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PENNSYLVANIA BULLETIN

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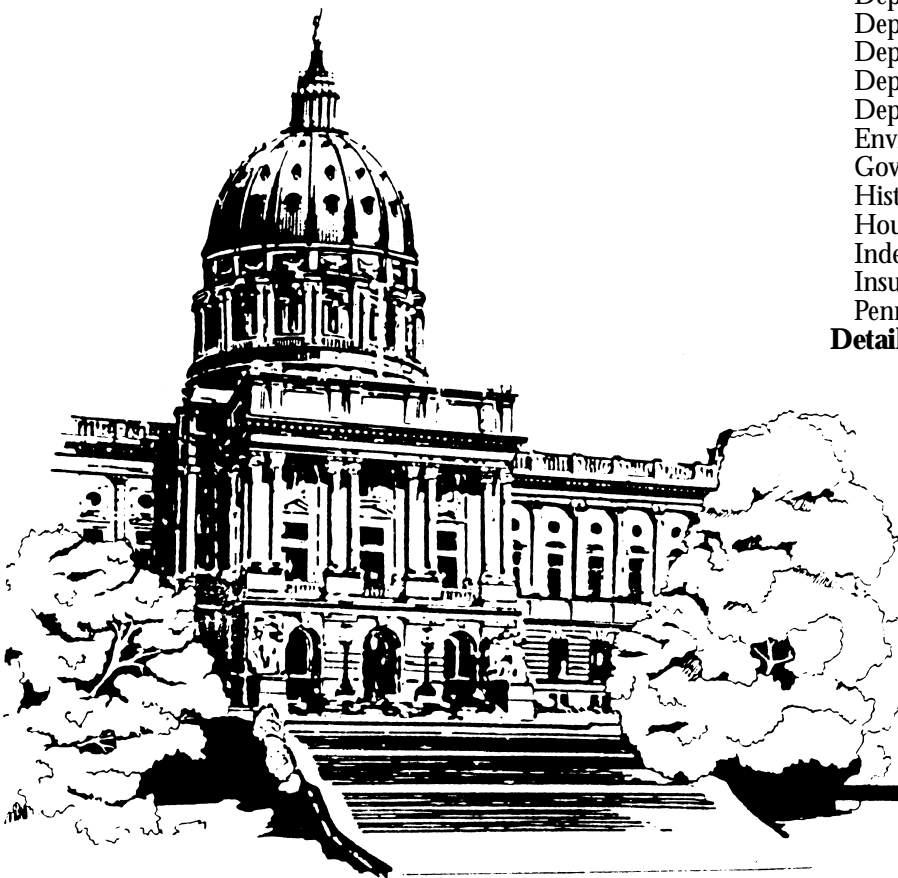
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Department of General Services
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Department of Transportation
Environmental Quality Board
Governor's Office
Historical and Museum Commission
Housing Finance Agency
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission

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

No. 368, July 2005

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211
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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2005.

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THE GOVERNOR

GOVERNOR'S OFFICE

Amendment to Proclamation of Disaster Emergency

June 16, 2005

Whereas, on September 17, 2004, I declared a State of Disaster Emergency in Allegheny, Armstrong, Butler, and Washington Counties due to widespread and unusually severe storms, heavy rain, high winds and flooding, which struck the counties and caused extensive damage to roads, streets, bridges, private homes, and businesses and posed other adverse life safety impacts upon the general population of the counties; and

Whereas, on September 18, 2004, I amended said proclamation to include Beaver, Bedford, Bradford, Centre, Clarion, Clinton, Clearfield, Columbia, Cumberland, Dauphin, Fulton, Indiana, Jefferson, Juniata, Lackawanna, Luzerne, Lycoming, Mifflin, Monroe, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Susquehanna, Union, Wayne, Westmoreland, and Wyoming Counties; and

Whereas, on September 19, 2004, I amended said proclamation to include Blair, Bucks, Cameron, Carbon, Greene, Lehigh, Huntingdon, and Somerset Counties; and

Whereas, on September 21, 2004, I amended said proclamation to include Franklin, Lebanon, Montour, Tioga, and York Counties; and

Whereas, on October 6, 2004, I amended said proclamation to include Chester, Crawford, Delaware, Lawrence, Montgomery, Philadelphia, and Sullivan Counties; and

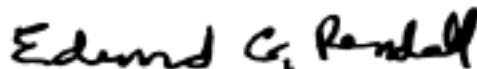
Whereas, on December 16, 2004, I amended said proclamation to extend the period of the state of disaster emergency to March 16, 2005; and

Whereas, on March 16, 2005, I amended said proclamation to extend the period of the state of disaster emergency to June 16, 2005.

Now Therefore, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq. as amended), I do hereby amend my Proclamation of September 17, 2004, as follows:

1. The period of the state of disaster emergency is extended from June 16, 2005, to September 16, 2005.
2. I hereby direct that the other operational provisions of the September 17, 2004, Proclamation that remain applicable to the current emergency circumstances in the counties shall continue in full force and effect.
3. This amendment to proclamation shall take effect immediately.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, this sixteenth day of June in the year of our Lord, two thousand and five, and of the Commonwealth, the two hundred and twenty-ninth.



Governor

[Pa.B. Doc. No. 05-1256. Filed for public inspection July 1, 2005, 9:00 a.m.]

THE GENERAL ASSEMBLY

Recent Actions during the 2005 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2005 Regular Session.

| <i>Doc. No.</i> | <i>Date of Action</i> | <i>Bill Number</i> | <i>Printer's Number</i> | <i>Effective Date</i> | <i>Subject Matter</i> |
|--|-----------------------|--------------------|-------------------------|-----------------------|---|
| 2005 GENERAL ACTS ENACTED—ACT 003 through 005 | | | | | |
| 003 | Jun 15 | SB0069 | PN0650 | 60 days | Judicial Code (42 Pa.C.S.)—employer immunity from liability for disclosure of information regarding former or current employees |
| 004 | Jun 15 | SB0124 | PN0703 | immediately | Equitable division of marital property in divorce actions |
| 005 | Jun 15 | SB0464 | PN0765 | immediately* | Unemployment Compensation Law—omnibus amendments |

*denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 05-1257. Filed for public inspection July 1, 2005, 9:00 a.m.]

THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Emergency Petitions and Motions for Preliminary Relief; Administrative Doc. No. 04 of 2005

And Now, this 27th day of May, 2005, it is hereby *Ordered* and *Decreed* that the following procedures shall apply to all emergency petitions and motions for preliminary relief:

1. All initial pleadings shall be filed with the Prothonotary, utilizing the Civil Cover Sheet and, where appropriate, the Commerce Program Addendum. All Civil Cover sheets must indicate the Court Program and correct Case Type Code (see Instructions for Completing Civil Cover Sheet, the current version of which is available from the Prothonotary, or in the Forms section of the First Judicial District's Website <http://courts.phila.gov>).

2. All motions or petitions seeking emergency relief shall be filed with the Civil Motions Program in 296 City Hall, utilizing the Civil Motion Cover Sheet (available from the Civil Motions Program, or in the Forms section of the First Judicial District's Website <http://courts.phila.gov>).

3. Assignment of motions or petitions seeking emergency relief shall be made based upon the Court Program and Case Type Codes provided on the Civil Cover Sheets at the time of initial filing, or as amended by subsequent

Court Order. The emergency matters shall then be assigned to the appropriate Program or Motions Court Emergency Judge, in accordance with the following Motion Assignment Matrix. This Matrix, which may be amended from time to time without the need for issuance of an Amended Administrative Order or publication, will be available on the First Judicial District's Website <http://courts.phila.gov>.

4. The Emergency Judge of the designated Program, or his/her designee, will then review the filing to confirm that the Program and Case Type designations are correct, prior to proceeding on the emergency motion/petition. In the event the reviewing Emergency Judge concludes that the matter has been incorrectly designated, he/she will confer with the appropriate Program Emergency Judge. Acceptance of the transfer shall be subject to the receiving Emergency Judge's approval. Any unresolved issue or issues relating to program designation shall be forwarded to the Administrative Judge of the Trial Division, or his designee, for final determination. If a transfer is appropriate, Civil Administration shall note the transfer and make the appropriate program and case type changes to the Civil Docket.

To the extent the procedures set forth in this Administrative Order are inconsistent with any prior Orders or procedures of the Court, those Orders or Procedures are hereby overruled and amended only to the extent necessary to implement this Order.

By the Court

JAMES J. FITZGERALD, III,
Administrative Judge

This Administrative Docket is promulgated in accordance with the April 11, 1987 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila. Civ. *51 and Pa. R.C.P. 239, and shall become effective immediately. As required by Pa. R.C.P. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administrative Docket shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

| TRIAL DIVISION—CIVIL MOTION ASSIGNMENT MATRIX 2005 | |
|---|--|
| The Civil Motions Filing Clerk is located in Room 296, City Hall. All Motions/Petitions shall be assigned in accordance with the following Matrix: | |
| PROGRAM/FILING TYPE | JUDICIAL ASSIGNMENT |
| MAJOR JURY PROGRAMS | |
| Day Forward 2001 and Back | Judge Moss |
| Day Forward 2002 | Judge Tereshko |
| Day Forward 2003 | Judge Moss |
| Day Forward 2004 | Judge New |
| Day Forward 2005 | Judge Allen |
| PROGRAMS OTHER THAN MAJOR JURY | |
| Commerce Program | Judge Sheppard/Judge Abramson/Judge Jones |
| Non Jury Program | Judge Carrafiello/Judge Dych |
| Compulsory Arbitration | Judge Carrafiello/Judge Dych |
| Post Arbitration & Arbitration Appeal | Judge Carrafiello/Judge Dych |
| Mass Tort Program | Judge Ackerman |
| Class Actions | Judge Bernstein |
| Municipal Court Appeals from Denial to Open Default Judgment | Judge Carrafiello/Judge Dych |
| Municipal Court Appeals (Money Judgment) | Judge Carrafiello/Judge Dych |
| Municipal Court Appeals (Landlord Tenant) | Municipal Court Judges |
| SPECIFIC MOTIONS/PETITIONS | |
| Wrongful Death & Minor's Compromise | Orphans' Court Judges |
| Motions to Consolidate | Assigned in Accordance with Administrative Docket No. 3 of 1996, as amended 04/2005. |
| Motions to Enforce Settlement | Assigned to the judge who approved or was involved in effecting the settlement. |
| Motions for Reconsideration | Assigned to the judge who entered the order to be reconsidered. |
| Preliminary Injunctions (Non-Commerce) | Judge Carrafiello/Judge Dych |
| Preliminary Injunctions (Commerce) | Judge Sheppard/Judge Abramson/Judge Jones |
| Preliminary Injunctions (Major Jury) | Major Jury Team Leader |
| Discovery Motions | Scheduled consistent with Judicial Team Leader assignments to Discovery Court. |
| The following Motions/Petitions shall be assigned to the Administrative Judge/Supervising Judge <i>regardless of any program designation</i>: | |
| <ul style="list-style-type: none"> ■ Motions for Assignment to an Individual Judge ■ Motions for Advancement on the Trial List ■ Petitions to Appoint Neutral Arbitrator ■ Petitions to Compel Arbitration ■ Motions to Proceed <i>In Forma Pauperis</i> | |

[Pa.B. Doc. No. 05-1258. Filed for public inspection July 1, 2005, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LEHIGH COUNTY

Administrative Order Establishing Uniform Costs for Global Positioning Satellite Monitoring by the Probation/Parole Office of Lehigh County; No. 1309-M of 2005

Order

And Now, this 10th day of June, 2005, the following Administrative Order establishing uniform costs in criminal cases for certain services rendered by the Probation/Parole Office of Lehigh County is promulgated and is effective for all such services rendered in any criminal case thirty (30) days or more after publication of this Order in the *Pennsylvania Bulletin*. Seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts of the Court of Common Pleas of Lehigh County.

Global Positioning Satellite Monitoring

Every person who is sentenced to serve part or all of his or her sentence on Global Positioning Satellite Monitoring (house arrest) shall pay a fee of \$15.00 per day to defray the costs of that program.

By the Court

WILLIAM H. PLATT,
President Judge

[Pa.B. Doc. No. 05-1259. Filed for public inspection July 1, 2005, 9:00 a.m.]

LEHIGH COUNTY

Initiation of the American Corrective Counseling Services Program for Bad Check Offenders; Misc. Doc. No. 2005/1317-M

Administrative Order

And Now this 15th day of June, 2005 upon motion of James B. Martin, District Attorney of Lehigh County, and upon consideration of said motion, and a showing of good cause:

It Is Hereby Ordered, that the bad check diversionary program administered by American Corrective Counseling Services, offered to certain bad check offenders, may hereby commence June 15, 2005;

It Is Further Ordered that the collection of reasonable fees, costs, restitution and bank fees be permitted pursuant to the administration of this diversionary program, including the following fees: Diversionary Seminar Fee of \$165.00; Administrative Fee of \$25.00; Class Rescheduling Fee of \$25.00; Late Payment Fee of \$10.00.

It Is Further Ordered that a copy of this order shall be served upon each of the fourteen (14) Magisterial District Judges within Lehigh County.

It Is Further Ordered that the Court Administrator of Lehigh County is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Criminal Procedural Rules Committee.
4. File one (1) copy with the Clerk of Courts of the Lehigh County Court of Common Pleas.
5. Forward one (1) copy for publication in the *Lehigh County Law Journal*.

By the Court

WILLIAM H. PLATT,
President Judge

IN THE COURT OF COMMON PLEAS OF LEHIGH
COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

IN RE: The Matter of the initiation :
of the American Corrective : Misc. Docket No.
Counseling Services program :
for Bad Check Offenders in :
Lehigh County

MOTION FOR THE INITIATION OF THE BAD CHECK OFFENDER DIVERSIONARY PROGRAM RUN BY AMERICAN CORRECTIVE COUNSELING SERVICES

TO THE HONORABLE, THE PRESIDENT JUDGE OF
THE SAID COURT:

AND NOW, JAMES B. MARTIN, DISTRICT ATTORNEY
OF LEHIGH COUNTY, moves to initiate the bad check
offender diversionary program, run by American Correc-
tive Counseling Services, and states the following:

1. Your movant is the District Attorney of Lehigh County;
2. Movant is charged with the prosecution of all criminal offenses within Lehigh County;
3. Bad Check offenses under Title 18 Pa.C.S.A. § 4105 constitute a significant number of the total number of criminal offenses prosecuted within Lehigh County.
4. Bad Check offenses create an undue burden on Law Enforcement personnel, Magisterial District Judge Staffs, and the Office of District Attorney.
5. American Corrective Counseling Services operates a bad check diversionary program at no cost to the county or taxpayers generally.
6. The Office of the District Attorney has contracted with American Corrective Counseling Services to operate their diversionary program within Lehigh County.
7. The American Corrective Counseling Services program's goals are the diversion of bad check offenders from the criminal justice system and the speedy return of restitution monies to the victims of bad check offenders.
8. The American Corrective Counseling Services program requires the collection of full restitution monies, including a bank fee not to exceed the fee permitted under Pennsylvania law.

9. The American Corrective Counseling Services program also requires offenders to attend a one-day class educating offenders on the effects of bad checks.

10. The American Corrective Counseling Services program further requires that offenders pay for the costs of said class, as well as an administrative fee to the County of Lehigh.

11. The fourteen (14) Magisterial District Judge offices within Lehigh County will be the main point of distribution of American Corrective Counseling Services program materials to victims.

12. Bad check victims will receive said materials which will instruct them on how to submit their bad check to the American Corrective Counseling Services program for the initiation of program services.

Wherefore, movant respectfully requests that this Honorable Court sign and grant the proposed order allowing the initiation of the American Corrective Counseling Services program within Lehigh County.

Respectfully Submitted,

JAMES B. MARTIN
DISTRICT ATTORNEY

[Pa.B. Doc. No. 05-1260. Filed for public inspection July 1, 2005, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Vanessa Elaine B. Celler, a/k/a Vanessa Smith, having been disbarred from the practice of law in the State of Illinois by Order dated September 29, 2004, the Supreme Court of Pennsylvania issued an Order on June 16, 2005, disbaring Vanessa Elaine B. Celler, a/k/a Vanessa Smith, from the Bar of this Commonwealth, effective July 16, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 05-1261. Filed for public inspection July 1, 2005, 9:00 a.m.]

RULES AND REGULATIONS

Title 22—EDUCATION

DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 403]

Compliance with the No Child Left Behind Act of 2001; Bridge Certification

The Department of Education (Department), acting under the authority in section 2603-B(d)(10)(i) of the Public School Code of 1949 (code) (24 P. S. § 26-2603-B(d)(10)(i)) and in accordance with section 6(d) of the Regulatory Review Act (71 P. S. § 745.6(d)) and section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), amends Chapter 403 (relating to compliance with the No Child Left Behind Act of 2001) to read as set forth in Annex A.

Purpose of Chapter 403

Section 2603-B(d)(10) of the code empowers the Department, with the approval of the State Board of Education (State Board), to adopt standards to comply with the provisions of the No Child Left Behind Act of 2001 (NCLB) (Pub. L. No. 107-110, 115 Stat. 1425) to maintain the eligibility of the Commonwealth to receive Federal funding for education programs. On May 19, 2005, acting under section 2603-B(d)(10) of the code, the State Board adopted a resolution in support of extending the application deadline for the NCLB Bridge Certificate beyond June 30, 2005.

Purpose of this Rulemaking

The purpose of this rulemaking is to extend the deadline for certain teachers to become highly qualified, as required by the NCLB, through the Bridge Certification process, an alternative evaluation system for certain teachers.

Significant Provisions of this Rulemaking

The rulemaking adds § 403.4(d)(7) (relating to highly qualified teachers) to extend the deadline to July 30, 2006, for certain teachers to participate in the Department's Bridge certification program. Certain teachers holding a special education certificate and middle level teachers assigned to multiple subject areas may apply to participate in the Bridge certification program if they are in need of becoming highly qualified. If middle level teachers are teaching Math or English, or both, they must use the Bridge I program, rather than the Department's Bridge II highly qualified designation program, to obtain certification in the subject area.

Persons and Entities Affected

This rulemaking affects certain teachers that are seeking to become highly qualified, as required by the NCLB.

Fiscal Impact

This rulemaking will have no fiscal impact.

Regulatory Review

A copy of the rulemaking was submitted to the Office of Attorney General and approved on June 27, 2005. Under section 5.1 of the Regulatory Review Act (71 P. S. § 745.5a), on June 30, 2005, the Department submitted a copy of this rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees for review. In

addition to the rulemaking, the Committees were provided with a copy of the certification of the Governor that the rulemaking is required to meet an emergency threatening the Department's Federal education funding, as well as a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Sunset Date

The Department is not establishing a sunset date for this rulemaking, since the regulation includes an expiration date.

Contact Person

The contact person for technical questions regarding this rulemaking is Majorie Blaze, Bureau of Teacher Certification and Preparation, 333 Market Street, Harrisburg, PA 17126-0333, (717) 783-9252.

Order

The Department orders that:

(a) The regulations of the Department, 22 Pa. Code Chapter 403, are amended by amending § 403.4 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form as required by law.

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

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

FRANCIS V. BARNES, Ph.D.,
Secretary

Fiscal Note: 6-294. No fiscal impact; (8) recommends adoption.

GOVERNOR'S OFFICE

Certification of Need for Emergency Regulation

Whereas, teachers are required to become highly qualified by the end of the 2005-06 school year or the Department of Education's federal education dollars will be placed in jeopardy; and

Whereas, the Department of Education implemented regulations in June of 2004 providing that certain experienced teachers that needed to become highly qualified could participate in the Bridge Certification program, a more flexible certification program involving consideration of a teacher's experience; and

Whereas, Federal guidance related to the Department's Bridge Certification program has evolved since June of 2004 thereby clarifying the eligibility of multi-subject teachers to participate in the program; and

Whereas, Federal law related to the education of special education students was amended in December 2004 thereby allowing new special education teachers to participate in the Bridge Certification program; and

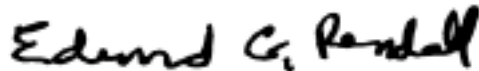
Whereas, regulation currently provides that teachers seeking to apply for the Bridge Certification program must do so by the end of June 2005; and

Whereas, many teachers are required to obtain coursework to be eligible for the Bridge Certification program; and

Whereas, without immediate amendment of the regulations, teachers of multiple subjects and new special education teachers will not be the eligible to participate in the Bridge Certification program until after July 1, 2005;

Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, do hereby certify that the regulatory amendments to 22 Pa. Code, Chapter 403, attached hereto as Annex A are required to meet the emergency conditions enumerated in the recitals above. I hereby authorize the Secretary of Education to publish these amendments in the *Pennsylvania Bulletin* as a Final Rulemaking consistent with the provisions of Section 6 of the Regulatory Review Act, as amended, 71 P. S. § 745.6(d).

Given under my hand and the Seal of the Governor, at the City of Harrisburg, on this twenty-eighth day of June in the year of our Lord two thousand and five, and of the Commonwealth of Pennsylvania the two hundred and twenty-ninth.



Governor

Annex A

**TITLE 22. EDUCATION
PART XVI. STANDARDS**

CHAPTER 403. COMPLIANCE WITH THE NO CHILD LEFT BEHIND ACT OF 2001

§ 403.4. Highly qualified teachers.

(a) *Requirements of NCLB.* With the exception of teachers teaching in a public charter school who are exempt from certification under section 1724-A of the Public School Code of 1949 (Public School Code) (24 P. S. § 17-1724-A):

(1) Section 1119(a) of Title I (20 U.S.C.A. § 6319(a) (relating to teacher qualifications and measurable objectives)), added by the NCLB, requires LEAs receiving assistance under the NCLB to ensure that, beginning with the 2002-2003 school year, all newly hired teachers supported with Title I funds are highly qualified.

(2) Section 1119(a) of Title I, added by NCLB, requires each state to ensure that all teachers teaching in core academic subjects within the state are highly qualified by the end of the 2005-2006 school year.

(b) *Current certification system.*

(1) The Department may continue to utilize the intern certification program described in Chapters 49 and 354 (relating to certification of professional personnel; and preparation of professional educators), which culminates in the issuance of an Instructional I Certificate (see §§ 49.91, 49.92 and 354.24(5) and (6) (relating to criteria for eligibility; term of validity; and academic performance)) to provide flexible and accelerated pedagogical training to teachers who have demonstrated competency in a subject area, provided that the first year of teaching includes intensive supervision by an approved institution.

(2) In accordance with Chapter 49, the student teaching semester is structured to include assessment of the pedagogical skills of teacher candidates.

(c) *Additional certification avenues.* Provided that at the time of application for Pennsylvania instructional certification, the applicant satisfies the basic certification requirements of the Public School Code (see 24 P. S. §§ 11-1109, 12-1202 and 12-1209 (relating to qualifications; State certificates; and disqualifications)), and all other requirements in Chapters 49 and 354 which are not contrary to paragraphs (1)—(3):

(1) Teachers holding an Instructional certificate issued under the Public School Code (24 P. S. §§ 1-101—14-1411) may add an instructional area to the certificate by passing an appropriate content area test in the area to be certified without meeting further academic and testing requirements.

(2) Candidates holding a valid and current instructional certificate issued by one of the states party to the Interstate Certification Agreement with Pennsylvania may be eligible for certification if they meet the requirements outlined in § 49.65 (relating to out-of-State and Nationally-certified applicants).

(3) Teachers successfully completing a National teacher-training program approved by the State Board that requires a candidate to demonstrate mastery of the subject area to be taught and professional knowledge needed for classroom effectiveness may be certified to teach in this Commonwealth without meeting further academic and testing requirements.

(i) To the extent that the approved National teacher-training program involves a classroom teaching component requiring certification, the Department may issue an intern certificate to the teacher for use during the program.

(ii) The American Board for Certification for Teacher Excellence and Teach for America were approved by the State Board by means of resolution on November 14, 2002. See 32 Pa.B. 6030 (December 7, 2002).

(iii) National teacher-training programs identified for State Board consideration after December 28, 2002, may be approved by State Board resolution without the need to amend this chapter.

(d) *NCLB Bridge Certificates.*

(1) Teachers holding a level I or II certificate issued prior to July 1, 2004, and who are employed in one of the following listed circumstances may be awarded an NCLB Bridge Certificate if qualified therefore under paragraph (4):

(i) Teaching in grades seven, eight or nine in a middle/junior high school.

(ii) Teaching in a Department-approved Alternative Education Program.

(iii) Teaching direct core academic content on the secondary level and possess either an English as a Second Language or Special Education certificate.

(2) NCLB Bridge Certificates will not be issued to applicants after July 1, 2005. The Secretary of Education may extend this deadline on an individual, case-by-case basis, when exceptional situations warrant.

(3) The NCLB Bridge Certificate is valid for 3 years or until an earlier time at which the individual is awarded an Instructional I Certificate under paragraph (5). The NCLB Bridge Certificate cannot be renewed.

(4) Qualification for issuance of an NCLB Bridge Certificate shall be based on an evaluation system developed by the Department. The evaluation system shall be used to determine whether the applicant is highly qualified in the academic discipline or disciplines in which the applicant is teaching using the following criteria:

(i) Satisfactory teaching experience in delivering instruction in the academic content area at the appropriate level.

(ii) Professional education activities credited under section 2603-B(d) of the Public School Code of 1949 (24 P. S. § 2603-B(d)) (Act 2003-48) in the direct academic content area in which the applicant teaches. This may include college credit, postsecondary degrees and approved continuing professional education hours.

(iii) College credits earned in the academic subject area in which the applicant teaches.

(iv) Academic scholarship in the academic content area in which the applicant teaches, including the following:

(A) Recognition as school district or State teacher-of-the-year.

(B) Recipient of a State or National teaching award.

(C) Authorship of an article in a peer review journal.

(D) Authorship of a published textbook.

(E) Teaching a credit-based course at an approved postsecondary institution.

(v) Tutoring students in the academic content area in which the NCLB Bridge certificateholder seeks full certification in a satisfactory manner on a sustained basis in a structured, Department-approved tutoring program.

(5) An individual who holds an NCLB Bridge Certificate, awarded through the procedure outlined in paragraph (1), may be awarded an Instructional I Certificate based on evaluation of the applicant's experience, professional education and related professional criteria while engaged in teaching under the NCLB Bridge Certificate. The evaluation shall include the following:

(i) Satisfactory teaching experience in delivering instruction in the content area or areas at the appropriate level since receipt of their NCLB Bridge Certificate.

(ii) Professional education activities credited under sections 1205.1 and 1205.2 of the Public School Code of 1929 (24 P. S. §§ 12-1205.1 and 12-1205.2) in the direct content

area or areas since receipt of their NCLB Bridge Certificate. This may include college credit, postsecondary degrees and approved continuing professional education hours directly in the content area or areas in which the applicant seeks certification.

(iii) College credits achieved in the academic subject area being taught or assessed.

(iv) Academic scholarship in the academic content area that one teaches including:

(A) School district or State teacher-of-the-year.

(B) Recipient of a State or National teaching award.

(C) Authorship of a published textbook in the content area.

(D) Authorship of an article within the academic field the individual instructs published in a peer review journal.

(E) Teaching the content area in a credit-based postsecondary institution.

(F) National board certification during the period in which the individual held the NCLB Bridge Certificate.

(6) The Department will develop and submit for the approval of the State Board the applicant evaluation and NCLB Bridge Certificateholder evaluation systems described in paragraphs (3) and (4) prior to November 1, 2004.

(7) Notwithstanding the timelines in paragraphs (1) and (2), teachers holding a level I or II certificate issued prior to July 1, 2005, and who are employed in one of the following circumstances may apply for an NCLB Bridge Certificate no later than July 30, 2006, if qualified therefore under paragraph (4):

(i) A teacher who is certified in and teaching special education.

(ii) A teacher who is only certified in elementary education and is teaching two or more subjects in grades seven, eight or nine in a middle/junior high school, provided that the following conditions are also met:

(A) The teacher is required to become highly qualified for the position held.

(B) If teaching Math or English, or both, the teacher uses the Bridge I process to become highly qualified in those areas.

[Pa.B. Doc. No. 05-1262. Filed for public inspection July 1, 2005, 9:00 a.m.]

STATEMENTS OF POLICY

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 3270, 3280 AND 3290]

Supervision of Children in Child Day Care Facilities

Purpose

The purpose of this statement of policy is to clarify that the Department of Public Welfare (Department) has added §§ 3270.113b, 3280.113b and 3290.113a (relating to supervision of children off premises—statement of policy) to require that children shall be supervised at all times while they are in the care of the facility. The requirements apply to children in the facility premises and on facility excursions off the premises.

Background

The Department's regulations for child day care facilities require that children on the facility premises be supervised at all times. The intent of the regulations is to require supervision of children at all times while children are in the care of a child care facility, both at the facility and on facility excursions away from the facility premises.

The regulations do not explicitly state that supervision and staff:child ratio requirements apply to children on facility excursions off the premises. Some individuals may interpret the regulations to mean that supervision of children and adherence to staff:child ratios while on facility excursions off the premises is not required and therefore not the responsibility of the facility staff. This interpretation could result in serious injuries to or loss of a child in care.

Discussion

Supervision of children is basic to the prevention of harm. Parents contract with a facility to supervise their children, to prevent children from engaging in risk-taking behaviors that may result in injury and to be available for rescue in an emergency. The need for supervision is typically greater off-premises than on.

Children often test their skills and limitations, creating heightened risk to health and safety when children move from the familiar surroundings of the day care facility to another location during a facility excursion. Children may wander off to investigate an unfamiliar environment, play hide-and-seek or come into contact with a stranger. To protect children from harmful situations when on a facility excursion off the premises, facility staff shall provide supervision at all times.

Contact Person

Comments and questions regarding this statement of policy should be directed to Regional Day Care Directors, Originator: Diana Ramirez, Human Services Program

Specialist for the Office of Child Development, Bertolino Building 4th Floor, Harrisburg, PA 17105, (717) 787-8691.

Effective Date

This statement of policy is effective immediately upon publication in the *Pennsylvania Bulletin*.

(*Editor's Note:* The regulations of the Department, 55 Pa. Code Chapters 3270, 3280 and 3290, are amended by adding statements of policy in §§ 3270.113b, 3280.113b and 3290.113a to read as set forth in Annex A.)

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-BUL-066. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART V. CHILDREN, YOUTH AND FAMILIES MANUAL

Subpart D. NONRESIDENTIAL AGENCIES, FACILITIES AND SERVICES

ARTICLE I. LICENSING/APPROVAL

CHAPTER 3270. CHILD DAY CARE CENTERS PROGRAM

§ 3270.113b. Supervision of children off premises— statement of policy.

Children on facility excursions off the premises shall be directly supervised at all times by a staff person. The requirement for supervision includes compliance with the staff:child ratio requirements in §§ 3270.51—3270.54.

CHAPTER 3280. GROUP CHILD DAY CARE HOMES PROGRAM

§ 3280.113b. Supervision of children off premises— statement of policy.

Children on facility excursions off the premises shall be directly supervised at all times by a staff person. The requirement for supervision includes compliance with the staff:child ratio requirements in §§ 3280.51—3280.53 (relating to staff-child ratio).

CHAPTER 3290. FAMILY CHILD DAY CARE HOMES PROGRAM

§ 3290.113a. Supervision of children off premises— statement of policy.

Children on facility excursions off the premises shall be directly supervised at all times by a staff person. The requirement for supervision includes compliance with the staff:child ratio requirement in § 3290.52 (relating to ratio requirements).

[Pa.B. Doc. No. 05-1263. Filed for public inspection July 1, 2005, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending June 21, 2005.

BANKING INSTITUTIONS

New Charter Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|---|---------------|
| 6-17-05 | Envision Bank Leola Lancaster County | 133 West Main Street Leola Lancaster County | Filed |
| | <i>Correspondent</i> Kenneth R. Lehman, Esq. 1408 North Abingdon Street Arlington, VA 22207 | | |

Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 6-15-05 | Penn Liberty Bank Wayne Delaware County | 199 East Lancaster Avenue Malvern Chester County | Filed |
| 6-16-05 | The Legacy Bank Harrisburg Dauphin County | Atkins Mansion at Atkins Plaza 394 South Centre Street Pottsville Schuylkill County | Filed |
| 6-16-05 | Abington Savings Bank Jenkintown Montgomery County | Messenger Service branch to service customers in Bucks, Montgomery and Philadelphia Counties | Approved |
| 6-16-05 | S & T Bank Indiana Indiana County | 603 Stanwix Street Suite 125 Pittsburgh Allegheny County | Approved |
| 6-16-05 | Orrstown Bank Shippensburg Cumberland County | 3045 Market Street Camp Hill Cumberland County | Approved |
| 6-20-05 | Mid Penn Bank Millersburg Dauphin County | 17 North Second Street Harrisburg Dauphin County | Opened |
| 6-20-05 | Peoples State Bank of Wyalusing Wyalusing Bradford County | College Avenue Factoryville Wyoming County | Filed |
| 6-20-05 | Allegheny Valley Bank Pittsburgh Allegheny County | 4314 Penn Avenue Pittsburgh Allegheny County | Filed |

Branch Relocations

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 6-15-05 | Penn Liberty Bank Wayne Delaware County | <i>To:</i> 472 Norristown Road Blue Bell Montgomery County <i>From:</i> 649 West Germantown Pike Plymouth Meeting Montgomery County | Filed |

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 6-16-05 | Northwest Savings Bank Warren Warren County | <i>To:</i> 200 West Beaver Avenue State College Centre County <i>From:</i> 201 West Beaver Avenue State College Centre County | Approved |

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Branch Applications

| <i>Date</i> | <i>Name of Credit Union</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 6-16-05 | Fairless Credit Union Morrisville Bucks County | 521 Oxford Valley Road Fairless Hills Bristol Township Bucks County | Approved |
| 6-16-05 | New Life Credit Union Philadelphia Philadelphia County | 3955 Conshohocken Philadelphia Philadelphia County | Opened |

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-1264. Filed for public inspection July 1, 2005, 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> |
|-----------------------------|--|--|-------------------------------------|-----------------------------|
| PA0081361 (Sew) | MESCO Co, Inc. 148 S. Baltimore St. Dillsburg, PA 17019 | York County Monaghan Township | Stony Run/7-E | Y |
| PA0033995 (Sew) | County of Berks Berks County Services Center 633 Court Street 16th Floor Reading, PA 19601 | Berks County Bern Township | Plum Creek/3-C | Y |
| PA0041581 (Sew) | Liverpool Municipal Authority P. O. Box 357 Liverpool, PA 17045 | Perry County Liverpool Borough | Susquehanna River/6-C | Y |
| PA0053104 (Sew) | James Perano Pleasant Hills Mobile Home Park P. O. Box 677 Morgantown, PA 19543-0677 | Berks County Tilden Township | UNT to Schuylkill River/3-B | Y |
| PA0028983 (Sew) | McVeytown Borough Authority P. O. Box 321 McVeytown, PA 17051 | Mifflin County McVeytown Borough | Juniata River/12-A | Y |
| PA0029866 (Sew) | Cumberland Valley School District Green Ridge Elementary 6746 Carlisle Pike Mechanicsburg, PA 17050 | Cumberland County Silver Spring Township | Conodoguinet Creek/7B | Y |
| PA0088439 (Sew) | Lee Mummau School House Village Mobile Home Park 14192 Day Avenue Mt. Airy, MD 21771 | Fulton County Licking Creek Township | Sindeldecker Branch/13B | 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> |
|-----------------------------|---|--------------------------------------|---|-----------------------------|
| PA0112941 IW | Pro American Manufacturing Corp. P. O. Box 391 Emporium, PA 15834 | Cameron County Emporium Borough | Driftwood Branch Sinnemahoning Creek 8A | Y |
| PA0029068 SP | Valley Township Municipal Authority P. O. Box 307 Danville, PA 17821 | Montour County Valley Township | Mausers Creek 5E | Y |
| PA0008222 IW | Graymont (PA) Inc. 965 East College Avenue Pleasant Gap, PA 16823 | Centre County Spring Township | Buffalo Run 9C | Y |

| <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> |
|-----------------------------|---|--------------------------------------|--------------------------------------|-----------------------------|
| PA0209031 Sewerage | Loganton Borough Authority P. O. Box 203 Loganton, PA 17747 | Clinton County Loganton Borough | Fishing Creek 9-C | 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> |
|-----------------------------|---|--------------------------------------|-------------------------------------|-----------------------------|
| PA0037991 | Girard Township—Imperial Point WWTP 10140 Ridge Road Girard, PA 16417 | Girard Township Erie County | Lake Erie 15 | Y |
| PA0032701 | Department of Transportation—Rest Area 20 Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060 | Washington Township Erie County | UNT to Boles Run 16-A | Y |

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

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

Application No. PA 0088242, Concentrated Animal Feeding Operation (CAFO), **Country View Family Farms, Inc. (Huston Hollow Farm)**, 6360 Flank Drive, Suite 100, Harrisburg, PA 17112-2766. Country View Family Farms, Inc. has submitted an application for an Individual NPDES permit for an existing CAFO known as Huston Hollow Farm, located at 2994 South Madden Road, Hustontown, PA 17229 in Taylor Township, **Fulton County**.

The CAFO is situated near Wooden Bridge Creek in Watershed 12-C, which is classified for HQ-CWF. The CAFO is designed to maintain an animal population of approximately 1,255 animal equivalent units consisting of 940 gestating sows, 180 lactating sows, 2.25 boars, 45 newborn pigs and 87 gilt finishers. The animals will be housed in three barns. Manure is stored in below barn storage pits. The total capacity of the manure storage facilities is 3,204,609 gallons. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue 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 Region of the Department. Persons may make an appointment to review the files by calling the file review coordinator at (717) 705-4732.

Persons who wish to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Water 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's 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.

PA0228915, Sewerage SIC, 4952, **ORD Sewer Authority**, P. O. Box 216, Osceola Mills, PA 16666. This proposed facility is located in Decatur Township, **Clearfield County**.

Description of Proposed Activity: This proposed action is for issuance of an NPDES permit for a proposed discharge of treated sewage wastewater.

The receiving stream, Moshannon Creek, is in the State Water Plan watershed 8D and classified for TSF. The nearest downstream public water supply intake for PA American Water Company located on West Branch Susquehanna River is 166 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.4 mgd.

| Parameter | Concentration (mg/l) | | | Mass (lbs) | | |
|----------------------------------|---------------------------------|----------------|---------------|-----------------------|--------------|-------------|
| | Monthly Average | Weekly Average | Daily Maximum | Instantaneous Maximum | Monthly Load | Annual Load |
| CBOD ₅ | 25 | 40 | | 50 | | |
| TSS | 30 | 45 | | 60 | | |
| % UV Intensity | Report Minimum | | | | | |
| Ammonia-N | Report | | | | | |
| Kjeldahl-N | Report | | | | | |
| Nitrate-N | Report | | | | | |
| Nitrite-N | Report | | | | | |
| Total Nitrogen | Report | | | | Report | 9,748 |
| Total Phosphorus | Report | | | | Report | 1,218 |
| Fecal Coliform: (5-1 to 9-30) | 200 col/100 ml geometric mean | | | 1,000 col/100 ml | | |
| (10-1 to 4-30) | 2,000 col/100 ml geometric mean | | | 10,000 col/100 ml | | |
| pH | within the range of 6.0—9.0 | | | | | |

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

PA0001295, Industrial Waste, SIC, 2992, **Ashland, Inc.**, 5200 Blazer Parkway, Dublin, OH 43017. This application is for renewal of an NPDES permit to discharge treated groundwater and stormwater from the Freedom Terminal in Freedom Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Midland Borough Water Authority, located at 10th Street and Railroad Avenue, Midland, PA 15059, 12.1 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.072 mgd. (Interim Limits)

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------|--|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow | Monitoring and Report | | | | |
| Suspended Solids | | | 20 | 40 | |
| Oil and Grease | | | 15 | | 30 |
| Iron, dissolved | | | | | 7.0 |
| Benzene | | | 0.06 | | 0.12 |
| Total BTEX | | | Monitor and Report | | |
| Toluene | | | Monitor and Report | | |
| Ethylbenzene | | | Monitor and Report | | |
| Xylenes, total | | | Monitor and Report | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Outfall 001: existing discharge, design flow of 0.072 mgd. (Final Limits)

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------|--|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow | Monitoring and Report | | | | |
| Suspended Solids | | | 20 | 40 | |
| Oil and Grease | | | 15 | | 30 |
| Iron, dissolved | | | | | 7.0 |
| Benzene | | | 0.001 | | 0.0025 |
| Total BTEX | | | 0.1 | | 0.25 |
| Toluene | | | Monitor and Report | | |
| Ethylbenzene | | | Monitor and Report | | |
| Xylenes, total | | | Monitor and Report | | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

The EPA waiver is in effect.

PA0027146, Sewage, **Borough of Ambridge Municipal Authority**, 600 Eleventh Street, Ambridge, PA 15003. This application is for renewal of an NPDES permit to discharge treated sewage from Ambridge Borough Sewage Treatment Plant in Ambridge Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Ohio River, 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 Nova Chemicals—Beaver Valley Plant on the Ohio River.

Outfall 001: existing discharge, design flow of 2.56 mgd.

| Parameter | Concentration (mg/l) | | | |
|----------------------------------|--|-------------------|------------------|--------------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | 25 | 38 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Fecal Coliform (5-1 to 10-31) | 200/100 ml as a geometric mean | | | |
| (11-1 to 4-30) | 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | 1.0 | | | 3.3 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is not in effect.

PA0029840, Sewage, **Armstrong County Commissioners**, 450 Market Street, Kittanning, PA 16201. This application is for renewal of an NPDES permit to discharge treated sewage from Armsdale Sewage Treatment Plant in Rayburn Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Cowanshannock Creek, which are classified as a TSF 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 Western PA Water Company on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.06 mgd.

| Parameter | Concentration (mg/l) | | | |
|------------------------------------|--|-------------------|------------------|--------------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | 25 | 37.5 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen (5-1 to 10-31) | 13.0 | 19.5 | | 26.0 |
| Fecal Coliform (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 2,000/100 as a geometric mean | | | |
| Total Residual Chlorine | 1.4 | | | 3.3 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.21 mgd.

| Parameter | Concentration (mg/l) | | | |
|-------------------------------------|--|-------------------|------------------|--------------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ (5-1 to 10-31) | 15 | 22.5 | | 30 |
| (11-1 to 4-30) | 25 | 37.5 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen (5-1 to 10-31) | 6.0 | 9.0 | | 12.0 |
| (11-1 to 4-30) | 18.0 | 27.0 | | 36.0 |
| Fecal Coliform (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 2,000/100 as a geometric mean | | | |
| Total Residual Chlorine | 0.5 | | | 1.6 |
| Dissolved Oxygen | not less than 5 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA0218316, Sewage, **Dunbar Township Municipal Authority**, P. O. Box 815, Connellsville, PA 15425. This application is for renewal of an NPDES permit to discharge treated sewage from Dunbar Township Municipal Authority STP in Dunbar Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghiogheny River, 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 Westmoreland County Municipal Authority, McKeesport Plant, on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.3 mgd.

| Parameter | Concentration (mg/l) | | | |
|-------------------|--|-------------------|------------------|--------------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | 25 | 38 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Fecal Coliform | 200/100 ml as a geometric mean | | | |
| (5-1 to 9-30) | 2,000/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | not less than 6.0 nor greater than 9.0 | | | |
| pH | | | | |

The EPA waiver is in effect.

PA0252948, Concentrated Animal Feeding Operation (CAFO), **Klejka Dairy**, 381 Deans Road, Somerset, PA 15501. Klejka Dairy has submitted an application for an Individual NPDES permit for an existing CAFO known as Klejka Dairy, located in Somerset Township, **Somerset County**.

The CAFO is situated in the Laurel Hill Creek Basin in Watershed 19E, which is classified as a HQ-CWF. The CAFO is designed to maintain an animal population of approximately 1,025 animal equivalent units consisting of approximately 1,010 milking cows, heifers, calves and dry cows. The total design capacity of the existing manure storage facilities is 783,900 gallons. To provide approximately 180 days of storage needs at the site, the permittee is proposing to apply for a Water Quality Management (Part II) permit application to add approximately 1.5 million gallons of additional storage capacity. 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 Southwest Regional Office of the Department. Persons may make an appointment to review the files by calling the file review coordinator at (412) 442-4000.

Persons wishing to comment on the proposed permit are invited to submit written comments to the Department at the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Water 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.

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. 2305403 Sewerage, **Upper Providence Township Sewer Authority**, 935 N. Providence Road, Media, PA 19063-1403. This proposed facility is located in Upper Providence Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a sewage pump station for a development of 11 single family homes.

WQM Permit No. 1505417, Sewerage, **New Garden Township Sewer Authority**, 299 Starr Road, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Construction and operation of a low pressure off-site force main service proposed subdivision.

WQM Permit No. 4605408, Sewerage, **Lower Salford Township Sewer Authority**, P. O. Box 243, Mainland, PA 19451. This proposed facility is located in Skippack and Lower Salford Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sewage pump station for 22 single residential subdivisions.

WQM Permit No. 4605409, Sewerage, **Upper Moreland Hatboro Joint Sewer Authority**, P. O. Box 535, 2875 Terwood Road, Willow Grove, PA 19090. This proposed facility is located in Upper Moreland Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a 300 l.f. of 20" ductile iron sewer pipe and modifications or installation of three manholes to existing sewer interceptor.

WQM Permit No. 1505418, Sewerage, **East Marlborough Township**, 721 Unionville Road, Kennett Square, PA 19348. This proposed facility is located in East Marlborough Township, **Chester County**.

Description of Action/Activity: Construction and operation of a residential wastewater grinder pump station to serve an apartment and mushroom house.

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

PA-0007919, Industrial Waste, **Cascade Tissue Group PA Inc**, 901 Sathers Drive, Vogelbacher Industrial Park, Pittston Township, PA 18640. This proposed facility is located in Ransom Township, **Lackawanna County**.

Description of Proposed Activity: Application for the renewal of an existing NPDES permit.

The receiving stream, Susquehanna River, is in the State Water Plan watershed 7K and classified for WWF. The nearest downstream public water supply intake for Danville Borough Water Authority located on the Susquehanna River is approximately 60 river miles below the point of discharge.

Outfall 101—Waste Water from Secondary Fiber Processing. The proposed effluent limits for Outfall 101 is based on average production rate:

| Parameter | Mass (lb/day) | | Concentration (mg/l) | |
|------------------------|------------------------------------|---------------|----------------------|---------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily |
| BOD ₅ | 2,260 | 3,841 | | |
| Total Suspended Solids | 2,528 | 3,792 | | |
| pH | 6 to 9 standard units at all times | | | |
| Oil and Grease | | | 15 | 30 |

Outfall 201—Sewage Treatment Plant effluent. The proposed effluent limits for Outfall 201 is based on 0.012 mgd design flow:

| Parameter | Mass (lb/day) | | Concentration (mg/l) | |
|------------------------------|------------------------------------|---------------|----------------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Instantaneous Maximum |
| CBOD ₅ | | | 25 | 50 |
| Total Suspended Solids | | | 30 | 60 |
| Fecal Coliform (5-1 to 9-30) | | | 200/100 ml | |
| (10-1 to 4-30) | | | 2,000/100 ml | |
| pH | 6 to 9 standard units at all times | | | |
| Total Residual Chlorine | | | 1.5 | 2.5 |

Outfall 001—Combined effluent in Outfall 101 and Outfall 201 for Nutrient Sampling.

| Parameter | Mass (lb/day) | | Minimum | Concentration (mg/l) | |
|------------------|---------------|--------|---------|----------------------|---------|
| | Monthly | Annual | | Average Monthly | Maximum |
| Ammonia-N | Report | | Report | Report | Report |
| Kjeldhal-N | Report | | Report | Report | Report |
| Nitrite-N | Report | | Report | Report | Report |
| Nitrate-N | Report | | Report | Report | Report |
| Total Nitrogen | Report | Report | Report | Report | Report |
| Total Phosphorus | Report | Report | Report | Report | Report |

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

| NPDES Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|------------------|--|--------|---------------------|--------------------------------------|
| PAI010905016 | County of Bucks Bucks County Morgue 55 East Court Street Doylestown, PA 18901 | Bucks | Warminster Township | UNT Little Neshaminy Creek (WWF, MF) |

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|--------------------------|---|
| PAI010905020 | Milford Acquisitions, Inc. Streamview Subdivision 1590 Canary Road Quakertown, PA 18951 | Bucks | Milford Township | Unami Creek (HQ-TSF) |
| PAI010904024 | RB Quakertown, LLC Richland Marketplace Development 810 Seventh Avenue 28th Floor New York, NY 10019 | Bucks | Richland Township | Tributary Unami Creek (HQ-TSF) |
| PAI011505036 | Tom Swift Swift Development 2238 Robert Fulton Highway Peach Bottom, PA 17563 | Chester | East Nottingham Township | Little Elk Creek (HQ-TSF, MF) |
| PAI011505037 | 1645 Associates, LP 1645 West Chester Pike Development 640 Freedom Business Drive Suite 100 King of Prussia, PA 19406 | Chester | Westtown Township | Tributary Hunters Run/Ridley Creek (HQ-TSF) |
| PAI011505038 | Casciato Isayeff Rufo & Rufo, LLC Keystone Community Alliance Dev The Goodwill Business Park 550 East Union Street West Chester, PA 19382 | Chester | West Goshen Township | UNT Taylor Run (TSF, MF) |
| PAI011505039 | East Nottingham Township Waterway Road Realignment 158 Election Road Oxford, PA 19363 | Chester | East Nottingham Township | Little Elk Creek (HQ-TSF-MF) |
| PAI011505040 | Matt Pressler Matador Restaurant 13 Green Gable Lane Newtown Square, PA 19073 | Chester | East Whiteland Township | Valley Creek (EV) |
| PAI011505041 | Archdiocese of Philadelphia All Souls Cemetery 111 South 38th Street Philadelphia, PA 17104 | Chester | West Brandywine Township | Beaver Creek (TSF, MF) Brandywine Creek (HQ) |
| PAI012305003 | Rosetree Media School District Penncrest High School 308 North Olive Street Media, PA 19063 | Delaware | Middletown Township | Spring Run (HQ-TSF) |

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

Wayne County Conservation District: Ag Service Center; 470 Sunrise Ave., Honesdale, PA 18431, (570) 253-0930.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|---|
| PAI026405003 | Department of Transportation District 4-0 P. O. Box 111 Scranton, PA 18501 | Wayne | Dreher Township | Mill Creek to Wallenpaupack Creek HQ-CWF |

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> |
|-------------------------|--|---------------|--------------------------|---------------------------------|
| PAI032805006 | S & A Custom Built Homes, Inc. 2121 Old Gatesburg Road State College, PA 16803 | Franklin | Guilford Township | Falling Spring Watershed/HQ/CWF |
| PAI032105004 | Carlisle Developers, LLC 320 S. Hanover Street Carlisle, PA 17013 | Cumberland | South Middleton Township | Letort Spring Run/CWF |

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

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

**PUBLIC WATER SUPPLY (PWS)
PERMIT**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER**Applications Received under the Pennsylvania Safe Drinking Water Act**

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.

Permit No.1505507, Public Water Supply

| | |
|---------------------------|---|
| Applicant | Aqua Pennsylvania, Inc. |
| Township | Schuylkill |
| County | Chester |
| Responsible Official | Karl Kyriss |
| Type of Facility | PWS |
| Consulting Engineer | CET Engineering Services |
| Application Received Date | June 9, 2005 |
| Description of Action | Upgrade of filters 1—22 at the Pickering West Water Treatment Facility. |

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

| | |
|--|---|
| Permit No. 4505506, Public Water Supply | |
| Applicant | Borough of East Stroudsburg |
| Township or Borough | East Stroudsburg Borough |
| County | Monroe |
| Responsible Official | James S. Phillips, Borough Manager Borough of East Stroudsburg 24 Analomink Street East Stroudsburg, PA 18301 |
| Type of Facility | PWS |
| Consulting Engineer | Russell D. Scott, IV, P. E. R. K. R. Hess Associates P. O. Box 268 East Stroudsburg, PA 18301 |
| Application Received Date | May 31, 2005 |
| Description of Action | The applicant requests approval to modify the water filtration plant's filter media to a dual media, consisting of sand and Anthracite. |

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

Permit No. 2603501-A1, Public Water Supply.

| | |
|---------------------------|--|
| Applicant | National Pike Water Authority 4888 National Pike Markleysburg, PA 15459 |
| Township | Henry Clay Township |
| Responsible Official | Richard Dennis, Chairperson National Pike Water Authority 4888 National Pike Markleysburg, PA 15459 |
| Type of Facility | Water treatment plant |
| Consulting Engineer | McMillen Engineering, Inc. 115 Wayland Smith Drive Uniontown, PA 15401 |
| Application Received Date | May 31, 2005 |
| Description of Action | Addition of iron and manganese sequestering equipment. |

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

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

Application No. Minor Amendment.

| | |
|---------------------|---|
| Applicant | Tamaqua Area Water Authority |
| Township or Borough | Tamaqua Borough Schuylkill County |

Responsible Official Brian Connelly, Chairperson
Tamaqua Area Water Authority
320 East Broad Street
Tamaqua, PA 18252

Type of Facility PWS

Consulting Engineer James C. Elliott, P. E.
Gannett Fleming, Inc.
P. O. Box 67100
Harrisburg, PA 17106-7100

Application Received Date May 5, 2005

Description of Action The applicant requests approval to construct an individual water main consisting of 2,000 feet of new 24-inch PVC line to replace a portion of existing 30-inch steel transmission main.

Application No. Minor Amendment.

Applicant **Borough of East Stroudsburg**

Township or Borough East Stroudsburg Borough
Monroe County

Responsible Official James S. Phillips, Borough
Manager
Borough of East Stroudsburg
24 Analomink Street
East Stroudsburg, PA 18301

Type of Facility PWS

Consulting Engineer Kirt L. Ervin, P. E.
U.S. Engineering, LLC
75 Jardin Circle
Highland, IL 62249

Application Received Date June 17, 2005

Description of Action The applicant requests approval for a minor permit amendment to apply wet interior and exterior recoating and perform minor repairs to an existing water tank.

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

Application No. 0205501, Minor Amendment.

Applicant **Municipal Authority of the
Borough of Oakmont**
P. O. Box 73
721 Allegheny Avenue
Oakmont, PA 15139

Township or Borough Penn Hills Township

Responsible Official John Dunlap, General Manager
Municipal Authority of the
Borough of Oakmont
P. O. Box 73,
721 Allegheny Avenue
Oakmont, PA 15139

Type of Facility Emergency interconnections

Consulting Engineer NIRA Consulting Engineers, Inc.
950 Fifth Avenue
Coraopolis, PA 15108

Application Received Date June 3, 2005

Description of Action Construct two new emergency interconnects with the Wilkinsburg-Penn Joint Water Authority. One will be located along Althea Drive and one along Twin Oak Drive. Either Authority will be able to use the interconnects during an emergency.

**LAND RECYCLING AND
ENVIRONMENTAL REMEDIATION**

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

The Department has received the following Notices of Intent to Remediate:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Continental Bus. Ctr. Site, Bridgeport Borough, **Montgomery County**. Jeffrey Goudsward, Penn E & R, 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Richard Heany, O'Neill Prop. Group, LP, 700 S. Henderson Rd., Suite 225, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site was impacted by PAHs and inorganics. The proposed future use of the site will be residential.

Northcentral Region: Environmental Cleanup Program, 208 West Third Street, Williamsport, PA 17701.

Penns Creek Elementary School, Center Township, **Snyder County**. Chambers Environmental, 629 East Rolling Ridge Drive, Bellefonte, PA 16823 has submitted a Notice of Intent to Remediate soil contaminated with fuel oil No. 2. This site is being remediated to meet a Site-specific Standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Hydril Company, Rochester Township, **Beaver County**. Steven Gerritsen, SE Technologies, Inc., 98 Vanadium Road, Bridgeville, PA 15017 on behalf of Andrew Ricks, Hydril Company, 3300 N. Sam Houston Parkway, Houston, TX 77032 has submitted a Notice of Intent to Remediate, soil contaminated with lead, zinc and cadmium. Remediation may include removal of contaminated soils located within the existing building for off-site disposal. Future planned use of the site is intended to be industrial

Thomas & Betts, City of Pittsburgh, **Allegheny County**. Aike O. Okolo, Multi-Lynx Companies, Inc., 241 Fourth Avenue, Pittsburgh, PA 15222 on behalf of Harold W. Fonville II, Thomas & Betts Corporation, 8155 T & B Boulevard, Memphis, TN 38125, and Rhonda Brandon, Manchester Citizens Corporation, 1319 Allegheny Avenue, Pittsburgh, PA 15233 has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with PAHs, cadmium and chlorinated solvents. The property is currently a vacant tract of land. Formerly, the site was operated by American Electric. Proposed redevelopment plans for the site called for demolition of structures on site, and excavation of subsurface materials for use as fill material elsewhere on the site to bring the site to level grade. Contaminated materials were excavated and disposed of at an off-site landfill. Proposed future use of the property is residential and light commercial. A summary of the Notice of Intent to Remediate was published in the *Pittsburgh Post-Gazette* on March 3, 2005, and in the *Pittsburgh Tribune Review* on March 4, 2005.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the act of July 13, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA.

Renewal Applications Received

ASEPSIS, Inc., 424 W. Lincoln Highway, Suite 204, Penn del, PA 19047-5152. License No. PA-HC 0014. Received on May 26, 2005.

Bestrans, Inc., 931 Red Toad Road, North East, MD 21901. License No. PA-HC 0209. Received on June 2, 2005.

NSH Network, Inc. d/b/a Resource Management Council Services, 1383 Veterans Memorial Hwy., Suite 26, Hauppauge, NY 11788. License No. PA-HC 0197. Received on June 8, 2005.

AIR QUALITY

NOTICE OF 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 may 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.

67-05005C: PPL Brunner Island, LLC (Two North Ninth Street, Allentown, PA 18101-1179) for modification of the electrostatic precipitator on the Number Three Coal Fired Boiler at their Brunner Island Steam Electric Station in East Manchester Township, **York County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

18-315-001A: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) for installation of an air cleaning device (a selective catalytic reduction system) on eight 11,817,080 Btu per hour natural gas-fired boilers in Castanea Township, **Clinton County**.

18-315-002A: First Quality Products, Inc. (Clinton County Industrial Park, North Road, McElhattan, PA 17748) for construction of four absorbent product manufacturing lines in Wayne Township, **Clinton County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

11-00516A: Fiberblade LLC (1 South Broad Street, 20th Floor, Philadelphia, PA 19107) for construction and operation of a wind turbine rotor blade manufacturing facility in Cambria Township, **Cambria County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

24-131J: SGL Carbon LLC (900 Theresia Street, St. Marys, PA 15857) for expansion of their CVD Department by adding two reactors similar to Reactors 1—4 along with a scrubber to control the two new reactors in City of St. Marys, **Elk County**. This is a Title V facility.

61-185B: Heath Oil Co. (SR 8, Barkeyville, PA 16038) for modification of plan approval 61-185A conditions with regards to removal of 40 CFR Part 60, Subpart J (Petroleum Refineries) requirements for the Volcanic and Val Verde units in Barkeyville Borough, **Venango County**. This is a State-only facility.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

06-05002D: Lehigh Cement Co. (537 Evansville Road, Fleetwood, PA 19522-8541) for modification of two Portland cement kilns each controlled by mid-kiln air injection, a cyclone, a spray dryer and a fabric collector in Maiden Creek Township, **Berks County**. The facility is subject to Title V. The modification involves the inclusion of waste wood as a fuel for the kilns at a maximum rate of 3.0 tons per hour. The facility is subject to 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry. The modification will not change the permitted emission limits (annual or short term). The plan approval will include restrictions, monitoring, testing, recordkeeping, work practices and reporting requirements designed to keep the source operating within applicable air quality requirements. The facility is presently covered by the Title V Operating Permit No. 06-05002. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

36-05081A: Lancaster County Solid Waste Management Authority (1299 Harrisburg Pike, Lancaster, PA 17604) for construction of a landfill gas collection and control system at their Frey Farm-Creswell Landfill in Manor Township, **Lancaster County**. The facility will have the potential to emit 3.5 tpy of CO and 0.5 tpy of nonmethane organic compounds. The plan approval and operating permit will include monitoring, testing, work practice standards, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

67-05046D: United Defense, LP (1100 Bairs Road, York, PA 17404) for installation of two new paint booths and curing ovens at their Ground Systems Division in West Manchester Township, **York County**. The new booths will allow for increased production at the facility; however, VOC emissions should not exceed their existing permitted limits. This manufacturing operation is a non-Title V facility. Standard monitoring, recordkeeping and work practice standards shall be included to keep the facility operating within all applicable requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

16-0127A Piney Creek Ltd. Partnership (R. R. 2, Box 56, Clarion, PA 16214) for modification of fuels for the fluidized bed combustor (Source 031) at the facility in Piney Township, **Clarion County**.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval to the Piney Creek Power Plant in Piney Township, Clarion County. The facility was issued a Title V permit No. TV-16-00127 on August 27, 2002. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

Plan approval No.16-127A is for modification of fuels for the fluidized bed combustor (Source 031) at the facility. The facility conducted emission tests for zinc, arsenic, beryllium cadmium, hexavalent chromium, lead, mercury, nickel, dioxins, furans, acid gases, HCL, SOx, NOx, CO, particulates and other organic Products of Incomplete Combustion, such as Poly Aromatic Hydrocarbons, Polycyclic Organic Matter and Benzene, Toluene, Ethyl Benzene and Xylene. The facility used the results of the emission tests to conduct modeling for the pollutants of concern. In addition, an inhalation risk assessment was conducted to evaluate the excess lifetime cancer risk and noncancer risk introduced by the use of the fuel-mixture. The Department determined that the use of the 10% fuel additive would pose no additional health risk over the use of the existing fuel. Based on the analysis of the emission test results, the emissions increase associated with burning the 10% blend with the existing fuel would be less than significant (40 CFR 52.21(b)(23)). The NO₂, SO_x and VOC emissions increase will be less than 40 tpy for each pollutant respectively. The emissions increase of CO, TSP, PM10, lead and H₂SO₄ will be less than 100 tpy, 25 tpy, 15 tpy, 0.6 tpy and 7 tpy, respectively. The modification does not trigger PSD or New Source Review requirements. The Plan Approval will contain the following conditions:

1. The facility shall use only bituminous gob, No. 2 oil, or a mixture of bituminous gob and nonhazardous organic tars and oils from former Manufactured Gas Plants (MGP) and Coke Plants (hereafter referred to as "alternative fuel" in this plan approval) as fuels for the circulating fluidized bed boiler (Source 031). The maximum blend rate of the alternative fuel shall not exceed 10%. The total charging rate for all fuels combined shall not exceed 450 mmBtu/hr.

2. The permittee shall obtain prior approval from the Department's Waste Management Program prior to initiating the fuel modification.

3. Fuel samples shall be taken daily and analyzed to determine: ash content (% by weight); sulfur content (% by weight); and heat value (Btus per pound). Quarterly reports shall be submitted to the Regional Air Quality Manager within 30 days of the end of the quarter.

4. The facility shall continue to comply with the existing Site Level requirements of the Title V Operating Permit. The facility shall continue to comply with the existing Source Level requirements of the Title V Operating Permit for the following sources:

| Source ID | Source Name |
|-----------|------------------------------|
| 031 | Fluidized Bed Combustor |
| 101 | Bulk Unloading and Transport |
| 103A | Primary Crusher |
| 104 | Conveying System |
| 105 | Boiler Feed Bunkers |
| 106 | Limestone Storage Bin |
| 107A | Fly Ash Silo |
| 107B | Bed Ash Silo |
| 108 | Ash Loadout (Truck Fill) |

5. The permittee shall keep daily records of all fuels burned in the circulating fluidized bed boiler (CFB) as follows:

- a) The total fuel fed to the CFB as verified by the load cell and facility lab.
- b) The Btu content of the fuel as fed and automatically sampled.

c) The estimated tons of daily alternative fuel blended.

6. The permittee shall keep records of the total alternative fuel received and burned monthly as supported by the certified scale weights. Records shall be maintained for at least 5 years.

7. The permittee shall keep records of hours of operation for the CFB and hourly, daily, monthly and yearly records of the fuels fired in the boiler in a format approved by the Department.

8. The permittee shall keep records of the fuel sampling analysis in a format approved by the Department.

9. Additional emission testing shall be conducted for CO, particulate matter (TSP and PM10), lead and mercury within 90 days of issuance of the plan approval and at least once every 2 years thereafter. The stack tests shall be performed while firing a blend of bituminous gob with 10% alternative fuel. The stack tests shall be performed while the CFB is operating at the maximum capacity as stated on the application.

10. The source tests shall be conducted in accordance with 25 Pa. Code Chapter 139 as per the Department's source testing procedures described in the latest Source Testing Manual or source testing procedures approved by the Department prior to testing.

11. At least 60 days prior to the tests, test procedures and sketches with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples shall be submitted to the Department for approval.

12. At least 2 weeks prior to the tests, the Department shall be informed of the date and time of the tests.

13. Within 60 days after completion of the tests, three copies of the complete test reports, including all operating conditions, shall be submitted to the Department for approval.

14. The permittee shall monitor the emissions of any regulated NSR pollutant, as defined in 40 CFR 52.21(b)(50), that could increase as a result of the project and that are emitted by the CFB. The monitoring shall include the CEM data for SO₂ and NO_x and also include the emissions based on the required CO, lead, mercury, TSP and PM10 stack testing.

Authority for this condition is also derived from 40 CFR 52.21(r)(6)(iii).

15. The permittee shall calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change.

16. The permittee shall provide the Department with a description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under 40 CFR 52.21(b)(41)(ii)(c) and an explanation for why such amount was excluded, and any netting calculations, if applicable within 60 days of issuance of the plan approval but prior to burning the alternative fuel.

Authority for this condition is also derived from 40 CFR 52.21(r)(6)(i)(c).

17. In determining the projected actual emissions under 40 CFR 52.21(b)(41)(i), the permittee shall:

- (a) Consider relevant information including historical operational data, the company's own representations, the

company's expected business activity and the company's highest projections of business activity, the company's filings with the State or Federal regulatory authorities and compliance plans under the approved State Implementation Plan.

(b) Include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns and malfunctions.

(c) Exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions under 40 CFR 52.21(b)(48) and that are also unrelated to the particular project, including any increased utilization due to product demand growth.

Authority for this condition is also derived from 40 CFR 52.21(b)(41).

18. The permittee shall submit a report to the Department within 60 days after the end of each year during which records must be generated under 40 CFR 52.21(r)(6)(iii) setting out the CFB's annual emissions during the calendar year that preceded submission of the report. The report shall also include the baseline actual emissions as defined in 40 CFR 52.21(b)(48)(i) and as identified in the plan approval application. In addition, the report shall include the comparison (net change) of the baseline actual emissions and the projected actual emissions, and the major modification thresholds for all of the regulated NSR pollutants (as defined in 40 CFR 52.21(b)(50)). The report shall be submitted to John F. Guth, Regional Air Quality Manager, 230 Chestnut Street, Meadville, PA 16335.

Authority for this condition is also derived from 40 CFR 52.21(r)(6)(iv).

19. The permittee shall make the information required to be documented and maintained pursuant to condition 40 CFR 52.21(r)(6) available for review upon a request for inspection by the Department, the Environmental Protection Agency or the general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii).

Authority for this condition is also derived from 40 CFR 52.21(r)(7).

20. The existing Title V emission restrictions shall remain in affect for the facility. If it is determined that the project has caused a significant net emissions increase (as those terms are defined in 40 CFR 52.21(b)(3)(I) and (23)(ii) as a result of the alternative fuel modification, and based on the records submitted each year for 5 years after the alternative fuel modification, the facility will become subject to PSD at that time. In the event that a significant net emissions increase occurs, the facility shall cease burning the 10% blend of coal tar with the bituminous gob and obtain a plan approval that demonstrates compliance with the requirements of 40 CFR 52.21(j)—(r) as well as 25 Pa. Code Chapter 127, Subchapter E (pertaining to New Source Review requirements) and any other applicable regulations.

Copies of the applications, Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335.

Persons who wish to provide the Department with additional information that they believe should be considered prior to the issuance of this permit should submit

the information to the previous address. The Department will consider any written comments received within 30 days of the publication of this notice. Written comments must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit (Permit Nos. 16-0127A).

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Matthew Williams, New Source Review, 230 Chestnut Street, Meadville, PA 16335, (814)-332-6940.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Matthew Williams or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

If a plan approval has not undergone the public notice process the change to an operating permit must be treated as a significant modification. In these situations the Department will follow the procedures described in 25 Pa. Code §§ 127.421—127.431 for State-only operating permits or 25 Pa. Code §§ 127.521—127.524 for Title V operating permits.

10-230C: IA Construction (158 Lindsey Road, Zelenople, PA) to burn alternative fuels and reprocessed/recycled fuel oil in Jackson Township, **Butler County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection intends to issue a plan approval for modification of a plan approval to burn alternative fuels including Nos. 2 and 4—6, biodiesel and reprocessed/recycled fuel oil or any combination of Nos. 2, 4—6 biodiesel and reprocessed/recycled fuel oil at their Zelenople plant in Jackson Township, Butler County.

This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit through an administrative amendment at a later date.

37-185C: Universal Refractories, Inc. (915 Clyde Street, Wampum, PA 16157) to install an additional blower stack combo to an existing permitted drying oven and to replace a baghouse on an existing permitted magnesium oxide, MgO, mixing/bagging operation in the Borough of Wampum, **Lawrence County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval to Universal Refractories for their plant in the Borough of Wampum, Lawrence County. This plan approval will authorize the applicant to install an additional blower stack combo to an existing permitted drying oven and to replace a baghouse on an existing permitted magnesium oxide, MgO, mixing/bagging operation. The plan approval will subsequently be incorporated into a State-only Operating Permit at a later date.

Based on the information provided by the applicant and Department's own analysis, these changes will not increase production or emissions. The changes are being made strictly as an efficiency upgrade.

Persons who wish to provide the Department with additional information they believe should be considered should submit the information to George A. Monasky, New Source Review Chief, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of proposed Plan Approval No. PA-43-339A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that the hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation, the *Pennsylvania Bulletin* or by telephone, when the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to George A. Monasky, New Source Review Chief, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940

42-192D: IA Construction (7024 Highway 59, Lafayette Township, PA 16738) for modification to burn alternative fuels including Nos. 2 and 4-6 and reprocessed/recycled fuel oil, biodiesel or any combination of Nos. 2 and 4-6, reprocessed/recycled fuel oil and biodiesel fuel oil at McKean plant in Lafayette Township, **McKean County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for modification of a plan approval to burn alternative fuels including Nos. 2 and 4-6 and reprocessed/recycled fuel oil, biodiesel or any combination of Nos. 2 and 4-6, reprocessed/recycled fuel oil and biodiesel fuel oil at McKean plant in Lafayette Township, McKean County. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit through an administrative amendment at a later date.

10-349A: Recmix of PA, Inc. (359 North Pike Road, Sarver, PA 16056) for installation of a 12 mmBtu/hr natural gas fluid bed dryer with baghouse control device for a fertilizer pelletizing operation in the Township of Clinton, **Butler Company**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant in the Township of Clinton, Butler County. This plan approval will authorize the applicant to install a 12 mmBtu/hr natural gas fluid bed dryer with baghouse control device for a fertilizer pelletizing operation. The plan approval will subsequently be incorporated into a State-only Operating Permit at a later date.

Based on the information provided by the applicant and Department's analysis the NOx emissions from the fuel combustion will be 2.34 tons/yr and the PM10 emissions from the pellet drying will be 2.63 tons/yr. The operation will be limited to 5 ton/hr and 5.44 mmBtu/hr due to a bottleneck at the front end of the process.

Persons who wish to provide Department with additional information they believe should be considered may submit the information to John F. Guth, Regional Air Quality Manager, Department of Environmental Protection, Northeast Regional Office, 230 Chestnut Street, Meadville, PA 16335.

Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of proposed Plan Approval No. PA-43-339A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation, the *Pennsylvania Bulletin* or by telephone, when the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to John F. Guth, Regional Air Quality Manager, Department of Environmental Protection, Northeast Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

25-025H: General Electric Transportation Systems—Erie Plant (2901 East Lake Road, Room 9-201, Erie, PA 16531) for installation of three natural gas/No. 2 fuel oil fired boilers (98.6 mmBtu/hr) in Lawrence Park Twp., **Erie County**. The boilers are subject to NSPS 40 CFR 60 Subpart Dc and NESHAP 40 CFR Part 63, Subpart DDDDD. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- The source is subject to 25 Pa. Code §§ 123.11 and 123.22(b)(1).
- The source shall burn only natural gas as a fuel.
- The source is subject to 40 CFR Part 60, Subpart Dc.
- The source is subject to 40 CFR Part 63, Subpart DDDDD (Large Gaseous fuel subcategory).

Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 823-7584.

AMS 04303: Purolite Co. (3620 G Street, Philadelphia, PA 19134) for installation of a carbon unit to collect displaced vapors from the polymer reactor and the monomer premix tank, an inductor induced-draft system to

prevent fugitive emissions from escaping from the reactor while the lid is open and passive vent line on the wash tank in the City of Philadelphia, **Philadelphia County**. The VOC emissions are limited to less than 1.0 ton and the HAP emissions are limited to 700 pounds per rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

46-00249: Pfizer, Inc. (801 River Road, Conshohocken, PA 19428) for a non-Title V Facility, State-only, Synthetic Minor Permit in Upper Merion Township, **Montgomery County**. This facility will conduct anti-infective manufacturing. The sources of emissions include boilers, emergency generators, dust collectors, storage tanks and scrubber. The facility has a potential to emit NO_x emissions. 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.

01-05019: Colonial Fiberglass Industries, Inc. (262 Church Street, Hanover, PA 17331) for operation of their fiberglass automotive accessory manufacturing facility in Conewago Township, **Adams County**. The facility has the following potential annual emissions: 22 tons VOC and 12 tons styrene. 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.

06-05061: Cambridge-Lee Industries, Inc. (P. O. Box 14026, Reading, PA 19612-4026) for operation of a secondary copper smelter and copper rolling mill (Reading Tube Division) in Ontelaunee Township, **Berks County**. This action is a renewal of the Synthetic Minor Operating Permit issued in 2000 and amended in 2004.

67-03076: Oakworks, Inc. (923 East Wellspring Road, New Freedom, PA 17349) for operation of their massage therapy equipment manufacturing facility in Hopewell Township, **York County**. The facility has the potential to emit 20 tons VOC per year. 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.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 823-7584.

AMS 04303: Purolite Co. (3620 G Street, Philadelphia, PA 19134) for installation of a carbon unit to collect displaced vapors from the polymer reactor and the monomer pre-mix tank, an inductor induced-draft system to prevent fugitive emissions from escaping from the reactor while the lid is open, and passive vent line on the wash tank in the City of Philadelphia, **Philadelphia County**. The VOC emissions are limited to less than 1.0 ton and

the HAP emissions are limited to 700 pounds per rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

*Coal Applications Received**Effluent Limits*

The following coal mining applications that include an

| <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 | | | |

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

California District Office: 25 Technology Drive, Coal Center, PA 15423.

11733701 and NPDES Permit No. PA0001317, Robindale Energy Services, Inc. (224 Grange Hall Road, Armagh, PA 15920), to renew the permit for the Cambria Slope Mine No. 33 in Cambria Township, **Cambria County** a coal refuse disposal site. No additional discharges. Application received June 1, 2005.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

Permit No. 32000106 and NPDES No. PA0235334. P & N Coal Company, Inc. permit renewal for reclamation only of a bituminous surface mine in Banks Township, **Indiana County**, affecting 43.8 acres. Receiving stream: UNTs to Cush Creek, classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 10, 2005.

Permit No. 56030102 and NPDES Permit No. PA0249424. Mountaineer Mining Corporation (1010 Garrett Shortcut Road, Berlin, PA 15530) permit revision—land use change on Linda Croner and Gregory Croner property from Woodland to Pastureland in Brothersvalley Township, **Somerset County**, affecting 7.9 acres. Receiving streams: UNTs to/and Hays Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on June 14, 2005.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17970109 and NPDES Permit No. PA0220647. M. B. Energy, Inc. (175 McKnight Road, Blairsville, PA 15717), renewal of an existing bituminous surface mine-auger permit in Chest Township, **Clearfield County** affecting 283.3 acres. Receiving streams: UNTs of Chest Creek to the West Branch of the Susquehanna River. Application received: April 1, 2005.

NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

17940107 and NPDES Permit No. PA0219801. River Hill Coal Company, Inc. (P. O. Box 141, Kylertown, PA 16847), renewal of an existing bituminous surface mine permit in Karthaus Township, **Clearfield County** affecting 420.5 acres. Receiving streams: tributaries to Saltlick Run and tributaries to Upper Three Runs to the West Branch of the Susquehanna River; and tributaries directly to the West Branch of the Susquehanna River. Application received: April 7, 2005.

17990122 and NPDES Permit No. PA0242772. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), renewal of an existing bituminous surface mine permit in Brady and Bloom Townships, **Clearfield County** affecting 91 acres. Receiving streams: UNT No.1 to Little Anderson Creek to Anderson Creek to the West Branch of the Susquehanna River. Application received: April 25, 2005.

17940119 and NPDES Permit No. PA0219959. Hill-top Coal Company (12 Dutchtown Road, Houtzdale, PA 16651), renewal of an existing bituminous surface mine permit in Bigler Township, **Clearfield County** affecting 27.8 acres. Receiving streams: Upper Morgan Run to North Branch to Clearfield Creek to West Branch of the Susquehanna River and Alexander Run to Japling Run to Clearfield Creek to West Branch of the Susquehanna River. Application received: April 27, 2005.

Coal Applications Returned

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

11030201 and NPDES Permit No. PA0249394. Alpine Coal Company, Inc., 3920 Market Street, Camp Hill, PA 17011, commencement, operation and restoration of a bituminous coal refuse reprocessing mine in Barr Township, **Cambria County**, affecting 41.6 acres. Receiving stream: Moss Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 6, 2003. Application returned June 13, 2005.

*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 ¹ | | | |
| pH ¹ | | greater than 6.0; less than 9.0 | |

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. 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.

Noncoal Applications Withdrawn

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

32052801. John P. Shawley, 4348 Elders Ridge Road, Saltsburg, PA 15681, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Conemaugh Township, **Indiana County**, affecting 7 acres. Receiving streams: Blacklegs Creek classified for the following uses: CWF. There are no potable water intakes within 10 miles downstream. Application received February 9, 2005. Permit withdrawn June 13, 2005.

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 may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the FWPCA (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E58-264. Joseph and Linda Monteforte, R. R. 2, Box 33, New Milford, PA 18834, in New Milford Borough, **Susquehanna County**, United Army Corps of Engineers, Baltimore District.

To maintain fill within the floodway along approximately 140 linear feet of the left bank of Meylert Creek (HQ-CWF), for the purpose of providing a level parking area for an existing business (Blue Ridge Roller Rink). The maximum depth of fill is approximately 30 inches. A portion of the project has already been completed. The project is located on the west side of SR 0011, approximately 0.2 mile southwest of the intersection of SR 0011 and SR 492 (Harford, PA Quadrangle N: 21.8 inches; W: 14.35 inches).

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

E22-494: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699 in Lower Paxton and South Hanover Townships, **Dauphin County**, ACOE Baltimore District.

To remove the existing structure and then to construct and maintain a single span bridge with a center line span of 90 feet on a 30° skew with a minimum underclearance of 6.32 feet over Beaver Creek (WWF) and associated improvements on SR 2010, Section 003, Segment 0030, offset 0000 and to fill in 0.029 acre of de minimis wetland to improve the alignment and safety of the road located about 0.9 mile west of Hoernerstown village (Hershey, PA Quadrangle N: 6.62 inches; W: 16.35 inches) in South Hanover and Lower Paxton Townships, **Dauphin County**. The wetland impact is considered a de minimis impact; therefore, a wetland mitigation is not required.

E67-779: North Delta Inc., 2700 Philadelphia Road, Edgewood, MD 21040-1120 in Peachbottom Township, **York County**, ACOE Baltimore District.

To construct and maintain: (1) an 11-foot wide by 40-foot long breakaway truss pedestrian bridge over Scott Creek (TSF); (2) a 4-foot wide by 64-foot long wooden boardwalk elevated by concrete pilings over an unnamed tributary to Scott Creek and associated PFO wetlands; (3) an 8-inch water line crossing of a UNT to Scott Creek; (4) a 6-inch sewer force main crossing of Scott Creek and

associated PEM wetlands; (5) a 6-inch sewer force main crossing of Scott Creek and an associated PSS wetland; (6) replace an existing culvert under Split Rock Drive with a 88.1 linear foot 24-inch HDPEP; (7) 8-inch PVC water line and an 18-inch storm sewer under Split Rock Road; (8) two outfall swales to unnamed tributaries to Scott Creek; (9) 8-inch PVC water line crossing of Scott Creek at Dooley Road; and (10) an 8-inch PVC water line crossing under an existing 54-inch CMP under Line Road. The site is located adjacent to the town of Delta and is bordered by Bunker Hill Road and Line Road (Delta, PA Quadrangle Latitude 39/43/36.8 and Longitude 76/20/12.3) in Peach Bottom Township, York County. The project impacts total 0.11 acre of temporary wetland impacts, 0.02 acre of permanent wetland impacts, 4,275 square feet of temporary stream impacts and 105 linear feet of permanent stream impacts. These wetlands are considered of exceptional value in accordance with 105.17(1)(iii).

E67-685A: Izaak Walton League of America, York County, Chapter 67, 7131 Ironstone Road, Dallastown, PA 17313 in Codorus Township, York County, ACOE Baltimore District.

To construct and maintain a stream restoration project on 2,500 feet of Pierceville Run (WWF), including channel reconstruction, rock and log structures and bank grading for the purpose of correcting the stream pattern. The McClelland project is located approximately 2.1 miles from the intersection of Route 216 and Rockville Road where Rockville Road intersects Schuman Road in Codorus Township, York County (Seven Valleys, PA Quadrangle N: 5.5 inches; W: 2.5 inches). The project will permanently impact 0.055 acre of palustrine emergent wetlands. The wetlands are categorized as Exceptional Value in accordance with 25 Pa. Code § 105.17(1)(iii). The applicant is proposing to create 0.14 acre of replacement wetlands within the old channel. Pierceville Run (WWF) is a tributary to Centerville Creek in the South Branch Codorus Creek watershed.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E14-478. State College Borough, 284 South Allen Street, State College, PA 16801. Walnut Spring Wetland Creation, Borough of State College, Centre County, ACOE Baltimore District (State College, PA Quadrangle N: 5.3 inches; W: 4.1 inches).

To construct and maintain: 1) a 12-inch diameter intake pipe with the associated concrete endwall and R-3 riprap apron; 2) a 20-foot wide two layer boulder weir with the associated 6 foot long R-3 riprap apron needed to create a pool for the intake structure; 3) a 40 foot by 80 foot R-3 riprap choked with AASHTO No. 57 stone ford, in an unnamed tributary to Thompson Run located 630 feet east of the intersection of McCormick Road and Evergreen Lane. The three proposed encroachments are related to the non-regulated dam and pool area proposed for a stormwater treating wetland creation site on the left side of the stream. This project proposes to impact 100 linear feet of unnamed tributary to Thompson Run to help create an unregulated wetland.

E60-171. Andrew P. Wagner, 2946 Johnson Mill Road, Lewisburg, PA 17837. Artesian Outlet, in Buffalo Township, Union County, ACOE Baltimore District (Lewisburg, PA Quadrangle N: 19.46 inches; W: 16.56 inches).

To construct and maintain a 3 foot by 5 foot concrete splash pad on the left bank of Spruce Run Creek for the discharge of a Artesian well discharge, via a 500 foot long 4-inch plastic pipe buried 3 feet deep in the left floodplain, located 620 feet east of the intersection of Stahl Lane and Johnson Mill Road. This project proposes to impact 5 linear feet of Spruce Run Creek and not directly impact any wetlands.

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

E04-313. Beaver County, 810 Third Street, Beaver, PA 15009-2129. To construct a new bridge in Bridgewater Borough and Rochester Township, Beaver County, Pittsburgh ACOE District. (Beaver, PA Quadrangle N: 15.4 inches; W: 7.2 inches and Latitude: 40° 42' 53"—Longitude: 80° 18' 06"). The applicant proposes to remove the existing structure and construct and maintain a new bridge (Fallston Bridge) having three spans of 186.5 feet, 245.0 feet and 156.5 feet with a minimum underclearance of 29.0 feet across the Beaver River (WWF) for the purpose of improving highway safety. The bridge is located approximately 800.0 feet downstream from the confluence of Brady Run and the Beaver River and will impact approximately 125 linear feet of stream channel.

E26-328. Brownsville Municipal Authority, P. O. Box 330, 7 Jackson Street, Brownsville, PA 15417. To place fill in the floodway in Brownsville Borough, Fayette County, Pittsburgh ACOE District. (California, PA Quadrangle N: 3.5 inches; W: 1.5 inches and Latitude: 40° 01' 09"—Longitude: 79° 53' 09"). The applicant proposes to place and maintain fill in and along the floodplain of Dunlap Creek (WWF) for the construction of two sanitary sewer pumping stations located approximately 700 and 2,200 feet upstream of the Monongahela River.

ENVIRONMENTAL ASSESSMENTS

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

EA54-015NE. Schuylkill Headwaters Association, P. O. Box 1385, Pottsville, PA 17901. East Norwegian Township, Schuylkill County, Army Corps of Engineers Philadelphia District.

To construct and maintain an abandoned mine discharge passive treatment system proposed in and along a tributary to Mill Creek (CWF) and in 1.35 acres of palustrine emergent (PEM1) wetlands. The project will include the construction of approximately 2.6 acres of passive wetland treatment cells for the purpose of treating and reducing AMD loadings discharging from the Pine Forest Mine Discharge to restore the water quality of Mill Creek. The project is located between the St. Clair Borough and East Norwegian Township boundary and the intersection of Caroline Avenue and Eagle Hill Road, just northeast of the town of St. Clair (Pottsville, PA Quadrangle N: 17.7 inches; W: 7.0 inches).

ACTIONS

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT
FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY
MANAGEMENT (WQM) PERMITS**

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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. 4605402, 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: Construction and operation of a low pressure sanitary sewer system, 3" force main and 14 residential grinder pumps.

WQM Permit No. 1505403, Sewerage, **New Garden Township**, 299 Starr Road, Landenberg, PA 19350. This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Installation of a new force main at existing PS No. 4 to divert sewage from Shangri-LA to the East End WWTP.

WQM Permit No. 1505410, Sewerage, **East Fallowfield Township**, 2264 Strasburg Road, East Fallowfield, PA 19320. This proposed facility is located in East Fallowfield Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station and 4" diameter force main for 21 single family residence.

WQM Permit No. WQG010005, Sewerage, **Alan Morgan**, 1392 Cobbler Road, Quakertown, PA 18951. This proposed facility is located in Haycock Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a small flow treatment plant facility for an existing dwelling with a 600 gpd discharge into an UNT of Tohickon Creek.

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

WQM Permit No. 3905404, Sewerage, **North Whitehall Township**, 3256 Levans Road, Ironton, PA 18037. This proposed facility is located in Whitehall and North Whitehall Townships, **Lehigh County**.

Description of Proposed Action: This project involves the construction of a new sewer collection system and interceptor to serve the Ormrod section of North Whitehall Township. Sewage will ultimately be conveyed to the City of Allentown Wastewater Treatment Facility.

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

WQM Permit No. 2104401, Sewerage, **North Middleton Authority**, 240 Clearwater Drive, Carlisle, PA 17013-1100. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/operation of a duplex submersible pump station with a connection for portable emergency power hookup and 4-inch force main to serve Commons at Parker Springs.

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

WQM Permit No. 1988408-T3, Sewerage 4952, **Jeffrey W. Hopper**, 204 Legion Road, Millville, PA 17846. This facility is located in Madison Township, **Columbia County**.

Description of Proposed Action/Activity: Transfer of a WQM Part II Permit for small flow sewage treatment facilities serving a single residence.

WQM Permit No. 1705404, Sewage 4952, **Decatur Township**, 575 Fairview Road, Osceola Mills, PA 16666. This proposed facility is located in Decatur Township, **Clearfield County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a pretreatment facility, pump station and sewers serving the Moshannon Valley Correctional Facility.

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

WQG Permit No. 016110, Sewerage, **Walter Sadauskas**, 815 Ponderosa Drive, Imperial, PA 15126. This proposed facility is located in North Fayette Township, **Allegheny County**.

Description of Proposed Action/Activity: Small flow sewage treatment facility to service a new five-bedroom single-family dwelling.

WQG Permit No. 016109, Sewerage, **Robert Luthultz**, 277 Valley Road, Wexford, PA 15090. This proposed facility is located in Marshall Township, **Allegheny County**.

Description of Proposed Action/Activity: Replacement of malfunctioning on lot sewage system with new small flow sewage treatment facility to service four-bedroom, single family residence.

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

WQM Permit No. WQG018381, Sewerage, **Renee McClain**, Box 2857 Route 446, Eldred, PA 16731. This proposed facility is located in Eldred Township, **McKean County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

WQM Permit No. WQG018375, Sewerage, **Anatoliy A. Vygovsky**, 8800 Storey Road, North East, PA 16428. This proposed facility is located in Greenfield Township, **Erie County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

WQM Permit No. WQG018366, Sewerage, **Robert Rathmann SFTF**, 5662 Kuhl Road, Erie, PA 16510. This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|-----------------------|---|
| PAI010904007 | Tri County Real Estate Dev, LLC Soliday/Kriebel Major Subdivision P. O. Box 197 Perkasie, PA 18944 | Bucks | Milford Township | Unami Creek (HQ-TSF) |
| PAI011504023 | East Vincent Township Community Park on the Ridge 262 Ridge Road Spring City, PA 19475 | Chester | East Vincent Township | French Creek (HQ-TSF-MF) |
| PAI011504042 | Harvest Development, LLC Filman Road 4-Lot Subdivision P. O. Box 704 Pottstown, PA 19464 | Chester | Uwchlan Township | Shamona Creek (HQ-TSF) |
| PAI011504086 | Cornerstone Manor Associates, LP Cornerstone Gateway Development 771 East Lancaster Avenue Villanova, PA 19085 | Chester | East Goshen Township | Ridley Creek Watershed (HQ-WWF) |
| PAI011505006 | JB Brandolini, Inc. Maple Woods Subdivision 1200 Burning Bush Lane West Chester, PA 19380 | Chester | Tredyffrin Township | UNT Little Valley Creek (EV) |
| PAI011505010 | Mystay Partnership Lilly Woods Subdivision P. O. Box 615 Honey Brook, PA 19344 | Chester | West Caln Township | UNT Pequea Creek (HQ) |
| PAI011505026 | Jennersville Professional Center, LLC Jennersville Professional Center Dev. 2215 Baltimore Pike Oxford, PA 19363 | Chester | Penn Township | UNT East Branch Big Elk Creek (HQ-TSF-MF) |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|-------------------------|---|
| PAI023904036 | Opus East, LLC 610 West Germantown Pike Suite 400 Plymouth Meeting, PA 19462 | Lehigh | Upper Macungie Township | Iron Run HQ-CWF |
| PAI024804028 | Stone Creek Development. Corporation 4511 Falmer Dr. Bethlehem, PA 18020 | Northampton | Upper Nazareth Township | East Branch Monocacy Creek HQ-CWF |
| PAI024805007 | Career Institute of Technology 5335 Kesslerville Rd. Easton, PA 18040-6799 | Northampton | Forks Township | Bushkill Creek HQ-CWF |

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

Somerset County Conservation District: North Ridge Building, 1590 North Center Avenue, Suite 103, Somerset, PA 15501-7000, (814) 445-4652.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|----------------------|---|
| PAI055605001 | Seven Springs Mountain Resort 777 Waterwheel Drive Champion, PA 15622 | Somerset | Middlecreek Township | Blue Hole Creek/Neals Run (EV/HQ-CWF) |

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> |
|-------------------------|--|---------------|-----------------------------|--|
| PAI056504006 | Department of Transportation P. O. Box 459 Uniontown, PA 15401 | Westmoreland | Municipality of Murrysville | UNT to Steels Run (HQ-CWF) |
| PAI056504004 | Department of Transportation District 12-0 P. O. Box 459 825 North Gallatin Avenue Uniontown, PA 15401 | Westmoreland | Derry Township | Spruce Run, Tributaries to Spruce Run and Conemaugh River (HQ-CWF) |

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

Jefferson County Conservation District, 1514 Route 28, Brookville, PA 15825

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving/Water Use</i> |
|-------------------------|--|---------------|---------------------|---|
| PAS103308R | Raymond F. Dush Irons & Woods Golf Course 1 Irons and Woods Road Brookville, PA 15825 | Jefferson | Eldred Township | UNT to Redick Run HQ-CWF UNT to NorthFork 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 Single Residence Sewage Treatment Plants |
| PAG-5 | General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems |
| PAG-6 | General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application |
| PAG-8 | General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage |
| PAG-9 | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site |
| PAG-9 (SSN) | Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage |
| PAG-10 | General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines |
| PAG-11 | (To Be Announced) |
| PAG-12 | CAFOs |
| PAG-13 | Stormwater Discharges from MS4 |

General Permit Type—PAG-2

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|----------------------------------|---|
| Warrington Township Bucks County | PAG2000904184 | Donald and Kristina Lankford 2510 West Street Road Warrington, PA 18976 | Little Neshaminy Creek (MF, WWF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Plumstead Township Bucks County | PAG2000905002 | Andrew Lykon 477 Cafferty Road P. O. Box 12 Pipersville, PA 18947 | Deep Run Creek (WWF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |

| <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> |
|--|-------------------|---|--|---|
| West Goshen Township Chester County | PAG2001505014 | A Duie Pyle, Inc. P. O. Box 564 West Chester, PA 19381-0564 | Chester Creek (TSF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Penn Township Chester County | PAG2001505012 | Chesco Penn Developers, LP Kennett Square Synthes (USA) Paoli and D. Howe & Son Construction Wagontown, PA | UNT West Branch White Clay Creek (TSF, MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| East Marlborough Township Chester County | PAG2001505013 | 860 Baltimore Pike, LLC P. O. Box 2006 Media, PA 19063 | East Branch Red Clay Creek (TSF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| East Fallowfield Township Chester County | PAG2001505027 | Anne Carlino 1542 Clayton Road West Chester, PA 19382 | West Branch Brandywine Creek (WWF, MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| City of Chester Delaware County | PAG2002304052 | Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406 | Delaware Estuary (WWF, MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Thornbury and Chadds Ford Townships Delaware County | PAG2002305019 | Wawa, Inc. 260 West Baltimore Pike Wawa, PA 19063 | West Branch Chester Creek (TSF, MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Concord Township Delaware County | PAG2002305010 | Garnet Valley School District 80 Station Road Glen Mills, PA 19342 | West Branch Chester Creek (TSF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Newtown Township Delaware County | PAG2002305025 | Aroninink Golf Club 3600 St. Davids Road Newtown Square, PA 19013 | Darby Creek (CWF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| City of Philadelphia Philadelphia County | PAG2011505020 | Urban Engineers for Fairmount Park Commission Smith Memorial Playground and Playhouse 530 Walnut Street 14th Floor Philadelphia, PA 19106 | Schuylkill River (WWF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Lehigh Township Northampton County | PAG2004805003 | Ralph McCandless 190 Broadhead Rd. Suite 100 Bethlehem, PA 18017 | UNT to Bertsch Creek CWF | Northampton Co. Cons. Dist. (610) 746-1971 |
| Wright Township Luzerne County | PAG2004005015 | Mericle Construction, Inc. Robert K. Mericle 100 Baltimore Dr. Wilkes-Barre, PA 18702 | UNT to Wapwallopen Creek CWF | Luzerne Co. Cons. Dist. (570) 674-7991 |

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> |
|---|-------------------|---|---|--|
| Mahanoy Township Schuylkill County | PAG2005405013 | Department of Transportation Engineering Dist. 5-0 Donald Lerch, Asst. Dist. Engr. 1713 Lehigh St. Allentown, PA 18103-4727 | Mahanoy Creek CWF | Schuylkill Co. Cons. Dist. (570) 622-3742 |
| Archbald Borough Lackawanna County | PAG2003505011 | Charles Moeller 9770 Kraft Rd. Spencerville, OH 45887 | Laurel Run CWF | Lackawanna Co. Cons. Dist. (570) 281-9495 |
| City of Harrisburg, Dauphin County | PAG2002205027 | Capital Area Self Storage 4050-A Carlisle Rd. Dover, PA 17315 | Paxton Creek/WWF | Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100 |
| Marion Township Berks County | PAG2000605052 | Larry Martin Dutch Valley Food Distributors, Inc. P. O. Box 465 Myerstown, PA 17067 | UNT to Swatara Creek/WWF | Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201 |
| Columbia County South Centre Township | PAG2001905013 | Kleerdex Co. 6685 Low St. Bloomsburg, PA 17815 | Susquehanna River WWF | Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310 |
| Lycoming County City of Williamsport | PAG2004105006 | John Moran Moran Logistics 202 E. 7th St. Watsonstown, PA 17777 | UNT Daugherty's Run WWF | Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003 |
| Snyder County Middlecreek Township | PAG2005505002 | Robert Nipple Apex Homes Inc. 247 N. US Hwy. 522N Middleburg, PA 17842 | Middle Creek CWF | Snyder County Conservation District 403 W. Market St. Middleburg, PA 17842 (570) 837-0007, Ext. 112 |
| Armstrong County Gilpin Township | PAG2000305005 | Ruth E. Gourley 723 South Pike Road Sarver, PA 16055-9301 | Kiski River and Elder Run (WWF) | Armstrong County CD (724) 548-3425 |
| Greene County Whiteley Township | PAG2003005003 | Distribution Technologies, Inc. 14841 Sperry Road Newbury, OH 44065 | Whiteley Creek (WWF) | Greene County CD (724) 852-5278 |
| Greene County Franklin Township | PAG2003005004 | Emerald Coal Resources, LP 158 Portal Road P. O. Box 1020 Waynesburg, PA 15370 | South Fork Ten Mile Creek (WWF) | Greene County CD (724) 852-5278 |
| Greene County Franklin Township | PAG2003005005 | Bob Evans Farms 3776 South High Street Columbus, OH 43207 | UNT to South Fork Ten Mile Creek (WWF) | Greene County CD (724) 852-5278 |
| Washington County Mt. Pleasant Township | PAR10W152 R | CVL Partners, Inc. P. O. Box 273 Atlasburg, PA 15004 | Raccoon Creek and Cherry Valley Reservoir (WWF) | Washington County CD (724) 228-6774 |

| <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> |
|---|-------------------|--|---------------------------------|--|
| Washington County Union Township | PAG2006305020 | Martik Properties, LLP 6116 Brownsville Rd. Ext. Finleyville, PA 15332 | UNT to Peters Creek (WWF) | Washington County CD (724) 228-6774 |
| Washington County Chartiers Township | PAG2006305021 | Rick Smitsky Arden Landfill, Inc. 625 Cherrington Parkway Moon Township, PA 15108 | UNT to Chartiers Creek (WWF) | Washington County CD (724) 228-6774 |
| Butler County Jackson Township | PAG2-0010-05-012 | Glick Fire Equipment Co., Inc. 350 Mill Creek Road Bird-In-Hand, PA 16525 | Breakneck Creek WWF | Butler Conservation District (724) 284-5270 |
| Clarion County Clarion Township | PAG2-0616-05-003 | Clarion Limestone School District 4091 C-L School Road Strattanville, PA 16258 | Little Piney Creek CWF | Northwest Regional Office (814) 332-6942 |
| Venango County City of Franklin | PAG2006105005 | Steven Spotts Bacaou-Dalloz Fall Protection 1345 15th Street Franklin, PA 16323 | UNT Allegheny River WWF | Venango Conservation District (814) 676-2832 |
| Venango County Oakland Township | PAG2006105007 | Steven Rupert Great Lakes Energy 1369 Cochran Road Carlton PA 16311 | Two Mile Run CWF | Venango Conservation District (814) 676-2832 |

General Permit Type—PAG-3

| <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> |
|---|-------------------|---|-------------------------------|---|
| Mifflin County Decatur Township | PAR603550 | Lewis Parsons Parson's Auto Salvage 3760 Old State Road McClure, PA 17841 | Meadow Creek CWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Huntingdon County Carbon Township | PAR603573 | John D. Bollman Bollman's Auto Salvage R. D. 1, Box 246 Saxton, PA 16678 | Shoup Run WWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Lancaster County East Cocalico Township | PAR203579 | Boose Aluminum Foundry Co., Inc. P. O. Box 261 Reamstown, PA 17567-0261 | Stony Run WWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Lancaster County Lancaster City | PAR603527 | Rubin Steel Company 1430 Fruitville Pike Lancaster, PA 17604-4365 | Little Conestoga Creek WWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Lancaster County Mount Joy Borough | PAR123532 | Wenger's Feed Mill, Inc. 101 West Harrisburg Avenue Rheems, PA 17570 | UNT to Donegal Creek CWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Lancaster County Mount Joy Borough | PAR123533 | Wenger's Feed Mill, Inc. 101 West Harrisburg Avenue Rheems, PA 17570 | UNT to Donegal Creek CWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Perry County Wheatfield Township | PAR603545 | Ronald G. Myers Myers Used Auto Parts 50 Paradise Road Duncannon, PA 17020 | Little Juniata Creek/CWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |

| <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> |
|---|-----------------------|---|---|--|
| Tarentum Borough Allegheny County | PAR216170 | St. Lawrence Cement Company 445 Grantham Street P. O. Box 295 Tarentum, PA 15084-1321 | Allegheny River | Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| <i>General Permit Type—PAG-4</i> | | | | |
| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
| East Fallowfield Crawford County | PAG048368 | James A. and Cindy L. Morris 9390 Atlantic Avenue Atlantic, PA 16111-0449 | Crooked Creek | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Eldred Township McKean County | PAG049173 | Renee McClain Box 2857, Route 446 Eldred, PA 16731 | UNT to Allegheny River | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Foster Township McKean County | PAG048316 | Norman Avey 291 Garlock Hollow Road Bradford, PA 16701 | Garlock Hollow Creek | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Greenfield Township Erie County | PAG049167 | Anatoliy A. Vygovsky 8800 Storey Road North East, PA 16428 | UNT to Six Mile Creek | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Greene Township Erie County | PAG049159 | Robert Rathmann SFTF 5662 Kuhl Road Erie, PA 16510 | UNT to 4 Mile Creek 15 | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Haycock Township Bucks County | PAG040032 | Alan Morgan 1392 Cobbler Road Quakertown, PA 18951 | UNT of Tohickon Creek Watershed 2D-Three Mile Run | Southeast Regional Office 2 East Main Street Norristown, PA 19401 |
| Madison Township Columbia County | PAG045033 Sewerage | Jeffrey W. Hopper 204 Legion Road Millville, PA 17846 | Little Fishing Creek CWF | Water Management Program 208 West Third Street, Williamsport, PA 17701 (570) 327-3664 |
| Allegheny County North Fayette Township | PAG046305 | Walter Sadauskas 815 Ponderosa Drive Imperial, PA 15126 | UNT of Robinson Run | Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| Allegheny County Marshall Township | PAG046304 | Robert Luthultz 277 Valley Road Wexford, PA 15090 | UNT of Big Sewickley Creek | Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |

*Facility Location:
Municipality &
County*Westmoreland
County
City of Lower
Burrell*Permit No.*
PAG046218*Applicant Name &
Address*
Alexander D. Spiering
175 Glauser Drive
Lower Burrell, PA 15068*Receiving
Water/Use*
UNT to Chartiers Run*Contact Office &
Phone No.*Southwest Regional
Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000*General Permit Type—PAG-8**Facility Location &
County/Municipality*Juniata County
Port Royal Borough*Permit No.*
PAG083594*Applicant Name &
Address*
Port Royal Municipal
Authority
P. O. Box 236
Port Royal, PA 17082*Site Name &
Location*
Juniata County
Port Royal Borough*Contact Office &
Phone No.*DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707Cumberland County
North Middleton
Township*Permit No.*
PAG083555*Applicant Name &
Address*
North Middleton
Authority
240 Clearwater Drive
Carlisle, PA 17013*Site Name &
Location*
Cumberland County
North Middleton
Township*Contact Office &
Phone No.*
DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707*General Permit Type—PAG-8 (SSN)**Facility Location &
County/Municipality*Derry Township
Westmoreland
County*Permit No.*
PAG086106-A1*Applicant Name &
Address*
Redevelopment
Authority of the City of
Johnstown
Public Safety Building
4th Floor
Johnstown PA 15901*Site Name &
Location*
Wagner Farm Biosolids
Site*Contact Office &
Phone No.*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*Somerset Township
Somerset County*Permit No.*
PAG096108*Applicant Name &
Address*
Thomas Scott
Zimmerman
Pile's Concrete Prod.
Co., Inc.
115 Pickett Lane
Friedens, PA 15541*Site Name &
Location*
Sechler-Winters Farm
Biosolids Site*Contact Office &
Phone No.*Southwest Regional
Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh PA
15222-4745
(412) 442-4000*General Permit Type—PAG-10**Facility Location &
Municipality*Cumberland County
Hampden Township*Permit No.*
PAG103509*Applicant Name &
Address*
Gulf Oil Limited
Partnership
90 Everett Avenue
Chelsea, MA 02150-2337*Receiving
Water/Use*
Cedar Run
CWF*Contact Office &
Phone No.*DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Franklin County
Greene Township*Permit No.*
PAG103525*Applicant Name &
Address*
PPL Gas Utilities Corp.
2 North 9th Street
Allentown, PA 18037*Receiving
Water/Use*
Rowe Run
CWF*Contact Office &
Phone No.*
DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Franklin County
Gilford Township*Permit No.*
PAG103524*Applicant Name &
Address*
PPL Gas Utilities Corp.
2 North 9th Street
Allentown, PA 18037*Receiving
Water/Use*
UNT to Conococheague
Creek
CWF*Contact Office &
Phone No.*
DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(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 (35 P. S. §§ 721.1—721.17).

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

Operations Permit issued to: **Hazleton Area Water Company, Inc.**, 410 West Mine Street, Hazleton, PA 18201 (PWSID 2406524) Black Creek and Sugarloaf Townships, **Luzerne County** on May 31, 2005, for the operation of facilities approved under Construction Permit No. 4004502.

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

Permit No. Minor Amendment—Construction Public Water Supply.

| | |
|----------------------|---|
| Applicant | McClure Municipal Authority |
| Township or Borough | McClure Borough |
| County | Snyder |
| Responsible Official | Quentin T. Wagner McClure Municipal Authority P. O. Box 138 McClure, PA 17841-0138 |
| Type of Facility | Public Water Supply—Construction |

| | |
|-----------------------|--|
| Consulting Engineer | Damon Wellman, P. E. Modern Pumps and Equipment, Inc. P. O. Box H 709 East Sunbury Street Millerstown, PA 17062 |
| Permit Issued Date | 6/20/05 |
| Description of Action | Well No. 1 improvements. Installation of heavy duty pitless adapter and submersible pump. |

Temporary Permit No. 1805501 Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Porter Township Municipal Authority |
| Township or Borough | Porter Township |
| County | Clinton |
| Responsible Official | Nell Yearick, Business Manager Porter Township Municipal Authority 26 Spring Run Road Mill Hall, PA 17751 |
| Type of Facility | Public Water Supply—Operation |
| Consulting Engineer | Daniel B. Guss, P. E. Uni-Tech Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801 |
| Permit Issued Date | 6/20/05 |
| Description of Action | Addition of corrosion control to comply with the lead and copper rule. |

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

Operations Permit issued to **Central Indiana County Water Authority**, 30 East Wiley Street, Homer City, PA 15748, (PWSID #5320040) Center Township, **Indiana County** on June 17, 2005, for the operation of facilities approved under Construction Permit No. 3204502.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.

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

WA4-315E, Water Allocations. Borough of Ambridge Water Authority, 600 Eleventh Street, Ambridge, PA 15003, **Beaver County**. Modification Order to remove Permit Conditions Nos. 3 and 17 of their current water allocation permit.

WA4-1004. Rescission of Water Rights. The Department has acknowledged that the **Municipal Authority of the Borough of Conway, Conway Borough, Beaver County** has terminated their contract with the Borough of Ambridge Water Authority.

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:

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Armstrong World Industries—Building 800, City of Lancaster and Manheim Township, **Lancaster County**. Science Applications International Corporation, 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Armstrong World Industries, Inc., P. O. Box 3001, Lancaster, PA 17604-3001, submitted a Remedial Investigation Report and a Cleanup Plan concerning remediation of groundwater contaminated with solvents. The applicant proposes to remediate the site to a Site-Specific standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

West Elizabeth Lumber Property, West Elizabeth Borough, **Allegheny County**. Timothy S. Evans, Ameri-

can Geosciences, Inc., 3925 Reed Blvd., Suite 400, Murrysville, PA 15668-1848 (on behalf of Michael Hoag, National Industrial Lumber Company, 489 Rosemont Road, North Jackson, OH 44451) has submitted a Cleanup Plan concerning remediation of site soil contaminated with inorganics. The Cleanup Plan is intended to document remediation of the site to meet the Site-Specific Standard

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Feagley Property, Smithfield Township, **Huntingdon County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Doris Feagley, R. R. 1, Box 240F, Huntingdon, PA 16652, submitted a Final Report concerning remediation of site soils contaminated with gasoline and kerosene sludge. The final report demonstrated attainment of the residential Statewide Health standard, and was approved by the Department on June 14, 2005.

Lancaster Newspapers, Inc., Ephrata Borough, **Lancaster County**. GemChem, Inc. 53 North Cedar St., Lititz, PA 17543 on behalf of Lancaster Newspapers, Inc., 8 West King Street, Lancaster, PA 17603 submitted a Final Report concerning remediation of site soils contaminated with used motor oil. The final report demonstrated attainment of the residential Statewide Health standard, and was approved by the Department on June 16, 2005.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

RB&W Inc., Facility (Former), Moon Township, **Allegheny County**. Martin C. Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of John Riley, Moon Township Municipal Authority, 1700 Beaver Grade Road, Moon Township, PA 15108 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents, other organics, PCBs and used motor oil. The Remedial Investigation Report was approved by the Department on May 16, 2005.

Montour Railroad Shops, Borough of Coraopolis, Robinson Township and Moon Township **Allegheny County**. Mark L. Orzechowski, 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of James R. Wilham, Alliance Realty Management, 2425 Sidney Street, Pittsburgh, PA 15203 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with diesel fuel and inorganics includes beryllium, cadmium, and nickel. The Remedial Investigation Report was disapproved by the Department on May 17, 2005.

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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.

15-0009B: AGC Chem Amer (255 S. Bailey Rd, Downingtown, PA 19335) on June 16, 2005, to operate a Fluid Bed Dryer in Caln Township, **Chester County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

01-05016H: ISP Minerals, Inc. (P. O. Box O, Blue Ridge Summit, PA 17214-0914) on June 15, 2005, to

replace the existing rotary dryer and associated conveyors in Hamiltonban Township, **Adams County**.

06-05069F: East Penn Manufacturing Co., Inc. (Deka Road, P. O. Box 147, Lyon Station, PA 19356) on June 14, 2005, to construct and modify various lead/acid battery manufacturing operations at their assembly plants in Richmond Township, **Berks County**.

21-05049A: Pennsy Supply, Inc. (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17104-3331) on June 15, 2005, to install an oil-fired hot mix asphalt plant controlled by a fabric filter in Penn Township, **Cumberland County**.

36-05014F: Alumax Mill Products, Inc. (1480 Manheim Pike, Lancaster, PA 17604-3167) on June 20, 2005, to replace an existing baghouse at the secondary aluminum production plant in Manheim Township, **Lancaster County**.

36-05139A: AFP—Advanced Food Products, LLC (158 W. Jackson Street, New Holland, PA 17557-1607) on June 16, 2005, to construct a new boiler and the use of landfill gas as an alternate fuel source at their food packaging plant in New Holland Borough, **Lancaster County**.

67-05092E: Starbucks Coffee Co. (3000 Espresso Way, York, PA 17402-8035) on June 16, 2005, to construct two batch coffee roasters and two cooling trays at their York Roasting Plant in East Manchester Township, **York County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.

11-00512A: EMF Development Corp. (365 Bassett Road, Hooversville PA 15936-7608) on June 16, 2005, to install a multichambered specialty furnace at Franklin Plant in Franklin Borough, **Cambria County**.

30-00150A: Wellington Development—WVDT, LLC (1620 Locust Avenue, Fairmont, WV 26554) on June 21, 2005, to install two waste coal fired, circulating fluidized bed boilers with a net generating capacity of 525 megawatts at their Greene Energy Resource Recovery Project to be in Cumberland Township, **Greene County**. Other air emission sources at the facility include material handling operations for fuel, ash, urea, lime and limestone, as well as limestone dryers, a natural gas-fired auxiliary boiler, a cooling tower, and emergency diesel engines. Emissions are to be controlled using a spray dryer absorber or flash dryer absorber for SO₂ emission control, a fabric collector for particulate control, and selective noncatalytic reduction for NO_x control. Annual emissions are established at 362 tons PM, 1,207 tons PM₁₀, 5,649 tons SO₂, 2,414 tons NO_x (as NO₂), 121 tons VOC (as propane), 4,829 tons CO, 15.7 tons Pb, 1.25 tons Beryllium, 33.0 tons HF, 161.2 tons HCl, 145 tons H₂SO₄, and 9.32 lb Mercury.

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.

23-0014D: Kimberly-Clark Corp. (Front Street and Avenue of the States, Chester, PA 19103) on June 16,

2005, to operate a wet scrubber dust control system in City of Chester, **Delaware County**.

23-0014E: Kimberly-Clark Corp. (Front Street and Avenue of the States, Chester, PA 19103) on May 24, 2005, to operate a paper machine no.16 hood dryer in City of Chester, **Delaware County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.

49-331-001: Merck and Co., Inc. (P. O. Box 600, Danville PA 17821) on June 6, 2005, to operate the hazardous waste incinerator and associated ancillary equipment and air cleaning devices (quench, venturi scrubber, tray tower scrubber and wet electrostatic precipitator) identified in the respective plan approval on a temporary basis until September 7, 2005, at their Cherokee Plant in Riverside Borough, **Northumberland County**. The authorization has been extended.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.

65-00280A: Kalumetals, Inc. (P. O. Box 455, Latrobe, PA 15650) on June 14, 2005, to finalize procedures for operation of the installed thermal oxidizer system at their Derry Facility in Derry Township, **Westmoreland County**. This plan approval was extended.

30-00089B: Dominion Transmission, Inc. (Dominion Tower 20th Floor, 625 Liberty Avenue, Pittsburgh PA 15222) on May 31, 2005, for two turbines at Crayne Station in Franklin Township, **Greene County**. This plan approval was extended.

56-00011B: New Enterprise Stone And Lime Company (P. O. Box 77, New Enterprise, PA 16664) on June 16, 2005 for their Crushing Plant at the Central City Sand Plant located in Shade Township, **Somerset County**. This plan approval was extended.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

23-00007: NEO Chester-Gen, LLC (P. O. Box 3357, 100 North 10th Street, Harrisburg, PA 17105) on June 15, 2005, to operate a Facility Title V Operating Permit in Upland Borough, **Delaware County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes Barre, PA 18711-0790; Michael Saffo, Facilities Permitting Chief, (570) 826-2531.

39-00005: Bouras Acquisition Inc.—Prior Coated Metals (2233 26th Street SW, Allentown, PA 18103) on June 7, 2005, to operate a Facility Title V Operating Permit in the City of Allentown, **Lehigh County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

32-00157: TW Phillips Gas and Oil Co. (205 North Main Street, Butler, PA 16001) on June 13, 2005, to distribute natural gas at their Kinter Compressor Station in Rayne Township, **Indiana County**. The site has six internal combustion engines. This is a Title V Renewal.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

10-00027: Penreco (138 Petrolia Street, Karns City, PA 16041) on June 13, 2005, to reissue the Title V Operating Permit to operate a petroleum product facility in Karns City Borough, **Butler County**. As a result of potential emissions of NOx and VOC, the facility is not a major source, but subject to Reasonable Available Control Technology due to some sources in the facility. The issued renewal Title V Operating Permit does not reflect any changes in air emission from the facility. The facility is subject to Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is not subject to Compliance Assurance Monitoring (CAM) under 40 CFR Part 64.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

23-00006: Foamex LP (1500 East Second Street, Ed-dystone, PA 19022) on June 16, 2005, to amend a Facility Title V Operating Permit in Eddystone Borough, **Delaware County**, to incorporate plan approval PA-23-0006D.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.

39-00075: SCI Pennsylvania Funeral Services, Inc. (101 Byberry Road, Huntingdon Vally, PA 19006) on April 29, 2005, to issue a Natural Minor operating permit to operate a crematorium in Whitehall Township, **Lehigh County**.

35-00050: Maple Hill Cemetery Association (68 East St. Mary's Road, Wilkes-Barre, PA 18706) on April 29, 2005, to issue a Natural Minor operating permit to operate a crematorium in Archbald, **Lackawanna County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

06-05020: Craft-Maid Kitchens, Inc. (501 South 9th Street, Building C, Reading, PA 19602-2524) on June 14, 2005, to operate their wooden furniture manufacturing facility in the City of Reading, **Berks County**.

06-05098: Troutman Industries, Inc. (2201 Reading Avenue, West Lawn, PA 19609) on June 14, 2005, to operate their hard and decorative chrome plating operation in Spring Township, **Berks County**.

67-03128: Bookspan, Inc. (501 Ridge Avenue, Han-over, PA 17331-9049) on June 16, 2005, to operate their book distribution facility in Penn Township, **York County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

03-00050: Creekside Mushrooms, Ltd. (One Moonlight Drive, Worthington, PA 15262) on June 17, 2005, to operate mushroom cultivation at their Worthington Plant in West Franklin Township, **Armstrong County**. This is a TV renewal.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

61-00208: Specialty Fabrications and Powder Coating, LLC. (455 Allegheny Boulevard, Franklin, PA 16323-0790) on June 15, 2005, for a Natural Minor Permit to operate a sheet metal fabrication facility in Sugarcreek Borough, **Venango County**. The significant sources are miscellaneous natural gas usage, a paint line, drying/curing powder coating, a powder coat line and a burn off oven.

10-00300: Spang and Co.—Magnetics Division (796 East Butler Road, Butler, PA 16001) on June 15, 2005, for a Natural Minor Operating Permit to operate the electronic components manufacturing plant located in East Butler Borough, **Butler County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 823-7584.

S04-011: Friends Hospital (4641 Roosevelt Boulevard, Philadelphia, PA 19124) on May 12, 2005, to operate in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three 400 HP boilers, one 300,000 Btu/hr boiler and four emergency generators.

S05-001: Roxborough Memorial Hospital (5800 Ridge Avenue, Philadelphia, PA 19128) on June 15, 2005, to operate a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three boilers and three emergency generators.

N05-001: Jerith Manufacturing Co., Inc. (14400 McNulty Road, Philadelphia, PA 19154) on June 15, 2005, to operate an aluminum fencing manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three boilers and three emergency generators.

S04-012: Saint Agnes Hospital (1900 South Broad Street, Philadelphia, PA 19145) on June 15, 2005, to operate a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 20.95 mmBtu/hr boilers, four emergency generators, and two peak shaving generators.

N04-008: Hillock Anodizing, Inc. (5101 Comly Street, Philadelphia, PA 19135) on June 16, 2005, to operate an anodizing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a 550-gallon chromic acid tank, and a No. 2 oil 1.357 mmBtu/hr boiler.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdone Brown, Facilities Permitting Chief, (484) 250-5920.

23-00006: Foamex LP (1500 East Second Street, Eddystone, PA 19022) on June 16, 2005, to amend a Facility Title V Operating Permit in Eddystone Borough, **Delaware County**, to incorporate plan approval PA-23-0006D.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.

49-00013: Power Plant Greenhouses, LLC (P. O. Box 641, Center Moriches, NY 11934) on May 12, 2005, issued a revised State Only (Synthetic Minor) operating permit, Revision No. 1, for a change of ownership of their Marion Heights facility from Foster Wheeler Mt. Carmel CoGen to Power Plant Greenhouses, LLC. This facility is located in Mt. Carmel Township, **Northumberland County**. The revised State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

49-00011: Butter Krust Baking Co. (249 North Eleventh Street, Sunbury, PA 17801) on May 4, 2005, issued a revised State Only (Synthetic Minor) operating permit, Revision No. 1 for their facility in the City of Sunbury, **Northumberland County**. The revised operating permit was issued to modify condition No. 012 for both the Bread Oven (Source ID P101) and Roll Line 1 (Source ID P102) to maintain the inlet temperature of the catalytic oxidizer (ID C001) at 600°F. In addition, condition No. 005 for both Source IDs P101 and P102 has been revised to require the Company to perform an EPA reference method stack test on or before November 30, 2005, to verify compliance with the 95% destruction efficiency requirement of the operating permit. The revised operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

37-059: URC Enterprises, LLC—Universal Rundle—Crane Plumbing (372 Rundle Road, New Castle, PA 16102) on June 20, 2005, the Department issued an administrative amendment to Title V Permit No. 37-00059. The amended Title V Operating Permit incorporates a change of ownership from CR PL LP to URC Enterprises, LLC at the plumbing fixture manufacturing facility located in Taylor Township, **Lawrence County**.

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.

56753119 and NPDES Permit No. PA0606201. Jenners, Inc., P. O. Box 171, Shelocta, PA 15774, surface

mining permit renewal in Jenner Township, **Somerset County**, affecting 485.9 acres. Receiving streams: UNTs to Quemahoning Creek and UNTs to Hoffman Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning surface water intake. Application received November 10, 2004. Permit issued: June 16, 2005.

Knox District Mining Office: P. O. Box 669, Knox, PA 16232, (814) 797-1191.

10990104 and NPDES Permit No. PA0241644. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous strip operation to change the post-mining land use from forestland to unmanaged natural habitat on the property of Chat T. Hemphill and Robert D. Neal, Jr. properties in Clay and Center Townships, **Butler County**. Application received: April 5, 2005. Permit Issued: June 16, 2005.

Noncoal Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

32000301. Penn Run Quarry, 456 Weston Road, Penn Run, PA 15765, revision of an existing large noncoal surface mine to add blasting in Cherryhill Township, **Indiana County**, affecting 34.2 acres. Receiving stream: UNT to Penn Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 1, 2005. Permit issued June 10, 2005.

Knox District Mining Office: P. O. Box 669, Knox, PA 16232, (814) 797-1191.

10040301 and NPDES Permit No. PA0242471. Raducz Stone Corporation (284 Rockdale Road, Butler, PA 16002). Commencement, operation and restoration of a shale and sandstone operation in Penn Township, **Butler County**, affecting 27.0 acres. Receiving streams: one UNT to Thorn Creek. Application received January 7, 2004. Permit issued June 13, 2005.

37030303. Atlantic States Materials of PA, Inc. (P. O. Box 269, Mercer, PA 16137). Commencement, operation and restoration of a topsoil and sand and gravel operation in North Beaver Township, **Lawrence County** affecting 27.0 acres. Receiving streams: None. Application received: November 8, 2004. Permit Issued: June 14, 2005.

Pottsville District Mining Office: 5 W. Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

58050812. Joseph Zawisky, LLC (301 Marion Street, Browndale, PA 18421), commencement, operation and restoration of a bluestone quarry operation in Oakland Township, **Susquehanna County** affecting 5.0 acres. Receiving streams: Drinker and Lewis Creeks. Application received March 23, 2005. Permit issued June 17, 2005.

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. 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.

Pottsville District Mining Office: 5 W. Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

40054108. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Mill Creek Estates in Plains Township, **Luzerne County** with an expiration date of July 31, 2006. Permit issued June 14, 2005.

40054109. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Willow View Estates in Pittston Township, **Luzerne County** with an expiration date of July 31, 2006. Permit issued June 14, 2005.

40054110. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Pad-Con Enterprises Lot 5 in Lehman Township, **Luzerne County** with an expiration date of December 31, 2005. Permit issued June 14, 2005.

40054111. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Pad-Con Enterprises Lot 11 in Lehman Township, **Luzerne County** with an expiration date of December 31, 2005. Permit issued June 14, 2005.

67054113. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for a home in North Codorus Township, **York County** with an expiration date of December 30, 2005. Permit issued June 14, 2005.

09054008. AJT Blasting, LLC (P. O. Box 20412, Bethlehem, PA 18002), construction blasting at Claridon Court in Quakertown Borough, **Bucks County** with an expiration date of August 1, 2005. Permit issued June 15, 2005.

09054009. Eastern Blasting Co., Inc. (1292 Street Road, New Hope, PA 18938), construction blasting at St. Francis/Wellington Estates in Bensalem Township, **Bucks County** with an expiration date of October 5, 2005. Permit issued June 15, 2005.

35054001. Holbert Explosives, Inc. (237 Masthope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting at Cherry Ridge Subdivision in Newton Township, **Lackawanna County** with an expiration date of July 2, 2006. Permit issued June 15, 2005.

06054009. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507), construction blasting at Brookfield Manor in Sinking Spring Borough, **Berks County** with an expiration date of June 30, 2006. Permit issued June 15, 2005.

06054010. Warren's Excavating & Drilling, Inc. (P. O. Box 189, Bowmansville, PA 17507), construction blasting at The Hills at Woodgate in Exeter Township, **Berks County** with an expiration date of June 30, 2006. Permit issued June 15, 2005.

06054111. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Tri-County Mall in Caernarvon Township, **Berks County** with an expiration date of December 31, 2006. Permit issued June 16, 2005.

28054131. R & M Excavating (403 Hilltop Road, Newburg, PA 17240), construction blasting for a basement in Guilford Township, **Franklin County** with an expiration date of December 13, 2005. Permit issued June 16, 2005.

38054112. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Tri-Valley Project in Jackson Township, **Lebanon County** with an expiration date of July 30, 2005. Permit issued June 16, 2005.

67054112. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Orchard Hills in Springettsbury Township, **York County** with an expiration date of May 25, 2006. Permit issued June 16, 2005.

67054113. TJ Angelozzi, Inc. (7845 Kabik Court, Woodbine, MD 21797), construction blasting for Briarcliff Development in Fairview Township, **York County** with an expiration date of June 14, 2006. Permit issued June 16, 2005.

[Pa.B. Doc. No. 05-1265. Filed for public inspection July 1, 2005, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. 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 2005.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance—New Guidance

DEP ID: 383-2125-110. Title: Development of a Replacement Source for a Community Water System. Description: This guidance was developed for a community water system that is replacing an existing groundwater source with a well, spring or infiltration gallery to alleviate lost capacity or water quality problems at their current supply source. Written Comments: Interested persons may submit written comments on this draft technical guidance document by July 4, 2005. 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 John Diehl, Department of Environmental Protection, Bureau of Wa-

ter Supply and Wastewater Management, Rachel Carson State Office Building, 11th Floor, P. O. Box 8467, Harrisburg, PA 17105-8467, jdiehl@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*. Contact: Questions regarding the draft technical guidance document should be directed to John Diehl, (717) 787-9561, jdiehl@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1266. Filed for public inspection July 1, 2005, 9:00 a.m.]

Small Business Advantage Grant Program

The Department of Environmental Protection (Department) announces an open opportunity to apply for funding in the second year of the Commonwealth's Small Business Advantage Grant Program for small business pollution prevention and energy efficiency projects. Small Business Advantage is a grant program providing up to 50% matching grants, to a maximum of \$7,500, to enable small businesses in this Commonwealth to adopt or acquire energy efficient or pollution prevention equipment or processes. Well-designed energy efficient or pollution prevention projects can help small businesses cut costs and reduce the risk of potential regulatory problems while simultaneously protecting the environment.

Owners of for-profit small businesses located within this Commonwealth are eligible to apply, including manufacturers, retailers, service providers, mining businesses and agricultural concerns. The project to which the grant will apply must be located within the applicant's facility, located in this Commonwealth, and save at least 10% annually in energy or pollution related expenses.

For questions or concerns regarding the eligibility of projects, contact Dave Barnes, Office of Energy and Technology Development, Small Business Ombudsman's Office, (717) 783-8411, epadvantagegrant@state.pa.us before submitting an application.

Applications are available by contacting the Department of Environmental Protection, Office of Energy and Technology Deployment, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 783-8411. Applications are also available on the Department's website: www.dep.state.pa.us (DEP Keyword: SBAdvantage). The application package contains the materials and instructions necessary for applying for a grant.

Applications must be postmarked or hand delivered by 4 p.m. on January 6, 2006. Faxes or other electronic submissions will not be accepted.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1267. Filed for public inspection July 1, 2005, 9:00 a.m.]

Technical Advisory Committee on Diesel-Powered Equipment Meeting Cancellation

The Technical Advisory Committee on Diesel-Powered Equipment meeting scheduled for Tuesday, July 19, 2005, has been cancelled. The next meeting is scheduled for Tuesday, October 18, 2005, at 10 a.m. in the Fayette County Health Center in Uniontown.

For information, contact Allison Gaida, (724) 439-7289, agaida@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1268. Filed for public inspection July 1, 2005, 9:00 a.m.]

and waste oil/anti-freeze from State agencies throughout this Commonwealth. Some of these contracts begin on July 1, 2005. For more information, contact the Department of General Services, State Surplus Property, Room G-46, 2221 Forster St., Harrisburg, PA 17125, (717) 787-4085, mthrush@state.pa.us prior to the bid opening on July 6, 2005.

JAMES P. CREEDON,
Acting Secretary

[Pa.B. Doc. No. 05-1269. Filed for public inspection July 1, 2005, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

State Surplus Property

The Department of General Services, State Surplus Property is seeking contractors to remove scrap drums

DEPARTMENT OF PUBLIC WELFARE

Income Limits for the Categorically Needy Nonmoney Payment Medicaid Program

The Department of Public Welfare (Department) increased the income limits codified in 55 Pa. Code § 181.1(f)(1), (2) and (4) (relating to general policy on MA income common to all categories of MA) effective January 1, 2005.

Section 181.1(f)(1), (2) and (4) of 55 Pa. Code establishes that the income limits for the Categorically Needy Nonmoney Payment Medicaid Program (program) for aged, blind and disabled persons are based on the Federal benefit rate payable under Title XVI of the Social Security Act (42 U.S.C.A §§ 1381—1383c). Effective January 1, 2005, the Federal benefit rate was increased due to the Federal cost-of-living increase.

As required under 55 Pa. Code § 181.1(f), the Department revised the income limits for the program for aged, blind and disabled persons effective January 1, 2005. Those limits are set forth in Appendices A, B and D, which are recommended for codification in 55 Pa. Code Chapter 181 (relating to income provisions for categorically needy NMP-MA and MNO-MA). Appendix A is the Federal benefit rate plus the State supplement payable under Title XVI of the Social Security Act. Appendix B is 300% of the Social Security Income (SSI) Federal benefit rate payable under Title XVI of the Social Security Act. Appendix D is the SSI Federal benefit rate payable under Title XVI of the Social Security Act. Item 1 of Appendix D is 1/2 of the SSI Federal benefit rate for one person. Item 2 of Appendix D is 1/2 of the Federal benefit rate for two persons.

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-431. (1) General Fund;

| | <i>Outpatient</i> | <i>Inpatient</i> | <i>Capitation</i> |
|------------------------------------|-------------------|------------------|-------------------|
| (2) Implementing Year 2004-05 is | \$14,000 | \$8,000 | \$65,000 |
| (3) 1st Succeeding Year 2005-06 is | \$45,000 | \$24,000 | \$139,000 |
| 2nd Succeeding Year 2006-07 is | \$48,000 | \$25,000 | \$153,000 |
| 3rd Succeeding Year 2007-08 is | \$52,000 | \$26,000 | \$168,000 |
| 4th Succeeding Year 2008-09 is | \$56,000 | \$27,000 | \$185,000 |
| 5th Succeeding Year 2009-10 is | \$60,000 | \$28,000 | \$204,000 |
| | <i>Outpatient</i> | <i>Inpatient</i> | <i>Capitation</i> |
| (4) 2003-04 Program— | \$727,979,000 | \$411,042,000 | \$2,222,278,000 |
| 2002-03 Program— | \$666,832,000 | \$407,104,000 | \$1,863,772,000 |
| 2001-02 Program— | \$705,750,000 | \$417,512,000 | \$1,711,084,000 |

(7) MA—Outpatient, MA—Inpatient and MA—Capitation; (8) recommends adoption. Funds have been included in the Department's 2004-05 and 2005-06 budgets.

APPENDIX A

CATEGORICALLY NEEDED NONMONEY PAYMENT
MONTHLY INCOME LIMITS FOR THE AGED, BLIND
AND DISABLED CATEGORIES
EFFECTIVE JANUARY 1, 2005

| | |
|-----------|----------|
| 1 PERSON | \$606.40 |
| 2 PERSONS | \$912.70 |

APPENDIX B

CATEGORICALLY NEEDED NONMONEY PAYMENT
MONTHLY INCOME LIMITS FOR THE AGED, BLIND,
AND DISABLED CATEGORIES RECEIVING SKILLED
CARE, HEAVY CARE/INTERMEDIATE
SERVICES OR INTERMEDIATE CARE
EFFECTIVE JANUARY 1, 2005

| | |
|----------|---------|
| 1 PERSON | \$1,737 |
|----------|---------|

APPENDIX D**MONTHLY FEDERAL BENEFIT RATE
EFFECTIVE JANUARY 1, 2005**

| | |
|-----------|-------|
| 1 PERSON | \$579 |
| 2 PERSONS | \$869 |

**PERCENTAGES OF MONTHLY FEDERAL
BENEFIT RATE
EFFECTIVE JANUARY 1, 2005**

| | |
|---------|---|
| ITEM 1) | 50% of Federal Benefit Rate for 1 person = \$289.50 |
| ITEM 2) | 50% of Federal Benefit Rate for 2 persons = \$434.50 |

[Pa.B. Doc. No. 05-1270. Filed for public inspection July 1, 2005, 9:00 a.m.]

DEPARTMENT OF REVENUE

Adjustment of Program Service Revenue Amounts

In accordance with section 6(a)(5) of the Institutions of Purely Public Charity Act (act) (10 P. S. § 376(a)(5)), the Department of Revenue is required to adjust the annual program service revenue amount used as a benchmark in section 6(a)(1) and (2) of the act for the purpose of asserting a rebuttable presumption.

The annual program service revenue amounts referred to in section 6(a)(1) and (2) of the act shall be increased by 1% as follows:

- (1) Effective July 1, 1999—Program Service Revenues—\$10,100,000.
- (2) Effective July 1, 2000—Program Service Revenues—\$10,201,000.
- (3) Effective July 1, 2001—Program Service Revenues—\$10,303,010.
- (4) Effective July 1, 2002—Program Service Revenues—\$10,406,040.
- (5) Effective July 1, 2003—Program Service Revenues—\$10,510,100.
- (6) Effective July 1, 2004—Program Service Revenues—\$10,615,201.
- (7) Effective July 1, 2005—Program Service Revenues—\$10,721,353.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 05-1271. Filed for public inspection July 1, 2005, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Addendum and Revision of the Listing of Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of 75 Pa.C.S. § 3368 (relating to speed timing devices), published at 34 Pa.B. 6804 (December 25, 2004) a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

Approval

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing device (nonradar) which calculates average speed between any two points:

VASCAR—plus IIIc. Manufactured by Traffic Safety Systems, 3206 Lanvale Avenue, Richmond, VA 23230.

Change of Address

As an addendum to the listing of approved Official Maintenance and Calibration Stations, the Department hereby gives notice of the following change of address for the following stations (station numbers EL11, EM6 and W61):

S & D Calibration Services Inc., 115 Joyce Drive, McMurray, Washington County, PA 15317.

Comments, suggestions or questions should be directed to Peter Gertz, Manager, Admin/Tech Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, 3rd Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-7016.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-1272. Filed for public inspection July 1, 2005, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Environmental Quality Board Meeting Cancellation

The July 19, 2005, Environmental Quality Board (Board) meeting has been cancelled. The next meeting of the Board is scheduled for Tuesday, August 16, 2005, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for the August 16, 2005, meeting will be available on the Department of Environmental Protection's website: www.dep.state.pa.us (DEP Keyword: EQB).

Questions concerning the Board's next scheduled meeting may be directed to Natalie Shepherd, (717) 783-8727, nshepherd@state.pa.us.

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 05-1273. Filed for public inspection July 1, 2005, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1 requires agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the 19th 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 below (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 date. | | | |
| AGING | | | |
| PA Code Title VI Chapter 3 Fair Hearings and Appeals | June 2006, 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 21 Domiciliary Care Services for Adults | December 2007, 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 15 Protective Services for Older Adults | December 2006, 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</i> , et al., which found the current protective services law and regulations to be unconstitutional. | Robert Hussar 717-783-6207 |
| PA Code Title VI Chapter 23 Long Term Care Ombudsman Program | December 2007, 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 |
| PA Code Title VI Chapter 20 Family Caregiver Support Program | December 2007, 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 22 Pharmaceutical Assistance Contract for the Elderly | December 2005, as proposed. | A review of the PACE law and regulations is ongoing in light of the Medicare Modernization and Improvement Act and discussions about coordination of the Federal prescription drug benefit with the PACE/PACENET programs. | Thomas Snedden 717-787-7313 |
| AGRICULTURE | | | |
| Domestic Animal 7 Pa. Code Chapter 2 | December, 2005, 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, 2005, 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, 2005, 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 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
|---|--------------------------------------|--|-------------------------------------|
| Maple Products 7 Pa. Code Chapter 83 | December, 2005, as proposed. | This regulation is required by the Maple Products Act (3 Pa.C.S. §§ 6101—6112). This regulation would establish standards, product quality practices and facility requirements relating to the production of maple syrup and maple products. | Lenchen Radle (717) 772-3234 |
| Amusement Rides 7 Pa. Code Chapter 139 | July, 2005, 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). | Kent D. Shelhamer (717) 787-9089 |
| Harness Racing Commission 58 Pa. Code Chapters 181, 183, 185 and 186—190 | September, 2005, 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 |
| Fruit Tree Improvement Program 7 Pa. Code Chapter 120 | November, 2006, as proposed. | This regulation would facilitate interstate and international export of Pennsylvania-grown fruit tree nursery stock. This regulation would amend 7 Pa. Code Chapter 120, which provides testing and inspection standards and procedures pursuant to which fruit tree nursery stock can be certified as to quality, consistency and disease/insect-free status. The regulation would be a technical update of current provisions, would bring this program into greater conformity with programs in other states and would provide more practical assistance to participating growers. | Ruth Welliver (717) 772-5222 |
| Pesticide Regulations 7 Pa. Code Chapter 128 | January, 2006, 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 |
| Certification of Virus-Tested Geraniums 7 Pa. Code Chapter 122 | September, 2006, as proposed. | This regulation would amend the current regulatory authority to update the voluntary program pursuant to which geranium producers may obtain the Department's certification of virus-tested geraniums. This amendment would establish an inspection fee to help cover the Department's costs in inspecting and testing geraniums offered for certification. This regulation would amend 7 Pa. Code Chapter 122 to: 1) expand the certification of virus-tested geraniums to include Culture-Indexed Geraniums, which are free from certain economically-important bacterial and fungal pathogens; and 2) establish a reasonable fee for the Department's inspection and certification services | Ruth Welliver (717) 772-5222 |
| Chemsweep Regulations 7 Pa. Code Chapter 128b | December, 2005, as final. | This regulation will amend 7 Pa. Code Chapter 128b to expand the pesticide disposal program which has been limited to agricultural pesticide products. The amendment will include all Commonwealth citizens who are in possession of cancelled, unused or suspended pesticides. | Phil Pitzer (717) 772-5206 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
|---|--------------------------------------|--|-------------------------------------|
| Nutrient Management Certification Program 7 Pa. Code Chapter 130b | September, 2005, as final | This regulation will amend 7 Pa. Code Chapter 130b and is necessary to update and correct inconsistencies in the current regulations, redefine specialist categories; allow flexibility for the Department to modify competency areas and training focus; determine additional competency area needs and clarify continuing education requirements. The revision of this regulation will allow participants in the certification program to remain qualified to meet nutrient management planning requirements established in section 7(a) of the Nutrient Management Act of 1993 (Act 6). | Johan E. Berger (717) 772-4189 |
| Fertilizer Regulations 7 Pa. Code Chapter 73 | November, 2006, 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 | November, 2006, 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 | August, 2005, as proposed | 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 | November, 2005, as proposed. | This regulation will address statutory changes made by Act 235 of 2004, and will otherwise update the current regulation. | Sandra E. Robison (717) 783-3167 |
| Seed Testing Labeling and Standards 7 Pa. Code Chapter 111 | June, 2006, 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 | June, 2006, 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 |
| Commercial Manure Hauler and Broker Certification Program 7 Pa. Code Chapter 130e. | July, 2005, as proposed. | This will establish regulations for the newly established Commercial Manure Hauler and Broker Certification Program. This regulation will establish certification requirements for those persons commercially hauling or applying manure on behalf of an agricultural operation. | Johan E. Berger (717) 772-4189 |
| <i>BANKING</i> | | | |
| Annual Assessment Regulation | Late 2005 | Required pursuant to 17 Pa.C.S. § 503(a) and 71 P. S. § 733-204.A. | Carter D. Frantz (717) 787-1471 |
| Regulation defining unfair/unethical and improper conduct of Mortgage Business under Acts | Late 2005 | 63 P. S. § 456.310(a); 7 P. S. § 6616(1); 7 P. S. § 6212. | Carter D. Frantz (717) 787-1471 |
| <i>BOARD OF PARDONS</i> | | | |
| No regulations being developed or considered at this date. | | | |
| <i>COMMUNITY AND ECONOMIC DEVELOPMENT</i> | | | |
| Community Development Grant Program 12 Pa. Code Chapter 141 (final regulation with rulemaking omitted) | Spring 2005 | The regulation will amend section 141.301 through 141.309 relating to the Section 108 Loan Program to increase the amount of loan guarantee funds available, double the duration of the loan guarantee period and provide additional security from the Commonwealth for the loan guarantee. | Jill B. Busch (717) 720-7314 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
|--|---|--|---|
| Building Energy Conservation Standards 12 Pa. Code Chapter 147 (final regulation with rulemaking omitted) | Spring 2005 | The regulation will repeal this chapter, as the statute upon which this chapter is based has been repealed by the Pennsylvania Construction Code Act. | Jill B. Busch (717) 720-7314 |
| Manufactured Housing Improvement Program | Spring 2005 | As required by the Manufactured Housing Improvement Act (act of November 29, 2004, P. L. _____, No. 158)), the department will proposed regulations governing the training and certification of new manufactured home installers; the training of those persons who inspect the installation of new manufactured homes in PA; and the enforcement of the regulations once promulgated. | Jill B. Busch (717) 720-7314 |
| COMMISSION ON CRIME AND DELINQUENCY | | | |
| Office of Victims' Services, Victims Compensation Assistance Program—Deletion of 37 Pa. Code Chapter 191, replacement with new Chapter 411 | June 2005, as Final Form. | To create a new chapter reflecting elimination of Crime Victim's Compensation Board and inclusion of its functions under PCCD pursuant to Act 1995-27 of the Special Session on Crime; changes in terminology and operations brought about by that act and by subsequent legislation, including Act 1998-111 and its relocation of the Crime Victims Act to <i>Purdon's Statutes</i> Title 18 P. S. §§ 11.101—11.5102; Act 85 of 2002 and Act 144 of 2002. This final form regulation will reflect all legislative changes since 1989, when existing regulations were most recently amended. | Lynn Shiner (717) 783-5153 ext. 3210 |
| CONSERVATION AND NATURAL RESOURCES | | | |
| Conservation of Native Wild Plants (Chapter 45) | Publish proposed rulemaking September 2006. | 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 three 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 717-783-3227 |
| CORRECTIONS | | | |
| Revisions to regulations governing county correctional facilities, 37 Pa. Code Chapter 95. | Summer, 2005 as proposed | The regulations will be revised to eliminate unnecessary regulations and modernize necessary regulations. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Secretary of Corrections the authority to prescribe regulations for county correctional institutions that are not inconsistent with law. | Jill C. Fluck (717) 975-4860 |
| Regulations governing State Intermediate Punishment, 37 Pa. Code, Chapter 97 | Winter, 2006 as proposed | The regulations will describe a sentencing alternative for offenders whose crimes were motivated by their addiction to or consumption of alcohol. The legal basis for the action is found at Section 9906 of the Act of November 19, 2004, P. L. 855, No. 112 which requires the Department of Corrections to promulgate regulations within two years of publication of the guidelines. | Jill C. Fluck (717) 975-4860 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
|---|--------------------------------------|--|---|
| EDUCATION | | | |
| Higher Education—General Provisions 22 Pa. Code, Chapter 31 | July 2005, as proposed. | These regulations are necessary to establish procedures for the approval and operation of institutions of higher education in the Commonwealth. Specific revisions are necessary to clarify the intent of the chapters, modify the timeframe during which new institutions must achieve accreditation, update provisions for library and learning resources, address policies for marketing credit cards on campuses and amend regulations to accommodate for-profit baccalaureate and higher education. These regulations are promulgated under authority of the Public School Code of 1949. 24 P. S. §§ 1-101—27-2702. | Jim Buckheit (717) 787-3787 or James Gearity (717) 787-5041 |
| Higher Education—Foreign Corporation Standards, Institutional Approval, Program Approval 22 Pa. Code, Chapters 36, 40 & 42 | October 2005, as proposed. | 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. They are also necessary to 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. They are also necessary to establish procedures for Specialized associate degree programs at a licensed trade, business, correspondence or beauty culture school which is chartered or established by statute in this Commonwealth; additional programs at a chartered two-year college, college or university which lead to degrees and which have not had prior approval consistent with the articles of incorporation; upper division undergraduate programs at junior or community colleges; additional programs of a foreign corporation approved to operate at a specific site in this Commonwealth; and, vocational educational programs at institutions desiring approval for State/Federal money allotted for vocational education. | Jim Buckheit (717) 787-3787 or James Gearity (717) 787-5041 |
| Certification of Professional Personnel 22 Pa. Code, Chapter 49 | November 2005, as final. | Revisions to these regulations are necessary to incorporate provisions of Act 48 of 1999, which requires continuing professional development for all certificated educators. | Jim Buckheit (717) 787-3787 or James Gearity (717) 787-5041 |
| General Vocational Education Standards 22 Pa. Code, Chapter 339 | November 2005, 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 <i>Pennsylvania Code</i> , section 4.32(a). | Robert Barlett (717) 787-5530 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Standards for Approved Private Schools 22 Pa. Code, Chapter 171 Subchapters A & B | Fall 2006, as proposed. | 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, PL 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 |
| Regulations of the State Board of Private Academic Schools 22 Pa. Code, Chapters 51, 53, 55, 57, 61 and 63 | The Board has informally discussed revision of the regulations, received public input and is reviewing that input with the Department to determine appropriate next steps. | 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. section 6701 et. Seq.). | Mary Ramirez (717) 783-3755 |
| Academic Standards and Assessment, 22 Pa. Code, Chapter 4 | November 2005, 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 Gerald Zahorchak (717) 787-2127 |
| Chapter 4—Career Education and Work Academic Standards 22 Pa. Code, Chapter 4 | July 2005, as proposed. | The Career Education and Work academic standards describe what students should know and be able to do at grades 2, 5, 8 and 11 in four areas: career awareness and preparation; career acquisition; career retention and advancement; and, entrepreneurship. Academic standards in career education and work are established in the State Board's Chapter 4 regulations. | Jim Buckheit (717) 787-3787 or Robert Barlett (717) 787-5530 |
| Regulations of the State Board of Private Licensed Schools 22 Pa. Code, Chapter 73 | Accepted by Board on November 4, 2004 and with revisions on February 17, 2005. April 2006 as proposed. | These regulatory changes increase the minimum surety for schools, eliminate "Demonstrated Competency" as an instructor qualification, clarifies that violations of the ethics statement are enforceable, clarify last date of attendance for refund purposes, and eliminate tiered fines, setting the fine for all violations at the statutory maximum of \$1,000. | Patricia Landis (717) 783-8228 |
| School Facilities 22 Pa. Code, Chapter 21 | October 2005, as proposed. | Proposed revisions to State Board of Education regulations on school facilities. | Jim Buckheit (717) 787-3787 or Carle Dixon (717) 787-5480 |
| Pupil Attendance 22 Pa. Code, Chapter 11 | November 2005, as proposed. | These regulations specify such matters as the school term, school day, minimum hours required, and school age. | Jim Buckheit (717) 787-3787 or Harriet Dichter (717) 346-9320 or (717) 783-6828 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Students 22 Pa. Code, Chapter 12 | November 2005, as proposed. | These regulations include a description of the services that school districts must provide to students and include in a written plan. These services, while they may differ from school to school, must include such developmental services as guidance counseling, psychological and other health services, and social work services that support a student's academic, behavioral health, personal, and social development; and diagnostic, intervention and referral services for students experiencing problems attaining educational achievement appropriate to their learning potential. | Jim Buckheit (717) 787-3787 or Harriet Dichter (717) 346-9320 or (717) 783-6828 |
| Pupil Transportation 22 Pa Code, Chapter 23 | November 2005, as proposed. | These regulations detail the responsibilities of the district board of directors regarding all aspects of pupil transportation and the state's reimbursement for approved allowable costs for transportation of pupils. | Jim Buckheit (717) 787-3787 or Harriet Dichter (717) 346-9320 or (717) 783-6828 |
| EMERGENCY MANAGEMENT AGENCY | | | |
| No regulations being developed or considered at this time. | | | |
| ENVIRONMENTAL HEARING BOARD | | | |
| PA Code Title 25 Chapter 1021 Practice and Procedure | The proposed rulemaking was published in the April 9, 2005 issue of the <i>Pennsylvania Bulletin</i> . | The Environmental Hearing Board Rules Committee has recommended the following revisions to the Board's rules of practice and procedure: 1) 1021.2 (Definitions)—Amend the definition of "Department" from "Department of Environmental Resources" to "Department of Environmental Protection" to reflect the agency's current title, and to add "and other agencies, boards and commissions" to reflect the fact that decisions of certain entities other than the Department of Environmental Protection are statutorily appealable to the Environmental Hearing Board. 2) 1021.32(a) (Filing)—Amend to allow parties to file documents in the Board's Pittsburgh office. 3) 1021.34(b) (Service by a party)—Amend to require service on other parties by overnight delivery where filing with the Board is by overnight mail or personal service. 4) 1021.104 (Prehearing memorandum)—Amend to require that copies of exhibits be attached to the prehearing memorandum as well as "such other information as may be required in the Board's orders." 5) 1021.53 (Amendments)—Allow for the amendment of complaints and allow a more lenient standard for amending notices of appeal. 6) 1021.51(g)—(j) (Commencement, form and content)—Amend who receives notice of a notice of appeal and who is named as an automatic party. 7) 1021.91-95 (Motions)—Create a new and separate rule for summary judgment motions. 8) 1021.141 (Termination of proceedings)—Correct typographical errors. 9) 1021.101(a) (Prehearing procedure)—Eliminate the bifurcation of expert and non-expert discovery, and change certain prehearing deadlines. | Mary Anne Wesdock 412-565-5245 |

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| ENVIRONMENTAL PROTECTION | | | |
| Laboratory Accreditation Regulations Environmental Laboratory Accreditation Act 25 Pa. Code, Chapter 252 | FY 05-06 | Authorized by Act 90 of 2002 (Environmental Laboratory Accreditation Act), this proposal will establish standards for laboratories and set forth requirements laboratories must meet to be accredited. | Richard Sheibley 717-705-2425 |
| Hazardous Waste Delisting Solid Waste Management Act 25 Pa. Code, Chapter 261a | FY 05-06 | MAX Environmental Technologies, Inc. (MAX) submitted a petition to the EQB that requests the delisting of hazardous waste (K061) Electric Arc Furnace Dust (EAFD) from steel production. EAFD is treated at MAX's Yukon, PA facility. The Department is proposing to exclude (delist) MAX's treated EAFD from the lists of hazardous wastes contained in 40 CFR Subpart D of Part 261. The lists are incorporated by reference in Pennsylvania's hazardous waste regulations. | Rick Shipman (717) 787-9495 |
| Waste Facility Notification near Military Airports Solid Waste Management Act 25 Pa. Code, §§ 271.1, 279.101 & 293.112 | FY 05-06 | This proposed regulation is in response to a petition filed by the 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 |
| Land Recycling Program Amendments Land Recycling and Environmental Remediation Standards Act 25 Pa. Code, Chapter 250 | FY 05-06 | The proposed amendments will revise several aspects of the existing Chapter 250 regulations based upon updated scientific information. The amendments will also serve to clarify the existing regulations. Collectively, the revision of these regulations will provide additional direction to those undertaking the cleanup of a contaminated site and the cleanup standards they must meet. | Tom Mellott 717-783-7816 |
| Muddy Run Unsuitable for Mining Surface Mining Conservation and Reclamation Act 25 Pa. Code, Chapter 86 | FY 05-06 | Based on a technical study prepared as a result of a petition submitted by Reade Township Municipal Authority, this proposed rulemaking would designate certain coal seams within the Muddy Run (Clearfield and Cambria Counties) watershed be designated as unsuitable for mining operations. | Tom Callaghan 717-783-9582 |
| Storage Tank Amendments Storage Tank and Spill Prevention Act 25 Pa. Code, Chapter 246 | FY 05-06 | With the exception of Subchapter D (Corrective Action Process), this proposal represents comprehensive amendments to all aspects of the Storage Tank and Spill Prevention provisions of Chapter 245, which was last updated in 1997. | Ray Powers 717-772-5809 |
| Reclamation of Bond Forfeiture Sites Surface Mining Conservation and Reclamation Act 25 Pa. Code, Chapter 86 | FY 05-06 | The proposed rulemaking will address federal Office of Surface Mining primacy conditions in 30 CFR 938.16(mm)—(qq) by revising §§ 86.187, 86.189 and 86.190 relating to bond forfeiture. | Nevin Strock 717-787-6842 |
| Operator Certification Regulations Water and Wastewater Systems Operators' Certification Act 25 Pa. Code, Chapter 302 | FY 05-06 | This proposal will implement the provisions of Act 11 of 2002, the Water and Wastewater Systems Operators' Certification Act which restructures the testing and training program for operators and enhances security provisions for all water and wastewater treatment systems in Pa. Proposal also eliminates remaining provisions in Chapters 301, 303 and 305 | Veronica Kasi 717-772-4053 |
| New Source Review Air Pollution Control Act 25 Pa. Code | FY 05-06 | The Department's existing new source review (NSR) regulations will be amended to clarify existing requirements and to develop an approvable "equivalency" demonstration as a revision to the State Implementation Plan | Terry Black 717-787-2030 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Chapter 109 Safe Drinking Water Act 25 Pa. Code, Chapter 109 | FY 05-06 | This general update will revise several sections in Chapter 109 to retain or obtain primacy, including monitoring and reporting requirements for lead, copper, 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 |
| Air Quality Permit Streamlining Air Pollution Control Act 25 Pa. Code, Chapter 127 | FY 05-06 | 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. | Terry Black 717-787-2030 |
| Water Resources Planning Water Resources Planning Act 25 Pa. Code, Chapter 110 | FY 05-06 | Act 220 requires the Department to prepare regulations establishing requirements for the registration, record keeping and periodic reporting of withdrawals and withdrawal water use. The Act also specifies that the regulations include a process that water users may document and register water withdrawals or consumptive use reduction practices or projects, groundwater recharge or conservation for consideration in providing recognition and credit during implementation of existing or future water supply programs. | Stuart Gansell (717) 783-7420 |
| Emissions Testing and Monitoring Fees And Volatile Organic Compound Definition Revision 25 Pa. Code, Chapter 130, Subchapter C | FY 05-06 | The proposed regulation will delete the definition of volatile organic compound (VOC) in Subchapter C of Chapter 130. The existing definition precludes manufacturers of coatings from using solvents recently added to the EPA "exempt" solvent listing as a compliance option for formulating AIM coatings. Upon the deletion of the VOC definition in Subchapter C, the existing definition of VOC in Subsection 121.1 of Chapter 121 will be applicable to AIM coating compliance determinations. | Terry Black 717-787-2030 |
| Collection and Transportation of Municipal Waste 25 Pa. Code, Chapter 285 Subchapter B | FY 05-06 | The proposed regulation establishes criteria for registration application or renewal denial and a requirement to submit an annual operation report. | Jay Africa 717-787-8184 |
| Chapter 85—Bluff Recession and Setback Amendments Bluff Recession and Setback Act 25 Pa. Code, Chapter 85 | FY 05-06 | 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 |
| Stream Redesignation Package Clean Streams Law 25 Pa. Code, Chapter 93 | FY 05-06 | This proposal will identify streams that should be re-designated to provide the correct aquatic life use designation in the water quality standards for the Commonwealth for water bodies currently being evaluated by the Department of Environmental Protection. | Bonita Moore (717) 772-4462 |
| Water Quality Toxics Management Strategy—Statement of Policy Clean Streams Law 25 Pa. Code, Chapter 16 | FY 05-06 | This annual review identifies amendments to the Water Quality Toxics Management Strategy—Statement of Policy. Water Quality Criteria in Appendix A, Table 1 are revised to reflect the latest scientific information and Federal guidelines for criteria development. | Bonita Moore (717) 772-4462 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Water Replacements and Bonding Incentives Surface Mine Conservation and Reclamation Act 25 Pa. Code, Chapters 87 & 88 | FY 05-06 | The rulemaking will amend Chapters 87 and 88 relating to water rights and replacement to clarify regulatory language consistent with federal regulations. It will also delete the requirement that additional funds from the Remaining Financial Assurance Fund be used to complete reclamation of forfeited mine sites if the actual cost of reclamation exceeds the amount reserved in the fund. | Mick McCommons 717-783-9888 |
| Environmental Protection Multiple Statutes 25 Pa. Code, Chapters 1—977 | FY 05-06 | The Department has initiated a comprehensive review of all regulations to bring them up-to-date and verify that they support the priorities of: increased environmental protection and improved human quality of life; sustainable energy production and use; watershed protection; community revitalization and development; mine safety; and fiscal responsibility. | |
| Action by the State Conservation Commission | | | |
| Nutrient Management 25 Pa. Code, Chapter 83 | FY 05-06 | The State Conservation Commission proposes to revise the current nutrient management regulations affecting concentrated animal operations based on advances in the sciences of agronomics and manure management, as well as public concerns with livestock agriculture. | Doug Goodlander 717-787-8821 |
| GENERAL SERVICES | | | |
| Responsibility 4 Pa. Code, Chapter 60 | Summer, 2005, as proposed | This chapter should be amended to be consistent with the Procurement Code and to provide for uniform debarment and suspension procedures for all agencies. | Mary B. Seiverling (717) 772-2749 |
| Emergency Construction Repairs 4 Pa. Code, Chapter 67 | Winter, 2005, as proposed | The regulation should be amended to more accurately reflect present practice and to delete antiquated contract provisions. | Mary B. Seiverling (717) 772-2749 |
| Commonwealth Automotive Fleet 4 Pa. Code, Chapter 73 | Fall, 2005, as proposed | The regulation will be amended to eliminate the requirement for a Pennsylvania license to drive a state vehicle and will permit out-of-state licenses. | Mary B. Seiverling (717) 772-2749 |
| Processing Subscriptions and Sales of <i>Pennsylvania Code</i> and Related Publications 4 Pa. Code, Chapter 81 | Summer, 2005, as final omitted | These regulations should be repealed since the DGS' Bureau of Management Services no longer has responsibility for processing subscriptions and orders for the <i>Pennsylvania Code</i> . | Mary B. Seiverling (717) 772-2749 |
| Metrology Calibration Fees 70 Pa. Code, Chapters 2, 10 and 110 | Fall, 2005, as final | Regulations promulgated with the Department of Agriculture to enable DGS to charge fees as required by Act No. 1996-155, 3 Pa.C.S. § 4178, for services performed by the Pennsylvania Standards Laboratory were published as proposed Ap. 30, 2005. | Mary B. Seiverling (717) 772-2749 |
| Service of Process on General Services | Summer, 2005, as proposed | New regulation to require that legal process for suits against DGS be served on Chief Counsel's office. | Mary B. Seiverling (717) 772-2749 |
| 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. | October 2005, as proposed. | The amendments to existing regulations will update the licensure requirements for hospitals. Pursuant to the Health Care Facilities Act, 35 P. S. §§ 448.101—448.904b. | James T. Steele, Jr. 717-783-2500 |
| Communicable Diseases 28 Pa. Code § 27.1 et seq. | January 2006, 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. | Yvette M. Kostelac 717-783-2500 |

NOTICES

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Head Injury Program | January 2006, as proposed | The amendments to existing regulations will address client enrollment and provider issues. Pursuant to 35 P. S. § 6934(e). | Crystal Fox 717-783-2500 |
| Controlled Substances, Drugs, Devices and Cosmetics 28 Pa. Code § 25.72 | July 2005, as final | The amendments to existing regulations will add five substances to the list of Schedule I Controlled Substances to allow for enforcement and prosecution under the Controlled Substances, Drugs, Devices and Cosmetics Act of the illegal manufacturer, distribution, sale and use of these substances. Pursuant to 35 P. S. §§ 780-103 and 780-104. | Keith B. Fickel 717-783-2500 |
| Supplemental Nutrition Program for Women, Infant's and Children (WIC) 28 Pa. Code § 1101.1 et seq. | October 2005, as final-omitted | The amendments to existing regulations will bring the Commonwealth into compliance with the Child Nutrition and WIC Reauthorization Act of 2004 requirements and allow participants to use WIC vouchers at any WIC authorized store. The amendments will also prohibit authorization of stores that get more than 50% of their annual food revenue from the sale of WIC foods. The amendments will also clarify the availability of minimum inventory during store reviews. | Jalene Kolb 717-783-2500 |
| Screening and Follow-up for Diseases of the Newborn, 28 Pa. Code § 28.1, et seq. and 28 Pa. Code § 27.1 et seq. | January 2006, as proposed | The amendments to existing regulations will add additional conditions to the list of conditions for which screening is currently required, and will address issues of follow-up services for those conditions. | Crystal Fox 717-783-2500 |
| <i>HOUSING FINANCE AGENCY</i> | | | |
| No regulations being developed or considered at this date. | | | |
| <i>INFRASTRUCTURE INVESTMENT AUTHORITY</i> | | | |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| 25 Pa. Code §§ 963.12(a)(6) and (7), 963.13(b)(2), 963.13(c), 963.14(a), 963.15(a), and 25 Pa. Code § 965.4(9). | Fall/Winter 2005 | <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. While PENNVEST has always construed these costs to be encompassed within the statutory definition of "eligible cost" (35 P. S. § 751.3), the agency chose as a matter of policy not to fund this planning process because the Pennsylvania Department of Environmental Protection already provided grant funds for 50% of these costs. PENNVEST is revising its policy because the agency is concerned that, in some instances, needed projects are unable to move forward in a timely manner due to a lack of funds to conduct this necessary planning. PENNVEST, therefore, is removing the impediment to funding imposed by the above regulatory provisions.</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. While PENNVEST has historically allowed these costs for public facilities provided the profits were used to reduce system user costs it has not allowed financial assistance for such processes for private facilities. PENNVEST is revising its policy because it wants to support recycling and other innovative wastewater projects and the current policy has the potential to stifle such projects. In order to further these objectives, PENNVEST is removing the impediment to funding imposed by the above regulatory provision.</p> <p>(3) Amend 25 Pa. Code § 963.13(c) by revising the section to read as follows: "Terms of Loans. Advance funding loans will be for a term of five years. The term will be payment of interest only for 59 months and repayment scheduled for month 60. The scheduled repayment date, month 60, shall not exceed 1 year from completion of the advance funding project. If the recipient of an advance funding loan subsequently receives a construction loan from the Authority, the term of the outstanding advance funding loan shall be amended to carry both the interest only term and the repayment term of the construction loan, provided the interest only term shall not be extended beyond five years."</p> <p>(4). Amend 25 Pa. Code § 963.14(a) by revising the section to read as follows: "For all funding sources that do not otherwise provide statutory guidance on how to award grant proceeds, grants will be awarded solely under the statutory authority of the Act and will be considered only when the Board determines that the financial condition of the recipient indicates that repayment of the loan is unlikely and that the recipient will not be able to proceed with the project without a grant. If the Board decides to award a grant, the Board may attempt to mix the grant funds with loan funds and may otherwise leverage the use of the grant proceeds if possible."</p> | Jayne B. Blake (717)-783-6630 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| | | (5). Amend 25 Pa. Code § 963.15(a) by revising the first sentence to read as follows: "The term of the loans shall normally be twenty years beginning on the date construction is completed or three years from of the date of loan closing, whichever occurs first." This amendment provides a level loan repayment and a defined term at loan closing (normally twenty years). Under the old policy the loan term was determined sometime in the future after construction closed out. Consequently, under the old policy a Borrower with a project that took two years to construct would have had only eighteen years to repay the loan. Under the new policy the repayment term would be twenty years plus two years of interest only payments to provide for construction (6). Amend 25 Pa. Code § 965.4(9) to place a period after the word "Board" and delete the remainder of the sentence. This amendment allows those costs associated with the acquisition of land under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to be financed by PENNVEST. This change is necessary to reflect a shift in policy by the Environmental Protection Agency and the desire of PENNVEST to take advantage of the policy shift to finance such costs. | |
| <i>INSURANCE</i> | | | |
| Producer Licensing, 31 Pa. Code, Chapter 37, §§ 37.1—37.84 | Fall 2005, 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 |
| Advertising of Insurance, 31 Pa. Code, Chapter 51, §§ 51.1—51.61 | Summer/Fall 2005, as proposed. | Amend pursuant to Executive Order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Motor Vehicle Financial Responsibility Law—Evidence of Financial Responsibility, 31 Pa. Code, Chapter 67, §§ 67.21—28 | Summer 2005, as proposed. | Amend to make the regulation consistent with statutory requirements. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Requirements for Life Policies and Sales Practices, 31 Pa. Code, Chapter 87, §§ 87.1—87.42 | Fall/Winter 2005, as proposed. | Amend pursuant to Executive Order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Preparation of Forms, 31 Pa. Code, Chapter 89, §§ 89.12—16, 89.18—89.62 | Fall/Winter 2005, as proposed. | Amend pursuant to Executive Order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Prior Approval of Forms Required, 31 Pa. Code, Chapter 89, § 89.101 | Fall/Winter 2005, as proposed. | Amend pursuant to Executive Order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Cash Advances to Insurance Companies 31 Pa. Code, Chapter 105, §§ 105.1—105.2 | Summer 2005, as proposed. | Review to determine whether to amend or repeal based on statutory amendments enacted in 2004 (Act No. 216 of 2004). | 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> |
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| Preparation of Filing of Property and Casualty Forms for Approval, 31 Pa. Code, Chapter 133, §§ 133.1—133.12 | Fall/Winter 2005, as proposed. | Repeal pursuant to Executive Order 1996-1. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Funds Held as Security for the Payment of Obligations of Unlicensed, Unqualified Reinsurers, 31 Pa. Code, Chapter 163 §§ 163.1—163.20 | Winter 2005, as proposed | Amend to update provisions relating to trust agreements and letters of credit. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Requirements for Qualified Reinsurers 31 Pa. Code, Chapter 161 §§ 161.1—161.9 | Winter 2005, as proposed. | Amend to update requirements for assets held in trust. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Property and Casualty Actuarial Opinion (NEW) | Summer/Fall 2005, as proposed. | New regulation to require property & casualty insurers to annually submit an Actuarial Opinion Summary of the Actuarial Report on loss and loss adjustment expense reserves, including information on the opining actuary's best estimate and/or range of reasonable estimates | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Medical Catastrophe Loss Fund, 31 Pa. Code, Chapter 242 §§ 242.1—242.18 | Summer/Fall 2005, as proposed. | Amend the regulation to be consistent with the statute. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| Premium Finance Companies (NEW chapter) | Summer/Fall 2005, as proposed. | New regulation addressing issues pertaining to Premium Finance Companies. | Peter J. Salvatore, Regulatory Coordinator 717-787-4429 |
| LABOR AND INDUSTRY | | | |
| Elevators and Lifting Devices, Title 34 Bureau of Occupational and Industrial Safety | Submit proposed rulemaking Summer 2005. | Will make minor revisions and corrects. Will also incorporate legislative changes required under Act 230 approved December 1, 2004. | Edward Leister 717-787-3323 |
| Uniform Construction Code (UCC) regulations. Act 45 of 1999. Title 34, Chaps. 401—405. Bureau of Occupational and Industrial Safety | Submit final-omitted regulations in Summer 2005. | Will make revisions to UCC required under legislation enacted in 2004: Acts 13, 92 and 158. | Jon Balson 717-787-3323 |
| Repeal of mine and excavation regulations, Title 34, Chap. 33, Bureau of Occupational and Industrial Safety. | Submit final-omitted regulation in Spring 2005. | 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 |
| Boiler requirements, Title 34. Bureau of Occupational and Industrial Safety. | Submit final-form regulation in Summer 2005. | The regulations will update requirements for boilers and unfired pressure vessels in accordance with the Boiler and Unfired Pressure Vessel Law. | Edward Leister 717-787-3323 |
| Liquefied Petroleum Gas, Title 34. Bureau of Occupational and Industrial Safety. | Submit proposed rulemaking in Fall 2005. | 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> |
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| Business Enterprise Program, Title 34. Bureau of Blindness and Visual Services | Submit proposed rulemaking in Summer 2005. | Concerns operation of snack bars and similar operations in Commonwealth facilities under the Federal Randolph-Sheppard Act and related Pennsylvania laws. | Mark Frankel 717-787-3667 |
| Office of Vocational and Rehabilitation, Title 34. | Submit Proposed Rulemaking Winter 2005 | 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 |
| Prevailing Wage Appeals Board (PWAB), Title 34, Chap 213. | Submit proposed rulemaking in Fall 2005. | PWAB will amend its regulations to reduce paperwork requirements and improve/streamline procedures. | Richard C. Lengler 717-783-9288 |
| Unemployment Compensation, Title 34, Bureau of Unemployment Compensation Tax Services | Submit proposed rulemaking in Spring 2005. | 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 Spring 2005. | Update requirements and procedures for filing benefit and claim applications. | Jeri Morris 717-787-3667 |
| Bureau of Workers' Compensation Title 34, Chapter 121 | Submit proposed rulemaking in Summer 2005. | Updating regulations concerning processing of claims forms/petitions to reflect changes in law and technology. | Terry Titus 717-787-3361 |
| Bureau of Workers' Compensation, Title 34, Chapter 127, Medical Cost Containment | Submit proposed rulemaking by end of 2005. | Update processes governing medical care and costs under the Workers' Compensation Act. | Eileen Wunsch 717-772-1912 |
| Bureau of Workers' Compensation, Title 34, Chapter 123 | Submit proposed rulemaking in Summer 2005. | Update procedures for qualifications of vocational experts to reflect passage of Act 88 (if needed). | Eileen Wunsch 717-772-1912 |
| Bureau of Workers' Compensation, Title 34, Chapter 125A, Self-Insurance | Submit proposed rulemaking in Winter 2006. | Clarify standards and security requirements for individual self-insured employees. | George Knehr 717-783-4476 |
| MILITARY AND VETERANS AFFAIRS | | | |
| State Veterans Home 43 Pa. Code Section 7.1 et. seq. | July 2005, 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 |
| MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION | | | |
| Municipal Police Officers' Education and Training Commission. 37 Pa. Code Chapter 203 | February 2005, as proposed | The Commission intends to update regulations promulgated pursuant to 53 Pa.C.S. § 2164(1), (8), and (14) (relating to Part III, Subpart C, of the Local Government Code). | Syndi L. Guido 717-772-0905 |
| PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM | | | |
| See Public School Employees' Retirement System. | | | |
| 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 will be published in the <i>Pa. Bulletin</i> in the fall of 2005. | The County Probation and Parole Officers' Education and Training Commission is in the process of promulgating these regulations and anticipates the completion of proposed regulations by Fall 2005 for publication in the PA Bulletin. | Chester Cope 717-772-4185 |
| PUBLIC SCHOOL EMPLOYEES' 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> |
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| PUBLIC WELFARE | | | |
| Administration of County Children and Youth Programs 55 Pa. Code Chapter 3130 | October 2005, 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 |
| Administration and Operation of a Children and Youth Social Services Agency 55 Pa. Code Chapter 3680 | May 2006, 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 | September 2005, 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 six months to one year for the first violation and from one year to two 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 187 | January 2006, 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 |
| Increases in Payment for Burial and/or Cremation 55 Pa. Code Chapter 285 | April 2006, as final-form | This regulation codifies an increase to the maximum payment for burial and/or cremation for eligible persons. A deceased person of any age who received or was eligible to receive a money payment—TANF, General Assistance, State Blind Pension, or Supplemental Security Income—may be eligible for a maximum burial and/or cremation payment of \$750, if there are no resources that reduce the payment. 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 |

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| Breast and Cervical Cancer Prevention and Treatment Program 55 Pa. Code Chapter 140 | September 2005, as final-form | This regulation provides Medicaid benefits to individuals diagnosed with Breast and Cervical Cancer, effective January 1, 2002. The BCCPT Act of 2000 amended Title XIX of the Social Security Act by giving states the option of providing full Medicaid benefits to a new group of individuals. This regulation provides Medical Assistance for women who have breast and cervical cancer, including pre-cancerous conditions of the breast and cervix, in addition to full Medicaid benefits. Specifically, uninsured and underinsured women under the age of 65, screened and diagnosed with either breast or cervical cancer, including pre-cancerous conditions of the breast or cervix, by a provider or facility funded in full or part by the Centers for Disease Control and Prevention under its National Breast and Cervical Cancer Early Detection Program, will be eligible for Medicaid benefits. Pennsylvania has chosen the Department of Health Healthy Woman Project as the screening entity for this program. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, professional medical organizations 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 | January 2006, 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; 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 |
| Changes in Nursing Care Eligibility—Long Term Care (LTC) 55 Pa. Code Chapters 178 and 181 | July 2005, as proposed | This regulation will change the eligibility requirements for applicants and recipients in long-term care facilities. Recipients of Medicaid program benefits will be required to contribute more toward the cost of long-term care services. Applicants for Medicaid Program benefits will be required to use more of their own resources to pay for their care before being authorized eligible for the Medicaid Program. | Ruth O'Brien (717) 783-2800 |
| Early and Periodic Screening Diagnosis Treatment (EPSDT) 55 Pa. Code Chapters 1101, 1121, 1123, 1147, 1241 | March 2006, as final-omitted | 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 |

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| Medical Assistance Case Management Services 55 Pa. Code Chapter 1239 | March 2006, 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 MA 55 Pa. Code Chapters 1101, 1121, 1149 | June 2006, as final-omitted | This final regulation codifies Act 1994-49 provisions that affect the medical benefits of General Assistance recipients over the age of 21 when these services are solely state funded. These recipients are no longer eligible for (1) dental services unless their medical condition or handicap requires services to be provided in an ambulatory surgical center, short procedures unit or inpatient hospital; (2) medical supplies and equipment except as prescribed for family planning or with home health agency service and (3) prescription drugs except legend birth control drugs. This regulation also implements Act 1996-35 provisions imposing a \$150 deductible on inpatient and outpatient hospital services and ambulatory surgical center services, except laboratory and x-ray services for General Assistance and General Assistance-related Medical Assistance recipients. In addition, this regulation removes family planning clinics from the list of providers limited under the General Assistance Basic Health Care Package to 18 practitioner's office and clinic visits per year. 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 | June 2006, 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 |
| Residential Treatment Facilities (RTF) for Mental Health Services 55 Pa. Code Chapters 1157, 1165 | July 2006, 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 on 3/28/02. The Department received comments from 6 agencies. Revised regulations are under review by the Department. | Ruth O'Brien (717) 783-2800 |
| Physician Assistant/Midwife 55 Pa. Code Chapter 1141 | June 2006, 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 |
| Discontinuance of the Mandatory Second Opinion Program 55 Pa. Code Chapter 1150 | June 2006, 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 |

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| Capital Component Payment for Replacement Beds 55 Pa. Code Chapter 1187 | July 2006, 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 | December 2005, 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 | March 2006, 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 2005, 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 | September 2005, 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 | July 2005, as proposed | 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 |
| Penile Prosthesis 55 Pa. Code Chapters 1141, 1163 | March 2006, as proposed | This regulation revises the current § 1141.59(8) non-compensable services and § 1163.59(a)(4) noncompensable services, items and outliers days. | Ruth O'Brien (717) 783-2800 |
| Extension of County Transition Payments and Double Disproportionate Share 55 Pa. Code Chapter 1187 | August 2005, as final-omitted | This regulation will extend the county nursing facility transition rates for the period July 1, 2003, through June 30, 2009, and will increase the disproportionate share incentive payments to qualified nursing facilities for the period July 1, 2003 through June 30, 2008. The disproportionate share incentive payment shall be increased to equal two times the disproportionate share per diem incentive calculated in accordance with 55 Pa. Code § 1187.111(c). This regulation will be reviewed by the Medical Assistance Advisory Committee. These changes are made in accordance with the Intergovernmental Transfer Agreements. | Ruth O'Brien (717) 783-2800 |

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| MA Day of Care 55 Pa. Code Chapter 1187 | January 2006, as final-form | The regulation will revise the definition of an MA day of care to include days of care for which an MCO under contract with the Department or LTCCAP provider pays 100 percent of the negotiated rate or fee for the MA resident's care in a nursing facility and days of care for which the resident and an MCO under contract with the Department or LTCCAP provider pays 100 percent of the negotiated rate or fee for the MA resident's care in the nursing facility. In addition, the regulation will further expand the definition of an MA day of care to include days of care for which the Department makes payment for MA residents receiving hospice services in a nursing facility. | Ruth O'Brien (717) 783-2800 |
| Metropolitan Statistical Area (MSA) 55 Pa. Code Chapter 1187 | July 2005, as final-form | The proposed regulation changes the manner in which the Department establishes the peer groups used to set net operating prices under the case-mix payment system. The Department is proposing to change the payment system to specify that it will use the historical MSA group classification issued by the Federal Office of Management and Budget (OMB) in OMB Bulletin No. 99-04 to classify nursing facilities into peer groups. The Federal OMB revised its definitions of MSA and recommended that the definitions not be used for the development or implementation of any Federal, state or local nonstatistical policies without full consideration of the effects that the changes will have on the programs. If the Department adopts the Federal MSA changes, it has been determined that nursing facilities (except hospital-based and special rehabilitation nursing facilities) participating in the MA Program would experience, in the aggregate, a negative impact in their reimbursement rate under the case-mix payment system. | Ruth O'Brien (717) 783-2800 |
| Home Health Regulation 55 Pa. Code Chapter 1249 | December 2005, as final-form | The proposed regulation: 1. removes the State requirement that clients be homebound to receive home health agency services. Requiring a client to be homebound is in violation of "Olmstead Update No. 3" codified at 42 CFR 440.230(c) and 440.240(b); 2. moves service limitations from the regulations to the fee schedule which will permit program exceptions to the limitations when appropriate. | Ruth O'Brien (717) 783-2800 |
| Medical Assistance Provider Appeal Procedures 55 Pa. Code Chapter 41 | October 2005, as final-form | This regulation implements 67 Pa.C.S. 1106 and establishes rules of procedure governing Medical Assistance Provider appeals. | Ruth O'Brien (717) 783-2800 |

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| Third Party Liability Programs 55 Pa. Code Chapter 259 | December 2005, 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 | February 2006, as proposed | This regulation replaces the uncodified regulation at 7 Pa.B. 3266 with the General Rules of Administrative Practice and Procedure (1 Pa. Code Chs. 31—35) for all facilities and agencies certified by the Department. | Ruth O'Brien (717) 783-2800 |
| Psychiatric Outpatient Clinics 55 Pa. Code Chapter 5200 | February 2006, as proposed | This proposed regulation revises the current regulations pertaining to organization, staffing, and supervision for licensed psychiatric outpatient services. This regulation will be reviewed by the Mental Health Advisory Council and the Medical Assistance Advisory Committee. | Ruth O'Brien (717) 783-2800 |
| Family-Based Mental Health Service Providers Draft Regulation, 55 Pa. Code Chapter 5260 | February 2006, 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 |
| REVENUE | | | |
| Construction Contractors 61 Pa. Code, §§ 31.11—31.16 and 46.11—46.17 | December 2005, 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 |
| Construction Contractors 61 Pa. Code §§ 31.11, 46.2, 46.3, 46.6 and 46.9 | July 2005, as proposed. | Administrative Clean Up of Chapter 46 Construction Contractors and Amendment to § 31.11 to avoid duplication of regulations. | Douglas Berguson 717-346-4633 |
| Prebuilt Housing | July 2005, as final. | The regulation codifies legislative changes relating to prebuilt housing that were set forth in Act 23-2000 (72 P. S. §§ 7201(g)(8), (vv)—(zz), 7202(f) and 7204(60)). | Douglas Berguson 717-346-4633 |
| Realty Transfer Tax Amendments 61 Pa. Code, Chapter 91 | August 2005, as proposed. | 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 |
| Small Games of Chance Amendments 61 Pa. Code, Part VII | August 2005, as final. | The regulation contains comprehensive amendments to Part VII to incorporate legislative changes made to the Local Option Small Games of Chance Act (10 P. S. §§ 311—328) in 1990 and 2000 and to codify policy and administrative changes regarding games of chance. | Douglas Berguson 717-346-4633 |

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| Support Offset and Other Personal Income Tax Provisions | September 2005, 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—1001.10 | July 2005, as temporary | The Department is proposing temporary regulations for Chapter 1001, Central Control Computer System (CCCS) in accordance with the Pennsylvania Race Horse Development and Gaming Act 2004 (Act 71). | Douglas Berguson 717-346-4633 |
| Raffle Lottery Games 61 Pa. Code §§ 874.1—874.17 | March 2005 as final | The regulation establishes and details the procedures that will be followed in operating and administering the Raffle Lottery Games. | Douglas Berguson 717-346-4633 |
| SECURITIES COMMISSION | | | |
| No regulations being developed or considered at this time. | | | |
| STATE | | | |
| Bureau of Commissions, Elections and Legislation Alteration of Local Election Districts 4 Pa. Code § 184 (number not yet assigned) | Fall 2005, as Proposed. | This regulation would clarify the role of the county boards of elections in conducting alterations of local election districts after the period of restriction, in compliance with sections 502—504, 506, 536 and 537 of the Pennsylvania Election Code, 25 P. S. §§ 2702—2704, 2706, 2746 and 2747. Statutory Authority: Section 1 of Act 51 of 1999, 25 P. S. § 2750. | L. Lawrence Boyle (717) 783-1657 |
| State Board of Accountancy General Revisions 49 Pa. Code, Chapter 11 (16A-559) | Fall 2005, as Final. | The regulation would clarify certain issues related to the enforcement of the C.P.A. Law; make requirements consistent with the language of the C.P.A. Law; repeal outdated and unnecessary requirements; and make editorial changes. Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3. | Linda Dinger (717) 783-1404 |
| Continuing Education 49 Pa. Code §§ 11.62—11.69a (number not yet assigned) | Fall 2005, as Proposed. | This regulation would revise the biennial continuing education requirements for licensed certified public accountants and licensed public accountants. Statutory Authority: Section 3(10) of the C.P.A. Law, 63 P. S. § 9.3(10). | |
| Expiration of License 49 Pa. Code § 11.5a (number not yet assigned) | Fall 2005, as Final (Proposed omitted). | The regulation would change the expiration date of licenses from April 30 of even-numbered years to December 31 of odd-numbered years to align the biennial license period with the statutorily fixed continuing education reporting period. Statutory Authority: Sections 3(12) and 8.2 of the C.P.A. Law, 63 P. S. §§ 9.3(12) and 9.8b(a). | |
| State Architects Licensure Board Licensure by Examination 49 Pa. Code § 9.45(b) (16A-419) | Spring 2006, as Proposed. | This regulation would adopt a “rolling clock” requirement for the completion of the Architect Registration Examination. Statutory Authority: Section 6(a) and (d) of the Architects Licensing Law, 63 P. S. § 34.6(a) and (d). | Linda Dinger (717) 783-3397 |
| Schedule of Civil Penalties 49 Pa. Code § 43b.21. (number not yet assigned) | Fall 2005, as Proposed. | This regulation would amend the schedule of Act 48 civil penalties for violations of the Architects Licensure Law and the Board’s regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a). | |
| State Athletic Commission Communicable Disease Testing 58 Pa. Code §§ 1.1 and 28.1 (16-34) | Fall 2005, as Final | This regulation would expand the Commission’s current regulations that authorize the testing of boxers for HIV to permit testing for other communicable diseases, including Hepatitis C. Statutory Authority: Sections 103(b) and 501 of the State Athletic Code, 5 Pa.C.S. §§ 103(b) and 501. | Greg Sirb (717) 787-5720 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| State Board of Auctioneer Examiners Correction to Fee Schedule 49 Pa. Code § 1.41 (number not yet assigned) | Fall 2005, as Final (Proposed-Omitted). | This regulation would correct the fee schedule in which a line was inadvertently deleted when the schedule was last amended. Statutory Authority: Section 6(a) of the Auctioneer and Auction Licensing Act, 63 P. S. § 734.6(a). | Tammy Radel (717) 783-3397 |
| State Board of Barber Examiners Schedule of Civil Penalties 49 Pa. Code § 43b.4 (16-32) | Fall 2005, as Final | This regulation would amend the schedule of Act 48 civil penalties for violations of the Barbers' Licensing Law and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a). | Linda Dinger (717) 787-2721 |
| Examinations and Student Work 49 Pa. Code, Chapter 3 (16A-427) | Fall 2005, as Proposed. | The regulation would update the existing regulations to conform to current board practice and statutory provisions pertaining to examinations and amends the regulations relating to student records and student hours to allow for part-time school attendance. Statutory Authority: Section 15-A.4(b) of the Barbers' License Law, 63 P. S. § 566.4(b). | |
| State Board of Certified Real Estate Appraisers General Revisions 49 Pa. Code, Chapter 36. (16A-7014) | Fall 2005, as Proposed. | The regulation represents a comprehensive revision of requirements relating to education and experience for initial certification; continuing education for renewal of certification; standards of practice; and supervision of appraisal assistants. Statutory Authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2); and Section 3 of the Assessors Certification Act, 63 P. S. § 458.3. | Michelle Smey (717) 783-4866 |
| State Board of Chiropractic Chiropractic specialties 49 Pa. Code Ch. 5 (16A-4312) | Fall 2005, 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 2005, as Proposed. | 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). | |
| Volunteer license 49 Pa. Code § 5.20 (number not yet assigned) | Fall 2005, as Proposed. | This regulation is required by 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. | |
| Commissioner, BPOA Schedule of Civil Penalties 49 Pa. Code §§ 43b.4; 43b.8; 43b.9; 43b.10a and 43b.11a (16-32) | Fall 2005, as Final. | The regulation would amend the schedules of civil penalties for the State Board of Barber Examiners; State Real Estate Commission and State Board of Vehicle Manufacturers, Dealers and Salespersons that were previously codified as regulations under Act 48 of 1993. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a). | Cynthia K. Montgomery (717) 783-7200 |
| Corporations Bureau UCC Revised Article 9 (16-35) | Fall 2005, 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 Biennial Renewal Fee Increase 49 Pa. Code § 7.2 (16A-4512) | Fall 2005, as Final. | The proposed regulation would increase the biennial renewal fees for licenses issued by the Board. Statutory Authority: Section 16 of the Beauty Culture Law, 63 P. S. § 522. | Linda Dinger (717) 787-2721 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Accreditation of cosmetology schools 49 Pa. Code §§ 7.111 and 7.113a (16A-4511) | Fall 2005, as Proposed. | This regulation amends the Board's existing regulations to clarify the accreditation requirements for cosmetology schools. Statutory Authority: Sections 6 and 11 of the Beauty Culture Law, 63 P. S. §§ 512 and 517. | |
| State Board of Dentistry Expanded Function Dental Assistants' Curriculum Requirements 49 Pa. Code, Chapter 33 (16A-4616) | Summer 2005, as Proposed. | This regulation is intended to establish curriculum requirements for schools offering 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 |
| Administration of Local Anesthesia by Dental Hygienists 49 Pa. Code, Chapter 33 (16A-4617) | Fall 2005, as Proposed. | This regulation 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 2005, as Proposed. | 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 2005, as Proposed. | 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 Engineers, Land Surveyors and Geologists Biennial Renewal Fees and Examination Fees 49 Pa. Code § 37.17 (16A-478) | Fall 2005, as Final. | The regulation would increase biennial renewal fees for all license classes, delete examination fees as unnecessary, and make editorial and organizational changes to the other fees. Statutory Authority: Section 4 of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151(d) and (e). | Shirley Klinger (717) 772-8528 |
| General Revisions 49 Pa. Code, Chapter 37 (number not yet assigned) | Winter 2005-2006, as Proposed. | The regulation represents a comprehensive updating and revision of the Board's regulations, including matters relating to eligibility for examination and licensure as a professional engineer, professional land surveyor and professional geologist; references for qualifying experience; temporary practice permits; reactivation of licensure; approval of corporate or fictitious names; and use of professional seal. Statutory Authority: Section 4 of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151. | |
| State Board of Funeral Directors Professional Misconduct 49 Pa. Code §§ 13.201, 13.202 (16A-4814) | Fall 2005, as Final. | The amendment would add to the Board's standards of practice and conduct. Statutory Authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a). | Michelle Smey (717) 783-3397 |
| General Revisions 49 Pa. Code, Chap. 13 (number not yet assigned) | Fall 2005, as Proposed. | These amendments would update the Board's regulations related to advertising, application procedures, facility requirements, qualifications for licensure and responsibilities of supervisors. Statutory authority: Section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a). | |
| Continuing Education 49 Pa. Code, Ch. 13 (16A-489) | Summer 2005, as Final. | This regulation is being promulgated to comply with the requirement of Act 48 of 2000 that the Board adopt regulations to implement continuing education, as now required by Section 10(b) of the Funeral Director Law. Statutory Authority: 63 P. S. § 479.10(b). | |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Forms Review 49 Pa. Code §§ 13.204 and 13.244 (16A-4813) | Fall 2005, as Proposed. | 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). | |
| Preneed Funeral Arrangements 49 Pa. Code, Chapter 13 (16A-4815) | Fall 2005, as Proposed | 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). | |
| State Board of Landscape Architects General Revisions 49 Pa. Code, Chapter 15 (16A-618) | Fall 2005, as Final. | The regulation would entail general revisions of the Board's current regulations. Statutory Authority: Section 4(9) of the Landscape Architects' Registration Law, 63 P. S. § 904(9). | Shirley Klinger (717) 772-8528 |
| State Board of Medicine Athletic Trainers 49 Pa. Code, Chap. 16 (16A-4915) | Fall 2005, as Proposed | This regulation would implement Act 92 of 2001, which gave the Medical and Osteopathic Boards jurisdiction over athletic trainers (athletic trainers had formerly been overseen by the State Board of Physical Therapy). Statutory Authority: Section 3 of Act 92 of 2001. | Joanne Troutman (717) 783-1400 |
| Licensure of Medical Doctors 49 Pa. Code §§ 17.1(b), 17.2(c) and 17.5(c)(2) (16A-4917) | Fall 2005, as Final. | This regulation would delete the requirements that graduates of foreign medical schools demonstrate 32 months and 4000 hours of instruction and 72 weeks of clinical instruction. It would also amend the regulation pertaining to licensure by endorsement to prove the Board greater discretion in assessing the qualifications of physicians who have extensive practice experience. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8. | |
| Acupuncture Registration 49 Pa. Code, Chapter 18, §§ 18.11—18.19 (16A-4919) | Fall 2005, as Final. | This proposed regulation will amend the Board's existing regulations so that they comport with the Act 49 amendments to the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803. | |
| Physician Assistants- 49 Pa. Code, Chapter 18, Subchapter D (16A-4916) | Fall 2005, as Proposed. | This regulation amends the Board's regulations pertaining to physician assistants. Statutory Authority: Section 13 of the Medical Practice Act of 1985, 63 P. S. § 422.1. | |
| Subpoenas 49 Pa. Code § 16.95a (16A-4920) | Summer 2005, as Statement of Policy | This statement of policy outlines the circumstances under which a medical doctor may comply with a subpoena for medical records and not be subject to discipline for violating patient confidentiality. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8. | |
| Respiratory Care Practitioners Continuing Education 49 Pa. Code, Chapter 18, Subchapter F. (16A-4921) | Fall 2005, as Proposed. | This regulation is needed to carry out the legislative mandate of Act 55 of 2004 which required certified respiratory care practitioners to complete 20 credits of continuing education each biennium as a condition of certificate renewal. Statutory Authority: Section 1 of Act 55 of 2004 and section 36.1(f) of the Medical Practice Act of 1985, 63 P. S. § 422.36a(f). | |
| Volunteer License 49 Pa. Code § 16.18 (number not yet assigned) | Fall 2005, as Proposed. | This regulation is required to amend the current regulations regarding volunteer licenses to conform to recent 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. | |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| State Board of Nursing CRNP Program Approval 49 Pa. Code §§ 21.260—278, 286—289 (16A-5119) | Fall 2005, as Final. | This regulation would establish requirements for CRNP education programs approved by the Board. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k). | Ann Steffanic (717) 783-7142 |
| CRNP Prescriptive Authority Fees 49 Pa. Code § 21.253 (16A-5116) | Fall 2005, as Final. | This regulation would revise the Board's schedule of fees to reflect the actual cost of the services provided. Statutory Authority: Section 11.2 of the Professional Nursing Law, 63 P. S. § 221.2. | |
| Programs in Transition 49 Pa. Code § 21.51 (16A-5118) | Fall 2005, as Final. | This regulation sets requirements for hospital-based registered nurse diploma education programs to transition to degree-granting status under the authority of a college or university which is pursuing, but has not yet attained, regional accreditation. Statutory Authority: Section 2.1(k) and Section 6 of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 216. | |
| Licensed Dietitian-Nutritionist Regulations 49 Pa. Code §§ 21.701—21.717 (16A-5120) | Fall 2005, as Final. | Act 99 of 2002 amended the Professional Nursing Law to include the licensure of dietitian-nutritionists. These regulations implement those amendments. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k). | |
| Temporary Practice Permits 49 Pa. Code §§ 21.7 and 21.149 (16A-5121) | Fall 2005, as Final. | The regulation provides for temporary practice permits for graduate professional nurses and graduate practical nurses and for currently-licensed professional nurses and practical nurses practicing in other jurisdictions who apply for licensure in this Commonwealth. Statutory Authority: Sections 2.1(k) and 4.1 of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 214.1; and sections 3.1 and 17.6 of the Practical Nurse Law, 63 P. S. §§ 653.1 and 667.6. | |
| LPN/IV Therapy 49 Pa. Code § 21.145 (16A-5122) | Fall 2005, as Proposed. | This regulation addresses the LPN's role in working with peripherally inserted catheters (PIC lines). Statutory Authority: Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6. | |
| RN and LPN Program Examination Pass Rates 49 Pa. Code, Chapter 21 (16A-5123) | Fall 2005, 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 2005, 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. | Ann Steffanic (717) 783-7142 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Fees for Approval of Nursing Education Programs 49 Pa. Code, Chapter 21 (16A-5127) | Fall 2005, as Proposed. | This regulation updates the fees charged by the Board of the approval of nursing education programs at the professional nurse, licensed practical nurse, and certified registered nurse practitioner levels to reflect the current cost of providing these services. Statutory Authority: Section 11.2 of the Professional Nurse Law, 63 P. S. § 221.2, and section 17.5 of the Practical Nurse Law, 63 P. S. § 667.5. | |
| Volunteer License- 49 Pa. Code, Chapter 21, Subchapter F, §§ 21.601—21.607 (number not yet assigned) | Fall 2005, as Proposed. | 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 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k). | |
| State Board of Examiners of Nursing Home Administrators Requirements for Admission to Examination 49 Pa. Code § 39.5 (16A-627) | Spring 2006, as Proposed. | This regulation would update and revise the requirements for admission to the licensing examination. Statutory Authority: Section 4(c) of the Nursing Home Administrators Licensing Act, 63 P. S. § 1104(c). | Christina Stuckey (717) 783-7155 |
| Biennial Renewal Fees 49 Pa. Code § 39.72 (16A-6210) | Fall 2005, as Proposed. | The regulation increases the biennial renewal fee for all nursing home administrators from \$108 to \$297. Statutory authority: Section 7.1(a) of the Nursing Home Administrators License Act, 63 P. S. § 1107.1(a). | |
| State Board of Optometry Volunteer License 49 Pa. Code § 23.26 (number not yet assigned) | Spring 2005, as Proposed. | 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 Athletic Trainers 49 Pa. Code, Chap. 16 (16A-5314) | Fall 2005, as Proposed | This regulation would implement Act 92 of 2001, which gave the Medical and Osteopathic Boards jurisdiction over athletic trainers (athletic trainers had formerly been overseen by the State Board of Physical Therapy). Statutory Authority: Section 3 of Act 92 of 2001. | Gina Bittner (717) 783-4858 |
| Deletion of Exam Fees 49 Pa. Code §§ 25.223 and 25.231 (16A-5315) | Fall 2005, as Final. | This regulation deletes references to examination fees from the Board's regulations because the national examiners set the fees rather than the Board. Statutory Authority: Section 13.1 of the Osteopathic Medical Practice Act, 63 P. S. § 271.13a. | |
| Subpoenas 49 Pa. Code § 25.292 (16A-5316) | Summer 2005, as Statement of Policy | This statement of policy outlines the circumstances under which an osteopathic physician may comply with a subpoena for medical records and will not be subject to discipline for violating patient confidentiality. Statutory Authority: Section 16 of the Osteopathic Medical Practice Act, 63 P. S. § 271.16. | |
| Respiratory Care Practitioners 49 Pa. Code, Chapter 25 (16A-5317) | Fall 2005, as Proposed | This proposed regulation will amend the Board's regulations by including continuing education requirements for respiratory therapists. Statutory Authority: Section 10.2(f) of the Osteopathic Medical Practice Act, 63 P. S. § 271.10b(f). | |
| Acupuncture Registration 49 Pa. Code, Chapter 25 (number not yet assigned) | Fall 2005, as Proposed. | This proposed regulation will amend the Board's existing regulations so that they comport with the Act 49 amendments to the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803. | |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Volunteer License 49 Pa. Code, Chapter 25, Subchapter L, §§ 25.601-25.607 (number not yet assigned) | Fall 2005, as Proposed. | 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 Technology and Automation 49 Pa. Code, Chapter 27. (16A-5410) | Fall 2005, as Final. | The proposal would address issues raised by new technology now available in the field of pharmacy to allow the use of such technology while ensuring consumer safety. 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), (9). | Melanie Zimmerman (717) 783-7156 |
| Drug Therapy and Administration of Injectable Medications, Biologicals and Immunizations 49 Pa. Code, Chapter 27 (16A-5412) | Fall 2005, as Final. | Section 2 of Act 102 of 2002 requires the Board to adopt regulations establishing the parameters of written agreements or protocols for drug therapy management in institutional settings and to establish education and training standards and practice guidelines under which pharmacists may be authorized to administer injectable medications, biologicals, and immunizations to persons who are more than eighteen years of age. Statutory Authority: Sections 9.1 and 9.2 of the Pharmacy Act, 63 P. S. §§ 390-9.1 and 390-9.2. | |
| Deletion of Examination Fees 49 Pa. Code § 27.91 (16A-5413) | Fall 2005, as Final. | This proposed amendment deletes references to the examination fees from the board's schedule of fees to avoid the necessity of amending the regulations whenever the test administrator changes the fees. Statutory Authority: Sections 4(j) and 6(k)(1) of the Pharmacy Act, 63 P. S. §§ 390-4(j), and 390-6(k)(1). | |
| Biennial Renewal Fees 49 Pa. Code § 27.91 (16A-5414) | Fall 2005, as Final. | This proposed regulation increases the biennial renewal fees for assistant pharmacists, registered pharmacists, and pharmacy permits. Statutory Authority: Sections 3(i), 6(k)(9) and 8.2 of the Pharmacy Act, 63 P. S. §§ 390-3(i); 390-6(k)(9); and 390-8.2. | |
| Supplies and Equipment 49 Pa. Code, Chapter 27 (16A-5415) | Fall 2005, as Proposed. | 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). | |
| General Revisions 49 Pa. Code, Chapter 27 (16A-5416) | Fall 2005, 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) | Spring 2006, 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. | |
| State Board of Podiatry Professional Liability Insurance 49 Pa. Code, Chapter 29, §§ 29.52—29.54 (16A-447) | Fall 2005, as Final. | This regulation would amend the current regulations to eliminate references to the Health Care Services Act and replaces them with references to the Medical Care Availability and Reduction of Error (Mcare) Act. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15. | Gina Bittner (717) 783-4858 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Sexual Misconduct 49 Pa. Code, Chapter 29 (16A-448) | Fall 2005, as Final. | Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts of a sexual nature which the Board deems unprofessional when occurring or resulting form a professional relationship. Statutory Authority: Sections 15 and 16(3) of the Podiatry Practice Act, 63 P. S. §§ 42.15 and 42.16(3). | |
| Registration and Practice of Acupuncture 49 Pa. Code, Chapter 29 (16A-449) | Fall 2005, as Proposed. | This regulation is required to establish the registration fees and regulate the practice of acupuncturists under the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803. | |
| Volunteer License 49 Pa. Code § 29.55 (number not yet assigned) | Fall 2005, as Proposed. | This regulation is required to amend the Board's regulations to conform to recent 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. | |
| State Board of Psychology Education Requirements 49 Pa. Code § 41.31 (16A-6313) | Fall 2005, as Final. | This regulation would require all doctoral degree programs in psychology and fields related to psychology within North American and the U.S. territories to either be accredited by the APA/CPA or designated by ASPPB. Statutory Authority: Sections 3.2(1) and 6(a)(2) of the Professional Psychologists Practice Act, 63 P. S. §§ 1203.2(1) and 1206(a)(2). | Christina Stuckey (717) 783-7155 |
| Qualifications 49 Pa. Code, Chapter 41 (16A-6315) | Winter 2006, 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). | |
| Biennial Renewal Fees 49 Pa. Code § 41.12 (16A-6316) | Fall 2005, as Final. | This regulation would increase the biennial renewal fee for licensed psychologists. Statutory Authority: Section 3.3(a) of the Professional Psychologists Practice Act, 63 P. S. § 1203.3(a). | |
| Electronic Transfer of Continuing Education Rosters 49 Pa. Code § 41.59 (16A-6317) | Spring 2006, as Proposed | This regulation would require continuing education sponsors to electronically transfer continuing education rosters to the Board. Statutory Authority: Section 15 of the Professional Psychologists Practice Act, 63 P. S. § 1215. | |
| State Real Estate Commission Reciprocal License 49 Pa. Code, Chapter 35 (16A-5610) | Fall 2005, as Final. | This regulation implements Act 58 of 2003, which adds provisions to the Real Estate Licensing and Registration Act related to reciprocal licenses. Act 58 became effective on February 28, 2004. Statutory Authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404. | Deborah Misheck (717) 783-3658 |
| Seller's Property Disclosure Statement 49 Pa. Code § 33.335a (16A-5611) | Fall 2005, as Final (with Proposed omitted) | 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). | |
| Biennial Renewal Fee Increase 49 Pa. Code § 35.203 (16A-5612) | Fall 2005, as Final | This Proposed regulation would increase the biennial renewal fees for Commission licensees beginning June 1, 2006. Statutory Authority: Section 407 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.407. | |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Education 49 Pa. Code § 35.384, 35.385 (16A-5613) | Winter 2005, as Proposed. | The Proposed Regulation would require new licenses who obtain their licenses after June 1, 2006 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. | |
| Schedule of Civil Penalties 49 Pa. Code § 43b.8 (16-32) | Fall 2005, as Final. | This regulation would amend the existing Act 48 Schedule of Civil Penalties formerly promulgated by the Real Estate Commission in 1998. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a). | |
| State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Continuing Education 49 Pa. Code, Chapter 47 (16A-6912) | Spring 2005, as Proposed. | This regulation would require that licensees complete continuing education as a condition of license renewal. Statutory Authority: Sections 18(a) 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. §§ 1918(a) and 1906(2). | Cindy Warner (717) 783-1389 |
| Dual Licensing of Substance Abuse Services 49 Pa. Code § 49.17 (16A-697) | Summer 2005, as Statement of Policy. | This Statement of Policy establishes the Board's position on the dual licensing of providers of Substance Abuse Services by the Board and the Department of Health. Statutory Authority: Section 2 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1902. | |
| Sexual Misconduct 49 Pa. Code §§ 50.20—50.25 (16A-691) | Fall 2005, as Final. | This regulation defines the professional relationship and prohibits sexual intimacies between a client/patient and the social worker, clinical social worker, marriage and family therapist or professional counselor. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2). | |
| Supervised Clinical Experience 49 Pa. Code, §§ 47.12c, 48.13 and 49.13 (16A-698) | Fall 2005, as Final. | This regulation permits supervised clinical experience to include group supervisory sessions within educational, institutional and agency settings without the requirement that the supervisor supervise no more than six individuals at the same time. Statutory Authority: Sections 6(2) and 7 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. §§ 1906(2) and 1907. | |
| Technical Amendments 49 Pa. Code §§ 47.1 and 47.1a (16A-699) | Fall 2005, as Proposed | This regulation clarifies the definition of "accredited school" and deletes the requirement that supervisors of clinical social work applicants for licensure hold a license to practice social work in this Commonwealth so long as they are currently licensed to practice social work in any jurisdiction. Statutory Authority: Section 6 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906. | |
| Child Abuse Reporting Requirements 49 Pa. Code, Chapters 48 and 49 (16A-6910) | Fall 2005, as Proposed. | This regulation would extend the mandatory reporting requirements of the Child Protective Services Law (CPSL) to marriage and family therapists and professional counselors. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2) and Section 6383 of the CPSL, 23 Pa.C.S. § 6383. | |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
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| Standards of Professional Conduct 49 Pa. Code, Chapters 47, 48 and 49 (16A-6911) | Fall 2005, as Proposed. | 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). | Cindy Warner (717) 783-1389 |
| State Board of Examiners in Speech-Language and Hearing Continuing Education 49 Pa. Code, Chapter 45 (16A-6802) | Fall 2005, as Final. | This regulation would establish continuing education requirements to comply with Act 71 of 2000. Statutory Authority: Section 5(7) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(7). | Cindy Warner (717) 783-1389 |
| Assistant Regulations 49 Pa. Code §§ 45.301—308 (16A-6801) | Fall 2005, as Proposed. | This amendment would update the regulatory provisions pertaining to assistants. Statutory Authority: Section 5(8) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(8). | |
| State Board of Vehicle Manufacturers, Dealers and Salespersons Protest Procedures 49 Pa. Code, Chapter 19. (16A-608) | Fall 2005, as Final. | This regulation would establish procedures to be followed in franchise protest hearings. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9). | Teresa Woodall (717) 783-1697 |
| Act 48 of 1993 Civil Penalties 49 Pa. Code, Chapter 43b (16-32) | Fall 2005, as Final. | This regulation would amend the schedule of Act 48 of 1993 civil penalties for violations of the Board of Vehicles Act and the Board's regulations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a). | |
| State Board of Veterinary Medicine Certified Veterinary Technician Specialties 49 Pa. Code § 31.38 (16A-5716) | Fall 2005, as Proposed. | This regulation would provide that only an individual certified by a veterinary technology academy recognized by the National Association of Veterinary Technicians may hold himself or herself out as a specialist. Statutory Authority: Section 11 of the Veterinary Medicine Practice Act, 63 P. S. § 485.11. | J. Robert Kline (717) 783-7134 |
| Biennial Renewal Fees 49 Pa. Code § 31.41 (16A-5717) | Fall 2005, as Proposed | This Proposed Regulation would increase the biennial license renewal fee for veterinarians from \$225 to \$300, and would increase the biennial renewal fee for certified veterinary technicians from \$60 to \$75. Statutory Authority: Section 13(a) of the Veterinary Medicine Practice Act, 63 P. S. § 485.13(a). | |
| STATE EMPLOYEES' RETIREMENT SYSTEM | | | |
| 4 Pa. Code § 241.1 (definition of class of service multiplier) 4 Pa. Code § 243.8.Classes of service. 4 Pa. Code § 249.2(a) Administrative duties of the Board. | Summer 2005 | Regulations have been superseded by statutory amendments | Salvatore A. Darigo, Esq. (717) 787-7317 Robert Gentzel (717) 787-9657 |
| STATE POLICE | | | |
| Interception, maintenance, and destruction of Mobile Video Recordings 37 Pa. Code Chapter 50 | January 2006, 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> |
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| DNA Detection of Sexual and Violent Offenders. 37 Pa. Code Chapter 58 | January 2006, 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 2006, 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 | | | |
| 177—Emission Inspection 67 Pa. Code, Chapter 177 | FY05-06 | This regulation must be retained to stay in compliance with clean air goals. Due to various Vehicle Code amendments and other desired changes, amendments to the regulations are required in the areas of: inspection station signage, inspection sticker ordering procedures, the number of tests per hour, trigger provisions for program test types and frequency and definitions. | John Munafa 717-787-2171 |
| 43—Temporary Registration Cards and Plates 67 Pa. Code, Chapter 43 | FY05-06 | 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. | Joe Centurione 717-787-2171 |
| 175—Vehicle Equipment and Inspection 67 Pa. Code, Chapter 175 | FY05-06 | Several changes in law currently supercede some facets of this regulation. Due to various Vehicle Code amendments and other desired changes, amendments to the regulations are required in the areas of: hours of inspection station operation, the coordination of inspection and registration, street rod equipment requirements, refunds for unused stickers, definitions and the elimination of delayed language. | John Munafa 717-787-2171 |
| 75—Driver's License Exam 67 Pa. Code, Chapter 75 | December 2005 | The regulation is being revised to allow chiropractors to complete the learner's permit physical. HB 1912, Act 76, passed July 15, 2004, requires us to allow chiropractors to complete this physical. | Anne Titler 717-783-4737 |
| 21—Odometer Read Disclosure Statements 67 Pa. Code, Chapter 21 | FY05-06 | Changes are needed to bring the regulation current with the Vehicle Code, specifically to specify the age at which a vehicle becomes exempt from odometer disclosure. | Joe Centurione 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> |
|---|--------------------------------------|--|---|
| 23—Delivery of Certificates of Title 67 Pa. Code, Chapter 23 | FY05-06 | 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. | Joe Centurione 717-787-2171 |
| 13—Special Mobile Equipment 67 Pa. Code, Chapter 13 | FY05-06 | Act 211 of 2004, which took affect January 29, 2005, changed the vehicle code definition of special mobile equipment. The regulation needs revised to align with that definition change. | Joe Centurione 717-787-2171 |
| 51—Transfer, Exchange & Reclassification of Registration 67 Pa. Code, Chapter 51 | December 2005 | An amendment is needed to eliminate the transfer fee dollar amount reference, and replace with a reference to Section 1927 of the Vehicle Code. This will eliminate regulatory changes. | Phil VanBriggle 717-787-2171 |
| 71—School Bus Drivers 67 Pa. Code, Chapter 71 | December 2005 | The regulation needs to be revised to allow chiropractors to complete the school bus driver physical. HB 1912, Act 76, passed July 15, 2004, requires us to allow chiropractors to complete this physical. | Chris Miller 717-346-9479 |
| 86—Occupational Limited License 67 Pa. Code, Chapter 86 | December 2005 | Ordered by legislation to clarify the investigative process for occupational limited license. SB 8, Act 24, passed September 30, 2003, requires the Department to promulgate regulations to clarify how and when the Department will require additional information or conduct an investigation regarding a petition for an occupational limited license. | Anne Titler 717-783-4737 |
| 88—Ignition Interlock 67 Pa. Code, Chapter 88 | July 2005 | Ordered by legislation to clarify procedures and penalties associated with ignition interlock. SB 8, Act 24, passed September 30, 2003, requires the Department to promulgate regulations to provide administrative direction for the ignition interlock program and to provide a mechanism for making a financial-hardship exemption available for the ignition interlock requirements. | Anne Titler 717-783-4737 |
| 255—Messenger Services 67 Pa. Code, Chapter 255 | FY05-06 | 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. | Joe Centurione 717-787-2171 |
| 102—Child Passenger Protection 67 Pa. Code, Chapter 102 | December 2005 | Under Act 229, regulations are needed exempting the use of child passenger restraint systems when impractical for physical reasons, including but not limited to, medical reasons or size of the child. | D. J. Reed Jessica Petrewicz 717-783-6853 |
| 201—Engineering & Traffic Studies 67 Pa. Code, Chapter 201 | December 2005 | The Federal Highway Administration is requiring us to adopt the new National Manual on Uniform Traffic Control Devices as our traffic control standard. The Manual will be incorporated as reference in a new regulation, Chapter 212. Chapter 201 will be deleted and its language will become part of the new regulation. | Richard Sesny 717-783-6080 |
| 203—Work Zone Traffic Control 67 Pa. Code, Chapter 203 | December 2005 | The Federal Highway Administration is requiring us to adopt the new National Manual on Uniform Traffic Control Devices as our traffic control standard. The Manual will be incorporated as reference in a new regulation, Chapter 212. Chapter 203 will be deleted and its language will become part of the new regulation. | Richard Sesny 717-783-6080 |

| <i>Regulation Being Considered</i> | <i>Proposed Date of Promulgation</i> | <i>Need and Legal Basis for Action</i> | <i>Agency Contact</i> |
|--|--------------------------------------|---|-------------------------------|
| 204—Additional Traffic Control Devices in Highway Work Zones—Statement of Policy 67 Pa. Code, Chapter 204 | December 2005 | The Federal Highway Administration is requiring us to adopt the new National Manual on Uniform Traffic Control Devices as our traffic control standard. The Manual will be incorporated as reference in a new regulation, Chapter 212. Chapter 204 will be deleted and its language will become part of the new regulation. | Richard Sesny 717-783-6080 |
| 211—Official Traffic Control Devices 67 Pa. Code, Chapter 211 | December 2005 | The Federal Highway Administration is requiring us to adopt the new National Manual on Uniform Traffic Control Devices as our traffic control standard. The Manual will be incorporated as reference in a new regulation, Chapter 212. Chapter 211 will be deleted and its language will become part of the new regulation. | Richard Sesny 717-783-6080 |
| 212—Official Traffic Control Devices 67 Pa. Code, Chapter 212 | December 2005 | Federal Highway Administration is requiring us to adopt the new National Manual on Uniform Traffic Control Devices. Chapter 212 is a new regulation which will be used as the instrument to adopt the Manual. | Richard Sesny 717-783-6080 |
| 217—Posting of Private Parking Lots 67 Pa. Code, Chapter 217 | December 2005 | The Federal Highway Administration is requiring us to adopt the new National Manual on Uniform Traffic Control Devices as our traffic control standard. The Manual will be incorporated as reference in a new regulation, Chapter 212. Chapter 217 will be deleted and its language will become part of the new regulation. | Richard Sesny 717-783-6080 |
| 441—Access to and Occupancy of Highways by Driveways and Local Roads 67 Pa. Code, Chapter 441 | December 2005 | To be updated to better reflect current requirements. | Dan Smyser 717-787-6227 |

[Pa.B. Doc. No. 05-1274. Filed for public inspection July 1, 2005, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

State Surplus Property Program; Deaccession Auction

The Historical and Museum Commission will be auctioning items from its permanent collection. These items are being auctioned because they are duplicates and/or do not pertain to the history of this Commonwealth. The public auction will be held on July 27, 2005, at Ziegler's Auction Company, Inc., 1550 Sand Hill Road, Hummels-town, PA 17036. The inspection will begin at 1 p.m. and the auction will begin at 5 p.m. Items being auctioned include a diversity of objects such as advertising pieces, books, tools, medicine bottles, milling machinery and an assortment of 19th century household objects.

BARBARA FRANCO,
Executive Director

[Pa.B. Doc. No. 05-1275. Filed for public inspection July 1, 2005, 9:00 a.m.]

HOUSING FINANCE AGENCY

Request for Qualifications to Provide Strategic Planning Consulting Services

The Housing Finance Agency (Agency) seeks responses from qualified strategic planning consultants to this request for assistance in developing training, human resources and operational systems solutions that address current and future business challenges.

Agency staff and leadership have held internal discussions that have identified the following areas of focus:

1. Encouraging an innovative and problem-solving attitude in staff members.
2. Broadening and deepening divisions' and units' abilities to work together to recognize new business opportunities, and systematically design and implement new programs.
3. Capitalizing on improved external relations with business partners and improving our collaborations with government entities.
4. Identifying ways to maximize Information Technology investments.
5. Developing a succession plan.

The Agency is aware that discussion with skilled strategic planning consultants may highlight the need for

additional or alternative areas of focus. The Agency expects that any successful applicant for strategic planning consultation will assist the Agency in identifying additional or alternative areas of focus.

Agency Background

The Agency is a public corporation and agency of State government employing approximately 250 people in Harrisburg, Norristown and Pittsburgh. The Agency was created by the General Assembly in 1972 to provide affordable housing for older adults, families of modest means and persons with special needs.

The Agency provides capital to finance rental housing development and single family home buyer mortgages, and administers several State and Federal housing and community development initiatives, including the housing tax credit program and the Homeowners Emergency Mortgage Assistance Program (HEMAP). To date, the Agency has financed more than 105,550 home purchases through more than \$6 billion in mortgages to home buyers; 60,000 apartment units through \$1.7 billion in loans and \$220 million in tax credits to developers; and has saved 33,400 homeowners from foreclosure with \$345 million in HEMAP loans.

The Agency does not receive State appropriations for operations, other than for HEMAP. Instead, the Agency sells taxable and tax-exempt securities to raise capital for programs and operations. The Agency's securities are rated AA+ by Standard & Poors and Aa2 by Moody's. Additional information about the Agency and its programs can be found on the Agency's www.phfa.org.

Responses should be sent by 2 p.m. on July 30, 2005, to the Housing Finance Agency, Attn: Robert F. Bobincheck, 211 North Front Street, Harrisburg, PA 17101.

Responses must include a description of the consultant's philosophy of strategic planning, their approach to organizational assessment and their deliverables; a list of organizations for which the consultant has already provided services; and biographies and credentials for all staff who will be involved with services provided to the Agency.

The Agency is aware that consultants may provide services in more than one, or only one, of the identified areas of need, and that consultants may have additional areas of service that they would like to offer. For this reason, the Agency requests a separate bid for each area of focus that the consultant proposes to address.

The Agency may select a contractor or contractors to provide services in the manner as it deems, in its discretion, most efficient, appropriate and cost effective to achieve its goals of strategic planning. The Agency will negotiate the final terms of an agreement for services directly with selected contractor and reserves the right to discontinue, amend or extend this process, to request supplemental and additional information from any entity and to negotiate directly for the performance of relevant services relating to the provision of services as it deems appropriate and advantageous to fulfilling its goals.

Important Information for Interested Bidders

Questions regarding to this invitation should be directed in writing only to Robert Bobincheck at the previously listed address. Responses to questions received and any supplemental information relating to this invitation will be posted on the Agency's website. Interested applicants are urged to check the website for information.

Three copies of the Statement of Qualifications should be submitted to Robert Bobincheck and must be signed by an official authorized to bind the contractor to its provisions.

The Agency may in its sole discretion undertake negotiations with contractors whose proposals as to price and other factors show them to be qualified, responsible and capable of performing the work. The Agency reserves the right to reject proposals received as a result of this request, or to negotiate separately with competing contractors. Information and material submitted through this invitation becomes the property of the Agency and may be subject to disclosure.

BRIAN A. HUDSON,
Executive Director

[Pa.B. Doc. No. 05-1276. Filed for public inspection July 1, 2005, 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-6210 | State Board of Examiners of Nursing Home Administrators Biennial Renewal Fees 35 Pa.B. 2402 (April 23, 2005) | 5/23/05 | 6/22/05 |
| 16A-618 | State Board of Landscape Architects General Revisions 35 Pa.B. 2404 (April 23, 2005) | 5/23/05 | 6/22/05 |

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Close of the Public Comment Period</i> | <i>IRRC Comments Issued</i> |
|-----------------|--|---|---------------------------------|
| 16A-608 | State Board of Vehicle Manufacturers, Dealers and Salespersons Protest Proceedings 35 Pa.B. 2408 (April 23, 2005) | 5/23/05 | 6/22/05 |
| 16A-4512 | State Board of Cosmetology Biennial Renewal Fee Increase 35 Pa.B. 2411 (April 23, 2005) | 5/23/05 | 6/22/05 |

**State Board of Examiners of Nursing Home
Administrators Regulation #16A-6210 (IRRC #2469)**

Biennial Renewal Fees

June 22, 2005

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Examiners of Nursing Home Administrators (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on May 23, 2005. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

Section 39.72. Fees.—Fiscal impact; Protection of public health, safety and welfare; Reasonableness; Need.

The proposed regulation will increase the biennial renewal fee by 175 percent. Commentators contend this increase will be a significant deterrent for licensees to renew and stay in the profession and will dissuade newcomers from seeking licensure and entry into the profession. Both entry and retention in the field of nursing home administration appear to be in decline. The Preamble cites this decline as one of the reasons for the increase by noting that 400 licensees have decided not to renew over the past five years. We have three concerns.

First, why is it necessary to increase the fee to a level that goes beyond erasing the current deficit to meet projected expenditures over a decade? We appreciate the Board's concern for balancing costs with income over a longer timeframe. However, given the fluctuations in the profession and the negative impact a fee increase of this proportion is bound to have, the Board should consider raising fees only in the amount needed to resolve deficits in the short term. The fee can be raised incrementally as expenses increase.

Second, as an alternative to the proposed regulation, fee increases could be phased in over a specific timeframe. This approach would have a less drastic economic impact on licensees and would also allow the Board to adapt to changes in the number of licensees and enforcement activity.

Third, the Board did not provide any information regarding the fiscal impact of the increase on licensees. When it submits the final-form regulation, the Board should identify the financial and economic impacts of the regulation on individual licensees. Given the recent decline in the number of licensees, the Board should consider the potential impacts on the profession and the facilities that licensees administer. If the decline continues, will a steep fee increase have a negative impact on long-term care facilities and their ability to maintain and protect the health, safety and welfare of their residents?

**State Board of Landscape Architects Regulation
#16A-618 (IRRC #2470)**

General Revisions

June 22, 2005

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Landscape Architects (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on May 23, 2005. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 15.2. Board proceedings and meetings.—Clarity; Need.

The Board is amending Subsection (b) to state that meetings "may" be conducted using Robert's Rules of Order. If the use of Robert's Rules of Order is no longer required, the second sentence in Subsection (b) should be deleted.

2. Section 15.14. Retention of documents.—Reasonableness.

The Board is deleting the provision which allows applicants to submit notarized copies of original documents for Board review. According to the preamble, the Board believes that in evaluating an applicant for licensure, an original document is the best display of the applicant's work.

We note that the first sentence of this subsection gives the Board discretion to retain any documents submitted with an application. However, an applicant may want to have his or her original work products returned. The Board should amend this section to provide that original work products will be returned to the applicant. The Board could copy the documents before returning them if it wants to retain them as a permanent part of the application file.

3. Section 15.16. References.—Reasonableness; Clarity.

The Board has added a sentence to Subsection (b) which states, "The Board will return completed reference forms sent by the applicant." According to the preamble, the intent of this provision is to require reference forms to be submitted to the Board directly from the person providing the reference. The applicant may not forward the completed forms to the Board. As written, this sentence does not clearly reflect the Board's intent. We suggest the Board amend this provision to state that it "will not accept" completed references sent by the applicant.

4. Section 15.18. Certification.—Clarity.

The Board is deleting Subsection (b) because the temporary certificate is no longer necessary. According to the preamble, once a license is approved, it is automatically active and the notification of approval will be listed on the Board's website. The licensee will receive the permanent licensure certificate approximately two weeks after approval.

Clarity would be improved if the Board replaced existing Subsection (b) with a provision that states that once the notification of approval is listed on the Board's website, the licensee may practice. This would eliminate any doubt about the ability to practice during the two-week period from the time the approval is placed on the website to the time the applicant receives the permanent certificate.

5. Section 15.36. Permitted practices.—Reasonableness.

Existing Subsection (d)

The Board is deleting existing Subsection (d) which requires the landscape architect to sign documents and if the landscape architect practices in association with others, requires his or her name to appear with the association on documents he or she does not sign. In its comments, the House Professional Licensure Committee questions if this language should be retained. We request the Board explain the purpose of deleting the signature requirements.

6. Section 15.72. Requirement for biennial renewal.—Reasonableness.

Subsection (b) states, "The Board will exempt from the continuing education requirement a licensee who received a license within 2 years preceding the licensee's first application for biennial renewal." Replacing the word "exempt" with "waive" would better reflect the language in the Act (63 P. S. § 909.1(a)).

In addition, allowing a blanket waiver for any licensee who was licensed within two years preceding the biennial renewal appears to be overly broad. For example, it seems that licensees who received their licenses a year or more before the renewal date would have plenty of time to complete the 10 hours of required continuing education. For licensees who were licensed within a few months of the biennial renewal, the Board could make accommodations such as reducing the required number of continuing education hours or providing a waiver. In the final-form regulation, we recommend that the Board place some restrictions on the waiver of continuing education based on the amount of time between initial licensure and the licensee's first biennial renewal period.

7. Section 15.73. Acceptable continuing education courses.—Clarity.

Subsection (c) references "electronic presentations." Clarity would be improved by providing examples of these types of presentations.

State Board of Vehicle Manufacturers, Dealers and Salespersons Regulation #16A-608 (IRRC #2471)

Protest Proceedings

June 22, 2005

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) must respond to these

comments when it submits the final-form regulation. The public comment period for this regulation closed on May 23, 2005. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 19.31. Filing of papers.—Clarity.

This section uses the term "papers" to describe documents that could be filed in a protest proceeding. This term lacks clarity. The Board should either define the term "papers" or replace it with the term "documents" or "legal documents."

2. Section 19.36. Prehearing statements.—Implementation procedures; Clarity.

Subsection (c), relating to sanctions, states the following: "Failure to file a prehearing statement as required by this section and within the time specified in the scheduling order may subject a party to sanctions, including being precluded from presenting evidence." We have two questions.

First, under what circumstances would the Board impose the sanctions? Second, what other sanctions could be imposed by the Board? For clarity, the Board should provide additional examples of sanctions or include a citation to a provision where sanctions are outlined.

State Board of Cosmetology Regulation #16A-4512 (IRRC #2475)

Biennial Renewal Fee Increase

June 22, 2005

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The State Board of Cosmetology (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on May 23, 2005. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

1. General.—Consistency with statute; Reasonableness; Clarity.

Section 4.4 of Act 98 of 2002 deleted the requirement that a cosmetology shop manager be licensed. Accordingly, in Section 7.2 of this regulation, the Board deleted the fee for a cosmetology shop manager license. However, elsewhere in 49 Pa. Code Chapter 7, references to the licensure of a cosmetology shop manager remain.

To be consistent with existing statute and the deletion of the fee requirement for a cosmetology shop manager's license, the Board should delete all references to a cosmetology shop manager's license from 49 Pa. Code Chapter 7 when it submits the final-form regulation.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-1277. Filed for public inspection July 1, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control

Eastern Insurance Holdings, Inc., a Pennsylvania domiciled corporation, has filed an application to acquire

control of the following Pennsylvania domiciled insurers: Eastern Alliance Insurance Company and Allied Eastern Indemnity Company. The acquisition of control is proposed to be achieved through the merger of Eastern Holding Company, Ltd., a Cayman Island business corporation, with and into a newly formed acquisition subsidiary of Eastern Insurance Holdings, Inc. which will be the survivor of the merger transaction. Eastern Alliance Insurance Company and Allied Eastern Indemnity Company are both indirect, wholly owned subsidiaries of Eastern Holding Company, Ltd. The initial filing was received on June 13, 2005, and was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1278. Filed for public inspection July 1, 2005, 9:00 a.m.]

Applications and Requests for Plan Approval of a Mutual-to-Stock Conversion

Educators Mutual Life Insurance Company (EMLIC), a Pennsylvania domiciled mutual life insurance company, submitted a Plan of Conversion which provides for conversion from a mutual life insurance company to a stock life insurance company. The filing, received on June 13, 2005, was made under the Mutual-to-Stock Conversion Act (40 P. S. §§ 911-A—929-A).

In furtherance to the transaction, Eastern Insurance Holdings, Inc., a Pennsylvania domiciled corporation, submitted a request for approval to acquire control of all of the authorized capital stock of EMLIC upon consummation of the previously referenced conversion. The filing, received on June 13, 2005, was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest are invited to submit a written statement to the Insurance Department (Department). Written statements must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

Comments received will be part of the public record regarding the filings. Additionally, copies of all comments

received will be forwarded to EMLIC for appropriate response. The public comment period will remain open for an indefinite period of time to afford persons ample opportunity to provide written comments on the filings to the Department. A subsequent announcement will appear in the *Pennsylvania Bulletin* to provide notice of closing of the public comment period.

Persons can obtain a copy of the Plan of Conversion by submitting a request to Kimberly A. Rankin, Vice President and Corporate Secretary, Educators Mutual Life Insurance Company, 202 North Prince Street, P. O. Box 83149, Lancaster, PA 17608-3149, fax (717) 393-7014, krankin@emlife.com. A copy will also be available on EMLIC's website at www.emlife.com.

Copies of the applications are available for review at the Department by contacting Ken Bradley, (717) 787-0877, fax (717) 787-8555, kbradley@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1279. Filed for public inspection July 1, 2005, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Experience Rated Group (51+ Eligibles); Rate Filing

On June 20, 2005, Blue Cross of Northeastern Pennsylvania, due to the emergence of medical care cost trends, submitted Filing No. 1116-BCER-1/1/06 requesting the Insurance Department's (Department) approval to change the approved annual trend and retention factors for the Blue Cross Experience Rated groups (51+ eligibles). The request consists of changing the approved Annual Trend from 11% to 15.9%. Also requested are changes to the approved retention factors as follows: Administration Expenses from 7.24% to 5.41%, Non-Group Subsidy from 0.5% to 1.0% and Investment Income Credit from -2.5% to -2.15%. No change is being requested for the Risk & Contingency, Contribution to Surplus and Federal Income Tax factors, all of which are currently approved at 0.0%. The projected average number of members per month during the January 1, 2006, period is approximately 193,061. The requested effective date of the change is January 1, 2006.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1280. Filed for public inspection July 1, 2005, 9:00 a.m.]

Coal Mine Compensation Rating Bureau; Workers' Compensation Federal Occupational Disease Filing; Rate Filing

On June 10, 2005, the Insurance Department (Department) received from the Coal Mine Compensation Rating Bureau (CMCRB) a filing to amend the current CMCRB Manual. This filing is made in accordance with section 705 of the act of July 2, 1993 (P.L. 190, No. 44). The CMCRB requests this change to be effective October 1, 2005, on a new and renewal basis.

The current CMCRB Manual excludes partners of a partnership, individual proprietors and certain executive officers, which is consistent with the Workers' Compensation Act (77 P.S. §§ 1—1041.4 and 2501—2506). The amendments will provide Federal Black Lung coverage to those individuals to ensure conformance with the Federal Coal Mine Health and Safety Act, as amended.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Mike McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1281. Filed for public inspection July 1, 2005, 9:00 a.m.]

Highmark Blue Cross Blue Shield; CompleteCare Program (Western Region); Rate Filing

By Filing No. 1A-CCP-05-HBCBS, Highmark Inc. d/b/a Highmark Blue Cross Blue Shield requests approval to increase the premium rates for its CompleteCare Program. The filing requests an average increase of about 9.9% or \$21.52 per contract per month. This will affect about 31,000 contract holders and will produce additional premium income of about \$8 million annually. The filing adjusts the rate relativities between age and gender to be consistent with Highmark Blue Cross Blue Shield's other medically underwritten programs; thus some contract holders may receive rate adjustments that are less than or greater than the average. Additionally, this filing proposes to restructure the rates by introducing separate male/female and tobacco/nontobacco rates. The rate restructuring is spread over three stages with the first stage implemented with this filing and the next two stages implemented in the two subsequent filings. The requested effective date of the change is October 1, 2005.

Unless formal administrative action is taken prior to September 13, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1282. Filed for public inspection July 1, 2005, 9:00 a.m.]

Highmark Inc. d/b/a Highmark Blue Shield; Guaranteed Issue PreferredBlue Preferred Provider Plan; Rate Filing

On June 17, 2005, the Insurance Department (Department) received from Highmark Blue Shield Filing No. 1A-GI/INGPPO-05-HBCBS for a rate increase for Guaranteed Issue PreferredBlue Preferred Provider Plan.

The company requests an overall 9.9% increase or \$48.35 per contract per month on average. This will affect about 3,400 contract holders and will produce additional income of about \$1.992 million annually. The requested effective date of the change is November 1, 2005.

Unless formal administrative action is taken prior to September 15, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Sabater, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jsabater@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1283. Filed for public inspection July 1, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Pike County Light & Power Company to Establish Default Service Rates Under 66 Pa.C.S. § 2807(e)(3); Doc. No. P-00052168

Pike County Light & Power Company filed the following default service implementation plan establishing default service rates effective January 1, 2006. Pike County Light & Power Company requests expedited review and approval of this filing no later than August 15, 2005.

The Pennsylvania Public Utility Commission (Commission) requests that parties should file comments to this plan with the Commission's Secretary's Bureau by close of business on July 22, 2005. Reply comments should be filed by close of business on July 29, 2005. Courtesy copies of filed comments should be sent by e-mail to H. Edwin Rodrock and Christina Platzer at hrodock@state.pa.us and cplatzer@state.pa.us.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1284. Filed for public inspection July 1, 2005, 9:00 a.m.]

Petition of Pike County Light & Power Company for Exception to Rate Cap Limitations Under 66 Pa.C.S. § 2804(4)(iii)(D) and for Expedited Pro- ceedings Under 66 Pa.C.S. § 2804(4)(iv); Doc. No. P-00011872

Default Service Implementation Plan

Introduction

By its Opinion and Order entered August 9, 2002 in the above-referenced Docket ("August 9 Order"), the Pennsylvania Public Utility Commission ("Commission") approved a Settlement Petition ("Settlement Petition") entered into by Pike County Light & Power Company ("Pike"), the Office of Trial Staff ("OTS"), the Office of Consumer Advocate ("OCA") and the Small Business Advocate ("OSBA"). That Settlement Petition, among other things, established revised Provider of Last Resort ("POLR") rates for Pike through December 31, 2005. Section 11(e) of the Settlement Petition provides that if the Commission has not issued final regulations to implement Section 2807(e)(3) of the Public Utility Code¹ by June 1, 2005, Pike will file a plan to establish POLR rates pursuant to Section 2807(e)(3), to become effective January 1, 2006. Although the Commission has issued a proposed rule-making that seeks to implement Section 2807(e)(3)², the Commission will not issue final regulations by June 1, 2005. As a result, pursuant to the terms of the Commission-approved Settlement Petition, Pike submits this Default Service Implementation Plan ("Plan") to the

¹ 66 Pa.C.S. Section 2807 (e)(3) provides as follows:

(e) Obligation to serve—An electric distribution company's obligation to provide electric service following implementation of restructuring and the choice of alternative generation by a customer is revised as follows: . . .

(3) If a customer contracts for electric energy and it is not delivered or if a customer does not choose an alternative electric generation supplier, the electric distribution company or commission-approved alternative supplier shall acquire electric energy at prevailing market prices to serve that customer and shall recover fully all reasonable costs.

² 35 Pa.B. 1421 (February 26, 2005).

Commission for its review and approval.³ In light of the fact that Pike needs to have revised default service rates in effect by January 1, 2006, Pike requests that the Commission order an expedited proceeding for the consideration and review of Pike's proposed Plan. Specifically, Pike requests that the Commission issue an order approving the Plan by no later than August 15, 2005.

Background

Pike is an electric distribution company that serves approximately 4,200 residential and commercial customers in Pike County, Pennsylvania. For calendar year 2004, the electric requirements of Pike County's customers were 73,000 MWH, with a peak demand of 16 MW. Currently, all of Pike's electric customers take default service from Pike. Pike is a wholly-owned subsidiary of Orange and Rockland Utilities, Inc. ("Orange and Rockland"). Orange and Rockland⁴ provides electric service to approximately 204,000 customers in Orange, Rockland and Sullivan counties in the State of New York. Another subsidiary of Orange and Rockland, Rockland Electric Company ("RECO"), serves approximately 68,000 customers in the State of New Jersey. Pike, Orange and Rockland, and RECO operate a fully integrated electric system serving parts of Pennsylvania, New York and New Jersey (collectively referred to as the "System"). Pike receives all of its electricity through two 34.5 KV radial circuits that cross the Delaware River from Port Jervis, New York.

Unlike the other utilities in Pennsylvania, Pike, as a member of the System, operates in the New York Control Area that is administered by the New York Independent System Operator ("NYISO"). In contrast, the other Pennsylvania utilities are members of the PJM Interconnection, LLC ("PJM").⁵

Given its size, location in the far northeast corner of Pennsylvania, and affiliation with both the System and the NYISO (rather than PJM), Pike is plainly unique among Pennsylvania utilities. In light of these fundamental differences, Pike should not be viewed as a bellwether for the other Pennsylvania utilities on issues regarding default service protocols, procedures and requirements. Rather, in reviewing this filing, the Commission, as well as OTS, OCA, OSBA and any other potentially interested parties, should consider Pike a special case, readily distinguishable from the other Pennsylvania utilities.⁶

RFP for Financial Swaps

Given its size and non-PJM affiliation, Pike is concerned that it will not be able to attract the interest of a sufficient number of suppliers if it issued a request for proposals ("RFP") for the provision and delivery of the physical supply needed to serve its default service customers. To increase its ability to achieve the goal of default coverage in an economic fashion, Pike proposes to utilize commodity swap transactions rather than physical purchases. Specifically, Pike proposes to utilize two separate financial swaps, one pertaining to the forecasted capacity requirement, and the other pertaining to the

³ Once the Commission has adopted final regulations, Pike will amend this Plan as necessary.

⁴ Orange and Rockland is a subsidiary of Consolidated Edison, Inc.

⁵ Pursuant to the Settlement Petition and the Commission's August 9 Order, Pike completed a study that investigated the costs and benefits that would be incurred of Pike were to interconnect with PJM. This study clearly indicated that such an interconnection project would not be economically feasible. Specifically, this study concluded that the annual savings associated with such interconnection would amount to approximately \$1.2 million while the carrying charges on the needed system investment of \$13 million to interconnect with PJM would amount to \$2.6 million per year.

⁶ Pike will provide a copy of this Plan on OTS, OCA, OSBA and the NYISO.

forecasted energy requirement.⁷ Each of these financial swaps would be for Pike's full requirements. A sample RFP for these financial swaps is Exhibit A.

Pike would utilize an auction format to seek separate proposals for calendar years 2006, 2007 and 2008 for both of these swaps. Specifically, Pike would utilize a web-based reverse blind auction with pre-approved bidders.⁸ This auction would be administered by an independent third-party. For each swap, on the day of the auction, Pike would establish a predetermined opening bid, based upon then current market prices, plus an adder (e.g., 10%). The auction would last for a predetermined period (e.g., 15 minutes), during which bidders could submit bids. The auction would employ a "hard stop," which means that at the conclusion of the predetermined period, the auction would end and the lowest bidder at that point would be declared the winner. During the auction, each bidder only would be allowed to see its own bid as well as the current lowest bid. Bidders would be "blind" to all other bids, as well as the identity of the bidder submitting the then current lowest bid. Representatives of both Pike and the Commission would be allowed to view the bids submitted by all bidders, although they would not be informed as to the identities of the bidders.

At the end of the auction, Pike would evaluate the proposals submitted by bidders to determine which proposals, over what annual time periods, are in the best economic interests of its default service customers.⁹ Pike then would present its recommendation(s) to the Commission's representatives. The Commission (or its representatives) would then determine whether the winning bid(s) should be accepted or rejected. Pike reserves the right to reject any and all winning bids. A major benefit of obtaining bids through a web-based auction is that this auction format significantly reduces the award time (to as little as a few hours). This expedited decision making process reduces the time (and corresponding risk) that a bid remains open, thereby allowing bidders to reduce the risk premium included in their bids. This results in savings to customers. Orange and Rockland successfully utilized this auction format for its spring 2005 hedging procurement.

Since the auction proposed by Pike involves commodity swap transactions, Pike must still purchase the physical electric supply needed to meet its default service obligations. Pike intends to make such purchases from markets administered by the NYISO. In making such physical purchases, Pike will comply with the requirements of the Alternative Energy Portfolio Standards Act. In addition, since the auction does not involve the purchase and delivery of physical electric supply from electric generation supplier(s), Pike's replacement procurement process in the event of the failure of such electric generation supplier(s) is not an issue.

Rate Design Methodology

On or before December 15, 2005, Pike will file with the Commission default service rates to be effective for the period January 1, 2006 through December 31, 2006.

⁷ Since there is no active, liquid market for ancillary services, Pike would be unable economically to utilize commodity swap transactions to lock in their price. Rather, Pike would purchase ancillary services, as required, through the NYISO.

⁸ In the event that any of Pike's affiliates participate in this auction, Pike will implement protocols to ensure that such affiliate does not receive an advantage in either the solicitation and evaluation of competitive bids, or any other aspect of the competitive process. The format employed in a web-based reverse blind auction, when administered by an independent third-party, is particularly well suited to ensuring the competitiveness of the procurement process.

⁹ By seeking bids for calendar years 2006, 2007 and 2008, Pike (after Commission review and approval) retains the flexibility to lock in prices for one, two or three years, depending on the relative attractiveness of the bids submitted in light of market price forecasts.

Based on the results of the RFP and Pike's forecast of 2006 sales to its default service customers, a forecast will be made of 2006 default service costs. These costs will be allocated among Pike's customer classes in the same manner POLR revenues are currently allocated among the classes at current rates. Default service rates within each class will be established by applying the ratio of forecast default service revenue to POLR revenue, computed at current rates, to each rate per kWh, kW or luminaire as applicable. This is consistent with the methodology used to change Pike's POLR service rates effective July 1, 2002 and January 1, 2005. Illustrative workpapers showing these calculations are attached as Exhibit B. Assuming that Pike accepts bids for calendar years 2007 and 2008, similar filings will be made on or before December 1, 2006 and December 1, 2007 to set default service rates for 2007 and 2008, respectively.

Accounting and Cost Recovery

Pike will track and defer, on a monthly basis, any differences between default service revenue and default service costs.

Default service costs are comprised of the following:

1. Pike's pro-rata share of any procurement of capacity, energy, and ancillary services procured by Orange and Rockland on behalf of the System, pursuant to its FERC-approved Power Supply Agreement; and
2. Hedging gains and losses associated with the RFP.

A reconciliation charge is necessary to reconcile the differences between monthly default service costs and default service revenues. A default service reconciliation charge, applicable to all default service customers, will be calculated on an annual basis and assessed for a ten month period on a cents per kWh basis. The default service reconciliation charge will be published on a separate statement. Pike will file this statement with the Commission on January 31 of each year to become effective on the following March 1. Such statement will reflect the reconciliation of default service costs and revenues, and revenues received through the reconciliation charge, for the previous calendar year.

Description of Default Service Tariff Changes

This section briefly describes the tariff changes that will be needed to implement Pike's default service proposal. Draft tariff leaves containing these changes are attached as Exhibit C. Final tariff leaves including these changes and final default service rates will be filed with the Commission on or before December 1, 2005, to become effective on January 1, 2006.

1. Terminology Changes—Default Service

Changes have been made to General Information Section Nos. 3, 5, 10, 13 and 23 and Service Classification Nos. 1, 2, 3 and 4 to implement the change in terminology from POLR service to default service as envisioned in the Commission's proposed rulemaking.

2. General Information Section No. 18

General Information Section No. 18 has been renamed "Default Service" and has been revised to reflect the RFP and reconciliation mechanisms described above.

3. Default Service Rates

Service Classification Nos. 1 through 4 have been revised to reflect the change in terminology from POLR service to default service and to indicate with "X.XXX," the default service rates to be determined through the

RFP process. The 2006 default service rates will replace the X.XXXs in the December 1, 2005 filing.

Conclusion

Pike requests that the Commission expeditiously approve this filing so that Pike can commence the default service RFP process described above.

Respectfully submitted,

John L. Carley
Assistant General Counsel
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, New York 10003
carleyj@coned.com
Phone: (212) 460-2097
Fax: (212) 677-5850

Counsel for Pike County Light & Power Company
JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1285. Filed for public inspection July 1, 2005, 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 25, 2005. 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-00121886. Donald A. Mong (114 South Washington Street, North East, Erie County, PA 16428)—persons, in paratransit service, between points in the Borough of Wesleyville, and the Townships of North East, Harborcreek and Lawrence Park, Erie County, and from points in said territory, to points in Pennsylvania, and return.

A-00121889. William Brown t/a B & D Transportation (114 Voganville Road, New Holland, Lancaster County, PA 17557)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

A-00121890. Leila Ann Martin t/a People Pickup (104 Covington Drive, Johnstown, Cambria County, PA 15904, (814) 266-2996)—persons, in paratransit service, between points in the County of Cambria, and from said county to points in Pennsylvania and return.

Application of the following for *amendment to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.*

A-00120266, Folder 1, Am-A. Ricky Wright t/a Wright Way Taxi (17118 Route 36 South, Punxsutawney, Jefferson County, PA 115767)—abandon/discontinue the right to transport, persons in call or demand service, in the Boroughs of Big Run and Punxsutawney and the Townships of Young, Perry, Oliver, McCalmont, Bell, Henderson and Gaskill, all in Jefferson County, and the Borough of Glen Campbell and the Townships of Canoe, North Mahoning and Banks, all located in Indiana County.

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. William J. Heil; Doc. No. A-00114835C0501

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 William J. Heil, respondent, maintains a principal place of business at 1311 Deer Path Drive, Walnutport, PA 18088.
2. That respondent was issued a Certificate of Public Convenience by this Commission on June 4, 1998, at Application Docket No. A-00114835.
3. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.
4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00114835, for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes 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

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 of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter 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, Contract Carrier Permit, or Brokerage license, 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 causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty days of the date of service of this Complaint. The proof of insurance must be filed with the Secretary of the Commission at the address set forth in Paragraph A. Upon receipt of the evidence of insurance from your insurer, the complaint proceeding shall be closed. **ACORD CERTIFICATES OF INSURANCE ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.**

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 that the Commission enter 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 optional penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Insurance/Filing Unit at (717) 783-5933.

Complaint

Alpha & Omega Transportation Inc.
 5171 Campbell's Run Road
 Pittsburgh PA 15205

In re: Pennsylvania Public Utility Commission v. Alpha & Omega Transportation, Inc.; Doc. No. A-00117472C0404

Dear Respondent:

On October 27, 2004, the Bureau of Transportation and Safety instituted a complaint against Alpha & Omega Transportation, Inc., respondent, alleging that respondent violated 52 Pa. Code §§ 32.2 and 32.11, by failing to maintain evidence of insurance on file with this Commission, and, by operating its vehicle while under suspension, violated 66 Pa.C.S. § 501(c) in that it failed to observe, obey and comply with a Commission regulation or order, and the terms and conditions thereof.

Respondent was duly notified that, if no answer was filed within twenty (20) days from the date of service of the complaint, that either admitted or failed to deny the allegations of the complaint, the penalty would be imposed.

The complaint and notice were mailed by certified mail to respondent on October 27, 2004 and returned as unclaimed. The complaint was then served by first class mail on or about November 20, 2004; and to date, more than thirty (30) days later, no response has been received from respondent.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

Respondent, within twenty (20) days from the date of the service of this letter, shall pay a fine of one thousand dollars (\$1,000.00) by certified check or money order payable to the Pennsylvania Public Utility Commission at P. O. Box 3265, Harrisburg, PA 17105-3265, as provided in the Public Utility Code, 66 Pa.C.S. §§ 3301 and 3315, shall cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq., and the Regulations of this Commission, 52 Pa. Code §§ 1.1, et seq.

Very truly yours,

James J. McNulty
 Secretary

JAMES J. MCNULTY,
 Secretary

[Pa.B. Doc. No. 05-1286. Filed for public inspection July 1, 2005, 9:00 a.m.]

Telecommunications

A-311362F7001. Verizon North, Inc. and NationsLine North, Inc. Joint filing of Verizon North, Inc. and NationsLine North, Inc. for approval of an interconnection agreement and amendment no. 1, filed under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and NationsLine North, Inc., by its counsel, filed on June 10, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1, under section 252(e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the joint petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and NationsLine North, Inc. filing 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. 05-1287. Filed for public inspection July 1, 2005, 9:00 a.m.]

Telecommunications

A-311362F7000. Verizon Pennsylvania, Inc. and NationsLine North, Inc. Joint filing of Verizon Pennsylvania, Inc. and NationsLine North, Inc. for approval of an interconnection agreement and amendment no. 1, filed under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and NationsLine North, Inc., by its counsel, filed on June 10, 2005, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment no. 1, under section 252(e) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the joint petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and NationsLine North, Inc. filing 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. 05-1288. Filed for public inspection July 1, 2005, 9:00 a.m.]

Telecommunications Service

A-310922F0002AMA. Core Communications, Inc. Application of Core Communications, Inc. for approval to amend its Certificate of Public Convenience to begin to offer, render, furnish or supply competitive local exchange telecommunications services to the public in this Commonwealth to expand Core Communications' operations to include the provision of competitive residential and business local exchange telecommunications services throughout this Commonwealth.

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, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 18, 2005. 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: Core Communications, Inc.

Through and By Counsel: Renardo L. Hicks, Esquire, Anderson, Gulotta & Hicks, P. C., 121 State Street, Harrisburg, PA 17101

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1289. Filed for public inspection July 1, 2005, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.


Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide



① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

| | | | | |
|-------------|----------------------|--|--|--|
| Department: | General Services | | | |
| Location: | Harrisburg, Pa. | | | |
| Duration: | 12/1/93-12/30/93 | | | |
| Contact: | Procurement Division | | | |
| | 787-0000 | | | |

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
 Vendor Services Section
 717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

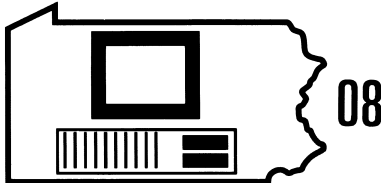
PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room 201 Finance Building
 Harrisburg, PA 17120
 717-787-4586
 1-800-252-4700
 BizOutlet@patreasury.org

ROBERT P. CASEY, Jr.,
State Treasurer

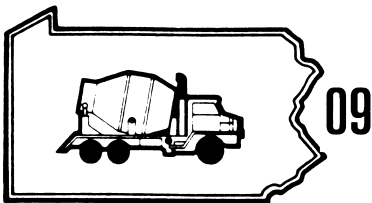
SERVICES



Computer Related Services

DCNR RFP 2005-001 The Department of Conservation and Natural Resources is issuing a Request for Proposal (RFP) for an enterprise-wide information management system to support and manage the Bureau of Forestry's spatial and tabular data and information.

Department: Conservation and Natural Resources
Location: DCNR, Rachel Carson State Office Bldg., 400 Market St., Harrisburg, PA 17101
Duration: Three years with two one-year renewal options
Contact: Debra Capasso, (717) 783-5885



Construction & Construction Maintenance

1000EG3255 West Chester University will accept sealed proposals on July 8, 2005 at 11:00 a.m. for Repairs to Boiler Plant Smoke Stack including open/eroded mortar joints, lightning protection down leads, aviation warning light system, carbon steel reinforcing bands, step irons, pressure wash exterior, wash down interior. Pre-bid site visit scheduled for Friday, June 24, 2005 at 10:00 a.m. Estimated cost is \$25,000.00. Project is subject to Pennsylvania Prevailing Wage Act. 10% Bid Bond and 100% Contract Bonds are required.

Department: State System of Higher Education
Location: West Chester University, 125 University Ave., West Chester, PA 19383
Duration: Work to be completed no later than August 14, 2005.
Contact: Barb Cooper, (610) 436-2706

MI-917 Project #MI-917: Athletics Weight Room Transitional. Located near Biemesderfer Stadium. The new facility is a pre-engineered metal building system approx. 4,520 SF. Building components shall include exterior insulated metal panels, roof panels, brick work, canopy, gutters and downspouts. The project includes site improvements; and all associated plumbing, mechanical and electrical utilities. Separate prime contracts include: General Construction, Mechanical, Plumbing, and Electrical. Contract Numbers and Cost Range: MI-917-G General Const \$100,000.00 - \$500,000.00; MI-917-H HVAC \$50,000 - \$100,000; MI-917-P Plumbing \$25,000 - \$50,000; MI-917-E Electrical \$50,000 - \$100,000. MBE>BE REAA Participation Levels: MI-917-G General Construction \$28,000.00; MI-917-H HVAC \$4,200.00; MI-917-P Plumbing \$2,000.00; MI-917-E Electrical \$5,600.00. The Pre-bid Conference will be held June 29, 2005, 10:00 AM at Dilworth Bldg., Room 204. Bid documents may be reviewed at the Construction Contracting Office, Dilworth Hall, Room 202B, Millersville University; Harrisburg Builders Exchange Inc., Harrisburg; Industry Exchange, Inc., Reading; and Construction Data Corporation, State College. Bid packet requests accepted on-line: http://muweb.millersville.edu/~purchase/large_construction.html. Sealed proposals will be officially accepted until 11:30 AM, July 18, 2005, at Dilworth Bldg., Room 202C.

Department: State System of Higher Education
Location: Millersville University, Millersville, PA, <http://marauder.millersville.edu/~circlek/directions.html>
Duration: Anticipated Construction Start; September 2005. On-Site Construction - 90 days
Contact: Ruth Sheetz, (717) 872-3829

MI-914 PROJECT TITLE: MI-914 SOUTH & SOUTHWEST ACADEMIC QUADRANGLES - PHASE 1, Millersville University of the PA State System of Higher Education. BRIEF DESCRIPTION: Site Improvements - work includes selective demolition of existing asphalt and concrete paving, excavating, grading, erosion and sediment control, drainage inlets, and piping. Construction of new parking area, new asphalt paving, new concrete curbs, walks, ramps, steps, new metal handrails, timber retaining walls, steel and wood pergola, foundations for site furniture, landscaping, underground conduit, and manholes. ESTIMATED RANGE: General Construction \$500,000 TO \$650,000, Electrical Construction \$300,000 TO \$400,000. REQUEST BID PACKETS ON-LINE AT: http://muweb.millersville.edu/~purchase/current_bid_opportunities.html. There is no cost for the bid packets. PRE-BID/SITE VISIT 07/06/05, 1:30 p.m. PROPOSAL DUE DATE 07/21/05, 11:30 a.m.

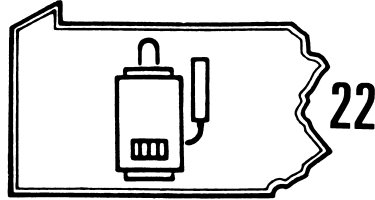
Department: State System of Higher Education
Location: Millersville Borough, PA
Duration: 92 calendar days
Contact: Jill M. Coleman, (717) 872-3730



Financial and Insurance Consulting

OA-EBD-VOLBEN-2005 Voluntary Benefits, OA-EBD-VOLBEN-2005: The Office of Administration is seeking qualified firm(s) interested in submitting proposals in response to the Office of Administration's Request for Proposal (RFP) for voluntary insurance benefits for permanent full-time employees and permanent part-time employees who work greater than 50% of regular full-time hours. The Contractor will be expected to (1) secure, (2) administer, and (3) communicate fully voluntary (employee-pay-all) Group Long-Term Care (LTC) Insurance, Group Long-Term Disability (LTD) Insurance, and Group Term Life Insurance programs for active employees and qualified dependents subject to rules and regulations promulgated by the Office of Administration pursuant to all relevant sections of the Internal Revenue Code (IRC). RFP packages are available at <http://www.dgsweb.state.pa.us/comod/main.asp>. All questions must be submitted in writing by July 8, 2005 at 12:00 PM, to the attention of Tara Long at talong@state.pa.us. A mandatory pre-proposal conference will be held at 9:00 AM, July 22, 2005, in the Second Floor Auditorium, Rachel Carson State Office Building, Market Street, Harrisburg, PA. Proposals must be received no later than 2:00 PM, August 12, 2005 in Room 513, Finance Building, Harrisburg, PA, 17120.

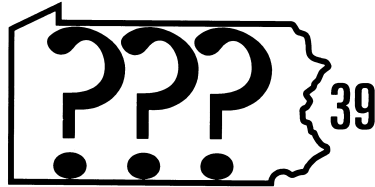
Department: Office of Administration/Executive Offices
Location: 513 Finance Building, Harrisburg, PA 17120
Duration: Three years with two optional extensions of one year each.
Contact: Tara Long, (717) 787-9872



HVAC Services

1000-503 Provide plumbing and electrical repair services to safely and efficiently operate two (2) rest areas (Sites #25 and #26) on Interstate 80 in Jefferson County. These facilities each have separate drinking water and sewage treatment plants. To request a bid package, please e-mail Diane Spence at DSpence@state.pa.us or fax 724-357-2872 the following information: your company name, name of contact person, company address, telephone number, fax number and e-mail address.

Department: Transportation
Location: 2550 Oakland Avenue, Indiana, PA 15701
Duration: One year with two options to renew by letter of mutual consent for an additional two-year renewal period each renewal.
Contact: Diane Spence, (724) 357-7987



Miscellaneous

SU-04-28 REBID REBID SU-04-28 Pillar Enclosure Replacement & Repair. Shippensburg University is seeking vendors who are interested in providing the necessary labor, materials, equipment, supervision, engineering and coordination to remove, rebuild and resecure pillar enclosures in the Steam Plant. Interested vendors may request a bid package by faxing a request to (717) 477-1350 or emailing a request to kmsmit@ship.edu. All responsible bidders are invited to participate including MBE/WBE firms.

Department: State System of Higher Education
Location: Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257
Duration: Services to begin upon contract award and should be completed by October 2005.
Contact: Karen Smith, (717) 477-1386

[Pa.B. Doc. No. 05-1290. Filed for public inspection July 1, 2005, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Acting Secretary

