PA 15370), to renew the permit for the No. 2 Coal Refuse Disposal Area in Whiteley Township, **Greene County** and related NPDES permit. No additional discharges. Application received May 7, 2007.

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

32070106 and NPDES No. PA0262447. Amerikohl Mining, Inc. (9202 Sunset Drive, Butler, PA 16001), commencement, operation and restoration of a bituminous surface mine in Center Township, **Indiana County**, affecting 35.7 acres. Receiving streams: UNTs to Two Lick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 8, 2007.

32050103 and NPDES No. PA0249734. Amerikohl Mining, Inc. (1384 SR 711, Stahlstown, PA 15687),

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:

revision of an existing bituminous surface mine to change the post-mining land use from forestland to unmanaged natural habitat in Center Township, **Indiana County**, affecting 79.8 acres. Receiving streams: UNTs to Two Lick Creek and Two Lick Creek classified for the following uses: CWF and TSF. There are no potable water supply intakes within 10 miles downstream. Application received June 8, 2007.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

26-07-08 and NPDES Permit No. PA 0251178. Cherep's Excavating (9742 Saltsburg Road, Pittsburgh, PA 15239). Application for a Government Financed Construction Contract to reclaim 6.2 acres of abandoned deep mines and eliminate major subsidence problems, located in Lower Tyrone Township, **Fayette County**, affecting 14.2 acres. Receiving streams: UNTs to Jacobs Creek and Hickman Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. GFCC application received May 29, 2007.

03070103 and NPDES Permit No. PA 0251160. Thomas J. Smith, Inc. (2340 Smith Road, Shelocta, PA 15774). Application for commencement, operation and reclamation of a bituminous surface mine located in Redbank Township, **Armstrong County**, affecting 127.9 acres. Receiving streams: UNT to Pine Run and Nye Branch, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received June 11, 2007.

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

10010112 and NPDES Permit No. PA0242039. T. C. Mining (252 Lower Hayes Run Road, Kittanning, PA 16201). Renewal of an existing bituminous surface strip and auger operation in Clay and Concord Townships,

Butler County, affecting 181.7 acres. Receiving streams: UNT to South Branch Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream, application for reclamation only. Application received June 11, 2007.

16070104 and NPDES Permit No. PA0258342. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip operation in Limestone Township, **Clarion County**, affecting 30.2 acres. Receiving streams: Poe Run and UNT to Poe Run and a UNT to Pine Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hawthorn Area Water Authority. Application received June 11, 2007.

33070104 and NPDES Permit No. PA0258351. 3M Resources Company (733 Jackson Run Road, Punxsutawney, PA 15767). Commencement, operation and restoration of a bituminous surface strip operation in Young and McCalmont Townships, **Jefferson County**, affecting 19.7 acres. Receiving streams: UNT to Elk Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received June 12, 2007.

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

17060105 and NPDES No. PA0256374. Allegheny Enterprises, Inc. (P. O. Box 333, Curwensville, PA 16833), revision of an existing bituminous surface mine to conduct mining activities within the 100' barrier to SR 4003 in Brady Township, **Clearfield County**, affecting 38.0 acres. Receiving stream: Stump Creek, classified for

the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 24, 2007.

18078001. Kyler Environmental Services, LTD (1269 Piedmont Road, Somerset, PA 15501), biosolids processing and land reclamation in West Keating Township, **Clinton County**, affecting 612.4 acres. Receiving streams: Loop Run (CWF), Little Birch Island Run (HQ-CWF), Little Bougher Run (CWF), Sugar Camp Run (HQ-CWF), all to West Branch Susquehanna River (WWF). There are no potable water supply intakes within 10 miles downstream. Application received May 7, 2007.

17753050 and NPDES No. PA0044822. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847), revision of an existing bituminous surface mine to change land use in Karthaus Township, **Clearfield County**, affecting 687.6 acres. Receiving streams: UNT to Saltlick Run (CWF), to Saltlick Run (CWF), to Mosquito Creek (CWF), to West Branch Susquehanna River (WWF). There are no potable water supply intakes within 10 miles downstream. Application received June 8, 2007.

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

40840203T. Mammoth Anthracite, LLC (P. O. Box Q, Milnesville, PA 18239), transfer of an existing anthracite coal refuse reprocessing and surface mining operation from Rossi Excavating Company in Hazle Township, **Luzerne County**, affecting 101.0 acres, receiving stream: none. Application received June 6, 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.

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

58950810. Dorothy Mancuso (P. O. Box 404, Carbondale, PA 18407), Stage I and II bond release from a quarry operation in Clifford Township, **Susquehanna County**, affecting 5.0 acres on property owned by Marisa Bonacci. Application received June 8, 2007.

7776SM1A3C4 and NPDES Permit No. PA0611883. Martin Stone Quarries, Inc. (P. O. Box 297, Bechtelsville, PA 19505), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Colebrookdale Township, **Berks County**, receiving stream: UNT to Swamp Creek, classified for the following use: TSF. Application received June 13, 2007.

Small Noncoal (Industrial Minerals) Bond Release Application Received

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

Permit No. 56950801. Three S Coal Company (P. O. Box 337, Stoystown, PA 15563), bond release on a small noncoal (industrial minerals) operation in Southampton Township, **Somerset County**, affecting 6.0 acres. Receiving stream: Rush Run. Application received June 11, 2007.

Noncoal Applications Withdrawn

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

7574SM2C7. Hempt Bros., Inc. (P. O. Box 278, Camp Hill, PA 17001), correction to an existing quarry operation to add clean fill for reclamation in Lower Allen Township, **Cumberland County**, affecting 226.6 acres, receiving stream: Yellow Breeches Creek. Application received March 17, 2005. Application withdrawn June 14, 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 Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E64-269. Evgueni A. Sosunov and Natalia N. Egorova, 126 Gordon Avenue, Dumont, NJ 07628, in Damascus Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To modify and maintain an existing 0.05 acre pond with work consisting of increasing the depth to a maximum of 10 feet and expanding the surface area to approximately 0.29 acre. The work will include the construction of a nonjurisdictional dam. The project is located on the west side of Church Road approximately 0.5 mile north of its intersection with Galilee Road (Galilee, PA Quadrangle N: 21.6 inches; W: 2.9 inches).

E64-268. Damascus Township, 60 Conklin Hill Road, Damascus, PA 18415, in Damascus Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain three dry hydrants for the purpose of providing fire protection: 1. Pringle Pond (Delaware River Watershed) located approximately 0.1 mile north of the intersection of Barkley Lake Road and Plank Road (Narrowsburg, NY-PA Quadrangle N: 22.4 inches; W: 10.2 inches); 2. Projan Pond (North Branch Calkins Creek Watershed) located approximately 0.1 mile northwest of the intersection of SR 0371 and Owlwood Road (Galilee, PA Quadrangle N: 13.7 inches; W: 5.8 inches); and 3. Beaver Lake (Beaver Dam Creek Watershed) located near the intersection of Chicopee Road and Berk Road (Galilee, PA Quadrangle N: 21.9 inches; W: 4.2 inches).

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

E67-824. Harry Becker and Claude Rohrbaugh, 3963 and 3967 Little John Drive, York, PA 17408-8985, North Codorus Township, **York County**, ACOE Baltimore District.

To construct and maintain a 6-inch sanitary sewer lateral crossing in a UNT to Codorus Creek (CWF) at a point just west of Route 616 (West York, PA Quadrangle N: 5.2 inches; W: 6.0 inches, Latitude: 39° 54' 13"; Longitude: 76° 47' 34") in North Codorus Township, York County.

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

E17-434. Clearfield Creek Watershed Association, 216 Bedlin Hollow Road, Ashville, PA 16613. Morgan Run TUFF Acid Mine Drainage Treatment Project in Decatur Township, **Clearfield County**, ACOE Baltimore District (Wallaceton, PA Quadrangle Latitude: 40° 52' 52.6"; Longitude: 78° 21' 14.9").

The applicant proposes to construct, operate and maintain a: (1) passive treatment acid mine drainage treatment system; (2) two dams for flow diversion; (3) two road crossings; and (4) two rock outfalls in Morgan Run (CWF) and associated wetlands for acid mine drainage abatement. The concrete dams constructed for flow diversion shall not exceed a maximum height of 2.5-feet and width of 12.0-feet. Construction of the Morgan Run TUFF acid mine drainage treatment system and its appurtenances result in 1.61-acres of permanent wetland impact and 854 linear feet of permanent stream impact. The permittee has proposed to construct two replacement wetlands that shall result in 1.65-acres of mitigation for the Morgan Run TUFF, Morgan Run FROG, and Morgan Run No. 7 acid mine drainage treatment projects. The Morgan Run TUFF Acid Mine Drainage Treatment Project permanently impacts 0.161-acres of wetland, for which the permittee as agreed to include in the construction of a 1.65-acre replacement wetland to mitigate the 1.61-acres of impact. Construction of the 1.65-acre replacement wetland shall commence prior to the construction activities authorized by this permit. For mitigation of the stream impacts, the applicant has proposed operation and maintenance of the acid mine treatment system that will provide for significant water quality improvement in 2,640-feet of Morgan Run. The project is located along 1.4 stream miles south of the point where SR 2012 crosses Morgan Run.

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

E02-1563. Woodville Associates, LTD, 5020 Thoms Run Road, Oakdale, PA 15071. To restore and maintain a UNT in Collier Township, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh West, PA Quadrangle N: 2.4 inches; W: 16.7 inches, Latitude: 40° 23' 18"; Longitude: 80° 07' 12"). The applicant proposes to restore and maintain approximately 1,700 linear feet of a UNT to Chartiers Creek (WWF) (UNT No. 2) for the purpose of compensating for the loss of 2,300 linear feet of stream channel (1,800 linear feet of UNT No. 1, 250 linear feet of UNT No. 2-C and 250 linear feet of UNT No. 2-d) impacted by the construction of a residential development known as the Villages at Neville Park. The project is located approximately 6,800 feet northwest from the intersection of Interstate Route 79 and Thoms Run Oakdale Road and will impact 1700.0 linear feet of stream channel.

E11-327. Cambria County Conservation District, 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931. To construct and maintain stream bank in Northern Cambria Borough, **Cambria County**, Pittsburgh ACOE District (Barnesboro, PA Quadrangle N: 2.5 inches; W: 1.5 inches, Latitude: 40° 38' 16"; Longitude: 78° 45' 17"). The applicant proposes to construct and maintain approximately 185 ft. of stabilized stream bank, along the southern bank of Fox Run (CWF), by installing R-6 stone riprap, along the outside curve of a newly constructed "bankful" channel. This new channel will have a bankful width of 12-ft. The upper stream bank will be regraded to have a 2:1 slope, and will be stabilized with rootwads and live stakes. Three rock swales will be installed along the face of the regarded upper bank and benched floodplain, to dissipate flow velocities, from existing outfall structures, along the upper bank. The project area is located behind residences along US Route 219, between St. Mary's and St. Patrick's Cemeteries.

E11-328. Cambria County Conservation District, 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931. To construct and maintain stream bank in Lilly Borough, **Cambria County**, Pittsburgh ACOE District (Cresson, PA Quadrangle N: 9 inches; W: 16 inches, Latitude: 40° 25' 31"; Longitude: 78° 36' 50"). The applicant proposes to construct and maintain approximately 175 ft. of stabilized stream bank, along the southern bank of Bear Rock Run (CWF), using R-7 rock riprap for a 7 ft. high base and live stakes above this base. The southern stream bank will be cut back to a 2:1 side slope, and the channel will be reshaped. The project site is located behind the residences along Jones Street, approximately 1,100 ft. from the intersection of this road with SR 53.

E30-218. Department of Transportation, Engineering District 12-0, 835 North Gallatin Extension, Uniontown, PA 15401-2105. To construct a bridge on the border of Waynesburg Borough and Franklin Township, **Greene County**, Pittsburgh ACOE District (Waynesburg, PA Quadrangle, N: 2.85 inches; W: 8.5 inches, Latitude: 39° 53' 30"; Longitude: 80° 11' 15"). The applicant proposes to construct and maintain a 41.4 ft. wide, 595 ft. long, seven span bridge and railroad overpass with a stream underclearance of 33.9 ft. to replace the existing SR 0218, 38 ft. wide, 106 ft. long, two span bridge with an underclearance of 17.9 ft. over South Fork Ten Mile Creek (WWF) with a drainage area of 117.4 square miles. The project is located on the border between Waynesburg Borough and Franklin Township, Greene County.

ENVIRONMENTAL ASSESSMENTS

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

D19-076EA. Department of Transportation, Engineering District 3-0, 715 Jordan Avenue, Montoursville, PA, Mount Pleasant and Scott Townships, **Columbia County**, ACOE Baltimore District.

Project proposes to breach and remove an unnamed dam across Fishing Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will also involve the removal of an abandoned railroad trestle bridge approximately 200 feet upstream from the dam. The project will restore approximately 750 linear feet of stream channel. The dam is located approximately 1.1 miles northeast of the intersection of Back Branch Road (SR 4008) and Millertown Road (SR 4011) (Bloomsburg, PA Quadrangle; Latitude: 41° 01' 45"; Longitude: 76° 26' 47").

D52-144EA. Department of Conservation and Natural Resources, Bureau of Facility Design and Construction, P. O. Box 8451, Harrisburg, PA 17105-8451, Greene Township, **Pike County**, ACOE Philadelphia District.

Project proposes to modify Lower Lake Dam across East Branch Wallenpaupack Creek (HQ-CWF). The project involves the rehabilitation of the existing spillway to address structural concerns. The project will temporarily impact 0.01 acre of wetlands for the excavation for the new wingwalls. The dam is located in Promised Land State Park approximately 2 miles Northeast of the intersection of SR 390 and Roemersville Road (SR 3002) (Promised Land, PA Quadrangle, Latitude: 41° 18' 48", Longitude: 75° 14' 07").

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0001295 Industrial Waste	Ashland, Inc. 5200 Blazer Parkway Dublin, OH 43017	Beaver County Freedom Borough	Ohio River	Y
PA0046230 Sewage	Carmichaels-Cumberland Joint Sewer Authority P. O. Box 304 Carmichaels, PA 15320-0304	Greene County Cumberland Township	Muddy Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0103471	Shenango Township Municipal Authority P. O. Box 266 West Middlesex, PA 16159	Shenango Township Mercer County	UNT to Shenango River 20-A	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. PA0248045, Sewage, **Jason Sauder**, 88 Oaktree Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT of Rife Run in Watershed-G.

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

NPDES Permit No. PA0032603, Sewage, **Devite Mobile Home Park**, 2546 Ben Franklin Highway, Edinburg, PA 16116. This proposed facility is located in Mahoning Township, **Lawrence County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to a UNT to Shenango River in Watershed 20-A.

NPDES Permit No. PA0101389, Sewage, **Penncrest School District, Maplewood Elementary School**, P. O. Box 808, Saegertown, PA 16433-4315. This proposed facility is located in Townville Borough, **Crawford County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to Muddy Creek in Watershed 16-A.

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

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

WQM Permit No. 1598403, Sewerage Amendment No. 1, **Downingtown Area Regional Authority**, 6 West Lancaster Avenue, Downingtown, PA 19335. This proposed facility is located in East Caln Township, **Chester County**.

Description of Action/Activity: To increase annual average flow of 7.5 mgd to 10.88 mgd.

WQM Permit No. 1500419, Sewerage, Amendment No. 1, **South Coventry Township**, 1371 New Philadelphia Road, Pottstown, PA 19465. This proposed facility is located in South Coventry Township, **Chester County**.

Description Action/Activity: Amendment to existing permit.

WQM Permit No. WQG010016, Sewerage, **Duane Perry**, 1343 Rose Glen Road, Gladwyne, PA 19045. This proposed facility is located in Lower Merion Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a small single-residence sewage treatment plant.

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

WQM Permit No. 3807401, Sewage, **Millcreek-Richland Joint Sewer Authority**, Two North Race Street, P. O. Box 280, Richland, PA 17087-0280. This proposed facility is located in Millcreek Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the modification of sewerage facilities consisting of two submersible pumps, valve box, emergency generator, controls and appurtenances.

WQM Permit No. 3605411 T-1, Sewage, **Jason Sauder**, 88 Oaktree Road, Manheim, PA 17545. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of 500 gpd aerobic treatment with free access sand filtration and tablet chlorination.

WQM Permit No. 3607201, CAFO, **S & A Kreider and Sons, Scott Kreider**, 761 Spring Valley Road, Quarryville, PA 17566. This proposed facility is located in East Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction and operation of one manure storage impoundment.

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

WQM Permit No. WQG02140701, Sewerage, SIC 4952, **Centre Hall-Potter Sewer Authority**, P. O. Box 497, 2940 Penns Valley Pike, Centre Hall, PA 16828. This proposed facility will be located in Potter Township, **Centre County**.

Description of Proposed Action/Activity: Permit issued authorizing the design, construction and operation of a pump station to serve the proposed first phase of Mountainview Estates residential development, which will consist of 27 EDUs and the existing 111 unit Rud-Cor mobile home park.

WQM Permit No. WQG02490601, Sewerage 4952, **Jason R. McLinko**, R. R. 2, Box 114 B, Wysox, PA 18854. This facility will be located in Standing Stone 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 Vought Creek, a WWF.

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

WQM Permit No. WQG018550, Sewage, **Allen J. and Rosemary Kracun**, 108 East Miller Avenue, Munhall, PA 15120. This proposed facility is located in Cherrytree Township, **Venango 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

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>
PAI032806001	Peter Carlino Carlino Development Group, Inc. 825 Berkshire Boulevard Suite 203 Wyomissing, PA 19610	Franklin	Washington Township	East Branch Antietam Creek CWF
PAI032806008	Frank Flohr 1350 Lincoln Way East Chambersburg, PA 17201	Franklin	Guilford Township	Falling Spring Branch
PAI033606002	Randall Martin Randall L. Martin Builder, Inc. 232 Wentzel Road Mohnton, PA 19540	Lancaster	Terre Hill Borough	Tributary to Black Run
PAI033607005	Scott Kreider S & A Kreider and Sons 761 Spring Valley Road Quarryville, PA 17566	Lancaster	East Drumore Township	Jackson Run
PAI033606008	Jack Boorse 306 Schoolhouse Road Souderton, PA 18961	Lancaster	Brecknock Township	Black Run

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062407002	The Clearfield Foundation 125 East Market Street Clearfield, PA 16830	Elk	Benezette Township	Mosquito Creek and UNT HQ-CWF

Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 5, P. O. Box 8476, Harrisburg, PA 17105-8476.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI101707002	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311	Clearfield County	Goshen and Lawrence Townships	Flegals Run to Lick Run HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From 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 Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines

PAG-11 (To Be Announced)
 PAG-12 Concentrated Animal Feeding Operations (CAFOs)
 PAG-13 Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-02

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Nazareth Township Northampton County	PAG2004806044	Dr. Victor Lesky Nazareth Area School District One Education Plaza Nazareth, PA 18064	Schoeneck Creek WWF	Northampton Co. Cons. Dist. (610) 746-1971
Lower Saucon Township Northampton County	PAG2004806030	HomePro Enterprises, Inc. 112 Elm Road Allentown, PA 18104	Silver Creek CWF Saucon Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
Cass Township Schuylkill County	PAG2005407012	Tippmann Group 9009 Coldwater Road Fort Wayne, IN 46825	Dyer Run CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Lower Paxton Township Dauphin County	PAG2002207010	Select Medical Corp. 4716 Gettysburg Road Mechanicsburg, PA 17055	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Lower Paxton Township Dauphin County	PAG2002207001	Daniel S. Schiavoni 2445 Walnut Street Harrisburg, PA 17103	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Centre Township Perry County	PAG2035007006	John Adams 30 Adams Lane New Bloomfield, PA 17068	Little Juniata Creek CWF	Perry County Conservation District 31 West Main Street P. O. Box 36 New Bloomfield, PA 17068 (717) 582-5119
Spruce Creek Township Huntingdon County	PAG2003106003	Donny Beaver 150 West 7th Street Bellwood, PA 16617	Little Juniata River CWF	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 (814) 627-1627
Middlesex Township Cumberland County	PAG2002107017	David Raudabaugh 60 Sunnyside Drive Carlisle, PA 17013	Spring Run WWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Dover Township York County	PAG2006705101	Harry H. Fox 600 Cold Springs Road Dillsburg, PA 17019	UNT to South Branch Conewago WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Sinking Spring Borough Berks County	PAG2000606098	Paolo Brutto 137 Park Place Drive Sinking Spring, PA 19608	UNT to Cacoosing Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201

NOTICES

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<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>
Perry Township Berks County	PAG2000606099	Eugene W. Bell Shoemakersville Avenue P. O. Box 238 Shoemakersville, PA 19555	Pigeon Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Maidencreek Township Berks County	PAS10CO51R	Forino Co., LP 555 Mountain Home Road Sinking Spring, PA 19608	Willow Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Union Township Berks County	PAG2000607025	Allen Davidheiser Real Estate Professionals 842 Farmington Avenue Pottstown, PA 19464	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Bradford County Wyalusing Township	PAG2000807003	Marie Antoinette Overlook French Azilum Inc. 1 Washington Street Suite B Towanda, PA 18848	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539 Ext. 6
Centre County Gregg Township	PAG2001407006	Mark Kauffman Sinking Creek Preserve 678 Sinking Creek Road Spring Mills, PA 16875	Sinking Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Montour County Mahoning Township	PAG2004706015	Geisinger Health System 100 N. Academy Drive Danville, PA 17821	Sechler Run CWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Union County Buffalo Township	PAG2006007002	Daryl L. Beiler 7249 Furnace Road Mifflinburg, PA 17844	Beaver Run CWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Allegheny County Shaler Township	PAR10A587R	Phillips-Spring Properties, Inc. 2708 Phillips Avenue Glenshaw, PA 15116	Little Pine Creek CWF	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAG200050002030231	Wadwell Group 122 Cedar Lane McMurray, PA 15317	Big Sewickley Creek TSF	Allegheny County CD (412) 241-7645
Allegheny County Pine Township	PAG200020661	Pine Township 230 Pearce Mill Road Wexford, PA 15090	Pine Creek WWF	Allegheny County CD (412) 241-7645

<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>
Allegheny County McCandless Township	PAG2000206109	P. W. Campbell 109 Zeta Drive Pittsburgh, PA 15238	Pine Creek CWF	Allegheny County CD (412) 241-7645
Allegheny County Shaler Township	PAG2000206121	Shaler Land Investment 3751 Gibsonia Road Gibsonia, PA 15044	Pine Creek TSF	Allegheny County CD (412) 241-7645
Allegheny County Collier Township	PAG2000206129	Mosites Development 4839 Campbells Run Road Pittsburgh, PA 15205	Campbells Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAG2000207002	Department of Public Works 501 County Office Building 542 Forbes Avenue Pittsburgh, PA 15219	Pierson Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Richland Township	PAG2000207005	Richland Township 4011 Dickey Road Gibsonia, PA 15044	Deer Creek CWF	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Township	PAG2000207007	A & E Land Development 8051 Steubenville Pike Oakdale, PA 15071	Robinson Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAG2000207009	Marshall Township P. O. Box 2094 Warrendale, PA 15086	Brush Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County Crafton Borough	PAG2000207010	Armstrong Development Properties Inc. 2100 Wharton Street Pittsburgh, PA 15203	Chartiers Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County Neville Township	PAG2000207013	Concord Sierra Neville, LP 409 Broad Street Suite 203 Sewickley, PA 15143	Ohio River WWF	Allegheny County CD (412) 241-7645
Allegheny County Wilkinsburg Borough	PAG2000207014	Zaremba Group, LLC 14600 Detroit Avenue Lakewood, OH 44107	Turtle Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County McCandless Township	PAG2000207015	UPMC Passavant 9100 Babcock Boulevard Pittsburgh, PA 15237	Pine Creek TSF	Allegheny County CD (412) 241-7645
Allegheny County Monroeville	PAG2000207022	Muslim Community Center of Greater Pittsburgh 225 Mallard Drive Monroeville, PA 15146	Thompson Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Robinson Township	PAG2000207029	Department of Public Works 501 County Office Building 542 Forbes Avenue Pittsburgh, PA 15219	Campbells Run WWF	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Township	PAG2000207031	West Allegheny School District P. O. Box 55 Imperial, PA 15126	Montour Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAG2000207032	Marshall Township P. O. Box 2094 Warrendale, PA 15086	Brush Creek WWF	Allegheny County CD (412) 241-7645

NOTICES

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<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>
Allegheny County Plum Borough	PAG2000207047	Pugliano Realty 2000 Sheena Drive Pittsburgh, PA 15239	Turtle Creek TSF	Allegheny County CD (412) 241-7645
Allegheny County Robinson Township	PAG2000207063	Five C Enterprises 10 Court Place McKees Rocks, PA 15136	Campbells Run WWF	Allegheny County CD (412) 241-7645
Cambria County Lower Yoder Township	PAG2001107006	Mark Rychak Major Builders, Inc. 514 Menoher Boulevard Johnstown, PA 15901	St. Clair Run CWF	Cambria County CD (814) 472-2120
Cambria County Cambria and Munster Townships	PAG2001107008	Department of Transportation District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	North Branch Little Conemaugh River CWF	Cambria County CD (814) 472-2120
Fayette County South Union Township	PAR10L080R	Cross Creek Development, LTD 121 Regency Drive Uniontown, PA 15401	UNT to Redstone Creek WWF	Fayette County CD (724) 438-4497
Washington County Chartiers Township	PAG2006307014	PA Trolley Museum 1 Museum Road Washington, PA 15301	Chartiers Creek WWF	Washington County CD (724) 228-6774
Westmoreland County Allegheny Township	PAG2006506024	Matthew Dickun True Line Corporation 6 Commerce Drive Pittsburgh, PA 15239	Pine Run WWF	Westmoreland County CD (724) 837-5271
Westmoreland County North Huntingdon Township	PAG2006506047	Justin Mochar Norah Land Development, LLC 144 Dester Drive Monroeville, PA 15145	Youghiogheny River WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield Township	PAG2006507020	General Nuclear Corp. P. O. Box 400 Wheeler Street New Stanton, PA 15672	Sewickley Creek WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Unity Township	PAG2006507024	New Enterprise Stone & Lime Co. P. O. Box 77 New Enterprise, PA 16664	Monastery Run WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Rostraver Township	PAG2006507026	F. C. Rostraver Association R. Jagger No. 212 Four Gateway Center Pittsburgh, PA 15222	UNT to Pollock Run WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield Township	PAG2006507028	Mercedes, LP 53 Bel Aire Drive Delmont, PA 15626	Jacks Run WWF	Westmoreland County CD (724) 837-5271
Mercer County South Pymatuning Township	PAG2004307002	Dean Dairy Products Companies 1690 Oneida Lane Sharpsville, PA 16150	McCullough Run WWF	Mercer Conservation District (724) 662-2242
Venango County Cooperstown Borough	PAG2006107004	Department of Transportation 255 Elm Street Oil City, PA 16301	Sugar Creek CWF	Venango Conservation District (814) 676-2832

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Newport Township
Luzerne County

PAG2114007002

Department of
Environmental
Protection
Bureau of Abandoned
Mine Reclamation
2 Public Square
Fifth Floor
Wilkes-Barre, PA
18711-0790Newport Creek
CWFDepartment of
Environmental
Protection
Bureau of Abandoned
Mine Reclamation
2 Public Square
Fifth Floor
Wilkes-Barre, PA
18711-0790
(570) 826-2371Black Creek
Township
Luzerne County

PAG2114007001

Department of
Environmental
Protection
Bureau of Abandoned
Mine Reclamation
2 Public Square
Fifth Floor
Wilkes-Barre, PA
18711-0790Black Creek
CWFDepartment of
Environmental
Protection
Bureau of Abandoned
Mine Reclamation
2 Public Square
Fifth Floor
Wilkes-Barre, PA
18711-0790
(570) 826-2371*General Permit Type—PAG-3**Facility Location &
Municipality**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Berks County
Maidencreek
Township

PAR323510

James Hardie Building
Products, Inc.
26300 La Alameda
Suite 250
Mission Viego, CA
92691-6380Willow Creek
CWFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Mifflin County
Derry and
Decatur Townships

PAR603594

Joe Krentzman & Son,
Inc.
P. O. Box 508
Lewistown, PA 17044Jacks Creek
TSFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Cumberland County
Carlisle Borough

PAR703523

Carlisle Coatings &
Waterproofing, Inc.
P. O. Box 1349
Carlisle, PA 17013Conodoguinet Creek
WWFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Lancaster County
East Hempfield
Township

PAR323506

Bird-In-Hand
Woodworks, Inc.
3031 Industry Drive
Lancaster, PA 17603Brubaker Run
WWFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Cumberland County
Middlesex Township

PAR803610

Roadway Express, Inc.
(T135)—Carlisle Facility
1077 Gorge Boulevard
Akron, OH 44309Letort Spring Run
CWFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Buffalo Township
Union CountyPAR324806
(Stormwater)Playworld Systems, Inc.
1000 Buffalo Road
Lewisburg, PA 17837Mill Race
TSFNorthcentral Regional
Office
Water Management
Program
208 West Third Street
Suite 101
Williamsport, PA 17701
(570) 327-3666Buffalo Township
Union CountyPAR324807
(Stormwater)Playworld Systems, Inc.
2244 Buffalo Road
Lewisburg, PA 17837UNT to Limestone Run
WWFNorthcentral Regional
Office
Water Management
Program
208 West Third Street
Suite 101
Williamsport, PA 17701
(570) 327-3666

NOTICES

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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>
Neville Township Allegheny County	PAR806181	Con-way Freight 110 Parkland Plaza Ann Arbor, MI 48103	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-4

<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>
Plumstead Township Bucks County	PAG040025	Stephen Takach and Kimberly Ann Pacitto 5167 Valley Park Road R. R. 5 Doylestown, PA 18902	North Branch of Neshaminy Creek Watershed 2F Neshaminy Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Plumstead Township Bucks County	PAG040071	Gerald Bachinsky 3113 Edison Furlong Road Furlong, PA 18925	Geddes Run Watershed 2D Three Mile Run	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Blair County Freedom Township	PAG043864	David P. Kephart R. R. 1 Box 666 East Freedom, PA 16637	UNT South Dry Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Standing Stone Township Bradford County	PAG045241	Jason R. McLinko R. R. 2 Box 114B Wysox, PA 18854	Vought Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Jefferson Township Mercer County	PAG048464	Alberta Slosky 7214 Lamor Road Sharpsville, PA 16150	UNT to Daley Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cherry Tree Township Venango County	PAG049347	Allen J. and Rosemary Kracun 108 East Miller Avenue Munhall, PA 15120	UNT to Cherrytree Run 16-E	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Clinton Township Butler County	PAG048848	Lawrence Wolf 221 Spring Valley Road Saxonburg, PA 16056	Davis Run 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

Permit Type—PAG-5

<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>
Lancaster County Manheim Township	PAG053574	Buckeye Partners, LP 9999 Hamilton Boulevard Five Tek Park Breinigsville, PA 18031	UNT to Little Conestoga Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Muhlenberg Township	PAG053550	ExxonMobile Oil Corp. 1545 Route 22 East Annandale, NJ 08801	Laurel Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-8 (SSN)**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Lebanon County Jackson and South Lebanon Townships	PAG083521 PAG083565 PAG083566	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	Charles Haaf Trust Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Whiteley Township Greene County	PAG086115	Lower Ten Mile Joint Sewer Authority 144 Chartiers Road Jefferson, PA 15344	Watters Farm	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-9**Facility Location & County/Municipality*

<i>County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
York County Windsor Township	PAG093508	Joines Septic Service 440 Dull Road Felton, PA 17322		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Franklin County Southampton Township	PAG093502T	Premiere Property Service 1695 Bedford Road Shippensburg, PA 17257		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. Minor Amendment—Operation, Public Water Supply.

Applicant	PA-American Water Company—Philipsburg District
Township or Borough	Decatur Township
County	Clearfield
Responsible Official	Dave R. Kaufman Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Public Water Supply—Operation
Consulting Engineer	Scott M. Thomas, P. E. Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit Issued Date	June 15, 2007

Description of Action Operation of the rehabilitated 100,000 gallon Manor Hill Tank. Rehabilitation of the standpipe included the following: paint removal; interior and exterior paint systems; concrete repair; welding, pit filling, chipping and grinding of irregular steel surfaces; addition of second shell manway; modifications to the roof manway; and slip resistance upgrade of the ladder.

Permit No. M.A. 1406501—Operation, Public Water Supply.

Applicant **Port Matilda Waterworks**
 Township or Borough Port Matilda Borough
 County **Centre**
 Responsible Official Richard Turner, President
 Borough of Port Matilda
 400 South High Street
 Port Matilda, PA 16870
 Type of Facility Public Water Supply—Operation
 Consulting Engineer Adrienne Vicari, P. E.
 Herbert, Rowland & Grubic, Inc.
 474 Windmere Drive
 Suite 100
 State College, PA 16801
 Permit Issued Date June 15, 2007
 Description of Action Operation of the recently reconstructed Well No. 5.

Permit No. 1407501—Construction, Public Water Supply.

Applicant **College Township Water Authority**
 Township or Borough College Township
 County **Centre**
 Responsible Official Martin McGann, Chairperson
 College Township Water Authority
 1481 East College Avenue
 State College, PA 16801
 Type of Facility Public Water Supply—Construction
 Consulting Engineer Douglas E. Berg, P. E.
 Entech Engineering, Inc.
 P. O. Box 32
 Reading, PA 19603
 Permit Issued Date June 18, 2007
 Description of Action Construction of an interconnection with Bellefonte Borough.

Permit No. M.A.-0869501—Operation, Public Water Supply.

Applicant **Canton Borough Authority**
 Township or Borough Canton Borough
 County **Bradford**

Responsible Official Les Hilfinger, Manager
 Canton Borough Authority
 100 Park Place
 P. O. Box 237
 Canton, PA 17724
 Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date June 19, 2007
 Description of Action Operation of a 300,000 gallon finished water storage tank and the distribution system.

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

Permit No. 2006501, Public Water Supply.

Applicant **Hydetown Court Mobile Home Park**
 Borough or Township Hydetown Borough
 County **Crawford County**
 Type of Facility PWS
 Consulting Engineer Trant Corporation
 Permit to Construct June 15, 2007
 Issued

Permit No. 4301501—MA1, Public Water Supply.

Applicant **Jamestown Municipal Authority**
 Borough or Township Jamestown Borough
 County **Mercer County**
 Type of Facility PWS
 Consulting Engineer HRG, Inc.
 Permit to Construct June 15, 2007
 Issued

Permit No. 6102501—MA1, Public Water Supply.

Applicant **Barkeyville Municipal Authority**
 Borough or Township Barkeyville Borough
 County **Venango County**
 Type of Facility PWS
 Consulting Engineer HRG, Inc.
 Permit to Construct June 15, 2007
 Issued

Rescission of Operations Permits issued to **Rimersburg Borough Municipal Authority**, PWSID No. 6160012, Rimersburg Borough, **Clarion County**, on June 19, 2007. Permit Numbers 1205 (issued February 18, 1913), 1393 (issued March 12, 1914), 2121 (issued January 25, 1917), 2302 (issued April 24, 1918), 5591 (issued September 28, 1937) and 5865 (issued May 19, 1939) for sources no longer in use.

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.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Donegal Township	190 Rock Point Road, Marietta, PA 17547	Lancaster County

Plan Description: The approved plan provides for extension of sewer service to 41 homes in the Bridle Path at Village Square Phase 3 development. In addition, a new pump station, to be dedicated to the East Donegal Township Sewer Authority is proposed to serve this development as well as future lots from the Gruber Development, 10 existing lots served with onlot systems and 26 edus currently served with public sewers. All sewage will flow to the Marietta-Donegal Joint Authority Sewage Treatment Plant. The ID number for this plan revision is A3-36925-163-3 and the APS number is 608584. The development is located on Coffee Goss Road approximately 1/4 mile from the intersection of Village Square Drive in East Donegal Township, Lancaster County. 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.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
McKean Township	9231 Edinboro Road P. O. Box 62 McKean, PA 16426	Erie

Plan Description: Jacob Corwin, PMC 3s. The approved plan provides for a small flow treatment facility to serve a proposed single-family residence along South Hill Road. The proposed sewage flows are 400 gpd with a discharge to a UNT of Lamson Run, a tributary of Elk Creek. 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.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Public Notice of Proposed Consent Order and Agreement Pennsylvania Department of Environmental Protection Lewis Run Municipal Well Site Lewis Run Borough, McKean County

Under section 122 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C.A. §§ 9622) and section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305), notice is hereby provided that the Department of Environmental Protection (Department) has agreed to a Consent Order and Agreement (Agreement) with Control Chief Corporation (Control Chief), concerning the resolution of Control Chief's liability for the Lewis Run Municipal Well Site (Site). The Site is located on seven contiguous parcels of land in Lewis Run Borough, McKean County, where the groundwater has become contaminated by the VOCs, tetrachloroethylene, trichloroethylene and cis-1,2-dichloroethylene (collectively, Site VOCs).

In the past, wastes, wastewaters or other materials containing Site VOCs were spilled, leaked, discharged or otherwise released at the Site and these Site VOCs contaminated the soil and groundwater at the Site. All Site VOCs are defined in section 101 of CERCLA (42 U.S.C.A. § 9601) and section 103 of HSCA (35 P.S. § 6020.103) as hazardous substances. The Department has already incurred approximately \$1,200,000 in response costs and expects to incur an additional \$500,000 to abate the release and threatened release of hazardous substances at the site. Control Chief is a responsible person as defined in section 103 of HSCA. Under the terms of the Agreement, Control Chief shall pay the Department a settlement, in the amount of \$110,000 to resolve its liability at the site.

The specific terms of this settlement are set forth in the Agreement between Control Chief and the Department. The Department will receive and consider comments relating to the Agreement for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the Agreement if the comments concerning the Agreement disclose facts or considerations which indicate that the Agreement is inappropriate, improper, or not in the public interest.

After the public comment period, the Department's settlement with Control Chief shall be effective upon the date that the Department notifies Control Chief, in writing, that the Agreement is final and effective in its present form and that the Department has filed a response to significant written comments to the Agreement, or that no comments were received.

The Agreement is available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Harold Nye, Project Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Harold Nye at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

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.

Kimberton Road Commercial Property, Schuylkill Township, **Chester County**. Justin Lauterbach, RT Env. Svc., Inc., 510 Heron Drive, Suite 306, Bridgeport, NJ 08014 on behalf of John Zaharchuk, Summit Realty Advisors, LLC, 8 Devonshires Court, Blue Bell, PA 19422 has submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standards.

WaWa Food Market, 134, New Hanover Township, **Montgomery County**. Jeff Brudereck, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Matthew Winters, WaWa, Inc., 260 West Baltimore Pike, WaWa, PA 19006 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standards.

Frankford Cleaners, City of Philadelphia, **Philadelphia County**. Peter Granholm, Apex Companies, LLC, 15850 Crabbs Branch Way, Suite 200, Rockville, MD 20855 on behalf of Eric Silvers, USRP I, LLC, 121 West Forsyth Street, Suite 200, Jacksonville, FL 32202 has submitted a Remedial Investigation Report and Clean up Plan concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standards.

Eastern Prestressed Concrete, Hatfield Township, **Montgomery County**. Craig Herr, RT Env. Svc., Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Ryan Conner, PREI Hatfield Assoc., LP, 1001 East Hector Road, Conshohocken, PA 19428 has submitted a Remedial Investigation Report concerning remediation for site soil and groundwater contaminated with unleaded gasoline, diesel fuel and No. 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standards.

Absco Parcel B, City of Philadelphia, **Philadelphia County**. Angelo Waters, Urban Engineers, Inc., 530 Walnut Street, 14th Floor, Philadelphia, PA 19106, Andy Karff, Absco, Inc., 5458 Tacony Street, Philadelphia, PA

19137 on behalf of James McManus, Philadelphia Authority for Industrial Development, 2600 Center Square West, 1500 Market Street, Philadelphia, PA 19102 has submitted a Final Report concerning remediation for site soil contaminated with metals and PCBs. The report is intended to document remediation of the site to meet the Site-Specific Standards.

PECO Phoenixville MGP, Phoenixville Borough, **Chester County**. Douglas Kier, URS Corp., 335 Commerce Drive, Suite 300, Ft. Washington, PA 19034 on behalf of Andrew Levin, Stradley, Roman, Stevens and Young, LLP, 2600 One Commerce Square, Philadelphia, PA 19103 has submitted a Final Report concerning remediation for site soil and groundwater contaminated with Paks. The report is intended to document remediation of the site to meet the Site-Specific Standards.

7401 State Road, City of Philadelphia, **Philadelphia County**. Michael Christie, Penn Env. & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Rose Hoover, Ampco-Pittsburgh Corp., 600 Grant Street, Suite 4600, Pittsburgh, PA 15129 on behalf of William Nolan, Sate Road, Storage LLP, 4541 Bellaire Drive, Suite 100, Fort Worth, TX 76109 has submitted a Final Report concerning remediation for site soil and groundwater contaminated with PAH and chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standards and Site-Specific Standards.

Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Bethlehem Commerce Center LVIP VII—New Intermodal Site, City of Bethlehem, **Northampton County**. Kenneth G. Robbins, Project Manager, HDR Engineering, Inc., 609 Hamilton Mall, Sovereign Building, Allentown, PA 18101 has submitted a Final Report (on behalf of his client, Lehigh Valley Industrial Park, 1805 East Fourth Street, Bethlehem, PA) concerning the remediation of soils found to have been impacted by VOCs and SVOCs as a result of historical industrial operations. The report was submitted to document attainment of the Site-Specific Standard for site soils, using pathway elimination. A public notice appeared in *The Express Times* and *The Morning Call* on March 14, 2007.

Bethlehem Commerce Center LVIP VII—Lot 29 (Receivable Management Services), City of Bethlehem, **Northampton County**. Kenneth G. Robbins, Project Manager, HDR Engineering, Inc., 609 Hamilton Mall, Sovereign Building, Allentown, PA 18101 has submitted a Final Report (on behalf of his client, Lehigh Valley Industrial Park, 1805 East Fourth Street, Bethlehem, PA) concerning the remediation of soils found to have been impacted by one SVOC (benzo(a)pyrene) as a result of historical industrial operations. The report was submitted to document attainment of the Site-Specific Standard for site soils, using pathway elimination. A public notice appeared in *The Express Times* and *The Morning Call* on May 28, 2007.

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

Eli Fisher Garage, West Cocalico Township, **Lancaster County**. Alternative Environmental Solutions, 930 Pointview Avenue, Suite B, Ephrata, PA 17522 on behalf of Fishers Garage, 5 Creamery Road, Reinholds, PA 17569-9624, submitted a Final Report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

Linda Kurtz Residence, Mechanicsburg, **Cumberland County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Linda Kurtz, 102 North Washington Street, Mechanicsburg, PA 17055, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Residential Statewide Health Standard.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Trinity Industries, Inc., City of Butler, **Butler County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Community Development Corporation of Butler and Trinity Industries, Inc. has submitted a Revised Cleanup Plan concerning remediation of site soil contaminated with arsenic, iron, barium, lead, thallium, benzo(a)pyrene, antimony, methylene chloride, nickel, aroclor 1260, aroclor 1248 and pentachlorophenol. The plan is intended to document remediation of the site to meet the Site-Specific Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Colony Arms Apartments, Lower Providence Township, **Montgomery County**. Herb Grant, ConTech Svc., Inc., 23 East Front Street, Media, PA 19063 on behalf of Dan Stephano, Colony Arms Assoc., P. O. Box 370, Springhouse, PA 19477 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department on May 25, 2007.

Agway Inc, Penn Township, **Chester County**. Larry Roach, Groundwater Svc., Corp., 2601 Market Place Street, Suite 310, Harrisburg, PA 17110 on behalf of John Steiner, Agway Liquidating Trust, 5790 Widewaters Parkway, Dewitt, NY 13214 has submitted a Remedial Investigation Report and Final Report concerning the remediation of site soil and groundwater contaminated with pesticide. The Remedial Investigation Report and Final Report was approved by the Department on May 24, 2007.

Buxmont Academy, Ridley Township, **Delaware County**. Grover Emrich, Emrich & Assoc., 449 Sharon Drive, Wayne, PA 19087 on behalf of Judy Happ, Buxmont Academy, P. O. Box 283, Pipersville, PA. 18947 has submitted a Remedial Investigation Report and Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Remedial Investigation Report and Final Report was approved by the Department on May 30, 2007.

Bovasso Residence, Kennett Township, **Chester County**. Paul Hagerty, Hagerty Env., LLC, 202 Winding Lane, Kennett Square, PA 19348 on behalf of Ronald Bovasso, 948 Patricia Lane, Kennett Square, PA 19348 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department on May 16, 2007.

Westtown Township Police Academy, Westtown Township, **Chester County**. Mark Hawkins Brickhouse Env., 515 South Franklin Street, West Chester, PA 19382 on behalf of Robert Layman, Westtown Township, 1039 Wilmington Pike, West Chester, PA 19382 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department on May 25, 2007.

Clemens Cleaners at Hillcrest Shopping Center, Lansdale Borough, **Montgomery County**. Darryl Bor-

relli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19001 on behalf of Richard Harris, S & R, Hillcrest Owners, LP, 950 Troxel Road, Lansdale, PA 19446 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with PCE. The Remedial Investigation Report and Cleanup Plan was approved by the Department on May 21, 2007.

Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Dober Facility UST Closure Project, Hazle Township, **Luzerne County**. Jon P. Kleinle, Barry Isett & Associates, Inc., 100 West Broad Street, Hazleton, PA 18201 submitted a Final Report (on behalf of his client, CAN DO, Inc., 1 South Church Street, Hazleton, PA 18201) concerning the remediation of site soils found to have been impacted by No. 2 Fuel Oil as a result of historic overfills and/or accidental spillage from an underground storage tank. The report demonstrated attainment of the Statewide Health Standard and was approved on June 12, 2007.

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

Fort Indiantown Gap National Guard Training Center, Union Township, **Lebanon County**. Weston Solutions, Inc., 1400 Weston Way, Building 4-2, West Chester, PA 19380 on behalf of Pennsylvania Army National Guard, Department of Military and Veteran Affairs—Environmental Division, Building 0-11, Fort Indiantown Gap National Guard Training Center, Anville, PA 17003 and the United States Army Environmental Center, SFIM-AEC-CDE, 5179 Hoadley Road, Building E4480, Aberdeen Proving Ground, MD 21010, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with pesticides. The final report demonstrated attainment of the Residential Statewide Health and background standards and was approved by the Department on June 11, 2007.

Carlton Snack Foods, Heidelberg Township, **York County**. GemChem, Inc., 53 North Cedar Street, P. O. Box 383, Lititz, PA 17543-0384 on behalf of Jeffrey Carl, 725 Oakwood Drive, Red Lion, PA 17356, submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site groundwater contaminated with gasoline. The report and plan were approved by the Department on June 15, 2007.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits issued, suspended, expired, denied, revoked, reinstated or returned under the Solid Waste Management Act, (35 P.S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706.

PAD003026663. Alcoa Inc., 201 Isabella Street, Pittsburgh, PA 15212. Post Closure Permit issued on June 29, 2007, for Alcoa's Lancaster Works, located at 1700 Fruitville Pike, Rear, Lancaster, PA 17604-4685, Lancaster City, **Lancaster County**.

AIR QUALITY

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.

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

31-05011D: U.S. Silica Co. (R.R. 1, Box 1885, Mapleton Depot, PA 17052-9700) on June 12, 2007, to add chutes, a tank and to modify conveying to the rail load out system to load additional rail cars from the low iron sand process at the Mapleton Depot Plant, Brady Township, **Huntingdon County**.

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

32-00387A: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) on June 14, 2007, to construct and operate a Coal Preparation Plant by the Rosebud Mining Company at their Crooked Creek Coal Preparation Plant in Washington Township, **Indiana County**.

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

24-083J: Carbone of American Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) on May 22, 2007, to install a process furnace with appropriate emission control equipment in St. Marys, **Elk County**. This is a Title V 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.

46-0011D: ISG Plate LLC (900 Conshohocken Road, Conshohocken, PA 19428) on June 12, 2007, to operate a filter dust collector in Plymouth Township, **Montgomery County**.

09-0189: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on June 15, 2007, to operate a dust suppression system in Warrington Township, **Bucks County**.

46-0166: M & M Stone Co. (P. O. Box 189, Telford, PA 18969-0189) on June 13, 2007, to operate a batch asphalt plant in Lower Salford Township, **Montgomery County**.

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

30-00099D: Allegheny Energy Supply Co., LLC (800 Cabin Hill Drive, Greensburg, PA 15601) on June 14, 2007, to complete stack testing at their Hatfield Power Station in Monongahela Township, **Greene County**. This plan approval was extended.

04-00033B: Nova Chemicals (400 Frankfort Road, Monaca, PA 15061) on June 14, 2007, to install and test

the applicant time reactor at their Beaver Valley Facility in Potter Township, **Beaver County**. This plan approval was extended.

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

10-062C: Slippery Rock University (Keister Road, Maintenance Center, Slippery Rock, PA 16057) on May 31, 2007, to modify a boiler in Slippery Rock, **Butler County**.

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.

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

01-05026: Bituminous Paving Materials (100 Green Spring Road, Hanover, PA 17331-8979) on June 12, 2007, to operate their asphalt paving plant in Berwick Township, **Adams County**. This is a renewal of the State-only operating permit

36-03167: Burle Industries, Inc. (1000 New Holland Avenue, Lancaster, PA 17601-5688) on June 12, 2007, for their electronic tube manufacturing and plating operations in the City of Lancaster, **Lancaster County**.

67-03059: Hill Street Veterinary Hospital (555 Hill Street, York, PA 17403-5704) on June 12, 2007, to operate an animal incinerator controlled by an afterburner in Spring Garden Township, **York County**. This is a renewal of the State-only operating permit.

67-05074: Bituminous Paving Materials (1300 Zinns Quarry Road, York, PA 17404-3553) on June 12, 2007, to operate their asphalt paving plant in West Manchester Township, **York County**. This is a renewal of the State-only operating permit.

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

25-00095: Lord Corp.—MPD (1635 West 12th Street, Erie, PA) on June 12, 2007, to-issue a Synthetic Minor Permit to operate a Fabricated Rubber Products Manufacturing Facility in Erie City, **Erie County**. The facility has voluntary limits for VOC and HAP emissions to maintain Synthetic Minor status.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the

Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

11050102 and NPDES No. PA0249831. Heritage Mining Company, (P. O. Box 126, Cresson, PA 16630), commencement, operation and restoration of a bituminous surface-auger mine in Adams Township, **Cambria County**, affecting 90.6 acres. Receiving streams: Paint Creek and UNT to Paint Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 22, 2005. Permit issued June 13, 2007.

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

17010110 and NPDES No. PA0243132. River Hill Coal Company, Inc. (P. O. Box 141, Kylertown, PA 16847), revision of an existing bituminous surface mine for a boundary correction in Bigler and Woodward Townships, **Clearfield County**, affecting 245.0 acres. Receiving streams: UNT to Upper Morgan Run, Upper Morgan Run to Clearfield Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 23, 2007. Permit issued June 6, 2007.

17860122 and NPDES No. PA0115410. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), permit renewal for reclamation only of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 490.5 acres. Receiving streams: UNT of Wallace Run to Wallace Run, Wallace Run and Mitchell Run to Little Clearfield Creek, Little Clearfield Creek to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received June 4, 2007. Permit issued June 12, 2007.

17050106 and NPDES No. PA0256222. Lee Coal Contracting, Inc. (1395 German Road, P. O. Box 147, Drifting, PA 16834), commencement, operation and restoration of a bituminous surface mine permit in Cooper Township, **Clearfield County**, affecting 33.4 acres. Receiving streams: UNT to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 7, 2005. Permit issued June 8, 2007.

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

54950101R2. Joe Kuperavage Coal Company, (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 246 acres, receiving stream: none. Application: November 15, 2006. Renewal issued June 12, 2007.

49960201R2. Split Vein Coal Co., Inc., (R. R. 1, Drawer 2, Paxinos, PA 17860), renewal of an existing coal refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 77.5 acres, receiving stream: none. Application received November 18, 2006. Renewal issued June 13, 2007.

40840206R4. Northampton Fuel Supply Co., Inc., (1 Horwith Drive, Northampton, PA 18067), renewal of an existing coal refuse reprocessing and reprocessing operation in Plains Township, **Luzerne County** affecting 126.9

acres, receiving stream: none. Application received September 16, 2005. Renewal issued June 14, 2007.

Noncoal Permits Actions

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

4274SM11 and NPDES No. PA0212512, New Enterprise Stone & Lime Company, Inc., (P. O. Box 77, New Enterprise, PA 16664), revision of an existing noncoal surface mine to deepen the existing Roaring Spring quarry from the 900' MSL to the 850' MSL in the northern half (Phase I) of the quarry area for only the dolostone reserves in Taylor Township, **Blair County**, affecting 430.0 acres. Receiving streams: Halter Run and Plum Creek classified for the following use: CWF. Application received September 25, 2006. Permit issued June 8, 2007.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

04960302 and NPDES Permit No. PA0201677. Kathryn I. Paumier (303A Smiths Ferry Road, Midland, PA 15059-2019). NPDES renewal issued for an existing noncoal surface mine located in Ohioville Borough, **Beaver County**, affecting 31.9 acres. Receiving streams: Upper Dry Run to the Ohio River. Application received April 24, 2007. Renewal issued June 14, 2007.

63920301 and NPDES Permit No. PA0203424. Langeloth Metallurgical Co., LLC (10 Langeloth Plant Drive, P. O. Box 608, Langeloth, PA 15054). NPDES renewal issued for an existing noncoal surface mine located in Smith Township, **Washington County**, affecting 13.0 acres. Receiving streams: UNT to Burgetts Fork to Burgetts Fork, to Raccoon Creek, to the Ohio River. Application received May 29, 2007. Renewal issued June 14, 2007.

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

58060867. Robert W. Diehl, Jr., (R. R. 2, Box 154D, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Oakland Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received September 19, 2006. Permit issued June 13, 2007.

58070821. Robert W. Diehl, Jr., (R. R. 2, Box 154D, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Oakland Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received March 12, 2007. Permit issued June 13, 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.

32074007. Evergreen Landfill, (Box 196, Coral, PA 15731), blasting activity permit issued for landfill expansion

development in Center Township, **Indiana County**. Duration of blasting is 365 days. Permit issued June 13, 2007.

11074003. Laurel Highlands Landfill, (260 Laurel Ridge Road, Johnstown, PA 15909), blasting activity permit issued for landfill expansion in Jackson Township, **Cambria County**. Duration of blasting is 365 days. Permit issued June 13, 2007.

21074141. Newville Construction Services, Inc., (408 Mohawk Road, Newville, PA 17241-9424), blasting activity permit issued for pool/pond development in Shippenburg Borough/Shippensburg Township, **Cumberland County**. Blasting activity permit end date: May 20, 2008. Permit issued June 4, 2007.

21074142. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507-0528), blasting activity permit issued for residential development in Hampden Township, **Cumberland County**. Blasting activity permit end date: December 31, 2007. Permit issued June 4, 2007.

44074101. Douglas Explosives, Inc., (P. O. Box 77, Philipsburg, PA 16866-0077), blasting activity permit issued for commercial development in Brown Township, **Mifflin County**. Blasting activity permit end date: June 1, 2008. Permit issued June 4, 2007.

01074110. Newville Construction Services, Inc., (408 Mohawk Road, Newville, PA 17241-9424) blasting activity permit issued for residential development in Straban Township, **Adams County**. Blasting activity permit end date: May 31, 2008. Permit issued June 6, 2007.

21074143. Douglas Explosives, Inc., (P. O. Box 77, Philipsburg, PA 16866-0077), blasting activity permit issued for residential development in Carlisle Borough, **Cumberland County**. Blasting activity permit end: December 30, 2007. Permit issued June 6, 2007.

28074135. 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: December 15, 2007. Permit issued June 8, 2007.

21074144. John W. Gleim, Jr., Inc., (625 Hamilton Street, Carlisle, PA 17013-1925), blasting activity permit issued for gas station development in Middlesex Township, **Cumberland County**. Blasting activity permit end date: October 15, 2007. Permit issued June 8, 2007.

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

14074012. Douglas Explosives, Inc. (664 Graham Station Road, Philipsburg, PA 16866), construction blasting at Nittany Terrace, Lot 30, located in College Township, **Centre County**. Permit issued: May 23, 2007. Permit expires May 23, 2008.

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

06074112. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Rosemount in Spring Township, **Berks County** with an expiration date of June 10, 2008. Permit issued June 13, 2007.

38074112. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for a single dwelling on Iron Valley Road in South Lebanon Township, **Lebanon County** with an expiration date of June 15, 2007. Permit issued June 13, 2007.

67074126. Dyno Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Twin Pines, Lot 2 in North Codorus Township, **York County** with an expiration date of June 11, 2008. Permit issued June 13, 2007.

67074127. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Cintas in the City of York, **York County** with an expiration date of June 10, 2008. Permit issued June 13, 2007.

67074004. Abel Construction Company, Inc., (P. O. Box 476, Mountville, PA 17554), construction blasting at Deerfield Crossing in Windsor Township, **York County** with an expiration date of May 30, 2008. Permit issued June 14, 2007.

13074103. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Carbon County Mall in Mahoning Township, **Carbon County** with an expiration date of June 15, 2008. Permit issued June 14, 2007.

22074112. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for The Preserve at Bow Creek in East Hanover Township, **Dauphin County** with an expiration date of June 13, 2008. Permit issued June 14, 2007.

36074159. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in West Earl Township, **Lancaster County** with an expiration date of July 30, 2007. Permit issued June 14, 2007.

45074134. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for the County Club of the Poconos in Middle Smithfield Township, **Monroe County** with an expiration date of June 30, 2008. Permit issued June 14, 2007.

45074135. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Jonah's Estates in Polk and Penn Forest Townships, **Monroe and Carbon Counties** with an expiration date of June 30, 2008. Permit issued June 14, 2007.

45074136. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Great Bear Estates in Middle Smithfield Township, **Monroe County** with an expiration date of June 30, 2008. Permit issued June 14, 2007.

454074137. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for the Prospect Cemetery in East Stroudsburg Borough, **Monroe County** with an expiration date of June 30, 2008. Permit issued June 15, 2007.

52074123. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Falling Creek Estates in Lehman and Middle Smithfield Townships, **Pike and Monroe Counties** with an expiration date of June 30, 2008. Permit issued June 15, 2007.

64074107. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Wallenpaupack Estates in Paupack Township, **Wayne County** with an expiration date of June 30, 2008. Permit issued June 15, 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

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

E38-153: Borough of Myerstown, 101 East Washington Avenue, Myerstown, PA 17067, Jackson Township, **Lebanon County**, ACOE Philadelphia District.

To (1) remove the existing outfall structure and to install and maintain a concrete encased 24-inch DIP for an effluent treatment outfall in a 4.5-foot long by 3.66-foot wide by 3.33-foot high effluent box in Tulpehocken Creek (TSF) approximately 70 feet upstream of the existing outfall, (2) remove the existing 72.0-foot by

70.5-foot Rotating Biological Contactors and to construct and maintain a 67.5-foot by 62.2-foot Garage/Maintenance Building in the 100-year floodplain of the Tulpehocken Creek (TSF) (Richland, PA Quadrangle North: 22.6 inches; West: 5.6 inches, Latitude: 4° 22' 30" N; Longitude: 76° 17' 24" W) (3) construct and maintain a 70.0-foot by 55.6-foot Headworks Building, a 10.0-foot by 43.25-foot UV Channel and a 10.6-foot by 59-foot Post Aeration Basin in the 100-year floodplain of the Tulpehocken Creek (TSF), (Richland, PA Quadrangle North: 22.5 inches; West: 5.5 inches, Latitude: 40° 22' 19" N; Longitude: 76° 17' 22" W) for the purpose of upgrading the existing wastewater treatment facility located in Jackson Township, Lebanon County.

E38-152: Love's Travel Stop and Country Stores, Inc., P. O. Box 26210, Oklahoma City, OK, 73126, ACOE Baltimore District.

To construct and maintain a storm sewer outfall to Forge Creek (WWF) and to place and maintain fill 0.049 acre of PEM wetlands for the purpose of constructing a country store, restaurant and gas station, located in the southeast quadrant of the SR 0081 and SR 4020 interchange (Indiantown Gap, PA Quadrangle N: 13.62 inches; W: 2.16 inches, Latitude: 40° 27' 0"; Longitude: 76° 30' 56") in Union Township, **Lebanon County**. The amount of wetland impact is deminimis and wetland replacement is not required.

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

E17-432. Clearfield Creek Watershed Association, 216 Bedlin Hollow Road, Ashville, PA 16613. Morgan Run-FROG Acid Mine Drainage Treatment Project in Decatur Township, **Clearfield County**, ACOE Baltimore District (Wallaceton, PA Quadrangle Latitude: 40° 53' 15"; Longitude: 78° 21' 33").

The applicant shall construct, operate and maintain a passive treatment acid mine drainage treatment; three

rock outfalls; and channel relocation in a UNT to Morgan Run and wetlands associated 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 FROG, Morgan Run No. 7 and Morgan Run Tuff acid mine drainage treatment projects. The Morgan Run FROG Acid Mine Drainage Treatment Project permanently impacts 0.489-acre of wetland, for which the permittee as agreed to include in the construction of a 1.65-acres replacement wetland to mitigate the 0.489-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 western right-of-way of Decatur Township Road No. 659 (T-659) approximately 2,275-feet south of SR 2012 and T-659 intersection.

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E63-566. Arden Landfill, Inc., 625 Cherrington Parkway, Moon Township, PA 15108. To place and maintain fill in Chartiers Township, **Washington County**, Pittsburgh ACOE District (Washington West, PA Quadrangle N: 15.7 inches; W: 2.8 inches, Latitude: 40° 12' 32"; Longitude: 80° 16' 30"). To place and maintain fill in 0.40 acre of wetlands (PSS/PEM), 568 linear feet of a UNT to Chartiers Creek (WWF) and 2,016 linear feet of a UNT to Georges Run (WWF) for the purpose of expanding the existing Arden Landfill. The project is located on the north side of Henderson Avenue approximately 9,000 feet north from the intersection of Henderson Avenue and Jefferson Avenue. To compensate for the aforementioned environmental impacts, the permittee will construct 0.50 acre of replacement wetland (PSS/PEM) and will restore approximately 2,365 linear feet of headwater tributaries within the Chartiers Creek Watershed by removing tile drains.

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>
0704007	Pennsylvania BioDiesel, Inc. Northgate Industrial Park 759 Northgate Circle New Castle, PA 16105 Attn: Patrick Copple	Beaver	Potter Township	4 ASTs storing methanol	56,400 gallons total
0702027	Sunoco Chemicals 200 Neville Road Neville Island, PA 15225 Attn: Albert Lang	Allegheny	Neville Island Township	5 ASTs storing regulated substances	1,750,000 gallons total

[Pa.B. Doc. No. 07-1151. Filed for public inspection June 29, 2007, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2007.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance

DEP ID: 385-2100-001. Title: Stream Well and Raw Water Diversion Permitting Procedures. Description: This guidance describes the procedures Department staff will follow to permit a well or surface water source which discharges directly into a waterway or reservoir for the purpose of providing a continuous or supplemental source of water supply. The applicability of the Safe Drinking Water Act and regulations, as well as other statutes pertaining to stream wells and raw water diversion are also discussed in the guidance. Written comments: The Department is seeking comments on draft technical guidance #385-2100-001. Interested persons may submit written comments on this draft technical guidance document by July 30, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Parimal Parikh, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, P. O. Box 8774, Harrisburg, PA 17105-8774, pparikh@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to Parimal Parikh at (717) 783-8394, pparikh@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

DEP ID: 361-5500-001. Title: Administrative Manual for the Special Projects Funding Program of the Pennsylvania Chesapeake Bay Program. Description: This manual provides guidance to Conservation District staff on the administrative processes involved with the Special Projects Funding Program of the Chesapeake Bay Program, including the development, implementation and

funding of special projects. The Special Projects Funding Program was implemented to best utilize the limited funding for Best Management Practices within the Chesapeake Bay Program. The focus of special projects should be the improvement of water quality through the reduction of nutrient and sediment loads. This manual is a companion to the existing manual, *Administrative Manual for the Pennsylvania Chesapeake Bay Program*, and is not intended to supersede any contents of that manual, unless otherwise noted. Written comments: The Department is seeking comments on draft technical guidance #361-5500-001. Interested persons may submit written comments on this draft technical guidance document by July 30, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Frank Schneider, Department of Environmental Protection, Bureau of Watershed Management, Rachel Carson State Office Building, 10th Floor, Harrisburg, PA 17101, fschneider@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to Frank Schneider at (717) 772-5972, fschneider@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1152. Filed for public inspection June 29, 2007, 9:00 a.m.]

Bid Requests

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 No. 1, 86,253 cubic yards in Area No. 2, 18,989 cubic yards in Area No. 3, 37,045 cubic yards in Area No. 5, 74,745 cubic yards in Area No. 6, 61,165 cubic yards in Area No. 7, 38,043 cubic yards of Area No. 8, 39,822 cubic yards on Area No. 9, 49.7 acres of seeding and planting 8,550 trees. This project issues on June 22, 2007, and bids will be opened on July 19, 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 (52 P. S. §§ 1396.1—1396.19a), 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. 07-1153. Filed for public inspection June 29, 2007, 9:00 a.m.]

Nonpoint Source Liaison Workgroup Meeting

The Nonpoint Source Liaison Workgroup will meet on October 23, 2007, at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Steven Lathrop, Division of Watershed Protection, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 772-5618, slathrop@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department of Environmental Protection at (717) 772-5618 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1154. Filed for public inspection June 29, 2007, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale Adams County

State-owned real estate for sale in Cumberland Township, Adams County, PA. The Department of General Services, through its Broker, Studley, Inc., 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 August 30, 2007. Interested parties wishing to receive a copy of Solicitation No. 94127 should call Bradford Mills, Studley, Inc., at (267) 256-7575, bmills@studley.com.

JAMES P. CREEDON,
Secretary

[Pa.B. Doc. No. 07-1155. Filed for public inspection June 29, 2007, 9:00 a.m.]

DEPARTMENT OF HEALTH

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, July 18, 2007, from 9 a.m.—4 p.m., and Thursday, July 19, 2007, from 9 a.m.—2:30 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other

accommodation to do so should also contact Kenneth McGarvey at the previous number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Services at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1156. Filed for public inspection June 29, 2007, 9:00 a.m.]

Long-Term Care Nursing Facility; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(a) (relating to nurses' station).

Garden Spot Village
433 South Kinzer Avenue
New Holland, PA 17557
FAC ID 14350200

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1157. Filed for public inspection June 29, 2007, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization and conditions of participation) and 7 CFR 246.12 (relating to food delivery system), the WIC Program

hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective July 1, 2007, through September 30, 2007, the maximum allowable prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$0.96
16 oz. Dry Milk	\$5.68
1 qt. Lactose Reduced Milk	\$2.16
1/2 gal. Kosher Milk	\$2.64
4 oz. Kosher Infant Juice	\$0.65
8 oz. Kosher Infant Cereal	\$1.74
1 doz. Grade A Eggs	\$1.56
1 lb. Fresh Carrots	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$6.48
1 lb. Kosher Cheese	\$7.92
1 lb. Dry Beans or Peas	\$1.63
1 oz. Adult WIC Cereal	\$0.29
8 oz. Gerber Infant Cereal	\$1.74
15 to 18 oz. Peanut Butter	\$2.87
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.91
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.98
4 oz. Gerber Infant Juice	\$0.65
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.16
16 oz. Alimentum Advance Powder Formula	\$26.22
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$13.36
13 oz. Isomil Advance Concentrate Formula	\$4.73
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.83
12.9 oz. Isomil Advance Powder Formula	\$14.37
12.9 oz. Isomil 2 Advance Powder Formula	\$13.17
12.9 oz. Isomil Go & Grow Soy	\$11.47
13 oz. Isomil with Iron Concentrate Formula	\$5.42
12.9 oz. Isomil with Iron Powder Formula	\$13.39
32 oz. Isomil DF Ready-to-Feed Formula	\$6.95
13 oz. Nutramigen Lipil Concentrate Formula	\$6.71
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.31
16 oz. Nutramigen Lipil Powder Formula	\$24.26
8 oz. Pediasure Ready-to-Feed Formula	\$1.82
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$1.88
13 oz. Similac Advance Concentrate Formula	\$4.31
32 oz. Similac Advance Ready-to-Feed Formula	\$6.12
12.9 oz. Similac Advance Powder Formula	\$13.34
12.9 oz. Similac 2 Advance Powder Formula	\$12.08
12.9 oz. Similac Go & Grow Milk	\$11.35
13 oz. Similac with Iron Concentrate Formula	\$4.01
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.33
12.9 oz. Similac with Iron Powder Formula	\$12.84

Maximum Allowable Price

<i>Description</i>	<i>Maximum Allowable Price</i>
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.56
13 oz. Similac Sensitive Concentrate Formula	\$4.78
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$5.67
32 oz. Similac Sensitive Ready-to-Feed Formula	\$5.95
12.9 oz. Similac Lactose Free Advance Powder Formula	\$13.75
12.9 oz. Similac Sensitive Powder	\$14.44
12.8 oz. Similac Neosure Advance Powder Formula	\$15.32

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustments).

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2007, through September 30, 2007, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.26
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$0.91
16 oz. Dry Milk	\$5.44
1 doz. Grade A Eggs	\$1.49
1 lb. Fresh Carrots	\$1.08
14 to 16 oz. Canned Carrots	\$1.08
1 lb. Cheese	\$5.86
1 lb. Kosher Cheese	\$7.73
1 lb. Dry Beans or Peas	\$1.43
1 oz. Adult WIC Cereal	\$0.28
8 oz. Gerber Infant Cereal	\$1.74
15 to 18 oz. Peanut Butter	\$2.56
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.68
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.90
4 oz. Gerber Infant Juice	\$0.65
13 oz. Isomil Advance Concentrate Formula	\$4.73
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.83
12.9 oz. Isomil Advance Powder Formula	\$14.37
13 oz. Similac Advance Concentrate Formula	\$4.31
32 oz. Similac Advance Ready-to-Feed Formula	\$6.12
12.9 oz. Similac Advance Powder Formula	\$13.34

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective July 1, 2007, through September 30, 2007, the maximum allowable prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$1.06
16 oz. Dry Milk	\$5.68
1 qt. Lactose Reduced Milk	\$2.23
1/2 gal. Kosher Milk	\$2.64
4 oz. Kosher Infant Juice	\$0.67
8 oz. Kosher Infant Cereal	\$1.85
1 doz. Grade A Eggs	\$1.62
1 lb. Fresh Carrots	\$1.15
14 to 16 oz. Canned Carrots	\$1.15
1 lb. Cheese	\$6.48
1 lb. Kosher Cheese	\$8.90
1 lb. Dry Beans or Peas	\$1.83
1 oz. Adult WIC Cereal	\$0.32
8 oz. Gerber Infant Cereal	\$1.85
15 to 18 oz. Peanut Butter	\$2.87
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.02
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.04
4 oz. Gerber Infant Juice	\$0.67
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.33
16 oz. Alimentum Advance Powder Formula	\$26.64
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$13.75
13 oz. Isomil Advance Concentrate Formula	\$5.04
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.77
12.9 oz. Isomil Advance Powder Formula	\$15.09
12.9 oz. Isomil 2 Advance Powder Formula	\$14.46
12.9 oz. Isomil Go & Grow Soy	\$12.60
13 oz. Isomil with Iron Concentrate Formula	\$5.70
12.9 oz. Isomil with Iron Powder Formula	\$14.33
32 oz. Isomil DF Ready-to-Feed Formula	\$6.95
13 oz. Nutramigen Lipil Concentrate Formula	\$7.03
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.67
16 oz. Nutramigen Lipil Powder Formula	\$25.46
8 oz. PediaSure Ready-to-Feed Formula	\$2.00
8 oz. PediaSure with Fiber Ready-to-Feed Formula	\$2.08
13 oz. Similac Advance Concentrate Formula	\$4.67
32 oz. Similac Advance Ready-to-Feed Formula	\$6.85
12.9 oz. Similac Advance Powder Formula	\$14.14
12.9 oz. Similac 2 Advance Powder Formula	\$12.85
12.9 oz. Similac Go & Grow Milk	\$12.07
13 oz. Similac with Iron Concentrate Formula	\$4.48
32 oz. Similac with Iron Ready-to-Feed Formula	\$6.29
12.9 oz. Similac with Iron Powder Formula	\$13.54
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.82

<i>Description</i>	<i>Maximum Allowable Price</i>
13 oz. Similac Sensitive Concentrate Formula	\$5.04
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.34
32 oz. Similac Sensitive Ready-to-Feed Formula	\$6.62
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.35
12.9 oz. Similac Sensitive Powder	\$15.04
12.8 oz. Similac Neosure Advance Powder Formula	\$16.22

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2007, through September 30, 2007, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.26
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$1.00
16 oz. Dry Milk	\$5.54
1 doz. Grade A Eggs	\$1.55
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$5.93
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.60
1 oz. Adult WIC Cereal	\$0.31
8 oz. Gerber Infant Cereal	\$1.85
15 to 18 oz. Peanut Butter	\$2.56
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.78
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.97
4 oz. Gerber Infant Juice	\$0.67
13 oz. Isomil Advance Concentrate Formula	\$5.04
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.77
12.9 oz. Isomil Advance Powder Formula	\$15.09
13 oz. Similac Advance Concentrate Formula	\$4.67
32 oz. Similac Advance Ready-to-Feed Formula	\$6.85
12.9 oz. Similac Advance Powder Formula	\$14.14

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective July 1, 2007, through September 30, 2007, the maximum allowable prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$1.09
16 oz. Dry Milk	\$5.68
1 qt. Lactose Reduced Milk	\$2.30
1/2 gal. Kosher Milk	\$2.64
4 oz. Kosher Infant Juice	\$0.70
8 oz. Kosher Infant Cereal	\$1.96
1 doz. Grade A Eggs	\$1.62
1 lb. Fresh Carrots	\$1.16
14 to 16 oz. Canned Carrots	\$1.16
1 lb. Cheese	\$6.48
1 lb. Kosher Cheese	\$8.90
1 lb. Dry Beans or Peas	\$1.83
1 oz. Adult WIC Cereal	\$0.34
8 oz. Gerber Infant Cereal	\$1.96
15 to 18 oz. Peanut Butter	\$2.87
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.02
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.04
4 oz. Gerber Infant Juice	\$0.70
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.49
16 oz. Alimentum Advance Powder Formula	\$27.50
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$14.13
13 oz. Isomil Advance Concentrate Formula	\$5.43
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.85
12.9 oz. Isomil Advance Powder Formula	\$15.80
12.9 oz. Isomil 2 Advance Powder Formula	\$15.74
12.9 oz. Isomil Go & Grow Soy	\$13.71
13 oz. Isomil with Iron Concentrate Formula	\$5.97
12.9 oz. Isomil with Iron Powder Formula	\$15.27
32 oz. Isomil DF Ready-to-Feed Formula	\$6.95
13 oz. Nutramigen Lipil Concentrate Formula	\$7.34
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.25
16 oz. Nutramigen Lipil Powder Formula	\$26.11
8 oz. PediaSure Ready-to-Feed Formula	\$2.11
8 oz. PediaSure with Fiber Ready-to-Feed Formula	\$2.30
13 oz. Similac Advance Concentrate Formula	\$5.07
32 oz. Similac Advance Ready-to-Feed Formula	\$7.68
12.9 oz. Similac Advance Powder Formula	\$14.93
12.9 oz. Similac 2 Advance Powder Formula	\$14.10
12.9 oz. Similac Go & Grow Milk	\$13.25
13 oz. Similac with Iron Concentrate Formula	\$5.02
32 oz. Similac with Iron Ready-to-Feed Formula	\$7.27
12.9 oz. Similac with Iron Powder Formula	\$14.41
13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.21

Maximum Allowable Price

<i>Description</i>	<i>Maximum Allowable Price</i>
13 oz. Similac Sensitive Concentrate Formula	\$5.43
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$7.14
32 oz. Similac Sensitive Ready-to-Feed Formula	\$7.42
12.9 oz. Similac Lactose Free Advance Powder Formula	\$15.10
12.9 oz. Similac Sensitive Powder	\$15.79
12.8 oz. Similac Neosure Advance Powder Formula	\$17.68

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2007, through September 30, 2007, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.26
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$1.03
16 oz. Dry Milk	\$5.54
1 doz. Grade A Eggs	\$1.55
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$5.93
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.60
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$1.96
15 to 18 oz. Peanut Butter	\$2.56
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.78
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.97
4 oz. Gerber Infant Juice	\$0.70
13 oz. Isomil Advance Concentrate Formula	\$5.43
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.85
12.9 oz. Isomil Advance Powder Formula	\$15.80
13 oz. Similac Advance Concentrate Formula	\$5.07
32 oz. Similac Advance Ready-to-Feed Formula	\$7.68
12.9 oz. Similac Advance Powder Formula	\$14.93

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

Maximum Allowable Prices

Effective April 1, 2007, through June 30, 2007, the maximum allowable prices the Department will pay Type 1 Stores in High Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.28
12 oz. Evaporated Milk	\$1.04
16 oz. Dry Milk	\$5.90
1 qt. Lactose Reduced Milk	\$2.16
1/2 gal. Kosher Milk	\$2.46
4 oz. Kosher Infant Juice	\$0.68
8 oz. Kosher Infant Cereal	\$1.83
1 doz. Grade A Eggs	\$1.93
1 lb. Fresh Carrots	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$6.64
1 lb. Kosher Cheese	\$7.92
1 lb. Dry Beans or Peas	\$1.70
1 oz. Adult WIC Cereal	\$0.31
8 oz. Gerber Infant Cereal	\$1.83
15 to 18 oz. Peanut Butter	\$3.30
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.15
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.15
4 oz. Gerber Infant Juice	\$0.68
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.85
16 oz. Alimentum Advance Powder Formula	\$25.18
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$13.65
13 oz. Isomil Advance Concentrate Formula	\$4.72
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.65
12.9 oz. Isomil Advance Powder Formula	\$14.49
12.9 oz. Isomil 2 Advance Powder Formula	\$13.95
13 oz. Isomil with Iron Concentrate Formula	\$5.61
12.9 oz. Isomil with Iron Powder Formula	\$13.25
32 oz. Isomil DF Ready-to-Feed Formula	\$6.96
13 oz. Nutramigen Lipil Concentrate Formula	\$6.76
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.47
16 oz. Nutramigen Lipil Powder Formula	\$25.14
8 oz. PediaSure Ready-to-Feed Formula	\$2.05
8 oz. PediaSure with Fiber Ready-to-Feed Formula	\$2.01
13 oz. Similac Advance Concentrate Formula	\$4.40
32 oz. Similac Advance Ready-to-Feed Formula	\$6.15
12.9 oz. Similac Advance Powder Formula	\$13.77
12.9 oz. Similac 2 Advance Powder Formula	\$12.41
13 oz. Similac with Iron Concentrate Formula	\$4.22
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.46
12.9 oz. Similac with Iron Powder Formula	\$13.28
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.67

Description

32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.30
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.33
12.8 oz. Similac Neosure Advance Powder Formula	\$15.32

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2007, through June 30, 2007, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.12
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$0.96
16 oz. Dry Milk	\$5.68
1 doz. Grade A Eggs	\$1.85
1 lb. Fresh Carrots	\$1.08
14 to 16 oz. Canned Carrots	\$1.08
1 lb. Cheese	\$5.96
1 lb. Kosher Cheese	\$7.73
1 lb. Dry Beans or Peas	\$1.46
1 oz. Adult WIC Cereal	\$0.29
8 oz. Gerber Infant Cereal	\$1.83
15 to 18 oz. Peanut Butter	\$2.89
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.85
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.03
4 oz. Gerber Infant Juice	\$0.68
13 oz. Isomil Advance Concentrate Formula	\$4.72
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.65
12.9 oz. Isomil Advance Powder Formula	\$14.49
13 oz. Similac Advance Concentrate Formula	\$4.40
32 oz. Similac Advance Ready-to-Feed Formula	\$6.15
12.9 oz. Similac Advance Powder Formula	\$13.77

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

Effective July 1, 2007, through September 30, 2007, the maximum allowable prices the Department will pay Type 1 Stores in High Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.46
12 oz. Evaporated Milk	\$1.04
16 oz. Dry Milk	\$5.90
1 qt. Lactose Reduced Milk	\$2.16
1/2 gal. Kosher Milk	\$2.64
4 oz. Kosher Infant Juice	\$0.68
8 oz. Kosher Infant Cereal	\$1.83
1 doz. Grade A Eggs	\$1.65
1 lb. Fresh Carrots	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$6.64
1 lb. Kosher Cheese	\$7.92
1 lb. Dry Beans or Peas	\$1.77
1 oz. Adult WIC Cereal	\$0.31
8 oz. Gerber Infant Cereal	\$1.83
15 to 18 oz. Peanut Butter	\$3.30
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.18
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.15
4 oz. Gerber Infant Juice	\$0.68
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.29
16 oz. Alimentum Advance Powder Formula	\$26.44
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$13.65
13 oz. Isomil Advance Concentrate Formula	\$4.94
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.93
12.9 oz. Isomil Advance Powder Formula	\$15.18
12.9 oz. Isomil 2 Advance Powder Formula	\$13.95
12.9 oz. Isomil Go & Grow Soy	\$12.15
13 oz. Isomil with Iron Concentrate Formula	\$5.82
12.9 oz. Isomil with Iron Powder Formula	\$13.88
32 oz. Isomil DF Ready-to-Feed Formula	\$7.26
13 oz. Nutramigen Lipil Concentrate Formula	\$6.76
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.47
16 oz. Nutramigen Lipil Powder Formula	\$25.14
8 oz. Pediasure Ready-to-Feed Formula	\$2.05
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.01
13 oz. Similac Advance Concentrate Formula	\$4.60
32 oz. Similac Advance Ready-to-Feed Formula	\$6.44
12.9 oz. Similac Advance Powder Formula	\$14.41
12.9 oz. Similac 2 Advance Powder Formula	\$12.41
12.9 oz. Similac Go & Grow Milk	\$11.66
13 oz. Similac with Iron Concentrate Formula	\$4.41
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.71
12.9 oz. Similac with Iron Powder Formula	\$13.88
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.67
13 oz. Similac Sensitive Concentrate Formula	\$4.89
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.30
32 oz. Similac Sensitive Ready-to-Feed Formula	\$6.58

<i>Description</i>	<i>Maximum Allowable Price</i>
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.33
12.9 oz. Similac Sensitive Powder	\$15.02
12.8 oz. Similac Neosure Advance Powder Formula	\$16.05

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2007, through September 30, 2007, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.30
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat, or Skim	\$2.43
12 oz. Evaporated Milk	\$0.96
16 oz. Dry Milk	\$5.68
1 doz. Grade A Eggs	\$1.57
1 lb. Fresh Carrots	\$1.08
14 to 16 oz. Canned Carrots	\$1.08
1 lb. Cheese	\$5.96
1 lb. Kosher Cheese	\$7.73
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.29
8 oz. Gerber Infant Cereal	\$1.83
15 to 18 oz. Peanut Butter	\$2.89
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.88
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.03
4 oz. Gerber Infant Juice	\$0.68
13 oz. Isomil Advance Concentrate Formula	\$4.94
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.93
12.9 oz. Isomil Advance Powder Formula	\$15.18
13 oz. Similac Advance Concentrate Formula	\$4.60
32 oz. Similac Advance Ready-to-Feed Formula	\$6.44
12.9 oz. Similac Advance Powder Formula	\$14.41
12.9 oz. Similac 2 Advance Powder Formula	\$12.41
12.9 oz. Similac Go & Grow Milk	\$11.66
13 oz. Similac with Iron Concentrate Formula	\$4.41
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.71
12.9 oz. Similac with Iron Powder Formula	\$13.88
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.67
13 oz. Similac Sensitive Concentrate Formula	\$4.89
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.30
32 oz. Similac Sensitive Ready-to-Feed Formula	\$6.58

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

Maximum Allowable Prices

Effective July 1, 2007, through September 30, 2007, the maximum allowable prices the Department will pay Type 2 Stores in High Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.49
12 oz. Evaporated Milk	\$1.09
16 oz. Dry Milk	\$5.90
1 qt. Lactose Reduced Milk	\$2.23
1/2 gal. Kosher Milk	\$2.91
4 oz. Kosher Infant Juice	\$0.71
8 oz. Kosher Infant Cereal	\$1.83
1 doz. Grade A Eggs	\$1.67
1 lb. Fresh Carrots	\$1.15
14 to 16 oz. Canned Carrots	\$1.15
1 lb. Cheese	\$6.64
1 lb. Kosher Cheese	\$8.90
1 lb. Dry Beans or Peas	\$1.83
1 oz. Adult WIC Cereal	\$0.34
8 oz. Gerber Infant Cereal	\$1.92
15 to 18 oz. Peanut Butter	\$3.30
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.18
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.15
4 oz. Gerber Infant Juice	\$0.71
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.74
16 oz. Alimentum Advance Powder Formula	\$27.74
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$14.59
13 oz. Isomil Advance Concentrate Formula	\$5.31
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.57
12.9 oz. Isomil Advance Powder Formula	\$15.79
12.9 oz. Isomil 2 Advance Powder Formula	\$14.83
12.9 oz. Isomil Go & Grow Soy	\$12.92
13 oz. Isomil with Iron Concentrate Formula	\$6.01
12.9 oz. Isomil with Iron Powder Formula	\$14.57
32 oz. Isomil DF Ready-to-Feed Formula	\$7.26
13 oz. Nutramigen Lipil Concentrate Formula	\$7.20
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.03
16 oz. Nutramigen Lipil Powder Formula	\$25.95
8 oz. Pediasure Ready-to-Feed Formula	\$2.11
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.16
13 oz. Similac Advance Concentrate Formula	\$4.95
32 oz. Similac Advance Ready-to-Feed Formula	\$7.24
12.9 oz. Similac Advance Powder Formula	\$14.91
12.9 oz. Similac 2 Advance Powder Formula	\$13.77
12.9 oz. Similac Go & Grow Milk	\$12.94
13 oz. Similac with Iron Concentrate Formula	\$4.83
32 oz. Similac with Iron Ready-to-Feed Formula	\$6.66
12.9 oz. Similac with Iron Powder Formula	\$14.26
13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.12
13 oz. Similac Sensitive Concentrate Formula	\$5.34
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.89
32 oz. Similac Sensitive Ready-to-Feed Formula	\$7.17

<i>Description</i>	<i>Maximum Allowable Price</i>
12.9 oz. Similac Lactose Free Advance Powder Formula	\$15.02
12.9 oz. Similac Sensitive Powder	\$15.71
12.8 oz. Similac Neosure Advance Powder Formula	\$17.27

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2007, through September 30, 2007, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.30
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.68
12 oz. Evaporated Milk	\$1.03
16 oz. Dry Milk	\$5.68
1 doz. Grade A Eggs	\$1.62
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$5.82
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.60
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$1.92
15 to 18 oz. Peanut Butter	\$2.89
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.89
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.05
4 oz. Gerber Infant Juice	\$0.71
13 oz. Isomil Advance Concentrate Formula	\$5.31
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.57
12.9 oz. Isomil Advance Powder Formula	\$15.79
13 oz. Similac Advance Concentrate Formula	\$4.95
32 oz. Similac Advance Ready-to-Feed Formula	\$7.24
12.9 oz. Similac Advance Powder Formula	\$14.91

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

Maximum Allowable Prices

Effective July 1, 2007, through September 30, 2007, the maximum allowable prices the Department will pay Type 3 Stores in High Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.51
12 oz. Evaporated Milk	\$1.13
16 oz. Dry Milk	\$5.90
1 qt. Lactose Reduced Milk	\$2.30
1/2 gal. Kosher Milk	\$3.18
4 oz. Kosher Infant Juice	\$0.74
8 oz. Kosher Infant Cereal	\$1.83
1 doz. Grade A Eggs	\$1.69
1 lb. Fresh Carrots	\$1.16
14 to 16 oz. Canned Carrots	\$1.16
1 lb. Cheese	\$6.64
1 lb. Kosher Cheese	\$8.90
1 lb. Dry Beans or Peas	\$1.83
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$2.06
15 to 18 oz. Peanut Butter	\$3.30
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.18
6 oz. Cans Juice	\$1.46
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.15
4 oz. Gerber Infant Juice	\$0.74
32 oz. Alimentum Advance Ready-to-Feed Formula	\$10.18
16 oz. Alimentum Advance Powder Formula	\$29.03
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$15.53
13 oz. Isomil Advance Concentrate Formula	\$5.74
32 oz. Isomil Advance Ready-to-Feed Formula	\$8.21
12.9 oz. Isomil Advance Powder Formula	\$16.72
12.9 oz. Isomil 2 Advance Powder Formula	\$16.11
12.9 oz. Isomil Go & Grow Soy	\$14.03
13 oz. Isomil with Iron Concentrate Formula	\$6.19
12.9 oz. Isomil with Iron Powder Formula	\$15.75
32 oz. Isomil DF Ready-to-Feed Formula	\$7.26
13 oz. Nutramigen Lipil Concentrate Formula	\$7.63
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.92
16 oz. Nutramigen Lipil Powder Formula	\$27.16
8 oz. Pediasure Ready-to-Feed Formula	\$2.25
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.36
13 oz. Similac Advance Concentrate Formula	\$5.36
32 oz. Similac Advance Ready-to-Feed Formula	\$8.03
12.9 oz. Similac Advance Powder Formula	\$15.75
12.9 oz. Similac 2 Advance Powder Formula	\$15.12
12.9 oz. Similac Go & Grow Milk	\$14.21
13 oz. Similac with Iron Concentrate Formula	\$5.29
32 oz. Similac with Iron Ready-to-Feed Formula	\$7.61
12.9 oz. Similac with Iron Powder Formula	\$15.11
13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.56
13 oz. Similac Sensitive Concentrate Formula	\$5.78
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$7.51
32 oz. Similac Sensitive Ready-to-Feed Formula	\$7.79

<i>Description</i>	<i>Maximum Allowable Price</i>
12.9 oz. Similac Lactose Free Advance Powder Formula	\$16.08
12.9 oz. Similac Sensitive Powder	\$16.77
12.8 oz. Similac Neosure Advance Powder Formula	\$18.57

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2007, through September 30, 2007, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.49
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.92
12 oz. Evaporated Milk	\$1.11
16 oz. Dry Milk	\$5.68
1 doz. Grade A Eggs	\$1.67
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$6.12
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.60
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$2.06
15 to 18 oz. Peanut Butter	\$2.89
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.90
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.07
4 oz. Gerber Infant Juice	\$0.74
13 oz. Isomil Advance Concentrate Formula	\$5.74
32 oz. Isomil Advance Ready-to-Feed Formula	\$8.21
12.9 oz. Isomil Advance Powder Formula	\$16.72
13 oz. Similac Advance Concentrate Formula	\$5.36
32 oz. Similac Advance Ready-to-Feed Formula	\$8.03
12.9 oz. Similac Advance Powder Formula	\$15.75

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille), should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1158. Filed for public inspection June 29, 2007, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Additional Class of Payments to Qualifying Acute Care General Hospitals

The purpose of this notice is to announce the Department of Public Welfare's (Department) intent to establish a one-time additional class of disproportionate share hospital payment for certain qualifying hospitals.

The Department intends to make this one-time payment, in addition to the classes of disproportionate share hospital payments already made under the Medical Assistance (MA) Program, to certain qualifying acute care general hospitals to assure the hospitals' continued participation in the MA Program.

The Department intends to consider an acute care general hospital eligible for this additional class of disproportionate share hospital payment if the acute care general hospital meets all of the following criteria:

1. The hospital is "state related" as defined by the Institutions of Purely Public Charity Act (10 P. S. §§ 371—385).

2. The hospital's liabilities exceed assets on its filed cost report for Fiscal Year (FY) 2003-2004.

3. The hospital's ratio of MA days to total days is two standard deviations above the mean ratio of MA days to total days for hospitals receiving Medicaid payments in the State in FY 2003-2004.

A one-time allocation of \$250,000 from the Department of Health is available for this additional class of payments. Payments will be made to all qualifying hospitals. Payment for each hospital will be determined by multiplying the total available funds by the hospital's percentage of inpatient MA days to the total inpatient MA days of all qualifying hospitals.

Fiscal Impact

The FY 2006-2007 fiscal impact, as a result of this additional class of disproportionate share payments, is \$548,125 in total funds (\$250,000 in State General funds and \$298,125 in Federal funds). The State share of this payment is provided under the Department of Health-Health Research and Services appropriation, and the Federal share is provided under the Department of Public Welfare MA-Inpatient Programs.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department at the following address Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid, service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-513. (1) General Fund:

	<i>DOH, RS</i>	<i>DPW, MA-Inpatient</i>
Implementing Year		
(2) 2006-07 is	\$250,000	0
1st succeeding Year		
(3) 2007-08 is	\$0	0
2nd succeeding Year		
2008-09 is	\$0	0
3rd succeeding Year		
2009-10 is	\$0	0
4th succeeding Year		
2010-11 is	\$0	0
5th succeeding Year		
2011-12 is	\$0	0
(4) 2005-06 Program—	\$14,131,000	\$474,693,000
2004-05 Program—	\$16,469,000	\$531,785,000
2003-04 Program—	\$7,350,000	\$411,042,000

(7) Department of Health, Research and Services (DOH, RS); Department of Public Welfare, Medical Assistance-Inpatient (DPW, MA-Inpatient); (8) recommends adoption. Funds have been included in the budget to cover these increases. This payment is eligible for Federal matching funds and is included in the DPW MA—Inpatient budget.

[Pa.B. Doc. No. 07-1159. Filed for public inspection June 29, 2007, 9:00 a.m.]

Income Limits and Co-payments for the Subsidized Child Care Program

The purpose of this notice is to increase the income limits codified at 55 Pa. Code Chapter 3041, Appendix B (relating to co-payment chart family co-payment scale (based on the 2007 FPIGs)) under 55 Pa. Code § 3041.107(b) (relating to availability and use of the Federal Poverty Income Guidelines). This increase is effective May 7, 2007.

Section 3041.107(b) of 55 Pa. Code (relating to availability and use of the Federal Poverty Income Guidelines) requires the Department of Public Welfare to update the co-payment schedule in 55 Pa. Code Chapter 3041, Appendix B to reflect changes in the Federal Poverty Income Guidelines (FPIG). Effective May 7, 2007, the income guidelines for the subsidized child care program are increased due to increases in the FPIG. The co-payment schedule is adjusted to reflect the increases. Chapter 3041, Appendix B of 55 Pa. Code also establishes the family co-payment levels according to the family's computed annual income and lists the weekly family co-payment based on the annual family income.

ESTELLE B. RICHMAN,
Secretary

Co-Payment Chart
Family Co-Payment Scale
 (Based on the 2007 Federal Poverty Income Guidelines)

Weekly Co-pay	Family Size: 1 Annual Income		Family Size: 2 Annual Income		Family Size: 3 Annual Income	
	\$5.00	Less than:	\$8,210	Less than:	\$11,690	Less than:
\$10.00	\$ 8,210.01	\$10,210	\$11,690.01	\$13,690	\$13,170.01	\$15,170
\$15.00	\$10,210.01	\$12,210	\$13,690.01	\$15,690	\$15,170.01	\$17,170
\$20.00	\$12,210.01	\$14,210	\$15,690.01	\$17,690	\$17,170.01	\$19,170
\$25.00	\$14,210.01	\$16,210	\$17,690.01	\$19,690	\$19,170.01	\$21,170
\$30.00	\$16,210.01	\$18,210	\$19,690.01	\$21,690	\$21,170.01	\$23,170
\$35.00	\$18,210.01	\$20,210	\$21,690.01	\$23,690	\$23,170.01	\$25,170
\$40.00	\$20,210.01	\$22,210	\$23,690.01	\$25,690	\$25,170.01	\$27,170
\$45.00	\$22,210.01	\$23,994	\$25,690.01	\$27,690	\$27,170.01	\$29,170
\$50.00			\$27,690.01	\$29,690	\$29,170.01	\$31,170
\$55.00			\$29,690.01	\$31,690	\$31,170.01	\$33,170
\$60.00			\$31,690.01	\$32,172	\$33,170.01	\$35,170
\$65.00					\$35,170.01	\$37,170
\$70.00					\$37,170.01	\$39,170
\$75.00					\$39,170.01	\$40,350
	200% FPIG	\$20,420	200% FPIG	\$27,380	200% FPIG	\$34,340

Weekly Co-pay	Family Size: 4 Annual Income		Family Size: 5 Annual Income		Family Size: 6 Annual Income	
	\$5.00	Less than:	\$14,650	Less than:	\$16,130	Less than:
\$10.00	\$14,650.01	\$16,650	\$16,130.01	\$18,130	\$17,610.01	\$19,610
\$15.00	\$16,650.01	\$18,650	\$18,130.01	\$20,130	\$19,610.01	\$21,610
\$20.00	\$18,650.01	\$20,650	\$20,130.01	\$22,130	\$21,610.01	\$23,610
\$25.00	\$20,650.01	\$22,650	\$22,130.01	\$24,130	\$23,610.01	\$25,610
\$30.00	\$22,650.01	\$24,650	\$24,130.01	\$26,130	\$25,610.01	\$27,610
\$35.00	\$24,650.01	\$26,650	\$26,130.01	\$28,130	\$27,610.01	\$29,610
\$40.00	\$26,650.01	\$28,650	\$28,130.01	\$30,130	\$29,610.01	\$31,610
\$45.00	\$28,650.01	\$30,650	\$30,130.01	\$32,130	\$31,610.01	\$33,610
\$50.00	\$30,650.01	\$32,650	\$32,130.01	\$34,130	\$33,610.01	\$35,610
\$55.00	\$32,650.01	\$34,650	\$34,130.01	\$36,130	\$35,610.01	\$37,610
\$60.00	\$34,650.01	\$36,650	\$36,130.01	\$38,130	\$37,610.01	\$39,610
\$65.00	\$36,650.01	\$38,650	\$38,130.01	\$40,130	\$39,610.01	\$41,610
\$70.00	\$38,650.01	\$40,650	\$40,130.01	\$42,130	\$41,610.01	\$43,610
\$75.00	\$40,650.01	\$42,650	\$42,130.01	\$44,130	\$43,610.01	\$45,610
\$80.00	\$42,650.01	\$44,650	\$44,130.01	\$46,130	\$45,610.01	\$47,610
\$85.00	\$44,650.01	\$46,650	\$46,130.01	\$48,130	\$47,610.01	\$49,610
\$90.00	\$46,650.01	\$48,528	\$48,130.01	\$50,130	\$49,610.01	\$51,610
\$95.00			\$50,130.01	\$52,130	\$51,610.01	\$53,610
\$100.00			\$52,130.01	\$54,130	\$53,610.01	\$55,610
\$105.00			\$54,130.01	\$56,130	\$55,610.01	\$57,610
\$110.00			\$56,130.01	\$56,706	\$57,610.01	\$59,610
\$115.00					\$59,610.01	\$61,610
\$120.00					\$61,610.01	\$63,610

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Weekly Co-pay	Family Size: 4		Family Size: 5		Family Size: 6	
	Annual Income		Annual Income		Annual Income	
\$125.00					\$63,610.01	\$64,884
	200% FPIG	\$41,300	200% FPIG	\$48,260	200% FPIG	\$55,220

Weekly Co-pay	Family Size: 7		Family Size: 8		Family Size: 9	
	Annual Income		Annual Income		Annual Income	
\$5.00	Less than:	\$19,090	Less than:	\$20,570	Less than:	\$22,050
\$10.00	\$19,090.01	\$21,090	\$20,570.01	\$22,570	\$22,050.01	\$24,050
\$15.00	\$21,090.01	\$23,090	\$22,570.01	\$24,570	\$24,050.01	\$26,050
\$20.00	\$23,090.01	\$25,090	\$24,570.01	\$26,570	\$26,050.01	\$28,050
\$25.00	\$25,090.01	\$27,090	\$26,570.01	\$28,570	\$28,050.01	\$30,050
\$30.00	\$27,090.01	\$29,090	\$28,570.01	\$30,570	\$30,050.01	\$32,050
\$35.00	\$29,090.01	\$31,090	\$30,570.01	\$32,570	\$32,050.01	\$34,050
\$40.00	\$31,090.01	\$33,090	\$32,570.01	\$34,570	\$34,050.01	\$36,050
\$45.00	\$33,090.01	\$35,090	\$34,570.01	\$36,570	\$36,050.01	\$38,050
\$50.00	\$35,090.01	\$37,090	\$36,570.01	\$38,570	\$38,050.01	\$40,050
\$55.00	\$37,090.01	\$39,090	\$38,570.01	\$40,570	\$40,050.01	\$42,050
\$60.00	\$39,090.01	\$41,090	\$40,570.01	\$42,570	\$42,050.01	\$44,050
\$65.00	\$41,090.01	\$43,090	\$42,570.01	\$44,570	\$44,050.01	\$46,050
\$70.00	\$43,090.01	\$45,090	\$44,570.01	\$46,570	\$46,050.01	\$48,050
\$75.00	\$45,090.01	\$47,090	\$46,570.01	\$48,570	\$48,050.01	\$50,050
\$80.00	\$47,090.01	\$49,090	\$48,570.01	\$50,570	\$50,050.01	\$52,050
\$85.00	\$49,090.01	\$51,090	\$50,570.01	\$52,570	\$52,050.01	\$54,050
\$90.00	\$51,090.01	\$53,090	\$52,570.01	\$54,570	\$54,050.01	\$56,050
\$95.00	\$53,090.01	\$55,090	\$54,570.01	\$56,570	\$56,050.01	\$58,050
\$100.00	\$55,090.01	\$57,090	\$56,570.01	\$58,570	\$58,050.01	\$60,050
\$105.00	\$57,090.01	\$59,090	\$58,570.01	\$60,570	\$60,050.01	\$62,050
\$110.00	\$59,090.01	\$61,090	\$60,570.01	\$62,570	\$62,050.01	\$64,050
\$115.00	\$61,090.01	\$63,090	\$62,570.01	\$64,570	\$64,050.01	\$66,050
\$120.00	\$63,090.01	\$65,090	\$64,570.01	\$66,570	\$66,050.01	\$68,050
\$125.00	\$65,090.01	\$67,090	\$66,570.01	\$68,570	\$68,050.01	\$70,050
\$130.00	\$67,090.01	\$69,090	\$68,570.01	\$70,570	\$70,050.01	\$72,050
\$135.00	\$69,090.01	\$71,090	\$70,570.01	\$72,570	\$72,050.01	\$74,050
\$140.00	\$71,090.01	\$73,062	\$72,570.01	\$74,570	\$74,050.01	\$76,050
\$145.00			\$74,570.01	\$76,570	\$76,050.01	\$78,050
\$150.00			\$76,570.01	\$78,570	\$78,050.01	\$80,050
\$155.00			\$78,570.01	\$80,570	\$80,050.01	\$82,050
\$160.00			\$80,570.01	\$81,240	\$82,050.01	\$84,050
\$165.00					\$84,050.01	\$86,050
\$170.00					\$86,050.01	\$88,050
\$175.00					\$88,050.01	\$89,418
	200% FPIG	\$62,180	200% FPIG	\$69,140	200% FPIG	\$76,100

Weekly Co-pay	Family Size: 10		Family Size: 11		Family Size: 12	
	Annual Income		Annual Income		Annual Income	
\$5.00	Less than:	\$23,530	Less than:	\$25,010	Less than:	\$26,490
\$10.00	\$23,530.01	\$25,530	\$25,010.01	\$27,010	\$26,490.01	\$28,490

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<i>Weekly Co-pay</i>	<i>Family Size: 10 Annual Income</i>		<i>Family Size: 11 Annual Income</i>		<i>Family Size: 12 Annual Income</i>	
\$15.00	\$25,530.01	\$27,530	\$27,010.01	\$29,010	\$28,490.01	\$30,490
\$20.00	\$27,530.01	\$29,530	\$29,010.01	\$31,010	\$30,490.01	\$32,490
\$25.00	\$29,530.01	\$31,530	\$31,010.01	\$33,010	\$32,490.01	\$34,490
\$30.00	\$31,530.01	\$33,530	\$33,010.01	\$35,010	\$34,490.01	\$36,490
\$35.00	\$33,530.01	\$35,530	\$35,010.01	\$37,010	\$36,490.01	\$38,490
\$40.00	\$35,530.01	\$37,530	\$37,010.01	\$39,010	\$38,490.01	\$40,490
\$45.00	\$37,530.01	\$39,530	\$39,010.01	\$41,010	\$40,490.01	\$42,490
\$50.00	\$39,530.01	\$41,530	\$41,010.01	\$43,010	\$42,490.01	\$44,490
\$55.00	\$41,530.01	\$43,530	\$43,010.01	\$45,010	\$44,490.01	\$46,490
\$60.00	\$43,530.01	\$45,530	\$45,010.01	\$47,010	\$46,490.01	\$48,490
\$65.00	\$45,530.01	\$47,530	\$47,010.01	\$49,010	\$48,490.01	\$50,490
\$70.00	\$47,530.01	\$49,530	\$49,010.01	\$51,010	\$50,490.01	\$52,490
\$75.00	\$49,530.01	\$51,530	\$51,010.01	\$53,010	\$52,490.01	\$54,490
\$80.00	\$51,530.01	\$53,530	\$53,010.01	\$55,010	\$54,490.01	\$56,490
\$85.00	\$53,530.01	\$55,530	\$55,010.01	\$57,010	\$56,490.01	\$58,490
\$90.00	\$55,530.01	\$57,530	\$57,010.01	\$59,010	\$58,490.01	\$60,490
\$95.00	\$57,530.01	\$59,530	\$59,010.01	\$61,010	\$60,490.01	\$62,490
\$100.00	\$59,530.01	\$61,530	\$61,010.01	\$63,010	\$62,490.01	\$64,490
\$105.00	\$61,530.01	\$63,530	\$63,010.01	\$65,010	\$64,490.01	\$66,490
\$110.00	\$63,530.01	\$65,530	\$65,010.01	\$67,010	\$66,490.01	\$68,490
\$115.00	\$65,530.01	\$67,530	\$67,010.01	\$69,010	\$68,490.01	\$70,490
\$120.00	\$67,530.01	\$69,530	\$69,010.01	\$71,010	\$70,490.01	\$72,490
\$125.00	\$69,530.01	\$71,530	\$71,010.01	\$73,010	\$72,490.01	\$74,490
\$130.00	\$71,530.01	\$73,530	\$73,010.01	\$75,010	\$74,490.01	\$76,490
\$135.00	\$73,530.01	\$75,530	\$75,010.01	\$77,010	\$76,490.01	\$78,490
\$140.00	\$75,530.01	\$77,530	\$77,010.01	\$79,010	\$78,490.01	\$80,490
\$145.00	\$77,530.01	\$79,530	\$79,010.01	\$81,010	\$80,490.01	\$82,490
\$150.00	\$79,530.01	\$81,530	\$81,010.01	\$83,010	\$82,490.01	\$84,490
\$155.00	\$81,530.01	\$83,530	\$83,010.01	\$85,010	\$84,490.01	\$86,490
\$160.00	\$83,530.01	\$85,530	\$85,010.01	\$87,010	\$86,490.01	\$88,490
\$165.00	\$85,530.01	\$87,530	\$87,010.01	\$89,010	\$88,490.01	\$90,490
\$170.00	\$87,530.01	\$89,530	\$89,010.01	\$91,010	\$90,490.01	\$92,490
\$175.00	\$89,530.01	\$91,530	\$91,010.01	\$93,010	\$92,490.01	\$94,490
\$180.00	\$91,530.01	\$93,530	\$93,010.01	\$95,010	\$94,490.01	\$96,490
\$185.00	\$93,530.01	\$95,530	\$95,010.01	\$97,010	\$96,490.01	\$98,490
\$190.00	\$95,530.01	\$97,530	\$97,010.01	\$99,010	\$98,490.01	\$100,490
\$195.00	\$97,530.01	\$97,596	\$99,010.01	\$101,010	\$100,490.01	\$102,490
\$200.00			\$101,010.01	\$103,010	\$102,490.01	\$104,490
\$205.00			\$103,010.01	\$105,010	\$104,490.01	\$106,490
\$210.00			\$105,010.01	\$105,774	\$106,490.01	\$108,490
\$215.00					\$108,490.01	\$110,490
\$220.00					\$110,490.01	\$112,490
\$225.00					\$112,490.01	\$113,952
	200% FPIG	\$83,060	200% FPIG	\$90,020	200% FPIG	\$96,980

<i>Weekly Co-pay</i>	<i>Family Size: 13 Annual Income</i>		<i>Family Size: 14 Annual Income</i>		<i>Family Size: 15 Annual Income</i>	
\$5.00	Less than:	\$27,970	Less than:	\$29,450	Less than:	\$30,930
\$10.00	\$27,970.01	\$29,970	\$29,450.01	\$31,450	\$30,930.01	\$32,930
\$15.00	\$29,970.01	\$31,970	\$31,450.01	\$33,450	\$32,930.01	\$34,930
\$20.00	\$31,970.01	\$33,970	\$33,450.01	\$35,450	\$34,930.01	\$36,930
\$25.00	\$33,970.01	\$35,970	\$35,450.01	\$37,450	\$36,930.01	\$38,930
\$30.00	\$35,970.01	\$37,970	\$37,450.01	\$39,450	\$38,930.01	\$40,930
\$35.00	\$37,970.01	\$39,970	\$39,450.01	\$41,450	\$40,930.01	\$42,930
\$40.00	\$39,970.01	\$41,970	\$41,450.01	\$43,450	\$42,930.01	\$44,930
\$45.00	\$41,970.01	\$43,970	\$43,450.01	\$45,450	\$44,930.01	\$46,930
\$50.00	\$43,970.01	\$45,970	\$45,450.01	\$47,450	\$46,930.01	\$48,930
\$55.00	\$45,970.01	\$47,970	\$47,450.01	\$49,450	\$48,930.01	\$50,930
\$60.00	\$47,970.01	\$49,970	\$49,450.01	\$51,450	\$50,930.01	\$52,930
\$65.00	\$49,970.01	\$51,970	\$51,450.01	\$53,450	\$52,930.01	\$54,930
\$70.00	\$51,970.01	\$53,970	\$53,450.01	\$55,450	\$54,930.01	\$56,930
\$75.00	\$53,970.01	\$55,970	\$55,450.01	\$57,450	\$56,930.01	\$58,930
\$80.00	\$55,970.01	\$57,970	\$57,450.01	\$59,450	\$58,930.01	\$60,930
\$85.00	\$57,970.01	\$59,970	\$59,450.01	\$61,450	\$60,930.01	\$62,930
\$90.00	\$59,970.01	\$61,970	\$61,450.01	\$63,450	\$62,930.01	\$64,930
\$95.00	\$61,970.01	\$63,970	\$63,450.01	\$65,450	\$64,930.01	\$66,930
\$100.00	\$63,970.01	\$65,970	\$65,450.01	\$67,450	\$66,930.01	\$68,930
\$105.00	\$65,970.01	\$67,970	\$67,450.01	\$69,450	\$68,930.01	\$70,930
\$110.00	\$67,970.01	\$69,970	\$69,450.01	\$71,450	\$70,930.01	\$72,930
\$115.00	\$69,970.01	\$71,970	\$71,450.01	\$73,450	\$72,930.01	\$74,930
\$120.00	\$71,970.01	\$73,970	\$73,450.01	\$75,450	\$74,930.01	\$76,930
\$125.00	\$73,970.01	\$75,970	\$75,450.01	\$77,450	\$76,930.01	\$78,930
\$130.00	\$75,970.01	\$77,970	\$77,450.01	\$79,450	\$78,930.01	\$80,930
\$135.00	\$77,970.01	\$79,970	\$79,450.01	\$81,450	\$80,930.01	\$82,930
\$140.00	\$79,970.01	\$81,970	\$81,450.01	\$83,450	\$82,930.01	\$84,930
\$145.00	\$81,970.01	\$83,970	\$83,450.01	\$85,450	\$84,930.01	\$86,930
\$150.00	\$83,970.01	\$85,970	\$85,450.01	\$87,450	\$86,930.01	\$88,930
\$155.00	\$85,970.01	\$87,970	\$87,450.01	\$89,450	\$88,930.01	\$90,930
\$160.00	\$87,970.01	\$89,970	\$89,450.01	\$91,450	\$90,930.01	\$92,930
\$165.00	\$89,970.01	\$91,970	\$91,450.01	\$93,450	\$92,930.01	\$94,930
\$170.00	\$91,970.01	\$93,970	\$93,450.01	\$95,450	\$94,930.01	\$96,930
\$175.00	\$93,970.01	\$95,970	\$95,450.01	\$97,450	\$96,930.01	\$98,930
\$180.00	\$95,970.01	\$97,970	\$97,450.01	\$99,450	\$98,930.01	\$100,930
\$185.00	\$97,970.01	\$99,970	\$99,450.01	\$101,450	\$100,930.01	\$102,930
\$190.00	\$99,970.01	\$101,970	\$101,450.01	\$103,450	\$102,930.01	\$104,930
\$195.00	\$101,970.01	\$103,970	\$103,450.01	\$105,450	\$104,930.01	\$106,930
\$200.00	\$103,970.01	\$105,970	\$105,450.01	\$107,450	\$106,930.01	\$108,930
\$205.00	\$105,970.01	\$107,970	\$107,450.01	\$109,450	\$108,930.01	\$110,930
\$210.00	\$107,970.01	\$109,970	\$109,450.01	\$111,450	\$110,930.01	\$112,930
\$215.00	\$109,970.01	\$111,970	\$111,450.01	\$113,450	\$112,930.01	\$114,930
\$220.00	\$111,970.01	\$113,970	\$113,450.01	\$115,450	\$114,930.01	\$116,930
\$225.00	\$113,970.01	\$115,970	\$115,450.01	\$117,450	\$116,930.01	\$118,930
\$230.00	\$115,970.01	\$117,970	\$117,450.01	\$119,450	\$118,930.01	\$120,930

NOTICES

<i>Weekly Co-pay</i>	<i>Family Size: 13 Annual Income</i>		<i>Family Size: 14 Annual Income</i>		<i>Family Size: 15 Annual Income</i>	
\$235.00	\$117,970.01	\$119,970	\$119,450.01	\$121,450	\$120,930.01	\$122,930
\$240.00	\$119,970.01	\$121,970	\$121,450.01	\$123,450	\$122,930.01	\$124,930
\$245.00	\$121,970.01	\$122,130	\$123,450.01	\$125,450	\$124,930.01	\$126,930
\$250.00			\$125,450.01	\$127,450	\$126,930.01	\$128,930
\$255.00			\$127,450.01	\$129,450	\$128,930.01	\$130,930
\$260.00			\$129,450.01	\$130,308	\$130,930.01	\$132,930
\$265.00					\$132,930.01	\$134,930
\$270.00					\$134,930.01	\$136,930
\$275.00					\$136,930.01	\$138,486
	200% FPIG	\$103,940	200% FPIG	\$110,900	200% FPIG	\$117,860

<i>Weekly Co-pay</i>	<i>Family Size: 16 Annual Income</i>		<i>Family Size: 17 Annual Income</i>		<i>Family Size: 18 Annual Income</i>	
\$5.00	Less than:	\$34,410	Less than:	\$35,890	Less than:	\$37,370
\$10.00	\$34,410.01	\$36,410	\$35,890.01	\$37,890	\$37,370.01	\$39,370
\$15.00	\$36,410.01	\$38,410	\$37,890.01	\$39,890	\$39,370.01	\$41,370
\$20.00	\$38,410.01	\$40,410	\$39,890.01	\$41,890	\$41,370.01	\$43,370
\$25.00	\$40,410.01	\$42,410	\$41,890.01	\$43,890	\$43,370.01	\$45,370
\$30.00	\$42,410.01	\$44,410	\$43,890.01	\$45,890	\$45,370.01	\$47,370
\$35.00	\$44,410.01	\$46,410	\$45,890.01	\$47,890	\$47,370.01	\$49,370
\$40.00	\$46,410.01	\$48,410	\$47,890.01	\$49,890	\$49,370.01	\$51,370
\$45.00	\$48,410.01	\$50,410	\$49,890.01	\$51,890	\$51,370.01	\$53,370
\$50.00	\$50,410.01	\$52,410	\$51,890.01	\$53,890	\$53,370.01	\$55,370
\$55.00	\$52,410.01	\$54,410	\$53,890.01	\$55,890	\$55,370.01	\$57,370
\$60.00	\$54,410.01	\$56,410	\$55,890.01	\$57,890	\$57,370.01	\$59,370
\$65.00	\$56,410.01	\$58,410	\$57,890.01	\$59,890	\$59,370.01	\$61,370
\$70.00	\$58,410.01	\$60,410	\$59,890.01	\$61,890	\$61,370.01	\$63,370
\$75.00	\$60,410.01	\$62,410	\$61,890.01	\$63,890	\$63,370.01	\$65,370
\$80.00	\$62,410.01	\$64,410	\$63,890.01	\$65,890	\$65,370.01	\$67,370
\$85.00	\$64,410.01	\$66,410	\$65,890.01	\$67,890	\$67,370.01	\$69,370
\$90.00	\$66,410.01	\$68,410	\$67,890.01	\$69,890	\$69,370.01	\$71,370
\$95.00	\$68,410.01	\$70,410	\$69,890.01	\$71,890	\$71,370.01	\$73,370
\$100.00	\$70,410.01	\$72,410	\$71,890.01	\$73,890	\$73,370.01	\$75,370
\$105.00	\$72,410.01	\$74,410	\$73,890.01	\$75,890	\$75,370.01	\$77,370
\$110.00	\$74,410.01	\$76,410	\$75,890.01	\$77,890	\$77,370.01	\$79,370
\$115.00	\$76,410.01	\$78,410	\$77,890.01	\$79,890	\$79,370.01	\$81,370
\$120.00	\$78,410.01	\$80,410	\$79,890.01	\$81,890	\$81,370.01	\$83,370
\$125.00	\$80,410.01	\$82,410	\$81,890.01	\$83,890	\$83,370.01	\$85,370
\$130.00	\$82,410.01	\$84,410	\$83,890.01	\$85,890	\$85,370.01	\$87,370
\$135.00	\$84,410.01	\$86,410	\$85,890.01	\$87,890	\$87,370.01	\$89,370
\$140.00	\$86,410.01	\$88,410	\$87,890.01	\$89,890	\$89,370.01	\$91,370
\$145.00	\$88,410.01	\$90,410	\$89,890.01	\$91,890	\$91,370.01	\$93,370
\$150.00	\$90,410.01	\$92,410	\$91,890.01	\$93,890	\$93,370.01	\$95,370
\$155.00	\$92,410.01	\$94,410	\$93,890.01	\$95,890	\$95,370.01	\$97,370
\$160.00	\$94,410.01	\$96,410	\$95,890.01	\$97,890	\$97,370.01	\$99,370
\$165.00	\$96,410.01	\$98,410	\$97,890.01	\$99,890	\$99,370.01	\$101,370

<i>Weekly Co-pay</i>	<i>Family Size: 16</i>		<i>Family Size: 17</i>		<i>Family Size: 18</i>	
	<i>Annual Income</i>		<i>Annual Income</i>		<i>Annual Income</i>	
\$170.00	\$98,410.01	\$100,410	\$99,890.01	\$101,890	\$101,370.01	\$103,370
\$175.00	\$100,410.01	\$102,410	\$101,890.01	\$103,890	\$103,370.01	\$105,370
\$180.00	\$102,410.01	\$104,410	\$103,890.01	\$105,890	\$105,370.01	\$107,370
\$185.00	\$104,410.01	\$106,410	\$105,890.01	\$107,890	\$107,370.01	\$109,370
\$190.00	\$106,410.01	\$108,410	\$107,890.01	\$109,890	\$109,370.01	\$111,370
\$195.00	\$108,410.01	\$110,410	\$109,890.01	\$111,890	\$111,370.01	\$113,370
\$200.00	\$110,410.01	\$112,410	\$111,890.01	\$113,890	\$113,370.01	\$115,370
\$205.00	\$112,410.01	\$114,410	\$113,890.01	\$115,890	\$115,370.01	\$117,370
\$210.00	\$114,410.01	\$116,410	\$115,890.01	\$117,890	\$117,370.01	\$119,370
\$215.00	\$116,410.01	\$118,410	\$117,890.01	\$119,890	\$119,370.01	\$121,370
\$220.00	\$118,410.01	\$120,410	\$119,890.01	\$121,890	\$121,370.01	\$123,370
\$225.00	\$120,410.01	\$122,410	\$121,890.01	\$123,890	\$123,370.01	\$125,370
\$230.00	\$122,410.01	\$124,410	\$123,890.01	\$125,890	\$125,370.01	\$127,370
\$235.00	\$124,410.01	\$126,410	\$125,890.01	\$127,890	\$127,370.01	\$129,370
\$240.00	\$126,410.01	\$128,410	\$127,890.01	\$129,890	\$129,370.01	\$131,370
\$245.00	\$128,410.01	\$130,410	\$129,890.01	\$131,890	\$131,370.01	\$133,370
\$250.00	\$130,410.01	\$132,410	\$131,890.01	\$133,890	\$133,370.01	\$135,370
\$255.00	\$132,410.01	\$134,410	\$133,890.01	\$135,890	\$135,370.01	\$137,370
\$260.00	\$134,410.01	\$136,410	\$135,890.01	\$137,890	\$137,370.01	\$139,370
\$265.00	\$136,410.01	\$138,410	\$137,890.01	\$139,890	\$139,370.01	\$141,370
\$270.00	\$138,410.01	\$140,410	\$139,890.01	\$141,890	\$141,370.01	\$143,370
\$275.00	\$140,410.01	\$142,410	\$141,890.01	\$143,890	\$143,370.01	\$145,370
\$280.00	\$142,410.01	\$144,410	\$143,890.01	\$145,890	\$145,370.01	\$147,370
\$285.00	\$144,410.01	\$146,410	\$145,890.01	\$147,890	\$147,370.01	\$149,370
\$290.00	\$146,410.01	\$146,664	\$147,890.01	\$149,890	\$149,370.01	\$151,370
\$295.00			\$149,890.01	\$151,890	\$151,370.01	\$153,370
\$300.00			\$151,890.01	\$153,890	\$153,370.01	\$155,370
\$305.00			\$153,890.01	\$154,842	\$155,370.01	\$157,370
\$310.00					\$157,370.01	\$159,370
\$315.00					\$159,370.01	\$161,370
\$320.00					\$161,370.01	\$163,020
	200% FPIG	\$124,820	200% FPIG	\$131,780	200% FPIG	\$138,740

<i>Weekly Co-pay</i>	<i>Family Size: 19</i>		<i>Family Size: 20</i>		<i>Family Size: 21</i>	
	<i>Annual Income</i>		<i>Annual Income</i>		<i>Annual Income</i>	
\$5.00	Less than:	\$38,850	Less than:	\$40,330	Less than:	\$41,810
\$10.00	\$38,850.01	\$40,850	\$40,330.01	\$42,330	\$41,810.01	\$43,810
\$15.00	\$40,850.01	\$42,850	\$42,330.01	\$44,330	\$43,810.01	\$45,810
\$20.00	\$42,850.01	\$44,850	\$44,330.01	\$46,330	\$45,810.01	\$47,810
\$25.00	\$44,850.01	\$46,850	\$46,330.01	\$48,330	\$47,810.01	\$49,810
\$30.00	\$46,850.01	\$48,850	\$48,330.01	\$50,330	\$49,810.01	\$51,810
\$35.00	\$48,850.01	\$50,850	\$50,330.01	\$52,330	\$51,810.01	\$53,810
\$40.00	\$50,850.01	\$52,850	\$52,330.01	\$54,330	\$53,810.01	\$55,810
\$45.00	\$52,850.01	\$54,850	\$54,330.01	\$56,330	\$55,810.01	\$57,810
\$50.00	\$54,850.01	\$56,850	\$56,330.01	\$58,330	\$57,810.01	\$59,810
\$55.00	\$56,850.01	\$58,850	\$58,330.01	\$60,330	\$59,810.01	\$61,810

NOTICES

<i>Weekly Co-pay</i>	<i>Family Size: 19 Annual Income</i>		<i>Family Size: 20 Annual Income</i>		<i>Family Size: 21 Annual Income</i>	
\$60.00	\$58,850.01	\$60,850	\$60,330.01	\$62,330	\$61,810.01	\$63,810
\$65.00	\$60,850.01	\$62,850	\$62,330.01	\$64,330	\$63,810.01	\$65,810
\$70.00	\$62,850.01	\$64,850	\$64,330.01	\$66,330	\$65,810.01	\$67,810
\$75.00	\$64,850.01	\$66,850	\$66,330.01	\$68,330	\$67,810.01	\$69,810
\$80.00	\$66,850.01	\$68,850	\$68,330.01	\$70,330	\$69,810.01	\$71,810
\$85.00	\$68,850.01	\$70,850	\$70,330.01	\$72,330	\$71,810.01	\$73,810
\$90.00	\$70,850.01	\$72,850	\$72,330.01	\$74,330	\$73,810.01	\$75,810
\$95.00	\$72,850.01	\$74,850	\$74,330.01	\$76,330	\$75,810.01	\$77,810
\$100.00	\$74,850.01	\$76,850	\$76,330.01	\$78,330	\$77,810.01	\$79,810
\$105.00	\$76,850.01	\$78,850	\$78,330.01	\$80,330	\$79,810.01	\$81,810
\$110.00	\$78,850.01	\$80,850	\$80,330.01	\$82,330	\$81,810.01	\$83,810
\$115.00	\$80,850.01	\$82,850	\$82,330.01	\$84,330	\$83,810.01	\$85,810
\$120.00	\$82,850.01	\$84,850	\$84,330.01	\$86,330	\$85,810.01	\$87,810
\$125.00	\$84,850.01	\$86,850	\$86,330.01	\$88,330	\$87,810.01	\$89,810
\$130.00	\$86,850.01	\$88,850	\$88,330.01	\$90,330	\$89,810.01	\$91,810
\$135.00	\$88,850.01	\$90,850	\$90,330.01	\$92,330	\$91,810.01	\$93,810
\$140.00	\$90,850.01	\$92,850	\$92,330.01	\$94,330	\$93,810.01	\$95,810
\$145.00	\$92,850.01	\$94,850	\$94,330.01	\$96,330	\$95,810.01	\$97,810
\$150.00	\$94,850.01	\$96,850	\$96,330.01	\$98,330	\$97,810.01	\$99,810
\$155.00	\$96,850.01	\$98,850	\$98,330.01	\$100,330	\$99,810.01	\$101,810
\$160.00	\$98,850.01	\$100,850	\$100,330.01	\$102,330	\$101,810.01	\$103,810
\$165.00	\$100,850.01	\$102,850	\$102,330.01	\$104,330	\$103,810.01	\$105,810
\$170.00	\$102,850.01	\$104,850	\$104,330.01	\$106,330	\$105,810.01	\$107,810
\$175.00	\$104,850.01	\$106,850	\$106,330.01	\$108,330	\$107,810.01	\$109,810
\$180.00	\$106,850.01	\$108,850	\$108,330.01	\$110,330	\$109,810.01	\$111,810
\$185.00	\$108,850.01	\$110,850	\$110,330.01	\$112,330	\$111,810.01	\$113,810
\$190.00	\$110,850.01	\$112,850	\$112,330.01	\$114,330	\$113,810.01	\$115,810
\$195.00	\$112,850.01	\$114,850	\$114,330.01	\$116,330	\$115,810.01	\$117,810
\$200.00	\$114,850.01	\$116,850	\$116,330.01	\$118,330	\$117,810.01	\$119,810
\$205.00	\$116,850.01	\$118,850	\$118,330.01	\$120,330	\$119,810.01	\$121,810
\$210.00	\$118,850.01	\$120,850	\$120,330.01	\$122,330	\$121,810.01	\$123,810
\$215.00	\$120,850.01	\$122,850	\$122,330.01	\$124,330	\$123,810.01	\$125,810
\$220.00	\$122,850.01	\$124,850	\$124,330.01	\$126,330	\$125,810.01	\$127,810
\$225.00	\$124,850.01	\$126,850	\$126,330.01	\$128,330	\$127,810.01	\$129,810
\$230.00	\$126,850.01	\$128,850	\$128,330.01	\$130,330	\$129,810.01	\$131,810
\$235.00	\$128,850.01	\$130,850	\$130,330.01	\$132,330	\$131,810.01	\$133,810
\$240.00	\$130,850.01	\$132,850	\$132,330.01	\$134,330	\$133,810.01	\$135,810
\$245.00	\$132,850.01	\$134,850	\$134,330.01	\$136,330	\$135,810.01	\$137,810
\$250.00	\$134,850.01	\$136,850	\$136,330.01	\$138,330	\$137,810.01	\$139,810
\$255.00	\$136,850.01	\$138,850	\$138,330.01	\$140,330	\$139,810.01	\$141,810
\$260.00	\$138,850.01	\$140,850	\$140,330.01	\$142,330	\$141,810.01	\$143,810
\$265.00	\$140,850.01	\$142,850	\$142,330.01	\$144,330	\$143,810.01	\$145,810
\$270.00	\$142,850.01	\$144,850	\$144,330.01	\$146,330	\$145,810.01	\$147,810
\$275.00	\$144,850.01	\$146,850	\$146,330.01	\$148,330	\$147,810.01	\$149,810
\$280.00	\$146,850.01	\$148,850	\$148,330.01	\$150,330	\$149,810.01	\$151,810
\$285.00	\$148,850.01	\$150,850	\$150,330.01	\$152,330	\$151,810.01	\$153,810
\$290.00	\$150,850.01	\$152,850	\$152,330.01	\$154,330	\$153,810.01	\$155,810

<i>Weekly Co-pay</i>	<i>Family Size: 19 Annual Income</i>		<i>Family Size: 20 Annual Income</i>		<i>Family Size: 21 Annual Income</i>	
\$295.00	\$152,850.01	\$154,850	\$154,330.01	\$156,330	\$155,810.01	\$157,810
\$300.00	\$154,850.01	\$156,850	\$156,330.01	\$158,330	\$157,810.01	\$159,810
\$305.00	\$156,850.01	\$158,850	\$158,330.01	\$160,330	\$159,810.01	\$161,810
\$310.00	\$158,850.01	\$160,850	\$160,330.01	\$162,330	\$161,810.01	\$163,810
\$315.00	\$160,850.01	\$162,850	\$162,330.01	\$164,330	\$163,810.01	\$165,810
\$320.00	\$162,850.01	\$164,850	\$164,330.01	\$166,330	\$165,810.01	\$167,810
\$325.00	\$164,850.01	\$166,850	\$166,330.01	\$168,330	\$167,810.01	\$169,810
\$330.00	\$166,850.01	\$168,850	\$168,330.01	\$170,330	\$169,810.01	\$171,810
\$335.00	\$168,850.01	\$170,850	\$170,330.01	\$172,330	\$171,810.01	\$173,810
\$340.00	\$170,850.01	\$171,198	\$172,330.01	\$174,330	\$173,810.01	\$175,810
\$345.00			\$174,330.01	\$176,330	\$175,810.01	\$177,810
\$350.00			\$176,330.01	\$178,330	\$177,810.01	\$179,810
\$355.00			\$178,330.01	\$179,376	\$179,810.01	\$181,810
\$360.00					\$181,810.01	\$183,810
\$365.00					\$183,810.01	\$185,810
\$370.00					\$185,810.01	\$187,554
	200% FPIG	\$145,700	200% FPIG	\$152,660	200% FPIG	\$159,620

Fiscal Note: 14-NOT-512. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 07-1160. Filed for public inspection June 29, 2007, 9:00 a.m.]

Payment for Nursing Facility Services; General Nursing Facility Supplemental Payment and County Nursing Facility Medical Assistance Day One Incentive Payment

The purpose of this announcement is to provide advance notice that the Department of Public Welfare (Department) intends to make changes in its methods and standards for payment of Medical Assistance (MA) nursing facility services beginning in Fiscal Year (FY) 2007-2008.

Background

The Nursing Facility Assessment Law, the Act of September 30, 2003 (P. L. 169, No. 25) (Act 25) directed the Department to "implement a monetary assessment" on nonpublic licensed nursing facilities beginning July 1, 2003, and ending June 30, 2007, (hereafter referred to as the "Assessment Program"). See sections 801-A and 815-A of Act 25. The Department intends to continue the Assessment Program for FYs 2007-2008 through 2011-2012 for general nursing facilities with the option of including county nursing facilities.

The Commonwealth budget for MA long-term care services for FY 2007-2008 estimates that \$430.025 million will be derived from State revenue collected from the Assessment Program and related Federal matching funds. Legislation must be enacted to continue the Assessment Program, to include the county nursing facilities, and to collect the anticipated State revenues. If legislation is enacted to continue the Assessment Program, a portion of the revenue generated from the assessment will enable

the Department to continue to set payment rates for MA nursing facility services under the existing payment methodology contained in 55 Pa. Code Chapters 1187 and 1189 (relating to nursing facility services; and county nursing facility care).

For general nursing facilities, in addition to reimbursing the MA allowable assessment cost, the Department intends to use a portion of the revenue to continue the supplemental payments as described in the Department's currently approved State Plan. To authorize the continuation of these payments beginning July 1, 2007, the Department will submit a State Plan Amendment to the Federal Centers for Medicare and Medicaid Services (CMS).

For county nursing facilities, if the decision is made by the Department to include county nursing facilities in the Assessment Program, a portion of the revenue generated by the assessment will be used to increase the funding level for the county nursing facility MA Day One Incentive Payments (MDOI) provided for in the Department's currently approved State Plan. To authorize the increase in the funding level for the MDOI, the Department will submit a State Plan amendment to CMS.

The Department projects that the assessment revenues and associated Federal matching funds will increase aggregate payments to MA nursing facility providers.

If CMS approves the State Plan amendments, the Department will have the authority to make the supplemental payments to general MA nursing facilities and the increased MDOI payments to county nursing facilities.

The supplemental payments to general MA nursing facilities will enable those facilities to increase salaries to direct care staff to maintain and increase staffing levels at a time when it is difficult to attract and retain qualified staff. The supplemental payments will also provide the facilities with additional funds to meet other unanticipated costs that may not be reflected in the current database used to establish rates, such as increased liability insurance costs.

The increased MDOI payments to county nursing facilities will provide incentives to county nursing facilities to admit individuals who are MA eligible on the day of admission. Nursing facilities are often reluctant to admit residents whose only source of coverage for nursing facility services is MA. County nursing facilities have traditionally acted as the safety net for those residents who have been denied admission to other nursing facilities. The MDOI payments are intended to assure that county nursing facilities continue to provide access to care for these individuals. These payments provide an incentive to county nursing facilities to continue to operate as safety net providers for the poor and indigent citizens of this Commonwealth.

Fiscal Impact

As a result of this proposed policy change, the Department estimates that the annual aggregate assessment fees for nonexempt nursing facilities will total \$430,025,000 for FY 2007-2008. All of the revenue derived from the assessment fees and associated Federal matching funds will be used to make payments to qualified MA nursing facility providers in accordance with applicable law and regulations.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department at the following address Department of Public Welfare, Division of Long Term Care Client Services, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid, service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-514. No fiscal impact; (8) recommends adoption. This action is estimated to realize \$430,025,000 in State revenue.

[Pa.B. Doc. No. 07-1161. Filed for public inspection June 29, 2007, 9:00 a.m.]

Payment for Nursing Facility Services Provided by County and Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates

The purpose of this announcement is to provide advance notice that the Department of Public Welfare (Department) intends to make changes in its methods and standards for payment of Medical Assistance (MA) nursing facility services beginning in Fiscal Year (FY) 2007-2008.

The Department initially provided advance notice of its intention to apply a budget adjustment factor (BAF) for rate setting year 2007-2008 to nonpublic nursing facility payment rates in a public notice published at 36 Pa.B. 1804 (April 15, 2006) and provided advance notice of its intention to apply a BAF for rate setting year 2007-2008 to county nursing facility payment rates 36 Pa.B. 1803 (April 15, 2006).

Under 55 Pa. Code §§ 1187.96(e)(2)(iv) and 1189.91 (relating to price and rate setting computations; and per diem rates for county nursing facilities), the Department intends to follow the formulas set forth in the Commonwealth's approved State Plan to determine the BAFs for rate setting year 2007-2008. The Department recently submitted State Plan Amendments (SPA) 07-007 and 07-008 to the Federal Centers for Medicare and Medicaid Services to include, among other things, the BAF formulas which the Department will use in rate setting year 2007-2008. As set forth in SPA 07-007 (nonpublic nursing facilities) and SPA 07-008 (county nursing facilities), the Department will use the following formulas to determine the BAFs for nonpublic and county nursing facilities respectively.

For rate setting year 2007-2008, the BAFs that will be applied to county and nonpublic nursing facility payment rates for MA nursing facility services shall limit the estimated aggregate increase in the Statewide day-weighted average payment rate over the 3-year period commencing July 1, 2005, and ending June 30, 2008, from the Statewide day-weighted average payment rate for MA nursing facility services in FY 2004-2005 to 6.912% plus any percentage rate of increase permitted by the amount of funds appropriated for nursing facility services in the General Appropriations Act of 2007. The proposed percentage rate of increase appropriated for nursing facility services in the Governor's Executive Budget is 2%. Assuming this additional percentage rate of increase, the aggregate percentage increase in the Statewide day-weighted average over the 3-year period is 9.05%.

By measuring the rate of increase over the 3-year period commencing July 1, 2005, the Department intends both to confirm the BAFs that were adopted for the two prior fiscal years and incorporated in the approved State Plan, and to negate any fiscal consequences that could occur if those earlier BAFs are determined invalid. To achieve these goals, this amendment will authorize adjustments to FY 2007-2008 rates as are necessary to ensure that the increase in payment rates during the 3-year period from July 2005, to June 2008, is limited to the amounts appropriated in the General Fund Budgets for payment for nursing facility services provided to MA recipients.

As specified in the preamble to the rulemaking authorizing the BAF in FY 2005-2006, the "Statewide day-weighted average rate" is an estimate of the average rate that the Department will pay for nursing facility services during a fiscal year. "Statewide" means that all nursing facility payment rates are included in the calculation. "Day-weighted" means that the average reflects the number of days of care that are paid for at a given rate. See 35 Pa.B. 6233, n.1 (November 12, 2005). When the Department adopted the BAF in FY 2005-2006, the Department estimated the Statewide day-weighted average rate for FY 2004-2005 to be \$166.37. Application of the BAF resulted in a 2.8% in FY 2005-2006 and a 4% increase in FY 2006-2007, for a 2-year cumulative increase of 6.912% in the Statewide day-weighted average from \$166.37 to \$177.87. Under this amendment, the

Department will again use the estimated Statewide day-weighted rate for FY 2004-2005 as the starting point, and implement a BAF to permit the further increase in the estimated Statewide day-weighted average rate. If the General Assembly appropriates funds for payment of MA nursing facility services consistent with level of funding set forth in the Governor's Executive Budget, the Department expects the estimated Statewide day-weighted average rate to increase from \$166.37 to \$181.43, a 3-year cumulative increase of 9.05%.

To limit the increase in the Statewide day-weighted average rate for FY 2007-2008 to \$181.43, the Department intends to use the following formula to determine the BAF which will apply in setting rates for nonpublic nursing facilities:

- (nonpublic nursing facilities' share of total appropriated funds + estimated annual patient pay amount) divided by
- estimated acuity-adjusted annual payments

The nonpublic nursing facility's share of the total appropriated funds will be 81.0147% of the amount included in the General Appropriations Act for nursing facility per diem payments. If the General Assembly appropriates the level of funding set forth in the Governor's Executive Budget, the nonpublic BAF produced by this formula will be .93789.

A nonpublic nursing facility's case-mix per diem rate for an MA resident day will be the sum of the nursing facility's three net operating components and its capital rate component, multiplied by the BAF.

The formula for this BAF as it applies to county nursing facilities is as follows:

- $BAF = 1.00 + \text{the percent increase permitted by the General Appropriations Act}$

If the General Assembly appropriates the level of funding set forth in the Governor's Executive Budget, the county BAF produced by this formula will be 1.02.

A county nursing facility's per diem rate for an MA resident will be the facility's July 1, 2006, per diem rate as calculated under 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting) and 55 Pa. Code § 1189.91(b) multiplied by the BAF.

If the General Assembly appropriates a level of funding that permits a different rate of increase than that which is reflected in the Governor's Executive Budget, the Department will recalculate the BAF using the same formula described in this notice. In addition, if the BAFs from the prior two fiscal years are invalidated, the Department will also recalculate the BAF using the same formula to ensure that the cumulative rate of increase over the three fiscal periods ending June 2008 is limited to 9.05%, or the percentage rate of increase permitted by the appropriated amounts for MA nursing facility services. Application of the BAFs in FY 2007-2008 is subject to Federal approval of the amendments to the Commonwealth's State Plan.

Fiscal Impact

This change will result in an estimated savings of \$60.838 million in total funds (\$27.889 million in State funds) in FY 2007-2008.

Public Comment

Interested persons are invited to submit written comments regarding the BAF formula to the Department of Public Welfare, Bureau of Long-Term Living Support, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-516. (1) General Fund; (2) Implementing Year 2006-07 is \$0; (3) 1st succeeding Year 2007-08 is \$27,889,000; 2nd succeeding Year 2008-09 is \$30,424,000; 3rd succeeding Year 2009-10 is \$30,424,000; 4th succeeding Year 2010-11 is \$30,424,000; 5th succeeding Year 2011-12 is \$30,424,000; (4) 2005-06 Program—\$817,890,000; 2004-05 Program—\$476,116,000; 2003-04 Program—\$588,528,000; (7) Medical Assistance-Long Term Care; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 07-1162. Filed for public inspection June 29, 2007, 9:00 a.m.]

DEPARTMENT OF REVENUE

Annual Inflation Adjustment; Pennsylvania Gaming Cash Flow Management

In accordance with 61 Pa. Code § 1001.8 (relating to State Gaming Fund transfers), the Department of Revenue (Department) is required to publish notice of the Annual Inflation Adjustment as proscribed in 4 Pa.C.S. § 1403(d) (relating to establishment of State Gaming Fund and net slot machine revenue distribution).

Section 1403(c) of 4 Pa.C.S. requires the Department to utilize the most recent Consumer Price Index effective immediately prior to the date the adjustment is due to take effect. This adjustment will be published by the United States Department of Labor, Bureau of Labor Statistics in December 2007 or January 2008. Thereafter, the Department will publish an additional notice of the Annual Inflation Adjustment.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-1163. Filed for public inspection June 29, 2007, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

The Department of Transportation (Department), under 67 Pa. Code § 495.4(d) (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by County of Clarion, Courthouse, Commissioners Office, 421 Main Street, Clarion, PA 16326, seeking to lease highway right-of-way Route 68, Brady Township, Clarion County, containing, 1.88 acres ±, and is adjacent to SR 68, from station 144+98.99 to station 158+90 in Brady Township, Clarion County, for the purposes of maintaining the scenic overlook.

Interested persons are invited to submit, within 30 days from the publication of his notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Joseph P. Dubovi, III, P. E., District Executive, Engineering District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701.

Questions regarding this application or the proposed use may be directed to William J. Young, Right-of-Way Administrator, PennDOT District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701, (724) 357-4808.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 07-1164. Filed for public inspection June 29, 2007, 9:00 a.m.]

Proposed Disadvantaged Business Enterprise Goals for Participation in Federally-Funded Highway, Aviation and Transit Contracts for Federal Fiscal Year 2008

The Department of Transportation (Department) is hereby providing notice of its proposed Disadvantaged Business Enterprise (DBE) goals for Federal Fiscal Year (FFY) 2008. The goals for DBE participation cover contracts assisted with Federal highway, transit and aviation funds. The proposed methodologies used in determining the DBE goals are available for inspection and upon request at the Department, Bureau of Equal Opportunity; see contact information. The proposed FFY 2008 goals are as follows:

- The overall goal for Federally-assisted highway contracts is 7.70%.
- The overall goal for Federally-assisted transit contracts is 5.88%.
- The overall goal for Federally-assisted aviation contracts is 10.70%.

Methodologies used in determination of the goals are available for inspection during normal business hours at Department of Transportation, Bureau of Equal Opportunity, 400 North Street, 5th Floor, Harrisburg, PA 17120-0041, (717) 787-5891 or (800) 468-4201, pasdc.hbg.psu.edu/pasdc/dot/.

The information will be available for inspection for 30 days from the date of this notice. The Department will accept written comments on the proposed goals for 45 days from the date of this notice. Comments, questions or suggestions regarding this notice may be directed in writing to Jocelyn I. Harper, Director, Bureau of Equal Opportunity, Department of Transportation, P. O. Box 3251, Harrisburg, PA 17105-3251, fax (717) 772-4026.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 07-1165. Filed for public inspection June 29, 2007, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the twenty-third publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
ADMINISTRATION			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
AGING			
PA Code Title VI Chapter 3 Fair Hearings and Appeals	December 2009, as proposed.	This regulation has been initially reviewed by stakeholders in response to passage of Acts 169-96 and 13-97 amending the Older Adult Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and of Executive Order 1996-1. It is being reviewed internally to improve Departmental procedures and efficiencies.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 11 Older Adult Daily Living Centers	September 2008, as proposed.	A review of these regulations will be conducted in order to assure consistency with ongoing interdepartmental discussions regarding development of long term care services.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 15 Protective Services for Older Adults	December 2008, as proposed.	The law and regulations are under review in light of the decision of the Pennsylvania Supreme Court in <i>Nixon et al. v. Commonwealth, et al.</i> , which found the current protective services law and regulations to be unconstitutional.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 20 Family Caregiver Support Program	December 2008, as proposed.	A review of these regulations will be conducted in order to assure consistency with ongoing interdepartmental discussion regarding development of the family caregiver support program.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 21 Domiciliary Care Services for Adults	December 2009, as proposed.	A review of these regulations will be conducted in order to assure consistency with ongoing interdepartmental discussions regarding development of community living alternatives.	Robert Hussar (717) 783-6207
PA Code Title VI Chapter 23 Long Term Care Ombudsman Program	June 2008, as proposed.	The Department wishes to promulgate regulations for the Long Term Care Ombudsman program in order to bring it into conformity with national standards.	Robert Hussar (717) 783-6207
AGRICULTURE			
Domestic Animal 7 Pa. Code Chapter 2	December, 2007, as proposed.	This long-term project is intended to update the Department's regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	Paul Knepley, DVM (717) 772-2852
Cervidae 7 Pa. Code Chapter 18	December, 2007, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to license and regulate cervidae livestock operations.	Paul Knepley, DVM (717) 772-2852
Animal Exhibition Sanitation 7 Pa. Code Chapter 21	December, 2007, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to enforce sanitation requirements at animal exhibitions, and to regulate as necessary to meet this requirement.	Paul Knepley, DVM (717) 772-2852
Amusement Rides 7 Pa. Code Chapter 139	July, 2007, as proposed.	This regulation will update the current regulation at 7 Pa. Code Chapter 139 to reflect changes to the Amusement Ride Inspection Act (4 P. S. §§ 401—418).	John Dillabaugh (717) 787-6772
Harness Racing Commission 58 Pa. Code Chapters 181, 183, 185 and 186—190	September, 2007, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Anton J. Leppler (717) 787-5196

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Horse Racing Commission 58 Pa. Code Chapters 161, 163, 165, 167, 169, 171 and 173	February, 2008, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in thoroughbred horse racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 161, 163, 165, 167, 169, 171 and 173 including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Benjamin H. Nolt, Jr. (717) 787-1942
Pesticide Regulations 7 Pa. Code Chapter 128	July, 2007, as proposed.	This regulation will amend 7 Pa. Code Chapter 128 and is necessary to update current regulations, to make them more user friendly, address pesticide security issues, set minimum certification age requirements, dealer licensing, and changes in federal pesticide registration changes.	David Scott (717) 772-5214
Fertilizer Regulations 7 Pa. Code Chapter 73	September, 2008, as proposed.	This regulation will replace 7 Pa. Code Chapter 73 and implement provisions of 3 Pa.C.S.A. §§ 6701—6725 (Fertilizer Act).	John Breitsman (717) 772-5215
Soil and Plant Amendment Regulations 7 Pa. Code Chapter 130a	September, 2008, as proposed.	This regulation will replace 7 Pa. Code Chapter 130a and implement provisions of 3 Pa.C.S.A. §§ 6901—6921 (Soil and Plant Amendment Act).	John Breitsman (717) 772-5215
Dog Law 7 Pa. Code Chapters 23, 25 and 27	October, 2008, as final	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. This regulation is a long-term project and would amend 7 Pa. Code Chapters 23, 25 and 27 to bring them into greater conformity with statutory revisions. The Dog Law (3 P. S. §§ 459-10 et seq.) is the statutory basis for this regulation.	Mary Y. Bender (717) 787-4833
Clean and Green Regulations 7 Pa. Code Chapter 137b	September, 2007, as proposed.	This regulation will address statutory changes made by Act 235 of 2004, and will otherwise update the current regulation.	Douglas Wolfgang (717) 783-3167
Agricultural Conservation Easement Purchase Program Regulations 7 Pa. Code Chapter 138e	July, 2007, as proposed.	This regulation will address statutory changes made by Act 61 of 2005 and Act 46 of 2006, and will otherwise update the current regulation.	Douglas Wolfgang (717) 783-3167
Seed Testing Labeling and Standards 7 Pa. Code Chapter 111	July, 2007, as proposed.	This regulation will supplant the current regulation and implement provisions of 3 Pa.C.S.A §§ 7101—7122 (Seed Act).	Joe Garvey (717) 787-5609
General Provisions and Standards for Seed Certification 7 Pa. Code Chapter 113	July, 2007, as proposed.	This regulation will replace 7 Pa. Code Chapter 113 and 115 by combining them into one chapter-Chapter 113 and implement provisions of 3 Pa.C.S.A. §§ 7101—7122 (Seed Act).	Joe Garvey (717) 787-5609

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Johne's Disease; Certified Apple Program; Fiscal Aid for Stem Rust Control; Quarantine Provisions; and Chemsweep Pesticide Disposal Program—Statement of Policy 7 Pa. Code Chapters 11, Subchapters B and C, 95, 123, 125, and 128a	Notice of proposed rulemaking was published at 37 <i>Pennsylvania Bulletin</i> 951 (February 24, 2007). August, 2007, as final.	This regulation deletes unneeded or outdated regulatory provisions from five chapters of Title 7 of the <i>Pennsylvania Code</i> .	Dwight-Jared Smith (717) 787-8744
Odor Management Plan Writer Certification 7 Pa. Code Chapter 130f	July, 2007, as proposed.	This regulation will add section 130f to 7 Pa. Code. The regulation is required by Act 38 of 2005 (commonly referred to as ACRE). The regulation establishes certification requirements for public, commercial and independent odor management plan writers.	Johan Berger (717) 787-4189
<i>BANKING</i>			
Annual Assessment Regulation	Late 2007	Required pursuant to 17 Pa.C.S. § 503(a) and 71 P. S. § 733-204.A.	Carter D. Frantz Acting Chief Counsel (717) 787-9573
Regulations defining proper conduct of the mortgage loan business	Late 2007	63 P. S. § 456.310(a); 7 P. S. § 6616(1); 7 P. S. § 6212.	Carter D. Frantz Acting Chief Counsel (717) 787-9573
Regulations governing check cashing business	Late 2007	63 P. S. § 2304(1)	Carter D. Frantz Acting Chief Counsel (717) 787-9573
Regulations governing money transmission business	Early 2008	7 P. S. § 6114	Carter D. Frantz Acting Chief Counsel (717) 787-9573
<i>BOARD OF PARDONS</i>			
No regulations being developed or considered at this date.			
<i>COMMUNITY & ECONOMIC DEVELOPMENT</i>			
Pennsylvania Industrial Development Authority 12 Pa. Code Chapter 73 (Statement of Policy)	Summer of 2007	The purpose of the statement of policy is to make comprehensive changes to PIDA's policy with respect to project eligibility, advanced technology designation, financial considerations, engineering guidelines, and project format.	Tim Anstine (717) 720-7312
Neighborhood Assistance Program 12 Pa. Code Chapter 135 (Statement of Policy)	Summer of 2007	The purpose of the statement of policy is to update the special program priorities.	Jill Busch (717) 720-7314
<i>COMMISSION ON CRIME AND DELINQUENCY</i>			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
CONSERVATION & NATURAL RESOURCES			
Conservation of Native Wild Plants (Chapter 45)	Publish proposed rulemaking September 2007.	This proposal is being developed to update existing native wild plant regulations. The legal basis for these regulations is the Wild Resource Conservation Act of 1982. This update is necessary to change the status of various plants to reflect field work completed during the last 3 years. Recommendations of the Rare Plant Committee and the Vascular Plant Technical Committee will be considered during the development of this proposed rulemaking.	Chris Firestone, Mike Lester and Dan Devlin (Bureau of Forestry): (717) 783-3227 Susan Wood (Office of Chief Counsel): (717) 772-4171
State Forests—General Provisions (Chapter 21)	Publish proposed rulemaking June 2007.	A number of revisions are needed to make this chapter more consistent with state parks regulations and to update, clarify, and correct provisions. Legal basis: The Conservation and Natural Resources Act, 71 P. S. § 1340.313 (rulemaking authority).	Matt Beaver (Bureau of Forestry): (717) 783-0379 Susan Wood (Office of Chief Counsel): (717) 772-4171
CORRECTIONS			
Revisions to the existing regulations governing county correctional facilities, 37 Pa. Code Chapter 95.	June, 2007 as final.	The regulations are being revised to eliminate unnecessary regulations and amending necessary regulations to be consistent with current correctional practice.	William Sprenkle (717) 975-4965
Promulgation of state intermediate punishment regulations.	June, 2007, as proposed.	The regulations will replace the guidelines currently in effect.	Randall N. Sears (717) 731-0444
Amendments to 37 Pa. Code § 94.3(a)(2)	July, 2007, as proposed.	The amendment will permit the Secretary to waive the Department's requirement that an inmate serve a minimum of 9 months in a facility prior to placement in a community corrections center.	Randall N. Sears (717) 731-0444
EDUCATION			
Higher Education—Institutional Approval 22 Pa. Code, Chapter 40	July 2007, as proposed.	These regulations establish procedures for the approval and operation of independent two-year college, college seminary or university, or for status as a State System, State-related or State-aided institution for the purposes of awarding college credits and granting degrees.	Jim Buckheit (717) 787-3787
Higher Education—Foreign Corporation Standards 22 Pa. Code, Chapter 36	July 2007, as final.	These regulations are necessary to establish procedures for the approval and operation of out-of-state institutions of higher education currently operating or seeking to operate programs in the Commonwealth.	Jim Buckheit (717) 787-3787
Certification of Professional Personnel 22 Pa. Code, Chapter 49	July 2007, as final.	Regulations outline requirements for teacher preparation, certification and professional educators. These revisions restructure the requirements for early childhood, elementary/middle school and special education teachers. They also impose new policy on continuing professional education.	Jim Buckheit (717) 787-3787 or Sharon Brumbaugh (717) 705-8642
Standards for Approved Private Schools 22 Pa. Code, Chapter 171 Subchapters A & C	July 2007, as final.	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). These standards contain general provisions and allowable expenses and costs. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, P. L. 30, No. 14, March 16, 1949, P. S. Section 1-101, et. seq. The revised standards will reflect the changes in Chapter 14 and IDEA.	John Tommasini (717) 783-6134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 16 Special Education for Gifted Students 22 Pa. Code, Chapter 16	December 2007, as final.	These regulations outline how special education programs and services are to be provided to students identified as gifted.	Jim Buckheit (717) 787-3787 or Linda Rhen (717) 705-5014
Charter School Standards, Chapter 711	December 2007, as final.	These Department Standards govern Charter Schools, revision is required in order to comply with IDEA 2004.	Linda Rhen (717) 705-5014 or Sheri Rowe (717) 783-9280
Special Education Services and Programs 22 Pa. Code, Chapter 14	December 2007, as final.	These regulations outline how special education services and programs are to be provided to children with disabilities. Specific revisions are necessary to incorporate the recent changes to IDEA 2004.	Jim Buckheit (717) 787-3787 or Linda Rhen (717) 705-5041
Academic Standards and Assessment, 22 Pa. Code, Chapter 4	July 2007, as final.	These regulations outline state academic standards that public schools must provide instruction to bring students up to proficiency and also provides for the Pennsylvania System of School Assessment, high school graduation requirements and requirements for credentials other than the high school diploma.	Jim Buckheit (717) 787-3787 or Diane Castelbuono (717) 787-2127
Higher Education—Program Approval 22 Pa. Code, Chapter 42	July 2007, as proposed.	These regulations establish procedures for approval of specialized associate degree programs, upper division programs at two-year and community colleges, graduate programs and vocational education programs.	Jim Buckheit (717) 787-3787
General Vocational Education Standards 22 Pa. Code, Chapter 339	Fall 2007, as final.	A revision of Chapter 339 is necessary to assist schools in developing, funding and maintaining programs that will provide the Commonwealth with a competent workforce. Discussions with the State Board of Vocational Education, as well as practitioners in that field, will be initiated to revise these standards. These regulations are promulgated under the authority of the Pennsylvania School Code, Article 18, regarding Vocational Education, and section 2502.8, regarding Vocational Education Funding. These standards are also provided for under Chapter 4 of Title 22 of the Pa. Code, section 4.32(a).	Lee Burket (717) 787-5530
Regulations of the State Board of Private Academic Schools 22 Pa. Code, Chapters 51, 53, 55, 57, 61 & 63	The Board, the Department, and various subcommittees are working on preliminary draft language to be considered by leadership. Once initial approval is received, the more formal process will begin.	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board plans to update the regulations, which were promulgated in 1988. The regulations are promulgated under the Authority of the Private Academic Schools Act (24 P. S. § 6701 et. Seq.).	Sheri Rowe (717) 783-9280

EMERGENCY MANAGEMENT AGENCY

No regulations being developed or considered at this time.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
ENVIRONMENTAL HEARING BOARD			
Pa. Code Title 25 Chapter 1021 Practice and Procedure	The Board published final rulemaking of previously proposed rule changes in the <i>Pennsylvania Bulletin</i> on February 11, 2006. The Board may submit new proposed rulemaking in late summer or fall of 2007.	The Environmental Hearing Board Rules Committee has recommended revising the Board's rules of practice and procedure to add new rules addressing the following issues: 1) default judgment; 2) withdrawal of appeals without prejudice; and 3) prepayment of penalties. The Rules Committee is also considering the clarification of existing rules as well as proposed rules on the following subjects: electronic discovery, expedited litigation, participation in litigation by parties of interest.	Mary Anne Wesdock (412) 565-5245
ENVIRONMENTAL PROTECTION			
Areas Unsuitable for Surface Mining 25 Pa. Code, Chapter 86	FY07-08	Proposed designation of 3,200 acre Muddy Run Watershed in NE Cambria County as unsuitable for mining. A designation would protect a drinking water supply for over 550 households.	Geoff Lincoln (717) 783-9582 glincoln@state.pa.us
Noncoal Program Noncoal Surface Mining Conservation and Reclamation Act 25 Pa. Code, Chapter 77	FY07-08	Revisions to Chapter 77 (Noncoal Mining) that govern the licensing of mine operators and permitting of mines for minerals other than coal. Specific areas for revision include clarification of permit application requirements including, hydrologic data requirements.	Bill Allen (717) 783-9580 wallen@state.pa.us
Oil and Gas Well Program Oil and Gas Act 25 Pa. Code, Chapter 78	FY07-08	Revisions to Chapter 78 (Oil and Gas Wells) that governs the drilling, operation and plugging of oil and gas wells. Includes changes to bond amount and plugging procedures to attain a more effective seal; quantity and quality for replacement water supplies as well as adequate operation and maintenance; and alternate requirements for casing, cementing and plugging wells through mineable coal seams to facilitate future mining through the wells or recovery of coal bed methane prior to mining.	Ron Gilius (717) 772-2199 rgilius@state.pa.us
Coal Mine Reclamation Surface Mining Conservation and Reclamation Act 25 Pa. Code, Chapter 86	FY07-08	Revisions to Chapter 86 (Surface and Underground Mining: General) to eliminate an existing reclamation fee and to provide for the reclamation of sites where the operator reclamation bond has been forfeited.	Keith Brady (717) 787-4814 kbrady@state.pa.us
Remining Financial Guarantees and Federal OSM Consistency Rule Surface Mining Conservation and Reclamation Act 25 Pa. Code, Chapters 86, 87, and 88	FY07-08	Revisions to Chapter 86—88 to include remining financial guarantees proposal, and revisions to address program conditions that are currently inconsistent with federal OSM rules, including self-bonding, decisions on incidental coal extraction, coal exploration on areas unsuitable for mining, impoundment design criteria, and disposal of noncoal waste.	Bill Allen (717) 783-9580 wallen@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Title 25, Chapter 401 Mine Subsidence Insurance Fund General Provisions/The Act of August 23, 1961 (P. L. 1068, No. 484) as amended (52 P. S. §§ 3201—3225) (Act). <i>*See note in Summary</i>	FY07-08	Revisions to Chapter 401 to expand Mine Subsidence Insurance (MSI) coverage to apply to appurtenances to structures as well as to structures, the removal of provisions that change periodically, such as premium rates and policy limits, so that they can be provided in the insurance policy, the explicit authority to provide grants, the option to compensate for the cost to repair or the diminution in market value (this option will allow an otherwise uninsurable to continue to carry coverage after a loss), and other editorial changes. <i>*Note: Section 19 of the act provides that the MSI Board has the authority to promulgate rules and regulations and to establish other provisions of the insurance policy as it deems prudent.</i>	Larry Ruane (717) 783-9590 lruane@state.pa.us
Water Supply Replacement Surface Mining Conservation and Reclamation Act 25 Pa. Code, Chapters 87, 88	FY07-08	Revisions to Chapters 87 and 88, which will clarify what is necessary to meet the coal mine operator's obligation to permanently pay the operation and maintenance costs for replacement water supplies.	Keith Brady (717) 787-4814 kbrady@state.pa.us
Surface Mine Safety Surface Mine Conservation and Reclamation Act, Noncoal Surface Mine Conservation and Reclamation Act, 25 Pa. Code, Chapter 209	FY07-08	Revision to Chapter 209 (Coal Mines) to adopt by reference the Federal MSHA regulations for surface coalmines and surface noncoal mines.	Bill Allen (717) 783-9580 wallen@state.pa.us
Mine Opening Blasting Surface Mine Conservation and Reclamation Act 25 Pa. Code, Chapter 89	FY07-08	Revisions to Chapter 89 (Underground Mining of Coal and Coal Preparation Facilities) to better coordinate regulation of blasting of underground mine entries between surface blasting requirements and underground blasting requirements.	Bill Allen (717) 783-9580 wallen@state.pa.us
Bluff Recession and Setback Amendments Bluff Recession and Setback Act 25 Pa. Code, Chapter 85	FY07-08	This proposal will update Chapter 85 based on the bluff study that resulted from a petition submitted by the Millcreek Township Board of Supervisors, Erie County.	Andrew Zemba (717) 772-5633 azemba@state.pa.us
General Provisions Clean Streams Law 25 Pa. Code, Chapter 91	FY07-08	This proposal will include amendments to Chapter 91 to require a management plan as part of the permit application, and clarify issuance of innovative technology permits for wastewater treatment facilities. The proposal will also include revisions to account for changes to CAFO regulations.	Parimal Parikh (717) 787-8184 pparikh@state.pa.us
Watershed Permits Clean Streams Law 25 Pa. Code, Chapter 92	FY07-08	Revision to Chapter 92 (National Pollution Discharge Elimination System Permitting, Monitoring and Compliance—NPDES) to allow the Department to develop watershed permits in watersheds covered by a TMDL or similar allocation.	John Wetherell (717) 705-0486 jwetherell@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Big Brook et al Redesignation Package Clean Streams Law 25 Pa. Code, Chapter 93	FY07-08	This proposal identifies eight streams: (Big Brook (Wayne County), Beaver Creek (Chester County), Clarion River (Clarion County), Furnace Run (Lancaster and Lebanon Counties), Mill Creek (Berks County), Stone Creek (Bedford County), Wissahickon Creek (Montgomery County) and Brooke Evans Creek (Montgomery County) that should be redesignated to provide the correct aquatic life use designation in the water quality standards for these Commonwealth streams.	Rodney McAllister (717) 787-9637 romcallist@state.pa.us
Clark Creek et al Redesignation Package Clean Streams Law 25 Pa. Code, Chapter 93	FY07-08	This proposal identifies nine streams: (UNT Lackawanna River (Clark Creek) (Wayne County), Upper Lehigh River (Lackawanna, Monroe, Wayne and Luzern Counties), Pine Creek (Schuylkill County), UNT Conestoga Creek (Lancaster County), L. Lehigh (Lehigh and Berks Counties), Hammer Creek, (Lebanon and Lancaster Counties), Spring Mill Creek (Montgomery County), Cacoosing (Berks County), and Fishing Creek (Lancaster County) that should be redesignated to provide the correct aquatic life use designation in the water quality standards for these Commonwealth streams.	Rodney McAllister (717) 787-9637 romcallist@state.pa.us
Blue Eye Run, et al (WQN) Stream Redesignation Package Clean Streams Law 25 Pa. Code, Chapter 93	FY07-08	This proposal identifies seven stream segments: Blue Eye Run (Warren County), E. Br. Dyberry Creek (Wayne County), East Hickory Creek (Warren County), Muncy Creek (Sullivan County), Spruce Run (Union County), UNT Tunkhannock Creek (Susquehanna County), and Young Womans Creek (Clinton County) that should be redesignated to provide the correct aquatic life use designation in the water quality standards for these Commonwealth streams.	Rodney McAllister (717) 787-9637 romcallist@state.pa.us
Triennial Review of Water Quality Standards Clean Streams Law 25 Pa. Code, Chapter 93 Water Quality Standards and Chapter 16 Water Quality Toxics Management Strategy— Statement of Policy	FY07-08	This review identifies amendments to the Water Quality Standards and the Water Quality Toxics Management Strategy—Statement of Policy. Water Quality Criteria and Standards in Chapters 93 and 16 are revised to reflect the latest scientific information and Federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act. These amendments will also merge portions of Chapter 16 into the regulations in Chapter 93.	Tom Barron (717) 787-9637 tbarron@state.pa.us
Erosion and Sediment Control and Stormwater Management Clean Streams Law 25 Pa. Code, Chapter 102	FY07-08	Several major modifications /revisions include: addition of provisions from Chapter 92 that relate to NPDES permitting requirements for discharges associated with Construction activity; incorporate post construction storm water management; incorporate buffer provisions; and revise permit requirements.	Barbara Beshore (717) 772-5961 bbeshore@state.pa.us
Dam Safety and Waterways Management Dam Safety and Encroachments Act and Clean Streams Law 25 Pa. Code, Chapter 105	FY07-08	Several major modifications/revisions include: changes to permit requirements; permit application requirements; environmental assessment, and wetland replacement criteria.	Troy Conrad (717) 772-5970 tconrad@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Public Notification Revisions Safe Drinking Water Act 25 Pa. Code, Chapter 109	FY07-08	Amendments to several sections in Chapter 109 to strengthen the public notification (PN) requirements for imminent threat situations. Will include enhancements to the pre-planning requirements in the Operation and Maintenance Plan and Emergency Response Plan sections, and revisions to the Tier 1 PN delivery requirements.	Lisa Daniels (717) 772-4018 ldaniels@state.pa.us
Stage 2 Disinfectants and Disinfection Byproducts Rule Safe Drinking Water Act 25 Pa. Code, Chapter 109	FY07-08	This rule will implement the requirements of the federal Stage 2 DDBR that was effective March 6, 2006. The rule will require community water systems and noncommunity water systems, which treat drinking water with a primary disinfectant other than UV to conduct additional compliance monitoring for trihalomethanes and haloacetic acids.	Parimal Parikh (717) 787-8184 pparikh@state.pa.us
Chapter 109 General Update Safe Drinking Water Act 25 Pa. Code, Chapter 109	FY07-08	This general update will revise several sections in Chapter 109 to retain or obtain primacy, including monitoring and reporting requirements for lead, copper, arsenic, radionuclides inorganic chemicals, volatile synthetic organic chemicals and synthetic organic chemicals. Other sections will be clarified, such as QA/QC requirements for on-line instrumentation; reporting requirements for failure to monitor; and compliance determinations for the chemical contaminants. The update also will include mandatory electronic data reporting requirements.	Lisa Daniels (717) 772-2189 ldaniels@state.pa.us
Water Resources Planning Water Resources Planning Act 25 Pa. Code, Chapter 110	FY07-08	Addition of new Chapter 110 (Water Resources) establishing requirements for the registration, record keeping and periodic reporting of water withdrawals and water uses in accordance with the Water Resources Act (Act 220 of 2002) to provide information for water resources planning and development of the State Water Plan.	Susan Weaver (717) 783-8055 suweaver@state.pa.us
Microbial Pathogens in Groundwater Rule 25 Pa. Code, Chapter 109	FY 07-08	This rulemaking will incorporate the Environmental Protection Agency's Final Ground Water Rule, which was promulgated on November 8, 2006, to provide for increased protection against microbial pathogens in public water systems that use ground water sources.	John Diehl (717) 787-9561 jdiehl@state.pa.us
Control of Nitrogen Oxide (NOx) Emissions from Glass Furnaces Air Pollution Control Act 25 Pa. Code, Chapters 121 and 129	FY07-08	The proposal would add nitrogen oxide emission reduction requirements for glass furnaces.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Clean Air Interstate Rule Air Pollution Control Act 25 Pa. Code, Chapters 121, 129 and 145	FY07-08	Revise Air Quality Regulations to comply with the Federal Clean Air Interstate Rule by reducing emissions of sulfur oxides and nitrogen oxides from electric generating units.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Limitations on Diesel Vehicle Idling Air Pollution Control Act, Chapter 126	FY07-08	New Subchapter F would place time limitations on idling of heavy-duty diesel vehicles to reduce emissions of several pollutants. Exemptions would be provided.	Arleen Shulman (717) 772-3926 ashulman@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Air Quality Permit Streamlining Air Pollution Control Act 25 Pa. Code, Chapter 127	FY07-08	The proposed regulation will revise certain public notice provisions and public comment provisions to extend from 120 to 180 days the duration for temporary "shake-down" operation of new equipment subject to the Plan Approval requirements.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Control of Nitrogen Oxide (NOx) Emissions from Cement Kilns Air Pollution Control Act 25 Pa. Code, Chapters 121, 129, and 145	FY07-08	The proposal would add nitrogen oxide emission reduction requirements for cement kilns.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Portable Fuel Containers Air Pollution Control Act 25 Pa. Code, Chapter 130	FY07-08	The proposal would revise the portable fuel container regulation to reflect new technology. The new technology makes the containers user-friendlier and provides a slight increase in volatile organic compound and hazardous air pollutant emission reductions.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Consumer Products Air Pollution Control Act 25 Pa. Code, Chapter 130	FY07-08	The proposal would revise the consumer product regulation to add additional categories of regulated products. The revisions will reduce volatile organic compound and hazardous air pollutant emissions.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Adhesives and Sealants Air Pollution Control Act 25 Pa. Code, Chapter 130 and Chapter 129	FY07-08	The proposal would add volatile organic compound (VOC) content limits for adhesive and sealant products.	Jim Stoner (717) 772-3921 jastoner@state.pa.us
Radiation Protection Program Radiation Protection Act, Radon Certification Act 25 Pa. Code, Chapter 215—240	FY07-08	Rewording of existing requirements and definitions for clarity; updating of U.S. Nuclear Regulatory Commission incorporation by reference citations; reinstating industrial radiography incident reporting requirement inadvertently deleted by previous rulemaking; updating radon protocols; and deleting notary requirements from radon services permit applications	L. Ray Urciuolo (717) 783-9730 lurciuolo@state.pa.us
Storage Tank Amendments Storage Tank and Spill Prevention Act 25 Pa. Code, Chapter 245	FY07-08	This final regulation represents comprehensive amendments to the Storage Tank and Spill Prevention provisions of Chapter 245, which was last updated in 1997.	Ray Powers (717) 772-5809 rapowers@state.pa.us
Waste Facility Notification Near Military Airports Solid Waste Management Act 25 Pa. Code, §§ 271.1, 279.112, 287.1 and 293.112	FY07-08	This final regulation is in response to a petition filed by the U.S. Department of Defense. It would amend the Municipal and Residual Waste Regulations to include military airport in the definition of "airport" and require a transfer facility applicant to notify the PENNDOT's Bureau of Aviation and the Federal Aviation Administration and the airport if a proposed transfer facility or expansion is within 6 miles of an airport runway.	Steve Socash (717) 787-7381 ssocash@state.pa.us
Hazardous Waste Program Solid Waste Management Act 25 Pa. Code, Chapters 260—270	FY07-08	This proposed regulation revises various chapters in Article VII (Hazardous Waste Management) of Subpart D that govern the generation, treatment, storage, transportation and disposal of hazardous waste.	Rick Shipman (717) 783-1736 dshipman@state.pa.us

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Municipal and Residual Waste Amendments Solid Waste Management Act and Waste Transportation Safety Act 25 Pa. Code, Chapters 271—285 and 287—299	FY07-08	These proposed revisions are comprehensive modifications to Municipal and Residual Waste Regulations, including: combination of similar chapters, revised definitions, additional permit-by-rule, revised coal ash beneficial use, and standardized provisions. The package will also include regulations to implement the Waste Transportation Safety Program as authorized by Act 90 of 2002.	Kim Hoover (717) 783-7514 khover@state.pa.us
Administration of the Land Recycling Program (Act 2) Land Recycling and Environmental Remediation Standards Act 25 Pa. Code, Chapter 250	FY07-08	Revisions to Chapter 250 (Administration of the Land Recycling Program) that govern the remediation of sites contaminated by the release of regulated substances. This proposal includes numeric Statewide Health Standards that have been revised because of updates to toxicological information and physical and chemical parameters. Other modifications include increased public notice requirements, additional requirements for postremediation care at properties where institutional and engineering controls are used, additional deed notice provisions, assuring portability of water supplies by applying federal Maximum Contaminant Levels to drinking water at points of use, and providing for notice when contamination is discovered during remedial activities.	Dave Hess (717) 783-9480 dahess@state.pa.us
Alternative Fuels Incentive Grant Regulations 4 Pa. Code, Chapter 311	FY07-08	The Alternate Fuels Incentive Grant Fund regulations were adopted under the authority of 75 Pa.C.S. §§ 7201—7204, which created the Alternative Fuels Incentive Grant Fund in December 1992. On November 29, 2004, the Alternative Fuels Incentive Act repealed this statute, created a comprehensive structure with which to manage the AFIG program, and repealed the existing regulations to the extent that they are inconsistent with the Act. This final-omitted rulemaking will repeal the current regulations to eliminate conflicting requirements in the out-dated regulations	David Althoff Jr. (717) 705-0372 dalthoff@state.pa.us
Facility Odor Management 25 Pa. Code, Chapter 83	FY07-08	This rulemaking provides the State Conservation Commission with oversight to manage the impact of odors generated from animal housing facilities and manure storage facilities on high-density livestock and poultry operations, referred to as Concentrated Animal Operations and from Concentrated Animal Feeding Operations.	Doug Brennan (717) 787-9373 dobrennan@state.pa.us
GENERAL SERVICES			
Surplus State Property 4 Pa. Code Chapters 41, 43, 45 and 47	Fall 2007, as final omitted.	These regulations should be updated to reflect current agency practice and procedure.	Mary Benefield Seiverling (717) 772-2749
Responsibility 4 Pa. Code Chapter 60	Fall 2007, as proposed.	This chapter should be amended to be consistent with the Procurement Code and to provide for uniform debarment and suspension procedures.	Mary Benefield Seiverling (717) 772-2749
Prequalification Procedures 4 Pa. Code Chapter___	Summer 2007, as proposed.	These new regulations will establish procedures to prequalify bidders and offerors as authorized by § 532 of the Procurement Code.	Mary Benefield Seiverling (717) 772-2749

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Committee on Construction Contract Documents 4 Pa. Code Chapter 62	Summer 2007, as final omitted.	The Procurement Code repealed the legislation creating this committee, which no longer exists.	Mary Benefield Seiverling (717) 772-2749
Selections Committee, 4 Pa. Code Chapter 64	Fall 2007, as final omitted.	These regulations will be reviewed to ensure that they accurately reflect present practice and are consistent with the Procurement Code.	Mary Benefield Seiverling (717) 772-2749
Emergency Construction Repairs 4 Pa. Code Chapter 67	Fall 2007, as final omitted.	The regulations should be amended to more accurately reflect present practice and to delete antiquated contract provisions.	Mary Benefield Seiverling (717) 772-2749
Contract Compliance 4 Pa. Code Chapter 68	Fall 2007, as proposed.	References to the Human Relations Commission need to be replaced by procedures under the current DGS programs.	Mary Benefield Seiverling (717) 772-2749
Methods of Awarding Contracts 4 Pa. Code Chapter 69	Summer 2007, as final omitted.	These regulations should be repealed since they have been superseded by enactment of the Commonwealth Procurement Code.	Mary Benefield Seiverling (717) 772-2749
Commonwealth Parking Facilities 4 Pa. Code Chapter 71	Fall 2007, as final omitted.	The regulations need to be updated to reflect changes to agency procedure and practice.	Mary Benefield Seiverling (717) 772-2749
Commonwealth Automotive Fleet 4 Pa. Code Chapter 73	Fall 2007, as final omitted.	These regulations need to be reviewed and updated to reflect current practice.	Mary Benefield Seiverling (717) 772-2749
Processing Subscriptions and Sales of <i>Pennsylvania Code</i> and Related Publications 4 Pa. Code Chapter 81	Fall 2007, as final omitted.	These regulations should be revised since the DGS Bureau of Management Services no longer has responsibility for processing subscriptions and orders for the <i>Pennsylvania Code</i> .	Mary Benefield Seiverling (717) 772-2749
Bookstore Operations, 4 Pa. Code Chapter 83	Fall 2007, as final omitted.	These regulations should be revised since the bookstore operations were transferred to the Historical and Museum Commission by statute.	Mary Benefield Seiverling (717) 772-2749
Exercise of First Amendment Rights on Commonwealth Property 4 Pa. Code Chapter 85	Summer 2007, as final omitted.	The regulation will be rewritten to reflect the current organizational structure and to conform to changes which will be made to the Statement of Policy in Chapter 86.	Mary Benefield Seiverling (717) 772-2749
Use of the Forum 4 Pa. Code Chapter 87	Summer 2007, as final omitted.	The regulations should be amended to reflect the Department's current use of a rental agreement instead of a permit and to reflect the current organizational structure.	Mary Benefield Seiverling (717) 772-2749
Death Benefits for Survivors of Fireman and Law Enforcement Officers 4 Pa. Code Chapter 89	Summer 2007, as final omitted.	Amendments are needed to this regulation to make it consistent with legislative amendments.	Mary Benefield Seiverling (717) 772-2749

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
HEALTH			
Health Facility Licensure— General Administrative Chapter & General and Special Hospitals 28 Pa. Code § 51.1 et seq. 28 Pa. Code § 101.1 et seq.	September, 2007, as proposed.	The amendments to existing regulations will update the licensure requirements for hospitals and other health care facilities. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b.	Barbara Holland (717) 346-9692 James T. Steele, Jr. (717) 783-2500
Communicable Diseases 28 Pa. Code § 27.1 et seq.	December 2007, as proposed.	The amendments to existing regulations will clarify the Department's authority to perform disease surveillance and investigation. Pursuant to the Disease Prevention and Control Law of 1955, 35 P. S. §§ 521.1—521.21.	Jalene Kolb (717) 783-2500
Supplemental Nutrition Program for Women, Infant's and Children (WIC) 28 Pa. Code § 1101.1 et seq.	August 2007, as proposed.	The amendments to existing regulations will bring the Commonwealth into compliance with the requirements of the federal Child Nutrition and WIC Reauthorization Act of 2004. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.102, 448.201(12), 448.601, 448.801a, and 448.803(2) and the Administrative Code of 1929 (71 P. S. 532(a) and (g)).	Robert Datorre (717) 783-2500
School Immunization Requirements 28 Pa. Code §§ 23.83 and 23.86	September 2007, as proposed.	The amendments to existing regulations will revise immunization requirements for school entry and attendance, add a grace period for the provision of vaccinations in order for them to be considered valid, and change school reporting requirements to require reporting of doses of vaccine given. Pursuant to the Disease Prevention and Control Law of 1955 35 P. S. § 521.1 et seq.; the Administrative Code of 1921 (71 P. S. § 541(c.1)) and the Public School Code of 1949 (24 P. S. § 13-1303a).	Yvette M. Kostelac (717) 783-2500
Sexual Assault Victims Emergency Services Regulations 28 Pa. Code §§ 117.51—117.58.	August 2007, as final.	The amendments to existing regulations will establish minimum parameters for the treatment of sexual assault victims presenting at Pennsylvania hospitals. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.102, 448.201(12), 448.601, 448.801a, and 448.803(2) and the Administrative Code of 1929 (71 P. S. 532(a) and (g)).	Robert Datorre (717) 783-2500
Health Facility Licensure Home Care Agencies and Home Care Registries 28 Pa. Code Chapter 611	July 2007, as proposed.	These new regulations will set licensure standards for home care agencies and home care registries. Home care agencies employ direct care workers and home care registries refer direct care workers who are independent contractors to provide home care services to individual in their home or other independent living environment. Home care services include assistance with activities of daily living and instrumental activities of daily living, companionship, respite care and other non-medical services. Pursuant to Section 803 (10 of the Health Care Facilities Act, Act of July 19, 1979 (P. L. 130, No. 48), as amended, 35 P. S. § 448.803 (1), and Act 2006-69 at § 809.1, which expressly authorizing the Department to promulgate regulations to implement §§ 806 (d.1) (addressing licensure standards) and 808.3 (addressing consumer protections).	Karin Simpson (717) 783-2500
HOUSING FINANCE AGENCY			
No regulations being developed or considered at this date.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
INFRASTRUCTURE INVESTMENT AUTHORITY			
25 Pa. Code §§ 963.12(a)(6) and (7) 963.13(b) 2, 963.13(c), 963.14(a), 963.15(a), 963(15)(c), 25 Pa. Code § 965.4(9), and 25 Pa. Code § 965.7	Winter 2007	<p>PENNVEST recommends the following revisions:</p> <p>(1) Delete 25 Pa. Code § 963.12(a) (6) in its entirety and the second sentence of 25 Pa. Code § 963.13(b)(2) thereby allowing PENNVEST to provide financial assistance (loan or grant) for costs associated with the development of an approvable official sewage plan under the Sewage Facilities Act, 35 P. S. § 750.1 et seq.</p> <p>(2) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor.</p> <p>(3) Amend 25 Pa. Code § 963.13 (c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment on principal and interest on the 60th month.</p> <p>(4) Amend 25 Pa. Code § 963.14(a) by revising the section to clarify when the use of an affordability analysis for the award of grants is necessary.</p> <p>(5) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only preceding the 20 year term.</p> <p>(6) Amend 25 Pa. Code § 963.15 (c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date.</p> <p>(7) Amend 25 Pa. Code § 965.4 (9) to allow for eligible land costs under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.</p> <p>(8) Amend 25 Pa. Code § 965.7 to eliminate the requirement for a second opinion project review if the applicant is able to prove to the satisfaction of PENNVEST that no alternative methodologies are available to reduce project costs for projects with construction costs plus contingency in excess of \$10 million.</p>	Shawn W. Weis (717) 783-6776
INSURANCE			
Producer Licensing 31 Pa. Code, Chapter 37, §§ 37.1—37.84	Fall/Winter 2007, as proposed.	Act 147 of 2002 sets new standards for Producers in the Commonwealth. This chapter will be repealed and replace with new regulation consistent with the statute.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Motor Vehicle Financial Responsibility Law—Evidence of Financial Responsibility 31 Pa. Code, Chapter 67, §§ 67.21—67.28	Fall/Winter 2007, as proposed.	Amend to make the regulation consistent with statutory requirements.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Life Insurance Illustrations (New Chapter 87a)	Summer/Fall 2007, as proposed.	Act 154 of 1996 provides for life insurance illustration requirements for life insurance policies. The statute sunsets when a life insurance illustration regulation becomes effective. A life insurance illustration regulation will eliminate misleading illustrations, make illustrations more understandable, and standardize terms and illustration formats for the entire life insurance industry. Further, it is more appropriate that technical requirements, such as these, appear in a regulation rather than in statutory form.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Preparation of Filing of Property and Casualty Forms for Approval 31 Pa. Code, Chapter 133, §§ 133.1—133.12	Summer/Fall 2007, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Description of Reserves—Prohibited Phrases 31 Pa. Code, Chapter 139, §§ 139.1—139.3	Winter 2007, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Unfair Insurance Practices; Unfair Claims Settlement Practices 31 Pa. Code, Chapter 146, §§ 146.1—146.10	Fall/Winter 2007, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Medical Catastrophe Loss Fund 31 Pa. Code, Chapter 242, §§ 242.1—242.18	Summer/Fall 2007, as proposed.	Amend the regulation to be consistent with the statute.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Health Care Provider Retention Program 31 Pa. Code, Chapter 248, §§ 248.1—248.11 (NEW)	Summer/Fall 2007, as proposed.	Adopt regulations per the Medical Care Availability and Reduction of Error (Mcare) Act (40 P. S. §§ 1303.1101 et seq.).	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
Viatical Regulations (NEW chapter)	Fall/Winter 2007, as proposed.	New regulation addressing issues pertaining to the Licensing of Viatical Brokers. Waiting for NAIC model to be finalized.	Peter J. Salvatore, Regulatory Coordinator (717) 787-4429
LABOR AND INDUSTRY			
Repeal of mine and excavation regulations, Title 34, Chap. 33, Bureau of Occupational and Industrial Safety	Submit final-omitted regulation in Summer 2007.	Will revoke Labor and Industry's authority to regulate mines and excavations. The Department of Environmental Protection now has this authority.	Edward Leister (717) 787-3323
Liquefied Petroleum Gas, Title 34, Bureau of Occupational and Industrial Safety	Submit proposed rulemaking in Summer 2007.	Will enact the Propane and Liquefied Petroleum Gas Act passed in June 2002. Will govern the design, installation and construction of containers and equipment for storage and handling of liquefied petroleum gas, specify the odorization of the gases and establish guidelines for the processing and technologies that are not covered by industry standards.	Edward Leister (717) 787-3323

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Storage and Use of Flammable and Combustible Liquids, Title 37, Part I Chap. 13, Bureau of Occupational and Industrial safety	Submit proposed rulemaking in Summer 2007.	Amend existing regulations to provide requirements for unattended self-service stations.	Douglas MacAdam (717) 772-2443
Business Enterprise Program, Title 34 Bureau of Blindness and Visual Services	Submit proposed rulemaking in Summer 2007.	Concerns operation of snack bars and similar operations in Commonwealth facilities under the Federal Randolph-Sheppard Act and related Pennsylvania laws.	Lucy Shumaker (717) 783-3784
Office of Vocational and Rehabilitation, Title 34.	Submitted Final Rulemaking in Summer 2007.	Regulations will govern the registration process and implement the Sign Language Interpreter and Transliterator Registration Act which was enacted in 2004 (Act 57 of 2004).	Catherine N. Wojciechowski (717) 787-4186
Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Tax Services	Submit proposed rulemaking in Summer 2007.	Update Unemployment Compensation tax and select benefit regulations.	Scott Miedrich (717) 787-2097
Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Benefits	Submit proposed rulemaking in Summer 2007.	Update requirements and procedures for filing benefit claims and applications.	Jeri Morris (717) 787-3667
Unemployment Compensation, Title 34, Chapter 101, Unemployment Compensation Board of Review	Submit proposed rulemaking in Fall 2007.	Update appeal and hearing procedures to reflect evolving procedures and statutory changes.	Edward Rawlings (717) 787-1620
Bureau of Workers' Compensation Title 34, Chapter 121	Submit final-form regulation Spring 2007.	Updating regulations concerning processing of claims forms/petitions to reflect changes in law and technology.	John T. Kupchinsky (717) 783-5421
Bureau of Workers' Compensation, Title 34, Chapter 127, Medical Cost Containment	Submit final-form regulation in Spring 2008.	Update processes governing medical care and costs under the Workers' Compensation Act.	John T. Kupchinsky (717) 783-5421
Bureau of Workers' Compensation, Title 34, Chapter 123	Re-submit final-form regulation in Spring 2007.	Update procedures for qualifications of vocational experts to reflect passage of Act 88.	John T. Kupchinsky (717) 783-5421
Bureau of Workers' Compensation, Title 34, Chapter 125A, Self-Insurance	Submit proposed rulemaking in Winter 2008.	Clarify standards and security requirements for individual self-insured employees.	George Knehr (717) 783-4476
Bureau of Workers' Compensation, Title 34, Chapter 123	Submit proposed rulemaking in Spring 2008.	Clarify procedures for obtaining benefits under the Uninsured Employer Guaranty Fund.	John T. Kupchinsky (717) 783-5421

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Bureau of Workers' Compensation, Title 34, Chapter 131	Submit proposed rulemaking in Spring 2008.	Update procedures for proceedings before workers' compensation judges and incorporating Act 147 of 2006.	Elizabeth A. Crum (717) 787-5082
Workers' Compensation Appeal Board, Title 34, Chapter 111	Submit proposed rulemaking in Spring 2008.	Update procedures for Workers' Compensation Appeal Board.	Susan McDermott (215) 560-4583
Bureau of Mediation, Title 34	Submit proposed rulemaking in Fall 2007.	Specify procedures and process for Bureau mediators.	William D. Gross (717) 787-2803
Bureau of Labor Law Compliance, Title 34, Chapter 231, Minimum Wage	Submit proposed rulemaking in Fall 2007.	Address statutory amendments for training wages, clarify overtime exclusions and delete expired Food-Service Employee Incentive Program.	James A. Holzman (717) 787-4186
MILITARY AND VETERANS AFFAIRS			
State Veterans' Homes 43 Pa. Code Section 7.1 et. seq.	September 2007 as proposed.	This regulation is necessary to update current regulations, make them more user-friendly. This regulation is a long-term project and would amend 43 Pa. Code Chapter 7.	Dennis T. Guise (717) 861-8503
Persian Gulf Conflict Veterans' Compensation Program 43 Pa. Code Chapter 9	July 2007	This regulation is needed to implement Act 29 of 2006, which established the Persian Gulf Conflict Veterans' Compensation Program. The funding for this program was approved by Pennsylvania voters in November 2006, and the Act took effect in December 2006. DMVA's goal is to have regulations (which relate directly to military affairs) in effect by September 2007.	Dennis T. Guise (717) 861-8503
MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION			
Municipal Police Officers' Education and Training Commission 37 Pa. Code Chapter 203	Final regulations, August 2007.	The Commission intends to publish regulations to allow physicals to be performed by physicians' assistants and certified nurse practitioners. Current regulations require all physicals to be performed only by licensed physicians.	Syndi L. Guido (717) 772-0905
Municipal Police Officers' Education and Training Commission 37 Pa. Code Chapter 204	Proposed regulations, August 2007.	Act 79 of 2005 requires the Commission to promulgate regulations to implement the Retired Law Enforcement Identification Act.	Syndi L. Guido (717) 772-0905
PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
PROBATION AND PAROLE			
The County Probation and Parole Officers Firearms Education and Training Law 61 P. S. § 332.5 (13) requires the Commission to "make rules and regulations and to perform other duties as may be reasonably necessary or appropriate to implement the training program for county probation and parole officers."	The proposed regulation was published in the <i>Pennsylvania Bulletin</i> in the fall of 2006.	The County Probation and Parole Officers' Education and Training Commission is in the process of promulgating these regulations and anticipates the completion of final regulations by Summer 2007 for publication in the <i>Pennsylvania Bulletin</i> .	Henry L. Van Brederode (717) 787-5699 x 389
The Domestic and Sexual Violence Victim Address Confidentiality Act 23 Pa.C.S.A. § 6712 requires the Office of the Victim Advocate to promulgate regulations to establish an address confidentiality program to protect victims of sexual and domestic violence.	The regulation will be published in the <i>Pennsylvania Bulletin</i> in the summer of 2007 using the "final-omitted" process.	23 Pa.C.S.A. § 6712 (3) requires the Office of the Victim Advocate to promulgate the required regulations by July 1, 2007.	Victoria Sostack (717) 783-5157
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM			
Portions of 22 Pa. Code, Part XIII, Chapters 201, 211, 213, 215	Publication of proposed rulemaking anticipated within 2-3 months.	This proposal is being made to formalize and clarify current practices, remedy problems that have arisen and reflect issues unique to PSERS. Definitions that simply copy the Retirement Code or were outdated were deleted. Regulations that are outdated were, in some instances, moved to a more appropriate section based on content and then deleted for non-applicability. New regulations were added to provide a clear, concise understanding of the Board's policies and procedures in accordance with the Retirement Code. The majority of the amendments to these regulations were to correct grammatical errors and editorial changes to improve readability and to provide consistency with the Retirement Code.	Frank Ryder (717) 720-4733
PUBLIC WELFARE			
Administration of County Children and Youth Programs 55 Pa. Code Chapter 3130	December 2007, as proposed.	This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the federal regulations (effective March 27, 2000) for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include permanency hearings and the matters to be determined, requirements related to reasonable efforts including aggravated circumstances contrary to the welfare and best interests and redefining permanency goals for children.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration and Operation of a Children and Youth Social Services Agency 55 Pa. Code Chapter 3680	December 2007, as proposed.	This regulation incorporates the changes identified in the Child and Family Services Review, including requirements for visitation with fathers and non-custodial parents and between siblings; concurrent planning; improving permanency outcomes for children; and preserving connections with family and community for children placed out of the home.	Ruth O'Brien (717) 783-2800
Food Stamp Disqualification Penalties 55 Pa. Code Chapter 501	October 2007, as proposed.	This regulation incorporates a revision to the Food Stamp disqualification penalties as required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The revision increases the Food Stamp intentional program violation disqualification penalties from 6 months to 1 year for the first violation and from 1 year to 2 years for the second violation. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Family Violence Option 55 Pa. Code Chapter 108	February 2008, as proposed.	This regulation codifies the provision in the TANF State Plan to screen and identify victims of domestic violence, refer those individuals to counseling and supportive services, establish service plans, provide universal notification and make appropriate referrals to social service agencies. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization and other client advocacy groups.	Ruth O'Brien (717) 783-2800
Medical Assistance Changes (MAC) 55 Pa. Code Chapters 133, 140, 141, 178 and 181	April 2008, as proposed.	This regulation incorporates eligibility requirements for Temporary Assistance for Needy Families (TANF)-related, Supplemental Security Income (SSI)-related and General Assistance (GA)-related Medicaid. Some of the major changes include revisions to: 1) the application and redetermination process; 2) the qualification requirements and eligibility rules for Healthy Beginnings; 3) the income eligibility methodologies for TANF-related categories of Medicaid; 4) the income and resource requirements for the Medicaid Program; 5) Extended Medical Coverage to include provisions as set forth in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); 6) the GA-related Nonmoney Payment (NMP) and Medically Needy Only (MNO) eligibility criteria as set forth in Act 35; and 7) the qualifying criteria for TANF-related categories to include a new eligibility group as set forth in § 1931 of the Social Security Act.	Ruth O'Brien (717) 783-2800
Payment for Burial and Cremation 55 Pa. Code Chapters 283, 285	October 2007 as proposed.	The proposed rulemaking increases the maximum payment to funeral directors for burial or cremation services to a standard \$750 for all eligible individuals. This rulemaking also increases maximum level of contributions that may be made by another agency or individual towards burial expenses without reducing the Department payment. This amount is increased from \$180 to \$750. Additionally, this proposed rulemaking eliminates several restrictive requirements for burial, thus allowing families and funeral directors more flexibility and choice in planning and selecting burial goods and services.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Revisions to Special Allowances for Supportive Services 55 Pa. Code Chapter 165	December 2007 as proposed.	The purpose of this proposed regulation is to ensure adequate and consistent availability and distribution of special allowances. These special allowances are for supportive services to recipients of cash assistance who are engaged or intend to engage in employment and training activities approved by the Department.	Ruth O'Brien (717) 783-2800
Deficit Reduction Act of 2005 (TANF Reauthorization) 55 Pa. Code Chapter 165	July 2007 as proposed.	The purpose of this proposed regulation is to incorporate revised policies for work participation according to Federal statutes and regulations.	Ruth O'Brien (717) 783-2800
Deficit Reduction Act of 2005 (Long Term Care Eligibility Requirements) 55 Pa. Code Chapter 178	March 2008, as proposed.	This regulation incorporates changes to the eligibility requirements for payment of Long Term Care (LTC) services identified in the Deficit Reduction Act of 2005. Major changes include revisions to the determination of periods of ineligibility for payment of LTC services due to transfers of assets for less than fair market value (FMV), a new eligibility criterion regarding an individual's equity value in his/her home, revision to the spousal impoverishment procedures regarding resource eligibility of a married individual, and implementation of a formal undue hardship process for those individuals denied eligibility for payment of LTC services due to a transfer of assets for less than FMV or because of substantial home equity.	Ruth O'Brien (717) 783-2800
Deficit Reduction Act of 2005 (Citizenship and Identity requirements for Medicaid) 55 Pa. Code Chapters 125, 141, 150 and 201	February 2008, as proposed.	The purpose of this regulation is to incorporate revised policies relating to citizenship and identity mandated by the Federal Deficit Reduction Act of 2005 for individuals who are applying and being reviewed for continuing Medicaid.	Ruth O'Brien (717) 783-2800
Early and Periodic Screening Diagnosis Treatment (EPSDT) 55 Pa. Code Chapters 1101, 1121, 1123, 1147, 1241	March 2008, as proposed.	This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance State Plan. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Medical Assistance Case Management Services 55 Pa. Code Chapter 1239	March 2008, as proposed .	This regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
OMNIBUS Pharmacy 55 Pa. Code Chapters 1121, 1126, 1129, 1141, 1163, 1221, 1225, 1243	December 2007, as final-omitted.	This final regulation codifies Act 1994-49 provisions that discontinue payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation also provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation was reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Physician Assistant/Midwife 55 Pa. Code Chapter 1141	June 2008, as final-omitted.	This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Discontinuance of the Mandatory Second Opinion Program 55 Pa. Code Chapter 1150	June 2008, as final-omitted.	This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Capital Component Payment for Replacement Beds 55 Pa. Code Chapter 1187	July 2008, as proposed.	This regulation codifies the policy as set forth in the Statement of Policy published at 27 Pa. B. 6238 (November 29, 1997). This regulation will specify the conditions under which the Department will recognize nursing facility beds as replacement beds for purposes of making capital component payments for those beds. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
New Definition of "Emergency Medical Condition" 55 Pa. Code Chapters 1101, 1141, 1150, 1221	April 2008, as proposed.	This regulation codifies the revised definition of "emergency medical condition" contained in the Balanced Budget Act of 1997, effective July 1, 1998. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Definition of Medically Necessary 55 Pa. Code Chapter 1101	December 2007, as proposed.	This proposed regulation replaces the current definition of "medically necessary" with the definition found in the HealthChoices Request for Proposal. This regulation was reviewed on 9/21/01 by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Tobacco Cessation and Nutritional Supplements 55 Pa. Code Chapter 1121	December 2007, as final-omitted.	This final regulation will provide coverage under the Medical Assistance Program for tobacco cessation products and counseling services and will extend coverage for nutritional supplements to eligible Medical Assistance recipients 21 years of age and older. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Dental Services 55 Pa. Code Chapter 1149	December 2007, as final-omitted.	This final regulation will provide coverage for crown core build-up and will revise the Medical Assistance Orthodontia Program. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Preadmission Requirements for Nursing Facility Services 55 Pa. Code Chapter 1187	August 2007, as final.	This regulation will require nursing facilities to have all individuals applying for nursing facility services, evaluated by the Department or an independent assessor if it is likely that the applicant will use Medical Assistance as a payer source within 12 months of admission. The purpose of this regulation is to allow an individual to remain in the community by delaying or eliminating the need for admission to a nursing facility. This regulation will be reviewed by the Medical Assistance Advisory Committee.	Ruth O'Brien (717) 783-2800
Changes to Nursing Facility Rate Setting System 55 Pa. Code Chapter 1187	June 2008, as final-omitted.	This regulation will support the balancing of long term care by encouraging the continued trend of having nursing facilities serve higher acuity MA recipients, encouraging right sized facilities and decreased reliance on MA payments. Further objectives of this regulation will be to provide greater predictability in rate setting, reduce the number of appeals and incorporate performance standards/incentives to encourage cost effective and high quality care in the most appropriate setting.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical Assistance Copayment Changes 55 Pa. Code Chapter 1101	September 2008, as final-omitted.	This regulation will codify new MA copayment exclusions mandated by the Federal Deficit Reduction Act (DRA) of 2005, and reduce the copayment for brand name drugs identified as preferred on the Department's Preferred Drug List (PDL) as authorized under the DRA. This regulation will be reviewed by the Medical Assistance Advisory Committee (MAAC).	Ruth O'Brien (717) 783-2800
Third Party Liability Programs 55 Pa. Code Chapter 259	September 2007, as proposed.	Section 1902(a)(25) of the Social Security Act (42 U.S.C. § 1396a(a)(25)) requires the Department to develop and implement a TPL program to ensure that Medicaid is the payor of last resort. Section 1906 of the Social Security Act (42 U.S.C. § 1396(e)) authorizes the Department to have a special program to enroll certain MA recipients into group health insurance. Both the general TPL program and the special group health insurance program have been in operation in Pennsylvania for a number of years. During this period of operation, questions have arisen as to interpretation and procedures under the Federal and state's statutes. This proposed regulation is needed to supply guidance with respect to issues not directly addressed by the Federal and state statutes, to resolve ambiguities and to fill gaps in the state statutory language.	Ruth O'Brien (717) 783-2800
Licensure and Approval Appeal Procedures 55 Pa. Code Various Chapters	December 2007, as final-form.	This regulation replaces the uncodified regulation at 7 Pa.B. 3266 with the General Rules of Administrative Practice and Procedure (1 Pa. Code Chapters 31—35) for all facilities and agencies certified by the Department.	Ruth O'Brien (717) 783-2800
Third Party Liability Programs Changes 55 Pa. Code Chapter 258	October 2008, as proposed .	This regulation will incorporate additions and changes to the estate recovery program regulation that was codified in February 2003. The changes reflect modification and additions identified since implementation. These include additional and clarified definitions; inclusion of language regarding the Long Term Care Partnership; modification of the Department's priority of claim based on a change to 20 Pa.C.S. § 3392 relating to classification and order of payment; and clarifications regarding undue hardship waivers, postponement of collection and computation of claim.	Ruth O'Brien (717) 783-2800
Family-Based Mental Health Service Providers 55 Pa. Code Chapter 5260	April 2008, as proposed.	This proposed regulation would establish requirements for the delivery of services, and payment of family-based mental health services for children and adolescents.	Ruth O'Brien (717) 783-2800
Residential Treatment Facilities (RTF) for Mental Health Services 55 Pa. Code Chapters 31, 1157, 1165	February 2008, as proposed.	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation was reviewed by the Medical Assistance Advisory Committee (MAAC) on 3/28/02 and again to the MAAC as well as other interested stakeholders on 4/20/06. The comments and revised regulations are under review by the Department.	Ruth O'Brien (717) 783-2800
Outpatient Drug and Alcohol Clinic Services 55 Pa. Code Chapter 1223	November 2008, as proposed.	This proposed regulation is needed to maintain consistency with the Department of Health's licensing definition and align regulations with current Federal and State licensing requirements and current treatment trends.	Ruth O'Brien (717) 783-2800

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Intermediate Care Facilities for the Mentally Retarded 55 Pa. Code Chapter 6650	August 2007, as proposed.	This regulation applies to private and public residential facilities receiving monies for intermediate care facilities for the mentally retarded (ICFs/MR) or intermediate care facilities for persons with other related conditions (ICFs/ORC). This regulation will include facility capacity, facility expansion, new ICF/MR development, conversion of state funded programs to ICF/MR, conversion of existing ICF/MR to the Medicaid Consolidated Waiver program, medication administration, medication administration training, self-administration of medications and medication log.	Ruth O'Brien (717) 783-2800
Individual Support Plans 55 Pa. Code Chapters 2380, 2390, 6400, 6500	May 2008, as proposed.	This regulation will amend the current Individual Program Plan/Individual Written Program Plan regulations to reflect current practices and requirements related to Individual Support Plans.	Ruth O'Brien (717) 783-2800
Child Care Facilities 55 Pa. Code Chapters 3270, 3280, 3290, 3300	December, 2007 as final-form.	The purpose of the proposed rulemaking is to update the minimum standards for child care facilities. The regulations need to be updated to reference the current laws that directly impact on the operation of child care facilities, to incorporate the Department's statements of policy issued since 1992, to implement changes in recommended health and safety practices, to clarify regulations and to reflect best practice in the field of child care.	Ruth O'Brien (717) 783-2800
REVENUE			
Construction Contractors 61 Pa. Code, §§ 31.11—31.16 and 46.11—46.17	December 2007, as proposed.	The regulation will provide an update to the rules regarding contracts with exempt and nonexempt entities following Act 45 of 1998. Department awaiting decision of the Pennsylvania Supreme Court.	Douglas Berguson (717) 346-4633
Realty Transfer Tax Amendments 61 Pa. Code, Chapter 91	September 2007, as final.	The amendments to Chapter 91. Realty Transfer Tax, are made to address numerous legislative changes and to bring the regulatory provisions into conformity with Departmental policy.	Douglas Berguson (717) 346-4633
Support Offset and Other Personal Income Tax Provisions	September 2007, as proposed.	This regulatory change will amend certain regulatory provisions to provide for the intercept of income tax refunds from individuals who are delinquent in support payments and redirect the funds accordingly. Other amendments are proposed to update and/or clarify personal income tax provisions.	Douglas Berguson (717) 346-4633
Pennsylvania Gaming Cash Flow Management 61 Pa. Code §§ 1001.1—1001.11	July 2007, as final.	The Department is proposing "permanent" regulations for Chapter 1001, Pennsylvania Gaming Cash Flow Management in accordance with the Pennsylvania Race Horse Development and Gaming Act 2004 (Act 71).	Douglas Berguson (717) 346-4633
Amendments to Chapter 117. Return and Payment of Tax	September, 2007, as proposed.	The proposed regulation will amend § 117.9 and add § 117.9b to reflect the Department's policy regarding the form of Pennsylvania Personal Income Tax returns. In addition, the regulation will provide clear instructions for taxpayers regarding reporting requirements.	Douglas Berguson (717) 346-4633
SECURITIES COMMISSION			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
STATE			
Bureau of Commissions, Elections and Legislation —Alteration of Local Election Districts 4 Pa. Code § 184 (16—36) —Lobbying Disclosure 51 Pa. Code (16—40)	Fall 2007, as Proposed. Spring 2007, as Proposed.	The regulation would address the statutory requirements relating to local redistricting in Article V of the Election Code, 25 P. S. §§ 2701—2750. Statutory Authority: Section 2750 of the Election Code, 25 P. S. § 2570, which authorizes the Secretary of the Commonwealth to promulgate regulations relating to Election District Alteration and Data Reporting. This proposed rulemaking is required to implement the Lobbying Disclosure Act, Act 134 of 2006, which requires the Lobbying Disclosure Committee to deliver proposed regulations implementing the provisions of Act 134 within 180 days. Statutory Authority: Section 1310-A of the Lobbying Disclosure Act, Act 134 of 2006.	L. Lawrence Boyle (717) 783-1657
Bureau of Professional and Occupational Affairs —Schedule of Civil Penalties (Nurses) 49 Pa. Code § 43b.18 (16—38) —Schedule of Civil Penalties (Veterinarians and Veterinary Technicians) 49 Pa. Code § 43b.21 (16—39) —Recording Devices 49 Pa. Code, §§ 43b.101—43b.102 (number not yet assigned)	Winter 2007/2008, as Final. Summer 2007, as Statement of Policy. Fall 2007, as Proposed.	The regulations would amend the civil penalty schedule for the State Board of Nursing by adding civil penalties for violation of the continuing education regulations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a). The statement of policy would implement Act 48 civil penalty schedules for certain violations of the Veterinary Medicine Practice Act and the regulations of the State Board of Veterinary Medicine. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a). The regulation would provide rules for the use of electronic (audio and visual) recording devices during meetings of the boards and commissions within the Department of State for which the Bureau of Professional and Occupational Affairs provides administrative support. Statutory Authority: Sections 710 and 711 of the Sunshine Act, Act of October 15, 1998 (P. L. 179, No. 93) authorizes the adoption of rules and regulations governing the use of recording devices in public meetings.	Cynthia K. Montgomery (717) 783-7200 Thomas A. Blackburn (717) 783-7200
State Board of Accountancy —Continuing Education 49 Pa. Code §§ 11.61—11.69a (16A-5511) —Biennial Renewal Fees 49 Pa. Code § 11.4 (16A-5512)	Fall 2007, as Proposed. Summer 2007, as Proposed.	The regulation would amend continuing professional education requirements for licensed certified public accountants and public accountants. Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3. This proposed rulemaking would increase the biennial renewal fees for certified public accountants, public accountants, public accounting firms and continuing education program sponsors. Statutory Authority: Section 6 of the C.P.A. Law, 63 P. S. § 9.6.	Kristopher Adams (717) 783-1404

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Architects Licensure Board —Architect Registration Examination Requirements 49 Pa. Code § 9.45(b) (16A-419)	Fall 2007, as Proposed.	This regulation would adopt a 5-year “rolling clock” requirement so that applicants would be required to pass all divisions of the Architect Registration Examination within a rolling 5-year period. Statutory Authority: Section 6(a) and (d) of the Architects Licensing Law, 63 P. S. § 34.6(a) and (d).	Penny Walker (717) 783-3397
State Athletic Association —Communicable Disease Testing 58 Pa. Code § 21.8 (16-37)	Fall 2007, as Proposed.	This regulation would alter the Commission’s current regulations that authorize the testing of boxers for communicable diseases to require such testing no more than 6 months prior to the date of the application for licensure. Statutory Authority: Sections 103(b) and 501 of the State Athletic Code, 5 Pa.C.S. §§ 103(b) and 501, authorize the Commission to promulgate regulations implementing changes to the health and safety rules as recommended by the Medical Advisory Board.	Greg Sirb (717) 787-5720
State Board of Barber Examiners —Student Records and Curriculum- 49 Pa. Code, Chapter 3 (16A-427)	Fall 2007, as Proposed.	This regulation would amend the current regulations to allow for part-time attendance at barber schools; to allow for transfer of hours between a barber shop and a barber school or between barber shops regardless of whether the shop or school is in-state or out-of-state; to require shop owners and schools to submit a quarterly report of student hours to the Board; to require a shop owner, or a shop owner’s designee, to notify the Board of each student to be trained in the shop. Statutory Authority: Section 15-A.4(b) of the Barbers’ License Law, 63 P. S. § 566.4(b).	Hillarene Staller (717) 783-3402
State Board of Chiropractic —Chiropractic specialties 49 Pa. Code Ch. 5 (16A-4312)	Fall 2007, as Proposed.	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The regulation would identify the certifications acceptable to the Board. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).	Deborah Smith (717) 783-7155
—Patient records 49 Pa. Code § 5.51 (16A-4313)	Fall 2007, as Final.	The regulation would clarify the requirements for patient records. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).	
—Reactivation of Lapsed Licenses 49 Pa. Code § 5.17 (16A-4314)	Fall 2007, as Proposed.	This regulation will update the Board’s requirement that a licensee whose license has been inactive for more than 5 years demonstrate current competence in order to reactivate the licensee’s license. Statutory Authority: Sections 302(3) and 501(b) of the Chiropractic Practice Act, 63 P. S. §§ 625.302(3) and 625.501(b).	
—Volunteer license 49 Pa. Code § 5.20 (number not yet assigned)	Fall 2007, as Final (Proposed-omitted).	This regulation is required to conform the regulations to the amendments to the Volunteer Health Services Act under Act 58 of 2002. Statutory Authority: Section 302 of the Chiropractic Practice Act, 63 P. S. § 625.302.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Corporation Bureau —UCC Revised Article 9 (16-35)	Fall 2007, as Proposed.	This regulation would adopt (with some revisions) the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments. Statutory Authority: Section 9526 of the Uniform Commercial Code Modernization Act of 2001, 13 Pa.C.S. § 9526.	Martha Brown (717) 787-6802
State Board of Cosmetology —General Revisions 49 Pa. Code Chapter 7 (16A-4514)	Fall 2007, as Proposed.	This regulation would implement the omnibus amendments to the Beauty Culture Law provided by Act 99 of 2006. Statutory authority: Section 16 of Act 99 requires the Board to promulgate regulations within 18 months of its effective date (September 5, 2006).	Hillarene Staller (717) 783-7130
State Board of Dentistry —EFDA Program Approval 49 Pa. Code, Chapter 33 (16A-4616)	Fall 2007, as Proposed.	This regulation is intended to establish criteria for Board approval of education programs for expanded function dental assistants. Statutory Authority: Section 3(a) of the Dental Law, 63 P. S. § 122(a).	Lisa Burns (717) 783-7162
—Dental Hygienists Scope of Practice/Local Anesthesia 49 Pa. Code, Chapter 33 (16A-4617)	Fall 2007, as Proposed.	This regulation is intended to update and amend the scope of practice of dental hygienists to conform to modern dental practices and will establish the requirements under which a dental hygienist may be permitted to administer local anesthesia under the direct supervision of a dentist. Statutory Authority: Section 3(d) of the Dental Law, 63 P. S. § 122(d).	
—Sexual Misconduct 49 Pa. Code, Chapter 33 (16A-4618)	Fall 2007, as Final.	This regulation will define sexual misconduct as it pertains to dentists, dental hygienists and expanded function dental assistants. Statutory Authority: Sections 3(c), (d) (d.1) and (o) of the Dental Law, 63 P. S. § 122(c), (d), (d.1) and (o).	
—Volunteer license 49 Pa. Code § 33.110 (number not yet assigned)	Fall 2007, as Final (Proposed-omitted).	This regulation is required to amend the current regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	
State Registration Board for Professional Engineers, Land Surveyors and Geologists —General Revisions 49 Pa. Code, Chapter 37 (number not yet assigned)	Winter 2007-2008, as Proposed.	The regulation would clarify education and experience requirements for regular and “grandfathered” candidates for examination and licensure; revise categories of acceptable professional references for candidates; update the branches of engineering for which license examinations are offered; prescribe standards relating to the use of an electronic seal and signature; clarify criteria for approval of fictitious and corporate names that use variations of professional titles; eliminate unnecessary administrative requirements; and make editorial changes. Statutory Authority: Section 4 of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151.	Terrie Kocher (717) 783-7049

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Funeral Directors —Forms Review 49 Pa. Code §§ 13.204 and 13.244 (16A-4813)</p> <p>—Preneed Funeral Arrangements 49 Pa. Code, Chapter 13 (16A-4815)</p> <p>—Preneed Activities of Unlicensed Employee 49 Pa. Code, Chapter 13 (16A-4816)</p> <p>—Renewal Fee 49 Pa. Code § 13.12 (16A-4817)</p>	<p>Fall 2007, as Final.</p> <p>Fall 2007, as Proposed.</p> <p>Fall 2007, as Proposed.</p> <p>Fall 2007, as Final.</p>	<p>This proposed regulation would clarify the criteria by which the Board will review form statements of funeral goods and services and preneed contracts and add grounds for the Board to disapprove forms. Statutory Authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).</p> <p>This regulation would clarify and add additional requirements for funeral directors who enter into preneed funeral arrangement agreements. Statutory Authority: Sections 13(c) and 16(a) of the Funeral Director Law, 63 P. S. §§ 479.13(c) and 479.16(a).</p> <p>The regulation would clarify what conduct by an unlicensed individual is permitted, as strongly urged by the court in <i>Walker v. Flitton</i>, 364 F.Supp.2d 503 (U.S.D.C. M.D. Pa. 2005). Statutory Authority: Sections 13(c) and 16(a) of the Funeral Director Law, 63 P. S. §§ 479.13(c) and 479.16(a).</p> <p>The proposed rulemaking would increase the biennial renewal fee for licensed funeral directors. Statutory Authority: Section 18.1 of the Funeral Director Law, 63 P. S. § 479.18.1.</p>	<p>Heidi Weirich (717) 783-3397</p>
<p>State Board of Medicine —Qualifications of Expert Witnesses 49 Pa. Code § 16.52 (16A-4923)</p> <p>—Acupuncture 49 Pa. Code § 18.15 (16A-4924)</p> <p>—Volunteer License 49 Pa. Code § 16.18 (number not yet assigned)</p>	<p>Fall 2007, as Proposed.</p> <p>Winter 2007-2008, as Proposed.</p> <p>Fall 2007, as Final (Proposed-omitted).</p>	<p>This proposed regulation will adopt the criteria for qualification as an expert established by section 512 of the Mcare Act for all proceedings before the Board. Statutory Authority: Sections 8 and 9 of the Medical Practice Act of 1985, 63 P. S. §§ 422.8 and 422.9.</p> <p>This proposed rulemaking amends the Board's existing acupuncture regulations so they comport with Act 186 of 2006, which amends the Acupuncture Registration Act (63 P. S. §§ 1801—1806) by authorizing acupuncturists to treat patients for up to 60 calendar days without first obtaining a referral from a physician. Statutory Authority: Sections 3 and 3.1 of the Acupuncture Registration Act, 63 P. S. §§ 1803 and 1803.1.</p> <p>This regulation is required to amend the current regulations regarding volunteer licenses to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.</p>	<p>Tammy Radel (717) 783-1400</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Nursing —LPN / IV Therapy 49 Pa. Code § 21.145 (16A-5122)	Winter 2007-2008, as proposed.	This regulation addresses the LPN's role in working with peripherally inserted central catheters (PICC lines). Statutory Authority: Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	Ann Steffanic (717) 783-7142
—RN and LPN Program Examination Pass Rates 49 Pa. Code, Chapter 21 (16A-5123)	Winter 2007-2008, as proposed.	This regulation will clarify the procedure for removing a nursing education program from the approved list and further establish standards for placing a nursing education program on provisional approval or removing the program from the approved list based on the failure rate for first-time examinees on the licensure examination. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k), and section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	
—CRNP General Revisions 49 Pa. Code, Chapter 21, Subchapter C (16A-5124)	Fall 2007, as proposed.	This regulation is required to implement Act 206 of 2002, which gave exclusive jurisdiction over CRNPs to the State Board of Nursing and to revise the existing regulations to allow the effective use of CRNPs to the full extent of their education and training. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k), and section 7(c) of Act 306 of 2002, P. L. 1567, No. 206, December 9, 2002.	
—Fees for CRNP Continuing Education Course Approval 49 Pa. Code, Chapter 21 (16A-5128)	Fall 2007, as final.	This regulation would establish a fee for the approval of CRNP continuing education courses. Statutory Authority: Sections 8.1(c) and 11.2(a) and (d) of the Professional Nursing Law, 63 P. S. §§ 218.1(c), 221.2(a) and (d).	
—Nursing Programs and Faculty Requirements 49 Pa. Code, Chapter 21 (16A-5129)	Winter 2007-2008, as proposed.	This regulation updates the Board's regulations relating to nursing education programs as part of a systematic review of the professional nursing regulations undertaken by the Board. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
—Continuing Education for RNs 49 Pa. Code, Chapter 21 (16A-5130)	Fall 2007, as final.	The proposed regulation is required to implement the continuing education requirements mandated by Act 58 of 2006. Statutory authority: Section 12 of the Professional Nursing Law, 63 P. S. § 222.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Nursing (cont'd) —Schedule of Civil Penalties—Nurses 49 Pa. Code § 43b.18 (16-38)</p> <p>—Faculty Requirements for Nursing Education Programs 49 Pa. Code §§ 21.71 and 21.72 (16A-5131)</p> <p>—Administration of Conscious Sedation Medications 49 Pa. Code, Chapter 21 (number not yet assigned)</p> <p>—Volunteer License 49 Pa. Code, Chapter 21, Subchapter F, §§ 21.601—21.607. (number not yet assigned)</p>	<p>Fall 2007, as final.</p> <p>Fall 2007, as proposed.</p> <p>Winter 2007-2008, as proposed.</p> <p>Fall 2007, as final (proposed-omitted).</p>	<p>The regulations would amend the civil penalty schedule for the State Board of Nursing by adding civil penalties for violation of the continuing education regulations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p> <p>This proposed rulemaking would amend the Board's regulations relating to faculty requirements in order to expand the pool of qualified faculty, faculty assistants and allied faculty for nursing education programs. Statutory authority: Section 6.1 of the Professional Nursing Law, 63 P. S. § 216.1, provides the Board the authority to establish standards for the operation and approval of nursing education programs.</p> <p>The proposed regulation would provide standards for registered nurses in the administration of conscious sedation medications. Statutory authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).</p> <p>This regulation is required to amend the regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).</p>	<p>Ann Steffanic (717) 783-7142</p>
<p>State Board of Examiners of Nursing Home Administrators —Administrator-In-Training 49 Pa. Code, Chapter 39 (16A-627)</p>	<p>Fall 2007, as final.</p>	<p>This regulation would create an alternative method for obtaining experience and training prior to admission to the licensing examination. Statutory Authority: Section 4(c) of the Nursing Home Administrators Licensing Act, 63 P. S. § 1104(c).</p>	<p>Chris Stuckey (717) 783-7155</p>
<p>State Board of Occupational Therapy Education and Licensure —Orders 49 Pa. Code § 42.25 (16A-676)</p> <p>—Continuing Competency 49 Pa. Code §§ 42.50—42.58 (16A-677)</p>	<p>Summer 2007, as final.</p> <p>Fall 2007, as proposed.</p>	<p>This regulation would authorize an occupational therapist to receive an oral order when it is impracticable to receive a written order. Statutory Authority: Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).</p> <p>The proposed rulemaking will implement section 15(a) of the Occupational Therapy Practice Act, 63 P. S. § 1515(a), which authorizes the board to establish additional requirements for the license renewal designed to assure continued competency. Statutory Authority: Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).</p>	<p>Chris Stuckey (717) 783-1389</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Optometry —Volunteer License 49 Pa. Code § 23.26 (number not yet assigned)	Fall 2007, as final (Proposed-omitted).	This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(b)(14) of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(b)(14).	Deborah Smith (717) 783-7155
State Board of Osteopathic Medicine —Physician Assistant Prescriptive Authority 49 Pa. Code, Chapter 25 (16A-5318)	Fall 2007, as proposed.	This joint rulemaking (with the Pharmacy Board) sets forth the requirements for physician assistants with regard to prescriptive authority under the direction of a licensed physician. Statutory Authority: Section 10(p) of the Osteopathic Medical Practice Act, 63 P. S. § 271.10(p).	Gina Bittner (717) 783-4858
—Volunteer License 49 Pa. Code, Chapter 25, Subchapter L, §§ 25.601—25.607 (number not yet assigned)	Fall 2007, as final (proposed-omitted).	This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 16 of the Osteopathic Medicine Act, 63 P. S. § 271.16.	
State Board of Pharmacy —Supplies and Equipment 49 Pa. Code, Chapter 27 (16A-5415)	Fall 2007, as final.	The regulation would amend existing regulations pertaining to supplies and equipment to eliminate a specific list of supplies and allow pharmacies to keep on hand supplies specific to the pharmacy's area of practice. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1) and (9).	Melanie Zimmerman (717) 783-7156
—General Revisions 49 Pa. Code, Chapter 27 (16A-5416)	Fall 2007, as proposed.	The proposed regulation would update the regulations of the Board to delete outdated portions and amend sections to recognize current pharmacy practice. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1) and (9).	
—Continuing Education 49 Pa. Code § 27.32 (16A-5417)	Winter 2007-2008, as proposed.	The proposed regulation would clarify the Board's continuing education requirements. Statutory Authority: Section 3.1 of the Pharmacy Act, 63 P. S. § 390-3.1.	
—Syringes and Needles 49 Pa. Code, Chapter 27 (16A-5418)	Fall 2007, as proposed.	This regulation would amend existing regulations to eliminate the requirement for a prescription prior to dispensing needles and syringes by a pharmacist. Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j) and 390-6(k)(1) and (9).	
—Pharmacist Breaks 49 Pa. Code, Chapter 27 (16A-5419)	Winter 2007-2008, as proposed.	This regulation would permit a sole pharmacist on duty to take up to a thirty-minute break while the pharmacy remains open. Statutory Authority: Sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. §§ 390-4(j), 390-6(k)(1) and (9).	
—Matters of Conscience 49 Pa. Code § 27.103 (16A-5421)	Summer 2007, as statement of policy.	This statement of policy provides guidance to pharmacists who may have a religious, moral or ethical objection to filling a particular prescription. Statutory Authority: Section 6(k)(1) and (9) of the Pharmacy Act, 63 P. S. § 390-6(k)(1) and (9).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Physical Therapy —Biennial Renewal Fees 49 Pa. Code § 40.5 (16A-6511)	Fall 2007, as final.	This regulation would increase the biennial renewal fees for physical therapists, physical therapy assistants and certificate holders. Statutory Authority: Section 8(b) of the Physical Therapy Practice Act, 63 P. S. § 1308(b).	J. Robert Kline (717) 783-7134
State Board of Podiatry —Certificate of Authority to Perform Acupuncture 49 Pa. Code, Chapter 29 (16A-449) —Volunteer License 49 Pa. Code § 29.55 (number not yet assigned)	Winter 2007-2008, as proposed. Fall 2007, as final (proposed-omitted).	This regulation is required to establish the fees and regulate the practice of acupuncture by podiatrists under the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803. This regulation is required to amend the Board's regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.	Gina Bittner (717) 783-4858
State Board of Psychology —Qualifications 49 Pa. Code, Chapter 41 (16A-6315) —Continuing Education 49 Pa. Code § 41.59 (16A-6317) —Code of Conduct 49 Pa. Code § 41.61 (16A-6318)	Fall 2007, as proposed. Fall 2007, as proposed. Fall 2007, as proposed	This regulation amends education, experience and examination requirements as well as creates new and amends existing supervisor requirements. Statutory Authority: Sections 3.2(1) and (2) of the Professional Psychologists Practice Act, 63 P. S. §§ 1203.2(1) and (2). This regulation would amend the Board's continuing education requirements regarding home study, instruction and carry over. Statutory Authority: Section 15 of the Professional Psychologists Practice Act, 63 P. S. § 1215. This regulation would update the Board's Code of Conduct so that it would be in line with changes to the American Psychological Association and the Association of State and Provincial Psychology Boards. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	Chris Stuckey (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Real Estate Commission —Seller's Property Disclosure Statement 49 Pa. Code § 33.335a (16A-5611)</p> <p>—Education 49 Pa. Code § 35.384, 35.385. (16A-5613)</p> <p>—Consumer Notice 49 Pa. Code § 35.336 (16A-5614)</p> <p>—Partial Fees 49 Pa. Code, Chapter 35 (16A-5615)</p>	<p>Fall 2007, as proposed.</p> <p>Winter 2007-2008, as proposed.</p> <p>Fall 2007, as final.</p> <p>Winter 2007-2008, as proposed.</p>	<p>This regulation adopts a form "seller's property disclosure statement" as required by Act 114 of 2000. Statutory Authority: Section 7304(a) of the Residential Real Estate Transfers Law, 63 P. S. § 7304(a).</p> <p>The Proposed Regulation would require new licensees to complete a mandatory 14-hour post-licensure course in lieu of their continuing education. Statutory Authority: Sections 404 and 404.1 of the Real Estate Licensing and Registration Act, 63 P. S. §§ 455.404 and 455.404a.</p> <p>This regulation would shorten and simplify the Consumer Notice mandated by section 608 of the Real Estate Licensing and Registration Act. Statutory Authority: 63 P. S. § 455.608.</p> <p>The proposed regulation would eliminate the partial fees charged to licensees who apply mid-biennium. Statutory authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404.</p>	<p>Patricia Ridley (717) 783-3658</p>
<p>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors —Technical Amendments 49 Pa. Code §§ 47.1 and 47.1a. (16A-699)</p> <p>—Standards of Professional Conduct 49 Pa. Code, Chapters 47, 48 and 49 (16A-6911)</p>	<p>Fall 2007, as final.</p> <p>Fall 2007, as proposed.</p>	<p>This regulation clarifies the definition of "accredited school," amends the name of the examination, and provides that students who graduate from social work programs that are in candidacy for accreditation at the time of their graduation may apply for licensure once the program obtains accreditation. Statutory Authority: Section 6 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906.</p> <p>The regulation would establish a code of ethics and standards of professional conduct for social workers, clinical social workers, marriage and family therapists, and professional counselors licensed by the board. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).</p>	<p>Sandra Matter (717) 783-1389</p>
<p>State Board of Examiners in Speech-Language and Hearing —General Revisions 49 Pa. Code, Chapter 45. (number not yet assigned)</p>	<p>Winter 2007-2008, as proposed.</p>	<p>This regulation is intended to be a general update of the regulations of the Board to delete or amend outdated regulations. Statutory Authority: Section 5(2) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(2).</p>	<p>Sandra Matter (717) 783-1389</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Vehicle Manufacturers, Dealers and Salespersons —Salesperson License 49 Pa. Code, Chapter 19 (16A-609)	Fall 2007, as proposed.	The Board of Vehicles Act requires every person who is engaged in the buying, selling or exchanging of vehicles for a commission, compensation or other consideration, to be a licensed salesperson on behalf of a dealer, unless that person is the dealer. This regulation would clarify that the reference to “dealer” in the phrase “unless that person is the dealer” refers only to a person holding a dealer license as a sole proprietor. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).	Pamela Marsden (717) 783-1697
State Board of Veterinary Medicine —Veterinary Dentistry 49 Pa. Code, Chapter 31 (16A-5718)	Fall 2007, as proposed.	This regulation would address issues relating to veterinary dentistry. Statutory Authority: Section 5 of the Veterinary Medicine Practice Act, 63 P. S. § 485.5.	J. Robert Kline (717) 783-7134
—Facilities 49 Pa. Code, Chapter 31 (16A-5720)	Fall 2007, as proposed.	This regulation would establish standards for and require registration of veterinary facilities. Statutory Authority: Sections 5 and 27 of the Veterinary Medicine Practice Act, 63 P. S. §§ 485.5 and 485.27.	
—Professional Conduct 49 Pa. Code, Chapter 31 (16A-5721)	Fall 2007, as final.	This regulation would clarify the types of conduct that constitutes unprofessional conduct which may lead to disciplinary action under section 21(1) of the Veterinary Medicine Practice Act. Statutory Authority: Sections 5 and 21 of the Veterinary Medicine Practice Act, 63 P. S. §§ 485.5 and 485.21.	
—Schedule of Civil Penalties— Veterinarians and Veterinary Technicians 49 Pa. Code § 43b.21 (16-39)	Summer 2007, as statement of policy.	The statement of policy would implement Act 48 civil penalty schedules for certain violations of the Veterinary Medicine Practice Act and the regulations of the State Board of Veterinary Medicine. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
STATE EMPLOYEES' RETIREMENT SYSTEM			
4 Pa. Code § 250.2. Time to appeal. (This proposed regulation will supercede that portion of 1 Pa. Code § 35.35 pertaining to the 10-day period of time to appeal from delegated actions of subordinate officers and substitute a 30-day period of time to file an appeal.)	SERS re-submitted it with IRRC's technical addition.	Current hearing regulations are inconsistent with operational practice supporting member-friendly service.	Paul Stahlnecker, Esq. (717) 787-7317 Robert Gentzel (717) 787-9657 Tom Wanich (717) 783-7310

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
4 Pa. Code §§ 250.1 and 250.15. Applicability of general rules. (These current regulations will be modified to permit the application of proposed 4 Pa. Code § 250.2.)	SERS re-submitted it with IRRC's technical addition.	Specific provisions in SERS' regulations should be exceptions to the general rules of administrative practice and procedure.	Paul Stahlnecker, Esq. (717) 787-7317 Robert Gentzel (717) 787-9657 Tom Wanich (717) 783-7310
4 Pa. Code § 247.11 Priority of taxation, attachments and assignments of funds. (This proposed regulation will clarify the priority of payments to be made from the members' accounts by SERS pursuant to 71 Pa.C.S. § 5953.)	2007	The statute does not set priorities among conflicting demands on members' accounts. A recent court decision has offered partial guidance in this area. A regulation would enable consistent application of the statute and would reduce litigation of priority issues. This is also being considered as a statutory amendment.	Brian McDonough, Esq. (717) 787-7317 Robert Gentzel (717) 787-9657 Tom Wanich (717) 783-7310
4 Pa. Code § 247.7(c). Priority of death benefit payment. (This proposed regulation will clarify the priority of death benefit payments to be made by SERS pursuant to the second sentence of 71 Pa.C.S. § 5905(g).)	2007	The statute does not set priorities among conflicting demands on members' death benefits. A regulation would enable consistent application of the statute and would reduce litigation of priority issues.	Paul Stahlnecker, Esq. (717) 787-7317 Robert Gentzel (717) 787-9657 Tom Wanich (717) 783-7310
4 Pa. Code § 249.53. Exemption from execution; assignment of rights. (This proposed regulation amendment would delete State Employees' Credit Union payment language.)	2007	The language is obsolete. No credit union currently meets the statutory requirements and it is unlikely that any new ones will. A corresponding statutory amendment is also being considered.	Brian McDonough (717) 787-7317 Robert Gentzel (717) 787-9657 Tom Wanich (717) 783-7310
4 Pa. Code § 247.6. (a) Termination of Annuities. (This proposed regulation would delete the 30-day requirement to elect multiple service.)	2007	The regulation has been rendered obsolete by changes to SERS' enabling legislation.	Brian McDonough (717) 787-7317 Robert Gentzel (717) 787-9657 Tom Wanich (717) 783-7310

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
4 Pa. Code § 247.4. (c) Disability Annuities. (This proposed regulation will clarify: 1) the methodology used to determine the employer-funded offset credit; 2) the service-connected disability supplement and 3) the rights of terminated members to apply for a disability.)	2007	The statute does not expressly determine the methodology, the effects of these formulas and when terminated members can apply. Recent court and administrative decisions have offered partial guidance in this area. A regulation would enable consistent application of the statute and would reduce litigation of disability and supplement issues. This is also being considered as a statutory amendment.	Brian McDonough (717) 787-7317 Robert Gentzel (717) 787-9657 Tom Wanich (717) 783-7310
4 Pa. Code § 245.4. Member contributions for the purchase of credit for previous State service or to become a full coverage member. (The regulation would be amended to specify the effects of a service purchase or reinstatement.)	2007	This regulation would be amended to clarify the effects of the reinstatement or purchase of previous State service. A recent administrative decision has offered partial guidance in this area. A regulation would enable consistent application of the statute and would reduce litigation of purchase of service issues. This is also being considered as a statutory amendment.	Brian McDonough, Esq. (717) 787-7317 Robert Gentzel (717) 787-9657 Tom Wanich (717) 783-7310
4 Pa. Code § 241.1. Definitions. (The definition of "Beneficiary" would be amended to specify that the beneficiaries must be named rather than merely described.)	2007	The amendment would clarify and settle whether a proper name ("John Doe") or a general description ("my children," "my issue," "per stirpes") suffices. A lack of named beneficiaries can cause significant legal and administrative ambiguities that this amendment would avoid. This is also being considered as a statutory amendment.	Brian McDonough, Esq. (717) 787-7317 Robert Gentzel (717) 787-9657 Tom Wanich (717) 783-7310
4 Pa. Code § 241.2. Electronic submission of member documents and electronic benefit transactions.	2007	This new regulation would specify procedures for electronic member transactions consistent with Commonwealth practice and policy and include a hold harmless provision.	Brian McDonough, Esq. (717) 787-7317 Robert Gentzel (717) 787-9657 Tom Wanich (717) 783-7310
4 Pa. Code § 243.8. Membership rules for educational employees.	2007	This new regulation would clarify the requirements for membership and final average salary calculations for educational employees.	Brian McDonough, Esq. (717) 787-7317 Robert Gentzel (717) 787-9657 Tom Wanich (717) 783-7310
STATE POLICE			
Interception, maintenance, and destruction of Mobile Video Recordings 37 Pa. Code Chapter 50	January 2008, as proposed.	Act 53 of 2002 requires the State Police Commissioner, in consultation with the Attorney General, to promulgate these regulations. 18 Pa.C.S. §§ 5704(16), 5749.	Syndi L. Guido Policy Director (717) 772-0905

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
DNA Detection of Sexual and Violent Offenders 37 Pa. Code Chapter 58	January 2008, as proposed.	Act 185 of 2004 repealed Chapter 47 of Title 42 of the Pennsylvania Consolidated Statutes and amended Title 44 to add Chapter 23, DNA Data and Testing. The act requires the State Police to promulgate rules and regulations to carry out its provisions.	Syndi L. Guido Policy Director (717) 772-0905
Administration of Megan's Law—Neighbor Notification 37 Pa. Code Chapter 55	January 2008, as proposed.	Act 18 of 2000, known as Megan's Law, provides for the registration of sexual offenders and community notification for sexually violent predators. The act requires the Department to promulgate guidelines for the general administration of the act in consultation with the Department of Corrections, the Office of Attorney General, the Pennsylvania Board of Probation and Parole, and the chairmen and minority chairmen of the Senate and House Judiciary Committees. The act also requires the Department to write regulations regarding neighbor notification of sexually violent predators' residence, school, or employer. See 42 Pa.C.S. § 9799.1 Although the requisite guidelines and regulations have been promulgated, the Department is in the process of updating them in light of Act 152 of 2004, which made substantive amendments to Megan's Law.	Syndi L. Guido Policy Director (717) 772-0905
STATE SYSTEM OF HIGHER EDUCATION			
No regulations being developed or considered at this date.			
TRANSPORTATION			
43—Temporary Registration Cards and Plates 67 Pa. Code, Chapter 43	December 2007	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supercedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations or fines will be removed from the regulation, as these items are now addressed in the required contracts.	Andy Cleaver (717) 787-2171
175—Vehicle Equipment and Inspection 67 Pa. Code, Chapter 175	December 2007	Many changes to the regulation are needed to bring the regulation into alignment with Vehicle Code changes. Other changes are needed to portions of the regulation to implement desired initiatives. One such initiative is to eliminate refunds to inspection stations for unused registration stickers, resulting in a savings to the Commonwealth.	John Munafo (717) 787-2171
21—Odometer Read Disclosure Statements 67 Pa. Code, Chapter 21	December 2007	Changes are needed to bring the regulation current with the Vehicle Code, to specify the age at which a vehicle becomes exempt from odometer disclosure.	Andy Cleaver (717) 787-2171
23—Delivery of Certificates of Title 67 Pa. Code, Chapter 23	December 2007	The method of title delivery has changed due to the electronic lien and title program (75 Pa.C.S, Section 1151). This Chapter needs to be updated to reflect the ability to transmit titles with liens electronically, rather than by mail.	Andy Cleaver (717) 787-2171
17—Authorization to Verify ID Numbers 67 Pa. Code, Chapter 17	December 2007	Changes are needed to document the Vehicle Identification Number (VIN) verification process. The VIN verification process is not currently documented in either the Vehicle Code or in regulations.	Andy Cleaver (717) 787-2171

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
51—Transfer, Exchange & Reclassification of Registration 67 Pa. Code, Chapter 51	December 2007	An amendment is needed to remove the dollar amount referenced in the regulation since Section 1927 of the Vehicle Code lists the fee. This action will avoid future changes to the regulation if the law changes the fee.	Phil VanBriggle (717) 787-2171
71—School Bus Drivers 67 Pa. Code, Chapter 71	September 2007	The regulation needs to be revised to allow chiropractors to complete school bus driver physicals. HB1912, Act 76, passed July 15, 2004, requires this change. (Final Promulgation Date expected July 2007.) Additionally, the regulations are being updated to clarify the requirements for diabetic drivers by, in part, making terminology consistent with the American Diabetic Association. (First published September 2007).	Scott Shenk (717) 772-2119
83—Physical & Mental Criteria—Including Vision Standards Relating to the Licensing of Drivers 67 Pa. Code, Chapter 83	December 2007	The regulation is being updated to clarify the requirements for diabetic drivers by, in part, making terminology consistent with the American Diabetic Association. This change will also incorporate the change required by HB1912, Act 76, passed July 15, 2004, that allows chiropractors to conduct exams for learner's permits. (First published September 2007.)	Scott Shenk (717) 772-2119
221—Obligations of Insurer and Vehicle Owner 67 Pa. Code, Chapter 221	December 2007	This regulation should be updated to reflect the changes that have been implemented for more use of electronic reporting of insurance cancellation information by insurers.	Phil VanBriggle (717) 787-2171
255—Messenger Services 67 Pa. Code, Chapter 255	December 2007	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supercedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations, or fines will be removed from the regulation as these items are now addressed in the required contracts.	Andy Cleaver (717) 787-2171
171—School Buses and School Vehicles 67 Pa. Code, Chapter 171	December 2007	The regulation needs to be updated to incorporate continued improvements in technology and engineering related to pupil transportation and to make general references to the Federal standards.	Scott Shenk (717) 772-2119
173—Flashing Lights on Emergency and Authorized Vehicles	July, 2007	This regulation updates rules governing flashing lights on emergency and other responder vehicles to incorporate new technology and lighting configurations.	Lawrence Allen (717) 772-2123
443—Roadside Rest Areas	September 2007	This regulation adds to and clarifies the list of activities prohibited at roadside rest areas to address issues that have arisen in the continuing operation of these facilities.	Jack Cristensen (717) 787-0466

[Pa.B. Doc. No. 07-1166. Filed for public inspection June 29, 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-4817	State Board of Funeral Directors Renewal Fee	5/21/07	6/20/07
	37 Pa.B. 1868 (April 21, 2007)		

**State Board of Funeral Directors
 Regulation #16A-4817 (IRRC #2605)
 Renewal Fee
 June 20, 2007**

We submit for your consideration the following comments on the proposed rulemaking published in the April 21, 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 Funeral Directors (Board) to respond to all comments received from us or any other source.

Section 13.12. Fees.—Fiscal impact; Reasonableness.

This proposed rulemaking increases the biennial renewal fee of the Board from \$185 to \$325. The fee increase will be effective for the renewal period beginning in February 2008.

The House Professional Licensure Committee (Committee) submitted comments questioning the need for the surplus amounts the fee increase would generate and if the fee increase would negate the need for further increases for a period of ten years. They also requested more information pertaining to the actual and projected expenses of the cost centers for the legal office and enforcement and investigation.

We share the concerns raised by the Committee. In particular, we question the reasonableness of a 75% increase at this time. We note that the biennial renewal fee was increased by 40% only three years ago. The Board has provided data that shows that the proposed fee increase will allow them to operate with a surplus until the 2016-2017 fiscal year. However, the fiscal impact of fee increases of this magnitude within a three year period may impose an undue burden on the regulated community. We believe a smaller increase, for example 50%, would be less burdensome to the regulated community and would still allow the Board to operate with a surplus.

In addition, the information provided to justify the prior increase is different than the information provided to justify this proposed increase. Of particular concern are the expenses for fiscal years 03-04, 04-05, 05-06 and 06-07. According to the documentation provided, the actual expenses greatly exceed the projected expenses for these fiscal years.

Following is a summary of those expenses:

<i>Projected Expenses FY 03-04</i>	<i>Projected Expenses FY 04-05</i>	<i>Projected Expenses FY 05-06</i>	<i>Projected Expenses FY 06-07</i>
\$541,000	\$557,000	\$575,000	\$592,000
<i>Actual Expenses FY 03-04</i>	<i>Actual Expenses FY 04-05</i>	<i>Actual Expenses FY 05-06</i>	<i>Actual Expenses FY 06-07</i>
\$650,130.55	\$698,263.47	\$713,950.56	\$842,000

A continued escalation of expenses beyond those listed in this rulemaking would require an additional fee increase and would impose additional costs on the regulated community. What will the Board do to ensure that the expenses contained in this rulemaking are not exceeded?

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-1167. Filed for public inspection June 29, 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. 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, IRRC will provide a copy.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check the Commission's 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>
2-154	Department of Agriculture Deletion of Outdated Regulations	6/13/07	7/19/07

Final-Omitted

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
64-4	Treasury Department Review of Administrative Decisions	6/13/07	7/19/07

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-1168. Filed for public inspection June 29, 2007, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority

HM Casualty Insurance Company has applied for a Certificate of Authority to operate as a stock casualty insurance company in this Commonwealth. The initial filing was received on June 11, 2007, and was made under the requirements set forth under The Insurance Company Law of 1921 (40 P. S. §§ 341—991). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

RANDOLPH L. ROHRBAUGH,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1169. Filed for public inspection June 29, 2007, 9:00 a.m.]

RiverSource Life Insurance Company; Rate Increase Filing for LTC Form 30160A-PA

RiverSource Life Insurance Company (previously called IDS Life Insurance Company) is requesting approval to increase the premium on Long-Term Care policy Form 30160A-PA. The company is requesting a 33.1% increase on policies without Endorsement 32100-PA and 10% on policies with the endorsement. A total of 4,385 Commonwealth policyholders will be affected by this rate adjustment; 2,290 policies were issued without the endorsement while 2,095 were issued with the endorsement.

Unless formal administrative action is taken prior to September 12, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the

middle of the page, and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1170. Filed for public inspection June 29, 2007, 9:00 a.m.]

OFFICE OF THE ATTORNEY GENERAL

Public Meeting

The meeting of the Lobbying Disclosure Regulation Committee (Committee) established under act of November 1, 2006 (P. L. 1213, No. 134) (Act 134) effective January 1, 2007, will be held on Thursday, July 5, 2007, at 9 a.m. in Hearing Room 3, North Office Building, Harrisburg, PA.

The purpose of the meeting will be for the Committee to consider regulations under Act 134 and to receive public comments. Please visit www.attorneygeneral.gov for more information and to view a copy of the complete agenda.

THOMAS CORBETT,
Attorney General

[Pa.B. Doc. No. 07-1171. Filed for public inspection June 29, 2007, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Gas Utility Service

A-125146F0002. UGI Penn Natural Gas Company. Application of UGI Penn Natural Gas Company for approval to begin to offer, render, furnish or supply gas utility service to the public in the additional territory of Lehman Township in Pike 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 16, 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: UGI Penn Natural Gas Company

Through and By Counsel: Mark C. Morrow, Esquire,
460 North Gulph Road, King of Prussia, PA 19406

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1172. Filed for public inspection June 29, 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 23, 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-00120001, F2. Art of Life, Inc. (9150 Marshall Street, Suite 10, Philadelphia, Philadelphia County, PA 19114)—a corporation of the Commonwealth—persons in paratransit service from points in the City and County of Philadelphia, and the Counties of Bucks, Montgomery, Chester and Delaware, to points in Pennsylvania, and return.

A-00123750 (Corrected). Masilamony Pauliah. (730 Saw Creek Estate, Bushkill, Monroe County, PA 18324)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Lehigh, Bucks and Northampton, 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 by transfer rights as described under the application.*

A-00096231, F2, Am-E. Veteran's Cab Company, Inc. (4146 Route 982, Latrobe, Westmoreland County, PA 15650)—for amendment to its common carrier certificate, which grants the right, inter alia—to transport persons, in paratransit service, between points in the Boroughs of Mt. Pleasant, Donegal and Scottdale, and the Townships of East Huntingdon, South Huntingdon, Mt. Pleasant and Donegal, Westmoreland County, and from points in said boroughs and townships, to points in the Counties of Westmoreland, Fayette and Allegheny, and return; and between points in the Township of Salem and Borough of New Alexandria, Westmoreland County, and from points in said township and borough, to points in the Counties of Westmoreland and Allegheny, and return: *So As To Permit* the transportation of persons, in paratransit service, between points in the Boroughs of New Florence,

Bolivar and Ligonier, and the Townships of Cook, Fairfield, Ligonier and St. Clair, all in Westmoreland County, and from points in said boroughs and townships, to points in Pennsylvania, and return; subject to the following condition: that no right, power or privilege is granted to provide service to or from the Greater Pittsburgh International Airport located in the Townships of Moon and Findlay, Allegheny County; which is to be a transfer of all the right authorized under the certificate issued at A-00113424, F2 to Valley Transportation, Inc., subject to the same limitations and conditions. *Attorney:* William A. Gray, Vuono & Gray, LLC, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under the application.*

A-00096231, F6. Veteran's Cab Co., Inc. (4146 Route 982, Latrobe, Westmoreland County, PA 15650), a corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania, excluding the right to transport between points in Allegheny County; which is to be a transfer of all the right authorized under the certificate issued at A-00113424 to Valley Transportation, Inc., subject to the same limitations and conditions. *Attorney:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.*

A-00123865. Lubarsky Movers, Inc. (14 Tulip Court, Easton, PA 18045)—certificate of public convenience to begin to transport household goods in use, from the Counties of Bucks, Lehigh, Monroe and Northampton, to points in Pennsylvania, and vice versa.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Road Runner Taxi, Inc., P. O. Box 306, 42 Mountain Drive, Mount Pocono, PA 18344; Doc. No. A-00112393C0701

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That the principal place of business of Road Runner Taxi, Inc., respondent, is P. O. Box 306, 42 Mountain Drive, Mount Pocono, PA 18344.
2. That respondent was issued a certificate of public convenience by this Commission on 10/15/1997, at Docket No. A-00112393.
3. That, on August 21, 2006, respondent was sent an initial assessment of \$109. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$109.
4. That respondent has an outstanding assessment of \$109.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) requests the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes, when necessary, an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Stanley A. Heintzelman
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Administrative Services (717) 772-0316.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Schlauch, Owen, t/a MTAR Towing & Recovery, R. 1246 Sans Souci Parkway, Wilkes-Barre, PA 18702; Doc. No. A-00115453 C0701

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That the principal place of business of Schlauch, Owen, t/a MTAR Towing & Recovery, respondent, is R. 1246 Sans Souci Parkway, Wilkes-Barre, PA 18702.

2. That respondent was issued a certificate of public convenience by this Commission on 5/2/2000, at Docket No. A-00115453.

3. That, on January 27, 2006, respondent was sent a supplemental assessment of \$20. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$20.

4. That, on August 21, 2006, respondent was sent an initial assessment of \$500. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$500.

5. That respondent has a total outstanding assessment of \$520.

6. That respondent failed to file objections to the assessments, pursuant to 66 Pa.C.S. § 510(c).

7. That respondent, by failing to pay the assessments, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) requests the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registra-

tions, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes, when necessary, an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention Stanley A. Heintzelman
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Administrative Services (717) 772-0316.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Sherman Howard; Doc. No. A-00121525C

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Sherman Howard, respondent, maintains a principal place of business at P. O. Box 21771, Philadelphia, PA 19146.

2. That respondent was issued a certificate of public convenience by this Commission on October 25, 2005, at Application Docket No. A-00121525 to conduct Paratransit operations. On January 19, 2006, respondent requested a voluntary suspension of operating rights which was granted on January 25, 2006 and valid through November 29, 2006. The respondent was notified by letter dated January 25, 2006, that if he failed to notify this Commission, on or before November 29, 2006, of his intent to resume services, along with the filing of a Form E as proof of liability insurance, that a complaint for abandonment would be instituted.

3. That respondent failed to notify this Commission of his intent to resume operations and failed to file proof of insurance. Therefore, respondent abandoned or discontinued service without having first submitted an application to this Commission containing a statement that service is no longer being rendered.

4. That respondent, by failing to submit a an application to this Commission containing a statement that the service is no longer being rendered, violated 52 Pa. Code § 3.381(a)(1)(v) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00121525.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my

knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
 Wendy J. Keezel, Chief of Enforcement
 Motor Carrier Services and Enforcement Division
 Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience.

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
 Secretary

[Pa.B. Doc. No. 07-1173. Filed for public inspection June 29, 2007, 9:00 a.m.]

Telecommunications

A-310183F7011. Palmerton Telephone Company and Sprint Communications Company, LP. Joint petition of Palmerton Telephone Company and Sprint Communications Company, LP for approval of a negotiated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Palmerton Telephone Company and Sprint Communications Company, LP, by its counsel, filed on June 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a negotiated interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania

Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Palmerton Telephone Company and Sprint Communications Company, LP joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
 Secretary

[Pa.B. Doc. No. 07-1174. Filed for public inspection June 29, 2007, 9:00 a.m.]

Telecommunications

A-310782F7002. The United Telephone Company of Pennsylvania, d/b/a Embarq and IDT America Corporation. Joint petition of The United Telephone Company of Pennsylvania, d/b/a Embarq and IDT America Corporation for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, d/b/a Embarq and IDT America Corporation, by its counsel, filed on June 15, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania, d/b/a Embarq and IDT America Corporation joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
 Secretary

[Pa.B. Doc. No. 07-1175. Filed for public inspection June 29, 2007, 9:00 a.m.]

Telecommunications

A-311140F7002. The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and Comcast Phone of Pennsylvania, LLC, d/b/a Comcast Digital Phone. Joint petition of The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and Comcast Phone of Pennsylvania, LLC, d/b/a Comcast Digital Phone for approval of amendment no. 1 to the master interconnection and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and Comcast Phone of Pennsylvania, LLC, d/b/a Comcast Digital Phone, by its counsel,

filed on June 7, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the master interconnection and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and Comcast Phone of Pennsylvania, LLC, d/b/a Comcast Digital Phone joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1176. Filed for public inspection June 29, 2007, 9:00 a.m.]

and failed to provide an exact copy of two patients' dental records, including radiographs and orthodontic models, within 30 days of receipt of a written request.

Individuals may obtain a copy of the adjudication by writing to Cynthia K. Montgomery, Board Counsel, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the State Board of Dentistry's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by filing a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. CALDERBANK, D.M.D.,
Chairperson

[Pa.B. Doc. No. 07-1178. Filed for public inspection June 29, 2007, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project #07-037.P, (PRPA Diary/Calendar), until 2 p.m. on Thursday, June 28, 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. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 07-1177. Filed for public inspection June 29, 2007, 9:00 a.m.]

STATE BOARD OF DENTISTRY

Bureau of Professional and Occupational Affairs v. Mark Bradford Dewey, D.D.S.; Doc. No. 1290- 46-06

On May 4, 2007, Mark Bradford Dewey, D.D.S., license no. DS-028073-L, of Morgantown, Berks County, was indefinitely suspended, ordered to pay a \$4,500 civil penalty and order to make full restitution to nine patients because he was unable to practice dentistry with reasonable skill and safety to patients; withdrew dental services for nine patients after the dentist-patient relationship had been established so that the patients were unable to obtain necessary dental care in a timely manner; failed to provide necessary dental care to nine patients; failed to provide for the disposition of patient records when he withdrew from practice or was otherwise incapacitated;

STATE TAX EQUALIZATION BOARD

2006 Common Level Ratio

The State Tax Equalization Board (Board) has established a common level ratio for each county in this Commonwealth for the calendar year 2006. The ratios were mandated by act of December 13, 1982 (P. L. 1158, No. 267).

The law requires the Board to use statistically acceptable techniques, to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the Chief Assessor of each county each year.

The statistical technique which the Board used for the 2006 common level ratio is to determine the arithmetic mean of the individual sales ratios for every valid sale received from the county for the calendar year 2006.

The methodology used is to include every valid sale with a ratio from 1% to 100% and compute a mean. Using this mean as a base, the Board has defined high and low limits by multiplying and dividing this computed mean by 4. Using these computed limits, the Board has utilized the valid sales, rejecting those sales, which exceed the limits. The resulting arithmetic mean ratio is the ratio which the Board is certifying as the common level ratio for each county for 2006.

There is one exception to this procedure. The original mean ratio for those counties which have a predetermined assessment ratio for 2006 of 100% will utilize valid sales from 1% to 200%.

The common level ratios for 2006 are listed as follows.

JAMES A. ZURICK, Esq.,
Chairperson

2006 Common Level Ratios

<i>County</i>	<i>Ratio</i>	<i>County</i>	<i>Ratio</i>
		*LAWRENCE	87.8
ADAMS	22.1	*LEBANON	13.6
*ALLEGHENY	87.3	LEHIGH	27.9
ARMSTRONG	35.8	LUZERNE	5.0
BEAVER	29.3	*LYCOMING	86.2
*BEDFORD	17.2	*MCKEAN	89.8
*BERKS	68.1	*MERCER	27.3
BLAIR	8.2	MIFFLIN	45.4
BRADFORD	37.3	MONROE	12.8
*BUCKS	9.1	*MONTGOMERY	50.7
BUTLER	9.6	*MONTOUR	87.5
*CAMBRIA	31.1	NORTHAMPTON	29.1
CAMERON	33.8	*NORTHUMBERLAND	22.1
CARBON	32.1	*PERRY	73.3
CENTRE	29.3	PHILADELPHIA	28.4
*CHESTER	51.8	PIKE	16.2
CLARION	17.7	*POTTER	35.7
CLEARFIELD	17.4	SCHUYLKILL	38.2
CLINTON	22.4	SNYDER	14.1
COLUMBIA	28.2	SOMERSET	34.4
CRAWFORD	32.9	*SULLIVAN	71.5
*CUMBERLAND	82.0	SUSQUEHANNA	33.8
*DAUPHIN	71.3	*TIOGA	75.0
*DELAWARE	61.1	*UNION	88.8
ELK	37.7	*VENANGO	88.7
*ERIE	83.3	WARREN	34.1
*FAYETTE	85.4	WASHINGTON	13.3
FOREST	19.2	*WAYNE	75.7
*FRANKLIN	9.8	*WESTMORELAND	19.8
*FULTON	33.4	WYOMING	20.2
*GREENE	86.4	*YORK	76.1
HUNTINGDON	12.7		
*INDIANA	16.2		
*JEFFERSON	53.5		
*JUNIATA	16.0		
*LACKAWANNA	14.1		
*LANCASTER	76.6		

*Counties with a predetermined assessment ratio of 100%

[Pa.B. Doc. No. 07-1179. Filed for public inspection June 29, 2007, 9:00 a.m.]

