See Part II page 3511 for the Treasury Department's Unclaimed Property Owners

Part I

Agencies in this issue
The Governor
Department of Agriculture
Department of Banking
Department of Environmental Protection
Department of Health
Department of Revenue
Department of Transportation
Environmental Hearing Board
Executive Board
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Board
Liquor Control Board
Navigation Commission for the Delaware River and its Navigable Tributaries
Office of the Attorney General
Pennsylvania Emergency Management Agency
Pennsylvania Gaming Control Board
Pennsylvania Public Utility Commission
Public School Employees' Retirement Board
State Board of Veterinary Medicine
State System of Higher Education
Treasury Department

Detailed list of contents appears inside.
CONTENTS

THE GOVERNOR

EXECUTIVE ORDERS
Commonwealth automotive fleet efficiency initiative ........................................... 3362

EXECUTIVE AGENCIES

DEPARTMENT OF AGRICULTURE
Notices
Dog control facility bill reimbursement grant program .......................................... 3452
Order of quarantine; firewood ................................................................................. 3454

DEPARTMENT OF BANKING
Proposed Rules
Proper conduct of lending and brokering in the mortgage loan business .................. 3416

Notices
Actions on applications ............................................................................................. 3455
Maximum lawful rate of interest for residential mortgages for the month of August 2007 ................................................................. 3456

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Notices
Applications, actions and special notices ................................................................. 3457
Bid opportunities ....................................................................................................... 3490

DEPARTMENT OF HEALTH
Notices
Application for exception:
Albert Einstein Medical Center ............................................................................. 3490
Children’s Hospital of Pittsburgh-North Surgery Center ........................................ 3490
Children’s Hospital of Pittsburgh-South Surgery Center ......................................... 3490
Community Medical Center ................................................................................... 3491
Eastern Regional Medical Center ........................................................................... 3491
The Endoscopy Center at St. Mary ......................................................................... 3491
Gamma Surgery Center ............................................................................................ 3491
Gettysburg Ambulatory Surgical Center, LLC ....................................................... 3492
Grand View Endoscopy Center ............................................................................... 3492
Moses Taylor Hospital .............................................................................................. 3492
Punxsutawney Area Hospital .................................................................................. 3492
The Surgery Center of Central PA ....................................................................... 3493
Temple University School of Podiatric Medicine Ambulatory Surgical Center .... 3493
Titusville Area Hospital ............................................................................................ 3493

Long-term care nursing facilities; request for exception ........................................ 3494

DEPARTMENT OF REVENUE
Rules and Regulations
Pennsylvania gaming cash flow management ......................................................... 3410

DEPARTMENT OF TRANSPORTATION
Notices
Finding ...................................................................................................................... 3494

ENVIRONMENTAL HEARING BOARD
Notices
Allegheny County Sanitary Authority v. DEP; EHB doc. no. 2007-165-R .................. 3495

EXECUTIVE BOARD
Statements of Policy
Reorganization of:
Department of Education ....................................................................................... 3438
Department of Environmental Protection ............................................................... 3438
Department of Health ............................................................................................. 3438
Department of Public Welfare ................................................................................ 3438
Department of State ............................................................................................... 3438

INDEPENDENT REGULATORY REVIEW
COMMISSION
Notices
Notice of comments issued ...................................................................................... 3495

INSURANCE DEPARTMENT
Notices
J Julius Berta, M.D.; prehearing ............................................................................... 3497
Community Surgical Associates; prehearing ......................................................... 3497
Easton Hospital; prehearing .................................................................................... 3498
Gnaden Huetten Memorial Hospital; prehearing ................................................. 3498
Stephen K. Hasley, M.D.; prehearing ..................................................................... 3498
David Isaac, M.D.; prehearing .............................................................................. 3498
Walter Kuhnen, M.D.; prehearing ......................................................................... 3499
Kevin McLaughlin, M.D.; prehearing .................................................................. 3499
Moses Taylor Hospital; prehearing ....................................................................... 3499
Van D. Nguyen, M.D.; prehearing ....................................................................... 3499
Nilesh Arvind Patel, M.D.; prehearing ................................................................. 3500
Pleasant Valley Manor, Inc.; prehearing (2 documents) ......................................... 3500
Mark B. Real, M.D.; prehearing .......................................................................... 3500

Review procedure hearings under the Unfair Insurance Practices Act (2 documents) .......................................................... 3501
Sacred Heart Hospital; prehearing ....................................................................... 3502
Spring Creek Rehabilitation; prehearing ............................................................... 3502
Albert D. Sydney, M.D.; prehearing ..................................................................... 3502
David G. Wilson; prehearing ............................................................................... 3502
Michael A. Wilson; prehearing ............................................................................ 3503
Robert Paul Zimmerman; prehearing ................................................................. 3503

LEGISLATIVE REFERENCE BOARD
Notices
Documents filed but not published ........................................................................ 3503

LIQUOR CONTROL BOARD
Proposed Rules
License applications and management contracts .................................................. 3418

NAVIGATION COMMISSION FOR THE DELAWARE
RIVER AND ITS NAVIGABLE TRIBUTARIES
Notices
Apprentice river pilot applications ....................................................................... 3504

OFFICE OF THE ATTORNEY GENERAL
Notices
Public meeting ........................................................................................................ 3505

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PENNSYLVANIA BULLETIN, VOL. 37, NO. 29, JULY 21, 2007
PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
Notices
Application for the volunteer fire company and volunteer ambulance services grant program ..... 3505

PENNSYLVANIA GAMING CONTROL BOARD
Rules and Regulations
Slot machines testing and control; possession of slot machines ........................................... 3381

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Notices
Service of notice of motor carrier applications ...... 3505
Water service .................................... 3507

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD
Proposed Rules
Formalization and clarification of current practices ................................................................. 3423

STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS
Rules and Regulations
Federally mandated education criteria ............... 3367

STATE BOARD OF VETERINARY MEDICINE
Rules and Regulations
Certified veterinary technician specialists .......... 3365

STATE SYSTEM OF HIGHER EDUCATION
Notices
Request for proposal ................................... 3507

TREASURY DEPARTMENT
Undclaimed property owners .............................. 3511
READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

Citation to the Pennsylvania Bulletin


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.


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.
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 2007.

1 Pa. Code (General Provisions)
Proposed Rules
301 .............................................. 1220
303 .............................................. 1220
305 .............................................. 1220
307 .............................................. 1220
309 .............................................. 1220
311 .............................................. 1220
311a ............................................. 1220
313 .............................................. 1220
315 .............................................. 1220

4 Pa. Code (Administration)
Adopted Rules
7 ................................................ 3362

Statements of Policy
9 ................................................ 27, 953, 1870, 3438

7 Pa. Code (Agriculture)
Adopted Rules
130e ............................................. 194

Proposed Rules
11 .................................................. 951
21 .................................................. 672
23 .................................................. 672
25 .................................................. 672
27 .................................................. 672
95 .................................................. 951
123 ................................................ 951
125 ................................................ 951
128a ............................................. 951
139 ............................................... 2823

10 Pa. Code (Banks and Banking)
Proposed Rules
46 .................................................. 3416

12 Pa. Code (Commerce, Trade and Local Government)
Adopted Rules
145 ............................................... 1840

22 Pa. Code (Education)
Adopted Rules
49 ............................................... 209

Proposed Rules
201 .............................................. 3423
211 .............................................. 3423
213 .............................................. 3423
215 .............................................. 3423

Proposed Rules
14 ................................................. 2961

25 Pa. Code (Environmental Protection)
Adopted Rules
93 .................................................. 11
121 .............................................. 2365
123 .............................................. 883
126 .............................................. 209
127 .............................................. 2365
803 .............................................. 774
804 ............................................... 774
805 ............................................... 774
806 ............................................... 774
807 ............................................... 774
808 ............................................... 774

Proposed Rules
93 ................................................ 2190
121 .............................................. 2063
127 .............................................. 1317
129 .............................................. 2063
145 .............................................. 2063
260a ............................................ 3249
261a ............................................ 3249
262a ............................................ 3249
263a ............................................ 3249
264a ............................................ 3249
265a ............................................ 3249
266a ............................................ 3249
266b ............................................ 3249
267a ............................................ 3249
269a ............................................ 3249
270a ............................................ 3249
901 ............................................ 785, 3098

Statements of Policy
83 ............................................... 2609

28 Pa. Code (Health and Safety)
Statements of Policy
931 ............................................... 953

31 Pa. Code (Insurance)
Adopted Rules
84a ............................................... 1125

Proposed Rules
133 ............................................... 1229

34 Pa. Code (Labor and Industry)
Adopted Rules
123 ............................................... 2804

Statements of Policy
123 ............................................... 317

37 Pa. Code (Law)
Adopted Rules
801 .............................................. 2511
802 .............................................. 2511

Proposed Rules
97 ................................................ 786

Statements of Policy
200 .............................................. 1651, 2517
411 .............................................. 1651

40 Pa. Code (Liquor)
Adopted Rules
5 .................................................. 16
11 .................................................. 16
13 .................................................. 16
17 .................................................. 16
### Proposed Rules

<table>
<thead>
<tr>
<th>Code</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>34</td>
<td>3418</td>
</tr>
<tr>
<td>35</td>
<td>3418</td>
</tr>
<tr>
<td>36</td>
<td>3418</td>
</tr>
<tr>
<td>37</td>
<td>3418</td>
</tr>
<tr>
<td>38</td>
<td>3418</td>
</tr>
<tr>
<td>39</td>
<td>3418</td>
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<td>40</td>
<td>3418</td>
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<tr>
<td>41</td>
<td>3418</td>
</tr>
<tr>
<td>42</td>
<td>3418</td>
</tr>
<tr>
<td>43</td>
<td>3418</td>
</tr>
</tbody>
</table>

### 49 Pa. Code (Professional and Vocational Standards)

#### Adopted Rules

<table>
<thead>
<tr>
<th>Code</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>1867, 1868</td>
</tr>
<tr>
<td>21</td>
<td>1035, 1980</td>
</tr>
<tr>
<td>27</td>
<td>1036</td>
</tr>
<tr>
<td>31</td>
<td>1038</td>
</tr>
<tr>
<td>35</td>
<td>1499</td>
</tr>
<tr>
<td>39</td>
<td>1494</td>
</tr>
</tbody>
</table>

### Proposed Rules

<table>
<thead>
<tr>
<th>Code</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>33b (correction)</td>
<td>2098</td>
</tr>
</tbody>
</table>

### Statements of Policy

<table>
<thead>
<tr>
<th>Code</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>43b</td>
<td>6678</td>
</tr>
</tbody>
</table>

### 52 Pa. Code (Public Utilities)

#### Proposed Rules

<table>
<thead>
<tr>
<th>Code</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>64</td>
<td>1032</td>
</tr>
</tbody>
</table>

#### Unclassified

<table>
<thead>
<tr>
<th>Code</th>
<th>Rules</th>
</tr>
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<tbody>
<tr>
<td>1126</td>
<td>2098</td>
</tr>
</tbody>
</table>

### Statements of Policy

<table>
<thead>
<tr>
<th>Code</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>69</td>
<td>1335</td>
</tr>
</tbody>
</table>

### 55 Pa. Code (Public Welfare)

#### Adopted Rules

<table>
<thead>
<tr>
<th>Code</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>140</td>
<td>2180</td>
</tr>
<tr>
<td>1249</td>
<td>2185</td>
</tr>
</tbody>
</table>

#### Proposed Rules

<table>
<thead>
<tr>
<th>Code</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>1150</td>
<td>1865</td>
</tr>
<tr>
<td>1243</td>
<td>1865</td>
</tr>
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</table>

### Statements of Policy

<table>
<thead>
<tr>
<th>Code</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>175</td>
<td>1043, 1046</td>
</tr>
<tr>
<td>1101</td>
<td>1880</td>
</tr>
<tr>
<td>1249</td>
<td>2215</td>
</tr>
<tr>
<td>4300</td>
<td>2979</td>
</tr>
</tbody>
</table>

### 58 Pa. Code (Recreation)

#### Adopted Rules

<table>
<thead>
<tr>
<th>Code</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>131</td>
<td>2947</td>
</tr>
<tr>
<td>135</td>
<td>1309</td>
</tr>
<tr>
<td>137</td>
<td>1310, 2948</td>
</tr>
<tr>
<td>139</td>
<td>2949</td>
</tr>
<tr>
<td>141</td>
<td>2955, 2956, 2957, 2958</td>
</tr>
<tr>
<td>147</td>
<td>1310, 1311, 1312, 2959</td>
</tr>
</tbody>
</table>

### Proposed Rules

<table>
<thead>
<tr>
<th>Code</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>401</td>
<td>2808</td>
</tr>
<tr>
<td>401a</td>
<td>2808</td>
</tr>
<tr>
<td>403</td>
<td>2808</td>
</tr>
<tr>
<td>403a</td>
<td>2808</td>
</tr>
<tr>
<td>405</td>
<td>2808</td>
</tr>
<tr>
<td>405a</td>
<td>2808</td>
</tr>
<tr>
<td>407</td>
<td>2808</td>
</tr>
</tbody>
</table>

### Statements of Policy

<table>
<thead>
<tr>
<th>Code</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>436a</td>
<td>2099</td>
</tr>
<tr>
<td>436b</td>
<td>2099</td>
</tr>
</tbody>
</table>

### Temporary Rules

<table>
<thead>
<tr>
<th>Code</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>1841, 1968</td>
</tr>
<tr>
<td>405</td>
<td>1313, 1968</td>
</tr>
<tr>
<td>421</td>
<td>1970</td>
</tr>
<tr>
<td>423</td>
<td>1968, 1970</td>
</tr>
<tr>
<td>425</td>
<td>21</td>
</tr>
<tr>
<td>427</td>
<td>1970</td>
</tr>
<tr>
<td>429</td>
<td>1862</td>
</tr>
<tr>
<td>431</td>
<td>1970</td>
</tr>
<tr>
<td>433</td>
<td>1841, 2292</td>
</tr>
<tr>
<td>435</td>
<td>1841</td>
</tr>
<tr>
<td>437</td>
<td>1841</td>
</tr>
<tr>
<td>440</td>
<td>2292</td>
</tr>
<tr>
<td>441</td>
<td>1841, 2296</td>
</tr>
<tr>
<td>443</td>
<td>1841</td>
</tr>
<tr>
<td>Code</td>
<td>Rules</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>1001</td>
<td>3410</td>
</tr>
<tr>
<td>Proposed Rules</td>
<td>1028</td>
</tr>
<tr>
<td>Statements of Policy</td>
<td>1048</td>
</tr>
<tr>
<td>75</td>
<td>1487</td>
</tr>
<tr>
<td>173</td>
<td>3242</td>
</tr>
<tr>
<td>457</td>
<td>1650</td>
</tr>
<tr>
<td>201 Pa. Code (Judicial Administration)</td>
<td>Adopted Rules</td>
</tr>
<tr>
<td>5</td>
<td>2491</td>
</tr>
<tr>
<td>19</td>
<td>929</td>
</tr>
<tr>
<td>71</td>
<td>.311, 3212</td>
</tr>
<tr>
<td>81</td>
<td>3212</td>
</tr>
<tr>
<td>83</td>
<td>1959, 3218</td>
</tr>
<tr>
<td>Proposed Rules</td>
<td>394</td>
</tr>
<tr>
<td>83</td>
<td>394, 520, 2602</td>
</tr>
<tr>
<td>207 Pa. Code (Judicial Conduct)</td>
<td>Adopted Rules</td>
</tr>
<tr>
<td>1</td>
<td>752</td>
</tr>
<tr>
<td>3</td>
<td>752</td>
</tr>
<tr>
<td>117</td>
<td>1025, 1839</td>
</tr>
<tr>
<td>1</td>
<td>521</td>
</tr>
<tr>
<td>3</td>
<td>521</td>
</tr>
<tr>
<td>9</td>
<td>521, 2492</td>
</tr>
<tr>
<td>13</td>
<td>3222</td>
</tr>
<tr>
<td>15</td>
<td>2492</td>
</tr>
<tr>
<td>19</td>
<td>2405, 2408</td>
</tr>
<tr>
<td>21</td>
<td>2409, 3222</td>
</tr>
<tr>
<td>225 Pa. Code (Rules of Evidence)</td>
<td>ART. I</td>
</tr>
<tr>
<td>Adopted Rules</td>
<td>2492</td>
</tr>
<tr>
<td>Proposed Rules</td>
<td>ART. IV</td>
</tr>
<tr>
<td>3223</td>
<td>669</td>
</tr>
<tr>
<td>200</td>
<td>.312, 3095</td>
</tr>
<tr>
<td>400</td>
<td>1480</td>
</tr>
<tr>
<td>1000</td>
<td>.1411, 1480, 3225</td>
</tr>
<tr>
<td>1700</td>
<td>1480</td>
</tr>
<tr>
<td>1900</td>
<td>.929</td>
</tr>
<tr>
<td>1910</td>
<td>.522, 2800</td>
</tr>
<tr>
<td>1915</td>
<td>.2602</td>
</tr>
<tr>
<td>1920</td>
<td>1959</td>
</tr>
<tr>
<td>2200</td>
<td>.1480</td>
</tr>
<tr>
<td>3000</td>
<td>.939, 1411</td>
</tr>
<tr>
<td>4000</td>
<td>.2178</td>
</tr>
<tr>
<td>Part II</td>
<td>1759, 2575</td>
</tr>
<tr>
<td>Proposed Rules</td>
<td>1640, 2930</td>
</tr>
<tr>
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Whereas, many Commonwealth agencies, boards and commissions require the use of automotive equipment and services in order to perform their designated functions; and

Whereas, sound business practices dictate that Pennsylvania state government must respond to the public's changing demands for essential services with an evolving combination of owned and leased resources and an emphasis on continuous improvement; and

Whereas, the development of an enterprise-wide strategy for the optimal deployment of automotive resources necessitates a certain measure of central review and oversight; and

Whereas, under Section 2407 of The Administrative Code of 1929, 71 P. S. Section 637, the Department of General Services is authorized to assume responsibility for the maintenance and operation of all automobiles owned by the Commonwealth, except those of the Department of Transportation; and

Whereas, under Section 709 of the Administrative Code of 1929, 71 P. S. Section 249, the Executive Board is authorized to determine the number and types of automobiles to be procured by the Department of General Services for use by Commonwealth agencies and to promulgate regulations concerning the use of Commonwealth automobiles by State officers and employees; and

Whereas, the Executive Board and the Department of General Services have both promulgated regulations concerning the use of Commonwealth automobiles by State officers and employees (4 Pa. Code Section 39.1 et seq. and Section 73.1 et seq.)


Governor

Fiscal Note: GOV 07-6. No fiscal impact; (8) recommends adoption.

The goal of the Commonwealth Automotive Fleet Efficiency Initiative is to establish policies and practices governing the procurement, deployment and operations of Commonwealth automotive resources that will enable agencies, boards and commissions to successfully complete their assigned duties at the lowest reasonable cost.

§ 7.552. Policy.

The Department of General Services (DGS) will provide central management, control, and oversight of all Commonwealth automotive resources, except those purchased for the Department of Transportation using moneys from the Motor License Fund in accordance with the Constitution of the Commonwealth and section 2407 of The Administrative Code of 1929 (71 P. S. § 637).

§ 7.553. Responsibilities.

(a) The Department of General Services will:

1. Provide agencies, boards and commissions, through a combination of owned and leased resources, with access to the automotive equipment they require to carry out their assigned duties.

2. Hold regular meetings with agency, board and commission automotive officers to identify and disseminate best practices.

3. Review agency, board and commission fleet deployments, rotation plans, expenditures and policies to ensure that services are provided in a manner consistent with the goals of the Commonwealth Automotive Fleet Efficiency Initiative (Initiative) and the Pennsylvania Management and Productivity Improvement Initiative.

4. Immediately revise and reissue policies governing the Commonwealth automotive fleet through the Directives Management System on subjects including, but not limited to, overall fleet size, vehicle assignment criteria, appropriate use of automotive resources, and repair and maintenance of fleet equipment.

5. Review all agency, board and commission automobile assignments to determine whether removal or reassignment, or both, is appropriate. The Secretary of General Services will have sole responsibility and authority to remove or reassign, or both, any vehicle that is not needed or not being used efficiently.

(b) Agencies, boards and commissions will:

1. Provide data upon request to DGS and the Governor’s Office of Management and Productivity in support of their efforts to advance the Initiative.

2. Monitor, at regular intervals, vehicle assignments and utilization patterns, fuel card activity and reimbursements made to employees for miles traveled in personal vehicles to ensure that Commonwealth resources are being deployed in the most cost-effective manner.

3. Share expertise and resources with other agencies, boards and commissions through meetings of automotive officers and other appropriate means.

4. Reduce lifecycle costs by developing rotation plans for low-mileage vehicles. When applicable, the Bureau of Vehicle Management will work with agencies leasing DGS vehicles in preparing these plans.
§ 7.554. Scope.

Officers and employees of all administrative departments, boards and commissions under the Governor's jurisdiction shall cooperate fully in implementing this subchapter.

§ 7.555. Effective date.

This subchapter takes effect immediately and rescinds Executive Order 1991-3, dated February 27, 1991.

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF VETERINARY MEDICINE [49 PA. CODE CH. 31]

Certified Veterinary Technician Specialists

The State Board of Veterinary Medicine (Board) amends §§ 31.1 and 31.38 (relating to definitions; and code of ethics for certified veterinary technicians) to read as set forth in Annex A. The final-form rulemaking defines a veterinary technician specialist (VTS) as a certified veterinary technician (CVT) who holds current certification from a specialty organization recognized by the National Association of Veterinary Technicians in America (NAVTA). In addition, the final-form rulemaking prohibits a CVT from making false, deceptive or misleading statements or claims, including representation that the CVT is a specialist or a VTS unless appropriately qualified.

Effective Date

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

Statutory Authority

Section 11 of the Veterinary Medicine Practice Act (63 P. S. § 485.11) authorizes the Board “to promulgate by regulation the qualifications and requirements for the certification and regulation of veterinary technicians... to provide for disciplinary action and... to prescribe the grounds for such action.” This final-form rulemaking regulates the qualifications and conduct of veterinary technicians and, through § 31.39(1) (relating to grounds for disciplinary proceedings), provides for disciplinary action against a CVT for violations of these regulations.

Background and Purpose of the Final-Form Rulemaking

Over the past several years, it has become increasingly common for CVTs to obtain specialized education and training in a specialty area beyond the minimum education required for certification. In addition, it has become increasingly common for CVTs to hold themselves out to the public and coworkers as specialists. This final-form rulemaking is intended to protect the public from being mislead by CVTs who hold themselves out as specialists unless they have been granted specialist status by a National accrediting body that ensures the competence of the CVT in a particular area.

Summary of Comments and the Board’s Response

Notice of proposed rulemaking was published at 36 Pa.B. 1240 (March 18, 2006). The Board received one public comment submitted jointly by the Pennsylvania Veterinary Medical Association and the Veterinary Technicians and Assistants Association of Pennsylvania, which indicated that both of these organizations fully supported the rulemaking.

The House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) provided comments as part of their review of the proposed rulemaking. Both the HPLC and IRRC asked for specific information regarding what acts other than representing oneself as a specialist would qualify as making a false, deceptive or misleading statement or claim. In response to this question, the Board has added a cross-reference to Principle 5(a) of § 31.21 (relating to Rules of Professional Conduct for Veterinarians), which contains a definition of “false, deceptive or misleading statement or claim.”

The HPLC asked for detailed information regarding the Board’s statement that this final-form rulemaking was a necessary precursor to another proposed rulemaking. The Board is in the process of drafting proposed rulemaking regarding dental practice on animals. Veterinary dentistry is one of the three veterinary technician specialties currently recognized by NAVTA. The Board intends to propose a broader scope of practice for a VTS who is a specialist in dentistry. Therefore, this final-form rulemaking is necessary to make it clear that the broader scope of practice would apply only to CVTs who have been granted certification by the Academy of Veterinary Dental Technicians.

IRRC also noted that the Board did not define the term “veterinary technician specialist” or “VTS.” In the final-form rulemaking, the Board has added a definition of “VTS—veterinary technician specialist” to § 31.1.

Description of the Amendments

Section 31.1 has been amended by adding a definition of “VTS—veterinary technician specialist” as a certified veterinary technician who holds current certification from a specialty organization recognized by the National Association of Veterinary Technicians in America (NAVTA).”

Section 31.38 has been amended to prohibit a CVT from making a false, deceptive or misleading statement or claim. Amendments to the final-form rulemaking clarify that a false, deceptive or misleading statement or claim includes those items identified in Principle 5(a) of § 31.21, as well as any representation that the CVT is a specialist or a VTS, unless the CVT holds a current certification from a specialty organization recognized by NAVTA.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking should not have financial impact on licensees or other State entities. The final-form rulemaking will have no fiscal impact on the public. The final-form rulemaking may have a small fiscal impact on the Board regarding additional disciplinary matters if technicians violate a regulation. There are no additional paperwork requirements associated with the final-form rulemaking.

Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 8, 2006, the Board submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 1240, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on May 23, 2007, the final-form rulemaking was approved by the HPLC. On June 6, 2007, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 7, 2007, and approved the final-form rulemaking.

Findings
The Board finds that:

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

2) A public comment period was provided as required by law and all comments were considered.

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

Order
The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by amending §§ 31.1 and 31.38 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board 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.

THOMAS J. MCGRATH, D.V.M.,
Chairperson

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 2909 (June 23, 2007).)

Fiscal Note: Fiscal Note 16A-5716 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE
GENERAL PROVISIONS
§ 31.1. Definitions.
The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

PENNSYLVANIA BULLETIN, VOL. 37, NO. 29, JULY 21, 2007
Professional veterinary product—One which requires professional veterinary knowledge in the administration of or in the giving of instructions for safe and proper use of the product, including prescription drugs, biologicals, pharmaceuticals and prescription diets.

Solicitation—Advertising intentionally directed to specific individuals.

VTS—Veterinary technician specialist—A certified veterinary technician who holds current certification from a specialty organization recognized by the National Association of Veterinary Technicians in America (NAVTA).

Veterinarian—A licensed doctor of veterinary medicine as defined in section 3 of the act (63 P. S. § 485.3).

VETERINARY TECHNICIANS AND NONCERTIFIED EMPLOYEES

§ 31.38. Code of ethics for certified veterinary technicians.

(a) The certificate of a certified veterinary technician will only be valid for use when the holder is in the employ of or under the supervision of a veterinarian licensed in this Commonwealth.

(b) The holder of a certificate may not accept a direct fee for services rendered as a certified veterinary technician from other than the certificateholders’ employer.

(c) A certified veterinary technician may not compromise the confidentiality of the doctor-client relationship.

(d) A certified veterinary technician who deals or communicates directly with a client shall explain to the client that the certified veterinary technician is not a veterinarian.

(e) A certified veterinary technician shall be responsible to the client and to the veterinarian in the following respects:

1. To undertake only what the veterinarian authorizes or directs.

2. To perform the veterinary technician’s work only in the manner directed by the veterinarian and to employ the veterinary technician’s best care and skill in performing all work for the veterinarian. The veterinary technician may not undertake any work which the veterinary technician is not capable of performing satisfactorily.

(f) A certified veterinary technician may not undertake an assignment that the certificateholder is not capable of performing.

(g) A certified veterinary technician may not make a false, deceptive or misleading statement or claim. A false, deceptive or misleading statement or claim includes the statements and claims defined in Principle 5(a) of § 31.21 (relating to Rules of Professional Conduct for Veterinarians) and any representation that the certified veterinary technician is a specialist, or a VTS, unless the certified veterinary technician holds current certification from a specialty organization recognized by the National Association of Veterinary Technicians in America.

STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

[49 PA. CODE CH. 36]

Federally Mandated Education Criteria

The State Board of Certified Real Estate Appraisers (Board) amends Chapter 36 to read as set forth in Annex A.

The final-form rulemaking constitutes a general updating and revision of the Board’s regulations. Specifically, the final-form rulemaking implements new Federally-mandated education and experience criteria for the initial certification of residential real estate appraisers and general real estate appraisers that will take effect in January 2008; amends current Board requirements to conform to existing Federal criteria regarding distance education, continuing education and appraisal teaching experience; clarifies the manner in which applicants for certification as residential and general appraisers may obtain qualifying experience in the preparation of appraisal reports; clarifies the duties of residential and general appraisers when supervising the activities of appraisal assistants; upgrades the continuing education requirement for certified Pennsylvania evaluators (CPE); and makes editorial and organizational changes to the regulations to improve clarity and comprehension.

Statutory Authority

The final-form rulemaking is authorized under sections 5(2), 6(f) and 10(b) of the Real Estate Appraisers Certification Act (REACA) (63 P. S. §§ 457.5(2), 457.6(f) and 457.10(b)) and sections 3, 4(d) and 12 of the Assessors Certification Act (ACA) (63 P. S. §§ 458.3, 458.4(d) and 458.12).

Summary of Comments and Responses to Proposed Rulemaking

The Board published a proposed rulemaking at 36 Pa.B., 2530 (May 27, 2006) with a 30-day public comment period. The Board received comments from the Appraisal Subcommittee (ASC), a Federal agency charged with overseeing the activities of state appraiser regulatory bodies and the Pennsylvania Association of Realtors (PAR).

The Board received comments from the Independent Regulatory Review Commission (IRRC) and the House Professional Licensure Committee (HPLC) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.15). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) as part of its review of proposed rulemaking under the Regulatory Review Act.

Federal Oversight

As noted in the preamble of the proposed rulemaking, the Board is required under the RECA to comply with the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) (Pub. L. No. 101-73, 103 Stat. 183), the Federal legislation that established the broad framework by which state appraiser regulatory bodies are to credential appraisers to perform appraisals in Federally-related transactions. The nonprofit Appraisal Foundation, through its Appraiser Qualifications Board (AQB) and the Appraisal Standards Board (ASB), is charged under the FIRREA with establishing the minimum initial education, continuing education, examination and experience requirements for state-credentialed ap-
praisers and establishing the minimum practice standards, known as the Uniform Standards of Professional Appraisal Practice (USPAP), for use by state-credentialed appraisers. The ASC, an arm of the Federal Financial Institutions Examination Council, is charged under the FIRREA with overseeing the activities of states and the Appraisal Foundation in carrying out the requirements of the FIRREA.

The HPLC asked the Board to explain the process by which the ASC and states ensure compliance with the FIRREA and to describe the nature of the ASC's contacts with the Board with respect to the rulemaking.

The Board receives regular notifications from the AQB and the ASB about proposed and finalized changes in appraiser qualifications and practice standards, respectively. The ASC monitors the activities of states through periodic onsite field reviews of state appraiser regulatory programs and maintaining frequent communications with state appraiser regulatory agencies. Until September 2005, each state appraiser regulatory program was reviewed by the ASC at least once every 3 years; the new review cycle is every 2 years. The ASC promulgated a series of policy statements that establish the framework by which the ASC evaluates a state appraiser regulatory program for compliance with the FIRREA. The policy statements cover the areas of state regulatory structure and independence of functions, appraiser classifications, appraisal standards, written appraisal reports, temporary practice, reciprocity, prohibition against discrimination, National registry of state certified and licensed appraisers, information sharing and enforcement.

In preparing for a field review, the ASC staff obtains from the state appraiser regulatory agency copies of all current laws, regulations and policies, minutes of agency meetings, a log of all complaints received, a listing of approved education courses and other information relevant to the administration of the state appraiser regulatory program. The field review is conducted over a period of 2 or 3 days, usually in conjunction with a meeting of the state appraiser regulatory agency and evaluates every aspect of the state appraiser regulatory program, with special emphasis being given to enforcement activities. The ASC staff reports its findings and recommendations to the ASC, which, in turn, issues a field review letter to the state appraiser regulatory agency. The ASC's field review letter identifies those aspects of the state appraiser regulatory program that require improvement for the state to maintain compliance with the requirements of the FIRREA and invites the state appraiser regulatory agency to submit its responsive comments.

In its 2000 and 2003 field reviews, the ASC recommended that the Board amend its regulations for consistency with AQB criteria, specifically with regard to distance education and appraisal teaching experience. In January 2004, the ASC reviewed an exposure draft of the recommended revisions that were included as part of a general updating of the Board's regulations. The Board subsequently decided to expand its rulemaking to include the significant changes in AQB criteria that were approved in February 2004 and will take effect on January 1, 2008. On June 19, 2006, the ASC submitted comments on the proposed rulemaking as a follow-up to its field review on June 7 and 8, 2006.

§ 36.2—Compliance with new requirements

The proposed rulemaking restated in § 36.2(e) (relating to application process) the existing rule that an applicant for initial certification as a residential or general appraiser is required to comply with increased education or experience requirements that take effect between the applicant's filing of an application for initial certification and the applicant's passing the certification examination. The proposed rulemaking further provided that an exception to this rule is in §§ 36.11 and 36.12 (relating to qualifications for certification as residential real estate appraiser; and qualifications for certification as general real estate appraiser), which prescribe the education and experience requirements for initial certification as a residential appraiser and general appraiser, respectively.

The HPLC asked whether § 36.2(e) is mandated by the ASC. IRRC questioned the reasonableness of requiring an applicant to complete additional requirements after the applicant has already paid a fee to the Board and has been approved to sit for the certification examination. As stated in the preamble of the proposed rulemaking, when it last amended § 36.2 in 1994, the Board was acting on the ASC's instructions that an applicant for initial certification must meet the AQB's education and experience requirements that are in effect at the time of certification. See 24 Pa.B. 6298 (December 17, 1994). The exception to that rule adopted by the Board is permitted under the AQB's current qualifications criteria.

IRRC also asked what action the Board would take if an approved applicant could not complete increased education or experience requirements within the 1-year approval period to take the certification examination. Under § 36.2(c), an approved application is deemed withdrawn if the applicant does not complete the examination within 1 year. The Board would require the applicant to submit a new application, showing completion of the increased requirements. Section 6(d) and (e) of the REACA requires an applicant for initial certification as a residential or general appraiser to satisfy education and experience requirements before being admitted to the certification examination.

IRRC also questioned the need for § 36.2(e) given that §§ 36.11 and 36.12 prescribe the education and experience requirements for initial certification. The subsection is needed because it makes clear that the filing of an application, even one that is approved by the Board, does not necessarily relieve the applicant of having to comply with new requirements that take effect prior to the applicant's initial certification.

§ 36.11(b)(4), 36.12(b)(4), 36.43, 36.224 and 36.263—Distance education

Sections 36.11(b)(4) and 36.12(b)(4) and § 36.224 (relating to distance education courses) prescribe the distance education requirements regarding initial certification for a residential appraiser, general appraiser and CPE, respectively. Sections 36.43 and 36.263 (relating to distance education) prescribe the distance education requirements regarding continuing education for a residential and general appraiser and a CPE, respectively.
The PAR noted that the distance education requirements for continuing education mandate, in most instances, that a proctored written examination be administered to the participant. The PAR commented that while a proctored written examination is appropriate for distance education courses that are utilized to satisfy initial education requirements because of the need to verify mastery of knowledge and skills required for initial certification, an examination requirement is less useful for distance education courses that are utilized for continuing education purposes because it defeats the important benefits of convenience and flexibility that help practitioners maintain current competency. The PAR further commented that many on-line continuing education courses are designed with an on-line examination function that measures mastery of the course material. IRRC's comments reiterated the concerns expressed by the PAR.

The Board agrees with the PAR and IRRC that a proctored written examination is not necessary for a distance education course offered for continuing education purposes. The Board's current regulations do not require an examination for continuing education courses that are offered in a non-distance education format. Moreover, AQB distance education criteria regarding continuing education courses stipulate that as an alternative to having the participant successfully complete a proctored written examination, it is acceptable if the participant "successfully completes the course mechanisms required for [course] accreditation that evidence the [participant's] mastery and fluency of the course content." The final-form rulemaking incorporates this language into §§ 36.43 and 36.263.

IRRC also asked whether "on-line" courses are acceptable as distance education under the Board's regulations. The definition of "distance education" in § 36.1 (relating to definitions), which is based on AQB criteria, specifically refers to "on-line learning." Accordingly, on-line courses may be accepted as distance education if they satisfy the distance education requirements in §§ 36.11(b)(4), 36.12(b)(4), 36.43, 36.224 and 36.263.

The proposed rulemaking contained references to the International Distance Education Certification Center (IDECC) in §§ 36.11(b)(4), 36.12(b)(4), 36.43, 36.224 and 36.263. IDECC approval of course design and delivery mechanism is required for distance education providers that operate accredited colleges or universities and whose course offerings do not involve the presentation of the course to an organized group in an instructional setting with a qualified person available to answer questions, provide information and monitor attendance.

The HPLC requested that the Board provide additional information about the IDECC. The IDECC is a nonprofit organization comprised of education and regulatory specialists from the United States and Canada which was formed in 2000 as a subsidiary of the Association of Real Estate License Law Officials. The IDECC's initial purpose was to develop standards for certifying the delivery systems of distance education courses used in the field of real estate. The IDECC evaluates matters as verifying the identity of participants, verifying the hours completed by participants and monitoring the appropriate levels of interactivity within the course. In recent years, the IDECC's services have been used by regulators in other occupations that authorize distance education, such as insurance and real estate appraising. AQB criteria mandate that state appraiser regulatory agencies require IDECC approval.

The PAR and IRRC questioned whether IDECC approval applies to a distance education course that is offered by a "secondary provider," that is, a provider that obtains the right to offer a course from a course developer, or "primary provider," that previously received IDECC approval as to course design and delivery mechanism. The ASC advised the Board that, under AQB criteria, IDECC approval is required of the actual course provider, regardless of whether the course provider acquired the course from another provider with IDECC approval.

Consistent with the suggestion of the HPLC and IRRC, the final-form rulemaking includes a definition of "IDECC" in § 36.1 so that the organization can be referenced elsewhere in the regulations by its abbreviation rather than by its full name.

IRRC asked whether the Board maintains a list of approved providers of distance education courses. The Board's website contains a list of approved course providers and their courses; distance education courses are specifically such. The Board updates the list regularly. §§ 36.11(c) and 36.12(c)—Documentation of appraisal education

Sections 36.11(c) and 36.12(c) contain the appraisal subjects that must be covered for initial certification as a residential appraiser and general appraiser, respectively. The regulations provide that an applicant for certification "shall demonstrate" that classroom hours covered the required subject matter. IRRC recommended that the Board amend the regulations to state the manner in which an applicant is expected to "demonstrate" compliance. The Board does not believe this amendment is necessary. The Board's application forms for initial residential and general appraiser certification set forth with specificity the manner in which an applicant must document education and experience qualifications required for certification.

§§ 36.11(b)(5) and 36.12(b)(5)—Challenge examinations

The proposed rulemaking made editorial amendments, recodified in §§ 36.11(b)(5) and 36.12(b)(5), that permit an applicant for initial certification as a residential appraiser and general appraiser, respectively, to gain credit towards the appraisal education requirement through successful completion of a "challenge examination" administered by a course provider instead of attending a course. The provisions apply only to credit awarded by a course provider prior to January 1, 1990, and the Board must be satisfied with the quality of the challenge examination that was administered by the course provider.

The HPLC commented that "challenge examination" is used as "a term of art" in the regulations and needs to be defined. The Board does not believe a definition is necessary. The AQB, which adopted the challenge examination standard on which the Board's regulations are based, did not consider it necessary to define the term. The Board believes the essential meaning of "challenge examination" is conveyed by the regulations' reference to the fact that the examination is administered to an individual who is excused from attending the course if he receives a passing grade.

§§ 36.11(b)(2) and 36.12(b)(2)—Teaching credit

Sections 36.11(b)(2) and 36.12(b)(2) provide that an applicant for initial certification as a residential appraiser and general appraiser, respectively, may count experience teaching appraisal courses towards the appraisal educa-
tion requirement. The proposed rulemaking deleted language permitting teaching experience to count towards the appraisal experience requirement for initial certification, but retained language stating that "[a] teacher requesting credit for the classroom hour requirement may not request credit for experience." AQB criteria permit teachers of appraisal courses to apply their teaching experience towards the appraisal education requirement but not the appraisal experience requirement.

The ASC and IRRC recommended that §§ 36.11(b)(2) and 36.12(b)(2) be amended to delete the previously-quoted language to eliminate any potential confusion as to whether teaching experience may be counted towards the appraisal experience requirement. The final-form rulemaking incorporates this recommendation.

§§ 36.11(d) and 36.12(d)—Postsecondary education

The proposed rulemaking set forth postsecondary education requirements in §§ 36.11(d) and 36.12(d) for initial certification as a residential appraiser and general appraiser, respectively, effective January 1, 2008. Section 36.11(d) provides that an applicant for initial certification as a residential appraiser must either possess an associate's degree or have completed 21 semester credits in prescribed college-level subjects, while § 36.12(d) provides that a candidate for certification as a general appraiser must either possess a bachelor's degree or have completed 30 semester credits in prescribed college-level subjects.

The HPLC asked the Board for an explanation of the different postsecondary education requirements for residential and general appraisers and whether the Board was adding these requirements at the request of the ASC. The postsecondary education requirements for appraisers were developed by the AQB under its authority under the FIRREA to establish qualifications for appraisers in Federally-related transactions. Section 6(f) of the REACA requires the Board to impose the minimum education and experience requirements imposed under the FIRREA for residential and general appraisers. The ASC would consider the Board to be noncompliant with its obligations under the FIRREA if it failed to implement the AQB's postsecondary education requirements for appraiser candidates. According to AQB literature, the decision to establish a postsecondary education requirement, in addition to the upgraded classroom hour requirement in appraisal subjects, was based on years of research and meetings with state and Federal regulators, appraisal organizations, academicians, users of appraisal services and the general public. It is likely that the AQB determined that initial certification as a general appraiser required a higher level of postsecondary education than initial certification as a residential appraiser because a general appraiser's scope of authority allows for more complex appraisal assignments than a residential appraiser's scope of authority.

§§ 36.11(e), 36.12(e) and 36.13—Experience requirements

The proposed rulemaking set forth amended appraisal experience requirements in §§ 36.11(e) and 36.12(e) for certification as a residential appraiser and general appraiser, respectively. Sections 36.11(e)(1) and 36.12(e)(1) provide that experience acquired after January 1, 1991, must be in the preparation of appraisal reports. IRRC suggested that, for purposes of clarity, the language be amended to state the minimum number of hours that must be spent in the preparation of appraisal reports rather than expressing the requirement as a percentage of the total hours of experience acquired. The final-form rulemaking incorporates IRRC's recommendation by providing that an applicant for residential appraiser certification must have acquired at least 1,250 hours in the preparation of appraisal reports, while an applicant for general appraiser certification must have acquired at least 1,500 hours in the preparation of appraisal reports.

The proposed rulemaking further provided in §§ 36.11(e)(2) and 36.12(e)(2) that all experience acquired after January 1, 1991, must comply with USPAP. The ASC recommended that the Board amend this language to provide that experience must be acquired after January 30, 1989, and must be USPAP-compliant. The Board notes that the ASC's recommendation is based on new AQB experience criteria that take effect January 1, 2008. The current AQB criteria do not prescribe a time limit during which experience must be acquired and only requires experience acquired after January 1, 1991, to be USPAP-compliant. To ensure that the Board's regulations conform to new AQB criteria, the final-form rulemaking includes language providing that effective January 1, 2008, all experience must be acquired after January 30, 1989, and must comply with USPAP. IRRC inquired whether the Board had considered the new experience standard when it drafted the proposed rulemaking. The Board inadvertently overlooked the matter during the proposed rulemaking.

Section 36.13 (relating to experience options for preparation of appraisal reports) sets forth the standards by which the Board evaluates experience acquired in the preparation of appraisal reports. The PAR commented that the proposed rulemaking retained an incorrect citation to the Real Estate Licensing and Registration Act (63 P.S. §§ 455.101—455.902). The citation has been corrected in this final-form rulemaking.

§ 36.51—Compliance with USPAP

Section 36.51 (relating to compliance with USPAP) provides that an appraiser who violates a provision of USPAP "may be subject to disciplinary action" under the REACA. The HPLC recommended that the language be amended to provide that a violation of USPAP "shall" subject the violator to disciplinary action under the REACA. The final-form rulemaking incorporates this amendment.

§ 36.54—Appraisal assistant

Section 36.54 (relating to supervision of appraisal assistant) prescribes the duties of a residential or general appraiser who utilizes the services of an appraisal assistant.

Section 36.54(1) requires an appraiser to provide "written notification" to the Board when an appraisal assistant begins work for the appraiser. IRRC asked whether e-mail is an acceptable method of written notification. The Board believes e-mail is an acceptable means of notification under § 36.54(1).

Section 36.54(3)(i) provides that in the case of an assistant who is not already credentialed as a residential appraiser, an appraiser must accompany the assistant during the physical inspection of each property until the appraiser has logged 300 hours of experience or until the assistant has acquired 3,000 hours and 2,500 hours of acceptable appraisal experience, respectively, "at least 50%" of which must be in the preparation of appraisal reports. IRRC suggested that, for purposes of clarity, the language be amended to state the minimum number of hours that must be spent in the preparation of appraisal reports rather than expressing the requirement as a percentage of the total hours of experience acquired. The final-form rulemaking incorporates IRRC's recommendation by providing that an applicant for residential appraiser certification must have acquired at least 1,250 hours in the preparation of appraisal reports, while an applicant for general appraiser certification must have acquired at least 1,500 hours in the preparation of appraisal reports.
AQB for states whose appraiser statutes extend formal recognition to appraiser trainees; an appraiser must accompany a trainee on each property inspection until the appraiser deems the trainee competent under USPAP to perform the inspection unaccompanied.

IRRC questioned why an appraiser should not be required to accompany an assistant on each property inspection until the assistant becomes certified. If an assistant has the necessary proficiency to perform a physical inspection alone, nothing is gained—either in terms of the quality of the assistant’s training or the credibility of the appraisal itself—by requiring an appraiser to accompany the assistant on the inspection. As the Board noted in the preamble of the proposed rulemaking, the current inspection standard forces appraisers to spend much of their time unproductively, making it economically difficult for them to extend apprenticeship opportunities to others who desire to enter the appraising profession.

The PAR and IRRC questioned how the Board determined that 300 hours was the absolute minimum amount of time that an assistant must work before being eligible to perform a property inspection alone. Nothing is gained—either in terms of the quality of the assistant’s training or the credibility of the appraisal itself—by requiring an appraiser to accompany an assistant on inspections during the entire period that the assistant is acquiring his minimum 1,250 hours of experience preparing appraisal reports, and the AQB’s inspection standard for appraiser trainees, which commits the appraiser to accompanying the assistant on inspections until the assistant deems the assistant competent to go it alone, which could be after fewer than 300 hours of experience. The 300-hour minimum requirement serves to lessen the risk that an appraisal assistant will receive inadequate training as a result of a premature judgment by the supervising appraiser that the assistant is competent to perform inspections unaccompanied.

§ 36.91—Reactivation of lapsed certification of appraiser

Under § 36.91 (relating to reactivation of lapsed certification), an appraiser who seeks to reactivate a lapsed certification must, among other things, submit documentation of having completed 28 hours of continuing education, including the required 7-hour National USPAP Update Course and the required 2-hour course on the REACA and Board regulations and policies—as set forth in § 36.41 (relating to continuing education requirement)—within the 2-year period preceding the filing date of the reactivation application. The ASC recommended that the continuing education requirement for reactivating a lapsed certification be amended to conform to AQB criteria, adopted in September 2005, that require a reactivating appraiser to complete continuing education that would have been required if the appraiser had maintained a current certification, including the most recent edition of the 7-hour National USPAP Update Course. The final-form rulemaking includes the language from AQB criteria, with the additional clarification that a reactivating appraiser need complete only the most recent version of the required 2-hour course on the REACA and Board regulations and policies.

The proposed rulemaking further provided that an appraiser who performed activities requiring certification during the period when the certification was lapsed “may be subject to disciplinary action” under the appropriate provisions of the REACA. The HPLC recommended that the language be amended to provide that unauthorized practice by an appraiser with a lapsed certification “shall” subject the violator to disciplinary action under the REACA. The final-form rulemaking incorporates this amendment.

§ 36.261—Continuing education for CPE

This final-form rulemaking amends the 28-hour continuing education requirement for CPEs in § 36.261 (relating to continuing education requirement) to increase the required component on USPAP from 4 hours to 7 hours, effective with the renewal of certification for the biennial renewal period that begins July 1, 2007. The proposed rulemaking mandated that renewing certificateholders must have completed the 7-hour National USPAP Update Course developed by the AQB or an equivalent 7-hour course approved by the AQB, which is the same coursework that residential appraisers, general appraisers and broker/appraisers must complete as a condition of biennial renewal of certification.

The Assessors Association of Pennsylvania (AAP) contacted the Board after the close of the public comment period to confirm its understanding that the rulemaking would permit CPEs to complete a 7-hour USPAP course that is taught by a non-AQB approved instructor using AQB instructional materials. Virtually all CPEs obtain their continuing education through the AAP, which does not currently have an AQB-approved USPAP instructor. The Board does not believe that the AQB will approve a USPAP course unless it has an AQB-approved instructor. The Board considers it sufficient that CPE’s, who, unlike appraisers, are not statutorily subject to AQB requirements, complete their biennial USPAP training using AQB instructional materials. Accordingly, the final-form rulemaking amends USPAP requirement to provide that CPEs must complete either the 7-hour National USPAP Update Course or an equivalent 7-hour course approved by the Board.

§ 36.271—Reactivation of lapsed certification of CPE

Proposed § 36.271 (relating to reactivation of lapsed certification) provided, in part, that a CPE who performed activities requiring certification during the period when certification was lapsed “may be subject to disciplinary action” under the ACA. The HPLC recommended that the language be amended to provide that unauthorized practice by a CPE with a lapsed certification “shall” subject the violator to disciplinary action under the ACA. The final-form rulemaking incorporates this amendment.

Fiscal Impact and Paperwork Requirements

Under the final-form rulemaking, candidates for certification as residential and general appraisers will incur additional costs in meeting the increased education requirements for initial certification that are mandated by the AQB. These costs cannot be quantified. The final-form rulemaking, through its elimination of the requirement that residential and general appraisers must accompany appraisal assistants on all property inspections, will allow appraisers who employ appraisal assistants to use their time more efficiently. The savings to appraisers, and indirectly to users of appraisal services, cannot be quantified. The final-form rulemaking will have no direct fiscal impact on the general public or on the Commonwealth and its political subdivisions.

The final-form rulemaking will require residential and general appraisers to provide written notification to the Board when they employ appraisal assistants and to maintain appraisal assistant checklists for the appraisal reports that the assistants help to prepare. The final-form
rulemaking will not create additional paperwork for the
general public or the Commonwealth and its political
subdivisions.

Effective Date

The final-form rulemaking will be effective upon publi-
cation in the Pennsylvania Bulletin.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71
P. S. § 745.5(a)), on May 17, 2006, the Board submitted a
copy of the notice of proposed rulemaking, published at 36
Pa.B. 2530, to IRRC and the Chairpersons of the HPLC
and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71
P. S. § 745.5a(j.2)), on May 23, 2007, the final-form
rulemaking was approved by the HPLC. On June 6, 2007,
the final-form rulemaking was deemed approved by the
SCP/PLC. Under section 5.1(e) of the Regulatory Review
Act, IRRC met on June 7, 2007, and approved the
final-form rulemaking.

Additional Information

Persons who require additional information about the
final-form rulemaking should submit inquiries to Heidy
Weirich, Administrator, State Board of Certified Real
Estate Appraisers, P. O. Box 2649, Harrisburg, PA 17105-
749, (717) 783-4866, ST-APRAISE@state.pa.us.

Findings

The Board finds that:

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

2. A public comment period was provided as required
by law and all comments were considered.

3. The amendments to the final-form rulemaking do
not enlarge the original purpose of the proposed rule-
making published at 36 Pa.B. 2530.

4. The final-form rulemaking adopted by this order is
necessary and appropriate for the administration of the
REACA and the ACA.

Order

The Board, acting under the REACA and the ACA,
orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter
36, are amended by adding § 36.54, deleting § 36.225
and amending §§ 36.1—36.3, 36.11—36.13, 36.41, 36.43,
36.51, 36.52, 36.91, 36.224, 36.261, 36.263, 36.271 and
36.281 to read as set forth in Annex A, with ellipses
referring to the existing text of the regulations.

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

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

(d) The final-form rulemaking shall take effect upon
publication in the Pennsylvania Bulletin.

ROBERT F. MCRAE,
Chairperson

(Inspector’s Note: For the text of the order of the Indepen-
dent Regulatory Review Commission, relating to this
document, see 37 Pa.B. 2909 (June 23, 2007).)

Fiscal Note: Fiscal Note 16A-7014 remains valid for
the final adoption of the subject regulations.

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL
STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL
AFFAIRS

CHAPTER 36. STATE BOARD OF CERTIFIED
REAL ESTATE APPRAISERS

Subchapter A. CERTIFIED REAL ESTATE
APRAISERS

GENERAL PROVISIONS

§ 36.1. Definitions.

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

AQB—The Appraiser Qualifications Board of the Ap-
raisal Foundation.

Act—The Real Estate Appraisers Certification Act (63
P. S. §§ 457.1—457.19).

Ad valorem tax appraisal—Valuation for tax purposes
involving the appraisal of real estate, its analysis, opin-
ions and conclusions regarding taxation.

Applicant—A natural person.

Appraisal—A written analysis, opinion or conclusion
relating to the nature, quality, value or utility of specified
interests in, or aspects of, identified real property, for or
in expectation of compensation.

Appraisal review—An analysis of a completed appraisal
report to determine if it conforms to specific requirements
and guidelines and to insure that the report is consistent
and mathematically correct.

Board—The State Board of Certified Real Estate Ap-
raisers of the Commonwealth.

Certified broker/appraiser—A person who holds a cer-
ificate issued under authority of section 6(a)(3) of the act
(63 P. S. § 457.6(a)(3)) and who is authorized to perform
apraisals of all types of real property in non-Federally-
related transactions.

Certified general real estate appraiser—A person who
holds a certificate issued under authority of section 6(a)(2)
and (e) of the act and § 36.12 (relating to qualifi-
cations for certification as general real estate appraiser)
and who is authorized to perform appraisals of all types of
real property in all transactions, whether Federally-
related or non-Federally-related.

Certified real estate appraiser—A certified broker/
appraiser, certified residential real estate appraiser or
certified general real estate appraiser.

Certified residential real estate appraiser—A person
who holds a certificate issued under authority of section
6(a)(1) and (d) of the act and § 36.11 (relating to qualifi-
cations for certification as residential real estate appraiser) and who is authorized to perform appraisals of residential properties of one-to-four dwelling units in all transactions, whether Federally-related or non-Federally-related.

Distance education—An educational process based on the geographical separation of the learner and instructor, which provides interaction between the learner and instructor and includes testing. Examples include CD or DVD ROM, on-line learning, correspondence courses, video conferencing, and video and remote television courses.


Feasibility analysis—A study of the cost-benefit relationship of an economic endeavor.

Federally-related transaction—A real estate-related financial transaction which a Federal financial institution regulatory agency or the Resolution Trust Corporation engages in, contracts for or regulates, and which requires the services of an appraiser.

Highest and best use analysis—A study which represents the reasonable and probable use that results in the highest present value of the land or improved property after considering all legally permissible, physically possible and economically feasible uses.

IDECC—International Distance Education Certification Center.

Real estate counseling—Providing, for a fee, disinterested and unbiased advice, professional guidance and judgment in the broad field of real estate, involving all segments of the business, including marketing, leasing, managing, planning, financing, appraising, providing testimony and other similar services. Real estate counseling is a specialty area in which the counselor clearly identifies the real estate problem to be solved, determines the most satisfactory solutions and, where appropriate, follows through on the implementation.

Real estate-related financial transaction—A transaction involving the following:

(i) Sale, lease, purchase, investment in or exchange of real property, including interests in property or the financing thereof.

(ii) Refinancing of real property or interests in real property.

(iii) Use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

Review appraiser—A person who performs an appraisal review.

USPAP—The Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation.

§ 36.2 Application process.

(a) Application form. A person interested in becoming a certified residential real estate appraiser or a certified general real estate appraiser shall complete and file with the Board a notarized application form and an application fee. Application forms may be obtained by visiting the Board’s website at www.dos.state.pa.us/real or by writing, telephoning, or e-mailing the Board at Post Office Box 2649, Harrisburg, PA 17105-2649, (717) 783-4866, or ST-APPRaise@state.pa.us, respectively.

(b) Application fee. The application fee for certification as a residential or general real estate appraiser is set forth in § 36.6 (relating to fees). Application fees are nonrefundable. Payments must be in the form of a personal check or money order made payable to the "Commonwealth of Pennsylvania."

(c) Approved applications. Subject to the provisions of subsection (e), an approved application will be valid for 1 year from the date of approval. If an applicant does not pass the certification examination within this 1-year period, the applicant’s application will be considered to have been withdrawn. If the applicant wishes to take the examination after 1 year from the date of approval, a new application, along with the required fee, shall be submitted to the Board.

(d) Disapproved applications. Subject to the provisions of subsection (e), an applicant whose application has been disapproved by the Board will be notified in writing of the reasons for the disapproval, and will have 1 year from the date of disapproval to correct the deficiencies or to file a request for reconsideration. A request for reconsideration must give the reason for the applicant’s request, must be accompanied by documentary materials not previously submitted which the applicant wishes the Board to consider and may include a request for an informal interview with the Board. If a request for reconsideration is denied or, subject to the provisions of subsection (e), an applicant is unable to correct the deficiencies which resulted in the disapproval of the application within 1 year from the date of disapproval, a new application, along with the required fee, shall be submitted to the Board.

(e) Compliance with new requirements. Except as otherwise provided in §§ 36.11 and 36.12 (relating to qualifications for certification as residential real estate appraiser; and qualifications for certification as general real estate appraiser), an applicant shall comply with any increased education or experience requirements that take effect between the applicant’s filing of an initial application and the applicant’s passing the certification examination.

§ 36.3. Examinations.

(a) The examination required for certification as a residential real estate appraiser is the AQB-endorsed Uniform State Certified Residential Real Property Appraiser Examination or its equivalent. The examination required for certification as a general real estate appraiser is the AQB-endorsed Uniform State Certified General Real Property Appraiser Examination or its equivalent. The certification examinations are administered by a professional testing organization under contract with the Board at times and places established by the professional testing organization.

(b) Interested persons may obtain information about the certification examinations from the professional testing organization. Contact information for the professional testing organization appears on the Board’s website at www.dos.state.pa.us/real.

QUALIFICATIONS FOR CERTIFICATION

§ 36.11. Qualifications for certification as residential real estate appraiser.

(a) Overview. An applicant for certification as a residential real estate appraiser shall be of good moral character, meet the following education and experience requirements prior to examination, and pass an examination for certification as a residential real estate appraiser.

Neither a real estate salesperson’s license nor a real...
(b) Appraisal classroom hours. An applicant shall submit evidence to the Board of having completed 120 classroom hours of courses in subjects related to real estate appraisal, including the 15-hour National USPAP Course, together with coverage of the topics listed in subsection (c)(1). Effective January 1, 2008, an applicant shall submit evidence to the Board of having completed 200 classroom hours in the appraisal curriculum set forth in subsection (c)(2), except that the new requirement does not apply to an applicant who has satisfied the existing education requirement before January 1, 2008.

(1) Length of classroom hour requirement. Credit toward the classroom hour requirement will only be granted when the length of the course is at least 15 hours, and the applicant successfully completes an examination pertinent to the course. A classroom hour is defined as 50 minutes out of each 60 minute segment.

(2) Teaching credit. Credit toward the classroom hour requirement may be awarded to teachers of appraisal courses for actual classroom time, but credit will not be given for course repetition.

(3) Providers of appraisal courses. Credit for the classroom hour requirement may be obtained from accredited colleges or universities and community or junior colleges. Subject to Board approval under § 36.31 (relating to provider registration/appraisal courses), credit for the classroom hour requirement may also be obtained from real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools and other providers.

(4) Distance education. A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board and meets the following conditions:

(i) The course is presented by one of the following:

(A) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(B) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(ii) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider.

(iii) The length and content of the course meet the requirements of paragraph (1) and subsection (c), respectively.

(5) Credit for challenge examination. The Board may accept toward the classroom hour requirement a course for which the applicant obtained credit from the course provider by challenge examination without attending the course, if the course provider granted credit prior to July 1, 1990, and the Board is satisfied with the quality of the challenge examination that was administered by the course provider.

(c) Content of appraisal education. The content of an applicant's appraisal education must be as follows:

(1) An applicant who is subject to the 120-classroom hour requirement in subsection (b) shall demonstrate that the classroom hours included coverage of the following topics, with particular emphasis on the appraisal of one-to-four unit residential properties:

(a) Basic appraisal principles (30 hours).

(b) Real property concepts and characteristics.

(c) Basic real property concepts.

(d) Real property characteristics.

(i) Legal description.

(ii) Legal considerations.

(iii) Forms of ownership.

(iv) Public and private controls.

(v) Real estate contracts.

(vi) Leases.

(vii) Influences on real estate.

(viii) Governmental.

(ix) Economic.

(x) Social.

(xi) Environmental, geographic and physical.

(xii) Types of value.

(xiii) Market value.

(xiv) Other value types.

(xv) Economic principles.

(xvi) Classical economic principles.

(xvii) Application and illustrations of the economic principles.

(xviii) Overview of real estate markets and analysis.

(xix) Market fundamentals, characteristics and definitions.

(xx) Supply analysis.

(xxii) Demand analysis.

(xxi) Use of market analysis.

(xxii) Ethics and how they apply in appraisal theory and practice.

(xxiii) Basic appraisal procedures (30 hours).

(a) Overview of approaches to value.

(b) Valuation procedure.

(c) Defining the problem.

(d) Collecting and selecting the data.

(e) Analyzing.

(f) Reconciling and final value opinion.

(g) Communicating the appraisal.

(h) Property description.

(i) Geographic characteristics of the land/site.

(j) Geologic characteristics of the land/site.

(k) Location and neighborhood characteristics.

(l) Land/site considerations for highest and best use.

(m) Improvements—architectural styles and types of construction.
(D) Residential applications.
(iii) National USPAP Course or equivalent (15 hours).
(A) Preamble and ethics rules.
(B) Standard 1.
(C) Standard 2.
(D) Standards 3 to 10.
(E) Statements and advisory opinions.
(iv) Residential market analysis and highest and best use (15 hours).
(A) Residential markets and analysis.
(I) Market fundamentals, characteristics and definitions.
(II) Supply analysis.
(III) Demand analysis.
(IV) Use of market analysis.
(B) Highest and best use.
(I) Test constraints.
(II) Application of highest and best use.
(III) Special considerations.
(IV) Market analysis.
(V) Case studies.
(v) Residential appraiser site valuation and cost approach (15 hours).
(A) Site valuation.
(I) Methods.
(II) Case studies.
(B) Cost approach.
(I) Concepts and definitions.
(II) Replacement/reproduction cost new.
(III) Accrued depreciation.
(IV) Methods of estimating accrued depreciation.
(V) Case studies.
(vi) Residential sales comparison and income approaches (30 hours).
(A) Valuation principles and procedures—sales comparison approach.
(B) Valuation principles and procedures—income approach.
(C) Finance and cash equivalency.
(D) Financial calculator introduction.
(E) Identification, derivation and measurement of adjustments.
(F) Gross rent multipliers.
(G) Partial interests.
(H) Reconciliation.
(I) Case studies and applications.
(vii) Residential report writing and case studies (15 hours).
(A) Writing and reasoning skills.
(B) Common writing problems.
(C) Form reports.
(D) Report options and USPAP compliance.
(E) Case studies.
(viii) Statistics, modeling and finance (15 hours).
(A) Statistics.
(B) Valuation models (AVMs and mass appraisal).
(C) Real estate finance.
(ix) Advanced residential applications and case studies (15 hours).
(A) Complex property, ownership and market conditions.
(B) Deriving and supporting adjustments.
(C) Residential market analysis.
(D) Advanced case studies.
(x) Appraisal subject matter electives (20 hours).
(d) Postsecondary education.
(1) Effective January 1, 2008, an applicant shall submit evidence to the Board of having satisfied one of the following requirements:
(i) Possession of an associate’s degree, or higher, from an accredited college or university.
(ii) Completion of 21 semester credit hours in the following college-level subjects at an accredited college or university:
(A) English composition.
(B) Principles of economics (micro or macro).
(C) Finance.
(D) Algebra, geometry or higher mathematics.
(E) Statistics.
(F) Introduction to computers-word processing/spreadsheets.
(G) Business or real estate law.
(2) This subsection does not apply to an applicant who completed 120 classroom hours of qualifying appraisal education under subsection (b) before January 1, 2008.
(e) Experience.
(1) In addition to meeting the education requirements, an applicant shall submit evidence to the Board of having acquired 2,500 hours of acceptable appraisal experience during a period of at least 24 months. At least 1,250 hours of the experience acquired by an applicant must be in the actual preparation of real estate appraisal reports, which includes physical inspections of the interior and exterior of the subject properties, in accordance with § 36.13 (relating to experience options regarding preparation of appraisal reports). Hours may be treated as cumulative to achieve the necessary 2,500 hours of appraisal experience. Cumulative is defined to mean that experience may be acquired over any time period in excess of 24 months. There is no minimum number of hours which must be acquired in any 12 months. The following will serve as an example:

<table>
<thead>
<tr>
<th>Year</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1</td>
<td>400</td>
</tr>
<tr>
<td>Year 2</td>
<td>800</td>
</tr>
<tr>
<td>Year 3</td>
<td>200</td>
</tr>
<tr>
<td>Year 4</td>
<td>500</td>
</tr>
<tr>
<td>Year 5</td>
<td>600</td>
</tr>
<tr>
<td>Total</td>
<td>2,500</td>
</tr>
</tbody>
</table>

(2) Effective January 1, 2008, experience must be acquired after January 30, 1989, and must comply with USPAP. Experience acquired after August 2, 1993, will
not be accepted unless the applicant has first completed 45 classroom hours of appraisal education, including 15 hours on USPAP. Acceptable categories of appraisal experience include:

(i) Fee and staff appraisals.
(ii) Ad valorem tax appraisals, if the appraiser can demonstrate that the appraiser used techniques to value properties similar to those used by other appraisers and that the appraiser effectively used the appraisal process.
(iii) Review appraisals.
(iv) Appraisal analysis (synonymous with an appraisal).
(v) Real estate counseling, if the counselor can satisfactorily demonstrate that:
   (A) The client clearly asked for counseling services.
   (B) The client was informed that the counselor's time would be devoted to counseling services, which are separate from other real estate functions such as appraising, sales management and mortgage lending.
   (C) A file memorandum was prepared on each assignment indicating the nature of the assignment, recommendations and disposition.
   (D) Compensation for the counseling services was separate from other real estate services rendered.
(vi) Highest and best use analysis.
(vii) Feasibility analysis/study.
(viii) Real estate related experience such as that of an officer of a lending institution, if the experience consists of the actual performance or professional review of real estate appraisals.
(ix) Evaluations under FIRREA in accordance with requirements of Federal financial institution regulatory agencies.
(x) Case studies or practicum courses that are approved by the AQB Course Approval Program.

§ 36.12. Qualifications for certification as general real estate appraiser.

(a) Overview. An applicant for certification as a general real estate appraiser shall be of good moral character, meet the following education and experience requirements prior to examination, and pass an examination for certification as a general real estate appraiser. Neither a real estate salesperson's license nor a real estate broker's license issued under the Real Estate Licensing and Registration Act (63 P. S. §§ 455.101—455.902) is a prerequisite to certification as a general real estate appraiser.

(b) Appraisal classroom hours. An applicant shall submit evidence to the Board of having completed 180 classroom hours of courses in subjects related to real estate appraisal, including the 15-hour National USPAP Course, together with coverage of the topics listed in subsection (c)(1). Effective January 1, 2008, an applicant shall submit evidence to the Board of having completed 300 classroom hours in the appraisal curriculum set forth in subsection (c)(2), except that the new requirement does not apply to an applicant who has satisfied the existing education requirement before January 1, 2008.

(1) Length of classroom hour requirement. Credit toward the classroom hour requirement will only be granted when the length of the course is at least 15 hours, and the applicant successfully completes an examination pertinent to the course. A classroom hour is defined as 50 minutes out of each 60 minute segment.

(2) Teaching credit. Credit toward the classroom hour requirement may be awarded to teachers of appraisal courses for actual classroom time, but credit will not be given for course repetition.

(3) Providers of appraisal courses. Credit for the classroom hour requirement may be obtained from accredited colleges and universities and community or junior colleges. Subject to Board approval under § 36.31 (relating to provider registration/appraisal courses), credit for the classroom hour requirement may also be obtained from real estate appraisal or real estate related organizations, State or Federal agencies or commissions, proprietary schools and other providers.

(4) Distance education. A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board and meets the following conditions:

(i) The course is presented by one of the following:
   (A) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.
   (B) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(ii) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider.

(iii) The length and content of the course meet the requirements of paragraph (1) and subsection (c), respectively.

(5) Credit for challenge examination. The Board may accept toward the classroom hour requirement a course for which the applicant obtained credit from the course provider by challenge examination without attending the course, if the course provider granted credit prior to July 1, 1990, and the Board is satisfied with the quality of the challenge examination that was administered by the course provider.

(c) Content of appraisal education. The content of an applicant's appraisal education must be as follows:

(1) An applicant who is subject to the 180-classroom hour requirement in subsection (b) shall demonstrate that the classroom hours included coverage of the following topics, with particular emphasis on the appraisal of nonresidential properties. Residential is defined as one to four residential units.

* * * * *

(2) An applicant who is subject to the 300-hour classroom requirement in subsection (b) shall demonstrate that the classroom hours satisfy the following curriculum requirements:

(i) Basic appraisal principles (30 hours).
(A) Real property concepts and characteristics.
(I) Basic real property concepts.
(ii) Real property characteristics.
(III) Legal description.
(B) Legal considerations.
(i) Forms of ownership.
(II) Public and private controls.
(III) Real estate contracts.
(IV) Leases.
(C) Influences on real estate.
(I) Governmental.
(II) Economic.
(III) Social.
(IV) Environmental, geographic and physical.
(D) Types of value.
(I) Market value.
(II) Other value types.
(E) Economic principles.
(I) Classical economic principles.
(II) Application and illustrations of the economic principles.
(F) Overview of real estate markets and analysis.
(I) Market fundamentals, characteristics and definitions.
(II) Supply analysis.
(III) Demand analysis.
(IV) Use of market analysis.
(G) Ethics and how they apply in appraisal theory and practice.
(ii) Basic appraisal procedures (30 hours).
(A) Overview of approaches to value.
(B) Valuation procedure.
(I) Defining the problem.
(II) Collecting and selecting the data.
(III) Analyzing.
(IV) Reconciliation and final value opinion.
(V) Communicating the appraisal.
(C) Property description.
(I) Geographic characteristics of the land/site.
(II) Geologic characteristics of the land/site.
(III) Location and neighborhood characteristics.
(IV) Land/site considerations for highest and best use.
(V) Improvements—architectural styles and types of construction.
(D) Residential applications.
(iii) National USPAP Course or equivalent (15 hours).
(A) Preamble and ethics rules.
(B) Standard 1.
(C) Standard 2.
(D) Standards 3 to 10.
(E) Statements and advisory opinions.
(iv) General appraiser market analysis and highest and best use (30 hours).
(A) Real estate markets and analysis.
(I) Market fundamentals, characteristics and definitions.
(II) Supply analysis.
(III) Demand analysis.
(IV) Use of market analysis.
(B) Highest and best use.
(I) Test constraints.
(II) Application of highest and best use.
(III) Special considerations.
(IV) Market analysis.
(V) Case studies.
(v) General appraiser site valuation and cost approach (30 hours).
(A) Site valuation.
(I) Methods.
(II) Case studies.
(B) Cost approach.
(I) Concepts and definitions.
(II) Replacement/reproduction cost new.
(III) Accrued depreciation.
(IV) Methods of estimating accrued depreciation.
(V) Case studies.
(vi) General appraiser sales comparison approach (30 hours).
(A) Value principles.
(B) Procedures.
(C) Identification and measurement of adjustments.
(D) Reconciliation.
(E) Case studies.
(vii) General appraiser income approach (60 hours).
(A) Overview.
(B) Compound interest.
(C) Lease analysis.
(D) Income analysis.
(E) Vacancy and collection loss.
(F) Estimating operating expenses and reserves.
(G) Reconstructed income and expense statement.
(H) Stabilized net operating income estimate.
(I) Direct capitalization.
(j) Discounted cash flow.
(K) Yield capitalization.
(L) Partial interests.
(M) Case studies.
(viii) General appraiser report writing and case studies (30 hours).
(A) Writing and reasoning skills.
(B) Common writing problems.
(C) Report options and USPAP compliance.
(D) Case studies.
(ix) Statistics, modeling and finance (15 hours).
(A) Statistics.
(B) Valuation models (AVMs and mass appraisal).
(C) Real estate finance.
(x) Appraisal subject matter electives (30 hours).

(d) Postsecondary education.

(1) Effective January 1, 2008, an applicant shall submit evidence to the Board of having satisfied one of the following requirements:

(i) Possession of a bachelor’s degree, or higher, from an accredited college or university.

(ii) Completion of 30 semester credit hours in the following college-level subjects at an accredited college or university:

(A) English composition.

(B) Macroeconomics.

(C) Microeconomics.

(D) Finance.

(E) Algebra, geometry or higher mathematics.

(F) Statistics.

(G) Introduction to computers—word processing/spreadsheets.

(H) Business or real estate law.

(i) Two elective courses in accounting, geography, agro-economics, business management or real estate.

(2) This subsection does not apply to an applicant who completed 180 classroom hours of qualifying appraisal education under subsection (b) before January 1, 2008.

(e) Experience.

(1) In addition to meeting the education requirements, an applicant shall submit evidence to the Board of having acquired 3,000 hours of acceptable appraisal experience, including 1,500 hours in nonresidential work, during a period of no less than 30 months. At least 1,500 hours of the experience acquired by an applicant shall be in the actual preparation of real estate appraisal reports, which includes physical inspections of the interior and exterior of the subject properties, in accordance with § 36.13 (relating to experience options regarding preparation of appraisal reports). Hours may be treated as cumulative to achieve the necessary 3,000 hours of appraisal experience. Cumulative is defined to mean that experience may be acquired over any time period in excess of 30 months. There is no minimum number of hours which must be acquired in any 1 year. The following will serve as an example:

<table>
<thead>
<tr>
<th>Year</th>
<th>Hours</th>
</tr>
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<tbody>
<tr>
<td>1</td>
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</tr>
<tr>
<td>2</td>
<td>800 Hours</td>
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<tr>
<td>3</td>
<td>100 Hours</td>
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<td>4</td>
<td>1,000 Hours</td>
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<tr>
<td>5</td>
<td>100 Hours</td>
</tr>
<tr>
<td>Total</td>
<td>3,000 Hours</td>
</tr>
</tbody>
</table>

(2) Effective January 1, 2008, experience must be acquired after January 30, 1989, and must comply with USPAP. Experience acquired after August 2, 1993, will not be accepted unless the applicant has first completed 45 classroom hours of appraisal education, including 15 hours on USPAP. Acceptable categories of appraisal experience include:

(i) Fee and staff appraisals.

(ii) Ad valorem tax appraisals, if the appraiser can demonstrate that the appraiser used techniques to value properties similar to those used by other appraisers and that the appraiser effectively used the appraisal process.

(iii) Review appraisals.

(iv) Appraisal analysis (synonymous with an appraisal).

(v) Real estate counseling, if the counselor can satisfactorily demonstrate that:

(A) The client clearly asked for counseling services.

(B) The client was informed that the counselor’s time would be devoted to counseling services, which are separate from other real estate functions such as appraising, sales management and mortgage lending.

(C) A file memorandum was prepared on each assignment, indicating the nature of the assignment, recommendations and disposition.

(D) Compensation for the counseling services was separate from other real estate services rendered.

(vi) Highest and best use analysis.

(vii) Feasibility analysis/study.

(viii) Real estate experience such as that of an officer of a lending institution, if the experience consists of the actual performance or professional review of real estate appraisals.

(ix) Evaluations under FIRREA in accordance with requirements of Federal financial institution regulatory agencies.

(x) Case studies or practicum courses that are approved by the AQB Course Approval Program.

§ 36.13. Experience options for preparation of appraisal reports.

(a) An applicant for certification as a residential real estate appraiser or a general real estate appraiser under §§ 36.11 and 36.12 (relating to qualifications for certification as residential real estate appraiser; and qualifications for certification as general real estate appraiser) shall have acquired experience in the preparation of appraisal reports in one or more of the following:

(1) Prior to September 3, 1998:

(i) As a licensed real estate broker under the Real Estate Licensing and Registration Act (63 P. S. §§ 455.101—455.902) and Chapter 35 (relating to State Real Estate Commission).

(ii) As an elected officer, director or employee of a banking institution, savings institution, savings bank, credit union or trust company operating under applicable Federal or State laws, when acting on behalf of the institution in connection with a loan transaction.

(iii) As a certified broker/appraiser.

(iv) As an assistant to a certified residential real estate appraiser or certified general real estate appraiser, provided the assistant satisfies the requirements of subsection (b).

(2) On or after September 3, 1998:

(i) As a certified broker/appraiser.

(ii) As an assistant to a certified residential real estate appraiser or certified general real estate appraiser, provided the assistant satisfies the requirements of subsection (b).

(b) An assistant to a certified general appraiser or certified residential appraiser shall observe the following requirements when preparing an appraisal report:

(1) The assistant shall perform an inspection of the interior and exterior of the property.
(2) The assistant may not arrive at an independent determination of value.

(3) The assistant shall sign the appraisal report as “assistant to the certified real estate appraiser” or be referenced in the certification section of the appraisal report, or in an addendum to the appraisal report, as having provided significant professional assistance.

CONTINUING EDUCATION

§ 36.41. Continuing education requirement.

(a) Continuing education for certified real estate appraisers is necessary to ensure that they maintain and increase their skill, knowledge and competency in real estate appraising. Except as provided in subsection (b), a certified real estate appraiser shall complete 28 classroom hours of continuing education—including the 7-hour National USPAP Update Course, or an equivalent 7-hour course approved by the AQB, and at least 2 hours on the act, this chapter and the policies of the Board—during each biennial renewal period as a condition of renewal of certification for the next biennial renewal period.

(b) A certified general real estate appraiser or residential real estate appraiser whose initial certification becomes effective between January 1 and June 30 of a biennial renewal year will not be required to furnish proof of continuing education as a condition of renewal of certification in that biennial renewal year.

§ 36.43. Distance education.

A distance education course is acceptable for continuing education credit if it is approved by the Board and meets the following conditions:

(1) The course is presented by one of the following:

(i) A course provider that presents the course to an organized group in an instructional setting with a person qualified and available to answer questions, provide information and monitor attendance.

(ii) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

(iii) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(2) With regard to a course presented under paragraph (1)(ii) or (iii), the certified real estate appraiser either successfully completes a written examination proctored by an official approved by the college, university or other course provider or successfully completes the course mechanisms required for course accreditation that evidence the learner’s mastery and fluency of the course content.

(3) The content and length of the course meet the requirements of § 36.42 (relating to continuing education subject matter).

STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE

§ 36.51. Compliance with USPAP.

A certified real estate appraiser shall perform an appraisal in accordance with USPAP. A certified real estate appraiser who violates one or more provisions of USPAP shall be subject to disciplinary action under the act. A certified real estate appraiser can obtain a current edition of USPAP by writing, telephoning or e-mailing the Appraisal Foundation at 1029 Vermont Avenue, N.W., Suite 900, Washington D.C. 20005-3517, (202) 347-7722, or info@appraisalfoundation.org, respectively.

§ 36.52. Use of certificate number and title.

A certified real estate appraiser shall place his name, signature and certificate number adjacent to or immediately below the title “Pennsylvania certified general real estate appraiser,” “Pennsylvania certified residential real estate appraiser” or “Pennsylvania certified broker/appraiser,” as appropriate, on each written appraisal report and each written appraisal agreement. Professional designations may be included adjacent to the signature, if applicable. The following will serve as an example:

/s/ John Doe,
Pennsylvania Certified Residential Real Estate Appraiser
Certification number RL-999999-L

§ 36.54. Supervision of appraisal assistant.

A certified residential real estate appraiser or certified general real estate appraiser who utilizes an appraisal assistant shall:

(1) Provide written notification to the Board of the name and address of the assistant when the assistant begins work for the appraiser.

(2) Directly supervise and control the assistant’s work, assuming total responsibility for the contents of the appraisal report, including all value conclusions.

(3) Accompany the assistant during the physical inspection of the property as follows:

(i) In the case of an assistant who is not a certified residential real estate appraiser, accompany the assistant during the physical inspection of the property until the assistant has logged 300 hours of experience or until the supervising appraiser determines the assistant is competent under USPAP to perform the physical inspection unaccompanied, whichever is the longer period.

(ii) In the case of an assistant who is a certified residential real estate appraiser seeking to obtain qualifying experience for certification as a general real estate appraiser, accompany the assistant during the physical inspection of the property until the supervising appraiser determines the assistant is competent under USPAP to perform the physical inspection unaccompanied.

(4) Sign the appraisal report as a certified real estate appraiser under § 36.52 (relating to use of certificate number and title) and either have the assistant sign the appraisal report as assistant to the certified real estate appraiser or identify the assistant in the certification section of the appraisal report, or in addendum to the appraisal report, as having provided significant professional assistance.

(5) Sign a Board-approved appraisal assistant checklist that has been completed by the assistant and that relates to the assistant’s work on the appraisal report.

(6) Provide a current or former assistant who is applying for appraiser certification with copies of designated appraisal reports and appraisal assistant checklists requested by the Board to verify the assistant’s experience.

MISCELLANEOUS PROVISIONS

§ 36.91. Reactivation of lapsed certification.

A certified real estate appraiser whose certification has lapsed for failure to biennially renew certification may apply to the Board for reactivation of certification by
paying the renewal fee required under § 36.6 (relating to fees) and providing documentation of having completed the continuing education hours that would have been required under § 36.41 (relating to continuing education requirement) if the certified real estate appraiser had maintained current certification, except that only the most recent versions of the 7-hour National USPAP update course and the 2-hour course on the act, this chapter and Board policies must be completed. A certified real estate appraiser who performed an appraisal, or held himself out as an appraiser, during a period when his certification was lapsed shall be subject to disciplinary action by the Board under section 3 of the act (63 P. S. § 457.3) in addition to being required to pay late renewal fees under section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225).

Subchapter C. CERTIFIED PENNSYLVANIA EVALUATORS

QUALIFICATIONS FOR CERTIFICATION

§ 36.224. Distance education courses.

A distance education course is acceptable to meet the classroom hour requirement if the course is approved by the Board and meets the following conditions:

(1) The course is presented by one of the following:

   (i) A course provider that presents the course to an organized group in an instructional setting with a person qualified and available to answer questions, provide information and monitor attendance.

   (ii) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

   (iii) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(2) The applicant successfully completes a written examination proctored by an official approved by the college, university or other course provider or successfully completes the course and design delivery mechanism from the IDECC as required by the Board.

(3) The content and length of the course meet the requirements of § 36.222 (relating to required courses of study).

§ 36.225. (Reserved).

CONTINUING EDUCATION


(a) Except as provided in subsection (b), a certified Pennsylvania evaluator shall complete 28 classroom hours of continuing education—including at least 4 hours on USPAP and at least 2 hours on the act, this chapter and the policies of the Board—during each biennial renewal period as a condition of renewal of certification for the next biennial renewal period. Effective with renewal of certification for the 2007—2009 biennial renewal period, the USPAP requirement shall be the 7-hour National USPAP Update Course or an equivalent 7-hour course approved by the Board.

(b) A certified Pennsylvania evaluator whose initial certification becomes effective between January 1 and June 30 of a biennial renewal year will not be required to furnish proof of continuing education as a condition of biennial renewal of certification in that biennial renewal year.

§ 36.263. Distance education.

A distance education course is acceptable for continuing education credit if it is approved by the Board and meets the following conditions:

(1) The course is presented by one of the following:

   (i) A course provider that presents the course to an organized group in an instructional setting with a person qualified and available to answer questions, provide information and monitor attendance.

   (ii) An accredited (Commission on Colleges or a regional accreditation association) college or university that offers distance education programs in other disciplines.

   (iii) A course provider that has received approval for course design and delivery mechanism from the IDECC and approval for course content from the Board or from the AQB through its Course Approval Program.

(2) With regard to a course presented under paragraph (1)(iii) or (iii), the certified Pennsylvania evaluator either successfully completes a written examination proctored by an official approved by the college, university or other course provider or successfully completes the course and design delivery mechanism from the IDECC as required by the Board.

(3) The content and length of the course meet the requirements of § 36.262 (relating to continuing education subject matter).

REACTIVATION OF CERTIFICATION

§ 36.271. Reactivation of lapsed certification.

A certified Pennsylvania evaluator whose certification has lapsed for failure to biennially renew certification may apply to the Board for reactivation of certification by paying the renewal fee required under § 36.6 (relating to fees) and providing documentation of having completed 28 hours of continuing education as required under § 36.261 (relating to continuing education requirement) within the 2-year period immediately preceding the date of filing of the reactivation application. A certified Pennsylvania evaluator who performed a valuation of real property for ad valorem tax purposes, or held himself out as a certified Pennsylvania evaluator, during a period when his certification was lapsed shall be subject to disciplinary action by the Board under the act in addition to being required to pay late renewal fees under section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225).

STANDARDS OF PROFESSIONAL CONDUCT


Preamble

Certified Pennsylvania evaluators shall comply with the act and this subchapter and conform to the standards of professional conduct in this section. Certified Pennsylvania evaluators who fail to adhere to these standards will be subject to professional discipline under section 7(a)(6) of the act (63 P. S. § 458.7(a)(6)).


Certified Pennsylvania evaluators shall perform their duties in accordance with the general and specific county assessment laws and generally accepted assessment standards. Certified Pennsylvania evaluators shall perform all assessments in accordance with USPAP. Certified Pennsylvania evaluators may obtain a copy of the current edition of USPAP by writing, telephoning or e-mailing the Appraisal Foundation at 1029 Vermont Avenue, N.W., Suite 900, Washington, D.C. 20005-3517, (202) 347-7722 or info@appraisalfoundation.org, respectively.

Standard 2. Public review of assessments and records.

Certified Pennsylvania evaluators shall make property assessments available for public review and shall make...
Title 58—RECREATION
PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CHS. 461, 461a, 461b, 463 AND 463a]
Slot Machine Testing and Control; Possession of Slot Machines

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207 and 1320 (relating to regulatory authority of board; and slot machine testing and certification standards), adopts Chapters 461a and 463a (relating to slot machine testing and control; and possession of slot machines) and rescinds Chapters 461 and 463 to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking


The Board is adopting Chapters 461a and 463a to replace the Board’s temporary regulations with the permanent regulations.

Explanation of Chapters 461a and 463a

This final-form rulemaking replaces the temporary regulations in Chapters 461 and 463. Permanent regulations are needed because the temporary regulations expired on July 5, 2007.

Section 461a.1 (relating to definitions) contains definitions of terms used in Subpart E (relating to slot machines and associated equipment). Section 461a.2 (relating to protocol requirements) requires that slot machines be required to communicate with the Department of Revenue’s (Department) central control computer.

Section 461a.3 (relating to testing and approval generally) sets forth requirements in 4 Pa.C.S. § 1320 that slot machines used in this Commonwealth must be approved by the Board and specifies testing options. This section also requires manufacturers to pay the costs related to the testing and approval of their products.

Section 461a.4 (relating to submission for testing and approval) provides a list of equipment that must be submitted for testing and what must be submitted if a manufacturer elects to use the abbreviated testing and approval process or when the Board will conduct the full review. It also addresses the use of trial periods, emergency modifications to prevent cheating or malfunctions and requires notice to the Board from slot machine licensees of known or suspected malfunctions.

Section 461a.5 (relating to slot machine conversions) requires that accurate records be kept of conversions and that the Board be given notice prior to conversions.

Section 461a.6 (relating to revocations and additional conditions) states that an approval may be revoked or conditions added if the Board determines that the equipment, device or software is not in compliance with the act or Board regulations or that it is not compatible the central control computer.

Section 461a.7 (relating to slot machine minimum design standards) contains detailed design standards that slot machines must meet. It addresses items including payout percentages, required meters, tower lights, reporting errors, communication with the central control computer, payout of jackpots, seating and entry authorization logs.

Section 461a.8 (relating to gaming vouchers) contains the design standards gaming voucher systems must meet. It requires establishment of a system of internal controls for the issuance and redemption of gaming vouchers including how payment will be made if the gaming voucher system is down. It also specifies reporting requirements, accounting procedures for gaming vouchers and how malfunctions and modifications are to be handled.
Section 461a.9 (relating to coupons) requires security measures to permit verification of the coupon, information that must be on the coupons and the development of internal controls governing the use of coupons.

Section 461a.10 (relating to automated gaming voucher and coupon redemption machines) establishes the requirements for the use of gaming voucher and coupon redemption machines. These requirements include the capability to check the validity of gaming vouchers and coupons by reconciling them with the gaming voucher and coupon systems, locking systems on the redemption machines, restrictions on access to currency cassettes, protection against transaction or data loss due to power loss, detection and recording of errors and transaction histories and the production of various reports.

Section 461a.11 (relating to automated gaming voucher and coupon redemption machines: accounting controls) requires slot machine licensees to develop internal controls governing the distribution of currency to and removal of currency, gaming vouchers or coupons from automated gaming voucher and coupon redemption machines.

Section 461a.12 (relating to progressive slot machines) covers the types of meters that are required, key control, probability of winning, approvals required from the Board, transfers of jackpots, removal of slot machines offering progressive jackpots and recordkeeping.

Section 461a.13 (relating to wide area progressive systems) contains provisions governing wide area progressive systems which link progressive slot machines at multiple licensed facilities. It lists the items that must be in the slot system agreement governing the operation of the wide area progressive system, who may act as the slot system operator and requirements for the computer monitoring room for the wide area progressive system.

Sections 461a.14—461a.16 (relating to slot monitoring systems; casino management systems; and player tracking systems) permit the use of these systems and require them to comply with the act and the Board's regulations and technical standards.

Section 461a.17 (relating to external bonusing systems) allows the use of external bonusing systems and sets limits on the payout percentages that can be used with these systems.

Section 461a.18 (relating to cashless funds transfer systems) permits the use of cashless funds transfer systems if the slot machine licensee has established a system of internal controls which include the items listed in this section. It also requires a patron access control system, reporting requirements and written notice to the Slot Lab of adjustments to the amount of credit transferred to a slot machine using this system.

Section 461a.19 (relating to remote system access) establishes the requirements for remote access to various systems by licensed manufacturers.

Sections 461a.20 and 461a.21 (relating to server supported slot systems; and server based slot systems) define what server supported and server based slot systems are and require that these systems be tested and approved by the Board prior to their use. These sections also require the development of internal controls addressing the integrity, security and control of these systems.

Section 461a.22 (relating to automated jackpot payout machines) allows for the use of automated jackpot payout machines to pay jackpots not paid by a slot machine. This section requires compliance with Board standards and the development and approval of internal controls governing the payout of jackpots and distribution of funds to these machines.

Section 461a.23 (relating to slot machines and associated equipment utilizing alterable storage media) defines what is considered to be alterable storage media and requires it to comply with Board standards.

Section 461a.24 (relating to waivers) specifies when the Board may waive a requirement of this subpart and describes how a waiver may be requested by a manufacturer or slot machine licensee.

Section 461a.25 (relating to disputes) sets forth the responsibilities of slot machine licensees when a patron dispute arises concerning payment of alleged winnings. It also requires slot machine licensees to notify the Board in writing if the dispute is not resolved within 7 days.

Section 461a.26 (relating to testing and software installation on the live gaming floor) requires 72 hour advanced notice to the Slot Lab prior to the testing or installation of new software on the live gaming floor. It also sets forth the information that must be provided in the notice.

Section 461a.26 (relating to possession of slot machines generally) outlines who may possess slot machines in this Commonwealth, for what purpose and how Board approval may be requested.

Section 461a.13 (relating to transportation of slot machines into, within and out of this Commonwealth) sets forth the information that must be submitted to the Bureau of Gaming Laboratory Operations when slot machines are moved into, out of or within this Commonwealth.

Section 461a.14 (relating to slot machine location) requires the location of each slot machine on a gaming floor to be identified by number and that the numbered location appear on the Slot Machine Master List.

Section 461a.15 (relating to connection to the central control computer system) requires each slot machine on the gaming floor to be connected to the central control computer system as required by 4 Pa.C.S. § 1323 (relating to central control computer system).

Section 461a.16 (relating to slot machine master list) requires slot machine applicants and licensees to maintain a Slot Machine Master List and specifies the information that must be included in this list. It also requires maintenance of a slot machine movement log and specifies the information that must be included in this log. Finally, it requires anyone other than slot machine applicants or licensees who is authorized to possess slot machines to also submit a Slot Machine Master List within 3 days of receipt of slot machines and monthly updates thereafter.

Section 463a.6 (relating to notice to the central computer system) requires slot machine licensees to report the placement, movement and removal of slot machines to the Department to insure accurate recording of meter information.

Section 463a.7 (relating to off premises storage of slot machines) sets forth the process for slot machine licensees to request permission to store slot machines in a location off the premises of the licensed facility and the information that must be included in a request.

Comment and Response Summary

Notice of proposed rulemaking was published at 36 Pa.B. 6517 (October 28, 2006).
The Board received comments on the proposed rulemaking from the Independent Regulatory Review Commission (IRRC). Those comments were reviewed by the Board and are discussed in detail as follows.

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

IRRC also urged the Board to review a number of phrases which it thought were vague. These phrases were in Appendix A of IRRC's comments.

The Board reviewed Appendix A and, as suggested by IRRC, deleted phrases such as "when applicable," "in a manner approved by the Board" and "in a manner prescribed by the Board." The Board has not deleted "additional documentation requested by the Board," which appears in several sections. While the Board attempted to provide comprehensive guidance to manufacturers as to what information the Board needs to evaluate their products, there will be times when the Board will need additional information from a manufacturer. This is particularly true when new products are submitted. However, the Board added language to make it clear that the additional information requested must relate to the product that is being reviewed.

Most of the phrases referring to "approved by the Board" have also been deleted; they were intended to refer back to the approval process in §§ 461a.3 and 461a.4 and are not needed. For other approvals, the Board added cross-references to the specific sections where the approval process is specified or added an approval process in the section.

IRRC also questioned the incorporation of technical standards, which are not contained in these regulations, as binding requirements. Use of "...this approach would allow an agency or department to bypass the formal regulatory review process..." was not the Board's intent that the last sentence be a substantive provision. It was intended to include both general and individual systems within the scope of the term. Therefore, the definition has been amended to clarify this fact.

Concerning the definition of "conversion" and "player tracking system." They asked if "conversion" also applied to associated equipment and suggested the last sentence in the definition of "player tracking system" be deleted.

Use of the term "conversion" in the industry is restricted to slot machines only. Accordingly, the definition has not been revised to include associated equipment.

Concerning the definition of "player tracking system," it was not the Board's intent that the last sentence be a substantive provision. It was intended to include both general and individual systems within the scope of the term. Therefore, the definition has been amended to clarify this fact.

Concerning § 461a.3, IRRC suggested that the Board provide more detail on how the costs of testing and approval of slot machines would be calculated.

The Board agreed with this suggestion and amended subsections (d) and (e) to clarify that the general costs will be billed to manufacturers quarterly based on the proportion of products reviewed and specific costs will be based on the time required to conduct the review of each product.

In § 461a.4, IRRC noted that "periodically," which appeared in subsections (e) and (f), is vague and should be deleted.

The Board agreed with IRRC and "periodically" has been deleted in both subsections. Additionally, subsection (f) was amended to require an attestation that the product was properly and completely tested by the manufacturer prior to its submission to the Board.

In § 461a.12(m), IRRC asked what the basis was for the $1,200 threshold.

The threshold for Federal withholding is $1,200. However, after further consideration, the Board does not believe this provision is needed. Therefore, subsections (m) and (n) have been deleted.

In § 461a.24, IRRC recommended that the procedures for requesting a waiver be included in the regulations.

The Board concurred with this recommendation and revised this section to address IRRC's concern and to provide greater clarity of the waiver process. Subsection (a) outlines the circumstances when the Board, on its own initiative, may waive a requirement and subsection (b) outlines how a manufacturer may request a waiver.

In § 461a.25, IRRC suggested that in disputes over alleged winnings, patrons be given written notice of how they may contact the Board.
The Board agreed with this suggestion and amended subsection (a) to require the slot machine licensee to provide the patron with a Patron Dispute/Complaint Form and Instructions for Submitting a Patron Dispute/Complaint.

In § 463a.6, IRRC suggested that this section be deleted because it is the responsibility of the Department to establish its reporting requirements.

The Board agreed that the Department has authority to establish its own reporting requirements. However, the Board, under its general authority, can also establish reporting requirements. The purpose of this section was simply to require that notice be given to the Department and to provide a basis for the Board to initiate an enforcement action against a slot machine licensee who fails to provide this notice. To clarify the Board’s intent, this section has been amended accordingly.

IRRC also suggested that the Board add definitions for 27 terms and phrases that are used in these chapters. Definitions have been added for 21 of these terms. Rather than adding definitions, the terms “high-boy,” “pay table,” “progressive rate” and “promotional program” have been deleted and replaced with clarifying language. Additionally, the definition of “double up” is already in § 461a.1, so the Board does not believe a definition of “double up games” is necessary. Similarly, the term “Slot Machine Master List” is described extensively in § 463a.5, so no definition is needed.

Finally, IRRC suggested that the references to temporary regulations be deleted.

The Board discussed this issue with the Legislative Reference Bureau (LRB) prior to the publication of this final-form rulemaking and this is how the LRB has instructed the Board to reference other chapters. The Board will update these citations as permanent regulations are finalized.

Additional Amendments

In addition to the previous amendments, the Board made some additional revisions. Throughout the chapters, “slot accounting department” has been changed to “finance department.” “Finance department” is the more commonly used term in the industry for this department.

New § 461a.26 addresses testing and installation of new software on a live gaming floor. Before either of these can occur, the slot machine licensee will be required to provide specific information regarding the testing or software installation at least 72 hours in advance.

In § 463a.1, subsections (c) and (d) have been added. These subsections contain the process the Board will use to accept and review requests to possess slot machines from entities other than slot machine licensees.

Additionally, § 463a.7 has been added to establish provisions governing the off premises storage of slot machines. This section sets forth the process for requesting permission for off premises storage, the information that must be provided to the Board and requires an inspection of the storage location before the Board will act on the request.

Finally, the numbering of the statement of policy in Chapter 461a (relating to technical standards—statement of policy) will be changed to Chapter 461b (§§ 461b.1—461b.5).
Effective Date

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

Contact Person

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 27, 2006, the Board submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 6517, to IRRC and the Chairpersons of the House Tourism and Recreational Development Committee and the Senate Committee on Rules and Executive Nominations for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 6, 2007, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 7, 2007, and approved the final-form rulemaking.

Findings

The Board finds that:

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

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

Order

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

(a) The regulations of the Board, 58 Pa.Code, are amended by deleting §§ 461.1—461.24 and 463.1—463.6 and by adding final regulations in §§ 461a.1—461a.26 and 463a.1—463a.7 to read as set forth in Annex A.

(Editor’s Note: The addition of §§ 461a.26 and 463a.7 was not included in the proposed rulemaking published at 36 Pa.B. 6517.)

(b) The statement of policy in §§ 461a.1—461a.5 is renumbered as §§ 461b.1—461b.5.

(c) The Chairperson of the Board shall certify this order and Annex A and deposit them with the LRB as required by law.

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

THOMAS A. DECKER,
Chairperson

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 2909 (June 23, 2007).)

Fiscal Note: Fiscal Note 125-48 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION
PART VII. GAMING CONTROL BOARD

SUBPART E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 461. (Reserved)

§§ 461.1—461.24. (Reserved).

CHAPTER 461a. SLOT MACHINE TESTING AND CONTROL

Sec.
461a.1. Definitions.
461a.2. Protocol requirements.
461a.3. Testing and approval generally.
461a.4. Submission for testing and approval.
461a.5. Slot machine conversions.
461a.6. Revocations and additional conditions.
461a.7. Slot machine minimum design standards.
461a.8. Gaming vouchers.
461a.9. Coupons.
461a.10. Automatic gaming voucher and coupon redemption machines.
461a.11. Automatic gaming voucher and coupon redemption machines: accounting controls.
461a.13. Wide area progressive systems.
461a.15. Casino management systems.
461a.16. Player tracking systems.
461a.17. External bonusing systems.
461a.18. Cashless funds transfer systems.
461a.19. Remote system access.
461a.20. Server based slot systems.
461a.21. Server supported slot systems.
461a.22. Automated jackpot payout machines.
461a.23. Slot machines and associated equipment utilizing alterable storage media.
461a.24. Waivers.
461a.25. Disputes.

§ 461a.1. Definitions.

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

Asset number—A unique number assigned to a slot machine by a slot machine licensee for the purpose of tracking the slot machine while owned by the slot machine licensee.

Automated jackpot payout machine—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the payment of a jackpot that is not totally and automatically paid directly from a slot machine.

Bonus award—An award of cash or credits to a randomly selected player that is not generated by the slot machine.

Cashless funds transfer system—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the electronic transfer of cashable or noncashable credits to a patron at a slot machine.

Casino management system—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, report and audit data with regard to activity at slot machines, inclusive of slot machine level accounting transactions, player tracking and productivity analysis.

Common carrier—An entity that transports persons or goods, and offers its services to the general public.
Conversion—A change or alteration to a slot machine that does not affect the manner or mode of play or operation of the slot machine.

Coupon—An instrument issued by a slot machine licensee under which cashable or noncashable slot machine credits are provided directly or indirectly to a patron with or without regard to the identity of the patron or the patron's level of gaming activity.

Coupon system—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the issuance of coupons, the acceptance of a coupon by a slot machine or its redemption at an automated coupon redemption machine, cashiers' cage or other locations.

Currency cassette—A container that holds banknotes that are available for dispensing.

Double-up—An optional wager on a slot machine in which the player has a mathematically equal probability of winning or losing the wager.

Educational institution—A facility that teaches and certifies students in slot machine design, operation, repair or servicing.

External bonusing system—The collective hardware, software, communications technology and other ancillary equipment used in conjunction with slot machines to deliver randomly selected player incentives (bonus awards) to active slot machine players and to effect the accurate metering of the bonus award event on the slot machine.

Finance department—The department that is responsible for the management of the financial and accounting activities relating to slot machines being utilized on an approved gaming floor.

Gaming day—A period of time not to exceed 24 hours corresponding to the beginning and ending times of gaming activities for the purpose of accounting reports and determination by the central control computer system of gross terminal revenue.

Gaming voucher—An instrument that upon insertion into a slot machine bill validator entitles the patron inserting the gaming voucher to cashable or noncashable credits on a slot machine corresponding to the value printed on the gaming voucher.

Gaming voucher system—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the issuance of gaming vouchers and the redemption of gaming vouchers by slot machines, automated gaming voucher redemption machines, the cashiers' cage or in other locations.

Hand pay—The payment of credits that are not totally and automatically paid directly from a slot machine.

Manufacturer's par sheet—A document supplied by the manufacturer that shows payable information including, but not limited to, theoretical payout percentage, winning combinations, awards and reel strips.

Modification—A change or alteration in a slot machine or associated equipment that affects the manner or mode of play or operation of the slot machine or associated equipment.

(i) The term includes a change to control or graphics programs and to the theoretical hold percentage.

(ii) In the case of slot machines, the term does not include:

(A) A conversion.

(B) Replacement of one approved component with an identical component.

(iii) In the case of a wide area progressive system, the term includes a change in:

(A) A system name or theme.

(B) The odds to win the progressive payout.

(C) The reset amount.

(D) The rate at which a progressive award increases.

(E) The wager necessary to win the progressive payout.

Paytables—A selectable part of a slot machine program that contains slot machine characteristics including, but not limited to, the theoretical payback percentage, reel strips and awards.

Player tracking system—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, authorize, report and audit data with regard to player activity generally or on an individual basis at slot machines.

Progressive awards—The award to be paid out when the event in the progressive game that triggered the award occurs.

Progressive payout—A slot machine payout that increases in a monetary amount based on the amounts wagered in a progressive system.

Pseudo random number generator—Software or hardware, or both, that ensures the randomness of slot machine outcomes.

Randomness—The observed unpredictability and absence of pattern in a set of elements or events that have definite probabilities of occurrence.

Reel strips—Components of a slot machine which display symbols.

Related systems—Systems which interface with slot machines or slot monitoring systems.

Remote system access—Connectivity to casino systems from outside the slot machine licensee's network.

Reset amount—The award value that a progressive award will revert to after the progressive award is paid out.

Skill—The application of intelligence and specific knowledge to achieve the best result when a slot machine offers a choice of options during game play.

Slot Lab—The Bureau of Gaming Laboratory Operations of the Board.

Slot machine bill validator—A component, made up of software and hardware that accepts and reads instruments such as bills, vouchers and coupons, into gaming devices such as slot machines and automated gaming voucher and coupon redemption machines.

Slot monitoring system—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, authorize, report and audit data with regard to activity at slot machines, inclusive of slot machine meter readings, error conditions, slot machine security, accounting, player tracking and productivity analysis.

Slot operations department—The department that is responsible for all operations in any area of the licensed facility where slot machines are kept.
Slot system operator—The persons designated in a slot system agreement as being responsible for the operation and administration of a wide area progressive system.

Strategy choice—A particular play option on a slot machine that requires the use of skill to consistently achieve the best result.

Theme—A concept, subject matter and methodology of design of a slot machine.

Theoretical payout percentage—The aggregate awards expected to be paid out over one cycle of the game divided by the total number of combinations in the cycle of the game.

Wager—Placing at risk in a slot machine a coin, bill, ticket, gaming voucher, coupon or similar object or, upon payment of any consideration, including the use of cashless funds transfer systems and external bonusing systems.

Wide area progressive system—Linked progressive slot machines which are located at two or more licensed facilities.

§ 461a.2. Protocol requirements.

In accordance with section 1324 of the act (relating to protocol information), manufacturer licensees, manufacturer designee licensees and supplier licensees shall be required to enable all slot machines to communicate with the Department’s central control computer for the purpose of transmitting auditing program information and activating and disabling slot machines.

§ 461a.3. Testing and approval generally.

(a) In accordance with section 1320 of the act (relating to slot machine testing and certification standards), the Board will determine the manner and scope in which slot machines and associated equipment are to be tested and approved prior to operation and use in a licensed facility in this Commonwealth.

(b) Slot machines and associated equipment operated in this Commonwealth must be approved by the Board.

(c) The Board has the authority to require one or more of the following procedures:

(1) An abbreviated testing and approval process in accordance with § 461a.4(g) (relating to submission for testing and approval).

(2) Testing and approval in accordance with § 461a.4(i).

(3) Utilize the services of a Board-approved private slot machine testing facility to conduct the testing until a slot machine testing facility is established by the Board.

(d) The general cost of establishment and operation of the Board’s testing facility shall be paid by each manufacturer licensee on a quarterly basis based upon each manufacturer’s proportion of the total number of products reviewed.

(e) The Board will require payment of all costs for the testing and approval of slot machines and associated equipment submitted by manufacturers or installed at a licensed facility based on the actual direct costs incurred by the Board.

(f) The Board will require a manufacturer licensee seeking approval of a slot machine or associated equipment to pay all costs of transportation, inspection and testing.

§ 461a.4. Submission for testing and approval.

(a) A slot machine or associated equipment identified in subsection (c) (collectively referred to as “products” or “equipment, device or software”), or a modification thereto, may not be offered for sale, lease or distribution for ultimate use by a slot machine licensee in this Commonwealth unless a prototype identical in all mechanical, electrical, electronic and other respects has been tested and approved by the Board.

(b) When an applicant for, or holder of, a slot machine license develops software or a system that is functionally equivalent to any of the slot systems enumerated in subsection (c), that software or system shall be subject to the testing and approval process of this subpart to the same extent as if the software or system were developed by an applicant for, or holder of, a manufacturer license. Any reference in this subpart to the responsibilities of a manufacturer applies to an applicant for, or holder of, a slot machine license developing software or systems subject to testing and approval under this subpart.

(c) For the purposes of this section, slot machines and associated equipment that shall be submitted for testing and Board approval include:

(1) Slot machines, including bill validators and printers.

(2) Slot monitoring systems, to the extent the systems interface with slot machines and related systems.

(3) Casino management systems, to the extent the systems interface with slot machines and related systems.

(4) Player tracking systems, to the extent the systems interface with slot machines and related systems.

(5) Progressive systems, including wide area progressive systems.

(6) Gaming voucher systems.

(7) External bonusing systems.

(8) Cashless funds transfer systems.

(9) Machines performing gaming voucher, coupon or jackpot payout transactions.

(10) Coupon systems, to the extent the systems interface with slot machines and related systems.

(11) Other related systems.

(d) Slot machine prototypes and associated equipment prototypes, and modifications thereto, which are subject to testing and approval under this section will be evaluated by the Board for overall operational integrity and compliance with the act, this subpart and technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board’s website. In addition, with regard to any slot machine, or modification thereto, the Board will test for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines.

(e) The Board may prescribe a standard product submission checklist, together with supplemental product specific submission checklists for completion by an applicant for, or holder of, a manufacturer license, to facilitate the examination and analysis of a prototype or modification.
(f) The Board may require the chief engineer of the applicant for, or holder of, a manufacturer license or the engineer in charge of the division of the manufacturer responsible for producing the product submitted to attest that the product was properly and completely tested by the manufacturer prior to its submission to the Board.

(g) Notwithstanding the terms of subsection (d), the Board may utilize an abbreviated testing and approval process in accordance with section 1320 of the act (relating to slot machine testing and certification standards).

(h) When an applicant for, or holder of, a manufacturer license seeks to utilize, during the applicable period, the abbreviated testing and approval process for a slot machine prototype, associated equipment, prototype or any modification thereto, it shall submit to the Slot Lab the following:

(1) A prototype of the equipment, device or software accompanied by a written request for abbreviated testing and approval which identifies the jurisdiction within the United States upon which the applicant for, or holder of, a manufacturer license proposes the Board rely ("named jurisdiction"). The manufacturer shall transport the equipment device or software at its own expense and deliver it to the offices of the Slot Lab.

(2) A certification executed by the chief engineer of the applicant for, or holder of, a manufacturer license or the engineer in charge of the division of the manufacturer responsible for producing the equipment, device or software submitted ("professional") asserting that:

(i) The specific prototype or modification is identical in all mechanical, electrical, electronic and other respects to one which has been tested and approved by the testing facility operated by the named jurisdiction or a private testing facility on behalf of the named jurisdiction.

(ii) The manufacturer is licensed and in good standing in the named jurisdiction and that the subject product has all regulatory approvals prerequisite to sale or distribution in the named jurisdiction.

(iii) In the professional's opinion, the testing standards of the named jurisdiction are comprehensive and thorough and provide similar adequate safeguards as those required by this subpart.

(iv) In the professional's opinion, the equipment, device or software complies with the act, this subpart and technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website including requirements related to the central control computer.

(3) An executed copy of a current product submission checklist, and any product specific supplemental submission checklists applicable to the submitted equipment, device or software unless a substantially similar checklist was filed with the named jurisdiction and is included in the submission package required by paragraph (4).

(4) Copies of the submission package, and amendments thereto, filed with the named jurisdiction, copies of any correspondence, review letters or approvals issued by the testing facility operated by the named jurisdiction or a private testing facility on behalf of the named jurisdiction and, as applicable, a copy of the final regulatory approval issued by the named jurisdiction.

(5) A disclosure that lists any conditions or limitations placed by the named jurisdiction on the operation or placement of the equipment, device or software at the time of approval or subsequently thereafter.

(6) A complete, comprehensive and technically accurate description of the manner in which the slot machine was tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines.

(7) Any hardware, software and other equipment, inclusive of technical support and maintenance applicable thereto, required by the Slot Lab to conduct the abbreviated testing and approval process contemplated by the act, this subpart and technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(8) Additional documentation requested by the Board which is necessary to evaluate the slot machine, associated equipment or modification thereto.

(i) When an applicant for, or holder of, a manufacturer license seeks Board approval of a slot machine prototype, associated equipment prototype, or any modification thereto, required by the abbreviated testing process in subsection (g) is not applicable, it shall submit to the Slot Lab the following:

(1) A prototype of the equipment, device or software accompanied by a written request for testing and approval. The manufacturer shall transport the equipment, device or software at its own expense and deliver it to the offices of the Board's Slot Lab in accordance with instructions provided.

(2) Certifications required under subsection (f) providing assurances from the manufacturer that the product was properly and completely tested and emulated by the manufacturer prior to its submission to the Board and that the product, device or software complies with the act, this subpart and technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website, including applicable requirements related to the central control computer.

(3) An executed copy of a current product submission checklist, and any product specific supplemental submission checklists applicable to the submitted equipment, device or software.

(4) A complete, comprehensive and technically accurate description of the equipment, device or software, accompanied by applicable diagrams, schematics and specifications, together with documentation with regard to the manner in which the product was tested and emulated by the manufacturer prior to its submission to the Board.

(5) Any hardware, software and other equipment, inclusive of technical support and maintenance applicable thereto, required by the Slot Lab to conduct the testing and approval process contemplated by the act, this subpart and technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(6) In the case of a slot machine prototype, the following additional information:

(i) A copy of all executable software, including data and graphics information, on electronically readable, unalterable media.
(ii) A copy of all source code for programs that cannot be reasonably demonstrated to have any use other than in a slot machine, on electronically readable, unalterable media.

(iii) A copy of all graphical images displayed on the slot machine including reel strips, rules, instructions and paytables.

(iv) A mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations including bonus pays and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of strategy.

(v) Hardware block diagrams of the major subsystems.

(vi) A complete set of schematics for all subsystems.

(vii) A wiring harness connection diagram.

(viii) A technical and an operator manual.

(ix) A description of security methodologies incorporated into the design of the slot machine including, when applicable, encryption methodology for all alterable media, auto-authentication of software and recovery capability of the slot machine for power interruption.

(x) For meters required by this subpart or technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website, a cross reference of product meters to the required meters, if necessary.

(xi) A description of tower light functions indicating the corresponding condition.

(xii) A description of error light functions indicating the corresponding action required by the operator.

(xiii) A description of the use and function of available dip switch settings or configurable options.

(xiv) A description of the pseudo random number generator or generators used to determine game outcome, including a detailed explanation of operational methodology and a description of the manner by which the pseudo random number generator and random number selection process is impervious to outside influences, interference from electro-magnetic, electrostatic and radio frequencies, and influence from ancillary equipment by means of data communications. Test results in support of representations shall be submitted. For the purposes of this section, "game outcome" means the results of a wager.

(xv) Specialized hardware, software or testing equipment, inclusive of technical support and maintenance, needed to complete the evaluation, which may include an emulator for a specified microprocessor, PCBs, extender cables for CPU boards, target reel strips and door defeats. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(xvi) A compiler, or reasonable access to a compiler, for the purpose of building applicable code modules.

(xvii) Program storage media including EPROMs, EEPROMs and any type of alterable media for slot machine software.

(xviii) Technical specifications for any microprocessor or microcontroller.

(xix) A complete, comprehensive and technically accurate description of the manner in which the slot machine was tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real-time information retrieval and activation and disabling of slot machines.

(xx) Additional documentation requested by the Board relating to the slot machine.

(7) In the case of a modification to a slot machine prototype, including a change in theme, the following additional information:

(i) A complete, comprehensive and technically accurate description of the proposed modification to the slot machine prototype, accompanied by applicable diagrams, schematics and specifications.

(ii) When a change in theme is involved, a copy of the graphical images displayed on the slot machine including reel strips, rules, instructions and paytables.

(iii) When a change in the manner in which the theoretical payout percentage is achieved is involved, a mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations including bonus pays and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of strategy.

(iv) A complete, comprehensive and technically accurate description of the manner in which the slot machine was tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real-time information retrieval and activation and disabling of slot machines.

(v) Additional documentation requested by the Board relating to the modification of the slot machine.

(8) In the case of a slot monitoring system, casino management system, player tracking system, wide area progressive system, gaming voucher system, external bonusing system, cashless funds transfer system, automated gaming voucher, coupon redemption or Jackpot payout machine, coupon system or any other equipment or system required to be tested and approved under subsection (c):

(i) A technical and an operator manual.

(ii) A description of security methodologies incorporated into the design of the system to include, when applicable, password protection, encryption methodology and its application, auto-authentication, network redundancy, back-up and recovery procedures.

(iii) A complete schematic or network diagram of the system’s major components accompanied by a description of each component’s functionality and a software object report. The description must disclose the functions performed by each component.

(iv) A description of the data flow, in narrative and in schematic form, including specifics with regard to data cabling and, when appropriate, communications methodology for multisite applications.

(v) A list of computer operating systems and third party software incorporated into the system together with a description of their interoperability.

(vi) System software and hardware installation procedures.

(vii) A list of available system reports.
(viii) When applicable, features for each system which may include patron and employee card functions, promotions, reconciliation procedures and patron services.

(ix) A description of the interoperability testing including test results for each submitted system's connection to, as applicable, slot machines, voucher, coupon redemption and jackpot payout machines, computerized systems for counting money, vouchers and coupons. This list must identify the tested products by manufacturer, model and software identification and version number.

(x) A narrative describing the method used to authenticate software.

(xi) All source code.

(xii) A complete, comprehensive and accurate description, accompanied by applicable diagrams, schematics and specifications, of the creation of a voucher and the redemption options available.

(xiii) A complete, comprehensive and technically accurate description, accompanied by applicable diagrams, schematics and specifications, of the creation of a coupon and the redemption options available.

(xiv) Any specialized hardware, software or other equipment, inclusive of technical support and maintenance applicable thereto, required by the Slot Lab to conduct the testing and approval process contemplated by the act, this subpart and technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(xv) Additional documentation requested by the Board related to the equipment or system being tested.

(9) In the case of a modification to any of the systems identified in paragraph (8), the following additional information:

(i) A complete, comprehensive and technically accurate description of the proposed modification to the system, accompanied by applicable diagrams, schematics and specifications.

(ii) A brief narrative disclosing the purpose for the modification.

(iii) Additional documentation requested by the Board relating to the modification.

(j) At the conclusion of testing of a prototype or modification by the Slot Lab, but prior to a decision to approve a prototype or modification, the Board may require a trial period of scope and duration as it deems appropriate to assess the operation of the prototype or modification in a live gaming environment. The conclusion of the trial period shall be subject to compliance by the licensed manufacturer, licensed manufacturer designee, applicable licensed suppliers, and the slot machine licensee with specific terms and conditions as may be required by the Board, which may include development and implementation of product specific accounting and internal controls, periodic data reporting to the Board and compliance with technical standards on trial periods or the prototype or modification adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website. The Board may authorize the receipt of compensation by a licensed manufacturer, licensed manufacturer designee or licensed supplier during the trial period. The Board may order termination of the trial period if it determines that the licensed manufacturer, licensed manufacturer designee, applicable licensed suppliers or the slot machine licensee conducting the trial period has not complied with the terms and conditions required by the Board or that the product is not performing as expected.

(k) At the conclusion of testing of a prototype or modification, the Slot Lab will report to the Board the results of its testing. Upon receipt of the Slot Lab's report, the Board will:

(1) Approve, approve with conditions or reject the submitted prototype or modification.

(2) Require additional testing or a trial period under subsection (j).

(l) Board approval of a prototype or modification does not constitute a guarantee of the prototype or modification's safety.

(m) A slot machine licensee is prohibited from installing in its licensed facility a slot machine or associated equipment, or modification thereto, required to be tested and approved under subsection (c) unless the equipment, device or software has been approved by the Board. A slot machine licensee may not modify, alter or tamper with an approved slot machine or associated equipment. A slot machine or associated equipment installed in a licensed facility in contravention of this requirement will be subject to seizure by the Board.

(n) Notwithstanding subsection (m), the Board may authorize installation of a modification to a slot machine prototype or associated equipment prototype on an emergency basis to prevent cheating or malfunction, upon the written request of a licensed manufacturer. The request must expressly detail the name and employer of any persons to be involved in the installation of the modification and the manner in which it is to be effected. Within 15 days of receipt of any authorization to install an emergency modification, the manufacturer shall submit the modification for full testing and approval in accordance with this subpart.

(o) A slot machine licensee shall immediately notify the Board of any known or suspected defect or malfunction in any slot machine or associated equipment installed in its licensed facility. The slot machine licensee shall comply with instructions issued by the Board with regard to the continued operation of the slot machine or associated equipment.

(p) Concurrent with the initial receipt of slot machines, an applicant for, or holder of, a slot machine license shall file a slot machine master list as required by § 463a.5 (relating to slot machine master list).

(q) The testing of equipment, devices or software under this subpart may require the dismantling of the product and testing that may result in damage to, or destruction of, one or more systems or components. Once submitted for testing, equipment, devices or software will not be returned to the manufacturer.

§ 461a.5. Slot machine conversions.

A slot machine licensee shall:

(1) Maintain complete and accurate records of all conversions.

(2) Give prior notice of a slot machine conversion to the Slot Lab in writing.

(3) Notice the Department in accordance with § 463a.6 (relating to notice to central control computer system).
§ 461a.6. Revocations and additional conditions.

The Board may revoke the approval of or impose additional conditions on a slot machine prototype, associated equipment prototype, or modification thereto, if the equipment, device or software meets either of the following criteria:

(1) The equipment, device or software is not in compliance with the act, this subpart or technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board’s website.

(2) The slot machine, or modification thereto, is not compatible with, or compliant with the central control computer and protocol specifications approved by the Department or is unable to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines.

§ 461a.7. Slot machine minimum design standards.

(a) A slot machine may not be set to pay out less than the theoretical payout percentage, which may not be less than 85% or equal or exceed 100%. The theoretical payout percentage for the total value of slot machine wagers will be calculated using the following:

(1) The defined set of all symbols that will be displayed using spinning reels or video displays, or both.

(2) The finite set of all possible combinations which shall be known as the cycle of the game. All possible combinations in a slot machine cycle shall be independent of each other and of all possible combinations from cycles in other slot machines.

(3) The value of each winning combination that corresponds with the set from paragraph (2) which, whether by reason of skill or application of the element of chance or both, may deliver or entitle the person or persons playing the slot machine to a jackpot.

(4) A payout of merchandise or anything of value provided a cash equivalent award for the merchandise is offered. The value of the cash equivalent will contribute to the calculation of the theoretical payout percentage.

(5) A payout in the form of an annuity will contribute to the calculation of the theoretical payout percentage by dividing the initial or reset amount of the jackpot payout by the number of years over which the jackpot will be paid.

(6) The odds of any winning combination may not exceed 50 million to 1.

(b) The calculation of the theoretical payout percentage will not include:

(1) The amount of any progressive jackpot in excess of the initial or reset amount.

(2) A cash or noncash complimentary issued under § 465.8 (relating to complimentary services or items).

(3) A payout of merchandise or anything of value when a cash equivalent award is not offered.

(c) A play offered by a slot machine may not have a theoretical payout percentage which is less than, when calculated to one hundredth of a percentage point, the theoretical payout percentage for any other play offered by that slot machine which is activated by a slot machine wager in a lesser amount than the slot machine wager required for that play. Notwithstanding the foregoing, the theoretical payout percentage of one or more particular plays may be less than the theoretical payout percentage of one or more plays which require a lesser wager provided that:

(1) The aggregate total of the decreases in the theoretical payout percentage for plays offered by the slot machine is not more than 1/2 of 1%.

(2) The theoretical payout percentage for every play offered by the slot machine is equal to or greater than the theoretical payout percentage for the play that requires the lowest possible wager that will activate the slot machine.

(d) In addition to the requirements of subsections (a), (b) and (c), the volatility of a slot machine must verify that the theoretical payout percentage equals or exceeds the minimum payout requirement of 85% within 10 million plays. The criteria used to calculate the volatility must be in accordance with technical standards applicable to volatility under § 461b.1 (relating to slot machine minimum design standards).

(e) The selection from the set of all possible combinations of symbols shall be made applying a pseudo random number generator. At a minimum, a pseudo random number generator must adhere to the following criteria:

(1) The random selection process must meet a 95% confidence interval.

(2) A random number generator must pass a standard chi-squared test for goodness of fit.

(3) Each possible slot machine combination which produces winning or losing slot machine outcomes must be available for random selection at the initiation of each play.

(4) A slot machine payout percentage that may be affected by reason of skill must meet the theoretical payout requirements of this subpart when evaluated by the Board using a method of play that will provide the greatest return to the player.

(5) Once a random selection process has occurred, the slot machine must:

(i) Display an accurate representation of the randomly selected outcome.

(ii) Not make a secondary decision which affects the result shown to the person playing the slot machine.

(f) A slot machine is prohibited from automatically altering any function of the slot machine based on internal computation of the hold percentage.

(g) The available winning combinations and applicable rules of play for a slot machine shall be available at all times the slot machine is idle to the patron playing the slot machine. The award schedule of available winning combinations may not include possible aggregate awards achievable from free plays. A slot machine that includes a strategy choice must provide mathematically sufficient information for a patron to use optimal skill. Information regarding a strategy choice need not be made available for any strategy decisions whenever the patron is not required, in addition to the initial wager, to make an additional wager and, when as a result of playing a strategy choice, the patron can not lose any credits earned thus far during that game play.

(h) Slot machines approved for use in a licensed facility must be equipped with the following meters that comply with the technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board’s website:

(1) Coin in. A meter that accumulates the total value of all wagers, whether the wager results from the insertion of currency, gaming vouchers, coupons, downloaded credits, credits, or any other means. This meter must:

(i) Not include subsequent wagers of intermediate winnings accumulated during game play sequence such as those acquired from "double up" games.

(ii) For multigame and multidenomination/multigame slot machines, monitor the information necessary, on a per paytable basis, to calculate a weighted average actual payout percentage.

(2) Coin out. A meter that accumulates the total value of all amounts directly paid by the slot machine as a result of winning wagers, whether the payout is made directly from the printer by issuance of a gaming voucher, directly to a credit meter or by any other means. This meter may not record amounts awarded as the result of an external bonusing system or a progressive payout.

(3) Attendant paid jackpots. A meter that accumulates the total value of credits paid by an attendant resulting from a single winning alignment or combination, the amount of which is not capable of being paid by the slot machine itself. This meter may not record amounts awarded as the result of an external bonusing system or a progressive payout. This meter is to record only amounts specifically listed in the manufacturer’s part sheet.

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

(5) Bill in. A meter that accumulates the total value of currency accepted. The slot machine must also have a specific meter for each denomination of currency accepted that records the number of bills accepted for each denomination.

(6) Voucher in—cashable/value. A meter that accumulates the total value of cashable gaming vouchers accepted by the slot machine.

(7) Voucher in—cashable/count. A meter that accumulates the total number of cashable gaming vouchers accepted by the slot machine.

(8) Voucher out—cashable/value. A meter that accumulates the total value of cashable gaming vouchers issued by the slot machine.

(9) Voucher out—cashable/count. A meter that records the total number of cashable gaming vouchers issued by a slot machine.

(10) Voucher out—noncashable/value. A meter that accumulates the total value of noncashable gaming vouchers issued by the slot machine.

(11) Voucher out—noncashable/count. A meter that records the total number of noncashable gaming vouchers issued by the slot machine.

(12) Cashable electronic in. A meter that accumulates the total value of cashable credits electronically transferred to the slot machine by means of an external connection between the slot machine and a cashless funds transfer system.

(13) Noncashable electronic in. A meter that accumulates the total value of noncashable credits electronically transferred to the slot machine by means of an external connection between the slot machine and a cashless funds transfer system.

(14) Coupon in—cashable/value. A meter that accumulates the total value of cashable coupons accepted by the slot machine.

(15) Coupon in—cashable/count. A meter that accumulates the total number of cashable coupons accepted by the slot machine.

(16) Coupon in—noncashable/value. A meter that accumulates the total value of noncashable coupons accepted by the slot machine.

(17) Coupon in—noncashable/count. A meter that accumulates the total number of noncashable coupons accepted by the slot machine.

(18) Slot machine paid external bonus payout. A meter that accumulates the total value of additional amounts awarded as a result of an external bonusing system and paid by the slot machine.

(19) Attendant paid external bonus payout. A meter that accumulates the total value of additional amounts awarded as a result of an external bonusing system and paid by a slot attendant.

(20) Slot machine paid progressive payout. A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the slot machine. This meter may not record awards paid as a result of an external bonusing system.

(21) Attendant paid progressive payout. A meter that accumulates the total value of credits paid by a slot attendant as a result of progressive awards that are not capable of being paid by the slot machine. This meter may not include awards paid as a result of an external bonusing system.

(22) Additional requirements. Other meters required by technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board’s website.

(i) A slot machine that does not meter one or more of the events required to be metered under subsection (h) may be approved when a slot machine licensee’s system of internal controls establishes that the meter is not required to capture all critical transactions occurring on the slot machine.

(j) The meters required under subsection (h) must continuously and automatically increment in units equal to the denomination of the slot machine or, in the case of a slot machine configured for multidenomination play, must display the required information in dollars and cents.

(k) A slot machine approved for use in a licensed facility must be equipped with the following noncumulative meters:

(1) Credits wagered. A meter, visible from the front exterior of a slot machine, known as a credit wagered meter that advises the patron of the total value of amounts wagered in a particular game or round of slot play.

(2) Win meter. A meter, visible from the front exterior of the slot machine, known as a win meter that advises the patron of the total value of amounts won in the immediately concluded game or round of slot play.
(3) Credits paid. A meter, visible from the front exterior of the slot machine, known as a credits paid meter that advises the patron of the total value of the last:
   (i) Cash out initiated by the patron.
   (ii) Attendant paid jackpot.
   (iii) Attendant paid canceled credit.

(4) Credit meter. A meter, visible from the front exterior of the slot machine and specifically labeled as a credit meter, which advises the patron as to the number of credits or monetary value available for wagering on the slot machine. The credit meter need not distinguish between cashable credits and noncashable credits.

(l) A slot machine must have a meter which stores the number of games played, in the manner and for a duration specified in this subpart or in technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board’s website, since the following events:
   (1) Power reset.
   (2) Door close.
   (3) Game initialization (random access memory (RAM) clear).

(m) A slot machine must be equipped with a device, mechanism or method for retaining the total value of all meters required under subsection (h) for 72 hours subsequent to a power loss.

(n) The required meters on a slot machine must be accessible and legible without access to the interior of the slot machine.

(o) A slot machine must be equipped with a tower light capable of effectively communicating the status of the slot machine in accordance with technical standards on tower lights and error conditions under § 461b.2 (relating to slot machine tower lights and error conditions).

(p) A slot machine must be equipped with a device, mechanism or method for detecting, displaying and communicating to a slot monitoring system error conditions. The error conditions detected, displayed and communicated by a slot machine, and the method to be utilized to clear the message with regard to the error condition, must be in accordance with technical standards on tower lights and error conditions under § 461b.2.

(q) A slot machine must, in accordance with section 1324 of the act (relating to protocol information), comply with the comprehensive protocol specifications necessary to enable the slot machine to communicate with the Department’s central control computer as that protocol is amended or supplemented, for the purpose of transmitting auditing program information, real time information retrieval and slot machine activation and disabling.

(r) A slot machine must lock up and preclude further play whenever a jackpot occurs that is not able to be paid completely by the slot machine and requires a hand pay. When the jackpot occurs, the slot machine can offer a predetermined number of double-up wagers before the slot machine locks up.

(s) Printers incorporated into a slot machine must be:
   (1) Designed to allow the slot machine to detect and report a low paper level, paper out, presentation error, printer failure and paper jams.
   (2) Mounted inside a lockable compartment within the slot machine.

(t) Seating made available by a slot machine licensee for use during slot play must be fixed and stationary in nature. Slot seating must be installed in a manner that effectively precludes its ready removal by a patron but permits controlled removal, for example for American With Disabilities Act of 1990 (ADA) (42 U.S.C.A. §§ 12101—12113) purposes, by slot operations department personnel.

(u) Unless a slot machine licensee’s slot monitoring system is configured to automatically record all of the information required by this subsection, the slot machine licensee shall be required to physically house in each slot machine the following entry authorization logs:

   (1) A machine entry authorization log that documents each time a slot machine or any device connected thereto which may affect the operation of the slot machine is opened. The log must contain, at a minimum, the date, time, purpose for opening the slot machine or device and the signature and license or permit number of the person opening and entering the slot machine or device. Each log must have recorded thereon a sequence number and the manufacturer’s serial number or the asset number corresponding to the slot machine in which it is housed.

   (2) A progressive entry authorization log that documents each time a progressive controller not housed within the cabinet of the slot machine is opened. The log must contain, at a minimum, the date, time, purpose for accessing the progressive controller and the signature and license or permit number of the person accessing the progressive controller. Each log must be maintained in the progressive controller unit and have recorded thereon a sequence number and the manufacturer’s serial number of the progressive controller.

   (v) A slot machine must be equipped with a lock controlling access to the card cage door securing the microprocessor, the key to which must be different from any other key securing access to the slot machine's components including its belly door or main door, bill validator or slot cash storage box. Access to the key securing the microprocessor shall be limited to a supervisor in the slot operations department and that department shall establish a sign out and sign in procedure with regard to this key.

   (w) A slot machine must be equipped with a mechanism for detecting and communicating to a slot monitoring system any activity with regard to access to the card cage door securing its microprocessor.

§ 461a.8. Gaming vouchers.

(a) A slot machine licensee may utilize gaming vouchers and a gaming voucher system that has been tested and approved by the Board under § 461a.4 (relating to submission for testing and approval).

(b) The design specifications for a gaming voucher, the expiration terms applicable thereto, the voucher verification methodologies utilized and any limitation on the value of a gaming voucher must be in compliance with technical standards on gaming vouchers under § 461b.3 (relating to gaming vouchers).

(c) The design specifications for a gaming voucher system must be in compliance with technical standards on gaming voucher systems under § 461b.3.

(d) Prior to issuing a gaming voucher, a slot machine licensee shall establish a system of internal controls for the issuance and redemption of gaming vouchers. The internal controls shall be submitted and approved by the
Board under § 465.3 (relating to internal control systems and audit protocols) and address:

1. Procedures for assigning a slot machine's asset number and identifying other redemption locations in the system, and enabling and disabling voucher capabilities for slot machines and redemption locations.

2. Procedures for issuance, modification and termination of a unique system account for each user in accordance with technical standards under § 461b.3.

3. Procedures used to configure and maintain user passwords in accordance with technical standards under § 461b.3.

4. Procedures for restricting special rights and privileges, such as administrator and override capabilities, in accordance with technical standards under § 461b.3.

5. The duties and responsibilities of the information technology, internal audit, slot operations and finance departments, respectively, and the level of access for each position with regard to the gaming voucher system.

6. A description of physical controls on all critical hardware such as locks and surveillance, including the location and security protocols applicable to each piece of equipment.

7. Procedures for the backup and timely recovery of critical data in accordance with technical standards under § 461b.3.

8. Logs used to document and maintain the details of Board-approved hardware and software modifications upon implementation.

9. The system of internal controls required to be submitted and approved by the Board under subsection (d) must also include the procedures to be applied in the following instances:

1. The slot machine licensee chooses to pay a patron the value of a gaming voucher notwithstanding the fact that the gaming voucher system is inoperable rendering it unable to determine the validity of the gaming voucher at the time of payment.

2. The slot machine licensee chooses to pay a patron the value of a gaming voucher notwithstanding the fact that the gaming voucher system failed to verify and electronically cancel the gaming voucher when it was scanned.

3. At the end of each gaming day, the gaming voucher system must generate reports and the reports must be provided to the finance department, either directly by the system or through the information technology department. The report, at a minimum, must contain the following information:

1. A report of all gaming vouchers that have been issued which includes the asset number and the serial number of the slot machine, and the value, date and time of issuance of each gaming voucher.

2. A report of all gaming vouchers that have been redeemed and cancelled by redemption location, including the asset number of the slot machine or location if other than a slot machine, the serial number, the value, date and time of redemption for each voucher, the total value of all gaming vouchers redeemed at slot machines, and the total value of all gaming vouchers redeemed at locations other than slot machines.

3. The unredeemed liability for gaming vouchers.

4. The readings on gaming voucher related slot machine meters and a comparison of the readings to the number and value of issued and redeemed gaming vouchers, as applicable.

5. Exception reports and audit logs.

6. A slot machine licensee shall immediately report to the Board evidence that a gaming voucher has been counterfeited, tampered with, or altered in any way which would affect the integrity, fairness, reliability or suitability of the gaming voucher.

7. Upon presentation of a gaming voucher for redemption at a slot machine, the total value of which gaming voucher cannot be completely converted into an equivalent value of credits that match the denomination of the slot machine, the slot machine must perform one of the following procedures:

1. Automatically issue a new gaming voucher containing the value that cannot be completely converted.

2. Not redeem the gaming voucher and immediately return the gaming voucher to the patron.

3. Allow for the additional accumulation of credits on an odd cents meter or a meter that displays the value in dollars and cents.

4. A slot machine licensee that utilizes a system or a slot machine that does not print a test gaming voucher that is visually distinguishable from a valid gaming voucher whenever the slot machine is tested on the gaming floor must have in place internal controls approved by the Board under § 465.3 for the issuance of test currency from the cashiers' cage and the return and reconciliation of the test currency and any gaming vouchers printed during the testing process.

5. Except as provided in subsection (n) with regard to employee redemption of gaming vouchers, a gaming voucher shall be redeemed by a patron for a specific value of cash, slot machine credits, or, at the request of the patron, a check issued by the slot machine licensee in the amount of the gaming voucher surrendered. Notwithstanding the foregoing, a slot machine licensee may not permit a gaming voucher that is presented for redemption to be redeemed if it knows, or has reason to know, that the gaming voucher:

1. Is materially different from the sample of the gaming voucher approved by the Board.

2. Was previously redeemed.

3. Was printed as a test gaming voucher.

4. Notwithstanding the requirements of subsection (j), if a patron requests to redeem a gaming voucher by mail, the slot machine licensee may effectuate the redemption. However, the gaming voucher may only be redeemed by a cage supervisor in accordance with internal controls approved by the Board under § 465.3, which include the following:

1. Procedures for using the gaming voucher system to verify the validity of the serial number and value of the voucher, which, if valid, must be immediately cancelled electronically by the system.

2. Procedures for the issuance of a check equal to the value of the voucher.

I. Gaming vouchers redeemed at cashiering locations shall be transferred to the finance department on a daily basis. Gaming vouchers redeemed by slot machines shall be counted in the count room and forwarded to the finance department upon the conclusion of the count
process. Gaming vouchers redeemed at automated gaming voucher redemption machines shall be forwarded to finance upon the conclusion of the cashiers' cage reconciliation process. Finance department representatives with no incompatible functions shall perform, at a minimum, the following:

1. On a daily basis:
   (i) Compare gaming voucher system report data to any count room system report data available for that gaming day to ensure proper electronic cancellation of the gaming voucher.
   (ii) Calculate the unredeemed liability for gaming vouchers, either manually or by means of the gaming voucher system.
2. On a weekly basis, compare appropriate slot machine meter readings to the number and value of issued and redeemed gaming vouchers per the gaming voucher system. Meter readings obtained through a slot monitoring system may be utilized to complete this comparison.
3. The malfunction is limited to a single storage media device, such as a hard disk drive.
4. In addition to the malfunctioning storage media device, the system contains a backup storage media device not utilized in the normal operation of the system. The backup device must immediately and automatically replace the malfunctioning device to permit a complete and prompt recovery of all information in the event of an additional malfunction.
5. Continued use of the malfunctioning system would not inhibit the ability to perform a complete and prompt recovery of all information, and would not otherwise harm or affect the normal operation of the system.
6. Other than a modification to a gaming voucher system required on an emergency basis to prevent cheating or malfunction and approved by the Board under § 461a.4(m), a modification to a gaming voucher system may not be installed without the gaming voucher system having undergone the testing and approval process required under § 461a.4.

§ 461a.9. Coupons.

(a) A slot machine licensee may utilize coupons and a coupon system that has been tested and approved by the Board under § 461a.4 (relating to submission for testing and approval) and complies with technical standards on coupon systems adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website.
(b) The design specifications for a coupon, the expiration terms applicable thereto, the coupon verification methodologies utilized, and any limitation on the value of a coupon must be in compliance with technical standards on coupons adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website.
(c) A coupon shall be designed and manufactured with sufficient graphics or other security measures, to permit the proper verification of the coupon. A coupon must contain, at a minimum, the following information:
1. The name or trade name of the slot machine licensee; if the slot machine licensee is affiliated with a casino licensee in any other jurisdiction with an identical or similar name or trade name, the name of the Pennsylvania location must be evident on the coupon.
2. The value of the coupon, in both numbers and words.
3. A unique serial number, which is automatically generated by the system in accordance with this subpart and technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website.
4. The locations where the coupon may be redeemed and restrictions regarding redemption.
5. An indication of the date on which the coupon becomes invalid.
6. A bar code or magnetic strip which enables the coupon system to establish the validity of the coupon and its value in accordance with this subpart and technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website.
(d) Prior to issuing a coupon, a slot machine licensee shall establish a system of internal controls for the issuance and redemption of coupons. The internal controls shall be submitted to, and approved by the Board under § 465.3 (relating to internal control systems and audit protocols).

§ 461a.10. Automated gaming voucher and coupon redemption machines.

(a) A slot machine licensee may utilize an automated gaming voucher and coupon redemption machine that has been tested and approved by the Board under § 461a.4 (relating to submission for testing and approval).
(b) Automated gaming voucher and coupon redemption machines may be located on or proximate to the gaming floor of a licensed facility and must be subject to surveillance coverage under § 465.10 (relating to surveillance system; surveillance department control; surveillance department restrictions). Each automated gaming voucher and coupon redemption machine must have imprinted, affixed or impressed on the outside of the machine a unique asset identification number.
(c) An automated gaming voucher and coupon redemption machine must have the capability of establishing the validity of a gaming voucher or coupon by comparing the instrument's unique serial number, automatically generated by the respective gaming voucher or coupon system in accordance with this subpart and technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website.
(d) The methods utilized to comply with the requirements of subsection (c) shall be submitted to and approved by the Board under § 461a.4 in the context of the testing of a gaming voucher system or coupon system.

(e) An automated gaming voucher and coupon redemption machine may function as a bill breaker changing bills of one denomination into bills of a smaller denomination.

(f) An automated gaming voucher and coupon redemption machine must contain a lockable gaming voucher, coupon and currency storage box which retains any gaming vouchers, coupons or currency accepted by the machine. The gaming voucher, coupon and currency storage box located inside the machine must also have imprinted, affixed or impressed thereon the asset identification number of the corresponding machine.

(g) An automated gaming voucher and coupon redemption machine must have, at a minimum, the following:

1. One lock securing the compartment housing the storage box and one lock securing the storage box within the compartment, the keys to which must be different from each other. The key to the lock securing the compartment housing the storage box shall be controlled by the slot operations department. The key to the lock securing the storage box within the compartment shall be controlled by the finance department.

2. One lock securing the compartment housing the currency cassettes, the key to which shall be controlled by the finance department.

3. One lock securing the compartment housing the coin storage container, the key to which shall be controlled by the finance department.

4. One lock securing the contents of the storage box, the key to which must be different from the keys referenced in paragraphs (1)—(3). This key shall be controlled by an employee of the finance department other than the employee controlling the keys referenced in paragraphs (1)—(3).

(h) An automated gaming voucher and coupon redemption machine must be designed to resist forced illegal entry. The slot machine licensee shall secure all input/output ports on an automated gaming voucher and coupon redemption machine.

(i) An automated gaming voucher and coupon redemption machine’s currency cassettes must be designed to preclude access to its interior. Access to each currency cassette shall be controlled by the finance department.

(j) Access controls relating to the operating system or applications of the automated gaming voucher and coupon redemption machine, and ancillary systems, applications and equipment associated with the reconciliation thereof, must employ security measures that require authentication of the user and recording and maintaining of data regarding access and modifications made. Authentication must be in accordance with this subpart and technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board’s website.

(k) A gaming voucher or coupon accepted by an automated gaming voucher and coupon redemption machine shall be cancelled immediately upon exchange in a manner that effectively prevents its subsequent redemption by the cashiers’ cage, another automated gaming voucher and coupon redemption machine or its acceptance in a slot machine bill validator. The methods utilized to comply with this requirement must be in accordance with this subpart and technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board’s website.

(l) An automated gaming voucher and coupon redemption machine must be designed to be impervious to outside influences, interference from electro-magnetic, electro-static and radio frequencies and influence from ancillary equipment.

(m) An automated gaming voucher and coupon redemption machine must include a means to protect against transaction failure and data loss due to power loss.

(n) An automated gaming voucher and coupon redemption machine must detect, display and record electronically the following error conditions: power reset; door open; door just closed and system communication loss. These error conditions may be automatically cleared by the automated gaming voucher and coupon redemption machine when the condition no longer exists and upon completion of a new transaction.

(o) An automated gaming voucher and coupon redemption machine must detect, display and record electronically the error conditions in paragraphs (1)—(4). These error conditions must disable the automated gaming voucher and coupon redemption machine and prohibit new transactions and may only be cleared by either the finance department or slot operations department.

1. Failure to make payment, if the gaming voucher or coupon is not returned and no receipt is issued.

2. Failure to make complete payment if a receipt for the unpaid amount is not issued.


4. Printer failure due to printer jam or lack of paper.

(p) An automated gaming voucher and coupon redemption machine must be designed to evaluate whether sufficient funds are available before stacking the voucher and completing the transaction.

(q) An automated gaming voucher and coupon redemption machine must be capable of maintaining synchronization between its real time clock and that of the gaming voucher system and coupon system.

(r) An automated gaming voucher and coupon redemption machine must be equipped with electronic digital storage meters that accumulate the following information. The information must be readily available through system reports. When a value is maintained, the value must be in dollars and cents.

1. Physical coin out. The total value, by denomination, of coins paid by the automated gaming voucher and coupon redemption machine.

2. Voucher in—value. The value of cashable gaming vouchers accepted.

3. Voucher in—count. The number of cashable gaming vouchers accepted.


5. Coupon in—count. The number of cashable coupons accepted.

6. Bill in. The value of currency accepted by the automated gaming voucher and coupon redemption machine. An automated gaming voucher and coupon redemption machine must also have specific meters for each denomination of currency accepted that records the number of bills accepted.
(7) Bill out. The total value of currency dispensed. An automated gaming voucher and coupon redemption machine must also provide for specific meters for each denomination of currency dispensed that record the number of bills dispensed.

(8) Additional requirements. Other meters as may be required by technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website.

(a) An automated gaming voucher and coupon redemption machine must have the capacity to record and retain, in an automated transaction log, all critical transaction history for at least 30 days. Transaction history must include records with the date, time, amount and disposition of each complete and incomplete transaction, error conditions, logical and physical access and attempted access to the automated gaming voucher and coupon redemption machine. If an automated gaming voucher and coupon redemption machine is capable of redeeming multiple vouchers and coupons in a single transaction, the transaction history must include a breakdown of the transaction with regard to the individual gaming vouchers and coupons.

(b) An automated gaming voucher and coupon redemption machine or ancillary systems, applications and equipment associated with the reconciliation thereof, must be capable of producing the following reports upon request:

(1) Gaming voucher transaction report. The report must include the disposition (paid, partial pay, unpaid) of gaming vouchers accepted by an automated gaming voucher and coupon redemption machine which must include the validation number, the date and time of redemption, amount requested and the amount dispensed. This information must be available by reconciliation period which may be by day, shift or drop cycle.

(2) Coupon transaction report. This report must include the disposition (paid, partial pay, unpaid) of coupons accepted by an automated gaming voucher and coupon redemption machine which must include the unique serial number, the date and time of redemption, amount requested and the amount dispensed. The information must be available by reconciliation period which may be by day, shift or drop cycle.

(3) Reconciliation report. The report must include the following:

(i) Report date and time.

(ii) Unique asset identification number of the machine.

(iii) Total cash balance of the currency cassettes.

(iv) Total dollar amount of currency accepted.

(v) Total count of currency accepted.

(vi) Total dollar amount of vouchers accepted.

(vii) Total count of gaming vouchers accepted.

(viii) Total dollar amount of coupons accepted.

(ix) Total count of coupons accepted.

(x) Details required to be included in the gaming voucher transaction report required by paragraph (1) and the coupon transaction report required in paragraph (2).

(5) Transaction report. The report must include all critical patron transaction history including the date, time, amount and disposition of each complete and incomplete transaction. If an automated gaming voucher and coupon redemption machine is capable of redeeming multiple vouchers or coupons in a single transaction, the transaction history must include a breakdown of the transaction with regard to the individual gaming vouchers and coupons accepted.

§ 461a.11. Automated gaming voucher and coupon redemption machines: accounting controls.

Prior to commencing use of an automated gaming voucher redemption machine, an automated coupon redemption machine, bill breaker or some combination thereof, a slot machine licensee shall establish a comprehensive system of internal controls addressing the distribution of currency or coin, or both, to the machines, the removal of gaming vouchers, coupons or currency accepted by the machines and the reconciliations associated therewith. The internal controls shall be submitted to, and approved by the Board under § 465.3 (relating to internal control systems and audit protocols).


(a) A progressive slot machine is a slot machine that offers a jackpot that may increase in value based upon wagers as the slot machine is played. A progressive slot machine may stand alone, be linked or interconnected with other progressive slot machines. Progressive slot machines located at a licensed facility that are linked or interconnected with progressive slot machines at another licensed facility are collectively referred to as a wide area progressive system.

(b) A slot machine that offers a progressive jackpot which may increase in value based upon wagers and is adjusted and displayed by a device other than the approved program that controls the operation of the slot machine, referred to herein as a progressive controller, must have the following features:

(1) For each progressive jackpot offered by the slot machine, a mechanical, electrical or electronic device, to be known as a progressive meter, visible from the front of the slot machine, which may increase in value based upon wagers, that advises the player of the amount which can be won if the slot machine symbols that award the progressive jackpot appear as a result of activation of the play of the slot machine.

(2) A slot machine paid progressive payout meter in accordance with § 461a.7(h) (relating to slot machine minimum design standards).

(3) A slot attendant paid progressive payout meter in accordance with § 461a.7(h).
(4) A cumulative progressive payout meter that continuously and automatically records the total value of progressive jackpots paid directly by the slot machine or by a slot attendant.

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

(6) A key locking the compartment housing the progressive meter or meters or other means by which to preclude any unauthorized alterations to the progressive meters. The key or alternative security method must be different than the key or reset mechanism in paragraph (5).

(7) Dual key control by the security department and finance department, or alternative key controls of the compartment housing the microprocessor or other unit that controls the progressive meter or meters. The compartment must be in a secure location.

(c) A slot machine that is connected to a common progressive meter for the purpose of offering the same progressive jackpot on two or more slot machines must:

(1) Have the same probability of hitting the combination that will award the progressive jackpot as every other slot machine linked to the common progressive meter.

(2) Require that the same amount in wager be invested to entitle the player to a chance at winning the progressive jackpot and that each increase in wager increment the progressive meter by the same rate of progression as every other slot machine linked to the common progressive meter.

(3) Have its program or progressive controller that controls the common display for the progressive meter housed in a location and subject to dual key controls approved by the Board.

(d) Notwithstanding the provisions of subsection (c), two or more linked slot machines offering the same progressive jackpot may be of different denominations or have different wagers, or both, required to win the progressive jackpot, provided that:

(1) The probability of winning the progressive jackpot is directly proportional to the wager required to win that jackpot.

(2) A notice indicating the proportional probability of hitting the progressive jackpot on the linked progressive system is conspicuously displayed on each linked slot machine.

(e) A slot machine licensee seeking to utilize a linked slot machine shall submit to the Board for approval the location and manner of installing any progressive meter display mechanism.

(f) A slot machine that offers a progressive jackpot may not be placed on the gaming floor until the slot machine licensee or, as applicable, the slot system operator, has submitted to the Board and the Board has approved, the following:

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

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

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

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

(5) The calculated probability of winning each progressive jackpot. The probability may not exceed 50 million to 1. Notwithstanding the foregoing, this paragraph does not apply to a jackpot with a probability that may exceed 50 million to 1 during the game cycle due solely to the intervening occurrence of free play awards between the activation of a play and the award of the jackpot.

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

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

(2) The progressive jackpot amount won by the patron has been entered on the progressive slot summary required by this subpart and the Board shall be notified of the resetting in writing.

(h) Once an amount appears on a progressive meter, the probability of hitting the combination that will award the progressive jackpot may not be decreased unless the progressive jackpot has been won by a patron or the progressive jackpot has been transferred to another progressive slot machine or wide area progressive system in accordance with this subpart and the Board shall be notified of the resetting in writing.

(i) When a slot machine has a progressive meter with digital limitations on the meter, the slot machine licensee shall set a limit on the progressive jackpot not to exceed the display capability of the progressive meter.

(j) A slot machine licensee or, as applicable, a slot system operator, may limit, transfer or terminate a progressive jackpot offered on a gaming floor only under the following circumstances:

(1) A slot machine licensee may establish a payout limit for a progressive jackpot provided that the payout limit is greater than the then current payout amount on the progressive jackpot meter. The slot machine licensee shall provide notice to the Board of the imposition of a payout limit on a progressive meter or a modification thereto concurrent with the setting of the payout limit.

(2) A slot machine licensee may terminate a progressive jackpot concurrent with the winning of the progressive jackpot provided its slot machine program or progressive controller was configured prior to the winning of the progressive jackpot to establish a fixed reset amount with no progressive increment.

(3) A slot machine licensee may immediately and permanently remove one or more linked slot machines from a gaming floor, provided that:

(i) When the slot machine is part of a wide area progressive system offered at multiple licensed facilities, the slot machine licensee retains at least one linked slot machine offering the same progressive jackpot on its gaming floor.

(ii) When the progressive jackpot is only offered in a single licensed facility, at least two linked slot machines offering the same progressive jackpot remain on the gaming floor.
(4) A slot machine licensee may transfer a progressive jackpot amount on a stand alone slot machine or the common progressive jackpot on an entire link of slot machines with a common progressive meter, including a wide area progressive system, from a gaming floor provided the progressive jackpot is:

(i) Transferred in its entirety.

(ii) Transferred to one of the following:

(A) The progressive meter for a slot machine or wide area progressive system with the same or greater probability of winning the progressive jackpot, the same or lower wager requirement to be eligible to win the progressive jackpot, and the same type of progressive jackpot (cash, annuity, annuity/cash option or a combination/alternate jackpot). However, if no other slot machine or wide area progressive system meets all of these qualifications, the Board may authorize a transfer of the jackpot to the progressive meter of the most similar slot machine or wide area progressive system available.

(B) The progressive meters of two separate slot machines or wide area progressive systems, provided that each slot machine or wide area progressive system to which the jackpot is transferred individually satisfies the requirements of clause (A).

(iii) Notice of intent to transfer the progressive jackpot is conspicuously displayed on the front of each slot machine for at least 30 days.

(iv) Notice of intent to transfer the progressive jackpot is provided in writing to the Board at least 30 days prior to the transfer of the progressive jackpot.

(5) A slot machine licensee may immediately and permanently remove a progressive jackpot on a stand alone progressive slot machine, the common progressive jackpot on an entire link of slot machines with a common progressive meter or an entire wide area progressive system from a gaming floor provided notice of intent to remove the progressive jackpot is:

(i) Conspicuously displayed on the front of each slot machine for at least 30 days.

(ii) Provided in writing to the Board at least 30 days prior to the removal of the progressive jackpot.

(k) The amount indicated on the progressive meter or meters and coin in meter on each slot machine governed by subsection (b) shall be recorded on a progressive slot summary report at least once every 7 calendar days and each report shall be signed by the preparer. If not prepared by the finance department, the progressive slot summary report shall be forwarded to the finance department by the end of the gaming day on which it is prepared. A representative of the finance department shall be responsible for calculating the correct amount that should appear on a progressive meter. If an adjustment to the progressive meters is necessary, the adjustment shall be made by a member of the slot operations department as follows:

(1) Supporting documentation shall be maintained to explain any addition or reduction in the registered amount on the progressive meter. The documentation must include the date, asset number of the slot machine, the amount of the adjustment and the signatures of the finance department member requesting the adjustment and of the slot operations department member making the adjustment.

(2) The adjustment must be effectuated within 48 hours of the meter reading.

(l) Except as otherwise authorized by this section, a slot machine offering a progressive jackpot that is removed from the gaming floor shall be returned to or replaced on the gaming floor within 5 gaming days. The amount on the progressive meter or meters on the returned or replacement slot machine may not be less than the amount on the progressive meter or meters at the time of removal. If a slot machine offering a progressive jackpot is not returned or replaced, any progressive meter amount at the time of removal shall, within 5 days of the slot machine's removal, be added to a slot machine offering a progressive jackpot approved by the Board which slot machine offers the same or a greater probability of winning the progressive jackpot and requires the same wager or less than the wager required to win the progressive jackpot on the slot machine that was removed. This subsection does not apply to the temporary removal by a slot machine licensee, for a period not to exceed 30 days, of all linked slot machines that are part of a particular wide area progressive system, provided that the progressive jackpot offered by the temporarily removed slot machines remains available on slot machines that are part of the same wide area progressive system in another licensed facility.

(m) Where a slot machine is located adjacent to a slot machine offering a progressive jackpot, the slot machine licensee shall conspicuously display on the slot machine a notice advising patrons that the slot machine is not participating in the progressive jackpot of the adjacent slot machine.

§ 461a.13. Wide area progressive systems.

(a) Two or more slot machine licensees may, with the prior written approval of the Board as required under subsection (c), operate linked progressive slot machines that are interconnected between two or more licensed facilities. The slot machines participating in the link shall be collectively referred to as wide area progressive system.

(b) A wide area progressive system shall at all times be installed and operated in accordance with relevant requirements of the act, this subpart and technical standards on wide area progressive systems under § 461b.4 (relating to wide area progressive systems).

(c) A wide area progressive system shall be operated and administered by participating slot machine licensees in accordance with the terms and conditions of a written agreement executed by the participating slot machine licensees. The agreement shall be referred to as a slot system agreement. Slot system agreements must be submitted in writing and approved by the Board prior to implementation and comply with the act, this subpart and technical standards on wide area progressive systems under § 461b.4.

(d) Slot machine licensees participating in a slot system agreement may delegate, in whole or in part, the operation and administration of a wide area progressive system to a licensed manufacturer provided that the slot system agreement is executed by the licensed manufacturer and its express terms are approved by the Board. The persons designated in a slot system agreement as being responsible for the operation and administration of a wide area progressive system shall be referred to as the slot system operator.

(e) An agreement between a licensed manufacturer and a slot machine licensee under which a licensed manufacturer sells, leases or services a wide area progressive system will not constitute a slot service agreement unless
the agreement also covers operation and administration of the wide area progressive system.

(f) Slot system agreements must address:

(1) Details with regard to the terms of compensation for the slot system operator. In specific, the agreement must address to what extent, if any, the slot system operator is receiving compensation based, directly or indirectly, on an interest, percentage or share of a slot machine licensee's revenue, profits or earnings from the operation of the wide area progressive system.

(2) Responsibility for the funding and payment of all jackpots, fees and gross terminal revenue taxes associated with the operation of the wide area progressive system.

(3) Control and operation of the computer monitoring room required under subsection (g).

(4) Other requirements in the technical standards on wide area progressive systems under § 461b.4.


(a) A slot machine licensee may utilize a slot monitoring system which has an interface between it and slot machines and related systems that has been tested and approved by the Board under § 461a.4 (relating to submission for testing and approval).

(b) A slot monitoring system must comply with the act, this subpart and technical standards on slot monitoring systems adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website.

§ 461a.15. Casino management systems.

(a) A slot machine licensee may utilize a casino management system which has an interface between it and slot machines and related systems tested and approved by the Board under § 461a.4 (relating to submission for testing and approval).

(b) A casino management system must comply with the act, this subpart and technical standards on casino management systems adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website.

§ 461a.16. Player tracking systems.

(a) A slot machine licensee may utilize a player tracking system which has an interface between it and slot machines and related systems tested and approved by the Board under § 461a.4 (relating to submission for testing and approval).

(b) A player tracking system must comply with the act, this subpart and technical standards on player tracking systems adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website.

§ 461a.17. External bonusing systems.

(a) A slot machine licensee may utilize an external bonusing system that has been tested and approved by the Board under § 461a.4 (relating to submission for testing and approval).

(b) The combination of the slot machine theoretical payout percentage plus the bonus awards generated by an external bonusing system cannot equal or exceed 100% of the theoretical payout for a slot machine on which the external bonus award is available.

(c) A slot machine connected to an external bonusing system must satisfy the minimum theoretical payout percentage required under this subpart without the contribution of any external bonus award available on the slot machine.

(d) An external bonusing system must comply with the act, this subpart and technical standards on external bonusing systems adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website.

§ 461a.18. Cashless funds transfer systems.

(a) A slot machine licensee may utilize a cashless funds transfer system that has been tested and approved by the Board under § 461a.4 (relating to submission for testing and approval).

(b) A cashless funds transfer system must comply with the act, this subpart and technical standards on cashless funds transfer systems adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website.

(c) Prior to utilizing a cashless funds transfer system, a slot machine licensee shall establish a system of internal controls applicable to the cashless funds transfer system. The internal controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control systems and audit protocols). The internal control proce-
§ 461a.20. Server supported slot systems.

(a) The following terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Server supported slot machine—A slot machine connected to, and administered by a server supported slot system.

Slot machine server—A computer configured to:

(i) Receive, store, authenticate and download to server supported slot machines Board-approved slot machine games and other approved software. A slot machine server may also be used to effect changes in a server supported slot machine’s configuration.

(ii) Receive, store and authenticate Board-approved slot machine games and other approved software for use on server based slot machines.

Server supported slot system—A system comprised of one or more server supported slot machines connected to a slot machine server and its ancillary computer network for the ultimate purpose of downloading Board-approved slot machine games and other approved software to server supported slot machines.

(b) A slot machine licensee may utilize a server supported slot system that has been tested and approved by the Board under § 461a.4 (relating to submission for testing and approval).

(c) A server supported slot system must comply with the act, this subpart and technical standards on server supported slot systems adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board’s website.

(d) Results from the play or operation of a server supported slot machine connected to a server supported slot system must be determined solely by the individual server supported slot machine and not by the server supported slot machine server or any other ancillary computer network.

(e) Prior to utilizing a server supported slot system, a slot machine licensee shall establish a system of internal controls applicable to the server supported slot system. The internal controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control systems and audit protocols). The internal control procedures submitted by the slot machine licensee must address the integrity, security and control of the server supported slot system.

§ 461a.21. Server based slot systems.

(a) The following terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Server based slot machine—A slot machine accessing a server based slot system.

Slot machine server—A computer configured to:

(i) Receive, store, authenticate and download to server supported slot machines Board-approved slot machine games and other approved software. A slot machine server may also be used to effect changes in a server supported slot machine’s configuration.

(ii) Receive, store and authenticate Board-approved slot machine games and other approved software for use on server based slot machines.

Server based slot system—A system comprised of one or more server based slot machines connected to a server
based slot machine server and its ancillary computer network for the purpose of facilitating access by a server based slot machine to Board-approved slot machine games and other approved software residing on the server based slot machine server.

(b) A slot machine licensee may utilize a server based slot system that has been tested and approved by the Board under § 461a.4 (relating to submission for testing and approval).

(c) A server based slot system must comply with the act, this subpart and technical standards on server based slot systems adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website.

(d) Results from the play or operation of a server based slot machine must be determined solely by the server based slot machine server and not by the individual server based slot machine.

(e) Prior to utilizing a server based slot system, a slot machine licensee shall establish a system of internal controls applicable to the server based slot system. The internal controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control systems and audit protocols). The internal control procedures submitted by the slot machine licensee must address the integrity, security and control of its server based slot system.

§ 461a.22. Automated jackpot payout machines.

(a) A slot machine licensee may utilize an automated jackpot payout machine that has been tested and approved by the Board under § 461a.4 (relating to submission for testing and approval).

(b) An automated jackpot payout machine must comply with the act, this subpart and technical standards on automated jackpot payout machines adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website.

(c) Prior to commencing use of an automated jackpot payout machine, a slot machine licensee shall establish a comprehensive system of internal controls addressing the payment of jackpot payouts utilizing an automated jackpot payout machine and the distribution of currency or coin, or both, to the machine. The internal controls shall be submitted to, and approved by the Board under § 465.3 (relating to internal control systems and audit protocols).

§ 461a.23. Slot machines and associated equipment utilizing alterable storage media.

(a) Definition. The following term, when used in this section, has the following meaning, unless the context clearly indicates otherwise:

Alterable storage media—

(i) Memory or other storage medium, such as an EEPROM, flash, optical or magnetic storage device, that is contained in a slot machine or associated equipment subject to approval under § 461a.4 (relating to submission for testing and approval), that allows the modification of programs or data on the storage media during the normal operation of the slot machine or associated equipment.

(ii) The term does not include:

(A) Memory or other storage medium typically considered to be alterable but through either software or hardware means approved by the Board have been rendered unalterable and remain verifiable by the central control computer system.

(B) Associated equipment using alterable storage media that the Board determines are incapable of influencing the integrity or outcome of game play.

(b) Use of alterable storage media. Any use of alterable storage media in a slot machine or associated equipment must be in compliance with the act, this subpart and technical standards on alterable storage media adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website.

§ 461a.24. Waivers.

(a) The Board may, on its own initiative, waive one or more of the requirements in this chapter or the technical standards applicable to slot machines and associated equipment adopted by the Board and published in the Pennsylvania Bulletin upon a determination that the nonconforming slot machine or associated equipment or modification as configured meets the operational integrity requirements of the act, this subpart and technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website.

(b) A manufacturer may submit a written request to the Board for a waiver for one or more of the requirements in this chapter or the technical standards applicable to slot machines and associated equipment adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website. The request must include supporting documentation demonstrating how the slot machine or associated equipment for which the waiver has been requested will still meet the operational integrity requirements of the act, this subpart and technical standards adopted by the Board and published in the Pennsylvania Bulletin and posted on the Board's website.

§ 461a.25. Disputes.

(a) If a dispute arises with a patron concerning payment of alleged winnings, the slot machine licensee shall provide the patron with a Board Patron Dispute/Complaint Form and Instructions for Submitting a Patron Dispute/Complaint.

(b) When a slot machine licensee refuses to pay winnings claimed by a patron and the patron and the slot machine licensee remain unable to resolve the dispute after 7 days, the slot machine licensee shall, on the next day, notify the Board in writing of the dispute in a manner and form the Board prescribes. The notice must identify the parties to the dispute and shall state the known relevant facts regarding the dispute.


(a) Prior to the testing of slot machines, associated equipment and displays on a live gaming floor during a slot machine licensee’s normal hours of operation, the slot machine licensee shall notify the Board's Gaming Lab in writing at least 72 hours prior to the test date. The notification must include the following:

(1) A detailed narrative description of the type of testing to be conducted, including the reason for the testing, a list of individuals conducting the testing and the slot machine licensee's procedures for conducting the testing.

(2) The date, time and approximate duration of the testing.
(3) The model, slot machine location number and asset number of the slot machine or machines to be tested.

(4) The location within the licensed facility where the testing will occur.

(b) A slot machine licensee shall notify the Board’s Gaming Lab at least 72 hours prior to the installation of any new software or the installation of any change in previously approved software for:

(1) Automated gaming voucher and coupon redemption machines.

(2) Wide area progressive systems.

(3) Slot monitoring systems.

(4) Casino management systems.

(5) Player tracking systems.

(6) External bonusing systems.

(7) Cashless funds transfer systems.

(8) Server supported slot systems.

(9) Server based slot systems.

(10) Automated jackpot payout machines.

(c) The notification required under subsection (b) must include:

(1) A description of the reasons for the new installation or change in previously approved software.

(2) A list of the computer components and programs or versions to be modified or replaced.

(3) A description of any screens, menus, reports, operating processes, configurable options or settings that will be affected.

(4) The method to be used to complete the proposed installation.

(5) The date that the proposed modification will be installed and the estimated time for completion.

(6) The name, title and employer of the persons performing the installation.

(7) A diagrammatic representation of the proposed hardware design change.

(8) Restrictions on “update” access to the production code to the person implementing the installation.

(9) Procedures to ensure that user and operator manuals are updated to reflect changes in policies and procedures resulting from the proposed installation.

CHAPTER 461b. TECHNICAL STANDARDS—STATEMENT OF POLICY

§ 461b.1. Slot machine minimum design standards.

(a) Slot machine volatility shall be calculated based on a 95% confidence interval. Volatility calculations must utilize the following when calculating the lowest payout percentage available for each slot machine game:

(1) The aggregate variance is the sum of the probability of every winning combination multiplied by the square of the corresponding payout.

(2) The standard deviation is the square root of the difference between the aggregate variance of paragraph (1) and the square of the lowest payout percentage.

(3) The volatility index is 1.96 multiplied by the standard deviation calculated in paragraph (2).

(4) The approach percentage is the difference between the lowest payout percentage and 84.999%.

(5) The volatility, calculated as the number of plays to equal or exceed the minimum payout requirement of 85%, is the square of the quotient obtained when the volatility index found in paragraph (3) is divided by the approach percentage found in paragraph (4).

(6) The volatility calculated in paragraph (5) may not exceed 10,000,000 plays.

(b) Each slot machine approved for use in a licensed facility must be configured to wager credits available for play in the following order:

(1) Noncashable credits.

(2) Cashable credits.

§ 461b.2. Slot machine tower lights and error conditions.

(a) Unless otherwise authorized by the Board, each slot machine must have a tower light located on top of the slot machine cabinet. The tower light must be used to identify the slot machine’s default denomination and the operational status of the slot machine and any device connected thereto that may affect the operation of the slot machine. The slot machine tower light must be visible to the player of the slot machine and to the surveillance department from all sides of the slot machine cabinet, unless the slot machine cabinet is against a wall or is in another location approved by the Board that results in the partial obstruction of the tower light.

(b) A slot machine tower light must consist of two separate lights, one on top of the other, that function in accordance with this section.

(1) At any point in time, each of the two lights may be in one of five states as follows:

(i) “Off” means the light is off.

(ii) “On” means the light is on continually.

(iii) “Slow flash” means the light is flashing regularly at a 500 millisecond interval.

(iv) “Medium flash” means the light is flashing regularly at a 250 millisecond interval.

(v) “Fast flash” means the light is flashing regularly at a 125 millisecond interval.

(2) The top light of the two lights must be white. The color of the bottom light must indicate the default denomination of the slot machine to which it is attached:

(i) Red means a dime denomination slot machine or any denomination below a dime.

(ii) Yellow means a quarter denomination slot machine.

(iii) Orange means a half-dollar denomination slot machine.

(iv) Blue means $1 denomination slot machine.

(v) Pink means a $2 denomination slot machine.

(vi) Green means a $5 denomination slot machine.

(vii) Purple means a $10 or higher denomination slot machine.

(3) A slot machine licensee may, with the approval of the Board, utilize an alternative color scheme for the bottom light of the slot machine tower light in paragraph (2). The alternative color scheme may include:

(i) Assignment of a unique color to identify any single denomination or combination of denominations of slot machines in paragraph (2)(ii) provided that the 5¢ denomi-
nation or any combination that includes the 5¢ denomination will always be the color red.

(ii) Assignment of a unique color to identify any single denomination or combination of denominations of slot machines in paragraph (2)(vii) provided that the $100 denomination or any combination that includes the $100 denomination will always be the color purple.

(iii) Assignment of the color yellow to identify all 25¢ and 50¢ denomination slot machines.

(iv) Assignment of the color blue to identify combinations of all $1 and $2 denomination slot machines or all $1, $2 and $5 denomination slot machines.

(c) For the purposes of this subsection, there shall be three separate methods by which a slot machine is placed in an unplayable state.

(1) “Administrative mode” means that a member of the slot operations department has placed the slot machine in an unplayable state to access the set up or recall functions of the slot machine.

(2) “Disabled mode” means that a member of the slot operations department or the slot machine licensee’s slot monitoring system has placed the slot machine in an unplayable state for any reason other than those included in administrative mode.

(3) “Tilt mode” means that the slot machine placed itself in an unplayable state due to malfunction or error condition and the slot machine cannot be returned to a playable state without intervention by a member of the slot operations department.

(d) Each of the following combinations of light states must be displayed by a slot machine tower light to indicate the corresponding slot machine operating condition:

(1) White light off with colored light:
   (i) Off means that the slot machine is idle and the slot machine door is closed.
   (ii) Medium flash means the slot machine is idle and the slot machine door is open.
   (iii) Fast flash means the slot machine is idle and the drop compartment door is open.

(2) White light on with colored light:
   (i) Off means a patron is requesting change and the slot machine door is open.
   (ii) On means that the slot machine is idle and the slot machine and drop compartment door is open.

(3) White light slow flash with colored light:
   (i) Off means that the slot machine is in tilt mode and the slot machine door is closed.
   (ii) Slow flash means either:
     (A) A patron is requesting change and the slot machine door is open.
     (B) The slot machine is displaying a hand-paid jackpot combination while in tilt mode and the slot machine door is closed.
   (iii) Medium flash means either:
     (A) The slot machine is displaying a hand-paid jackpot combination and the slot machine door is open.
     (B) The slot machine is in tilt mode and the slot machine door is open.
   (iv) Fast flash means the slot machine is in tilt mode and the drop compartment door is open.

(4) White light fast flash with colored light:
   (i) Off means the slot machine is in administrative mode and the slot machine door is closed.
   (ii) Medium flash means the slot machine is in administrative mode and the slot machine door is open.
   (iii) Fast flash means the slot machine is in administrative mode and the drop compartment door is open.

(e) Any combination of light states capable of display by a slot machine tower light that is not assigned a particular slot machine operating condition by subsection (d) may be used by the slot machine licensee for its own internal signals. However, the slot machine licensee shall be required to conform the light states displayed by its slot machine tower lights to any amendments or modifications in the Board’s approved technical standards.

(f) A slot machine must detect, display by means of a tower light or other device and the slot machine must communicate to a slot monitoring system the error conditions in paragraphs (1)—(3) in both idle state and during game play. These error conditions may be automatically cleared by the slot machine upon completion of a new play sequence.

(1) Power reset.
(2) Door open.
(3) Door just closed.

(g) A slot machine must detect, display by means of a tower light or other device and the slot machine must communicate to a slot monitoring system the error conditions in paragraphs (1)—(8) in both idle state and during game play. These error conditions must disable the slot machine and prevent game play and may only be cleared by a slot attendant.

(1) Low RAM battery.
(2) Printer failure.
(3) Printer mechanism paper jam. A paper jam condition must be monitored at all times during the print process.
(4) Presentation error.
(5) Program error or defective program storage media.
(6) Reel spin error of any type. The specific reel number must be identified. If a tilt occurs while the reels are spinning, the slot machine must spin the reels at a slow speed.
(7) Removal of control program storage media.
(8) Uncorrectable RAM error, either RAM defective or corrupted.

(h) A slot machine must detect, display by means of a tower light or other device and the slot machine must communicate to a slot monitoring system the error conditions in paragraphs (1) and (2) in both idle state and
during game play. These error conditions need not disable the slot machine and game play may continue if an alternative method is available to complete the transaction or the condition does not prohibit the transaction from being completed. These error conditions may only be cleared by a slot attendant.

(1) Printer mechanism paper level is low.
(2) Printer mechanism out of paper.

(i) A description of the slot machine error code corresponding to each error condition must be affixed inside each slot machine unless the displayed slot machine error code is self-explanatory.

(j) The Board may waive one or more of the technical standards applicable to tower lights and error conditions adopted by the Board upon a determination that the nonconforming communication methodology nonetheless meets the operational integrity requirements of the act, this part and technical standards adopted by the Board.

§ 461b.3. Gaming vouchers.

(a) A gaming voucher must expire in not less than 180 days from the date of issuance.
(b) Each gaming voucher must be designed and manufactured with sufficient graphics or other security measures, to permit, to the greatest extent possible, the proper verification of the voucher. Notwithstanding the foregoing, each gaming voucher must contain the following information:

(1) The name or trade name of the slot machine licensee, and if the slot machine licensee is affiliated with a casino licensee in any other jurisdiction with an identical or similar name or trade name, the name of the Pennsylvania location must be evident on the voucher.
(2) The date and time of issuance.
(3) The value of the voucher, in both numbers and words.
(4) A unique serial number, which is automatically generated by the system in accordance with this part and technical standards adopted by the Board.
(5) The asset number of the slot machine dispensing the voucher.
(6) At least one anticounterfeiting measure, which appears on one or both sides of the voucher.
(7) The locations where the voucher may be redeemed and any restriction regarding redemption.

(8) A bar code or magnetic strip which enables the system to identify the numeric information in paragraphs (1)—(5) when the voucher is subsequently presented for redemption.

c) A gaming voucher system may not be configured to issue a gaming voucher exceeding $10,000.

d) Any system of internal controls over the issuance and redemption of gaming vouchers must provide for the following:

(1) Upon the presentation of a gaming voucher for redemption, the slot cashier or slot machine shall use the gaming voucher system to verify the validity of the serial number and value of the voucher, and if valid, the system must immediately cancel the voucher electronically and permit the redemption of the voucher for the value printed thereon. Prior to the redemption of a gaming voucher, the complete serial number of the unredeemed gaming voucher must only be available to the system.

(2) The slot machine licensee shall maintain a record of all transactions in the gaming voucher system for at least 210 days from the date of the transaction.

(3) Notwithstanding paragraph (2), the slot machine licensee shall maintain an unredeemed gaming voucher record containing the information required in subsection (b)(1)—(5), for gaming vouchers that were issued but not redeemed prior to expiration. The record shall be stored in the system for a period of time approved by the Board, which must be at least 1 year from the date of issuance of the gaming voucher, provided that:

(i) Any unredeemed gaming voucher record removed from the system after 1 year shall be stored and controlled in a manner approved by the Board.

(ii) Any unredeemed gaming voucher record removed from the system is subject to the standard record retention provisions of this part.

e) Each gaming voucher system must perform the following functions to control logical access to the system:

(1) Generate daily monitoring logs of user access, security incidents and unusual transactions, and immediately notify the information technology department of critical security incidents and unusual transactions.

(2) Be capable of assigning rights and privileges to each user, including:

(i) The secure administration of a unique system account for each user to provide an adequate segregation of duties.

(ii) Adequate password parameters such as lockout, minimum length and expiration interval.

(3) Use appropriate access permissions to restrict unauthorized users from viewing, changing or deleting critical and sensitive data, which must include the following:

(i) The effective segregation of duties and responsibilities with regard to the system in the information technology department.

(ii) The automatic monitoring and recording by the system of access by any person to the files and directories.

(f) Each gaming voucher system must perform the following functions to control system operations:

(1) Generate daily monitoring logs and alert messages for system performance, hardware problems and software errors.

(2) Authenticate the identity of a slot machine or other redemption location from which a transmission of data is received.

(3) Ensure that all data sent through a transmission is completely and accurately received.

(4) Detect the presence of corrupt or lost data packets and, as necessary, reject the transmission.

(5) Utilize an appropriate cryptographic system for critical transmissions of data, such as:
§ 461b.4. Wide area progressive systems.

(a) Each slot system agreement providing for the operation and administration of a wide area progressive system must identify and describe with specificity the duties, responsibilities and authority of each participating slot machine licensee and each slot system operator including:

(1) Details with regard to the terms of compensation for the slot system operator. In specific, the agreement must address to what extent, if any, the slot system operator is receiving compensation based, directly or indirectly, an interest, percentage or share of a slot machine licensee’s revenue, profits or earnings from the operation of the wide area progressive system.

(2) Responsibility for the funding and payment of all jackpots, fees and gross terminal revenue taxes associated with the operation of the wide area progressive system.

(3) Control and operation of the computer monitoring room required under § 461a.13 (relating to wide area progressive systems).

(4) A description of the process by which significant decisions with regard to the operation of the wide area progressive system are approved and implemented by the participating slot machine licensees and slot system operator.

(5) When applicable, terms satisfactory to the Board with regard to apportionment of responsibility for establishing and servicing any trust agreement associated with any annuity jackpot offered by the wide area progressive system.

(6) Responsibility for generating, filing and maintaining the records and reports required under the act, this part and technical standards adopted by the Board.

(7) Other requirements of the Board, including those required to comply with technical standards on wide area progressive systems adopted by the Board.

(b) A slot system agreement submitted to the Board for approval must be accompanied by a proposed system of internal controls addressing:

(1) Transactions directly or indirectly relating to the payment of progressive jackpots including the establishment, adjustment, transfer or removal of a progressive jackpot amount and the payment of any fees or taxes associated therewith.

(2) The name, employer, position and gaming license status of any person involved in the operation and control of the wide area progressive system.

(c) The Board will review the persons identified in subsection (b)(2) and determine, based on an analysis of specific duties and responsibilities, which persons will be licensed to what level in this Commonwealth. The Board will advise the slot system operator of its findings. The participating slot machine licensees and any participating licensed manufacturer shall comply with the Board’s licensing instructions.

(d) A slot system operator may not commence operation and administration of a wide area progressive system pursuant to the terms of a slot system agreement until the agreement itself and the internal controls required under subsection (b) have been approved in writing by the Board and any licensing requirements under subsection (c) have been complied with.

(e) When a slot system agreement involves payment to a licensed manufacturer, functioning as a slot system...
operator, of an interest, percentage or share of a slot machine's licensee's revenue, profits or earnings from the operation of a wide area progressive system, the Board may only approve the slot system agreement when it determines that the total amounts paid to the licensed manufacturer under the terms of the agreement are commercially reasonable for the operational and administrative services provided. Nothing herein limits the Board's consideration of the slot system agreement to its revenue sharing provisions.

(f) In evaluating a proposed location for a computer monitoring room, the Board may consider the level of physical and system security offered by the proposed location and the accessibility of the location to the audit, investigative and technical staffs of the Board, the Department and Pennsylvania State Police.

(g) Each party to a slot system agreement shall only be liable for acts, omissions and violations of the act, this part or technical standards adopted by the Board related to its own individual duties and responsibilities under the slot system agreement, unless the slot system agreement specifically provides for joint and several liability.

(h) The Board may waive one or more of the technical standards applicable to wide area progressive systems adopted by the Board upon a determination that the wide area progressive system as configured nonetheless meets the operational integrity requirements of the act, this part and technical standards adopted by the Board.

§ 461b.5. Remote computer access.

(a) In emergency situations or as an element of technical support, an employee of a licensed manufacturer may perform analysis of, or render technical support with regard to, a slot machine licensee's slot monitoring system, casino management system, player tracking system, external bonusing system, cashless funds transfer system, wide area progressive system, gaming voucher system or other approved system from a remote location. Any remote access to these systems shall be performed in accordance with the following procedures:

(1) Only an employee of a licensed manufacturer who is licensed as a gaming employee or key employee in this Commonwealth may remotely access a system sold, leased or otherwise distributed by that licensed manufacturer for use at a licensed facility.

(2) The slot machine licensee shall establish a unique system account for each employee of a licensed manufacturer identified by his employer as potentially required to perform technical support from a remote location. Any system access afforded pursuant to this section must:

(i) Be restricted in a manner that requires the slot machine licensee's information technology department to receive prior notice from the licensed manufacturer of its intent to remotely access a designated system.

(ii) Require the slot machine licensee to take affirmative steps, on a per access basis, to activate the licensed manufacturer's access privileges.

(iii) Be designed to appropriately limit the ability of any person authorized under this section to deliberately or inadvertently interfere with the normal operation of the system or its data.

(3) A log shall be maintained by both the licensed manufacturer and the slot machine licensee's information technology department. Each of the two logs must contain, at a minimum, the following information:

(i) The system accessed, including manufacturer and version number.

(ii) The type of connection (that is, leased line, dial in modem or private WAN).

(iii) The name and license number of the employee remotely accessing the system.

(iv) The name and license number of the information technology department employee activating the licensed manufacturer's access to the system.

(v) The date, time and duration of the connection.

(vi) The reason for the remote access including a description of the symptoms or malfunction prompting the need for remote access to the system.

(vii) Any action taken or further action required.

(4) Communications between the licensed manufacturer and any of the systems identified in subsection (a) shall occur using a dedicated and secure communication facility such as a leased line approved in writing by the Board.

(b) Any modification of, or remedial action taken with respect to, an approved system must be processed and approved by the Board either in accordance with the emergency modification provisions of § 461a.4(h) (relating to submission for testing and approval) or as a standard modification submitted under § 461a.4(h).

(c) If an employee of a licensed manufacturer is no longer employed by, or authorized by, that manufacturer to remotely access a system pursuant to this section, the licensed manufacturer shall immediately notify the Board's Slot Lab and each slot machine licensee that has established a unique system account for that employee of the change in authorization and shall timely verify with each slot machine licensee that any access privileges previously granted have been revoked.

(d) The Board may waive one or more of the technical requirements applicable to remote computer access adopted by the Board upon a determination that the nonconforming remote access procedures nonetheless meet the integrity requirements of the act, this part and technical standards adopted by the Board.

§§ 463.1—463.6. (Reserved).

CHAPTER 463a. POSSESSION OF SLOT MACHINES

Sec. 463a.1. Possession of slot machines generally.

463a.2. Transportation of slot machines into, within and out of this Commonwealth.

463a.3. Slot machine location.

463a.4. Connection to the central control computer system.

463a.5. Slot machine master list.

463a.6. Notice to central control computer system.

463a.7. Off premises storage of slot machines.

§ 463a.1. Possession of slot machines generally.

(a) Except as otherwise provided in this section and 18 Pa.C.S. § 5513 (relating to gambling devices, gambling, etc.), a person may not possess any slot machine within this Commonwealth that may be used for gambling activity.

(b) The following persons and any employee or agent acting on their behalf may possess slot machines in this Commonwealth for the purposes described herein provided that slot machines located outside of a licensed facility may not be used for gambling activity:
(1) An applicant for, or holder of a slot machine license, for the purpose of maintaining for use, training or operating slot machines in a licensed facility.

(2) The holder of a manufacturer license for the purpose of manufacturing, exhibiting, demonstrating, training or preparing for transfer to a manufacturer designee licensee or supplier licensee.

(3) The holder of a manufacturer designee license or supplier license for the purpose of distributing, repairing, servicing, exhibiting or demonstrating slot machines and any training with regard thereto.

(4) An educational institution for the purpose of teaching slot machine design, operation, repair or servicing.

(5) A manufacturer, manufacturer designee or supplier of slot machines not licensed within this Commonwealth for the limited purpose of temporary exhibition or demonstration.

(6) A common carrier, for the purpose of transporting slot machines in accordance with §463a.2 (relating to the transportation of slot machines into, within and out of this Commonwealth).

(7) An employee or agent of the Board, the Department, the Pennsylvania State Police or any law enforcement agency of this Commonwealth for the purpose of fulfilling official duties or responsibilities.

(8) Other persons upon a finding that the possession of slot machines by those persons in this Commonwealth is not contrary to the goals and objectives of the act.

(c) Persons seeking to possess slot machines under subsection (b) shall submit a written request to the Board which must contain:

(1) The purpose for having the slot machines.

(2) The proposed location of the slot machines.

(3) The time period for which the slot machines will be kept.

(4) How the slot machines will be secured.

(d) The Board will approve or disapprove requests within 60 days. Requests approved by the Board may be subject to specific terms and conditions imposed by the Board.

§ 463a.2. Transportation of slot machines into, within and out of this Commonwealth.

In furtherance of section 1511 of the act (relating to the declaration of exemption from Federal laws prohibiting slot machines), prior to the transport or movement of a slot machine into this Commonwealth, from one person authorized to possess slot machines under §463a.1 (relating to possession of slot machines generally) to another person authorized within this Commonwealth or transport or movement out of this Commonwealth, the persons causing the slot machine to be transported or moved shall notify the Bureau of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board. The notice shall be submitted no later than the day the slot machine is transported and include the following information:

(1) The name and address of the person shipping or moving the slot machine.

(2) The name and address of the person who owns the slot machine, if different from the person shipping or moving the machine.

(3) The name and address of a new owner if ownership is being changed in conjunction with the shipment or movement.

(4) The method of shipment or movement and the name and address of the common carrier or carriers, if applicable.

(5) The name and address of the person to whom the slot machine is being sent and the destination of the slot machine, if different from that address.

(6) The quantity of slot machines being shipped or moved and the manufacturer’s serial number of each machine.

(7) The expected date and time of delivery to, or removal from, any authorized location within this Commonwealth.

(8) The port of entry, or exit, if any, of the slot machine if the origin or destination of the slot machine is outside the continental United States.

(9) The reason for transporting or moving the slot machine.

§ 463a.3. Slot machine location.

(a) A gaming floor must consist of one or more areas within a licensed facility approved by the Board under §467.1 (relating to gaming floor plan) for the placement and operation of slot machines.

(b) A slot machine in a slot machine area on a gaming floor shall be placed at a location, which location may contain no more than one slot machine, identified by number on a gaming floor plan approved by the Board under section 1322 of the act (relating to slot machine design, operation, repair or servicing, exhibiting or demonstrating slot machines and any training with regard thereto) and an asset number on a Slot Machine Master List.

§ 463a.4. Connection to the central control computer system.

Prior to utilization for gambling activity, a slot machine on a gaming floor shall be connected or linked to a central control computer system having the capabilities and in compliance with the terms of section 1323 of the act (relating to slot machine accounting controls and audits) and §467.1 and shall also be identified by this slot machine location number and an asset number on a Slot Machine Master List.

§ 463a.5. Slot machine master list.

(a) Prior to the commencement of operations at a licensed facility, an applicant for, or holder of, a slot machine license shall file with the Bureau of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, a complete list of slot machines possessed by the applicant or licensee on its gaming floor, in restricted areas off the gaming floor but within the licensed facility approved by the Board under §465.8(b) (relating to licensed facility), and in storage locations in this Commonwealth off the premises of the licensed facility approved by the Board under §463a.7 (relating to off premises storage of slot machines). The list shall be denoted as a Slot Machine Master List.

(b) The Slot Machine Master List must contain the following information which, for those slot machines located on the gaming floor, must be presented for each slot machine in consecutive order by the slot machine location number under §463a.3 (relating to slot machine location):

(1) The date the list was prepared.

(2) A description of each slot machine by:
(i) Asset number and model and manufacturer’s serial number.

(ii) Denomination, if configured for multiple denominations, a list the denominations.

(iii) Manufacturer and machine type, noting cabinet type, or if it is a progressive or a wide area progressive slot machine.

(iv) An indication as to whether the slot machine is configured to communicate with a cashless funds transfer system.

(v) An indication as to whether the slot machine is configured to communicate with a gaming voucher system.

(3) For those slot machines located off the gaming floor, an indication as to whether the slot machine is in a restricted area off the gaming floor but within the licensed facility approved by the Board under § 465.8 or in a Board-approved storage location in this Commonwealth off the premises of the licensed facility approved by the Board under § 463a.7.

(4) Additional documentation requested by the Board related to the location of slot machines.

(c) Once a slot machine has been placed in an authorized location on the gaming floor or is stored in a restricted area off the gaming floor but within the licensed facility approved by the Board under § 465.8, all subsequent movements of that slot machine within the licensed facility shall be recorded by a slot department member in a machine movement log which includes the following:

(1) The asset number and model and manufacturer’s serial number of the moved slot machine.

(2) The date and time of movement.

(3) The location from which the slot machine was moved.

(4) The location to which the slot machine was moved.

(5) The date and time of any required notice to the Department in connection with activation or disabling of the slot machine in the central control computer system.

(6) The signature of the slot shift manager and the lead technician verifying the movement of the slot machine in compliance with this section.

(d) Documentation summarizing slot machine movements within a licensed facility shall be submitted to the Bureau of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, on a daily basis.

(e) On the first Tuesday of each month following the initial filing of a Slot Machine Master List, an applicant for, or holder of, a slot machine license shall file with the Bureau of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, an updated Slot Machine Master List containing the information, required in subsection (b).

(f) Manufacturer licensees, manufacturer designee licensees, supplier licensees, educational institutions, Board-authorized manufacturers, manufacturer designee and suppliers not licensed within this Commonwealth and regulatory and law enforcement agencies that possess slot machines under § 463a.1 (relating to possession of slot machines generally) shall file with the Bureau of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, a complete list of slot machines possessed by the person. The list shall be denoted as a Slot Machine Master List, shall be filed within 3 business days of the initial receipt of slot machines and contain the following information:

(1) The date on which the list was prepared.

(2) A description of each slot machine by:

(i) Model and manufacturer’s serial number.

(ii) Manufacturer and machine type, noting cabinet type, or if it is a progressive or a wide area progressive slot machine.

(g) On the first Tuesday of each month following the initial filing of a Slot Machine Master List, those persons enumerated in subsection (f) shall file with the Bureau of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, an updated Slot Machine Master List containing the information, required in subsection (f).

§ 463a.6. Notice to central control computer system.

To insure activation or disabling, as appropriate, in the central control computer system and the retrieval of real time meter information from the slot machine coincident with the movement of a slot machine, the slot machine licensee shall provide the Department with written notice of the slot movement, prior to any of the following:

(1) Placement of a slot machine on the gaming floor.

(2) Movement of a slot machine between slot machine locations on the gaming floor.

(3) Removal of a slot machine from the gaming floor.

§ 463a.7. Off premises storage of slot machines.

(a) A slot machine licensee may not store slot machines off the premises of the licensed facility without prior approval from the Board.

(b) A slot machine licensee seeking to store slot machines off the premises of the licensed facility shall file a written request for off premise storage with the Board. The request must include:

(1) The location and a physical description of the proposed storage facility.

(2) A description of the type of surveillance system that has been or will be installed at the facility.

(3) The slot machine licensees’ plan to provide 24 hour, seven day a week security at the storage facility.

(4) The number and manufacturer of the slot machines that will be stored at the facility.

(5) The date that the slot machines are expected to arrive at the facility.

(6) The date that the slot machines are expected to be moved to the licensed facility.

(c) Before acting on a request for off premise storage of slot machines, the Board will inspect the proposed storage facility.

(d) The Board will approve or disapprove requests within 60 days. Requests approved by the Board may be subject to specific terms and conditions imposed by the Board.

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 1001]

Pennsylvania Gaming Cash Flow Management

The Department of Revenue (Department) is facilitating its responsibilities under 4 Pa.C.S. §§ 1101—1904 (relating to Pennsylvania Race Horse Development and Gaming Act) (act), as assisted by the Department’s temporary regulations adopted at 36 Pa.B. 3450 (july 1, 2006) and the correction published at 36 Pa.B. 3789 (july 15, 2006). Under section 1501(c) of the act (relating to responsibility and authority of department), the temporary regulations in Chapter 1001 (relating to Pennsylvania gaming cash flow management) are adopted as final regulations to read as set forth in Annex A.

The act went into effect july 5, 2004, requiring that temporary regulations be adopted within 2 years (july 5, 2006). The temporary regulations expire no later than 3 years following the effective date of the act (july 5, 2007) or upon promulgation of regulations as generally provided by law. On November 1, 2006, the act was amended by the act of November 1, 2006 (P.L. 1243, No. 135) (Act 135).

Purpose of this Final-Form Rulemaking

The act legalizes the operation of slot machines at a number of venues across this Commonwealth. The Pennsylvania Gaming Control Board (Board) has primary responsibility for regulatory oversight of gaming activity in this Commonwealth and is separately promulgating regulations in 58 Pa. Code Part VII (relating to Gaming Control Board).

The act requires that the Department adopt temporary regulations by july 5, 2006, to facilitate prompt implementation of its responsibilities as defined by the act. The Department proposed the adoption of final-form regulations by july 5, 2007.

Explanation of Regulatory Requirements

The Department has several important responsibilities in connection with the implementation and control of slots gaming. The creation of Chapter 1001 during the temporary regulations process addressed these responsibilities; this final-form rulemaking adopts the temporary regulations. This final-form rulemaking pertains to cash flow management for accurate accounting and collection of revenues due the Commonwealth from slot machine gaming operations.

Changes to the temporary regulations include the following:

Section 1001.3 (relating to definitions) is amended to clarify the definition of “credit against tax.” In addition, a definition has been added for “Office of the Budget.”

Section 1001.5(a) (relating to administration and distribution of moneys held by licensed gaming entities and the Commonwealth) was amended to add clarifying language and to delete “Treasury” in accordance with Act 135. Subsection (b) was amended to add clarifying language and to delete paragraph (5)(iii), regarding the delegation of payment authority. Act 135 eliminated the need for the “delegation of authority” provision. In addition, subsection (b)(2) was amended to delete “for each banking day.” Temporary subsection (b)(5)(iii) and (iv) was amended to delete “banking” from the phrase “banking days.” These subparagraphs were moved to new subsection (c)(1) and (2), regarding distributions of local share assessments. Additionally, subsection (c)(1) was amended to remove “or the respective municipality” that allowed for direct distributions to municipalities by licensed entities, as the Department and the licensed entities anticipate distributions will be made by the Department. Amendments to § 1001.5 were made for ease of administration in performing the Department’s statutory obligations.

Section 1001.6 (relating to administration of amounts deposited by licensed gaming entities with Treasury to pay Commonwealth gaming related costs and expenses ($5 million)) was amended to delete subsection (d), at the recommendation of the Independent Regulatory Review Commission (IRRC). Section 1001.6(e) was relettered as subsection (d) and amended by deleting language and by adding language addressing periodic assessments, appropriations by the General Assembly and itemized budget requirements. These amendments are in accordance with Act 135. The phrase “any other Commonwealth entity charged with administrative duties under the act” has been deleted from subsection (d)(1), at the recommendation of IRRC. Clarifying language in subsection (d)(3) was added for the assessment/distribution of expenses on the prorata basis.

Section 1001.8 (relating to State Gaming Fund transfers) was amended to delete subsection (b), regarding establishment of restricted receipt accounts, at the recommendation of IRRC. The subsections have been relettered accordingly. Subsection (c), regarding quarterly distributions, was relettered as subsection (b) and amended to add a reference to § 1001.5 to clarify payments to municipalities. To avoid duplication, subsection (b)(1) has been amended to delete detailed instructions that appear in the referenced Management Directive 305.4. In addition, subsection (b)(2) has been amended to change the month for publication of the annual inflation adjustment from July 1 to January 1. Subsection (d), regarding tax and credit against tax, has been relettered as subsection (c), renamed “tax, assessments and credit against tax,” and removed “daily” and amended to remove “each banking day” in paragraphs (2) and (3). In addition, clarifying language “and other assessments” has been added to subsection (c)(1), (2), (5) and (6). Amendments to § 1001.8 were made for ease of administration in performing the Department’s statutory obligations. Subsection (e), regarding imposition of a penalty, has been relettered as subsection (d) and amended to delete “or any other fund of the Commonwealth” at the recommendation of IRRC.

Section 1001.10(d) (relating to Pennsylvania Race Horse Development Fund transfers) is amended with clarifying language for Category 1 licensee “conducting live racing” and “eligible” Category 1 licensee.

Section 1001.11 (relating to Property Tax Relief Fund transfers) was amended to add the clarifying language “and other applicable laws.”

In the final-form rulemaking, “collection of tax and other assessments” was added to §§ 1001.1, 1001.2, 1001.5 and 1001.8 to clarify that the regulation also pertains to the collection of tax and the collection of other assessments.

Affected Parties

Licensed gaming entities, the Treasury Department, the Board, the Office of Attorney General, the Pennsylvania State Police and other agencies that have been given statutory authority under the act will be affected by the final-form rulemaking.
Comment and Response Summary

Notice of proposed rulemaking was published at 37 Pa.B. 1028 (March 3, 2007). This final-form rulemaking is adopted with amendments to read as set forth in Annex A.

The Department prepared a comment and response document that is available to interested parties by contacting Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, P. O. Box 1061, Harrisburg, PA 17128-1061.

In its evaluation of proposed Annex A, the Department received comments from IRRC and two comments from the gaming industry. No comments were received from the Senate Finance Committee. The majority of the comments focused on §§ 1001.5 and 1001.6.

In the final-form rulemaking, the Department responded to several key issues raised by the commentators by amending the definition of “Office of the Budget.” In addition, the Department added clarifying language throughout the final-form rulemaking for the methodology of CCS calculations, the Department’s assessment procedures, the assessment of general administrative costs incurred by the Commonwealth and the State Gaming Fund transfer procedures.

Fiscal Impact

There is no cost for implementing this final-form rulemaking. The final regulations serve to clarify the Department’s responsibilities in terms of slot machine gaming regulation. The Department submitted a proposed budget of $8.3 million for Fiscal Year 2007-08. That amount includes all costs associated with the Department to administer this final-form rulemaking. These expenses will be billed on a prorata basis to licensed gaming entities and deducted from each entity’s Section 1401 account.

Paperwork

The final-form rulemaking will require minimal paperwork for the public or the Commonwealth.

The Department will annually, on or before January 1, publish notices in the Pennsylvania Bulletin to announce the annual inflation adjustment of the distributions to municipalities.

 Effectiveness/Sunset Date

The final-form rulemaking becomes effective upon publication in the Pennsylvania Bulletin. The regulations are scheduled for review within 5 years of publication. No sunset date has been assigned.

Contact Person

The contact person for an explanation of the final-form rulemaking is Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, P. O. Box 1061, Harrisburg, PA 17128-1061.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 21, 2007, the Department submitted a copy of the notice of proposed rulemaking, published at 37 Pa.B. 1028, to IRRC and the Chairpersons of the House Committee on Finance and the Senate Committee on Finance for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 20, 2007, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 21, 2007, and approved the final-form rulemaking.

Findings

The Department finds that:

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

(2) The amendments are necessary and appropriate for the administration and enforcement of the act.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code Chapter 1001, are amended by adding final regulations in §§ 1001.1—1001.11 to read as set forth in Annex A.

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

(c) The Secretary of the Department 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.

THOMAS W. WOLF, Secretary

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 3138 (July 7, 2007.).)

Fiscal Note: Fiscal Note 15-436 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 61. REVENUE

PART IX. PENNSYLVANIA GAMING CASH FLOW MANAGEMENT

CHAPTER 1001. PENNSYLVANIA GAMING CASH FLOW MANAGEMENT

GENERAL PROVISIONS

§ 1001.1. Scope.

This chapter establishes procedures for the administration and distribution of all net slot machine revenue, collection of tax and collection of other assessments under the act. In addition, this chapter clarifies the administrative procedures for transferring the statutorily established amounts of funding as prescribed in the act.
§ 1001.2. Purpose.
The purpose of this chapter is to notify prospective licensed entities, as well as the general public, of the procedures and requirements for distributing net slot machine revenue, collection of tax and collection of other assessments.

§ 1001.3. Definitions.
The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.


Annual minimum distribution—Other than for a Category 3 licensee, 2% of the gross terminal revenue of the licensed gaming entity or $10 million, whichever is greater.

Banking day—The part of any day that the Federal Reserve has established for a bank to be opened to the public for carrying out substantially all of its banking functions.

Board—The Pennsylvania Gaming Control Board of the Commonwealth.

CCS—The central control computer system controlled by the Department and accessible by the Board, to which all slot machines communicate for the purpose of recording, reviewing, reporting and auditing real-time information regarding the events that occur during the operation of a slot machine. This includes distinguishing between daily deposits made by licensed gaming entities of taxes due on play of slot machines and all other transfers of moneys to Commonwealth accounts not considered a daily deposit under this chapter.

Collection Account—A Department bank account authorized by the Treasury for the collection of taxes and other payments received from licensed gaming entities and which is maintained and reconciled by the Department.

Concentration Account—A Treasury bank account used for the deposit and disbursement of all recognized Commonwealth moneys and which is maintained and reconciled by the Treasury Department.

Credit against tax—Credit as specified in section 1209(c) of the act (relating to slot machine license fee) and established if the tax rate imposed by section 1403 of the act (relating to establishment of State Gaming Fund and net slot machine revenue distribution) upon slot machine daily gross terminal revenue is increased at any time during the term of 10 years following the initial issuance of the slot machine license.

Department—The Department of Revenue of the Commonwealth.

EFT—Electronic funds transfer.

Fund—A fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances and the changes therein, that are segregated for the purpose of carrying on specific activities or attaining certain objectives established for the receipt of gross terminal revenue distributions under the act.

Gross terminal revenue—As defined in section 1103 of the act (relating to definitions).

Licensed gaming entity—As defined in section 1103 of the act.

Manufacturers—As defined in section 1103 of the act.

Office of the Budget—An administrative agency as authorized by section 609 of The Administrative Code of 1929 (71 P.S. § 229) under the direct supervision of the Secretary of the Budget.


Pennsylvania Race Horse Development Fund—The fund established under section 1405 of the act (relating to Pennsylvania Race Horse Development Fund).

Property Tax Relief Fund—The fund established under section 1409 of the act (relating to Property Tax Relief Fund).

Race Horse Improvement Daily Assessment—The amount each operating licensed gaming entity shall pay daily to the Department, according to Department calculations.

State Gaming Fund—The fund established under section 1403 of the act.

Suppliers—As defined in section 1103 of the act.

Treasury—The Treasury Department of the Commonwealth.

§ 1001.4. Calculations of credit against tax and Race Horse Improvement Daily Assessment.

(a) Credit against tax. The amount of the credit must be equal to the difference between the tax calculated at the rate in effect when a license was issued to the licensed gaming entity and the tax calculated at the increased rate. The credit shall be applied on a dollar-for-dollar basis but may not extend beyond the 10-year period following the initial issuance of the license.

(b) Race Horse Improvement Daily Assessment. The amount of this assessment shall be calculated in accordance with section 1405(b) of the act (relating to Pennsylvania Race Horse Development Fund). This assessment shall be multiplied by 18% of daily gross terminal revenue for all active and operating Category 1 licensed gaming entities that are conducting live racing. The amount may not exceed 12% of that day's gross terminal revenue for that licensed gaming entity, and shall be subject to the daily assessment cap established under section 1405(c) of the act.

§ 1001.5. Administration and distribution of moneys held by licensed gaming entities and the Commonwealth.

(a) Application of section. This section applies to the collection of tax, the collection of other assessments and all transfers of moneys to and from the State Gaming Fund, Pennsylvania Gaming Economic Development and Tourism Fund, Pennsylvania Race Horse Development Fund and any other fund as specified in this chapter.

(b) Deposits and transfers to Treasury by licensed gaming entities.

(1) The Department will notify each licensed gaming entity, Treasury and Office of the Budget of the actual amount each licensed gaming entity shall be required to deposit with Treasury as calculated by the CCS in accordance with sections 1323, 1403 and 1405—1407 of the act. A licensed gaming entity shall make deposits with Treasury on the same banking day as the date of the Department's notice to the licensed gaming entity and by the times specified by the Department.
(2) Payments shall be electronically transferred by the licensed gaming entities and available to the Commonwealth by the deadline established by the Department. Moneys shall be deposited in the Department’s Collection Account.

(3) System problems or failures, such as power outages and states of emergency, will not excuse the licensed gaming entity from making the required deposits in a timely manner. The licensed gaming entity shall immediately notify the Department and the Board of any of these problems.

(4) The Department will maintain records of deposits to the Department’s Collection Account under this chapter and will share information, as practicable, to assist the Board in its reconciliation of deposits into its Concentration Account.

(5) The administration of assessments will be as follows:

(i) Proration of assessment. Upon imposition of the annual minimum distribution amount, as specified in section 1403(c)(3) of the act (relating to establishment of State Gaming Fund and net slot machine revenue distribution), regardless of whether the minimum is subject to the budgetary limitations of section 1403 of the act, the required minimum shall be prorated for that portion of the municipality’s fiscal year that the Board determines that the licensed gaming entity was actually in operation.

(ii) Limitation of assessment. Upon imposition of the minimum distribution upon the licensed gaming entity, the required minimum shall be paid in accordance with the administrative procedures of this section.

(6) The Department reserves the right, upon notice served upon the licensed gaming entity and the Board, to temporarily disable the licensed gaming entity’s slot machines through the CCS until the Department receives verification that the required deposit has been made.

(c) Distributions of local share assessments.

(1) Distributions of local share assessments to municipalities. If a licensed gaming entity fails to reach the requisite annual minimum distribution as required under the act within 15 days following the end of the municipality’s fiscal year, the Department will notify the licensed gaming entity of the shortfall and the amount to be remitted. A licensed gaming entity shall remit the difference required to meet the requisite annual minimum distribution as required under the act within 15 days following the end of the municipality’s fiscal year. The licensed gaming entity shall remit the required payment to the Department for distribution in accordance with the act. Distributions specified in this chapter shall be made by the licensed gaming entity to the Department, no later than 15 days from the Department’s notice of the shortfall.

(2) Distributions of local share assessments to counties. The Department will make distributions in accordance with section 1403(c)(2) of the act. If the minimum distribution exceeds the applicable annual municipal allocation cap in section 1403(c)(3) of the act, the amount in excess of the municipal allocation cap shall be distributed by the Department in accordance with section 1403(c)(2) of the act.

§ 1001.6. Administration of amounts deposited by licensed gaming entities with Treasury to pay Commonwealth gaming related costs and expenses ($5 million).

(a) No later than 2 business days prior to the commencement of slot machine operations, the licensed gaming entity shall deposit $5 million in the Department’s Collection Account. Upon transfer of the $5 million deposit into Treasury’s Concentration Account, the deposit shall be credited to an account established in Treasury for the licensed gaming entity. The account established shall also be used to recognize and account for all future deposits required from the licensed gaming entity by the Department for administrative costs and all future withdrawals made by the Department for reimbursement of administrative costs.

(b) Each licensed gaming entity shall maintain a minimum account balance with Treasury of $5 million.

(c) Moneys related to this account shall be transferred to the Department’s Collection Account and from Treasury by EFT or other methods of funds transfer in accordance with § 1001.5(b) (relating to administration and distribution of moneys held by licensed gaming entities and the Commonwealth).

(d) Reimbursement of Commonwealth expenses will be as follows:

(1) The Department will issue to the licensed gaming entity, periodic assessments of expenses incurred by the Board, Department, Office of Attorney General and the Pennsylvania State Police, regarding expenses directly related to the licensed gaming entity, under budgets approved by the Board and upon appropriation by the General Assembly as required in section 1402.1 of the act (relating to itemized budget reporting). Expenses not included in budgets approved by the Board may be assessed against the licensed entity under this section.

(2) Expenses incurred by the Commonwealth and assessed to the licensed gaming entity shall be charged back to the licensed gaming entity and deducted from the licensed gaming entity’s account, as specified in section 1401 of the act (relating to slot machine licensee deposits) and this section.

(3) General administrative costs of the Commonwealth not specifically assessed to a licensed gaming entity under paragraph (1), shall be borne by each licensed gaming entity on a prorata basis, at the discretion of the Secretary of Revenue until all Category 1 and Category 2 licensed gaming entities are operating as permitted under the act.

§ 1001.7. Deposits of license, permit and other fees.

The fees for manufacturers’ and suppliers’ licenses, employment permits and other licenses and permits as the Board may require, excluding license fees paid for Categories 1, 2 and 3 licenses under sections 1209 and 1305 of the act (relating to slot machine license fee; and Category 3 slot machine license), shall be deposited with the Commonwealth and then transferred from a restricted receipt account into a restricted receipt account within the State Gaming Fund. The fees deposited will be transferred from the restricted receipt account into a restricted receipt account of the State Gaming Fund to be used by the Board to pay its operating expenses. License fees paid for Categories 1, 2 and 3 licenses under sections 1209 and 1305 of the act shall be paid into the State Gaming Fund in accordance with sections 1209(d) and 1305 of the act.

§ 1001.8. State Gaming Fund transfers.

(a) Application of section. This section applies to the transfers of moneys to and from the State Gaming Fund.

(b) Quarterly distributions. Quarterly distributions from the State Gaming Fund to counties or municipalities in which a licensed facility is located, as determined by the Board, and as specified in Chapter 14 of the act.
(relating to revenues), shall be performed in accordance with the Governor's Management Directive 305.4 (relating to payments to counties), § 1001.5 (relating to administration and distribution of moneys held by licensed gaming entities and the Commonwealth) and the following provisions:

(1) The Department will submit payment requisitions, accompanied by documentation, to the Office of the Budget for payment through Treasury.

(2) The Department will determine the annual inflation adjustment and will publish notice of the inflation adjustment in the Pennsylvania Bulletin by January 1 of each year.

(3) The Department will make distributions quarterly, no later than 30 days following the end of each calendar quarter.

(c) Tax, assessments and credit against tax.

(1) Determinations of gross terminal revenue and the calculations of taxes and other assessments due will be determined by the Department based on the actual calculations by the CCS.

(2) The Department will notify each licensed gaming entity and Treasury of the amount of tax and other assessments due to the Commonwealth.

(3) Each licensed gaming entity shall deposit the amount specified in paragraph (2) into the Department's Collection Account, in the manner prescribed by § 1001.5(b).

(4) The Department will enter into an agreement with each licensed gaming entity setting forth the terms and conditions of any credit against tax as claimed by the licensed gaming entity.

(5) Taxes and other assessments due as determined by the Department shall remain payable by the licensed gaming entity to the Department in accordance with section 1501(a) of the act (relating to responsibility and authority of department) regardless of any discrepancies between the licensed gaming entity's calculation and that of the Department's or amounts contested by any party concerning the credit against tax due. Resolution of disputed payments due will be addressed by the Department through adjustments it makes to its calculation of future payment amounts due. The Department may make adjustments to its calculation of future payment amounts due after resolution of any dispute regarding the amount of taxes due. The Department will provide notice to the Board of the final calculations of taxes due under this subsection.

(6) Any remittance due that is caused by the imposition of the tax or other assessments on nonbanking days as well as holidays shall be remitted by the licensed gaming entity on the next banking day. For example, any tax that has accrued on Independence Day shall be transferred on the following banking day.

(d) Imposition of a penalty. Failure to comply with this section that results in the failure to transmit the requisite amounts to the Department's Collection Account shall result in the imposition of a penalty of 5% per month up to a maximum of 25% of the amounts due and unpaid by the licensed gaming entity. Payments made by a licensed gaming entity toward delinquent amounts, including penalties, shall be allocated to the licensed gaming entity's delinquency in accordance with the priority of payments as specified under section 209 of the Taxpayers' Bill of Rights (72 P. S. § 3310-209).


(a) Department personnel will notify the respective licensed gaming entity and Treasury of the amounts the licensed gaming entity shall be required to deposit in the Department's Collection Account. Deposits shall be made on the same banking day as the date of the notice by the Department.

(b) Moneys shall be transferred by the licensed gaming entity by EFT or other method the Department may require and shall be deposited in the Department's Collection Account prior to being transferred to Treasury's Concentration Account.

(c) System problems or failures, such as power outages and states of emergency, will not excuse the licensed gaming entity from making the required deposits in a timely manner. The licensed gaming entity shall immediately notify the Department and the Board of the problems.

(d) The Department will maintain records of the Department's Collection Account under this chapter and will share information as practicable, to assist Treasury in its reconciliation of deposits into its Concentration Account.


(a) Prior to making each Race Horse Improvement Daily Assessment against a licensed gaming entity, the Department will determine the amount of each licensed gaming entity's gross terminal revenue.

(b) Eighteen percent of the gross terminal revenue of each Category 1 licensed gaming entity shall be returned to each active and operating Category 1 licensed gaming entity that conducts live racing subject to the assessment cap in section 1405(c) of the act (relating to Pennsylvania Race Horse Development Fund), and subject to the allocations specified in section 1406(a)(1)(i)–(iii) of the act (relating to distributions from Pennsylvania Race Horse Development Fund).

(c) Procedures concerning Pennsylvania Race Horse Development transfers are as follows:

(1) Department personnel will notify the respective licensed gaming entity and Treasury of the actual amount each licensed gaming entity shall be required to deposit in the Department's Collection Account as determined by the CCS. Deposits shall be made on the same banking day as the date of the notice by the Department.

(2) Moneys shall be transferred by the licensed gaming entity by EFT or other method as the Department may require and shall be deposited in the Department's Collection Account prior to being transferred to Treasury's Concentration Account.

(3) System problems or failures, such as power outages and states of emergency, will not excuse the licensed gaming entity from making the required deposits in a timely manner. The licensed gaming entity shall immediately notify the Department and the Board of any of these problems.

(4) The Department will maintain records of the Department's Collection Account under this chapter and will share information as practicable, to assist Treasury in its reconciliation of deposits to its Concentration Account.

(d) The Department will notify each active and operating Category 1 licensee conducting live racing, Treasury and Office of the Budget of the amounts each active and operating Category 1 licensee conducting live racing will
receive. An eligible Category 1 licensee will receive from Treasury a weekly payment from the Pennsylvania Race Horse Development Fund in accordance with the act. The deposits required under section 1406(a)(1)(ii) of the act will be deducted by the Department before making the payment to each active and operating licensee and transferred to the appropriate State fund, under section 1406 of the act.

(1) Payments will be electronically transferred by the Commonwealth and will be available to the licensee by the deadline established by the Department.

(2) Both Treasury and the Department will maintain records of distributions under this chapter and will share information, as practicable, to assist each agency in its reconciliation process.

(e) For purposes of the calculations and distributions of section 1406(a) of the act, live racing will be determined annually, and as a Category 1 licensed gaming entity commences live racing in accordance with section 1303(b) of the act (relating to additional Category 1 slot machine license requirements).

§ 1001.11. Property Tax Relief Fund transfers.

The Department will determine the appropriate amount of moneys to be transferred into the Property Tax Relief Fund. The moneys will be transferred only after all amounts of funding have been met concerning the transfers of money to the other funds specified in section 1408 of the act (relating to transfers from State Gaming Fund) and other applicable laws.

PROPOSED RULEMAKING

DEPARTMENT OF BANKING

[10 PA. CODE CH. 46]

Proper Conduct of Lending and Brokering in the Mortgage Loan Business

The Department of Banking (Department) proposes to add Chapter 46 (relating to proper conduct of lending and brokering in the mortgage loan business) under the Mortgage Bankers and Brokers and Consumer Equity Protection Act (63 P. S. §§ 456.101—456.3101), the Secondary Mortgage Loan Act (7 P. S. §§ 6601—6627) and the Consumer Discount Company Act (7 P. S. §§ 6201—6219) (collectively "acts").

Purpose of Proposed Rulemaking

The Department is proposing this rulemaking because in the past decade the mortgage loan business has significantly increased in complexity and competitiveness, resulting in a drastically changed borrowing landscape. Unfortunately, because of this complexity and competitiveness, borrowers may not understand the loan products offered to them or the process of obtaining a loan. The Department also believes that there are individuals and entities in the mortgage loan business who take advantage of borrowers by placing them in loan products they are not reasonably capable of repaying. Therefore, the Department is proposing this rulemaking governing the proper conduct of lending and brokering to persons and entities operating in the mortgage loan business under the acts.

Explanation of Proposed Requirements

This proposed rulemaking provides regulations for the proper conduct of lending and brokering in the mortgage loan business for licensees under the acts. The proposed rulemaking sets forth requirements for additional disclosures regarding the terms of offered loans and for licensees to perform an ability to repay analysis when offering loans to consumers. The proposed rulemaking also prohibits certain practices in the mortgage loan process that harm consumers and businesses alike.

Entities Affected

Existing and future licensees under the acts will be affected by the proposed rulemaking.

Costs and Paperwork Requirements

The proposed rulemaking will have no fiscal impact on the Department, the Commonwealth or its political subdivisions. The proposed rulemaking will only impact licensees under the acts to the extent licensees may need to incur costs to alter or revise current business practices to comply with the regulations.

Effectiveness/ Sunset Date

Proposed § 46.2(b)—(e) will be effective 90 days from final-form publication in the Pennsylvania Bulletin. The remaining provisions of the proposed rulemaking will become effective immediately upon publication in the Pennsylvania Bulletin.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 5, 2007, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Commerce and the Senate Committee on Banking and Insurance. A copy of this material is available to the public upon request.

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

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after publication in the Pennsylvania Bulletin to the Office of Chief Counsel, Department of Banking, Attention: Public Comment on Regulation 3-43, 17 N. Second Street, Suite 1300, Harrisburg, PA 17101-2290, (717) 787-1471.

VICTORIA A. REIDER,
Acting Secretary

Fiscal Note: 3-43. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 10. BANKS AND BANKING

PART IV. BUREAU OF CONSUMER CREDIT AGENCIES

CHAPTER 46. PROPER CONDUCT OF LENDING AND BROKERING IN THE MORTGAGE LOAN BUSINESS

(Editors Note: The following chapter is new. It has been printed in regular type to enhance readability.)

Sec.
46.1. Definitions.
46.2. Proper conduct of lending and brokering in the mortgage loan business.
46.3. Enforcement.

§ 46.1. Definitions.

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

Advertising—As defined in 12 CFR 226.2(a)(2) (relating to definitions and rules of construction).

Applicant—A person who submits an application for a loan.

Application—As defined in 24 U.S.C.A. § 3500.2(b) (relating to definitions).

CDCA—The Consumer Discount Company Act (7 P. S. §§ 6201—6219).

Consummation—As defined in 12 CFR 226.2(a)(13).

Covered loan—As defined in section 503 of the MBCEPA (63 P. S. § 456.503).

First mortgage loan—A mortgage loan as defined in section 302 of the MBCEPA (63 P. S. § 456.302).
Income—As defined in 26 U.S.C.A. § 61 (relating to definitions).

Licensee—A licensee under the MBBCEPA, SMLA, CDCA or a partially exempt entity under the MBCEPA.

Loan—
(i) A first mortgage loan or secondary mortgage loan, or both, as the context may require.
(ii) The term does not include a covered loan.


Mortgage loan business—The first mortgage loan business as defined in section 302 of the MBBCEPA, the secondary mortgage loan business as defined in section 3(a)(5) of the SMLA (7 P.S. § 6603(a)(5)), and any kind of mortgage lending or brokering activity conducted by a licensee under the CDCA.

Person—A person as defined in section 302 of the MBBCEPA, section 2 of the SMLA (7 P.S. § 6602) and section 2 of the CDCA (7 P.S. § 6202), as applicable.

SMLA—The Secondary Mortgage Loan Act (7 P.S. §§ 6601—6627).

Secondary mortgage loan—A secondary mortgage loan as defined in section 2 of the SMLA.

§ 46.2. Proper conduct of lending and brokering in the mortgage loan business.

(a) Advertising. A licensee may not engage in false or misleading advertising.

(b) Disclosures to applicant. On a form prescribed by the Department and signed and dated by the applicant and the licensee, a licensee who has contact with the applicant shall disclose the following to the applicant no later than 3 business days after the application is received or prepared by the licensee:

(1) If the lender providing the loan will escrow the applicable taxes and insurance.

(2) If the licensee is a lender with the ability to directly lock-in a loan interest rate.

(3) Whether the loan contains a variable interest rate or balloon payment feature.

(4) Whether the loan includes a prepayment penalty.

(5) Whether the loan has a negative amortization feature.

(c) Required redisclosures. A licensee who has issued the disclosure form required by subsection (b) shall issue an updated disclosure form at the time the licensee knows or reasonably should know that the initial disclosure form is inaccurate.

(d) Required retention of disclosure form. A licensee shall retain the disclosure form required by subsections (b) and (c) in the applicant's loan file.

(e) Evaluation of applicant ability to repay.

(1) A licensee may not offer a loan without having reasonably determined, based on the documents and information provided under this subsection, that the applicant will have the ability to repay the loan in accordance with the loan terms and conditions by final maturity at the fully indexed rate, assuming a fully amortized repayment schedule.

(2) In performing an analysis to determine whether an applicant will have the ability to repay a loan, a licensee shall consider, verify and document the following:

(i) Income of the applicant.

(ii) Fixed expenses of the applicant.

(3) A licensee may consider and document information in addition to verified income and fixed expenses as required in paragraph (2) in determining an applicant's ability to repay an offered loan, provided that the additional factors are reasonably related to an applicant's ability to repay.

(4) A licensee may not primarily rely upon the sale or refinancing of an applicant's collateral in determining an applicant's ability to repay an offered loan.

(5) The records, worksheets and supporting documentation used in the licensee's ability to repay analysis shall be maintained in the applicant's loan file.

(6) In determining an applicant's ability to repay a loan offered under this subsection, a licensee may not ignore facts or circumstances that it knows or reasonably should know which would indicate that an applicant does not have the ability to repay the offered loan.

(7) In addition to the analysis required by this subsection, great weight and due consideration shall be given to the "Guidance on Nontraditional Mortgage Product Risks," as amended, issued by the Department in establishing a licensee's internal procedures and guidelines when implementing the ability to repay analysis required by this subsection.

(f) Loan transaction prohibitions. A licensee may not:

(1) Advise or imply to an applicant that the applicant's income is not relevant to the loan transaction.

(2) Recommend or imply that an applicant default on any existing contract or financial obligation.

(3) Advise or induce an applicant to refinance an existing loan or otherwise enter into a new financial obligation without performing the ability to repay analysis required by subsection (e).

(4) If an applicant qualifies for a loan offered by the licensee, offer to the applicant a covered loan without advising the applicant that the applicant qualifies for a loan other than a covered loan.

(5) Advise or imply that an applicant should ignore any required disclosures or suggest that a document or the execution of any document is unimportant or of no consequence.

(6) Direct, encourage, permit or otherwise be involved with the improper execution of any document, including:

(i) Requesting or allowing an applicant to sign documents that contain blank spaces where material information regarding the loan transaction is required.

(ii) Permitting the execution of documents where signatures are required to be witnessed without the witnesses being physically present.

(iii) Permitting someone other than the required signatory to execute a document unless otherwise authorized by law.

(7) Knowingly submit or permit or encourage an applicant or third party to submit, false or misleading information, or information that the licensee reasonably should know is false or misleading, to any party to a loan transaction.

(8) Improperly influence, or attempt to improperly influence:
(i) An appraiser by committing any act or omission that is intended to:

(A) Compromise the independent judgment of an appraiser.

(B) Ensure that an appraisal matches a requested or target value.

(ii) Any other entity related to the mortgage loan business, such as notaries, title companies, real estate agents, builders and sellers of properties.

(9) Obtain insurance required for a loan for an applicant at loan consummation without providing the applicant with the opportunity to secure or provide evidence of his own insurance.

(10) Charge an applicant a fee for any legally required notices or disclosures unless otherwise authorized by law.

(11) Pay compensation to or receive compensation from, contract with, or employ any person engaged in the mortgage loan business who is not licensed or otherwise exempt from licensure.

(12) Render legal advice to an applicant.

(g) Loan funding.

(1) A licensee lender may not refuse or fail to fund a consummated loan, other than when an applicant rescinds the loan in accordance with 12 CFR 226.15 or 226.23 (relating to right of rescission), as applicable.

(2) A licensee lender shall fund a consummated loan in a reasonable time period after consummation of the loan or in accordance with any commitment or agreement with the applicant; provided that, if an applicant has a right of rescission under 12 CFR 226.15 or 226.23, a licensee lender is not required to fund a consummated loan in accordance with this subsection until after the applicable rescission period has ended.

(3) Any postclosing underwriting or quality control review conducted by a licensee lender after the consummation of a loan may not delay the funding of a loan, or result in a failure or refusal to fund the loan in accordance with this subsection.

(4) A licensee shall disburse loan funds in accordance with any commitment or agreement with the applicant.

(h) Licensee responsibility to provide documents. A licensee shall provide to an applicant or authorized representative of an applicant, unless prohibited by Federal or State law, copies or originals of the documents associated with a loan that an applicant has paid for or signed, such as loan applications, appraisals, surveys, loan documents, disclosures and any fee agreement executed by the applicant and the licensee.

(i) Payoff statement or statement of mortgage reinstatement. A licensee lender shall provide a borrower with payoff statements or statements of mortgage reinstatement, as applicable, for the borrower’s loan within 7 business days of receipt of a written request by a borrower or a person authorized by the borrower.

§ 463. Enforcement.

Violations of the provisions of this chapter shall be violations of the MBBCEPA, SMLA and CDCA, as applicable.

Fiscal Impact

Implementing a requirement of tax clearance for merchant licensees will require the addition of two additional Technician 1 positions. Program changes will require about 37.5 hours of Application Developer 2 time in the Bureau of Management Information Systems. The first year cost increase is estimated to be $92,082.

In an unlikely, but worst-case, scenario, if sponsors of in-store tastings universally choose not to purchase their products from the Board, as permitted by these regulations, the estimated loss of gross revenue would be around $200,000 annually.

Effective Date

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

Public Comment/Contact Person

Written comments, suggestions or objections will be accepted for 30 days after publication of the proposed rulemaking in the Pennsylvania Bulletin. Comments should be addressed to James F. Maher, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 17, 2007, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice. A copy of this material is available to the public upon request.

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

PATRICK J. STAPLETON, III, Chairperson

Fiscal Note: 54-63. (1) State Store Fund; (2) Implementing Year 2006-07 is $92,000; (3) 1st Succeeding Year 2007-08 is $96,000; 2nd Succeeding Year 2008-09 is $98,000; 3rd Succeeding Year 2009-10 is $100,000; 4th Succeeding Year 2010-11 is $102,000; 5th Succeeding Year 2011-12 is $104,000; (4) 2005-06 Program—$297,495,000; $322,377,000; (5) 2006-07 Program—$285,788,000; (6) 2007-08 Program—$297,495,000; (7) General Operations.

PROPOSED RULEMAKING

Merchant—An importer, winery, limited winery brewery, distillery or vendor desiring to sell spirits or wine to the Board; or, any seller of products the Board is permitted to sell in its stores under section 305 of the Liquor Code (47 P. S. § 3-305).

Pecuniary interest—The capability of a person to control the business of the licensee. There is a rebuttable presumption of a pecuniary interest when a person controls a substantial portion of the proceeds of the licensed business or when control is exercised by one or more of the following:

(i) Employing a majority of the employees of the licensee.

(ii) Independently making day-to-day decisions about the operation of the business.

(iii) Having final authority to decide how the licensed business is conducted.

§ 1.5. Reputation: Use of criminal and citation history.

(a) When considering whether a person is reputable or the repute of a person under any section of the Liquor Code or this title, the Board may consider whether that person has been convicted of any crimes including misdemeanors and felonies, the person's history regarding licenses issued by the Board, including the citation history of the licenses, and any other factor the Board deems appropriate.

(b) When considering the reputation of a corporation, partnership, limited liability company or other business entity, the Board may consider the reputation of its stockholders, directors, officers, managers or members.

CHAPTER 3. LICENSE APPLICATIONS

Subchapter A. GENERAL PROVISIONS

§ 3.8. Certificate of completion; [certificate of approval:] letter of authority.

(a) Upon Board approval of an application for new license, transfer of a license or extension of premises, the Board will issue a [certificate of approval] letter of operating authority to the applicant. [The Board will also issue a letter of authority which shall authorize the applicant to operate the licensed premises for no more than 30 days. If the application is for an extension of premises, the letter of authority shall be effective immediately. If the application is for a new license, the letter of authority shall be effective when the applicant acquires the right to occupy the premises. If the application is for the transfer of a license, the letter of authority shall be effective upon completion of the underlying financial transaction. Within 15 days of completion of transactions necessary to complete the process.] The letter of operating authority confers upon the applicant the immediate right to operate the licensed premises and the immediate responsibility as a licensee. The letter of operating authority may list conditions the applicant shall complete before a license is issued.

(b) Within the time specified by the Board in the letter of operating authority, the applicant shall submit a certificate of completion to the Board, indicating that the financial arrangements were completed as reported or modified. The certification [shall] must be on forms provided by the Board. [If the application is a
transfer application, then the certificate of completion must be signed by the transferor and the transferee. Failure to submit a properly executed certificate of completion may void the approval.

[ (b) ] (c) If the certificate of completion is not submitted or discloses modified arrangements, the Board may request additional information or documentation, as it deems necessary.

[ (c) ] (c) If the certified modifications are such that the eligibility of the applicant or premises would not be affected, the Board will take no action against the applicant.

(d) If the certificate of completion is not submitted, or additional information the Board has requested is not provided, or if the additional information indicates that the application does not conform to the Liquor Code or this title, the Board may rescind its approval, order divestiture of individuals or take other remedial action as it deems necessary.

(EDITOR'S NOTE: The following subchapter is new. It has been printed in regular type to enhance readability.)

Subchapter M. MANAGEMENT CONTRACTS

§ 3.141. Management contracts.
(a) A licensee may contract with another person to manage its licensed premises.

(b) Management contracts must reserve to the licensee the capability to direct its own business.

(c) Management contracts must be in writing, and a copy shall be maintained on the licensed premises where it shall be available for inspection by the Board.

(d) Management contracts may not give a pecuniary interest to a management company.

§ 3.142. Reporting.
(a) Licensees or applicants for licenses that have management contracts shall file the following:

(1) The identity of all persons who are parties to the management contract, on forms supplied by the Board.

(2) Tax certification and clearance statements for the person providing management services under section 477(g) of the Liquor Code (47 P.S. § 4-477(g)) on forms supplied by the Departments of Revenue and Labor and Industry.

(b) Licensees or applicants for licenses that enter into, modify or terminate management contracts shall, within 30 days, file a written notice with the Board that this has occurred. The changes shall be reported on forms which will be furnished upon request by the Board.

(c) Licensees filing notice of the establishment or modification of a management contract shall pay a fee of $350. No fee is payable when a licensee gives notice to the Board that a management contract has been terminated.

§ 3.143. Board approval and licensee responsibility.
(a) The Board may refuse the involvement of a person providing management services. The Board's refusal may be based upon the following:

(1) The creation by the management contract of a pecuniary interest in the license.

(2) Facts upon which the Board could refuse a person's involvement in the license.

(b) The licensee's use of a management company will not affect the licensee's responsibility for violations of the Liquor Code or this title.

CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES

Subchapter B. [EMPLOYEES] EMPLOYEES OF LICENSEES

EMPLOYMENT OF OTHERS

§ 5.23. Appointment of managers.

(i) If approved by the Board, management contracts may permit the manager for the licensed premises to be employed by the management company; however, a licensee shall have unfettered discretion in all aspects of management of the licensed business, including the employment of the manager and sales of food, alcoholic and nonalcoholic beverages. A licensee's discretion includes control of the manager's hiring, firing, discipline, salary and duties. The manager is an agent of the licensee.

Subchapter D. SANITARY CONDITIONS, LIGHTING AND CLEANING OF [COILS] MALT OR BREWED BEVERAGE DISPENSING SYSTEMS

CLEANING OF [COILS] MALT OR BREWED BEVERAGE DISPENSING SYSTEMS

§ 5.51. Cleaning of [coils, tap rods and connections] malt or brewed beverage dispensing systems.

(a) [Coils, tap rods and connections, used in drawing malt or brewed beverages in licensed establishments, shall be thoroughly cleaned at least once every 7 days at the sole expense of the licensee dispensing the beverages on draft. The cleaning of coils, tap rods and connections by one licensee for another licensee is prohibited.] A licensee that uses a malt or brewed beverage dispensing system in its licensed premises shall clean the system at its sole expense. One licensee may not clean a malt or brewed beverage dispensing system for another licensee.

(b) [The following methods of cleaning coils, tap rods and connections have been approved by the Board:

(1) Live steam.

(2) Hot water and soda solution, followed by thorough rinsing with hot water.

(3) Another method which thoroughly cleans the coils, tap rods and connections, and leaves them in a sanitary condition.]

The method of cleaning must leave the entire malt or brewed beverage dispensing system in a clean and sanitary condition. The cleaning method used must include cleaning the entire system with a chemical cleaning solution or other cleaning method approved by the Board. The following alternative cleaning methods have Board approval:

(1) Live steam.

(2) Hot water and soda solution, followed by thorough rinsing with hot water.
The frequency of cleaning for the malt or brewed beverage dispensing system shall be as follows:

1. Once every 7 days for the valves, joints, faucets, couplers, hose fittings, washers, o-rings, empty beer detectors (known as “FOBs”) and draft foam control units.

2. Once every 7 days for the dispensing lines, except if the licensee has an operating ultrasonic, electromagnetic or other system that retards the growth of yeast and bacteria in the dispensing lines. If such a system is installed and operating, licensee shall follow the cleaning frequency and cleaning method guidelines of the system's manufacturer.

3. The Board may approve different cleaning frequencies.

§ 5.52. Certificate or record required.

(a) [Coils, tap rods and connections] The malt or brewed beverage dispensing system may be cleaned for the licensee by a person, other than another licensee, thoroughly equipped to do so by a method enumerated in § 5.51 (relating to cleaning of [coils, tap rods and connections] malt or brewed beverage dispensing systems). The licensee [should] shall obtain from the cleaner a certificate showing the date cleaned, the name of the person by whom cleaned and the method utilized. The certificate shall be kept in file at the licensed premises at all times for inspection by the Board.

(b) [Coils, tap rods and connections] The malt or brewed beverage dispensing system may be cleaned by the licensee [himself by a method enumerated in § 5.51]. The licensee shall maintain and keep a record of the date of each cleaning and the method utilized. This record shall also be kept on file at all times for inspection by the Board.

§ 5.53. Pressure maintenance.

[Where an airline pump is used for pressure, the intake shall be from outside the building and an air filter or satisfactory air cleansing device shall be provided. The use of carbon dioxide is recommended in lieu of air, as this is conducive to the maintenance of normal flavor in that it is much less susceptible than air to the growth of organisms and chemical changes which may impair flavor.] If a compressed gas or other pressurizing system is used in the malt or brewed beverage dispensing system, it shall be designed to preserve the normal flavor of the malt or brewed beverage and not introduce contaminants into the system.

§ 5.54. Responsibility for condition of equipment.

The licensee has the sole responsibility of maintaining equipment used in dispensing malt or brewed beverages on draft in a clean and sanitary condition. The mere fact that records of licenses [indicating] indicate that [coils, tap rods and connections have been cleaned] are is no defense to [disciplinary] enforcement action under the law and the provisions of this subchapter if the [coils, tap rods or connections are] malt or brewed beverage dispensing system is at any time found to be in an [insanitary] unsanitary condition.

CHAPTER 7. TRANSFER, EXTENSION, SURRENDER [AND], EXCHANGE AND SUSPENSION OF LICENSES

Subchapter A. TRANSFER OF LICENSES

§ 7.2. Transfers of ownership.

[When] When an application is filed for transfer of a license from one person to another [at the same address], a bill of sale of the business or fixtures shall be executed by the licensee and shall be exhibited to the Board or its representative. The purchase price of the business, either in the form of cash or legal obligation as security for the purchase price, shall be placed in escrow with an attorney or financial institution, to be paid to the original licensee upon the approval of the transfer by the Board. The actual transfer of ownership of the business may not pass until approval of the transfer of license has been given. The transferee shall exhibit a deed or lease for the premises, or bill of sale, or both, as the case may be. The license may not change hands until the license transfer has been approved by the Board and the original licensee may continue the operation of the business and may sell liquor or malt or brewed beverages until formal approval of the transfer is given. If the original licensee does not continue operation of the business under the license, [no] liquor or malt or brewed beverages may not be sold and the license shall be surrendered to the Board until the transfer is approved.

CHAPTER 11. PURCHASES AND SALES

Subchapter F. SALE OF LIQUOR TO THE BOARD

§ 11.143. Merchant tax responsibility.

(a) A merchant not already licensed by the Board shall provide to the Board, upon forms approved by the Departments of Revenue and Labor and Industry, the following:

1. The merchant's Personal Income Tax identification number.

2. The merchant's Sales Tax number.

3. The merchant's Corporation Tax number.

4. The merchant's employer Withholding Tax number.

5. The merchant's Unemployment Compensation account number.

(b) A merchant, at the time of annual renewal and issuance of its license or permit shall, by the filing of an application, waive any confidentiality with respect to tax information regarding the merchant in the possession of the Department of Revenue, the Office of Attorney General or the Department of Labor and Industry, regardless of the source of that information and shall consent to the providing of that information to the Board by the Department of Revenue, the Office of Attorney General or the Department of Labor and Industry.

(c) Upon receipt of an application for the grant, renewal or validation of a merchant's license or permit, the Board will review the tax status of the applicant. The Board will request tax information regarding the applicant from the Department of Revenue, the Office of Attorney General and the Department of Labor and Industry and the information will be provided.

(d) The Board will not approve an application for the grant, renewal or validation of a merchant's
license or permit issued under this section when the applicant has failed to do one or more of the following:

(1) Provide any of the information required under subsection (a).
(2) File required tax reports.
(3) Pay taxes not subject to a timely administrative or judicial appeal or subject to an authorized deferred payment plan.

(e) Upon the required submission of the annual fee or upon renewal, validation or issuance of a merchant's license or permit, if the Department of Revenue or the Department of Labor and Industry notifies the Board of noncompliance with the provisions in this section, the Board will not renew, issue or validate the merchant's license or permit. An appeal of the Board's action will not act as a supersedeas.

CHAPTER 13. PROMOTION

Subchapter A. ADVERTISING

ADVERTISING OF BRAND NAMES

§ 13.43. Interior display.
(a) A licensee may [not] install or permit to be installed electrically operated signs or devices, lithographs, framed pictures, cardboard displays, statuettes, plaques, placards, streamers or similar items advertising brand names and intended for interior display on the licensed premises.

GIVING AND ACCEPTING THINGS OF VALUE

(a) Except as provided in [subsections (b), (c)] this section and in § 13.52 (relating to advertising novelties), [no] an in-State or out-of-State manufacturer, licensee or group of licensees, their servants, agents or [employees] employees, may not directly or indirectly, in person, individually or through a trade organization, contribute to or accept from another licensee or group of licensees of a different class, their servants, agents or [employees] employees or a trade organization of licensees of a different class, anything of value by means of advertisements, contributions, purchase, sale of tickets, donations or by any device, for any purpose.

(e) The sponsorship of a tasting upon a licensed premises will not be considered giving or accepting a thing of value.

Subchapter D. TASTING EVENTS

GENERAL PROVISIONS

§ 13.201. Definitions.
The following words and terms, when used in this subchapter, have the following meanings, unless the context dearly indicates otherwise:

Sponsor—A sponsor of a tasting event may be any licensed [broker, holder of a limited winery or winery license, or a manufacturer of liquor] vend-

or, importer, distributor, importing distributor or manufacturer or its agent or employee who is 21 years of age or older.

Standard size alcoholic beverage—A standard size alcoholic beverage is 12 fluid ounces of a malt or brewed beverage, 4 fluid ounces of wine (including fortified wine) or 1 1/2 fluid ounces of [liquor] spirits.

TASTING EVENTS

§ 13.211. Tasting events.
(a) Tastings may be conducted by [licensed brokers, distributors, importing distributors and manufacturers or their agents] sponsors upon licensed or unlicensed premises.

(b) [Licensed brokers, distributors, importing distributors and manufacturers or their agents] Sponsors conducting a tasting event shall adhere to the following requirements:

§ 13.223. Procurement of wine or spirits, or both.
(a) Wine or spirits used during the in-store tasting events [must] shall be procured by the sponsor in accordance with the sampling process as specified in § 13.81 (relating to samples of liquor) [or], by [legal] purchase from the Board or the sponsor may provide and transport the wine and spirits from its own stock.

§ 13.228. Disposal and storage of [unused alcohol] partially-used liquor and empty containers.

(a) At the conclusion of the in-store tasting event, sponsors shall either discard unused portions of opened liquor containers at the State Liquor Store or may resell the partially-consumed liquor containers. The resealed partially-used containers shall be placed in storage at the store for use at a subsequent store tasting or may be removed from the premises. Partially-consumed liquor containers may not be placed in storage at a store for more than 15 days. After 15 days, partially-used containers of liquor may be discarded by the Board.

(c) [Unused product, bottles or] Resealed partially-used containers may not be furnished to employees of the Board or other persons and may only be used for a subsequent in-store tasting.
CHAPTER 17. SPECIAL RULES OF PRACTICE AND PROCEDURE FOR MATTERS BEFORE THE BOARD

Subchapter A. GENERAL

§ 17.5. Subpoenas.

(a) Issuance. Except for subpoenas issued upon the Board’s own motion, issuance of subpoenas shall be as follows:

* * * * *

§ 17.7. Exhibits.

* * * * *

(b) Documents that the Board, a party, petitioner or intervener expects to offer as exhibits may be presented to the Board’s hearing examiner and all other parties of record in advance of a hearing. These documents are not evidence unless admitted into the record by the hearing examiner at the hearing. Presentation of documents to the other parties before a hearing is encouraged.

(c) Subsection (a) supersedes 1 Pa. Code § 33.15 (relating to number of copies).

Subchapter B. LICENSE APPLICATIONS

§ 17.13. Protests/intervention procedure.

* * * * *

(b) Time. A protest or petition to intervene shall be filed with the Board within 30 days of the posting of notice of application as required by Chapter 3 Subchapter B (relating to notice posting). The Board may accept an untimely filed protest or petition to intervene, but only upon good cause shown.

* * * * *


PROPOSED RULEMAKING

PUBLIC SCHOOL EMPLOYEES’ RETIREMENT BOARD

[22 PA. CODE CHS. 201, 211, 213 AND 215]

Formalization and Clarification of Current Practices

The Public School Employees’ Retirement Board (Board) proposes to amend its Chapters 201, 211, 213 and 215 to read as set forth in Annex A.

Statutory Authority

This rulemaking is proposed under 24 Pa.C.S. § 8502(h) (relating to administrative duties of board).

Purpose

The primary purpose of this proposed rulemaking is to formalize and clarify current practices, remedy problems that have arisen and reflect issues unique to the Public School Employees’ Retirement System (PSERS). A definition is deleted if it merely repeats the definition in 24 Pa.C.S. Part IV (relating to Public School Employees’ Retirement Code) (Retirement Code). Outdated regulations were deleted and new regulations were added to provide a clear, concise understanding of the Board’s policies and procedures in accordance with the Retirement Code. In addition, editorial amendments have been made for improved readability.

Summary of Amendments

Chapter 201. Applicability of General Rules

Amendments to § 201.1 (relating to applicability of general rules) were made for the purpose of addressing grammatical errors and clarity.

Sections 201.2—201.5 are proposed to be rescinded.

Proposed § 201.2a (relating to definitions) contains terms used only in the hearing and appeal process. The definition section of the Retirement Code does not provide a definition of the terms used in the hearing and appeal process. The definitions were added in the beginning of this chapter to provide clarification and understanding of the terms regarding the hearing and appeal process. The distinction between a matter before the Executive Staff Review Committee (ESRC) and a matter appealed to the Board is made through the use of the terms “adjudicatory benefit appeal” and “nonadjudicatory benefit appeal.”

Proposed § 201.3a (relating to nonadjudicatory benefit appeal) sets out the procedure before the ESRC for a nonadjudicatory benefit appeal.

Proposed § 201.4a (relating to adjudicatory benefit appeal and request for administrative hearing) clarifies the procedure required of a claimant to file an adjudicatory benefit appeal within the prescribed time.

Proposed § 201.5 (relating to authorization of Secretary of the Board) was taken from an existing Board resolution and added to clarify the Secretary’s powers and duties regarding the appeal process in approving uncontested orders.

Proposed § 201.6 (relating to motions practice) provides for the Board to rule directly on a preliminary objection or summary judgment or to delegate the recommendation to the hearing examiner. This section provides more flexibility and clarity in the motions process.


Proposed § 201.8 (relating to dismissal for nonappearance) was moved from § 201.4 for organizational purposes.

Proposed § 201.9 (relating to introduction of documents from the System’s records) clarifies the method of authenticating PSERS’ documents to be admitted as evidence in an adjudicatory benefit appeal hearing.

Proposed § 201.10 (relating to briefs) clarifies the process of filing briefs after a hearing. Section (a) supplements 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) in requiring that the claimant shall file the first brief.

Proposed § 201.11 (relating to proposed opinion and recommendation) clarifies the requirements of the hearing examiner’s proposed opinion.

Proposed § 201.12 (relating to oral argument before the Board) was added to clarify the process of requesting oral argument before the Board and the procedure to be followed when presenting oral argument. It is adopted from an existing Board resolution.
Chapter 211. Preliminary Provisions

Section 211.1(a) (relating to short title of part) is amended to clarify the chapters to which the definitions are applied.

Section 211.2 (relating to definitions) is amended to delete definitions that repeat the Retirement Code definitions or that are outdated. Some existing definitions are amended to correct grammatical errors. Some definitions are amended to conform to Internal Revenue Code. Some definitions are added or amended for clarification.

Proposed § 211.3 (relating to construction) is moved from § 213.35 (relating to general regulations) for organizational purposes. Section 213.35 is rescinded in this proposed rulemaking.

Chapter 213. Contributions and Benefits

Section 213.1(a) (relating to mandatory and optional membership) is amended to correct grammatical errors. Subsection (b) was moved from § 215.36 (relating to optional alternate retirement programs) for organizational purposes. Section 215.36 is rescinded in this proposed rulemaking.

Sections 213.2 and 213.3 (relating to credited school service; and eligibility points for retention and reinstatement of service credits) are amended to correct grammatical errors and for clarification.

Proposed § 213.3a (relating to waiver of adjustments) reflects the Board’s policies in interpreting 24 Pa.C.S. § 8303.1 (relating to waiver of adjustments) regarding adjustments to a member’s account that would cause an undue hardship for the member.

Amendments to § 213.4 (relating to creditable nonschool service) correct grammatical errors and the deletion of outdated provisions.

Section 213.5 (relating to classes of service) is proposed to be rescinded because it is outdated.

Section 213.6 (relating to eligibility points) is amended to correct grammatical errors.

Section 213.9 (relating to eligibility for death benefits) is amended to comply with the wording of 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors).

Section 213.23 (relating to member contributions for creditable school service) is proposed to be rescinded because it is outdated and does not supplement 24 Pa.C.S. § 8323 (relating to member contributions for creditable school service).

Section 213.24 (relating to contributions for the purchase of credit for creditable school and nonschool service) is amended to correct grammatical errors and clarification. Subsection (b) is amended to clarify the requirements of 24 Pa.C.S. § 8324(b) (relating to contributions for purchase of credit for creditable nonschool service) to receive credit for nonintervening military service. The section was also amended to reflect changes in legislation to include service as a Class T-D member.

The amendments to § 213.25 (relating to incomplete payments) clarify that a member’s estate may not complete payments of purchasable service but that the annuity benefit will be reduced by the debt, provided that the reduction does not negatively impact the present value.

Section 213.27 (relating to payments by employers) is amended to correct grammatical errors and for clarity. Subsection (a) reduces the time for an employer to file monthly reports from 15 days to 10 days following the end of the month. An amendment has also been made to reduce the time to 5 business days that the employer has to pay the bill issued by the Board.

Section 213.30 (relating to appropriations by the Commonwealth) is amended to correct grammatical errors.

Section 213.41 (relating to return of accumulated deductions) is amended to clarify that the member must also qualify for membership into PSERS upon return to service.

Section 213.44 (relating to disability annuities) is amended to be consistent with amendments to the pertinent sections of the Retirement Code.

Section 213.45 (relating to change in benefit payment plan) is amended to correct grammatical errors and to provide consistency with the Retirement Code. Subsection (h)(1) provides that an annuitant has 30 days following certification of the amount due to return money received by PSERS or elect an actuarial reduction to the annuitant’s account, in default of which, an actuarial reduction shall be applied.

Section 213.46 (relating to termination of annuities) is amended to reflect changes in the Retirement Code.

Sections 213.47 and 213.49 (relating to death benefits; and payment of benefits) are amended to correct grammatical errors and for clarification.

Chapter 215. General Administration

Section 215.2(a) (relating to administrative duties of the Board) is deleted because it is inconsistent with act of June 21, 1957 (P. L. 390, No. 212) (65 P. S. §§ 66.1—66.9), known as the Right-to-Know Law, which controls the subject matter.

Section 215.5 (relating to duties of the Board) is amended for clarification and correction of grammatical errors. This section is also generally amended for consistency with the Retirement Code to clarify that the effective date of a member’s disability will be the day after the last day of compensation. Subsections (a)(5) and (b) were amended for purposes of clarity.

Section 215.6 and 215.7 (relating to duties of employers; and rights and duties of school employees and members) are amended to correct grammatical errors. Amendments and deletions were also made to be consistent with changes made to the Retirement Code. Section 215.7(d) is also amended to clarify that a nomination of beneficiary must be in writing but is not required to be on a form issued by the Board.

Section 215.33 (relating to taxation, attachment and assignment of funds) is amended because it is outdated.

Fiscal Impact

The proposed rulemaking is not expected to have significant negative fiscal impact upon the Commonwealth, its political subdivisions or the general public.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 6, 2007, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Education Committee and the Senate Finance Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objec-
§ 201.2. Definitions.
(a) In addition to the definitions in 1 Pa. Code § 31.3 (relating to definitions under the General Rules of Administrative Practice and Procedure), as used in this chapter, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

Adjudicatory benefit appeal—An appeal from the ESRC to the Board in which a formal hearing is requested and in which an adjudication of the Board is issued under 2 Pa.C.S. §§ 501–508 and 701–704 (relating to Administrative Agency Law) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

Board—The Public School Employees' Retirement Board.

Claimant—An individual who, or entity that, has requested an adjudicatory benefit appeal.

Executive Director—The appointed executive director of the System. The Executive Director of the System is also the Secretary of the Board.

ESRC—The Executive Staff Review Committee, which consists of the Executive Director and additional senior staff members as appointed by the Executive Director.

Hearing examiner—A presiding officer appointed to hear an adjudicatory benefit appeal in accordance with 1 Pa. Code § 35.185 (relating to designation of presiding officers).

Nonadjudicatory benefit appeal—An appeal to the ESRC, which is resolved without conducting a hearing or issuing an adjudication. The action of the ESRC will be deemed final unless a claimant files a timely adjudicatory benefit appeal from that action and seeks an administrative hearing.

Party—An individual or entity participating in an adjudicatory benefit appeal, including an intervenor and any person or entity joined to the appeal.


Secretary of the Board—The appointed Secretary of the Board as provided in the Retirement Code. The Secretary of the Board is also the Executive Director of the System.

Subordinate officer—
(i) An officer or employee of the System.
(ii) The term does not include the Executive Director, Secretary of the Board or the Board.

System—The Public School Employees' Retirement System.

(b) The provisions of this section supplement 1 Pa. Code § 31.3 (relating to definitions); the definition of “subordinate officer” supersedes the definition in 1 Pa. Code § 31.3.

Effective Date
This proposed rulemaking will go into effect upon final-form publication in the Pennsylvania Bulletin.

Contact Person
For further information, contact Frank Ryder, Director of Government Relations, Public School Employees' Retirement System, 5 North Fifth Street, P.O. Box 125, Harrisburg, PA 17108, (717) 720-4733; or Charles K. Serine, Deputy Chief Counsel, Public School Employees' Retirement System, 5 North Fifth Street, P.O. Box 125, Harrisburg, PA 17108, (717) 720-4679.

Public Comments
Written comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Public School Employees' Retirement System, 5 North Fifth Street, P.O. Box 125, Harrisburg, PA 17108-0125. Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by August 20, 2007. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must be received by August 20, 2007. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic comments. Comments may also be submitted electronically to the Board at fryder@state.pa.us and must also be received by the Board by August 20, 2007. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be transmitted by mail to ensure receipt.

JEFFREY B. CLAY, Secretary

Fiscal Note: 43-10. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART XIII. PUBLIC SCHOOL [EMPLOYEES’] EMPLOYEES’ RETIREMENT BOARD

CHAPTER 201. [APPLICABILITY OF GENERAL RULES] PRACTICE AND PROCEDURE

§ 201.1. Applicability of general rules.

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), [are] is applicable to the activities of and proceedings before the Board, except as provided in, or inconsistent with, this chapter.

§ 201.2. [Expedited disposition process] (Reserved).

[When the claimant and System agree that no facts are in dispute, they may agree to submit the case directly to the Board for adjudication. Under these circumstances, only the claimant will file a brief in support of claimant’s position. The Board will issue a proposed adjudication, to which the claimant may file exceptions. If no exceptions are timely filed, the Board will issue a final adjudication adopting the proposed adjudication. If exceptions are filed, the Board will consider the exceptions when rendering its final adjudication.]
§ 201.3. [Motions practice] (Reserved).

(a) Preliminary objections. The System may, before filing an answer, file preliminary objections directly with the Board. The preliminary objections shall conform to Pa.R.C.P. No. 1028 (relating to preliminary objections).

(b) Summary judgment. The System or the claimant may file a motion for summary judgment directly with the Board. The motion shall conform to Pa.R.C.P. Nos. 1035.1—1035.4.

§ 201.3a. Nonadjudicatory benefit appeal.

(a) Benefit appeals from actions of subordinate officers of the System shall be made to the ESRC and shall be nonadjudicatory.

(b) A letter from the System taking an action or making a determination on behalf of the System shall constitute action of a subordinate officer. A letter shall constitute action of a subordinate officer whether or not the letter states that an appeal must be taken within 30 days.

(c) An appeal to the ESRC shall be received by the System within 30 days after the date of the letter from the System taking an action or making a determination on behalf of the System. If a claimant fails to appeal an action or determination by a subordinate officer to the ESRC within the prescribed time, the action of the subordinate officer will become final.

(d) An appeal to the ESRC must be made in writing and addressed to:

Executive Staff Review Committee
Public School Employees' Retirement System
P. O. Box 125
Harrisburg, Pennsylvania 17108-0125

(e) The ESRC will meet as necessary to review and decide nonadjudicatory benefit appeals. If the appeal is granted, the claimant will be notified and the matter will be closed. If the appeal is denied, in full or in part, the claimant shall have the right to appeal the denial to the Board. The ESRC will send the claimant a denial letter explaining why the appeal is denied, and advise the claimant of the right to appeal to the Board and request an adjudicatory benefit appeal and administrative hearing within 30 days after the date of the denial letter.

(f) The Executive Director or a designee will maintain a record of the decisions of the ESRC and report to the Board the results of each decision by the ESRC, which will include a brief summary of the issues involved.

(g) This section supersedes 1 Pa. Code § 35.20 (relating to appeals from actions of the staff).

§ 201.4. Dismissal for nonappearance (Reserved).

Whenever a claimant fails to appear, either in person or through counsel, for a scheduled hearing without good cause, the hearing examiner will issue a recommendation to dismiss the case, without considering the merits of the claim.

§ 201.4a. Adjudicatory benefit appeal and request for administrative hearing.

(a) An adjudicatory benefit appeal and request for administrative hearing from a denial letter from the ESRC must be in writing and received by the Board within 30 days after the date of the ESRC denial letter.

(b) An adjudicatory benefit appeal and request for administrative hearing must be addressed to: Appeal Docket Administrator Public School Employees' Retirement Board P. O. Box 125 Harrisburg, PA 17108-0125

(c) If a claimant fails to appeal a decision of the ESRC to the Board within the prescribed time, the decision of the ESRC is deemed final.

(d) Appeals to the Board from the ESRC as to which no motions are filed under § 201.6 (relating to motions practice) will be referred to a hearing examiner under 1 Pa. Code Chapter 35, Subchapter E (relating to presiding officers) to conduct a hearing and prepare a recommended decision to the Board under 1 Pa. Code §§ 35.202 and 35.205 (relating to proceedings in which proposed reports are prepared; and contents of proposed reports).

§ 201.5. Letter briefs (Reserved).

Both the claimant and the System shall be entitled to file letter briefs to the hearing examiner. The letter briefs need not conform to 1 Pa. Code §§ 35.191 and 35.192 (relating to proceedings in which briefs are to be filed; and context and form of briefs), but the letter briefs may not be more than 3 pages in length.

§ 201.5a. Authorization of Secretary of the Board.

The Secretary of the Board will be authorized to execute and issue routine and uncontested orders on behalf of the Board, including, but not limited to, the following:

(1) An order to dismiss when a claimant has withdrawn a request for an adjudication.

(2) An order granting an extension of time to file a document.

(3) An order granting the right of a third party to intervene in a pending appeal.

§ 201.6. Motions practice.

(a) Preliminary objections. The System may, before filing an answer, file preliminary objections directly with the Board. The preliminary objections will conform to Pa.R.C.P. No. 1028 (relating to preliminary objections).

(b) Summary judgment. The System or the claimant may file a motion for summary judgment directly with the Board. The motion must conform to Pa.R.C.P. Nos. 1035.1—1035.5.

(c) The Board will rule directly on preliminary objections or motions for summary judgment unless, by order, it delegates the matter to a hearing examiner to prepare a proposed opinion and recommendation under § 201.12 (relating to oral argument before the Board).

(d) This section supersedes 1 Pa. Code § 35.54 (relating to motions as to complaint).
§ 201.7. Service and return of subpoenas.

(a) Service of subpoenas will be made by any of the methods authorized by Pa.R.C.P. No. 234.2(b) (relating to Subpoena. Issuance. Service. Compliance. Fees. Prisoners.). It will not be necessary that witness fees be tendered at the time of service of the subpoena, but the party on whose behalf the subpoena is issued shall furnish the fees promptly upon the written request of the witness after service of the subpoena.

(b) This section supersedes 1 Pa. Code § 35.142(b) (relating to service and return of subpoenas) and supplements 1 Pa. Code §§ 35.139 and 35.142(c) (relating to fees of witnesses; and subpoenas).

§ 201.8. Dismissal for nonappearance.

(a) Whenever a claimant fails to appear, either in person or through counsel, for a scheduled hearing without good cause, the hearing examiner will issue a recommendation to dismiss the case, without considering the merits of the claim.

(b) This section supplements 1 Pa. Code §§ 35.125, 35.187 and 35.205 (relating to order of procedure; authority delegated to presiding officers; and contents of proposed reports).

§ 201.9. Introduction of documents from the System's records.

(a) Documents from the System's records need not be certified or authenticated under 42 Pa.C.S. §§ 6103 and 6104(a) (relating to proof of official records; and effect of official records generally) to be admitted into evidence in an administrative hearing.

(b) Any subordinate officer who has access to the System's records, and has knowledge regarding the identity and mode of preparation of the records prepared by the System and the filing with, and maintenance of records by the System in the regular course of the System's business will be qualified to identify any documents or other records on file with the System in any hearing and to testify regarding the documents or other records.

(c) This section supplements 1 Pa. Code §§ 35.161 and 35.164 (relating to form and admissibility of evidence; and documents on file with agency).

§ 201.10. Briefs.

(a) After the close of the testimony, the hearing examiner will fix a briefing schedule. Unless otherwise agreed to by all parties and the hearing examiner, the claimant, or other party upon whom rests the burden of proof, shall file the first brief, followed by the brief of the System and a reply brief by the claimant or other party who filed the first brief. Briefs must conform to 1 Pa.Code § 35.192 (relating to content and form of briefs). A party upon whom rests the burden of proof may not be denied the right to file a reply brief. Any party may waive the right to file a brief or reply brief, either on the record, or in writing to the hearing examiner, in either of which events, the hearing examiner will note that fact on the record, deduct the time allotted for the filing of the brief or briefs from the briefing schedule and prepare an opinion and recommendation for the Board without the benefit of a brief on behalf of the party who elected to waive the filing of a brief.

(b) Both the claimant and the System shall be entitled to file letter briefs to the hearing examiner. The letter briefs need not conform to 1 Pa.Code §§ 35.191 and 35.192 (relating to proceedings in which briefs are to be filed; and content and form of briefs), but the letter briefs may not be more than 3 pages in length.

(c) This section supplements 1 Pa. Code §§ 35.191 and 35.192.

§ 201.11. Proposed opinion and recommendation.

(a) Unless otherwise ordered by the Board, the hearing examiner will file a proposed opinion and recommendation to the Board in cases when an administrative hearing has been held before a hearing examiner. The contents of the proposed opinion and recommendation will be in accordance with 1 Pa. Code § 35.205 (relating to contents of proposed reports) and will also include a discussion of the matter. The proposed opinion and recommendation will not become the opinion and order of the Board unless it is adopted by the Board.

(b) The proposed opinion and recommendation shall be filed with the System, together with the transcript of testimony, exhibits and briefs, all of which shall become part of the record. At the same time the proposed opinion and recommendation is filed with the System, the hearing examiner will serve copies upon all parties and staff counsel.

(c) The Board may adopt or reject, in whole or in part, or supplement the proposed opinion and recommendation or issue its own opinion and order, whether or not exceptions to the proposed opinion and recommendation are filed by any party. When exceptions are filed, the Board will rule on the exceptions.

(d) This section supplements 1 Pa. Code §§ 35.202 and 35.207 (relating to proceedings in which proposed reports are prepared; and service of proposed reports).

§ 201.12. Oral argument before the Board.

(a) The right to oral argument will be discretionary with the Board. When oral argument is granted, the Secretary of the Board will schedule the argument for the next available Board meeting.

(b) If a party filing exceptions to a recommendation of the hearing examiner wishes oral argument before the Board, the party shall file the request for oral argument with the exceptions.

(c) If a party seeks oral argument in a case in which exceptions have been filed by the System to a recommendation of the hearing examiner that is in favor of a claimant, the request for oral argument shall be filed with or before the party's response to the System's exceptions. In that case, the Secretary of the Board will grant oral argument and schedule it for the next available Board meeting.

(d) Oral argument will be limited to a maximum of 10 minutes for each party, unless otherwise directed by the Board. The claimant, as the party with the burden of proof, shall argue first. If there are more than two parties to the appeal, the Secretary of the Board will establish the order of argu-
ment consistent with who has the burden of proof. New evidence will not be accepted at the oral argument.

(e) At the conclusion of the oral argument, the Board may discuss and decide the case. The Board may table the case for further consideration at its next meeting. The Board may also elect to discuss all or part of the case in executive session in accordance with 65 Pa.C.S. Chapter 7 (relating to the Sunshine Act).

(f) The Board’s counsel will draft a proposed adjudication in accordance with the Board’s decision. The proposed adjudication will be presented for the Board’s approval at the Board meeting next following the Board’s determination of the case, unless the Board agrees to have the proposed adjudication issued without further review by the Board.

(g) This section supersedes 1 Pa.Code § 35.214 (relating to oral argument on exceptions).

CHAPTER 211. PRELIMINARY PROVISIONS

§ 211.1. Short title of part.

(a) [This part is] Chapters 211, 213 and 215 (relating to preliminary provisions; contributions and benefits; and general administration) are promulgated under the Retirement Code.

§ 211.2. Definitions.

(a) The definitions in section 8102 of the Retirement Code (relating to definitions) are applicable to Chapters 211, 213 and 215 (relating to preliminary provisions; contributions and benefits; and general administration) as clarified or supplemented by the definitions in subsection (b).

(b) The following words and terms, when used in this part, have, consistent with the Retirement Code definitions, the following meanings, unless the context clearly indicates otherwise:

[Accumulated deductions—The total of pickup contributions paid into the Fund by the member, on account of previous school service, current school service, or creditable nonschool service, as well as the statutory interest credited on all contributions.]

Active member—

(i) A school [employee] employee for whom pickup contributions are properly being made to the Fund, including those granted a sabbatical leave of absence, or who are on an approved leave of absence for professional study, as an exchange teacher, or service with a collective bargaining organization, under sections 8102 and 8302 (relating to definitions; and credited school service) of the Retirement Code, or for whom the contributions otherwise required for current school service are not being made solely by reason of any provision in the Retirement Code relating to the limitations under sections 401(a)(17) or 415(b) of the Internal Revenue Code.

(ii) [It shall exclude employees] The term excludes employees who are on leave of absence without pay.

Actuarially equivalent—[Equal] Two benefits are said to be actuarially equivalent if they have equal present values, computed on the basis of statutory interest and the mortality tables currently adopted and used by the Board.

[Basic contribution rate—A rate of 6.25% on all compensation received by the member during school employment.]

Beneficiary—The person, estate, trust, or licensed charitable organization or entity last designated by a member in writing to the Board [on forms supplied by the Board] to receive accumulated deductions or a lump sum benefit upon the member’s death.

Board—The Public School [Workers’] Employees’ Retirement Board [required by the Retirement Code to administer the System].

Certified members—For purposes of voting to fill a seat on the Board, the term includes members whose position requires certification by the Department of Education under section 1101 of the Public School Code of 1949 (24 P.S. § 11-1101). All other members are noncertified members.

[Compensation—Pickup contributions plus any remuneration received as a school employe, excluding a bonus, severance payment or other remuneration or similar emoluments received by a school employe during school service not based on the standard salary schedule for which the employe is rendering service. The term excludes payments for unused sick leave, unused vacation leave, bonuses for attending school seminars and conventions, special payments for health and welfare plans based on the hours employed or any other payment or similar emoluments which may be negotiated in a collective bargaining agreement for the express purpose of enhancing the compensation factor for retirement benefits.]

Date of termination of service—The last day of service for which pickup contributions are made for an active member, or in the case of an inactive member, the date of resignation or the date the employer formally discontinues employment or 2 years following the last date of service for which contributions were made, whichever is earliest.

Effective date of retirement—The first day following date of termination of service, if application for an annuity is timely filed, but if not timely filed, the date of actual filing or date specified on the application, whichever is later. In the case of a vestee, it shall mean the attainment of superannuation age, if filed within 90 days thereof, otherwise the date of actual filing or the date specified on the application, whichever is later, and, in the case of a disability benefit, the date certified by the Board as the effective date of disability.

Employer—

(i) A governmental entity directly responsible for the employment and payment of the school [employee] employees and charged with the responsibility of providing public education within this Commonwealth.
(ii) The term includes all governmental entities whose employees under prior law and regulations are members of the System as of the effective date of the Retirement Code.

Final average salary—The highest average compensation received as an active member during any three nonoverlapping periods of 12 consecutive months. In the case of a part-time employee, compensation shall be annualized by multiplying actual earnings by the reciprocal of the fractional portion of time worked during nonoverlapping periods of 12 consecutive months or equivalent consecutive pay periods during which compensation is received; and, in the case of a member with multiple service credit, the salary shall be determined by reference to include compensation received as a school employee or a State employee, or both. In the case of a member who first became a member on or after July 1, 1996, compensation shall be subject to the application of section 8325.1 of the Retirement Code (relating to annual compensation limit under IRC § 401(a)(17)).

Final average salary is an average of the 3 highest school years. For terminations before the end of the school year, salary for that part of the year may be used in combination with a proportionate percentage of a prior year. School years with part-time service may be annualized for salary calculation. Either annualized or actual retirement-covered compensation is allocated to months for each school year. For final average salary purposes, retirement-covered compensation is credited in the school year in which it is earned, not paid. Retirement-covered compensation is not recognized for any period of creditable nonschool service purchased by a member.

Full coverage member—A dual coverage or a single coverage member excluding joint coverage member.

Full-time session—That period of time determined by the school employer, without objection from the Department of Education, during which a school employee is employed daily for instructional purposes.

Full time employee—An employee employed, no less than, at least 5 hours per day or 25 hours per week or its equivalent.

Governmental entity—In addition to those enumerated in the Retirement Code, the term includes any agency or authority, being a corporate body or body politic created by law, or any entity created by those agencies or authorities, charged with the responsibility of providing public education within this Commonwealth.

Inactive member—

(i) A member for whom no pickup contributions are being made, who has accumulated deductions standing to the member’s credit in the Fund and for whom no pickup contributions have been made within the last 2 school years or a multiple service member who is active in the System, except in the case of an active member for whom the contributions otherwise required for current school service are not being made solely by reason of any provision in the Retirement Code relating to the limitations under sections 401(a)(17) of the Internal Revenue Code, who has accumulated deductions standing to his credit in the Fund and for whom contributions have been made within the last 2 school years or a multiple service member who is active in the State Employees’ Retirement System.

(ii) The term also includes a member who is on furlough and has elected to leave the accumulated deductions in the Fund at statutory interest during the furlough period, which period may not exceed 2 school years; or a member who is on leave of absence without pay.

[Interim military service—Active military service of a member who was a school employee immediately preceding the member’s induction into the armed services or forces of the United States to meet a draft obligation excluding any voluntary extension of the obligatory service and who becomes a school employee within 90 days of the expiration of the service.]

Nonprofessional members—The term includes all school employees who are not “professional members.” As defined in section 1101 of the Public School Code of 1949, and who also qualify for membership in the System under section 8301 of the Retirement Code (relating to mandatory and optional membership). See also definition of “certified members” for the meaning of “noncertified members.”

[Pickup contributions—Regular or joint coverage membership contributions which are made by the employer for active members for current service on or after January 1, 1983.]

Professional members—(As) “Professional employees,” as defined in section 1101 of the Public School Code of 1949 (24 P.S. § 11-1101), including all temporary professional employees, professional employees, substitutes and commissioned officers currently employed by a school district or intermediate unit and qualifying for membership in the System under section 8301 of the Retirement Code (relating to mandatory and optional membership). See also definition of “certified members.”

School year—The 12-month period which the governmental entity uses for purposes of administration, regardless of the actual time during which a member renders service. A member will not be credited, during a school year, with credited service in excess of 1 year. For the purpose of the Retirement Code, the school year commences on July 1 and ends on June 30 of the following year.

* * * * *

§ 211.3. Construction.

(a) Former annuitants who are active members of the System on October 2, 1975, are not subject to the recalculation of annuitants of annuitants who return to school service thereafter.

(b) The rights of members of Class T-B, as provided in section 301(2)(c) and (d) of the Public School Employees' Retirement Code of 1959 (24 P. S. § 3301(2)(c) and (d) (repealed)) shall continue.

(c) The provisions relating to former teachers as provided in sections 303(2) and 407(1) of the Public School Employees' Retirement Code of 1959 (24 P. S. §§ 3303(3) and 3407(1) (repealed)), shall continue.

(d) As applicable to members terminating school service on or after March 1, 1974, the provisions relating to the purchase of credit for previous school or creditable nonschool service and the calculation of benefits shall be effective March 1, 1974.

(e) The provisions relating to the crediting of statutory interest to the accounts of members on leave without pay shall become effective on July 1, 1975.

(f) Part-time employee membership, as provided by the Retirement Code, shall become effective with the beginning of the school year 1975-76, subject to the limitations based upon qualification, as provided in this part.

(g) The provisions relating to eligibility for disability annuities, shall be effective, as applied to all active or inactive members, from December 1, 1974.

CHAPTER 213. CONTRIBUTIONS AND BENEFITS

GENERAL PROVISIONS

§ 213.1. Mandatory and optional membership.

(a) Membership shall be mandatory, as of the effective date of school employment, for all school employees, except the following categories:

(1) An officer or employee who is a member of the State Employees' Retirement System under any of the categories enumerated under section 8301(a)(1) of the Retirement Code (relating to mandatory and optional membership); or an officer or employee who is a member of an employer approved retirement program as provided under § 215.36 (relating to optional alternate retirement programs) subsection (b).

(2) A person employed on a per diem or hourly basis for less than 80 full-day sessions or 500 hours in a fiscal year. In all cases, a school district shall report to the Board whether a school employee annually qualifies under this section based on the service rendered during a school year. A per diem or hourly school employee employed for less than the minimum eligibility requirements established in this paragraph will not be eligible for membership for that fiscal year period, but shall, if the employee exceeds the minimums stated in this paragraph, be a mandatory member for that fiscal year period only.

(3) Employees in Federal programs shall conform with the following:

(i) A school employee who has joined the System and is employed by a governmental entity in a wholly or partly-funded Federal program, during the period December 22, 1965, and prior to July 1, 1975, may continue membership in the program for continuous service rendered after July 1, 1975, and until termination of service.

(ii) From and after July 1, 1975, an employee entering school service shall be required to join the System until termination of service, although the program in which he is employed is financed, in whole or in part, by the Federal government.

(b) Under section 8301(a)(1) of the Retirement Code, certain school employees may elect not to join the System in favor of an optional alternate retirement program approved by the employer.

(1) Every employee who is eligible for membership in the optional alternate retirement program shall make the election within 30 days of the first date of active employment. Employees not exercising the option to join the optional alternate retirement program shall be deemed to have chosen to commence active membership in the System, unless they have elected membership in the State Employees' Retirement System.

(2) When an eligible employee has elected to participate in the optional alternate retirement program in accordance with paragraph (2) of former § 215.36, as it existed on April 15, 2005, or paragraph (4) of former § 215.36, as it existed on April 15, 2005, or elects to participate in the optional alternate retirement program in accordance with paragraph (1), the election is final and binding so long as the employee remains eligible to remain in the optional alternate retirement program.
an employee later is employed in a capacity which does not qualify for membership in the optional alternate retirement program, the employee shall, upon meeting the qualifications for membership in the system, either make contributions to the fund or reinstate the former credited service for which contributions had been withdrawn. Remittance of contributions or reinstatement of former credited service shall be made in accordance with the applicable provisions of the Retirement Code. Service, salary or other compensation paid to an employee while a member of the optional alternate retirement program will not be credited toward membership in, or retirement benefit from, this System.

(c) Retirement Code reference: Section 8301 of the Retirement Code [(relating to mandatory and optional membership)].

§ 213.2. Credited school service.

(a) Computation. For the purposes of computing credited school service, the following conditions shall apply:

(1) A full-time salaried employee shall receive 1 year of credited service for each nonoverlapping period of 12 consecutive employable months for which the employee contributes for at least 180 full-day sessions of employment. A full-time salaried employee is not eligible to earn more than 1 year of credited service during 12 consecutive months although the employee may be employed for full-day sessions or for hours in excess of the limitations set forth in this section.

(2) A part-time salaried employee, that is, one who is compensated as a percentage of annual salary, shall receive credited service based on the proportion of full-time service for which the employee is employed during a school year.

(3) A per diem employee, having achieved eligibility by virtue of being employed for at least 80 full-day sessions during the fiscal year, shall receive a portion of credited service based on the relationship of actual full-day sessions worked as it relates to the 180 full-day session limitation.

(4) An hourly school employee, having achieved membership eligibility by virtue of being employed no less than at least 500 hours in a fiscal year, shall receive a proportion of credited service based on the actual hours worked as it relates to 1,100 hours.

(5) A member with credit for multiple service or with credit in the School Employees’ Retirement System who is employed on a concurrent basis, in one or more districts or with this Commonwealth, is not entitled to more than 1 year of credited service for a consecutive 12-month period.

(6) Notwithstanding the limitations set forth in paragraphs (1)—(5) employees who may be on strike will not be eligible for credited service during a strike period unless the days or hours lost by virtue of the strike are actually served and compensation paid.

(b) Approved leaves of absence. Credited service shall be granted to an active member for an approved leave of absence as authorized under sections 8102 and 8302 of the Retirement Code (relating to definitions; and credited school service). Members may be granted other types of leaves of absence, not authorized by the Retirement Code, but the leaves will not entitle the member to any credited service, during the period of the leave. Credited service for the approved leaves of absence shall will be granted under the following conditions only:

(2) Proper contributions, based on the salary as if the member had been in regular full-time employment with the employer during the period of the leave are made by the member and by the employer if required. An employer may not be permitted to suspend the requirement of making its required contributions during the period of the leave. Contributions made by the member during the period of the leave shall be transmitted through the school district on a monthly basis in the same manner as active members.

§ 213.3. Eligibility points for retention and reinstatement of service credits.

(a) Computation. For the purposes of computing eligibility points for retention or reinstatement of service credits, the following conditions shall apply:

(b) Every active member or multiple service member who is active in the State Employees’ Retirement System, on or subsequent to March 1, 1974, may purchase credit upon which eligibility points shall be applied, as a member of Class T-C for any periods of previous school service or permissible creditable nonschool service, as provided in this part, on the condition that the member pay for the service as provided in this part. An active member or multiple service member seeking to reinstate previous service shall be required to purchase and pay for all the service previously credited. The member is not permitted to purchase only a portion of previously credited service to be reinstated.

§ 213.3a. Waiver of adjustments.

(a) Undue hardship. To find that an adjustment made under section 8534(b) of the Retirement Code (relating to fraud and adjustment of errors) meets the undue hardship test under section 8303.1(a)(1) of the Retirement Code (relating to waiver of adjustments), the Board requires that either:

(1) The adjustment causes a reduction in excess of 5% of the monthly annuity or other relevant amount.

(2) The adjustment results in the member losing eligibility for a benefit other than an annuity.

(b) Retirement Code reference: Section 8303.1 of the Retirement Code.

§ 213.4. Creditable nonschool service.

(a) Creditable nonschool service may be purchased only by an active member or a multiple service active member of the State Employees’ Retirement System.

(b) Approved leaves of absence. Credited service shall be granted to an active member for an approved leave of absence as authorized under sections 8102 and 8302 of the Retirement Code (relating to definitions; and credited school service). Members may be granted other types of leaves of absence, not authorized by the Retirement Code, but the leaves will not entitle the member to any credited service, during the period of the leave. Credited service for the approved leaves of absence shall be granted under the following conditions only:

(2) Proper contributions, based on the salary as if the member had been in regular full-time employment with the employer during the period of the leave are made by the member and by the employer if required. An employer may not be permitted to suspend the requirement of making its required contributions during the period of the leave. Contributions made by the member during the period of the leave shall be transmitted through the school district on a monthly basis in the same manner as active members.

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[The purchase of this service shall begin within 3 years of the employee's eligibility to purchase this creditable service.]

(i) Creditable nonschool service may also be purchased for previous service as an [employee] employee of a county board of school directors whose employment was terminated because of a transfer of the administration of the service or of the entire agency to another governmental unit. This service is not limited to or subject to the conditions of section 8304(c) of the Retirement Code (relating to creditable nonschool service), dealing with total permissible nonschool service credit.

(j) The total credit of nonschool service, identified in subsections (a)—(i) may not exceed the actual number of years of school service in the System, rendered within this Commonwealth, plus, in the case of an active multiple service member, additional years of State service rendered within the Commonwealth and credited in the State [Employees'] Employees' Retirement System. This limitation on total permissible nonschool service credit does not apply to the service provided in subsection (i).

§ 213.5. [Classes of service] (Reserved).

(a) Members of Class T-B or T-A may, at any time prior to retirement, elect to convert the membership into Class T-C, provided they make the appropriate contributions as a member of this latter class. Any member of Class T-B or Class T-A may elect to become a full coverage member or elect to purchase credit for previous school or nonschool service provided the member converts the membership to Class T-C and makes the appropriate contributions.

(b) Retirement Code reference: Section 83O5 of the Retirement Code (relating to classes of service).]

§ 213.6. Eligibility points.

(a) An active member shall accrue one eligibility point for each year of credited service or fractional part of a year of credited service based on the corresponding fractional eligibility point, as a member of the System or State [Employees'] Employees' Retirement System. A member shall also accrue an additional 1/3 of an eligibility point for each year of credited Class D-3 service under the State system.

§ 213.9. Eligibility for death benefits.

(a) In the event of the death of a member, the member's beneficiary, or estate shall be entitled to death benefits if the member was eligible for an annuity in accordance with section 8307(a) or (b) of the Retirement Code (relating to eligibility for annuities). If the deceased member is not eligible for an annuity, the member's beneficiary or estate shall only be entitled to receive the accumulated deductions standing to the member's credit in the Fund. The Board may pay the next of kin, in the absence of a beneficiary, under the special circumstances provided in 20 Pa.C.S. § 3101 (relating to [payment of wages, salary, vacation benefits] payments to family and funeral directors).

CONTRIBUTIONS

§ 213.23. [Member contributions for creditable school service] (Reserved).

(a) An active member may purchase previous school service, sabbatical leave service, activated military service and full coverage membership. A State employee and a member of the State Employees' Retirement System may, if the member is eligible for multiple service, apply for and receive credit for total previous school service, if the service is certified by the Board and the member makes the required member contributions for the purchase of the service, regardless of the amount of school service previously credited, if any.

(b) Active members wishing to convert from either Class T-B or Class T-A membership to Class T-C shall pay an amount equal to the additional contributions, if any, which would have been made together with statutory interest thereon during all periods of subsequent school and State service up to the date of purchase, from and after July 1, 1950, in the case of members of Class T-B, and from and after July 1, 1967, in the case of members of Class T-A.

(c) Active members desiring to purchase credit for an approved leave of absence, other than sabbatical and activated military service, shall make contributions sufficient to transfer membership to Class T-C, and to provide an annuity as a member of the class for the additional credited service, if the amount which shall be paid is the sum of the amount required in subsection (b), depending upon the class from which the transfer is made, and the amount determined as the sum of the member's basic contribution rate and normal contribution rate as provided in section 8328 of the Retirement Code (relating to actuarial cost method), during the period, multiplied by the compensation which was or would have been received during the period, together with statutory interest during all subsequent periods of school and State service up to the date of purchase.

(d) Retirement Code reference: Section 8323 of the Retirement Code (relating to member contributions for creditable school service).]

§ 213.24. Contributions for the purchase of credit for creditable school and nonschool service.

(a) Source of contributions. As provided in sections 8303 and 8304 of the Retirement Code (relating to eligibility points for retention and reinstatement of service credits; and creditable nonschool service), creditable school and nonschool service shall be purchased entirely by the member, except in the following cases:

(1) In the case of former uncredited school service, when [a school district] an employer has failed to credit service through administrative error, [the employing school district, as] the employer[,] is required to pay its share of the contributions for the service, although the active member is responsible for the member's share.

(3) Except for sabbatical leaves of absence, in the case of approved leaves of absence, the [employee] employee is required to pay for the purchase of creditable nonschool service, both the member's share and the employer's share if it is purchased after the leave of absence has
expired. If the employer reports the leaves currently based on the [employee's] employee's salary as if the [employee] employee had been in full-time employment during the leave period, the [employee] employee is only required to pay the [employee] employee share, whereupon the employer has a corresponding liability based on normal contribution rate.

(b) Contributions for purchase of nonintervening military service. The amount due for the purchase of nonintervening military service shall be calculated as follows: The average of the first 3 years' salaries subsequent to the military service, multiplied by the sum of the member's basic contribution rate and the normal contribution rate as determined by section 8328 of the Retirement Code (relating to actuarial cost method), relating to Commonwealth and district shares, and multiplied by the number of years or fractional years of military service. All amounts certified by the Board for the purchase of the service shall be in accordance with methods approved by the actuary. Nonintervening military service may not be purchased unless the active member has received at least 3 years of salary and completed at least 3 years of subsequent credited school service as either a Class T-C or Class T-D member.

§ 213.25. Incomplete payments.

(c) Death of a member. If a member applies for the purchase of service and dies prior to certification by the Board of the amount due for the service, the [member's legally constituted representative may purchase the service either by payment of a lump sum, within 30 days] purchase of service shall be completed after the certification is made, [or] by reducing the annuity benefit by the actuarial equivalent of the debt, including statutory interest; provided, in the case of nonschool service, the purchase does not negatively impact the present value.

§ 213.27. Payments by employers.

(a) To facilitate the payment by employers of the contributions required [on a] quarterly [basis of] based on the compensation paid during the pay period representing that quarter, each employer shall be required to file monthly reports representing the total compensation paid for that month no later than [15] 10 days following [its termination] the end of that month. The Board will, upon receipt of the monthly reports [totaling] comprising each quarter, bill the employer no later than 45 days subsequent to the [termination] end of the preceding quarter, the billing to be either an actual billing based on payroll for the preceding quarter or an estimated billing, as the case may be. Subsequent to the billing, the employer shall pay the billed amount no later than [10 days prior to the end of the billing] 5 business days after the employer's receipt of the Commonwealth employer contribution reimbursement subsidy for the quarter. If an employer fails to make timely payments, the Board will certify to the State Treasurer and Secretary of Education, the [names] name of [an employer found delinquent by failure to pay the delinquency] that delinquent employer, whereupon the Commonwealth employer contribution reimbursement subsidy due to that employer nearest the date following the delinquency shall be reduced by the amount of the delinquency or amount found owing.

(b) [The Board will, if] If an employer is delinquent in paying employer contributions as provided in subsection (a) or in failing to remit [employee] employee contributions in a timely manner as required in section 8506(c) of the Retirement Code (relating to duties of employers), the Board will impose an interest charge of 6% per annum to the date of payment, to be added to the amount of the delinquency, whether payment shall occur through the subsidy deduction method or shall be made directly to the Board by the delinquent employer.

BENEFITS

§ 213.41. Return of accumulated deductions.

(a) A member who elected to receive only accumulated deductions, in lieu of any other benefit to which the member would otherwise be entitled, shall, by the election, be deemed to have irrevocably waived entitlement to the other benefits except as otherwise provided in the event a member returns to school service and qualifies for membership in the System.

§ 213.44. Disability annuities.

(a) [A] An active or inactive member with at least 5[ , but less than 10] years of credited school service shall be eligible, upon submitting appropriate medical evidence, to a disability annuity, but may not be entitled to elect any option on any portion of the disability annuity. A member entitled to a disability annuity, having [ten] five or more eligibility points, is entitled to select a joint and survivor option on that portion of the annuity to which the member is otherwise entitled.

(b) A disability annuitant no longer entitled to disability annuity in accordance with section 8505(c)(2) or 8505(b) or (c) of the Retirement Code (relating to duties of board regarding applications and elections of members; and rights and duties of annuitants), is entitled to either file an application for the election of optional modification of the annuity to which the annuitant would be otherwise entitled in accordance with section 8342 of the Retirement Code (relating to maximum single life annuity) or vest the benefit, if the annuitant has at least [ten] five or more eligibility points. If a disability annuity ceases and the member does not return to school service, the member is, if the member has not already received on account of the member's annuity the amount of the accumulated deductions, entitled to the difference upon application.

(c) Payments on account of disability shall be reduced by that amount by which the earned income of the annuitant, as reported in accordance with section 8505(b) of the Retirement Code [relating to rights and duties of annuitants], for the preceding year together with the disability annuity payments for the year, exceeds the greater of $5,000 or the last year's salary of the annuitant as a school [employee, if] employee, provided, the annuitant will not receive less than his member's annuity or the amount to which the annuitant may be entitled under section 8342 of the Retirement Code [relating to maximum single life annuity] whichever is greater.

(d) Retirement Code reference: [Section] Sections 8307(d) and 8344 of the Retirement Code (relating to eligibility for annuities; and disability annuities).
§ 213.45. Change in benefit payment plan.

(a) Notwithstanding the otherwise irrevocable nature of the election of a benefit payment plan, an annuitant may declare an intent to change the final terms of the benefit payment plan by filing a written intent with the System within 30 days of the annuitant’s receipt of the initial benefit letter sent to the [member] annuitant by the System. The letter will be deemed to be received by the annuitant 3 business days after the date of mailing.

(b) Notwithstanding the otherwise irrevocable nature of the election of a benefit payment plan, an annuitant may declare an intent to change the final terms of the benefit payment plan by filing a written intent with the System within 30 days of the annuitant’s receipt of the statement provided for in section 8505(g) of the Retirement Code (relating to duties of board regarding applications and elections of members). [the] which statement will be deemed to be received by the annuitant 3 business days after the date of mailing, if one of the following conditions are met:

(1) The annuitant’s retirement records contain an error regarding service credit, salary or accumulated deductions [which] that was not corrected by the System until after the application for an anniversary was filed, and either of the following exists:

* * * * *

(d) An annuitant who has declared an intent to change under subsection (a) or (b) will not be permitted to complete the change unless the annuitant receives counseling on the benefits available under the Retirement Code, or executes a written waiver of counseling on a form prescribed by the System. The counseling is subject to the following rules:

(1) The counseling is provided by an [employe] employee or authorized representative of the System.

* * * * *

(3) The Secretary of the Board or a designee may extend the period for counseling upon written request filed within the 30-day period, but in no case will the period for counseling be greater than 90 days.

* * * * *

(5) If the annuitant fails to receive counseling, or to file a written waiver[,] of counseling within the allowed time period, the intent to change will be deemed withdrawn.

* * * * *

(h) Changes will be retroactive to the member’s original effective date of retirement unless the change is deemed as part of the changed application for an annuity.

(1) For a changed application to become effective, the annuitant shall either return any excess monthly annuity payments or moneys withdrawn under Option 4 [either by:] within 30 days after the date of certification of the amount due or elect [a debt] an actuarial reduction to be applied to the annuitant’s account.

(i) A lump sum payment within 30 days after the date of certification of the amount due.

(ii) Actuarial reduction.

(2) For an annuity to be voided, the annuitant shall either return all moneys received in a lump sum within 30 days after the date of certification of the amount due or elect [a debt] an actuarial reduction to be applied to the annuitant’s account.

(3) If the annuitant fails to return the required amounts or elect [a debt] an actuarial reduction as set forth in paragraphs (1) and (2), as the case may be, [the intent to change or void will be deemed withdrawn] within 30 days, an actuarial reduction shall be applied to the annuitant’s account.

(i) For purposes of this section, the System will consider a document as filed only upon actual receipt by the System. For a document properly sent by certified mail, return receipt requested, the System will deem the postmark date to be the date of filing. For a document sent by facsimile, the System will accept the date of the facsimile as the date of filing, if the original document is actually received within 10 days of the date of the facsimile.

§ 213.46. Termination of annuities.

* * * * *

(c) [Emergency return] Return to school service in the event of emergency or shortage. An annuitant returning to school service in an emergency or shortage situation, as provided in section 8346(b) of the Retirement Code, and who works in excess of 95 days in a] beyond the school year during which the emergency or shortage occurs, shall suffer discontinuance of an annuity [from the 96th day of the service thereafer,] and the Board will make adjustment as the case may warrant.

(d) Return to school service in an extracurricular position. An annuitant may be employed under separate contract by a public school or charter school in an extracurricular position that is performed primarily outside regular instructional hours and is not part of a mandated curriculum without loss of annuity. For purposes of this section, the term “extracurricular position” means a contract position, including the position of athletic director, filled by an annuitant that is separate from the established academic course structure.

(e) Termination of annuities—Independent contractor. An annuitant may render service without discontinuance of an annuity if the annuitant renders it in the capacity of an independent contractor for a sum certain and for a specific period of time, under a contract approved by the employer. The Board has the right to determine whether the services to be performed are such as to warrant the conclusion that it is an independent contractor relationship. The Board may also inquire as to the circumstances surrounding an annuitant who seeks to render services as an independent contractor to determine whether the relationship does exist, thereby entitling the person to both an annuity and the contractor or consultant fees simultaneously. In any case in which the Board finds that the relationship may be contrary to the intent of this section, the Board has the right to discontinue the annuity or make the adjustment as the circumstances warrant.

[ (e) ] (f) * * *

§ 213.47. Death benefits.

(a) If a beneficiary is not designated, or if a designated beneficiary [ predeceases the member] or fails to survive [to receive any of the death benefits provided in section 8347 of the Retirement Code (relating to death benefits),] the member by 30 days, the benefits shall be payable to the estate of the member, or to
the next of kin, 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors), as the case may be.

(b) If a maximum single life annuitant dies before receiving in monthly annuity payments the total amount of the accumulated deductions, the balance of the total accumulated deductions less total annuity payments received shall be paid to the designated beneficiary without regard to the actual proportion the employer's share represents to the total monthly annuity payments actually received before death.

(c) Retirement Code reference: [Section ] Sections 8347 and 8349 of the Retirement Code (relating to death benefits; and payment of benefits).

§ 213.49. Payment of benefits.

(a) [No annuity] An annuity granted under the Retirement Code will not be paid in other than equal monthly [installments ] payments. Option 4 may provide for [a ] lump sum [ payment ] installments of no more than the accumulated deductions to be paid to the member before or after equal monthly [installments ] payments commence.

* * * * *

CHAPTER 215. GENERAL ADMINISTRATION

GENERAL PROVISIONS

§ 215.2. Administrative duties of the Board.

(a) [The minutes and other supporting records of Board meetings will be available for public inspection at the offices of the Board during normal working hours. No other records of the Board will be available for inspection by the public except upon specific approval by the Secretary of the Board.]

(b) The Board will furnish, to the extent required by Federal law, information to members concerning those provisions of the Internal Revenue Code which may impose a tax liability upon a member or beneficiary. The sole responsibility for the tax liability, including the tax computation, is imposed upon the member and not the Board and the member should consult tax counsel or legal counsel for advice in these matters since the Board is not qualified or required to offer advice.

* (c) (b) * * *

* (d) (c) * * *

* (e) (d) * * *

* (f) (e) * * *

* (g) (f) The Board will credit to the account of each member all amounts paid by the member into the fund, including the member's contributions for current service, payroll deductions for the purchase of service as otherwise provided in this part or lump sum payments for the purchase of service. A person or governmental employer may not make payments on behalf of the member unless authorized by the Retirement Code or this part. Member contributions shall be credited with statutory interest until the date of termination of service, except in the case of the vestee. In that event, statutory interest shall be credited until the effective date of retirement or until a return of the accumulated deductions, if the member so elects. In the case of a multiple service member, interest shall be credited to the member's accounts in each system until a termination of State [or ] and school service.

* * * * *

§ 215.5. Duties of the Board.

(a) Retirement Code reference: [Sections ] Sections 8347 and 8349 of the Retirement Code (relating to death benefits; and payment of benefits).

§ 215.6. Duties of employers.

(a) The following procedures shall be employed for reporting salaried, per diem and hourly [employees ] employees:

(1) Salaried [employees ] employees. Reporting procedures for salaried [employees shall ] employees must comply with the following:

(i) Part time salaried [employees ] employees, irrespective of the percentage of time employed, shall be reported based on the percentage of time employed, as it relates to full time salaried [employees ] employees. If

* * * * *
requested, the employer shall furnish, under section 508 of the Public School Code of 1949 (24 P. S. § 5-508), minutes of board meetings indicating the conditions of employment of the individuals.

(ii) This procedure does not affect the enrollment of salaried [employees] who are currently members of the System. The member's purchase of the previous part time salaried service in the 1975-76 school year shall be either a lump sum payment or a method agreed upon by the System and the member without application of interest.

(2) Per diem and hourly [employees]—Since a per diem or hourly [employee] is required to become a member of the System during a school year in which the [employee] works 80 days or 500 hours, an employer is responsible for determining if that person becomes eligible for membership during the fiscal year.

(i) If the employer anticipates that an [employee] shall [becomes] become eligible for membership during the [fiscal] school year, the [employee] shall be enrolled as a member at the beginning of the [fiscal] school year, or upon enrollment, and contributions shall be deducted on a current basis. This service shall be counted for retirement purposes.

(ii) If an [employee] is enrolled as a member at the beginning of the [fiscal] school year, or when employed, and does not qualify during that [fiscal] school year, the [employee] is then entitled to a refund of accumulated deductions. If an [employee] is not enrolled at the beginning of the [fiscal] school year, or date of employment, but qualifies during the [fiscal] school year, the [school district] employer shall make deductions from that time forward and the [employee] shall purchase the employee and employer shall be billed for the first 500 hours or 80 days [without application of interest].

(b) [Annuitants employed in an emergency. The employer shall, upon the reemployment of an annuitant from the State Employees’ Retirement System who has elected multiple service or this System, in an emergency, notify the Board of commencement and termination of the employment to insure that the 95-day period for a continued receipt of the annuity is not exceeded. If that limitation is exceeded in a school year, the employer shall reenroll the annuitant from the 90th day of employment as an active member of the System, whereupon an annuity adjustment shall be made, as the case may warrant.

(c) Retirement Code reference: Section 8506 of the Retirement Code (relating to duties of employees).

§ 215.7. Rights and duties of school [employees] and members.

(a) Information on new employees. Each new school [employee] shall provide the employer with a complete record of previous school or State service, or creditable nonschool service, proof of date of birth, in the order of preference set forth in subsection (b), home address, current status in the [system and in the] System and other information the Board may require.

Willful failure to provide the information required by this subsection, to the extent available, or the furnishing of erroneous information upon enrollment into the System shall result in the forfeiture of the right of the member to subsequently assert any right to benefits based on the erroneous information or on any of the required information which the member failed to provide, intentionally or otherwise. If the Board finds that a member is receiving an annuity based on false, misleading or improper information, the additional amounts received predicated on the information together with statutory interest doubled and compounded shall be deducted from the present value of any remaining benefits to which the member is legally entitled and the remaining benefits shall be correspondingly decreased.

(c) Election of multiple service. An active member from and after the effective date of the Retirement Code who was formerly a member in the State [Employees'] Retirement System, may elect multiple service coverage if the election is made no later than [30] 365 days after active membership in this System.

(d) Beneficiaries. Every member shall nominate a beneficiary and, if desired, a contingent beneficiary, if [desired, on a form to be filed] in writing with the Board (and supplied by the Board). In all these cases, the designated or contingent beneficiary, as the case may be, shall be the only one entitled to receive the accumulated deductions or the death benefit for those who die in service or those who would be entitled to a benefit under Option 1 under section 8345 of the Retirement Code (relating to member’s options). If the beneficiary or designated contingent beneficiary fails to survive the member, the payment, subject to the limitation in 20 Pa.C.S. § 3101 (relating to payments to family and funeral directors) shall be paid to the next of kin. If the applicable limitation cannot be met, the payment, in the absence of a designated beneficiary, shall be paid to the estate upon the submission of documents required by the Board to authorize payment.

(f) Rights of vestees. A vestee may, subsequent to vesting, and at any time during the vesting period, withdraw the accumulated deductions, thereby forfeiting other benefits to which the vestee would be otherwise entitled, or apply for an annuity, if the vestee has at least [ten] five eligibility points. The vestee shall also nominate a beneficiary to receive the vested benefits should the vestee fail to survive the receipt of the benefit.

(g) Right of vestee at superannuation age. For a vestee to be entitled to, and receive, an annuity, effective the date the vestee attains superannuation age, the vestee shall file an application no later than 90 days thereafter. An application subsequently filed shall be effective upon the date filed. If a vestee dies within the 90-day period subsequent to superannuation age, not having filed an application for benefits, the vestee shall be deemed to have elected the automatic death benefit Option 1. [If the vestee fails to do anything within 7 years subsequent to superannuation age, the vestee shall be deemed to have elected to receive the accumulated deductions and shall, upon application, be entitled to receipt of the deductions, thereby forfeiting any other benefit.]

(h) Nomination of beneficiary or survivor annuitant. A member in receipt of a reduced annuity, under any of the
options, shall have the following rights with regard to designation of a beneficiary or survivor annuitant:

* * * * *

(2) If the member [selects] elects a survivor annuity option, a new survivor annuitant may not be named except when the survivor annuitant predeceases the member or [there is] the member has a change in marital status subsequent to the election of the option. In these cases, the annuity shall be recomputed to be actuarially equivalent as of the date of recomputation to the annuity in effect immediately prior thereto. In this case, the member may elect a new option in addition to the new survivor annuitant. A benefit plan may not be changed by an annuitant.

* * * * *


MISCELLANEOUS PROVISIONS

§ 215.33. Taxation, attachment and assignment of funds.

(a) The exemption provided in this section also includes a spouse's election authorized under 20 Pa.C.S. §§ 6108 and 6111 (relating to designation of beneficiaries of insurance or employee death benefits not testamentary; and, [repealed] combination of charitable trusts) to the extent applicable. [From and after the effective date of this law, the Board will not entertain an assignment from any credit union which, under prior law, was authorized to forward assignments to collateralize funds in the system to the extent of $750. From and after 3 years from the effective date of the Retirement Code, the Board will not honor a credit union loan which had, under prior law, been forwarded to the Board under the provisions thereof. A credit union may not, directly or indirectly, use an existing assignment on record with the Board as a device to renew or reassign an existing loan to collateralize the funds in the System.]

* * * * *

§ 215.35. [General regulations] (Reserved).

[(a) Former annuitants who are active members of the System on the effective date of the Retirement Code are not subject to the recalculation of annuities of annuitants who return to school service thereafter.

(b) The rights of members of Class T-B, as provided in section 301(2)(c) and (d) of the Public School Employees' Retirement Code of 1959 (24 P.S. § 3301(2)(c) (repealed)) shall continue.

(c) The provisions relating to former teachers as provided in sections 303(3) and 407(1) of the Public School Employees' Retirement Code of 1959 (24 P.S. §§ 3303(3) and 3407(1) (repealed)), shall continue.

(d) As applicable to members terminating school service on or after March 1, 1974, the provisions relating to the purchase of credit for previous school or creditable nonschool service and the calculation of benefits shall be effective March 1, 1974.

(e) The provisions relating to the crediting of statutory interest to the accounts of members on leave without pay shall become effective on July 1, 1975.

(f) Part-time employee membership, as provided by the Retirement Code, shall become effective with the beginning of the school year 1975-76, subject to the limitations based upon qualification, as provided in this part.

(g) The provisions relating to eligibility for disability annuities, shall be effective, as applied to all active or inactive members, from December 1, 1974.

(h) Retirement Code reference: Section 8535 of the Retirement Code (relating to payments to school entities by Commonwealth).]}

§ 215.36. [Optional alternate retirement programs (Reserved).]

[(a) Under section 8301(a)(1) of the Retirement Code (relating to mandatory and optional membership), certain school employees may elect not to join the System in favor of an optional alternate retirement program approved by the employer.

(1) Every employee who is eligible for membership in the optional alternate retirement program shall make the election within 30 days of the first date of active employment. Employees not exercising the option to join the optional alternate retirement program shall be deemed to have chosen to commence active membership in this System, unless they have elected membership in the State Employees' Retirement System.

(2) When an eligible employee elected to participate in the optional alternate retirement program in accordance with the provisions of paragraph (2), as it existed on April 15, 2005, or paragraph (4) as it existed on April 15, 2005, or elects to participate in the optional alternate retirement program in accordance with paragraph (1), the election is final and binding so long as the employee remains eligible to remain in the optional alternate retirement program. When an employee later is employed in a capacity which does not qualify for membership in the optional alternate retirement program, the employee shall, upon meeting the qualifications for membership in the System, either make contributions to the fund or reinstate the former credited service for which contributions had been withdrawn. Remittance of contributions or reinstatement of former credited service shall be made in accordance with the applicable provisions of the Retirement Code. Service, salary or other compensation paid to an employee while a member of the optional alternate retirement program will not be credited toward membership in, or retirement benefit from this System.

(b) Retirement Code reference: Section 8326 of the Retirement Code.]

[Pa.B. Doc. No. 07-1280. Filed for public inspection July 20, 2007, 9:00 a.m.]
STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD
[4 PA. CODE CH. 9]

Reorganization of the Department of Education

The Executive Board approved a reorganization of the Department of Education effective May 1, 2007.

The organization chart at 37 Pa.B. 3439 (July 21, 2007) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

(Editor's Note The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)


PART II. EXECUTIVE BOARD
[4 PA. CODE CH. 9]

Reorganization of the Department of Environmental Protection

The Executive Board approved a reorganization of the Department of Environmental Protection effective May 10, 2007.

The organization chart at 37 Pa.B. 3440 (July 21, 2007) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

(Editor's Note The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)


PART II. EXECUTIVE BOARD
[4 PA. CODE CH. 9]

Reorganization of the Department of Health

The Executive Board approved a reorganization of the Department of Health effective June 20, 2007.

The organization chart at 37 Pa.B. 3441 (July 21, 2007) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

(Editor's Note The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)


PART II. EXECUTIVE BOARD
[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

The Executive Board approved a reorganization of the Department of Public Welfare effective June 4, 2007.

The organization charts at 37 Pa.B. 3442–3450 (July 21, 2007) are published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

(Editor's Note The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)


PART II. EXECUTIVE BOARD
[4 PA. CODE CH. 9]

Reorganization of the Department of State

The Executive Board approved a reorganization of the Department of State effective June 25, 2007.

The organization chart at 37 Pa.B. 3451 (July 21, 2007) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

(Editor's Note The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

DEPARTMENT OF AGRICULTURE

Dog Control Facility Bill Reimbursement Grant Program

The Department of Agriculture (Department) gives notice of the guidelines and conditions under which it will award up to $15,000 per recipient to humane societies or associations for the prevention of cruelty to animals that meet the guidelines and conditions of this Program. The Program will be funded from the Dog Law Restricted Account from funds which are declared to be “surplus” funds for the limited purposes set forth in section 1002(b) of the Dog Law (3 P. S. § 459-1002(b)).

The proposed guidelines and conditions for the Program are set forth as follows.

In fulfillment in 7 Pa. Code § 23.4 (relating to conditions and guidelines), the Department invites public and legislative review of these proposed guidelines and conditions. Commentators should submit their comments, in writing, so they are received by the Department no later than 30 days from the date the proposed guidelines and conditions are published in the Pennsylvania Bulletin. Comments should be directed to Mary Bender, Director, Bureau of Dog Law Enforcement, Pennsylvania Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

The Department will review and consider all written comments in preparing the final guidelines and conditions for the Program. The final guidelines and conditions for the Program will be published in the Pennsylvania Bulletin after the close of the comment period referenced. The Department will invite the submission of grant applications at that time.

Proposed Guidelines and Conditions for the Year 2008 Dog Control Facility Bill Reimbursement Grant Program

1. Definitions.

The following words and terms, when used in these guidelines and conditions, have the following meanings:

Department—The Department of Agriculture.

Dog control—The apprehending, holding and disposing of stray or unwanted dogs, or as otherwise defined in section 102 of the Dog Law (3 P. S. § 459-102).

Eligible Bill—A document seeking payment for materials, services or utilities from a grant recipient, setting forth the following:

i. The date the document is issued.

ii. The name and address of the humane society or association for the prevention of cruelty to animals to which the bill is issued.

iii. If for materials, a description of the materials and the date of delivery. Invoices and/or receipts for materials must set forth or be accompanied by a written description of the intended use of the material and the date the material is used. Materials may not include computer equipment or software. Examples of eligible materials include the following:

- Cleaning supplies;
- Office supplies—typical supplies used to carry on daily office duties;
- Materials for building and repair projects; and
- Purchases of medication, needles, and the like.

iv. If for services, a description of the nature of the services and the dates upon which the services were rendered. Examples of services include the following:

- Labor charges with respect to which the invoice identifies the work performed and the date of performance;
- Veterinarian services with respect to which the invoice identifies the services performed and the date of performance;
- Cremation services with respect to which the invoice identifies the services performed and the date of performance.

v. If for utilities (such as electricity, water, sewer, waste disposal and similar purposes), a statement of the period for which the utility, for which payment is sought, was provided.

vi. The name, address and telephone number of the entity issuing the invoice or receipt.

Humane society or association for the prevention of cruelty to animals (SPCA)—A nonprofit society or association duly incorporated under 15 Pa.C.S. Chapter 53 Subchapter A (relating to incorporation generally) for the purpose of prevention of cruelty to animals, as otherwise defined in section 102 of the Dog Law.

Program—The Year 2008 Dog Control Facility Bill Reimbursement Program.

2. Eligibility.

A humane society or association for the prevention of cruelty to animals is eligible to apply to receive a grant under the Program if that humane society or association for the prevention of cruelty to animals:

a. Has been in operation for at least 1 year immediately preceding the application date.

b. Has performed dog control functions for at least 1 year immediately preceding the application date.

c. Has, in the performance of its dog control functions, accepted at least 100 stray or unwanted dogs into its facility within the year immediately preceding the application date.

d. Is not a party to a contract with the Department pursuant to which the Department pays that humane society or association for the prevention of cruelty to animals for dog control activities performed in the year 2007.

e. Agrees—as a condition of receiving any grant money under the Program—to continue to perform dog control activities and to accept stray or unwanted dogs from the
Department's State Dog Wardens performing dog control functions, through the year 2008.

f. Has a valid Pennsylvania 2008 “Nonprofit” kennel license, and operates only a nonprofit kennel at the facility for which grant reimbursement is requested. Facilities which house kennel operations other than a nonprofit facility (that is, boarding kennel and/or commercial kennel) at the same location are not eligible to participate in this program.

g. If the Humane Society/SPCA has a total operating budget of $350,000 or less for the 2008 calendar year or, if its budget is on a basis other than calendar year, has a total operating budget of $350,000 or less for each fiscal year comprising any portion of calendar year 2008, the maximum grant amount will not exceed $15,000.

h. If the Humane Society/SPCA has a total operating budget exceeding $350,000 for the 2008 calendar year or, if its budget is on a basis other than calendar year, has a total operating budget over $350,000 for each fiscal year comprising any portion of calendar year 2008, the maximum grant amount will not exceed $10,000.

3. Use of Grant Funds.

The Department will allocate a specific maximum grant amount to a successful grant applicant through a written grant agreement. This maximum grant amount will be specified in the grant agreement, and will not exceed $15,000 with respect to any application.

The maximum grant amount will be retained by the Department and used to reimburse the grant recipient for eligible bills the grant recipient has paid with respect to materials, services or utilities provided to the grant recipient from January 1, 2008, through December 31, 2008. The total reimbursement the Department will pay a grant recipient will not exceed the maximum grant amount. Any money remaining in a grant allocation beyond the termination date of the grant agreement will not be considered.

The total reimbursement the Department will pay a grant recipient will not exceed the maximum grant amount. Any money remaining in a grant allocation beyond the termination date of the grant agreement will lapse into the Dog Law Restricted Account. If a bill covers materials, services or utilities provided, in whole or in part, before January 1, 2008, or after December 31, 2008, that bill must be subtracted from the reimbursement amount. Any money remaining in a grant allocation beyond the termination date of the grant agreement will not be reimbursed by the Department under the Program.

The sole exception to the prohibition set forth in the preceding sentence is as follows: If a bill covers materials, services or utilities provided in part in 2007 and in part in 2008, and the grant recipient was also a grant recipient under the Year 2007 Dog Control Facility Bill Reimbursement Program, the Department may, at its discretion, consider the bill an eligible bill.


a. Application required. A humane society or association for the prevention of cruelty to animals seeking a grant under the Program must complete a written application form and deliver it to the Department no later than 30 days from the date this notice is published in the Pennsylvania Bulletin. Applications received by the Department beyond that date will not be considered.

b. Obtaining an application form. The Department will provide grant application forms upon request. Requests for application forms should be directed to Mary Bender, Director, Bureau of Dog Law Enforcement, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4833, fax (717) 772-4352.

c. Contents of grant application form. A grant application form shall require the following information:

i. The name and address of the applicant.

ii. Information to verify that the applicant is a humane society or association for the prevention of cruelty to animals and otherwise meets the eligibility requirements set forth in paragraph 2.

iii. The maximum grant amount sought by the applicant—not to exceed $15,000.

iv. A description of the eligible bills for which the grant applicant intends to seek reimbursement, including a description (and copies, if available) of bills received by the applicant in 2007 for the same type of materials, services or utilities for which reimbursement will be sought under the grant agreement.

v. Verification that, in the event a grant is awarded, the applicant will continue to perform dog control activities, and to accept stray or unwanted dogs from the Department State Dog Wardens performing dog control functions, through the year 2008.

vi. Other information as the Department might reasonably require.

5. Review and approval of grant application.

a. Review and notification. The Department will review each timely grant application and provide the applicant written notification of whether the Department awards the grant, denies the grant or awards a grant in some amount less than the applicant sought. This written notification will be mailed no later than 60 days from the date the Bureau of Dog Law Enforcement receives the grant application, to the address provided by the applicant on the grant application form. If an application is incomplete or the Department requires additional information or documentation to evaluate the grant request, it will advise the applicant within 60 days from the date it receives the grant application.

b. Review criteria. The Department will consider the following, among other factors, in determining whether to award a grant application:

i. The number of applications received and the availability of funds for the grants sought.

ii. The relative contribution of the applicant to dog control activities in the area it serves.

iii. The relative contribution of the applicant to dog control as compared to the relative contribution of other applicants.

iv. The relative importance of the grant to the continued operation of the applicant’s dog control facility.

v. The expense or logistical difficulty the Department would encounter if the applicant’s dog control facility was no longer in operation.

vi. The relative contribution of the applicant in terms of the number of stray or unwanted dogs it accepts from the Department’s State Dog Wardens performing dog control functions.

6. Grant agreement.

a. Grant agreement required. A successful grant applicant must execute a grant agreement with the Department, setting forth the terms and conditions pursuant to which the grant money will be used by the Department to reimburse the grant recipient for payment of eligible bills.

b. Reimbursement requests. The grant agreement will set forth the exact procedure by which a grant recipient shall seek reimbursement from the Department for payment of eligible bills. The basic reimbursement request procedure will be as follows:
By May 15, 2008, the grant recipient will: (1) deliver copies of the eligible bills it has paid between January 1 and April 30, 2008; (2) verify that these bills have been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

By September 15, 2008, the grant recipient will: (1) deliver copies of the eligible bills it has paid between May 1 and August 31, 2008; (2) verify that these bills have been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

By January 15, 2009, the grant recipient will: (1) deliver copies of the eligible bills it has paid between September 1 and December 31, 2008; (2) verify that these bills have been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

c. Payment by the Department. The Department will reimburse a grant recipient for eligible bills within 90 days of receiving a complete and timely reimbursement request.

d. Termination. The Department may terminate a grant agreement at any time by providing the grant recipient written notice of termination at the address set forth on the grant application.

DENNIS C WOLFF, Secretary


Order of Quarantine; Firewood

Recitals
A. The Plant Pest Act (act) (3 P.S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth.

B. The powers granted the Department under section 21 of the act (3 P.S. § 258.21) include the power to establish quarantines to prevent the spread of plant pests within this Commonwealth.

C. During the past 15 years, a number of exotic invasive species have been detected in the United States, having gained entry largely through human activities, mainly the movement of goods and people.

D. Asian Longhorned Beetle (ALB), Emerald Ash Borer (EAB), Sirex Wood Wasp and Bark Beetles are some of these recently detected exotic invasive species. These insects pose serious threats to this Commonwealth’s agricultural and forestry resources.

E. EAB—a beetle indigenous to Asia—is a serious plant pest that attacks and kills ash trees belonging to the genus Fraxinus. This insect was first detected in the United States in summer, 2002, in Michigan. It is suspected that EAB was accidentally introduced years earlier on solid wood packing material used for crating imported goods. EAB has since been spread to other states, including Illinois, Indiana, Ohio, Maryland and Ontario, Canada. EAB has killed 20-25 million ash trees during the short time it has been present in North America. EAB has recently been found in Butler County, PA, and is the subject of a Department-issued quarantine order affecting Allegheny, Beaver, Butler and Lawrence Counties.

F. ALB is another exotic pest from Asia. It has killed numerous hardwood trees in New York, New Jersey, Illinois and Ontario, Canada. Like the EAB, this insect was introduced into the United States in lumber used for crating goods imported from Asia.

G. The recent discovery of the Sirex Wood Wasp in New York and Pennsylvania, and the repeated interception of the Spruce Bark Beetle, Ips typographus, indicate these insects could affect this Commonwealth’s pine resources.

H. The introduction of new plant pests into the United States has been driven, at least in part, by the increase of volume of imported goods entering the country and the decrease in the number of Federal staff to inspect goods at ports-of-entry. There is a need for more effective exclusion strategies as part of our country’s phytosanitary programs. It is imperative that states be proactive in plant pest detection and prevention measures.

I. The presence of ALB and EAB in neighboring states has prompted concerns over human-assisted spread of these plant pests into this Commonwealth.

J. Eradication programs for ALB and EAB have cost States and the Federal government millions of dollars. In addition, municipalities and private landowners have absorbed costs for removing infested trees which are not eliminated by official eradication programs.

K. The economic impact of the hardwoods industry in this Commonwealth is valued at $17 billion, and more than 2,500 companies employ 85,000 people in this important sector of the State’s economy. The industry is a significant economic contributor in virtually every county and is the most significant manufacturing sector in some counties. Other industries such as horticulture and camping/tourism also could be impacted by these pests.

L. Currently there are no simple means to eradicate these pests other than removing and destroying infested trees. There is no effective insecticidal spray program or prophylactic treatment to protect ash trees from EAB infestation, or other hardwoods from attack by ALB. In North America, no effective natural enemies are present to suppress populations of these insects.

M. ALB and EAB have the potential to cause serious damage to the hardwood components of Pennsylvania’s forest resources and to the horticultural industry, where Ash, Maple and other hardwoods are widely planted shade trees, both on private and public properties. These pests also would have a major impact on Pennsylvania’s public lands, including state parks and private campgrounds.

N. In North America, ALB and EAB can be transported long distances by means of human activity, including the movement of infested firewood from regulated areas. Regulations on nursery stock and logs/lumber are in place and have controlled/limited movement of these commodities from areas where EAB and ALB are present.

O. Because eradication costs for these wood-feeding insects are extremely high, preventive measures should be employed wherever possible to stop/slow the spread of these insects in hopes that techniques can be developed to effectively manage them.

P. Very few regulations are in place to restrict movement of firewood, and yet firewood frequently has been implicated in the spread of both ALB and EAB.
Q. The United States Department of Agriculture (USDA) recent expansion of its EAB quarantine to include the entire states of Ohio, Illinois and Indiana is partially the result of the rapid spread of EAB and the USDA’s attempt to slow the spread of EAB.

Order

Under authority of section 21 of the Plant Pest Act (3 P.S. § 258.21) the Department hereby orders the following:

1. The movement of firewood of all types and species into this Commonwealth is prohibited. Firewood includes all wood, processed or unprocessed, coniferous or hardwood, meant for use in a campfire or other outdoor or indoor fire. This prohibition does not apply to the transportation of sawlogs, pulpwood or wood chips to facilities for processing into lumber, paper or manufactured wood products.

Examples of circumstances under which firewood from out-of-State is brought into this Commonwealth include instances where firewood is transported to public and private campgrounds by campers, or to sporting events and other events where travelers camp outdoors; or to activities such as Civil War reenactments where wood is used for cooking and evening campfires; or as bulk firewood sold by the truckload or some other volume of measure (cord, face cord, rick, and the like), or as firewood purchased for indoor residential use.

2. Kiln-dried, packaged firewood clearly marked with the producer’s name and address and labeled as “Kiln Dried” and/or USDA Certified are exempt from the provisions of this quarantine order.

3. Persons found in violation of this quarantine order will face the potential of summary criminal prosecution and a fine of not more than $300 for each offense, or a civil penalty of up to $20,000, or both.

4. The Department will consult with USDA, other state agencies and the Pennsylvania State University Cooperative Extension with respect to the most efficacious measures to survey for and detect ALB, EAB and other wood-feeding insects to slow the spread or eradicate these pests.

5. This quarantine is effective as of July 2, 2007, and shall remain in effect until repealed by subsequent order.

DENNIS C WOLFF, Secretary

NOTICES

Date Name of Bank Location Action
7-10-07 First Commonwealth Bank Corner of Freedom Road Approved
Indiana and Patriot Drive Cranberry Township
Indiana County Butler County
3-10-07 First Commonwealth Bank 339 Mansfield Avenue Approved
Indiana Greentree
Indiana County Allegheny County
3-10-07 First Commonwealth Bank 339 Mansfield Avenue Approved
Indiana Greentree
Indiana County Allegheny County

Branch Relocations/Consolidations

Date Name of Bank Location Action
6-18-07 Republic First Bank To: 333 City Avenue Effective
Philadelphia Bala Cynwyd
Philadelphia County Montgomery County
From: 4190 City Avenue Philadelphia
Philadelphia County

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department’s website at www.banking.state.pa.us includes public notices for more recently filed applications.

VICTORIA A. REIDER,
Acting Secretary


Maximum Lawful Rate of Interest for Residential Mortgages for the Month of August 2007

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of August 2007 is 7 3/4%.

The interest rate limitations under the State’s usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 5.20 to which was added 2.50 percentage points for a total of 7.70 that by law is rounded off to the nearest quarter at 7 3/4%.

VICTORIA A. REIDER,
Acting Secretary

Applications, Actions and Special Notices

APPLIcATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Location Permit Authority Application Type or Category
Section I NPDES Renewals Application Type or Category
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 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

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

<table>
<thead>
<tr>
<th>NPDES No. (Type)</th>
<th>Facility Name &amp; Address</th>
<th>County &amp; Municipality</th>
<th>Stream Name (Watershed #)</th>
<th>EPA Waived Y/N ?</th>
</tr>
</thead>
<tbody>
<tr>
<td>PA0053473</td>
<td>Thornbury Township 6 Township Drive Cheyney, PA 19319-1019</td>
<td>Delaware County Thornbury Township</td>
<td>Chester Creek</td>
<td>Y</td>
</tr>
</tbody>
</table>

PENNSYLVANIA BULLETIN, VOL. 37, NO. 29, JULY 21, 2007
### Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<table>
<thead>
<tr>
<th>NPDES No.</th>
<th>Facility Name &amp; Address</th>
<th>County &amp; Municipality</th>
<th>Stream Name (Watershed #)</th>
<th>EPA Waived Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>PA0062723</td>
<td>Sunoco Partners Marketing &amp; Terminals, LP Fullerton Terminal 525 Fritztown Road Sinking Spring, PA 19608</td>
<td>Whitehall Township Lehigh County</td>
<td>UNT to Lehigh River 02C</td>
<td>Y</td>
</tr>
<tr>
<td>PA0035611</td>
<td>Department of Transportation P. O. Box 3060 Harrisburg, PA 17105-3060</td>
<td>Lenox Township Susquehanna County</td>
<td>UNT of East Branch Tunkhannock Creek 4F</td>
<td>Y</td>
</tr>
</tbody>
</table>

Draft permit contains Chesapeake Bay Nutrient Monitoring Requirements.

- Eaton Sewer & Water Company, Inc. P. O. Box 316 Nicholson, PA 18446 Wyoming County Eaton Township Susquehanna River 04G Y

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

<table>
<thead>
<tr>
<th>NPDES No.</th>
<th>Facility Name &amp; Address</th>
<th>County &amp; Municipality</th>
<th>Stream Name (Watershed #)</th>
<th>EPA Waived Y/N</th>
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<tbody>
<tr>
<td>PA0082589</td>
<td>Fairview Township Authority 599 Lewisberry Road New Cumberland, PA 17070-2399</td>
<td>York County Fairview Township</td>
<td>UNT Fishing Creek 7/E</td>
<td>Y</td>
</tr>
<tr>
<td>PA0084492</td>
<td>Larry, Janet, Carl and Mary Strohecker—Strohecker MHP 615-A Dunkle School Road Halifax, PA 17032-9455</td>
<td>Dauphin County Halifax Township</td>
<td>UNT Susquehanna River 6/C</td>
<td>Y</td>
</tr>
<tr>
<td>PA00808379</td>
<td>Conodoguinet Mobile Estates P. O. Box 175 Newville, PA 17241</td>
<td>Cumberland County Lower Mifflin Township</td>
<td>Conodoguinet Creek 7/B</td>
<td>Y</td>
</tr>
<tr>
<td>PA0087335</td>
<td>Broad Top Township—Kearney Village 187 Municipal Road P. O. Box 57 Defiance, PA 16633-0057</td>
<td>Bedford County Broad Top Township</td>
<td>Longs Run 11/D</td>
<td>Y</td>
</tr>
<tr>
<td>PA0087343l</td>
<td>Broad Top Township—Langdondale 187 Municipal Road P. O. Box 57 Defiance, PA 16633-0057</td>
<td>Bedford County Broad Top Township</td>
<td>Sandy Run 11/D</td>
<td>Y</td>
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### Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<table>
<thead>
<tr>
<th>NPDES No.</th>
<th>Facility Name &amp; Address</th>
<th>County &amp; Municipality</th>
<th>Stream Name (Watershed #)</th>
<th>EPA Waived Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>PA0114880</td>
<td>Church of Christ of Latter Day Saints P. O. Box 483 Hollidaysburg, PA 16648</td>
<td>Columbia County North Centre Township</td>
<td>UNT to West Branch Briar Creek 5D</td>
<td>Y</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>NPDES No.</th>
<th>Facility Name &amp; Address</th>
<th>County &amp; Municipality</th>
<th>Stream Name (Watershed #)</th>
<th>EPA Waived Y/N</th>
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<tbody>
<tr>
<td>PA0238759</td>
<td>Nancy Jane Oesterling 454 Keck Road Butler, PA 16002-1098</td>
<td>Summit Township Butler County</td>
<td>UNT to Bonnie Brook 20-C</td>
<td>Y</td>
</tr>
</tbody>
</table>
II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

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

PA0058408, Sewage, SIC 4952, New Life Youth and Family Services Sewage Treatment Plant, 585 Freeman School Road, Schwenksville, PA 19473. This proposed facility is located in Lower Salford Township, Montgomery County.

Description of Proposed Activity: This application is for an existing sewage treatment facility.

The receiving stream, UNT to East Branch Perkiomen Creek, is in the State Water Plan Watershed 3E—Perkiomen and is classified for: TSF, aquatic life, water supply and recreation. The nearest downstream public water intake/supply is Pennsylvania American’s Water Filtration Plant and is approximately 18 miles downstream on the Schuylkill River.

The effluent limits for Outfall 001 are based on a design flow of 22,500 gpd.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Average Monthly</th>
<th>Average Weekly</th>
<th>Average Monthly</th>
<th>Average Monthly</th>
<th>Instantaneous</th>
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<tbody>
<tr>
<td>CBOD₅</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>(5-1 to 10-31)</td>
<td>10</td>
<td>20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(11-1 to 4-30)</td>
<td>20</td>
<td>40</td>
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<td></td>
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<tr>
<td>Total Suspended Solids</td>
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<td></td>
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<tr>
<td></td>
<td>30</td>
<td>60</td>
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<tr>
<td>Fecal Coliform</td>
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<tr>
<td></td>
<td>200/100 ml</td>
<td>1,000/100 ml</td>
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<tr>
<td>Dissolved Oxygen</td>
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<tr>
<td></td>
<td>6.0</td>
<td>(Minimum)</td>
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<td></td>
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<tr>
<td>pH (Standard Unit)</td>
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</tr>
<tr>
<td></td>
<td>6.0</td>
<td>9.0</td>
<td>(Minimum)</td>
<td>(Maximum)</td>
<td></td>
</tr>
<tr>
<td>Ammonia as N</td>
<td>(5-1 to 10-31)</td>
<td>1.5</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>(11-1 to 4-30)</td>
<td>4.5</td>
<td></td>
<td></td>
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<tr>
<td>Phosphorus as P</td>
<td>(4-1 to 10-31)</td>
<td>2.0</td>
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</tbody>
</table>

In addition to the effluent limits, the permit contains the following major special conditions:

1. Discharge must not cause nuisance or health hazard.
2. Sludge disposal according to State and Federal regulations.

The EPA waiver is in effect.

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

PA0020940, Sewage, Tunkhannock Borough Municipal Authority, 203 West Tioga Street, Tunkhannock, PA 18657-6655. This proposed facility is located in Tunkhannock Borough, Wyoming County.

Description of Proposed Activity: Renewal of an NPDES Permit.

The receiving stream, Tunkhannock Creek, is in the State Water Plan Watershed No. 4F and is classified for: CWF. The nearest downstream public water supply intake for Danville Borough Water Authority is located on the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.300 mgd.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Average Monthly</th>
<th>Average Weekly</th>
<th>Instantaneous (mg/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CBOD₅</td>
<td>25.0</td>
<td>40.0</td>
<td>50.0</td>
</tr>
<tr>
<td>Total Suspended Solids</td>
<td>30.0</td>
<td>45.0</td>
<td>60.0</td>
</tr>
<tr>
<td>Fecal Coliform</td>
<td></td>
<td></td>
<td>200/100 ml as a geometric mean</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2,000/100 ml as a geometric mean</td>
</tr>
<tr>
<td>pH</td>
<td></td>
<td></td>
<td>6.0 to 9.0 Standard Units at all times.</td>
</tr>
<tr>
<td>Total Residual Chlorine</td>
<td>1.0</td>
<td></td>
<td>2.0</td>
</tr>
<tr>
<td>Ammonia Nitrogen</td>
<td></td>
<td></td>
<td>Monitor and Report</td>
</tr>
<tr>
<td>Kjeldahl Nitrogen</td>
<td></td>
<td></td>
<td>Monitor and Report</td>
</tr>
<tr>
<td>Nitrite-Nitrate as N</td>
<td></td>
<td></td>
<td>Monitor and Report</td>
</tr>
<tr>
<td>Total Nitrogen</td>
<td></td>
<td></td>
<td>Monitor and Report</td>
</tr>
<tr>
<td>Total Phosphorus</td>
<td></td>
<td></td>
<td>Monitor and Report</td>
</tr>
</tbody>
</table>

In addition to the effluent limits, the permit contains the following major special conditions: Chesapeake Bay Nutrient Requirements.

PA0063428-A1, Sewage, Tuthill Corporation (Blue Mountain Ski Area), P. O. Box 216, Palmerton, PA 18071-0216. This proposed facility is located in Lower Towamensing Township, Carbon County.

Description of Proposed Activity: NPDES permit renewal for an expanded discharge.
The receiving streams, Aquashicola and Buckwha Creeks, are in the State Water Plan Watershed No. 2B and are classified for: TSF and HQ-CWF, respectively. The nearest downstream public water supply intake for Northampton Borough Water Authority is located on the Lehigh River over 17 miles below the point of discharge.

The proposed effluent limits for Outfall 001 into the Buckwha Creek is based on a design flow of 0.050 mgd.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Average Monthly (mg/l)</th>
<th>Average Weekly (mg/l)</th>
<th>Instantaneous Maximum (mg/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CBOD$_5$</td>
<td>25.0</td>
<td>50.0</td>
<td></td>
</tr>
<tr>
<td>Total Suspended Solids</td>
<td>30.0</td>
<td>60.0</td>
<td></td>
</tr>
<tr>
<td>Fecal Coliform (5-1 to 9-30)</td>
<td></td>
<td>200/100 ml as a geometric mean</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,000/100 ml as a geometric mean</td>
<td></td>
</tr>
<tr>
<td>pH (10-1 to 4-30)</td>
<td></td>
<td>6.0 to 9.0 Standard Units at all times.</td>
<td></td>
</tr>
<tr>
<td>Total Residual Chlorine</td>
<td>1.2</td>
<td>2.8</td>
<td></td>
</tr>
</tbody>
</table>

The proposed effluent limits for Outfall 002 into Aquashicola Creek is based on a design flow of 0.300 mgd.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Average Monthly (mg/l)</th>
<th>Average Weekly (mg/l)</th>
<th>Instantaneous Maximum (mg/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CBOD$_5$</td>
<td>25.0</td>
<td>50.0</td>
<td></td>
</tr>
<tr>
<td>Total Suspended Solids</td>
<td>30.0</td>
<td>60.0</td>
<td></td>
</tr>
<tr>
<td>Fecal Coliform (5-1 to 9-30)</td>
<td></td>
<td>200/100 ml as a geometric mean</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,000/100 ml as a geometric mean</td>
<td></td>
</tr>
<tr>
<td>pH (10-1 to 4-30)</td>
<td></td>
<td>6.0 to 9.0 Standard Units at all times.</td>
<td></td>
</tr>
<tr>
<td>Total Residual Chlorine</td>
<td>1.0</td>
<td>3.2</td>
<td></td>
</tr>
</tbody>
</table>

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

Application No. PA0054852, Industrial Waste, SIC Code 4953, **WBLF Acquisitions, LLC**, 256 Eagle View Boulevard, Exton, PA 19341. This facility is located in Cumru Township, Berks County.

Description of activity: The application is for renewal of an NPDES permit for existing discharge of treated industrial waste.

The receiving stream, Schuylkill River, is in Watershed 3-C, and classified for: WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Borough of Pottstown Water and Sewer Authority located on the Schuylkill River, approximately 15 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.04 mgd are:

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Average Minimum Monthly (mg/l)</th>
<th>Average Daily Monitor and Report</th>
<th>Maximum Monthly Daily Monitor and Report</th>
<th>Instantaneous Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>pH (Standard Units)</td>
<td>6.0 to 9.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TSS</td>
<td>Monitor and Report</td>
<td>Monitor and Report</td>
<td>27</td>
<td>60</td>
</tr>
<tr>
<td>BOD</td>
<td>Monitor and Report</td>
<td>Monitor and Report</td>
<td>37</td>
<td>140</td>
</tr>
<tr>
<td>Fecal Coliform (5-1 to 9-30)</td>
<td>200</td>
<td>Monitor and Report</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monitor and Report</td>
<td>Monitor and Report</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NH$_3$-N</td>
<td>Monitor and Report</td>
<td>5</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Total Residual Chlorine</td>
<td>Monitor and Report</td>
<td>0.5</td>
<td>2.5</td>
<td></td>
</tr>
<tr>
<td>Total Zinc</td>
<td>Monitor and Report</td>
<td>0.11</td>
<td>0.275</td>
<td></td>
</tr>
<tr>
<td>Phenol</td>
<td>Monitor and Report</td>
<td>0.015</td>
<td>0.037</td>
<td></td>
</tr>
<tr>
<td>Total PCB</td>
<td>0.00016</td>
<td>Monitor and Report</td>
<td>0.00047</td>
<td></td>
</tr>
<tr>
<td>p-Cresol</td>
<td>Monitor and Report</td>
<td>0.014</td>
<td>0.035</td>
<td></td>
</tr>
<tr>
<td>Alpha Terpineol</td>
<td>Monitor and Report</td>
<td>0.016</td>
<td>0.04</td>
<td></td>
</tr>
<tr>
<td>Benzoic Acid</td>
<td>Monitor and Report</td>
<td>0.071</td>
<td>0.177</td>
<td></td>
</tr>
<tr>
<td>TDS</td>
<td>1,605</td>
<td>3,210</td>
<td>7,700</td>
<td></td>
</tr>
</tbody>
</table>

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

The EPA waiver is in effect.
Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

PA0217603, Sewage, Cumberland Coal Resources, LP, P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370. This application is for renewal of an NPDES permit to discharge treated sewage from Cumberland Mine Bathhouse STP in Whiteley Township, Greene County.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT to Patterson Run, 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 Municipal Authority of Fayette County—Masontown.

Outfall 022: existing discharge, design flow of 0.03 mgd.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Average Concentration (mg/l)</th>
<th>Average Concentration (mg/l)</th>
<th>Average Concentration (mg/l)</th>
<th>Average Concentration (mg/l)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Monthly</td>
<td>Weekly</td>
<td>Daily</td>
<td>Maximum</td>
</tr>
<tr>
<td>CBOD₅</td>
<td>20</td>
<td>40</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5-1 to 10-31)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(11-1 to 4-30)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspended Solids</td>
<td>30</td>
<td>60</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ammonia Nitrogen (5-1 to 10-31)</td>
<td>2.2</td>
<td>4.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(11-1 to 4-30)</td>
<td>4.9</td>
<td>9.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fecal Coliform (5-1 to 9-30)</td>
<td>200/100 ml as a geometric mean</td>
<td>2,000/100 ml as a geometric mean</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(10-1 to 4-30)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Residual Chlorine</td>
<td></td>
<td></td>
<td>0.04</td>
<td>0.10</td>
</tr>
</tbody>
</table>

The EPA waiver is in effect.

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

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

WQM Permit No. 1507202, Industrial, Walton Farms, 42 Walton Road, Cochranville, PA 19330. This proposed facility is located in West Fallowfield Township, Chester County.

Description of Action/Activity: Construction and operation of 2 HDPE lined manure storage structures.

WQM Permit No. 0907406, Sewage, Upper Makefield Township, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is located in Upper Makefield Township, Bucks County.

Description of Action/Activity: Construction and operation of a wastewater treatment facility.

WQM Permit No. 4607405, Sewage, Lower Moreland Township Authority, 640 Red Lion Road, Huntingdon Valley, PA 19006-6234. This proposed facility is located in Lower Moreland Township, Montgomery County.

Description of Action/Activity: Construction and operation of a combination gravity and low pressure sewer system.

WQM Permit No. 4607406, Sewage, Lower Moreland Township Authority, 640 Red Lion Road, Huntingdon Valley, PA 19006-6234. This proposed facility is located in Lower Moreland Township, Montgomery County.

Description of Action/Activity: Construction and operation of a gravity sanitary sewer extension.

WQM Permit No. 1507405, Sewage, Avon Grove School District, 375 Kelton-Jennersville Road, West Grove, PA 19390. This proposed facility is located in New London Township, Chester County.

Description of Action/Activity: Install a sodium aluminate feed system to remove phosphorus and installation of an automatic soda ash feed system.

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

WQM Permit No. 4407401, Sewage, Newton-Wayne Joint Municipal Authority, 3055 Ferguson Valley Road, McVetown, PA 17051. This proposed facility is located in Newton Hamilton/Kistler Boroughs and Wayne Township, Mifflin County.

Description of Proposed Action/Activity: Application for construction/operation for a sewage collection system and pump station project of approximately 60,000 LF of sanitary sewer mains and three pumping stations to serve various locations within the boroughs and township.

WQM Permit No. 2807201, CAFO, Stoner’s Hijos Hill, Inc., 8512 Oellig Road, Mercersburg, PA 17236. This proposed facility is located in Peters Township, Franklin County.

Description of Proposed Action/Activity: Application for construction/operation of a new circular concrete manure storage structure.
IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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

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

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

Lehigh County Conservation District: Lehigh Agriculture Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

<table>
<thead>
<tr>
<th>NPDES Permit No.</th>
<th>Applicant Name &amp; Address</th>
<th>County</th>
<th>Municipality</th>
<th>Receiving Water/Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAI023907017</td>
<td>Michael Seislove</td>
<td>Lehigh</td>
<td>Lower Macungie Township</td>
<td>Little Lehigh Creek HQ-CWF Swabia Creek HQ-CWF</td>
</tr>
<tr>
<td></td>
<td>Macungie Management, Inc.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3261 Route 100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Suite 100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Macungie, PA 18062</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>NPDES Permit No.</th>
<th>Applicant Name &amp; Address</th>
<th>County</th>
<th>Municipality</th>
<th>Receiving Water/Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAI032807005</td>
<td>Terra, LLC</td>
<td>Franklin</td>
<td>Guilford Township</td>
<td>UNT to Falling Spring Branch HQ-CWF</td>
</tr>
<tr>
<td></td>
<td>2200 Monroe Street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>York, PA 17404</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PAI032807006</td>
<td>Craig Nitterhouse</td>
<td>Franklin</td>
<td>Guilford Township</td>
<td>Falling Spring Creek HQ-CWF</td>
</tr>
<tr>
<td></td>
<td>900 Kriner Road</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Suite 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Chambersburg, PA 17201</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 1507505, Public Water Supply.

Applicant  PA American Water Company
Township  East Vincent
County  Chester
Responsible Official  David R. Kauffman
800 West Hershey Park Drive
Hershey, PA 17033
Type of Facility  PWS
Consulting Engineer  E. Kuser, Inc.
150 Grings Hill Road
Sinking Spring, PA 19608
Application Received Date  July 2, 2007
Description of Action  A modification of existing coagulation system.
Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

**Permit No. 6707507**, Public Water Supply.

**Applicant**

Glen Rock Water Authority

**Municipality**

Shrewsbury Borough

**County**

York

**Responsible Official**

Glen Rock Water Authority
Director of Administration
P. O. Box 205
Glen Rock, PA 17327

**Type of Facility**

Public Water Supply

**Consulting Engineer**

Peter Lusardi, P. E.
CET Engineering Services
1240 North Mountain Road
Harrisburg, PA 17112

**Application Received**

J une 29, 2007

**Description of Action**

Corrosion control, phosphate sequestration.


**Application No. 2507503**, Public Water Supply.

**Applicant**

Saint Boniface School

**Township or Borough**

Greene Township
Erie County

**Responsible Official**

Rev. John M. Schultz, Pastor

**Consulting Engineer**

Mark J. Corey & Associates
5845 Jordan Road
Erie, PA 16510

**Application Received**

J une 29, 2007

**Description of Action**

Installation of Greensand filtration, finished water storage tanks and booster pumps to correct arsenic mcl.

**Application No. 2507502**, Public Water Supply.

**Applicant**

Wattsburg Borough Water Treatment Plant

**Township or Borough**

Wattsburg Borough
Erie County

**Responsible Official**

Richard E. Kreider, Operator

**Consulting Engineer**

Steven R. Halmi, P. E.
Deiss & Halmi Engineering
105 Meadville Street
Edinboro, PA 16412

**Application Received**

J une 29, 2007

**Description of Action**

Modification of treatment to add ion exchange for arsenic adsorption and discontinuing sequestration for iron and manganese.

**Application No. 0407506MA**, Minor Amendment.

**Applicant**

Beaver Falls Municipal Authority

**Township or Borough**

West Mayfield Borough

**Responsible Official**

James Stevenson, Production Manager

**Consulting Engineer**

Deiss & Halmi Engineering
105 Meadville Street
Edinboro, PA 16412

**Application Received**

J uly 2, 2007

**Description of Action**

Addition of a settled water turbidimeter and finished water turbidimeter, addition of a new chlorine analyzer on the finished water, replace one chlorinator and add another, and install a chlorine gas monitor.

**Application No. 6507507MA**, Minor Amendment.

**Applicant**

Municipal Authority of Westmoreland County

**Township or Borough**

Ligonier Township

**Responsible Official**

John Ashton, Operations Manager—Production
Municipal Authority of Westmoreland County
P. O. Box 730
Greensburg, PA 15601

**Type of Facility**

Furnace Run water treatment plant

**Application No. 2007504-C**, Public Water Supply.

**Applicant**

Guys Mills Mutual Water Association

**Township or Borough**

Guys Mills Borough
Crawford County

**Responsible Official**

Brian Kirberger, Operator

**Consulting Engineer**

Steven R. Halmi, P. E.
Deiss & Halmi Engineering
105 Meadville Street
Edinboro, PA 16412

**Application Received**

J une 29, 2007

**Description of Action**

Relocation of chlorination point to eliminate discharge of chlorinated water and addition of corrosion control treatment for copper.

**MINOR AMENDMENT**

Applications Received under the Pennsylvania Safe Drinking Water Act

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

**Application No. 0407506MA**, Minor Amendment.

**Applicant**

Beaver Falls Municipal Authority

**Township or Borough**

West Mayfield Borough

**Responsible Official**

James Stevenson, Production Manager

**Consulting Engineer**

Deiss & Halmi Engineering
105 Meadville Street
Edinboro, PA 16412

**Application Received**

J uly 2, 2007

**Description of Action**

Addition of a settled water turbidimeter and finished water turbidimeter, addition of a new chlorine analyzer on the finished water, replace one chlorinator and add another, and install a chlorine gas monitor.
Lands Recycling and Environmental Remediation

UNDA ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate

Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the Pennsylvania Bulletin an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, statewide health standard, 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)(i) 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.

Twin Silo Farm, Plumstead Township, Bucks County. Jeffery Walsh, Penn Env & Remediation Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Jonathan Reiss, Plumstead Township, 5186 Sump Road, Plumsteadville, PA 18949 has submitted a Notice of Intent to Remediate. Soil and groundwater at site has been impacted by release of No. 2 fuel oil. The future use of the site will remain the same.

Yang Property, City of Philadelphia, Philadelphia County. Phil Gray, Phoenix Geoenvironmental, LLC, 445 Bethlehem Pike, Suite 108, Colmar, PA 18915 on behalf of Hang Yang, do Aarch Realty, LLC, 1001 South 11th Street, Philadelphia, PA 19147 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted by release of MTBE, other organics. Anticipated future use for the property is commercial. A summary of the Notice of Intent to Remediate was reported to have been published in The Philadelphia Public Record on June 28, 2007.

Rite Aid, Pennsburg Borough, Montgomery County. Steve Worlsey, Kane Env., 3831 Stone Way North, Settle, WA 98103 on behalf of Ray Renner, Gundaker Commercial Group, 100 Chesterfield Business Parkway, Suite 300, St. Louis, MO has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. The future use of the site will remain the same.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Former Universal-Rundle Corporation, Taylor Township, Lawrence County. ENVIRON International Corporation, 214 Carnegie Center, Princeton, NJ 08540 on behalf of Newcastle Real Estate Holdings, LLC, 372 Rundle Road, New Castle, PA 16102 has submitted a Notice of Intent to Remediate. The results of previous investigations identified constituents (primarily metals) in soil and groundwater at concentrations above the Residential/Nonresidential soil to groundwater MSCs for used aquifers and above the Residential/Nonresidential groundwater MSCs for used aquifers, respectively. In addition, stained soil was identified adjacent to a former paint spray booth. Constituent concentrations in soil and groundwater above the Statewide Health MSCs are most likely related to historical manufacturing activities and or related to regional fill material at the Site. Notice of the NIR was published in The New Castle News on April 21, 2007.

Infectious and Chemotherapeutic Waste Transporter Licenses

Applications received or withdrawn under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.
Renewal Applications Received

Bio-Haz Solutions, Inc., 531 Seneca Road, P. O. Box 420, Lehighton, PA 18235. License No. PA-HC 0191. Received on May 31, 2007.


Determination of Applicability deemed complete under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (35 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit Application No. WMGR111NC-001. PPL Montour, LLC, 2 North 9th Street, Allentown, PA 18101-1139, for the Reading Anthracite site located in Coal Township, Northumberland County. The application for Determination of Applicability for General Permit WMGR111 was deemed complete by the Williamsport Regional Office on June 25, 2007.

Comments concerning the application should be directed to David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the Pennsylvania Bulletin, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the Pennsylvania Bulletin at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984. Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

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

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

46-0264: Caddick Construction Co., Inc. (P. O. Box 179, Ambler, PA 19002) for installation of a nonmetallic mineral crushing and processing plant in Whitemarsh Township, Montgomery County. The facility is a State-only facility. The facility wide PM emission limit will be less than 7 tpy and NOx emissions will be less than 8 tpy. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

01-05017E: Quebecor World Fairfield, Inc. (100 North Miller Street, Fairfield, PA 17320) for construction of a 4-unit double web heatset offset lithographic printing press at their Fairfield Plant in Fairfield Borough, Adams County. The source has the potential to emit 9.9 tons VOC per year. The plan approval and subsequent State-only operating permit administrative amendment 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.
The plan approval and subsequent State-only operating permit will include additional emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

67-03143A: ESAB Welding & Cutting Products

(1500 Karen Lane, Hanover, PA 17331) for construction of a flux powder operation controlled by a fabric collector at their welding equipment manufacturing facility in Hanover Borough, York County. The source has the potential to emit 0.4 ton PM10 per year. The plan approval and subsequent State-only operating permit administrative amendment 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.

OPERATING PERMITS

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


53-00001: Tennessee Gas Pipeline Co. (1001 Louisiana Street, Houston, TX 77002) for renewal of the Title V Operating Permit for their Coudersport facility in Coudersport, Potter County. The facility’s sources include 12 reciprocating internal combustion engines, 14 storage tanks, three water heaters, three space heaters, two furnaces, three parts washers, one auxiliary generator, one jacket water heater, one fire water tank burner and associated pipeline flanges and valves, which have the potential to emit major quantities of NOx, CO and HAPs. The facility has the potential to emit, VOCs, PM/PM10, and SOx below the major emission thresholds. The ten rich-burn engines (Source IDs P101 through P110) are subject to Compliance Assurance Monitoring (CAM) requirements specified in 40 CFR 64.1–64.10 and Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR 63.6580–63.6675. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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


46-00107: ITW Philadelphia Resins (130 Commerce Drive, Montgomeryville, PA 18936) for manufacturing of a variety of adhesives and specialty coatings for industrial and marine applications in Montgomery Township, Montgomery County. This action is a renewal of the State-only Operating Permit. The initial permit was issued on July 5, 2002.


35-00057: Finch Hill Veterinary Clinic (436 Route 106, Greenfield Township, PA 18407) for operation of an animal crematory in Greenfield Township, Lackawanna County. This facility is currently operating under Oper-
at the facility in the Borough of Emporium, Centre County. The State-only operating permit will include emission restrictions, work practice standards, and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

67-02014A: The York Group, Inc. (2880 Blackbridge Road, York, PA 17402) for operation of their wood cabinet manufacturing facility in Manchester Township, York County. The State-only operating permit will include emission restrictions, work practice standards, and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2001.

67-02094: Del-Wood Kitchens, Inc. (1856 Dubs Church Road, Hanover, PA 17331) for operation of their wood kitchen cabinet manufacturing facility in Manheim Township, York County. The State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

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

12-0004: GE Transportation Systems—Motor Coils (55 Pine Street Emporium, PA 15834) for manufacturing of motor coils for locomotive engines at their facility in the Borough of Emporium, Cameron County. The facilities sources consist of one red rubber surface coating line, one natural gas-fired coil burnout oven, one vacuum impregnation and surface coating operations, one large motor coil spray booth and space heaters. This facility has the potential to emit PM/PM10, NOx, SOx, VOC and CO below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

49-00047: Furman Foods (P. O. Box 500, Northumberland, PA 17857-0502) for renewal of the operating permit for their facility in Point Township, Northumberland County. The facility is a manufacturer of canned vegetable products. The facility has the potential to emit major quantities of SOx from two natural gas/No. 2 fuel oil-fired boilers and one No. 2 fuel oil-fired boiler. The facilities other sources consists of six solvent-based degreasing, parts-washing stations, one waste oil burner, one emergency generator and natural gas-fired space heaters. The facility has taken an elective yearly restriction not to exceed the major threshold for SOx. The facility has the potential to emit PM/PM10, NOx, VOCs, CO and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

17-00049: Kurtz Brothers, Inc. (400 Reed Street, Clearfield, PA 17001) for manufacturing of stationary products for their facility in the Borough of Clearfield,Clearfield County. The facility has the potential to emit major quantities of SOx from two coal-fired boilers. The facilities other sources consist of five printing presses and two padder machines. The facility has taken an elective yearly restriction not to exceed the major threshold for SOx. The facility has the potential to emit PM/PM10, NOx, VOCs, CO and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

14-00035: EBY Paving & Construction, Inc. (1001 East College Avenue, Bellefonte, PA 16823) for manufacturing of hot mix asphalt for road and paving construction at their facility in Spring Township, Centre County. The facility’s sources include one aggregate dryer; hot mix asphalt plant and three storage tanks and one solvent based parts cleaning station. These sources have the potential to emit PM/PM10, NOx, SOx, CO, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

49-00038: F. B. Leopold Co., Inc. (P. O. Box 128, Watsontown, PA 17777) for their coal drying, sizing and packaging facility in Delaware Township, Northumberland County. The facilities main sources include a fluid bed dryer, conveying, packaging, screening and storage equipment. These sources have the potential to emit PM/PM10, NOx, SOx, CO, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

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 Blairstown and Mine Subsidence and one No. 2 Construction 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 required for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

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

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

Coal Applications Received

Effluent Limits—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

### Table: Effluent Limits

<table>
<thead>
<tr>
<th>Parameter</th>
<th>30-Day</th>
<th>Daily</th>
<th>Instantaneous</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Average</td>
<td>Maximum</td>
<td>Maximum</td>
</tr>
<tr>
<td>Iron (total)</td>
<td>3.0 mg/l</td>
<td>6.0 mg/l</td>
<td>7.0 mg/l</td>
</tr>
<tr>
<td>Manganese (total)</td>
<td>2.0 mg/l</td>
<td>4.0 mg/l</td>
<td>5.0 mg/l</td>
</tr>
<tr>
<td>Suspended solids</td>
<td>35 mg/l</td>
<td>70 mg/l</td>
<td>90 mg/l</td>
</tr>
<tr>
<td>pH 4</td>
<td></td>
<td></td>
<td>greater than 6.0, less than 9.0</td>
</tr>
<tr>
<td>Alkalinity greater than acidity 1</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

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 1-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 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated for: (3) spoil disposal activities; and (4) drainage (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from coal refuse disposal piles.

California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.

Permit No. 30831303 and NPDES Permit No. PA0013511, Cumberland Coal Resources, LP (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, Greene County to install 11 ventilation boreholes. Surface Acres Proposed 2.39. No additional discharges. Application received April 16, 2007.

Permit No. 56851303 and NPDES Permit No. PA0215350, RoxCOAL, Inc. (P. O. Box 149, Friedens, PA 15541), to renew the permit for the Barbara Nos. 1—2 Mines in Stoney creek and Brothersvalley Townships, Somerset County and related NPDES permit. No additional discharges. Application received January 31, 2007.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15531, (814) 472-1900.

32990109 and NPDES No. PA0235148, Walter L. Houser Coal Company, Inc. (12968 US Route 422, Kittanning, PA 16201), revision of an existing bituminous surface auger mine adding acreage for mining in Washington Township, Indiana County, affecting 56.9 acres. Receiving streams: UNT to and Sugarcamp Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 3, 2007.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

65020102 and NPDES Permit No. PA0250112, Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001), Renewal application for reclamation only to an existing bituminous surface mine, located in East Huntingdon Township, Westmoreland County, affecting 144.4 acres. Receiving stream: UNT to Sherrick Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received June 25, 2007.

65980105 and NPDES Permit No. PA0202363, Gary Golia Coal Company (319 Karen Drive, Elizabeth, PA 15037). Renewal application for commencement, operation and reclamation of a bituminous surface mine, located in Rostraver Township, Westmoreland County, affecting 28.8 acres. Receiving stream: UNT to the Monongahela River, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: Authority of the Borough of Charleroi. Renewal application received June 26, 2007.
02823014 and NPDES Permit No. PA0617661. Settler's Ridge, LP (800 South Street, Suite 395, Waltham, MA 02453). Application received for transfer of permit currently issued to Xecol Corporation for continued operation and reclamation of a bituminous surface mining site located in Robinson Township, Allegheny County, affecting 0.321 acre. Receiving streams: Campbells Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Transfer application received June 14, 2007.

63070102 and NPDES Permit No. PA0251186. Oxford Mining Company (544 Chestnut Street, P.O. Box 427, Coshocton, OH 43812). Application for commencement, operation and reclamation of a bituminous surface mine, located in Jefferson Township, Washington County, affecting 99.7 acres. Receiving streams: UNTs to Scott run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received June 27, 2007.

03900112 and NPDES Permit No. 0003191. Canterbury Coal Company (125 Old Farm Drive, Pittsburgh, PA 15239). Renewal application for reclamation only of an existing bituminous surface mine, located in Kiskiominetas Township, Armstrong County, affecting 81.7 acres. Receiving stream: UNT to Long Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received July 2, 2007.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>30-day Average</th>
<th>Daily Maximum</th>
<th>Instantaneous Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suspended solids</td>
<td>35 mg/l</td>
<td>70 mg/l</td>
<td>90 mg/l</td>
</tr>
<tr>
<td>Alkalinity exceeding acidity*</td>
<td>greater than 6.0; less than 9.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>pH*</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

7574046 and NPDES Permit No. PA0613029. Valley Quarries, Inc. (P.O. Box J, Chambersburg, PA 17201), renewal of NPDES Permit, Southampton Township, Cumberland County, affecting UNT to Bulls Head Branch classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 2, 2007.

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

09070301. Haines & Kibblehouse, Inc. (P.O. Box 196, Skippack, PA 19474), commencement, operation and restoration of a quarry operation in Hilltown Township, Bucks County affecting 83.0 acres, receiving stream: UNT to Neshaminy Creek, classified for the following use: WWF. Application received June 28, 2007.

58040840. Maurice Diaz (P.O. Box 623, New Milford, PA 18834), Stages I and II bond release from a quarry operation in Dimock Township, Susquehanna County on property owned by Brian Severcool. Application received July 2, 2007.

Noncoal Applications Withdrawn

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


FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of...
the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E48-375. Anthony DeFranco, 1498 Ackermanville Road, Bangor, PA 18013, in Washington Township, Northampton County, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 30-inch diameter stormwater outfall structure in Waltz Creek (HQ-CWF) for the purpose of conveying stormwater from a proposed 58-lot residential subdivision, known as Glacier Pointe, directly to the stream. The project is located south of the 58-lot residential subdivision, known as Glacier Pointe, (Bangor, PA Quadrangle N: 16.0 inches; W: 12.0 inches).

E40-669. KD Land, LLC, 114 Back Street, Centre Hall, PA 16828, in Plains Township, Luzerne County, United States Army Corps of Engineers, Baltimore District.

To remove the existing temporary structure and to construct and maintain a private road crossing consisting of a single lane bridge having a single span of approximately 45 feet and underclearance of approximately 5.5 feet across Mill Creek (CWF). The project is located 0.25 mile upstream of the Pennsylvania Turnpike Bridge (Pittston, PA Quadrangle N: 1.0 inch; W: 2.0 inches).

E39-479. Eastern Environmental Development, Inc., 7785 Spring Creek Road, Macungie, PA 18062, in Lower Macungie Township, Lehigh County, United States Army Corps of Engineers, Philadelphia District.

To fill and abandon quarry having a surface area of approximately 1.34 acres. The project is located on the northwest side of Quarry Road approximately 0.7 mile southwest of its intersection with SR 01011 (Allentown West, PA Quadrangle N: 4.0 inches; W: 14.5 inches).


The project will result in the placement of fill in 0.43 acre of wetlands and 0.24 acre of waterways for the purpose of constructing a shopping center and a hotel that will create 17.5 acres of disturbance. The project is located 0.25 mile south of SR 06111 from the Bartonville interchange of I-80 (Sellersburg, PA Quadrangle N: 22.25 inches; W: 2.0 inches).

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

E06-624: Robeson Woods LP/Robeson Woods, W. Joseph Duckworth, 100 West Lancaster Avenue, Suite 102, Wayne, PA 19087, Robeson Township, Berks County, ACOE Philadelphia District.

To construct and maintain: (1) A 12.0-inch DIP water main, a 12.0-inch DIP sewer main, and a 20.0-inch steel casing utility line crossings impacting 40.0-feet of Hay Creek (EV-CWF) (Morgantown, PA Quadrangle N: 12.25 inches; W: 14.92 inches, Latitude: 40° 11’ 32”; Longitude 75° 53’ 35”); (2) a 12.0-inch DIP water main, and a 12.0-inch DIP sewer main utility line crossings impacting 25.0-feet of a UNT to Hay Creek (EV-CWF) (Morgantown, PA Quadrangle N: 12.20 inches; W: 14.92 inches, Latitude: 40° 11’ 31”; Longitude 75° 53’ 35”); (3) a 12.0-inch DIP water main and a 6.0-inch DIP sewer force main utility line crossings impacting 30.0-feet of a UNT to Hay Creek (EV-CWF) (Morgantown, PA Quadrangle N: 11.80 inches; W: 15.15 inches, Latitude: 40° 11’ 23”; Longitude 75° 53’ 29”); and (4) a 12.0-inch DIP water main and a 6.0-inch sewer force main to be installed in a previously filled wetland area under an existing culvert impacting 25.0-feet of wetlands (Morgantown, PA Quadrangle N: 10.22 inches; W: 16.03 inches, Latitude: 40° 10’ 52”; Longitude 75° 53’ 06”) all located in New Morgan Borough, Berks County. Also, (5) to fill in 485.0-feet of a UNT to Hay Creek (Morgantown, PA Quadrangle N: 12.43 inches; W: 15.05 inches, Latitude: 40° 11’ 35”; Longitude 75° 53’ 31”), and to construct and maintain (6) an 8.0-inch DIP sewer main impacting 26.0-feet of stream, and a 6.0-foot wide pedestrian bridge having a span of 20.0-feet and an underclearance of 4.0-feet impacting 20.0-feet of a UNT to Hay Creek (EV-CWF) (Morgantown, PA Quadrangle N: 12.88 inches; W: 15.02 inches, Latitude: 40° 11’ 44”; Longitude 75° 53’ 32”) all located in Robeson Township, Berks County.

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

E41-574. Williamsport Municipal Airport Authority, 700 Airport Road, Suite 204, Montoursville, PA 17754. Water Obstruction and Encroachment Permit Application, Runway Improvements and Floodway Impacts, in Montoursville Borough, Lycoming County, ACOE
Susquehanna River Basin District (Montoursville South, PA Quadrangle N: 41° 14' 19"; W: 76° 56' 05").

To construct and maintain a runway extension off existing Runway 9 approximately 400 feet wide by 800 feet long within the floodway and floodplain, to include floodway and floodplain excavation, within the Loyalsock Creek (CWF) watershed in Montoursville Borough, Lycoming County. The project proposes to impact approximately 0.50 acre jurisdictional wetlands.

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

E63-598. Michael R. and Georgetta V. Williamson, 1029 Nevada Street, Washington, PA 15301. To place and maintain fill in the floodway in Canton Township, Washington County, Pittsburgh ACOE District (Washington West, PA Quadrangle N: 12.68 inches; W: 6.22 inches, Latitude: 40° 11' 42"; Longitude: 80° 17' 40"). The applicant proposes to place and maintain fill in the floodway of a UNT to Wolfdale Run (WWF) for the purpose of constructing a Clubhouse Drive. The project includes construction of a walking trail and an activity field in the floodway of Wolfdale Run in the proposed Brick Ridge Estates located along J efferson Avenue (SR 884).

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

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

To: (1) restore 560 linear feet of a UNT to Beaver Creek (WWF) by removing an in-stream sediment basin by grading a channel through the impoundment and native plantings established in the floodway; and (2) construct and maintain two 18-inch and one 15-inch outfall structures with R-5 riprap rock aprons in the same UNT to Beaver Creek. The project is located approximately 360 feet west of Milroy Road in Swatara Township, Dauphin County (Harrisburg East, PA Quadrangle 40° 16' 2.2" N; 76° 45' 5.46" W).

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.

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

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 actions related to 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 below.

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

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

<table>
<thead>
<tr>
<th>NPDES No.</th>
<th>Facility Name &amp; Address</th>
<th>County &amp; Municipality</th>
<th>Stream Name (Watershed #)</th>
<th>EPA Waived Y/N</th>
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<td>PA0034720</td>
<td>Lakeview Manor Estates 8775 Hemlock Street Meadville, PA 16335</td>
<td>Crawford County Union Township</td>
<td>Kebort Run 20-C</td>
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</table>

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

<table>
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<tr>
<th>NPDES No.</th>
<th>Facility Name &amp; Address</th>
<th>County &amp; Municipality</th>
<th>Stream Name (Watershed #)</th>
<th>EPA Waived Y/N</th>
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<tr>
<td>PA0112631</td>
<td>Allen Wargo 1746 Old Reading Road Catawissa, PA 17820</td>
<td>Columbia County Township</td>
<td>UNT to Roaring Creek 5E</td>
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</table>

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

<table>
<thead>
<tr>
<th>NPDES No.</th>
<th>Facility Name &amp; Address</th>
<th>County &amp; Municipality</th>
<th>Stream Name (Watershed #)</th>
<th>EPA Waived Y/N</th>
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<tr>
<td>PA0026883</td>
<td>City of Beaver Falls 715 15th Street Beaver Falls, PA 15010</td>
<td>Beaver County City of Beaver Falls</td>
<td>Beaver River</td>
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<tr>
<td>PA0095982</td>
<td>Albert Gallatin Area School District 2625 Morgantown Road Uniontown, PA 15401</td>
<td>Fayette County German Township</td>
<td>UNT of North Branch Browns Run</td>
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<tr>
<td>PA0095907</td>
<td>Albert Gallatin Area School District 2625 Morgantown Road Uniontown, PA 15401</td>
<td>Fayette County German Township</td>
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<td>Y</td>
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<tr>
<td>PA0032671</td>
<td>Chris Miller 102 Woodland Road Apollo, PA 15613</td>
<td>Westmoreland County Washington Township</td>
<td>Pine Run</td>
<td>Y</td>
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<tr>
<td>PA0022359</td>
<td>Perryopolis Area Joint Authority P. O. Box 298 Perryopolis, PA 15437</td>
<td>Fayette County Perryopolis Borough</td>
<td>Youghiogheny River</td>
<td>Y</td>
</tr>
</tbody>
</table>

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

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

**NPDES Permit No. PA0210625**, Industrial Waste, Bradford Forest Inc., 444 High Street, Bradford, PA 16701-0369. This proposed facility is located in Borough of Bradford, McKean County.

Description of Proposed Action/Activity: A new NPDES permit for an existing discharge of untreated stormwater and wet decking.

### 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. 0907404**, Sewerage, Upper Southampton Sewer Authority, 945 Street Road, P. O. Box 481, Southampton, PA 18966. This proposed facility is located in Lower Southampton Township, Bucks County.

Description of Action/Activity: Extend force main 4,600 feet.

**WQM Permit No. WQG02-090709**, Sewerage, Upper Southampton Sewer Authority, 945 Street Road, P. O. Box 481, Southampton, PA 18966. This proposed facility is located in Upper Southampton Township, Bucks County.

Description of Action/Activity: Construction and operation of a pump station and sewer extension.

**WQM Permit No. WQG01-0015**, Sewerage, Danielle Bushar, 222 River Road, Gladwynne, PA 19035. This proposed facility is located in Lower Merion Township, Montgomery County.

Description of Action/Activity: Construction and operation of a small flow single-residence sewage treatment plant.

**WQM Permit No. WQG02460711**, Sewerage, Gwynedd Gate, LTD, 120 South Main Street, Doylestown, PA 18901. This proposed facility is located in Lower Gwynedd Township, Montgomery County.

Description of Action/Activity: Construction and operation of a pump station.
### WQM Permit No. WQG02460712
Sewerage, Lower Gwynedd Township Municipal Authority, 1130 North Bethlehem Park, Spring House, PA 19477. This proposed facility is located in Lower Gwynedd Township, Montgomery County.

Description of Action/Activity: Construction and operation of a force main.

### WQM Permit No. WQG01-0014
Sewerage, John V. and Jeanne T. Donnelly, 1961 North Ridley Creek Road, Media, PA 19063. This proposed facility is located in Upper Providence Township, Delaware County.

Description of Action/Activity: Construction and operation of a small flow single-residence sewage treatment plant.

### WQM Permit No. 0907404
Sewerage, Upper Southampton Sewer Authority, 945 Street Road, P. O. Box 481, Southampton, PA 18966. This proposed facility is located in Lower Southampton Township, Bucks County. Description of Action/Activity: Construction and operation of a 4,800 linear feet of 20/H833 force main.

### WQM Permit No. WQG02-150710
Sewerage, Valley Township, P. O. Box 467, 890 West Lincoln Highway, Coatesville, PA 19320. This proposed facility is located in Valley Township, Chester County.

Description of Action/Activity: Construction and operation of a pump station and sanitary sewer extension.

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

### WQM Permit No. WQG02490601
Sewerage, Municipal Authority of the City of Sunbury, Sunbury, PA 17801. This facility will be located in the City of Sunbury, Northumberland County.

Description of Proposed Action/Activity: The applicant is approved under the Water Quality Management General Permit to construct and operate the South Avenue Pump Station and associated sanitary sewers.

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

### WQM Permit No. 3707401
Sewerage, Green Meadows Mobile Home Park, 2186 White Oak Trail, Warrior, AL 35180. This proposed facility is located in New Beaver Borough, Lawrence County.

Description of Proposed Action/Activity: This project is for a new package plant to replace two malfunctioning systems which serve the existing mobile home park.

### WQM Permit No. WGQ018554
Sewage, Brian and Kara Shpakoff, 61 Allison Road, Clarion, PA 16214. This proposed facility is located in Limestone Township, Clarion County.

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

### IV. NPDES Stormwater Discharges from MS4 Permit Actions

### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

### 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
<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Permit Name</th>
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<tbody>
<tr>
<td>PAG-1</td>
<td>General Permit for Discharges From Stripper Oil Well Facilities</td>
</tr>
<tr>
<td>PAG-2</td>
<td>General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)</td>
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<tr>
<td>PAG-3</td>
<td>General Permit for Discharges of Stormwater From Industrial Activities</td>
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<tr>
<td>PAG-4</td>
<td>General Permit for Discharges From Small Flow Treatment Facilities</td>
</tr>
<tr>
<td>PAG-5</td>
<td>General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems</td>
</tr>
<tr>
<td>PAG-6</td>
<td>General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)</td>
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<tr>
<td>PAG-7</td>
<td>General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application</td>
</tr>
<tr>
<td>PAG-8</td>
<td>General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site</td>
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<tr>
<td>PAG-8 (SSN)</td>
<td>Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage</td>
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<tr>
<td>PAG-9</td>
<td>General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site</td>
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<tr>
<td>PAG-9 (SSN)</td>
<td>Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage</td>
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<tr>
<td>PAG-10</td>
<td>General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines</td>
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<tr>
<td>PAG-11</td>
<td>(To Be Announced)</td>
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<tr>
<td>PAG-12</td>
<td>Concentrated Animal Feeding Operations (CAFOs)</td>
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<tr>
<td>PAG-13</td>
<td>Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)</td>
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**General Permit Type—PAG-02**

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<td>Olyphant Borough Lackawanna County</td>
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<td>Smithfield Township Monroe County</td>
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<td>Upper Saucon Township Lehigh County</td>
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<td>City of Pottsville Schuylkill County</td>
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<td>Newton Township Lackawanna County</td>
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<td>Centre County, College and Harris Townships</td>
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<td>Mercer County Coolspring and Fairview Townships</td>
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General Permit Type—PAG-3

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<tr>
<th>Facility Location &amp; Municipality</th>
<th>Permit No.</th>
<th>Applicant Name &amp; Address</th>
<th>Receiving Water/Use</th>
<th>Contact Office &amp; Phone No.</th>
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<tr>
<td>Cumberland County Hampden Township</td>
<td>PAR233548</td>
<td>Cresline Plastic Pipe Co., Inc. 264 Silver Spring Road Mechanicsburg, PA 17050-2896</td>
<td>Trindle Spring Run CWF</td>
<td>DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707</td>
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<tr>
<td>Hayfield Crawford County</td>
<td>PAR118338</td>
<td>Greenleaf Corporation 18695 Greenleaf Drive Saegertown, PA 16433</td>
<td>UNT to Wolf Run (Outfalls 1—6) and French Creek (Outfalls 7—8)</td>
<td>DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942</td>
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<td>PAG-4</td>
<td>PAG045245</td>
<td>Hepburn Township Lycoming County</td>
<td>Mill Creek WWF</td>
<td>Lois J. Bausinger 67 Academy Road Cogan Station, PA 17728-9351</td>
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<td>PAG049355</td>
<td>City of St. Marys Elk County</td>
<td>Elk Creek 17-A</td>
<td>Timothy J. Herbstritt 159 Country Road St. Marys, PA 15857</td>
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<td>PAG049351</td>
<td>Limestone Township Clarion County</td>
<td>UNT to Little Piney Creek 17-B</td>
<td>Brian and Kara Shpakoff 61 Allison Road Clarion, PA 16214</td>
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<td>PAG048469</td>
<td>Columbus Township Warren County</td>
<td>UNT to Coffee Creek 16-B</td>
<td>Fred E. and Katherine Kemp Jensen R. R. 1, Box 14A Lottsville Road Columbus, PA 16405</td>
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<td>PAG048755</td>
<td>Clinton Township Butler County</td>
<td>UNT to Thorn Creek 20-C</td>
<td>Christopher W. Mullen 132 Knoch Road Saxonburg, PA 16056</td>
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<tr>
<td>General Permit Type</td>
<td>PAG056221</td>
<td>City of New Kensington Westmoreland County Allegheny River</td>
<td>Sunoco, Inc. 350 Eagleview Boulevard Suite 300 Exton, PA 19341</td>
<td>Contact Office &amp; Phone No.</td>
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<td>General Permit Type</td>
<td>PAG-5</td>
<td>Permit No.</td>
<td>Applicant Name &amp; Address</td>
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<tr>
<td>PAG-8 (SSN)</td>
<td>PAG083505</td>
<td>Newberry Township York County</td>
<td>Warren Harrold Farm</td>
<td>Springettsbury Township 1501 Mt. Zion Road York, PA 17402</td>
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<td>PAG083529</td>
<td>Newberry Township York County</td>
<td>Randy Deardorff Farm</td>
<td>Springettsbury Township 1501 Mt. Zion Road York, PA 17402</td>
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<tr>
<td>Facility Location &amp; Municipality</td>
<td>Permit No.</td>
<td>Applicant Name &amp; Address</td>
<td>Site Name &amp; Location</td>
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<td>Antrim Township, Franklin County</td>
<td>PAG080002</td>
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<td>Permit No.</td>
<td>Applicant Name &amp; Address</td>
<td>Site Name &amp; Location</td>
<td>Contact Office &amp; Phone No.</td>
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<td>Potter County, Clymer Township</td>
<td>PAG094805</td>
<td>Leslie's Septic Service</td>
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<td>Ackley Farm</td>
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<td>Galetton, PA 16922</td>
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<td>Clymer Township</td>
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<td>Northcentral Regional Office Water Management Program</td>
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<td>208 West Third Street</td>
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<td>(570) 327-3664</td>
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<td>Facility Location &amp; Municipality</td>
<td>Permit No.</td>
<td>Applicant Name &amp; Address</td>
<td>Receiving Water/ Use</td>
<td>Contact Office &amp; Phone No.</td>
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<td>Muncy and Wolf, Lycoming County</td>
<td>PAG104807</td>
<td>Williams Gas Pipeline—Transco</td>
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<td>Northcentral Regional Office Water Management Program</td>
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<td>2800 Post Oak Boulevard</td>
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<td>208 West Third Street</td>
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<td>Receiving Water/ Use</td>
<td>Contact Office &amp; Phone No.</td>
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<td>Berks County, Bethel Township</td>
<td>PAG123561</td>
<td>Elvin L. Martin</td>
<td>Crosskill Creek tributary to Little Swatara Creek</td>
<td>DEP—SCRO</td>
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<td>Martin Farm CAFO</td>
<td>CWF</td>
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<td>980 Little Mountain Road</td>
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<td>Harrisburg, PA</td>
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<td>Myerstown, PA 17067</td>
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<td>17110-8200</td>
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<td>(717) 705-4802</td>
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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

<table>
<thead>
<tr>
<th>Region</th>
<th>Description</th>
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<tbody>
<tr>
<td>Applicant</td>
<td>EZY Water Development Company, Inc.</td>
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<tr>
<td>Address</td>
<td>410 West Mine Street</td>
</tr>
<tr>
<td>Borough or Township</td>
<td>Hazleton, PA 18201</td>
</tr>
<tr>
<td>County</td>
<td>Luzerne</td>
</tr>
<tr>
<td>Type of Facility</td>
<td>Finished Water Bulk Hauling Facility</td>
</tr>
<tr>
<td>Consulting Engineer</td>
<td>Dominic Yannuzzi, P. E.</td>
</tr>
<tr>
<td></td>
<td>Alfred Bensch &amp; Company</td>
</tr>
<tr>
<td></td>
<td>400 One Norwegian Plaza</td>
</tr>
<tr>
<td></td>
<td>Pottsville, PA 17901</td>
</tr>
<tr>
<td>Permit to Operate Issued</td>
<td>June 20, 2007</td>
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</table>

### Operations Permit issued to: Stoltzfus Meats, Inc., Leacock Township, Lancaster County on July 6, 2007, for the operation of facilities approved under Construction Permit No. 3605501.


**Permit No. 32791-MA1, Public Water Supply.**

**Applicant**: Volant Borough

**Borough or Township**: Volant Borough

**County**: Lawrence County

**Type of Facility**: PWS

**Consulting Engineer**: Gannett Fleming, Inc.

**Permit to Construct Issued**: July 10, 2007

### Operations Permit issued to: Bradford City Water Authority, PWSID 6420016, Lafayette Township, McKean County. Permit issued July 2, 2007, for the operation of the Bradford Regional Airport Tank, for finished water storage, as constructed and permitted under operations Permit Number 4287502-MA3, approved September 14, 2005.

### SEWAGE FACILITIES ACT PLAN APPROVAL

<table>
<thead>
<tr>
<th>Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.</td>
</tr>
</tbody>
</table>

**Plan Location**:

**Borough or Township**: Bedford

**Address**: P. O. Box 148

**County**: Bedford

**Plan Description**: The approved plan provides for the extension of sanitary sewer collection service to the Sweet Root Road area of Bedford Township. The project will serve 33 existing homes and will produce 13,200 gpd of sewage flow. The Department of Environmental Protection’s review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**Plan Location**:

**Borough or Township**: Silver Spring

**Address**: 6475 Carlisle Pike

**County**: Cumberland

**Plan Description**: Approval of a revision to the Official Sewage Plan of Silver Spring Township, Cumberland County. The proposed Avalon subdivision consists of a 517-unit residential condominium development and clubhouse with a projected sewage flow of 125,456 gpd. Five hundred and two of the units and the clubhouse will be served by a new pump station which is intended for public dedication. All sewage flows are to the Mechanics-
burg Wastewater Treatment Plant, by means of the upgraded sewer line (to 12") along Gross Drive (State Road). The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

HAZARDOUS SITES CLEAN-UP
UNDER THE ACT OF OCTOBER 18, 1988

Public Notice of Proposed Consent Order and Agreement Boyertown Associates

Colebrookdale Township, Berks County and Douglass Township, Montgomery County

The Department of Environmental Protection (Department), under the authority of sections 5, 316, 401, 402, 610 and 611 of The Clean Streams Law (35 P. S. §§ 691.5, 691.316, 691.401, 691.402, 691.610 and 691.611); sections 104 and 602 of the Solid Waste Management Act (35 P. S. §§ 6018.104 and 6018.602); section 1102 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. § 6020.1102); and section 1917-A of The Administrative Code of 1929 (71 P. S. § 510-17), has entered into a Consent Order and Agreement (CO&A) with Boyertown Associates (Boyertown). The site is located in Colebrookdale Township, Berks County and Douglass Township, Montgomery County.

Boyertown Associates is a Pennsylvania General Limited Partnership having a business address of 201 North Fourth Street, Royersford, PA. Boyertown owns property located at 704 East Fourth Street, Boyertown, PA, referred to as the "Site." The term Site shall also include areas as included in the definition of that term in section 103 of Land Recycling and Environmental Remediation Standards Act (Act 2) (35 P. S. § 6026.103). The Department has concluded that use of the Site by prior tenants has resulted in the release of trichloroethylene (TCE) at the Site, which has caused or contributed to groundwater contamination impacting numerous private water supply wells in Boyertown.

Boyertown intends to characterize the Site, attain and demonstrate compliance with Act 2 cleanup standards for identified contamination in groundwater and possibly soil, and obtain Department approval of a Final Report no later than December 31, 2009, all in accordance with Act 2 and its implementing regulations. Boyertown is obligated to contribute $7,500 in partial reimbursement of the Department's Response Costs associated with the Site.

Under this CO&A, Boyertown is a person that has resolved their liability to the Department for the Site and is eligible for protection from claims for contribution regarding matters addressed in this settlement, as provided by section 705(c)(2) of HSCA (35 P. S. § 6020.705(c)(2)). This contribution protection is intended to be as broad as permissible under HSCA, and the "matters addressed" in this settlement encompass all of the Response actions and Response costs at the Site. Under section 1113 of the HSCA (35 P. S. § 6020.1113), the Department of Environmental Protection is publishing notice of this CO&A and will provide a 60-day period for public comment on the CO&A commencing with the date of this publication.

For a period of 60 days beginning with the July 21, 2007, publication date of this notice, the public is invited to review the CO&A, Monday through Friday, from 8 a.m. to 4 p.m., at the Department's Southcentral Region Office located at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Kathleen Horvath at (717) 705-4866.

After review, the public may submit written comments on the CO&A before September 19, 2007, by mailing them to Kathleen Horvath at the Department's Harrisburg Office at the address noted previously. A person adversely affected by the settlement may also file an appeal from the CO&A to the Environmental Hearing Board. Any questions concerning this notice should be directed to Kathleen Horvath at the telephone number and address noted previously.

The Department has reserved the right to withdraw its consent to the CO&A if comments submitted during the public comment period disclose facts or considerations which indicate, in the Department's discretion, that the CO&A is inappropriate or not in the public interest.

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, 2 East Main Street, Norristown, PA 19401.

Twin Solo Farm, Plumstead Township, Bucks County. Jeffrey Walsh, Penn Env & Remediation Inc., 2755 Bergery Road, Hatfield, PA 19440 on behalf of Jonathan Reiss, Plumstead Township, 5186 Sump Road, Plumsteadville, PA 18949 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Boiler Erection & Repair Co., Inc., Ambler Borough, Montgomery County. Jeffrey Goudsward, Langan Engineering & Env. Svc., P. O. Box 1569, Doylestown, PA 18901 on behalf of John Carey, Sr., Industrial Management Associates, Inc., 200 South Main Street, Ambler, PA 19002 has submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standards.

Phillips Est., West Township, Montgomery County. Joseph Diamadi Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Mike McCann, Ferguson & McCann, Inc., 270 Bodley Road, Aston PA 19014 has submitted a Final Report concerning remediation of site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standards.

269 Canal Road Site. Falls Township, Bucks County. Anthony Cino, 269 Canal Road, LP, 301 Oxford Valley Road, Suite 702, Yardley, PA 19067 on behalf of Trean House Land Resource Solutions, LLC, 1274 North Church Street, Moorestown, NJ 08057 has submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Specific Standards.

Harvey Gray, Inc., Upper Makefield Township, Bucks County. Tarek Selim, Penn E & R, 2755 Bergey Road, Hatfield, PA 19440 on behalf of Harvey Gray Harvey Gray, Inc., 921 Creamery Road, Newtown, PA 18940 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with PCB. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Heintz Corp., Prop., City of Philadelphia, Philadelphia County. Steven Coe, Brown Env. Svc. Corp., 301 South State Street, Suite N102, Newtown, PA 18940 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standards.

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

Tampell/Wegmans, City of Williamsport, Lycoming County. Groundwater Sciences Corporation, 260 Market Place Street, Suite 310, Harrisburg, PA 17110-9307 on behalf of Wegmans Foods Markets, Inc., 1500 Brooks Avenue, Rochester, NY 14692-6844 has submitted a combined Remedial Investigation/Final Report concerning remediation of site soil contaminated with chlorinated solvents, fuel oil No. 2, other organics and PAHs and groundwater contaminated with chlorinated solvents, fuel oil No. 2, inorganics, other organics and PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Dominion Transmission Greenlick Compressor Station, Stewardson Township, Potter County. Dominion Resources Services Inc., P. O. Box 2450, Clarksburg, WV 26301-2450 has submitted a combined Risk Assessment/Cleanup Plan concerning remediation of site soil and groundwater contaminated with BTEX constituents and PCBs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Northwest Region: Environmental Cleanup Program Manager, 202 Chestnut Street, Meadville, PA 16335-3481.

Carbone of Amer Ind Graphite Materials Div., City of St. Marys, Elk County. Hydrosystems Management, Inc., P. O. Box 789, Washington, PA 15301-0789 on behalf of Carbone of America Ind. Corp., 215 Stackpole Street, Suite 1, St. Marys, PA 15857 has submitted a Revised Risk Assessment Report concerning remediation of site soil contaminated with acenaphthene, acetone, anthracene, antimony, arsenic, benzene, beryllium, cadmium, carbon disulfide, chlorobenzene, chloroform, chromium (III), chrysene, copper, dichloroethane 1,2-, dichloroethylene 1,1-, dichloroethylene CIS-1,2-, dichloroethylene TRANS-1,2-, dichloropropene 1,3-, ethyl benzene, fluoranthene, fluorene, lead, mercury, methyl ethyl ketone, naphthalene, nickel, PCB-1260 (aroclor), phenanthrene, pyrene, silver, tetrachloroethylene (PCE), toluene, trichloroethane 1,1,1-, trichloroethane 1,1,2-, trichloroethylene (TCE), vinyl chloride, xylene (Total), zinc and compounds and site groundwater contaminated with acetone, arsenic, barium and compounds, benzene, beryllium, bromodichloromethane, bromomethane, cadmium, carbon disulfide, chloroform, copper, dichloroethylene 1,1-, dichloroethylene 1,1-, dichloroethylene CIS-1,2-, dichloromethane (methylene chloride), dichloropropane 1,2-, diethyl phthalate, iron, lead, manganese, methyl chloride, methyl isobutyl ketone, nickel, pentachlorophenol, pyrene, silver, tetrachloroethylene (PCE), toluene, trimbromomethane (bromofom), trichloroethane 1,1,1-, trichloroethane 1,1,2-, trichloroethylene (TCE), vinyl chloride, xylene (Total), zinc and compounds, and other compound not on the Statewide Health Standards. The report is intended to document remediation of the site to meet the Site-Specific and Statewide Health Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

PESCO Phoenixville MGP, Phoenixville Borough, Chester County. URS Corp., 335 Commerce Drive, Suite 300, Ft. Washington, PA 19034 on behalf of Andrew Panizza Property, East Whiteland Township, Chester County. Michael Christie, Penn Env. & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Guy Woliftong, Chester Interchange Assoc., LP, 2701 Renaissance Boulevard, King of Prussia, PA 19400 has submitted a Final Report concerning the remediation of site soil contaminated with PAH. The Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on May 24, 2007.

Sunoco Ship Road Leak, West Whiteland Township, Chester County. Jennifer Huha, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Barry Albright, 1330 Ship Road, West Chester, PA 19380, Hower Sok, 1323 Ship Road, West Chester, PA 19380, Henry Melius, 1319 Ship Road, West Chester, PA 19380, David McKiney, 1313 Hillcrest Avenue, West Chester, PA 19380, Deverux Foundations, 2013 Renaissance Boulevard, King of Prussia, PA 19406, David Tinney, 1327 Ship Road, West Chester, PA 19380, Richard Conconi, Northwyn Court Apartments, 468 Drive, King of Prussia, PA 19406, Richard Brane, 1314 Dunsinane Drive, West Chester, PA 19380, Henry Stockley, 1308 Dunsinane Drive, West Chester, PA 19380, Paul Miller, 1306 Dunsinane Drive, West Chester, PA 19380, Frederick Custer, 1306 Hillcrest Avenue, West Chester, PA 19380, Robert Erhard, 1308 Hillcrest Avenue, West Chester, PA 19380, Michael Downs, 1309 Hillcrest Avenue, West Chester, PA 19380, Frederick Trautman, 1304 Dunsinane Drive, West Chester, PA 19380, Lilliean Cree, 1309 Hillcrest Avenue, West Chester, PA 19380, Donald Farr, 1303 Hillcrest Avenue, West Chester, PA 19380, John L. Jones, 1303 Hillcrest Avenue, West Chester, PA 19380, David Suplizi, 1301 Dunsinane Drive, West Chester, PA 19380, Bradford Fish, P. O. Box 1135, Marcus Hook, PA 19061, Thomas Hedberg, 690 East Boot Road, West Chester, PA 19380, Tolentino Enterprises, 459 Foster Drive, Springfield, PA 19064, J ohn McBretin, 651 East Boot Road, West Chester, PA 19380, Bruce Jones, 1298 County Lane, West Chester, PA 19380, Dat Shen, 1296 County Lane, West Chester, PA 19380, Barbara Moneey, 1307 Dunsinane Drive, West Chester, PA 19380, submitted a Remedial Investigation Report and Final Report concerning the remediation of site soil and groundwater contaminated with petroleum and unleaded gasoline. The Remedial Investigation Report and Final Report was approved by the Department of Environmental Protection on July 1, 2007.

Keystone Industrial Port Complex, Lot 8, Phase 4, Fairless Hills, Bucks County. Jeffery Smith, P. G., Langan Engineering and Environmental Services, Inc., 30 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Kathleen Myher, United States Steel Corp., 600 Grant Street, Pittsburgh, PA 15222 submitted a Final Report concerning the remediation of site soil contaminated with PAH and PCB. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department on May 1, 2007.

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

Former Tyrone Social Club, Tyrone Borough, Blair County. Blazosky Associates, Inc., 2525 Green Tech Drive, Suite D, State College, PA 16803, submitted a baseline remedial investigation work plan which describes investigative tasks necessary to characterize the site in accordance with the special industrial area provision of Act 2. All or portions of the site were occupied by a dry cleaner, gasoline fueling station/vehicle repair facility and social club. Currently the site is leased by an auto parts retail business. The plan was approved by the Department of Environmental Protection on July 3, 2007.

Pennsylvania American Water Company—Former Yellow Breeches Treatment Plant, Fairview Township,
York County. Molesvich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837, on behalf of Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055-4475 and BlackRock Environmental, LLC, P. O. Box 288, Nazareth, PA 18064, submitted a Final Report concerning remediation of site soils contaminated with No. 2 heating oil from removed underground storage tanks. The Final Report demonstrated attainment of the Residential Statewide Standard, and was approved by the Department on July 5, 2007.

Exide Technologies Facility. West Lampion Township, Lancaster County. Golder Associates, 1100 Hector Avenue, Suite 225, Conshohocken, PA 19423, on behalf of Exide Technologies, 3000 Montrose Avenue, Reading, PA 19605, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with VOCs and petroleum hydrocarbons. The report was approved by the Department of Environmental Protection on June 26, 2007. The applicant intends to remediate the site to a combination of the site-specific and Statewide Health Standards.

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

Dellingers I-80 MM 32 Truck Accident. Graham Township, Clearfield County. CP Environmental Group, Inc., 1052 Fifth Avenue, New Kensington, PA 15068, on behalf of John Dillinger Trucking 265 Vandale Drive, Spartanburg, SC 29303 has submitted a Final Report within 90-day of the release concerning remediation of site soil and surface water contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 26, 2007.

Red Rock Job Corps. Cherry Township, Sullivan County. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Red Rock Job Corps, P.O. Box 218, Route 487, Lopez, PA has submitted a Final Report concerning remediation of site soils contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 25, 2007.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Renewed


AEG Environmental Products & Services, P. O. Box 286, Westminster, MD 21158. License No. PA-AH 0701. Effective June 14, 2007.


Hazardous Waste Transporter License Voluntarily Terminated

Central Office Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.


INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Infectious and Chemotherapeutic Waste Transporter License Renewed

Bio-Haz Solutions, Inc., 531 Seneca Road, P. O. Box 420, Lehighton, PA 18235. License No. PA-CH 0191. Effective June 7, 2007.


Infectious and Chemotherapeutic Waste Transporter License Expired

Central Office Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.
General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.


58-310-012GP3: Haines and Kibblehouse—Montrose Materials (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on June 27, 2007, to construct and operate a Portable Crushing Operation with watersprays at their site in Bridgewater Township, Susquehanna County.

54-310-043GP3: Haines and Kibblehouse—Jeld-Wen Windows (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on June 27, 2007, to construct and operate a Portable Crushing Operation with watersprays at their site in Cass Township, Schuylkill County.

45-310-046GP3: RP Hoffman Excavating (HC 89, Box 119, Pocono Summit, PA 18346) on July 3, 2007, to install and operate an Internal Combustion Engine at their site in Tobyhanna Township, Monroe County.

45-329-004GP9: RP Hoffman Excavating (HC 89, Box 119, Pocono Summit, PA 18346) on July 3, 2007, to install and operate a Portable Crushing Operation with watersprays at their site in Tobyhanna Township, Monroe County.


GP3-14-07-03014: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on June 29, 2007, for Portable Nonmetallic Mineral Processing Plants under GP3 in Taylor Township, Blair County.

GP3-28-03047A: Valley Quarries, Inc. (169 Quarry Road, Chambersburg, PA 17201) on July 5, 2007, for Portable Nonmetallic Mineral Processing Plants under GP3 in Peters and St. Thomas Townships, Franklin County.

GP3-67-03124B: Kinsley Construction, Inc. (135 Mundis Race Road, York, PA 17402) on June 28, 2007, for Portable Nonmetallic Mineral Processing Plants under GP3 in East Manchester Township, York County.

GP9-28-03047A: Valley Quarries, Inc. (169 Quarry Road, Chambersburg, PA 17201) on July 5, 2007, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Peters and St. Thomas Township, Franklin County.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.


06-03063C: East Penn Manufacturing Co., Inc. (P. O. Box 147, Lyons Station, PA 19536) on July 3, 2007, to construct two small parts casters and to modify the existing fabric collector and HEPA filter at their facility in Kutztown Borough, Berks County.

21-03078A: Carlisle Coatings and Waterproofing, Inc. (1275 Ritner Highway, Carlisle, PA 17013-9381) on July 3, 2007, to install a rubberized asphalt sheeting line in Carlisle Borough, Cumberland County.

36-05002C: Armstrong World Industries, Inc. (1067 Dillerville Road, Lancaster, PA 17603-2613) on July 5, 2007, to install a replacement wet scrubber on the No. 6 Roto Line at their flooring plant in the City of Lancaster, Lancaster County.


23-0074: GS Roofing Prod. Co., Inc. (800 West Front Street, Chester, PA 19013) on July 6, 2007, to operate a Thermal Oxidizer in City Of Chester, Delaware County.


22-05051A: The Hershey Co. (19 East Chocolate Avenue, Hershey, PA 17033) on April 24, 2007, to install a new particulate control device at their chocolate candy-manufacturing facility in Derry Township, Dauphin County. This plan approval was extended.
67-02004: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362) on June 27, 2007, to operate three power boilers controlled by an electrostatic precipitator, a lime calciner controlled by a Venturi scrubber and a softwood fiber line and causticizing area to be controlled by a regenerative thermal oxidizer in Spring Grove Borough, York County. This plan approval was extended.


56-00025F: New Enterprise Stone & Lime (P. O. Box 77, New Enterprise, PA 16664) on June 26, 2007, to complete installation of a new piece of equipment at the Bakersville Quarry in Jefferson Township in Somerset County. This plan approval has been extended.

65-00966A: Greensburg Thermal, LLC (755 Opossum Lake Road, Carlisle, PA 17013) on June 28, 2007, to allow completion of stack testing at their facility in Hempfield Township, Westmoreland 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.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

22-05012: ISG Steelton, LLC (215 South Front Street, Steelton, PA 17113-2538) on July 5, 2007, to operate a steelmaking facility in Steelton Borough, Dauphin County. This Title V Operating Permit has been administratively amended to incorporate Plan Approval 22-05012B. This is Revision No. 1.

36-05018: LASCO Bathware, Inc. (40 Industrial Road, Elizabethtown, PA 17022-9425) on June 27, 2007, to operate a bathware manufacturing facility in West Donegal Township, Lancaster County. This Title V Operating Permit was administratively amended so that Section C, Subsection VIII—Compliance Certification requires submittal of a Compliance Certification within 30 days of January 1, 2008, and semi-annually thereafter. This is revision No. 2.


V06-014: Exelon Generating Co.—Schuylkill Station (2800 Christian Street, Philadelphia, PA 19146) on July 3, 2007, to operate an electric generating facility in City of Philadelphia, Philadelphia County. The facility’s air emissions include one 1530 mmBtu/hr boiler, one 233 mmBtu/hr combustion turbine, one 284 mmBtu/hr combustion turbine, one 2.75 MW diesel emergency generator and cold degassing operations.

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.


07-05035: Grannas Brothers Stone & Asphalt Co., Inc. (P. O. Box 488, Hollidaysburg, PA 16648-0488) on July 3, 2007, to operate a batch asphalt plant in Frankstown Township, Blair County. This is a renewal of the State-only operating permit.

36-03092: Donegal Rock Products, Inc. (P. O. Box 10, Rheems, PA 17570-0010) on July 3, 2007, to operate their limestone crushing plant at the company’s Rheems Quarry in West Donegal Township, Lancaster County. This is a renewal of the State-only operating permit.

36-03134: Wilmac Health Care, Inc. (2829 Lititz Pike, Lancaster, PA 17601-3321) on July 3, 2007, to operate their nursing and rehabilitation center in Manheim Township, Lancaster County. This is a renewal of the State-only operating permit.

36-03166: L & S Sweetners (388 East Main Street, Leola, PA 17540-1925) on July 2, 2007, for a liquid bulk tank truck transportation facility in West Earl Township, Lancaster County.

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

60-00017: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17789) on June 5, 2007, to operate a stone processing and asphalt pavement production facility (Lewisburg Quarry) in Buffalo Township, Union County.

18-00026: First Quality Products, Inc. (121 North Road, McElhattan, PA 17748) on June 12, 2007, to operate a sanitary paper products manufacturing facility in Wayne Township, Clinton County.

17-00064: Parkwood Resources, Inc. (511 Railroad Avenue, Holmer City, PA 15748) on June 19, 2007, to operate a coal stockpiling and truck loading facility at their Cherry Tree Mine in Burnside Township, Clearfield County.

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

03-00170: Sylvan America, Inc. (West Hills Industrial Park, R. R. 3, Kittanning, PA 16201) on June 28, 2007, for a mushroom spawn production facility at its West Hills Spawn Plant located in East Franklin Township, Armstrong County.

65-00881: Innovative Carbide, Inc. (11040 Parker Drive, WCIDC, Irwin, PA 15642) on June 25, 2007, a renewal of synthetic minor operating permit for the operation of a carbide facility at North Huntingdon Township, Westmoreland County.

63-00641: Regal Industries, Corp. (P. O. Box 291, 98 East 1st Street, Donora, PA 15033) on June 29, 2007, to operate a refurbishing and paint shop in Donora Borough, Washington County.

26-448: Gerome Manufacturing Co., Inc. (P. O. Box 1089 Oliver Road, Uniontown, PA 15401) on June 28, 2007, to manufacture electronic enclosure cabinets at the Uniontown Plant in North Union Township, Fayette County.

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

01-05016: ISP Minerals, Inc. (P. O. Box O, Blue Ridge Summit, PA 17214-0914) on July 2, 2007, for their stone crushing and coloring facility in Hamiltonban Township, Adams County. This operating permit was administratively amended to incorporate Permit Approval 01-03031A. This is revision No. 2.

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

17-00003: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) on July 2, 2007, by means of a Department-initiated operating permit modification, to delete a redundant malfunction reporting condition which had been erroneously included in the operating permit by the Department at the Luther Compressor Station in Brady Township, Clearfield County.

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

11-00283: Portage Area School District (84 Mountain Avenue, Portage, PA 15946) on July 3, 2007, an Administrative Amendment to change the facility's contact information that is located at Portage Borough, Cambria County.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

Actions on applications under the Surface Mining Reclamation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Reclamation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015), the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

- Permit No 56021301 and GP-12-56021301-R8, Elk Lick Energy, Inc. (P. O. Box 240, 1576 Stoystown Road, Friedens, PA 15541), to revise the permit the Roytown Deep Mine in Lincoln Township, Somerset County to establish an emission inventory for existing coal processing and transfer facility. No additional discharges. Application received October 23, 2007. Permit issued July 3, 2007.

- Permit No 56841606 and NPDES Permit No. PA0110507, Brothersvalley Coal Sales, Inc. (3070 Stoystown Road, Stoystown, PA 15563-8164), to renew the permit for the Scrufield Coal Preparation Plant in Brothersvalley Township, Somerset County and related NPDES permit. No additional discharges. Application received November 7, 2006. Permit issued July 3, 2007.

- Permit Number 56961302 and GP-12-56961302-R7, RoxCOAL, Inc. (1576 Stoystown Road, P. O. Box 149, Friedens, PA 15541), to revise the permit the Miller Mine in Lincoln Township, Somerset County to establish a plant emission inventory for the coal processing and transfer facility. No additional discharges. Application received July 10, 2006. Permit issued July 3, 2007.

- Permit Number 56981301 and GP-12-56981301-R8, Quecreek Minerals, Inc. (1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541), to revise the permit for the Quecreek No. 1 Mine in Lincoln Township, Somerset County to establish an emission inventory for coal processing and transfer based on 1,410,000 tons of raw coal per year. No additional discharges. Application received August 6, 2006. Permit issued July 3, 2007.

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

56060109 and NPDES Permit No. PA0249645. PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), commencement, operation and restoration of a bituminous surface mine in Stonycreek Township, Somerset County, affecting 116.3 acres. The application also includes a stream variance request to construct erosion and sedimentation control structures and mine within the 100 foot barrier of a UNT to Glades Creek. Receiving streams: UNT to Glades Creek and Glades Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 19, 2007. Permit issued June 29, 2007.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

- Permit No 56980350, ABM Mining Co., Inc. (3330 Johnston Road, Smicksburg, PA 16256), transfer of an existing bituminous surface mine from ABM Mining Co., 3330 Johnston Road, Smicksburg, PA 16256 located in Grant Township, Indiana County, affecting 112.0 acres. Receiving streams: UNTs to Little Mahoning Creek classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 11, 2006. Permit issued July 3, 2007.


Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

- 37010120, Perry Coal Company (309 Industrial Park Drive, Wampum, PA 16157). Renewal of an existing bituminous strip operation in Little Beaver Township, Lawrence County affecting 133.6 acres. This renewal is issued for reclamation only. Receiving streams: UNT to...

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

40733203R2. HUD, Inc. t/a Emerald Anthracite II. (P.O. Box 27, Nanticoke, PA 178643), renewal of an existing anthracite coal refuse reprocessing operation in Hanover Township, Luzerne County affecting 38.79 acres, receiving stream: none. Application received July 18, 2005. Renewal issued July 2, 2007.

Noncoal Permits Actions

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

5074SM1 and NPDES Permit No. PA0122629, Valley Quarries, Inc., (P.O. Box J, Chambersburg, PA 17201-0809) renewal of NPDES Permit, Guilford Township, Franklin County. Receiving streams: UNT to Conococheague Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received May 1, 2007. Permit issued June 29, 2007.

Greensburg District Mining Office Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.


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

54980301C2. HMMK, LLC, (P.O. Box 79, Skippack, PA 19474), correction to an existing quarry operation for a change in water handling necessary to operate a wet-processing stone washing/cleaning facility onsite in Foster Township, Schuylkill County affecting 455.4 acres, receiving stream: none. Application received April 3, 2007. Correction issued July 2, 2007.


06074117. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for University Village Apartments in Maxataly Township, Berks County with an expiration date of July 4, 2008. Permit issued July 6, 2007.


36074117. Warren's Excavating & Drilling, Inc. (P.O. Box 1022, Honey Brook, PA 19344), construction blasting for Clearbrook Development in East Donegal Township, Lancaster County with an expiration date of July 1, 2008. Permit issued July 6, 2007.

360741114. Warren's Excavating & Drilling, Inc. (P.O. Box 1022, Honey Brook, PA 19344), construction blasting for South Lebanon Township, Lebanon County with an expiration date of July 1, 2008. Permit issued July 6, 2007.

360741115. Warren's Excavating & Drilling, Inc. (P.O. Box 1022, Honey Brook, PA 19344), construction blasting for Fox Hill Estates in South Londonderry Township, Lebanon County with an expiration date of July 1, 2008. Permit issued July 6, 2007.


FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Regional Office, Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E45-491. Mel and Susan Burchman, 712 A Trenton Road, Langhorne, PA 19047. Tobyhanna Township, Monroe County, United States Army Corps of Engineers Philadelphia District.

To please fill in approximately 0.16 acre of PFO wetlands for the purpose of constructing a single-family dwelling on Lot 20, Unit 2, Section 11 of Lake Naomi Estates residential subdivision. The project is located between Tanglewood Drive and Upper Tunkhannock Creek, approximately 0.2 mile north of SR 0940. (Pocono Pines, PA Quadrangle N: 21.2 inches; W: 7.5 inches). (Subbasin: 2A)

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

E42-325, Universal Well Services, Inc., 201 Arch Street, Meadville, PA 16335. Rutherford Run Lot Development, in Bradford Township, McKean County, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 41° 56' 05"; W: 78° 38' 36")

To conduct the following activities associated with development of a corner lot at the intersection of High Street and Rutherford Run Road:

1. Fill a deminimis area (0.05 acre) of PEM wetland.
2. Construct and maintain a 92-foot long, 15-inch diameter culvert in a tributary to Rutherford Run having a contributor drainage area of less than 100 acres.
3. Excavate and stabilize as restoration of an area of the right 50-foot footway along an approximately 250-foot reach of Rutherford Run.

E43-341, Lake Latonka Property Owners Association, 420 Latonka Drive, Mercer, PA 16137. Dock Re-
720 square feet. 3) remove and replace Dock 10 (Jackson Center, PA Quadrangle N: 41° 16' 20"; W: 80° 10' 53") with a 100-foot long by 3.5-foot wide mainframe, having three slips on each side. Total square footage of the new dock will be 660 square feet. 2) remove and replace Dock 3 (Jackson Center, PA Quadrangle N: 41° 16' 46.5"; W: 80° 10' 46") with a 120-foot long by 3.5-foot wide mainframe, having three slips on each side. Total square footage of the new dock will be 720 square feet. 3) remove and replace Dock 10 (Jackson Center, PA Quadrangle N: 41° 16' 19"; W: 80° 11' 17") The existing mainframe along the shoreline will be used and eight new slips measuring 20-feet long by 3-feet wide will be added to the structure. Total square footage of the new slips will be 720 square feet.

SPECIAL NOTICES

Revised Application and Public Hearing Invitation

Revised Application and Public Hearing for NPDES Permit No. PAS105119; Proposed Alpine Rose Resorts, Eldred Township, Monroe County

NPDES Permit No. PAS105119. On March 28, 2005, the Department of Environmental Protection (Department) issued the permit to Alpine Rose Resorts, Inc. (Alpine Rose) for the discharge of stormwater from construction activities at its proposed project site in Eldred Township, Monroe County. A public hearing on the original permit application was held on January 23, 2003. On or about April 22, 2005, Blue Mountain Preservation Association, Inc. (BMPA) filed an appeal with the Environmental Hearing Board (EHB) challenging the Department’s issuance of NPDES Permit No. PAS105119, for failure to comply with the antidegradation requirements found in 25 Pa. Code § 93.4c (relating to drainage list C). On September 7, 2006, after hearing, the EHB issued an Adjudication and Order sustaining BMPA’s appeal, vacating the permit and remanding the matter to Department for consideration in accordance with the Adjudication. On April 28, 2007, the Department published notice of receipt of the revised Alpine Rose application documentation and plans submitted to the Department in accordance with the EHB’s September 7, 2006 Order.

The Department hereby notices its tentative determination to issue the revised Individual NPDES Permit No. PAS105119 to Alpine Rose Resorts, Inc., based upon the revised application documentation and plans, for the discharge of stormwater from construction activities at the project site in Eldred Township, Monroe County. The Best Management Practices described in the revised plans submitted with the revised permit application documentation constitute the effluent limitations proposed for the project.

The Department will hold a public hearing to accept public comment on the revised application documentation and plans associated with the Individual NPDES Permit Application No. PAS105119 for the discharge of stormwater from construction activities to the Aquashicola Creek and tributaries thereof from the proposed Alpine Rose Resorts project site in Eldred Township, Monroe County. The hearing is in response to BMPA’s request for a public hearing on the revised application documentation and plans submitted by Alpine Rose Resorts, Inc. in response to the EHB’s September 7, 2006 order. In their request for this public hearing, BMPA indicated that they have data that contradicts the Alpine Rose’s Antidegradation and Thermal Impacts Analysis.

The public hearing will be conducted on Wednesday, August 22, 2007, at 7 p.m., at the Eldred Elementary School, Kunkletown Road, Kunkletown, Eldred Township, Monroe County by the Watershed Management Program, Permitting and Technical Services Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Alpine Rose Resorts Hearing, Department of Environmental Protection, Watershed Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the revised NPDES Permit Application No. PAS105119 documentation and plans. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Christine Domashinski at (570) 826-2511 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The revised NPDES permit application documentation and plans are available for review at the Monroe County Conservation District Office, Stroudsburg, PA, (570) 629-3060, or the DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA (570) 826-2511. For further information, contact Mark Carmon of the Department’s Northeast Regional Office at (570) 826-2511.

NPDES Stormwater Individual Permit

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

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

NPDES Permit PAS105119. Stormwater, Alpine Rose Resorts, Inc., 4626 Kathi Drive, Bethlehem, PA 18017-8701, has applied to discharge stormwater associated with a construction activity located in Eldred Township, Monroe County to Aquashicola Creek (HQ-CWF) and tributaries thereof. This notice addresses the Department’s review and tentative approval of revised permit application documentation and plans submitted by Alpine Rose Resorts, Inc. in accordance with the September 7, 2006 EHB Order, and the Department’s tentative determination to issue the permit. The Best Management Practices described in the revised plans submitted with the revised permit application documentation constitute the effluent limitations proposed for the project.

Bid Opportunities

BOGM 07-8, Cleaning Out and Plugging 11 Abandoned and Orphan Oil Wells, (Keith Horn, John Gentilman, Louise M. Corrigan, Carlene M. Novosel and The United States Department of Agriculture Properties), Wetmore Township, McKean County.

The principal items of work include Cleaning Out and Plugging 11 abandoned and orphan oil wells, estimated to be between 1,500—2,450 feet in depth, to the Department of Environmental Protection specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on July 20, 2007, and bids will be opened on August 23, 2007, at 2 p.m. Bid documents cost $10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Please contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY, Secretary


DEPARTMENT OF HEALTH

Application of Albert Einstein Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Albert Einstein Medical Center has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H., Secretary

[Pa.B. Doc. No. 07-1292. Filed for public inspection July 20, 2007, 9:00 a.m.]

Application of Children’s Hospital of Pittsburgh-South Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children’s Hospital of Pittsburgh-South Surgery Center has requested an exception to the requirements of 28 Pa. Code §§ 555.2 and 555.3(d)(2)(3) (relating to medical staff membership; and requirements for membership and privileges).

Application of Children's Hospital of Pittsburgh-North Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children’s Hospital of Pittsburgh-North Surgery Center has requested an exception to the requirements of 28 Pa. Code §§ 555.2 and 555.3(d)(2)(3) (relating to medical staff membership; and requirements for membership and privileges).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H., Secretary


PENNСIВIA BULLETIN, VOL. 37, NO. 29, JULY 21, 2007
Application of Community Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Community Medical Center has requested an exception to the requirements of 28 Pa. Code § 51.3(c) (relating to notification).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

Application of Eastern Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Eastern Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980 or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

Application of The Endoscopy Center at St. Mary for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Endoscopy Center at St. Mary has requested an exception to the requirements of 28 Pa. Code § 553.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980 or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

Application of Gamma Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Gamma Surgery Center has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary
Application of Gettysburg Ambulatory Surgical Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Gettysburg Ambulatory Surgical Center, LLC has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcep@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 9 (TT).

CALVIN B. JOHNSON, M. D., M.P.H., Secretary

[Pa.B. Doc. No. 07-1300. Filed for public inspection july 20, 2007, 9:00 a.m.]

Application of Moses Taylor Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Moses Taylor Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. The facility specifically requests exception from the following standards contained in this publication: 3.1.1.5 (related to handwashing stations), 4.4.7.1 (Table 2.1-5) (relating to medical gas outlets) and 10.2.1.1(2.1-3) (relating to air infiltration).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and/or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 9 (TT).

CALVIN B. JOHNSON, M. D., M.P.H., Secretary

[Pa.B. Doc. No. 07-1300. Filed for public inspection july 20, 2007, 9:00 a.m.]

Application of Grand View Endoscopy Center at Harleysville for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grand View Endoscopy Center at Harleysville has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcep@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 9 (TT).

CALVIN B. JOHNSON, M. D., M.P.H., Secretary

[Pa.B. Doc. No. 07-1300. Filed for public inspection july 20, 2007, 9:00 a.m.]

Application of Punxsutawney Area Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Punxsutawney Area Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. The facility specifically requests exception from the following standards contained in this publication: 3.1.1.5 (relating to handwashing stations), 4.4.7.1 (Table 2.1-5) (relating to medical gas outlets) and 10.2.1.1(2.1-3) (relating to air infiltration).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and/or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 9 (TT).

CALVIN B. JOHNSON, M. D., M.P.H., Secretary

[Pa.B. Doc. No. 07-1300. Filed for public inspection july 20, 2007, 9:00 a.m.]
cally requests exception from the following standard contained in this publication: 2.1.3.1 (relating to square footage of treatment rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by request- ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

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Application of The Surgery Center of Central PA for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Surgery Center of Central PA has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. The facility specifically requests exemption from the following standards contained in this publication: 3.1.2.1.3 and 3.7 (2.4.1) (relating to treatment rooms and recovery areas).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary
[Pa.B. Doc. No. 07-1304. Filed for public inspection July 20, 2007, 9:00 a.m.]

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Application of Temple University School of Podiatric Medicine Ambulatory Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Temple University School of Podiatric Medicine Ambulatory Surgical Center has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

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Application of Titusville Area Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Titusville Area Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: Guidelines for Design and Construction of Hospital and Healthcare Facilities. The facility specifically requests exception from the following standard contained in this publication: 3.12-2.1.1.1 (relating to handwashing).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and
Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Presbyterian Homes of the Presbytery of Huntingdon
220 Newry Street
Hollidaysburg, PA 16648
FAC ID 162302

Wayne Woodlands Manor
37 Woodlands Drive
Waymart, PA 18472
Facility ID 065902

Belle Haven
1320 Mill Road
Quakertown, PA 18951
Facility ID 024302

The Village at Luther Square
149 West 22nd Street
Erie, PA 16502

Maple Winds Care Center
4112 Spring Hill Road
Portage, PA 15946
FAC ID 097502

Lebanon Valley Brethren Home
1200 Grubb Street
Palmyra, PA 17078-3513
Facility ID 380602

Mercy Jeannette Hospital Skilled Nursing Center
600 Jefferson Avenue
Jeannette, PA 15644
FAC ID 100302

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address or numbers listed previously or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary
has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P. E.,
Acting Director, Bureau of Design


ENVIRONMENTAL HEARING BOARD
Allegheny County Sanitary Authority v. DEP; EHB Doc. No. 2007-165-R

Allegheny County Sanitary Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Allegheny County Sanitary Authority for a facility in Pittsburgh, Allegheny County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code §1021.81 (relating to intervention). Copies of the Board’s rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Acting Chairperson


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 Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. 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.

INDEPENDENT REGULATORY REVIEW COMMISSION
Reg. No. Agency/Title
125-61 Pennsylvania Gaming Control Board
General Revisions; Applications; Licensed Entity Representatives; Manufacturer Licenses; Supplier Licenses; Horsemen’s Organizations; Labor Organizations; Junket Enterprises; Management Companies

37 Pa.B. 2197 (May 12, 2007)

Pennsylvania Gaming Control Board Regulation #125-61 (IRRC #2610)
General Revisions; Applications; Licensed Entity Representatives; Manufacturer Licenses; Supplier Licenses; Horsemen’s Organizations; Labor Organizations; Junket Enterprises; Management Companies

July 11, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the May 12, 2007 Pennsylvania Bulletin. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Fees—Implementation procedures.

This rulemaking requires applicants to pay certain fees. The fee amounts are posted on the Board’s website. A reference to the web listing of the Board’s fees should be included in the final-form version of this regulation.

2. Section 421a.1—General requirements.—Statutory authority; Reasonableness; Need; Clarity.

Subsection (a) reads:

A license, permit, certification or registration issuance, renewal or other approval issued by the Board is a revocable privilege. No person holding a license, permit, certification or registration, renewal, or other approval is deemed to have any property rights.

The second sentence is very broad. The Board needs to explain and clarify the intent of this sentence. If the intent is to limit property rights to any “license, permit, certification or registration issuance, renewal or other approval issued by the Board,” then the final-form regulation should specify this intent.

Subsection (c)(2) reads:

(c) By filing an application for a license, permit, certification or registration issuance, renewal or other approval from the Board, an applicant agrees to:

* * * * * *

(2) Waive liability as to the Board, its members, its employees, the Pennsylvania State Police, the Commonwealth and its instrumentalities for damages
resulting from disclosure or publication in any manner, other than a willfully unlawful disclosure or publication of material or information acquired during an investigation of the applicant.

The Board should explain both the statutory authority for this provision and the need for requiring an applicant to agree to such an extensive waiver.

3. Section 421a.3. Investigations; supplementary information.—Implementation procedure; Clarity.

Under Subsection (a), the Board may investigate an applicant “as it may deem appropriate either at the time of the initial application or at any time thereafter.” (Emphasis added.) Would this provision apply after an application has been granted, denied or withdrawn? If so, we recommend that it be placed in another section of the Board’s regulations pertaining to enforcement.

4. Sections 423a.2—423a.3. Preliminary submission review; Application processing.—Fiscal impact; Reasonableness; Implementation procedure.

These two sections address a preliminary review of applications for completeness and the subsequent review of a complete application. Neither section provides detail on how long the Board has to complete its preliminary or final review of an application. We recommend that the final-form regulation provide timeframes for the review of submissions and applications by the Board.

In addition, Section 423a.2(c) includes a reference to “the time period set by the Board.” This is the period within which the applicant may respond to problems with the application identified during the preliminary review. When and how does the Board set this time period, and how is the applicant notified of the time period?

5. Section 423a.4. Deficient applications.—Reasonableness; Need; Implementation procedure; Clarity.

Subsection (a) includes the phrase “a time period prescribed by the Board.” This is a time period in which an applicant may correct deficiencies in a rejected application. As above, this phrase raises the same concerns as Section 423a.2(c). When and how does the Board set this time period, and how is the applicant notified of the time period?

Subsection (b) reads: “Refusal to provide information as required in subsection (a) may result in the immediate denial of the application.” The concern is that Subsection (a) does not include the words “information” or “required.” Subsection (a) states that the Board will notify an applicant of “deficiencies” in the application and will “permit the applicant to cure the deficiencies.” It does not mention any required information. If the intent is that refusal to respond to deficiencies identified by the Board will result in “immediate denial,” then Subsection (b) should be clarified in the final-form regulation.

5. Section 423a.5. Application withdrawal.—Reasonableness; Need; Implementation procedure.

Subsection (a) requires the filing of a petition to withdraw an application. Why does an applicant have to petition the Board to withdraw an application? Why isn’t a letter from the applicant notifying the Board of the withdrawal sufficient?

Under Subsection (d), why would an applicant’s request for withdrawal of an application be denied?

If a petition for withdrawal is granted without prejudice, Subsection (d)(2) provides that the Board will determine when the applicant may be eligible to reapply. What criteria will the Board use to make this determination? Similar to Sections 423a.2—3, why isn’t a timeframe included in the regulation?

7. Section 423a.7. Restriction on application after denial or revocation.—Need; Reasonableness; Implementation procedure; Clarity.

Subsection (a) states that a person, whose application was denied or whose license, permit or registration was revoked, may not apply again for five years. Within two years of denial or revocation, Subsection (c) allows a person to file a petition for permission to apply for a license, permit or registration before the expiration of the five-year ban. What are the bases for the five-year ban and the two-year period? What is the need for the two different time periods and a separate petition process? Why not just allow persons to apply again within two years?

8. Section 427a.2. Manufacturer license applications and standards.—Reasonableness; Implementation procedure; Clarity.

Subsection (b)(3) requires an applicant for a manufacturer’s license to demonstrate that they have “the ability” to manufacture, build or repair slot machines. A commentator noted that this provision would prevent new businesses that want to enter this sector of the economy from obtaining licenses because they may not have “the ability” at the time of application. What is the need for this provision? As questioned by the commentator, how does this provision meet the economic development goals of the Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S.A. §§ 1101—1904) (Act)?

9. Section 427a.5. Responsibilities of a manufacturer.—Need; Reasonableness; Clarity.

Under Subsection (c), a commentator questioned the need for a written agreement between a slot machine licensee and a manufacturer licensee that would allow the slot machine licensee to service or repair slot machines or associated equipment. Since the slot machine licensee owns the equipment, what is the need for the written agreement? If this provision is needed, why is it under a section entitled “responsibilities of a manufacturer”? If it is not needed, it should be deleted from the final-form regulation.

Subsection (d) outlines the type of routine maintenance a slot machine licensee may perform on equipment. As noted in the comments on Subsection (c), what is the need for this provision and why is it in this section?

10. Section 431a.4. Responsibilities of a supplier.—Need; Reasonableness; Clarity.

Subsections (g) and (h) address what slot machine licensees and licensed manufacturers may do to a slot machine. Similar to our concerns above, what is the need for these provisions and why are they under a section entitled “responsibilities of a supplier”?

11. Section 431a.5. Supplier log books.—Reasonableness; Need.

This section requires suppliers to maintain log books to register individuals who enter their place of business. We have two questions. First, what is the need for this requirement?

Second, under Subsection (d), why must a supplier make the books available for inspection by the Department of Revenue or State Police?
12. Chapter 436a. Horsemen's Organizations.—Statutory authority; Reasonableness; Need.

What is the need for requiring horsemen's organizations to file a Horsemen's Organization Registration Statement with the Board? What is the need for requiring officers, directors or representatives of horsemen's organizations to obtain permits from the Board? What is the Board's statutory authority for both of these provisions?

13. Section 436a.1. Definitions.—Consistency with statute; Clarity.

This section provides definitions for the chapter related to horsemen's organizations. The definition of "horsemen" is similar to the definition of "Horsemen of this Commonwealth" found in the Act. The statutory definition differs in that it includes an employee of a trainer. Why was this provision not included in the regulatory definition of "horsemen"?

14. Chapter 438a. Labor Organizations.—Statutory authority; Reasonableness; Need; Clarity.

What is the need for requiring labor organizations to file a Labor Organization Notification Form with the Board? What is the need for requiring officers, agents and management employees of labor organizations to obtain permits from the Board? What is the Board's statutory authority for both of these provisions?

15. Section 439a.1. Definitions.—Reasonableness; Clarity.

The definition of "junket" contains substantive provisions related to the selection or approval of a person to participate in a junket. In the final-form regulation, the Board should delete the substantive provisions from the definition and place them in a section related to the selection or approval of person to participate in a junket.

16. Section 440a.4. Management company responsibilities.—Statutory authority; Fiscal impact; Reasonableness.

A commentator believes the liability imposed on a management company under Subsection (b) is too broad. It believes it is improper to hold the management company liable for the actions of the slot machine licensee outside the purview of the management contract or the operation of the casino. Since the management company cannot do anything to prevent violations, it should not be held jointly or severally liable for them. What is the legal justification for this provision?

17. Miscellaneous clarity.

- The term "entity" is used throughout the regulation. The term is not defined in statute or regulation.
- Section 421a.2(a)(5) references "...applicable Federal or state laws or regulations." In order to provide the regulated community with a more precise understanding of what they must comply with, we recommend that the applicable laws or regulations be referenced in the final-form regulation. In the alternative, the subsection should be deleted.
- Section 421a.5(b)(11) uses the phrase "Other evidence deemed relevant by the Board." This phrase is vague. We recommend that the final-form regulation be amended to specify as to what the other evidence must pertain.
- Section 423a.1(e) uses the phrase "...in a form prescribed by the Board." In addition, other provisions in the proposed regulation refer to an "applicable form." The final-form regulation should inform applicants of how to obtain copies of the appropriate forms.

- Section 423a.2 (a)(2) requires that an applicant submit "additional information and accompanying documentation required by the act or the Board's regulations...." What types of additional information and accompanying documentation are to be included in the application?

ARTHUR COCCODRILLI, Chairperson


INSURANCE DEPARTMENT

Julius Berta, M. D.; Prehearing

Appeal of Julius Berta, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-06-010

On or before August 7, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 7, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 29, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 24, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 14, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before August 21, 2007.

RANDOLPH L. ROHRBAUGH, Acting Insurance Commissioner


Community Surgical Associates; Prehearing

Appeal of Community Surgical Associates under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-06-012

On or before August 7, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's May 21, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 28, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 24, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.
Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 14, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before August 21, 2007.

RANDOLPH L. ROHRBAUGH,
Acting Insurance Commissioner

Easton Hospital; Prehearing

Appeal of Easton Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-06-007

On or before August 7, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s May 14, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 21, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 17, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 7, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before August 14, 2007.

RANDOLPH L. ROHRBAUGH,
Acting Insurance Commissioner

Stephen K. Hasley, M. D.; Prehearing

Appeal of Stephen K. Hasley, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-06-046

On or before July 20, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s June 11, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 8, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 3, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 24, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 31, 2007.

J OEL SCOTT ARIO,
Acting Insurance Commissioner

David Isaac, M. D.; Prehearing

Appeal of David Isaac, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-05-034

On or before July 20, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s April 20, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 21, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 17, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any,
Appeal of Walter Kuhnen, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-06-011

On or before August 7, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s July 7, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 29, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 24, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 14, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before August 14, 2007.

RANDOLPH L. ROHRBAUGH, Acting Insurance Commissioner

Appeal of Kevin McLaughlin, M. D.; Prehearing

Appeal of Kevin McLaughlin, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-06-041

On or before August 7, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s June 4, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 22, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 3, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 7, 2007, with the

RANDOLPH L. ROHRBAUGH, Acting Insurance Commissioner

Appeal of Moses Taylor Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-06-043

On or before July 20, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s June 4, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 7, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 3, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 24, 2007, with the

JOEL SCOTT ARIO, Acting Insurance Commissioner

Appeal of Van D. Nguyen, M. D.; Prehearing

Appeal of Van D. Nguyen, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-06-015

On or before August 7, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s May 27, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 22, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 17, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 7, 2007, with the

JOEL SCOTT ARIO, Acting Insurance Commissioner
Nilesh Arvind Patel, M.D.; Prehearing

Appeal of Nilesh Arvind Patel, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-06-026

On or before July 24, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s June 8, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 14, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 10, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 31, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before August 17, 2007.

RANDOLPH L. ROHRBAUGH, Acting Insurance Commissioner


Pleasant Valley Manor, Inc.; Prehearing

Appeal of Pleasant Valley Manor, Inc. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-06-040

On or before July 20, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s May 18, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 8, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 3, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 24, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before August 31, 2007.

RANDOLPH L. ROHRBAUGH, Acting Insurance Commissioner


Mark B. Real, M.D.; Prehearing

Appeal of Mark B. Real, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-06-014

On or before August 7, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s May 27, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 22, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 17, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 7, 2007, with the
Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies’ termination of the insureds’ policies. The administrative hearing will be held in the Insurance Department’s regional offices in Harrisburg and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Daniel L. Shank; file no. 07-177-36729; Donegal Insurance; doc. no. P07-06-030; August 30, 2007, 10 a.m.

Appeal of Lori and Joseph Walsh; file no. 07-215-35986; Erie Insurance Exchange; doc. no. P07-06-031; August 23, 2007, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party’s case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner’s Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

RANDOLPH L. ROHRBAUGH,
Acting Insurance Commissioner

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies’ termination of the insureds’ policies. The administrative hearing will be held in the Insurance Department’s regional offices in Harrisburg and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Robert and Ethel Esner; file no. 07-266-34934; Peerless Insurance Co.; doc. no. P07-05-024; September 18, 2007, 10 a.m.

Appeal of Eartha Jennings; file no. 07-265-35054; Capital Insurance Co.; doc. no. PH07-06-009; September 18, 2007, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party’s case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner’s Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

RANDOLPH L. ROHRBAUGH,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1324. Filed for public inspection july 20, 2007, 9:00 a.m.]

Sacred Heart Hospital; Prehearing

Appeal of Sacred Heart Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910);
Doc. No. MM07-05-035

On or before August 7, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s April 26, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 28, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator or before August 31, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 14, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before August 21, 2007.

RANDOLPH L. ROHRBAUGH, Acting Insurance Commissioner


Spring Creek Rehabilitation; Prehearing

Appeal of Spring Creek Rehabilitation under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910);
Doc. No. MM07-06-013

On or before August 7, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s May 4, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 28, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator or before August 31, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 14, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before August 21, 2007.

RANDOLPH L. ROHRBAUGH, Acting Insurance Commissioner


Albert D. Sydney, M.D.; Prehearing

Appeal of Albert D. Sydney, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910);
Doc. No. MM07-06-003

On or before August 7, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s April 30, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 21, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator or before August 17, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 7, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before August 14, 2007.

RANDOLPH L. ROHRBAUGH, Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1328. Filed for public inspection July 20, 2007, 9:00 a.m.]

David G. Wilson, M.D.; Prehearing

Appeal of David G. Wilson, M.D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910);
Doc. No. MM07-06-042

On or before July 20, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE’s June 4, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 8, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator or before August 3, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 24, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 31, 2007.

JOEL SCOTT ARIO, Acting Insurance Commissioner

On or before July 20, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's June 4, 2007 determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 7, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 3, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

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JOEL SCOTT ARIO, Acting Insurance Commissioner


Robert Paul Zimmerman; Prehearing

Appeal of Robert Paul Zimmerman under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. §§ 1303.101—1303.910); Doc. No. MM07-06-048

On or before July 20, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's May 16, 2007 determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 7, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 3, 2007. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 24, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before July 31, 2007.

JOEL SCOTT ARIO, Acting Insurance Commissioner

Division and removing the Project Management Office. It also moves certain functions of the current Project Management Office and the Applications Support Division (Database Administration section, Network Node team, and Statistical Analysis System team) to the Data Management and Operations Division and moves the functions of the Web Content Section to the Applications Support Division.

Resolution #OR-07-103, Dated May 1, 2007. Approval to reorganize the Department of Education by abolishing the Division of School Library Services within the Bureau of Library Development.

Resolution #OR-07-108, Dated May 11, 2007. Authorizes the reorganization for the Department of Public Welfare by consolidating the Bureau of Human Resources' four current divisions into three divisions by abolishing the Division of Human Resource Systems and Employee Benefits; renaming the Division of Position Management to the Division of Human Resource Services; renaming the Division of Employee Relations and Development to the Division of Employee Relations and Workplace Support; and renaming the Division of Human Resource Planning and Analysis to the Division of Human Resource Planning and Development.

Resolution #OR-07-135, Dated June 4, 2007. Authorizes the reorganization for the Department of Public Welfare, Office of Mental Health and Substance Abuse Services by creating the Office of the Medical Director; consolidating the current Bureau of Operations and Quality Management and Bureau of Hospital Operations into the Bureau of Community and Hospital Operations; creating the Division of Hospital Operations and abolishing the Division of Evaluation and MIS and the Division of Program Standards and Licensing; renaming the Bureau of Program and Policy Development to the Bureau of Policy, Planning and Program Development; creating the Division of Substance Abuse Services and renaming within this Bureau the Division of Planning and Policy Development to the Division of Behavioral Health Policy and the Division of Research and Program Development to the Division of Planning and Program Development; abolishing the Bureau of Consumer and Family Affairs; renaming the Division of Medicaid Finance and Financial Review to the Division of Medicaid Finance within the Bureau of Financial Management; and moving the Division of Hospital Administrative Services from the requested consolidated Bureau of Hospital Services to this Bureau.

Resolution #OR-07-149, Dated June 25, 2007. Authorizes the transfer of the Corporation Bureau from the Administration Deputate to the Regulatory Programs Deputate and consolidates the Division of Business Processing, the Division of Customer Service and the Division of UCC and Certification into two divisions, the Division of Business Processing, Certification and UCC and the Division of Operations Support; transfers the Bureau of Commissions, Elections and Legislation (BCEL) to the Administration Deputate and renames the Division of Campaign Finance to the Division of Campaign Finance and Lobbying Disclosure.

Resolution #OR-07-151, Dated June 20, 2007. Authorizes the reorganization for the Department of Health in the Bureau of Human Resources by establishing the Division of Labor Relations and Safety; and renaming the current Division of Equal Employment Opportunity and Training to the Division of Workforce Development and Training.

Governor's Office


Administrative Circular No. 07-06—Closing Instruction No. 3, Prior Fiscal Year Appropriations Subject to Act 146 Waivers; Encumbrances Carried Forward From Prior Fiscal Years (Including Contracted Repairs), Dated April 23, 2007.


MARY JANE PHELPS,
Director
Pennsylvania Bulletin


NAVIGATION COMMISSION
FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES
Apprentice River Pilot Applications

The Navigation Commission for the Delaware River and its Navigable Tributaries (Commission) announces openings in its apprentice river pilot program. The Commission will accept applications through September 17, 2007. At this time, the Commission anticipates appointing five apprentices in 2007. Interested persons may obtain application forms by contacting the Commission at (717) 787-6458. Persons who previously had an apprentice pilot
application on file with the Commission must file a new application to be considered for appointment as an apprentice pilot.

BARBARA DUPLER, Commission Administrator

OFFICE OF THE ATTORNEY GENERAL

Public Meeting

The meeting of the Lobbying Disclosure Regulation Committee (Committee) established under act of November 1, 2006 (P. L. 1213, No. 134) (Act 134) effective January 1, 2007, will be held on Thursday, July 26, 2007, at 9 a.m. in Hearing Room 3, North Office Building, Harrisburg, PA.

The purpose of the meeting will be for the Committee to consider regulations under Act 134 and to receive public comments. Visit www.attorneygeneral.gov for more information and to view a copy of the complete agenda.

THOMAS CORBETT, Attorney General

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 August 13, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-00123627 (Corrected). Esther A. Shinski (P. O. Box 32, Gordonville, Lancaster County, PA 17520-0032)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points located within a 20 mile airline distance of carrier’s domicile at 706 Georgetown Road, Paradise, Lancaster County, and from points in said territory to points in the County of Lebanon, and return.

A-00123917. Kenneth Scott Cobb, t/a Kenny’s Cab (3014 Derry Steet, Harrisburg, Dauphin County, PA 17111)—certificate of public convenience to begin to transport, as a common carrier, by motor vehicle, persons upon call or demand, from points in the Counties of Dauphin, York, Cumberland and Adams.


A-00123933. Gheorghe Radu, t/a Checker Taxicabs Co. (3230 Asbury Road, Erie, Erie County, PA 16506)—persons, upon call or demand, in the County of Erie.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00123918. Paul J. Santomauro & Braden E. Snyder, Copartners, t/a Telos II, A General Partnership (212 Markey Street, Apt. 1., Lewisburg, PA 17837)—persons upon call or demand, in the Borough of Danville, Montour County; the Boroughs of Riverside, Milton and Watstown, Northumberland County and Borough of Lewisburg, Union County, and within an airline distance of 5 statute miles of all limits in said municipalities, which is to be a transfer of all the rights authorized under the certificate issued at A-00113979, to Aurora Taxi, Inc., subject to the same limitations and conditions.
Applications of the following for approval to
begin operating as a broker for transportation of
persons as described under each application.

A-00123925. P K Cab Co. (209 Avon Road, Upper
Darby, Delaware County, PA 19082) a corporation of the
Commonwealth, for the right to begin to transport, as a
common carrier, by motor vehicle, persons, upon call or
demand, in the City and County of Philadelphia and that
area bounded by a line beginning on the north of the
Delaware River at the Philadelphia County line, thence
northwardly, westwardly and southwardly along the
Philadelphia County line to Philmont Avenue, thence
southwestwardly along Philmont Avenue, Welsh Road,
Valley Road, Washington Lane, Township Line to
Glenside Avenue (excluding any portion of the Borough of
Jenkintown), Easton Road, Church Road and Paper Mill
Road to the Philadelphia County line (Stenton Avenue),
thence westwardly along the Philadelphia County line
and Blue Bell to Joshua Road, thence southwestwardly
along Joshua Road to Cedar Grove Road, thence
southeastwardly along Cedar Grove Road and the Schuyl-
kill River joining the Philadelphia County line and con-
tinuing to Port Royal Avenue, thence across the Schuyl-
kill River to Mill Creek Road, Montgomery County, thence
southwestwardly along Mill Creek Road, Lancaster Ave-
uenue, Ardmore Avenue into Delaware County, and con-
tinuing along Ardmore Avenue, Ellis Road, Lawrence
Road and Darby Creek Road to Darby Creek; thence
southwardly along Darby Creek to State Road, thence
southwardly along State Road, Springfield Avenue, Saxer
Avenue, Baltimore Avenue, Woodland Avenue and Kedron
Avenue to MacDade Boulevard, thence northeastwardly
along MacDade Boulevard to Winona Avenue continuing
in a straight line to the Delaware River, and thence
northwardly along the Delaware River to the place of
beginning and persons upon call or demand in the
Boroughs of Norwood, Prospect Park, Ridley Park and
Rose Valley, the Townships of Ridley, Tincum, Nether
Providence, the Village of Moylan and including Lester
and Essington, all in Delaware County; and said area to
points in Pennsylvania, limited to the use of one vehicle;
which is to be a transfer of all the rights authorized
under the certificate issued at A-00111592, to Gursharan
Cab Co., subject to the same limitations and conditions.

Application of the following for amendment to the
certificate of public convenience approving the
operation applications of the following for the
additional right and privilege of
operating motor vehicles as common carriers for
transportation of persons as described under each
application.

A-00123759, F2. Marco & Peter Auto Transit (1715
E. 13th Street, Philadelphia, Philadelphia County, PA
19148)—persons in paratransit service from points in the
Counties of Philadelphia, Bucks, Delaware, Chester
and Montgomery, to points in Pennsylvania, and return.

Applications of the following for approval to begin
operating as a broker for transportation of
persons as described under each application.

A-00123929. Jack B. LaForté (1265 Rosecrest Avenue,
Monessen, Westmoreland County, PA 15062)—brokerage
license—for the transportation of persons between points
in Pennsylvania.

A-00123931. Lucia Calabrese Wargo, t/a Cracker-
jack Tours (P. O. Box 390, South Heights, Beaver
County, PA 15081)—brokerage license—for the transpor-
tation of persons between points in Pennsylvania.

PENNSYLVANIA BULLETIN, VOL. 37, NO. 29, JULY 21, 2007
NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretary's cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

JAMES J. MCNULTY, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary


Water Service

A-212285F0147. Pennsylvania-American Water Company, Application of Pennsylvania-American Water Company for approval to offer, render, furnish or supply water service to the public in additional portions of Worcester Township, Montgomery County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before August 6, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company
Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary


STATE SYSTEM OF HIGHER EDUCATION

Request for Proposal

RFP-PASSHE-CM & PM-2007; Centrally Held Contracts For Construction and Project Management Services; Category 1. Construction Management Services and Category 2. Project Management Services

The State System of Higher Education (System) is seeking to centrally contract with a number of firms to have professional firms available to perform construction management and project management services for the System, the System's universities, branch campuses, regional centers and other facilities. For the System's institutions, a request for services will either come from the University or from the Office of the Chancellor.

Projects will be located at the 14 State-owned universities (Bloomsburg, California, Cheyney, Clarion, East Stroudsburg, Edinboro, Indiana, Kutztown, Lock Haven, Mansfield, Millersville, Slippery Rock and West Chester), Dixon University Center in Harrisburg, and the various branch campuses of the Universities. Universities and the Office of the Chancellor will solicit proposals from contracted firms to provide services that include: (1) Construction Management Services; and (2) Project Management Services.

The Request for Proposal (RFP) is available at www.passhe.edu/content/?/office/finance/facilities/procurement/rfp-passhe-cm/pm-2007. Interested and qualified firms can obtain the RFP, preferably from the website or from the Office of the Chancellor, Dixon University Center, Construction Support Office, 2986 North Second Street, Harrisburg, PA 17110-1201. Requests for the RFP can be sent to Dorethe Latin by fax (717) 720-4111, dlatin@passhe.edu. The date of the Preproposal Conference is posted on the website. Responses to the RFP are due on Thursday, August 30, 2007, by 4 p.m.

The System encourages responses from small firms, minority firms, women-owned firms and firms that have not previously worked for the System, and the System will consider joint ventures that enable these firms to participate in System contracts. Nondiscrimination and equal opportunity are the policies of the Commonwealth and the System.

The duration of a contract is 2 initial years, plus 2 optional renewal terms of 2 years each, maximum of 6 years. The contact person is James Barbush, Facilities Contracts Manager.

To aid the system in evaluating responses to this RFP and developing a useful list of proposers, all proposers shall submit the following information by e-mail (preferred) or fax:

- PROPOSER'S COMPANY NAME
- Proposer's Mailing Address
- Must provide street address in addition to any P. O. Box in case of express mailing
- Contact Person's Name
- Contact Person's Title
- Contact Person's Phone, Fax and E-mail address

This information will allow the System to efficiently communicate with Proposers regarding important information, such as Addenda, concerning the RFP.
As the first line of communication from the System to the proposer, e-mail is preferred over mail, phone and fax.

Submit the information by e-mail (preferred) or fax to Dorethe Latin, Construction Support Secretary, dlatin@passhe.edu, fax (717) 720-4111, Office of the Chancellor, Dixon University Center, Construction Support Office, 2986 North Second Street, Construction Support Office, Harrisburg, PA 17110-1201.

JUDY G. HAMPLE, Chancellor
3511

TREASURY DEPARTMENT
Unclaimed Property Owners
Each year, the Treasury Department (Department) receives millions of dollars in unclaimed property from
abandoned bank accounts, forgotten stocks, checks that
have not been cashed, certificates of deposit, safe deposit
box contents, life insurance policies and other sources.
Treasury maintains custody of this unclaimed property,
while working hard to return it to its rightful owners.
The following is a list of owners whose unclaimed
property was reported and delivered to the Treasury
Department. If you find your name, you can file a claim
on Treasury’s website at www.patreasury.org. From this
site, you can download a claim form and follow the
progress of your claim. Persons may also file a claim by
calling the Bureau of Unclaimed Property at (800) 2222046 Monday through Friday, 7:30 a.m.—4:30 p.m. Written inquiries may be sent to the Bureau of Unclaimed
Property, P. O. Box 1837, Harrisburg, PA 17105-1837,
Attention Research Department.
The Bureau of Unclaimed Property is administered by
the Pennsylvania Treasury Department.
ROBIN L. WIESSMANN,
Treasurer
100 Plaza Court Suite C East, 447 Office Plaza, E. Stroudsburg, Pa, 18301
1010412 Ronald Kenyon, 509 Canton St, Troy, Pa, 16947
1023 American Racing, 3251 Old Frank Town Rd, Greensburg, Pa, 15601-0000
1063 Blauvelt Appraisals Inc, 111 Shady Brook Drive, Langhorne, Pa, 19047
1101 Merlin Tower, 1518 Walnut St, Phil Pa, Pa
14th District Townwatch Council, C O Russell J Allen, Philadelphia, Pa, 19144
1500 Locust Apartments, 1500 Locust St, Philadelphia, Pa, 19102-0000
1510 Latimer St Inc, C/O Seitchik, Philadelphia, Pa, 19110-0000
1611 Green Street Ltd, C/O Ford Ernst & Young, New York, Ny, 10172
1717 Capital Management, 5940 Hamilton Blvd, Wescosville, Pa, 18106
17r1 Airport Lot, Enterprise Leas Co, Lester, Pa, 1029
17th Street Group Llc, P O Box 342, Selinsgrove, Pa, 17870-0342
1823 Sansom St Corp, 1823 Sansom St A, Philadelphia, Pa, 19103
1900 Emer Phys Serv - C Paston, Po Box 13826, Philadelphia, Pa, 19101
1900 S G Associates, 1900 Spring Garden St, Philadelphia, Pa, 19130
1980 Oil Rite Co, 421 7th Ave Federated Inv.Bld, Pittsburgh, Pa, 15219
19th Street Radiology, Assoc Philadelphia, Philadelphia, Pa, 19146
201 Craig Enterprises Ltd, 34 School Ln, Feasterville, Pa, 19053
217 W George Inc, 205 W Girard Ave, Philadelphia, Pa, 19123
21nd Chemenas Estate Of, 200 E Springfield Rd, Springfield, Pa, 19064
21st Century Health, 1760 Market St, Philadelphia, Pa, 19103-0000
2300 W Firth, 2325 W Firth St, Philadelphia, Pa, 19132-4125
2325 East Carson Street Assoc, 2400 Ardmore Blvd, Pittsburgh, Pa, 15221
2357 Lincoln Highway East Inc, 1700 Tomlinson Rd, Philadelphia, Pa, 19116
247 Equipment Company Inc, Rt 519 Po Box 4547, Eighty Four, Pa, 15330
2e Corp, 121 Sinegar Pl, Potomac Falls, Pa, 20165
3 D Bodyworks Inc, 300 W Boot Rd, West Chester, Pa, 19380
3 On 3 Doddale Soccer, *, Scottdale, Pa, 15683
3050 Magnolia Rd, 812 Holly Ct, Norristown, Pa, 19401
309 Nissan Inc, 616 N Bethlehem Pi, Ambler Rd1, Pa, 19002
32 Reds Ltd, 1437 39 South St, Philadelphia, Pa, 19146
334 Penn Dot A, Pobox 3555, Harrisburg, Pa, 17105
3737 Property Inc, 3737 N 2nd St, Phila, Pa, 19140
3d Body Works Inc, 300 West Boot Road, West Chester, Pa, 19380
3d Scan Inc, 296 Wright Avenue, Kingston, Pa, 18704
4 Retail, Pro Center Cbs, Pittsburgh, Pa, 15286
400 Solutions Inc, Po Box 715, Huntingdon Vly, Pa, 19006
400 W Germtwn Pk Aso, 400 Germantown Pike, Plymouth Meeting, Pa, 19462
48th And Woodland Ave Playgrnd Advisory, 4701 47th St, Philadelphia, Pa, 19143
5 Star Life Insuranc, P O Box 450, Taylor, Pa, 18517-0450
500 Collision Center Inc, 1110 Township Line Rd, Chester, Pa, 19013
5000 Letterkenny Rd, Ste 200, Chambersburg, Pa, 17201-8388
52nd Market & Snack, 9 South 52nd Street, Philadephia, Pa, 19139
5601 Corporation, 5801 Master Street, Philadelphia, Pa
58th Street Medical, 25 Bala Avenue, Bala Cynwyd, Pa, 19003
5900 Trinity St Block Clu, 5959 Trinity St, Phila, Pa, 19143
5th St Pharmacy Inc, 2729 N 5th St, Philadelphia, Pa, 19133-2702
646 Paugh, Listie Road Frie, Dens, Pa, 15541
68 Culver Llc, 401 City Ave Suite 65, Bala Cynwyd, Pa, 19004-1122
6900 State Road Enterprises In, 654 Stream Ridge Ln, Trevose, Pa, 19053
7 Eleven, 23 E Baltimore Pike, Lansdowne, Pa, 19050
701 Park Corp, 701 Adams Ave, Philadelphia, Pa, 19124
708 1/2 Church Lanes Enterpr, 13 Linden Drive, Broomall, Pa, 19008
79784 Fbo Merrill Lynch Cap1 - Res Awaiting I, 10 Penn Ctr Plz, Phila, Pa, 19103
8000 Tioga County Employees, Po Box 58, Wellsboro, Pa, 16901
84 Components Company, 1019 Route 519, Eighty Four, Pa, 15330-2813
84 Ip Escrow Account, 2902 Bethel Church Rd, Bethel Park, Pa, 15102-1604

84 Lumber, Attn: Janet Myers/Box 8484 Bld, Eighty Four, Pa, 15384
84 Lumber Company, 4121 Washington Rd, Mcmurrey, Pa, 15317
936 Phans Corporation, 936 Race St, Phila, Pa, 19107
9th Highland Mobil, 729 Highland Avenue, Chester, Pa, 19013
9th Street Internal Medicine Assoc, Walnut Towers Ste 401, Philadelphia, Pa, 19107

A
A & A Associates Inc, 36 Bamboo Terrace, Key West, Fl, 33040
A & A Vending, Rd 1 Box 2145, Jonestown, Pa, 17038
A & D Aviation Inc, C/O J L Danton Assoc, Rockvle Ctr, Ny, 11570
A & J Brokerage Corp, 1 Buckthorn Ln, Collegeville, Pa, 19426
A 1 Mummas Driving School Inc, 7 A Welsh Dr, Lancaster, Pa, 17601
A 1 Restaurant Supply Co, 732 N 16th Street, Allentown, Pa, 18102
A 1 Uniforms Inc, 3225 N 13th St 3rd Floor, Philadelphia, Pa, 19148
A A Auto Parts Stores Inc, 708 Cherry Circle, Wynnewood, Pa, 19096
A A Motors Inc, 109 W Rockland St 11, Philadelphia, Pa, 19120
A A R P Health Care Options, Po Box 7000, Allentown, Pa, 18175
A A R P Pharmacy, Po Box 8368, Philadelphia, Pa, 19101
A And A Auto Glass Inc, 41 Birth Street, Lake Ariel, Pa, 18436
A And B Surgical Inc, 10 Scheivert Avenue, Aston, Pa, 19014
A B C Trucking, 8029 Bristol Pke, Levittown, Pa, 19047
A B G Enterprises Inc, 196 Lincoln Ave, Pittsburgh, Pa, 15202
A B L Inc, 180 Sugarman Rd, Coatesville, Pa, 19320
A Bassaner Moving & Storgage, 1045 D Adams Circle, Benralem, Pa, 19020
A Esposito Inc, 1001 South 9th Street, Philadelphia, Pa, 19147
A F S C M E, Michael Holleran, Pittsburgh, Pa, 15202
A G Construction, 503 Keystone Avenue, Peckville, Pa, 18452
A G Edwards & Sons Inc, Attn Emily S Myers, Camphill, Pa, 17011-0000
A Home, 1901 Market St, Philadelphia, Pa, 19104
A J Bednar Enterprises Incorpo, 273 Union St, Kingston, Pa, 18704
A J Bekavac Funeral Home, 844 Larimer Ave, Turtle Creek, Pa, 15145-1049
A J Printing Inc, T/A Sir Speedy Printing Ctr, King Of Prussia, Pa, 19406
A L Inc, 4201 State Rt 51, Belle Vernon, Pa
A M B Funding, Rd 1 Box 74t, Thomasville, Pa
A M G Inc, P O Box 550, York, Pa, 17405-0000
A Marinelli & Sons Inc., P.O. Box 1137, Havertown, Pa, 19083-0000
A Neil Associates Inc, 3660 Salmon Street, Philadelphia, Pa, 19134-5525
A O K, 2383 Upper Harness Road, Warrington, Pa, 18976
A O K Auto Body Inc, 1330 Washington Ave, Phila, Pa, 19147
A P Residential Realty, 1735 Market St, Philadelphia, Pa, 19103
A Plus Insurance Center Inc, 203 Markley St, Norristown, Pa, 19401
A Plus Mini Market, Broad Hunting Park Ave, Philadelphia, Pa, 19140
A R K Profit Sharing Trus, C/O Murray Kitay, Cheswick, Pa, 15024-9808
A Richard Kacin Inc, 795-22 Pine Valley Dr, Pittsburgh, Pa
A Rosenfeld, 7 Neshaminy Interplex, Trevose, Pa, 19053
A S J Support Services In, 257 Cedar Hill St, Marlborough, Ma, 1752
A Sharon Cain T, Alyssa’s Sweet Conf, Chalfont, Pa, 18914
A T And T Inc, Po Box 60711, Harrisburg, Pa, 17106-0000
A T S L Inc, 1800 Jfk Blvd 5th Flr, Philadelphia, Pa, 19103
A U Holly Oak Med Practic, Po Box 899, Fairless Hills, Pa, 19030-0000
A Z Industries, 430 Allentown Dr, Allentown, Pa, 18103
A&A Delaware Valley, 832 Lansdowne Av, Drexel Hill, Pa, 19026
A&B Auto Body, Rd 1 Box 302, Boswell, Pa, 15531-9419
A&E Stores, 1714 Chestnut Street, Philadelphia, Pa, 19103
A/C Clerk Of Courts, Room 115 Courthouse, Pgh, Pa, 15219-0000
A/C: California Public Employees Tiffany, 2300 Computer Ave, Will Grove, Pa, 19090
A/R, 101 N Main St, Athens, Pa, 18810-0000
A1 Auto Electric, 491 Brown Ave, Turtle Creek, Pa, 15145-1315
A1 Installation Llc, 339 West Lancaster Ave 3rd Flr, Haverford, Pa, 19041
A1 Yates Services Group, 14 Elwood Circle, Quakertown, Pa, 18951-1011
Aa Self Storage, Hazleton, Pa, 18202-9748
Aaa Concessions, 1000 Bryn Mawr Rd, Carlisle, Pa, 17013
Aaa East Penn Ins Agency Inc, 3300 Lehigh Street, Allentown, Pa, 18103
Aaa Host Inc, 1509 Conneaut Lake Rd, Conneaut Lake, Pa, 16316
Aaa Keystone Tarvel, 943 East Sproul Road, Springfield, Pa, 19064
Aaa Lancaster Ins Tt, 804 Estelle Dr, Lancaster, Pa, 17601
Aaa Mid Atlantic, 100 Hazle Street, Wilkes Barre, Pa, 18702
Aaa Mid Atlantic, 584 Middletown Blvd A100, Langhorne, Pa, 19047-1874
Aaa Travel Agency, 2040 Market St, Philadelphia, Pa, 19103
Aaa West Penn, 138 Clearview Cir, Butler, Pa, 16001
Aacr, 150 South Independence Ma, Philadelphia, Pa, 19106-3483
Aadco Colliion Repair Inc, 1000 River Rd 200, Conshohocken, Pa, 19428
Aadsen Duane R, 533 Bauer Rd, Bath, Pa, 18014
Aafrc Trust, Fulfillment Dept G, Sewickley, Pa, 15143
Aafrc Trust For Philan, Po Box 1020, Sewlickey, Pa, 15143-1020
Aafrc Trust Philanthropy, Po Box 1020, Sewickley, Pa, 15143
Aaham, C/O Michael Zane, Peckville, Pa, 18452
Aakp Lawrence County Chapter, Po Box 7723, New Castle, Pa, 16107
Aamco Fleet, 1 Presidential Blvd, Bala Cynwyd, Pa, 19004-0000
Aamco Transmissions, 3936 Monroeville Blvd, Monroeville, Pa, 15146
Aamco Transmissions, International Customer Service, Bala Cynwyd, Pa, 19004
Aamco Transmissions, One Presidential Blvd, Bala Cynwyd, Pa, 19004
Aaon Select, 110 Gilbralter Rd Suite 116, Horsham, Pa, 19044
Aardvark Ind Inc, 2815 N 17th St, Philadelphia, Pa, 19132
Aaron, 900 S Queen St, York, Pa, 17403
Aaron Amy, 10825 E Keswick Rd, Philadelphia, Pa, 19114
Aaron Detective Agency Inc, 7814 Castor Avenue, Philadelphia, Pa, 19152
Aaron John M, Philadelphia, Pa, 19121
Aaron Kuby Profit Sharing Plan, 7942 Oak Hill Dr, Cheltenham, Pa, 19012
Aaron Patricia A
Aaron Seth, 213 Maple Ave, Horsham, Pa, 19044-3332
Aaron William Jr, P O Box 256, Bath, Pa, 18014
Aarons Irving, 1001 City Ave Ec107, Wynnewood, Pa, 19096-3903
Aaronson Steve R, 9 Bankers Drive, Washington Crossing, Pa, 18977
Aarow Insurance Agency, 7301 Old York Rd, Elkins Park, Pa, 19027
Aarp, Po Box 13999, Philadelphia, Pa, 19187
Aarp Group Health Insurance, Po Box 13999, Philadelphia, Pa, 19187
Aarp Health Care, Po Box 13999, Philadelphia, Pa, 19187-0216

PENNSYLVANIA BULLETIN, VOL. 37, NO. 29, JULY 21, 2007


Almonte Domingo, 2839 W Allegheny Ave, Philadelphia, Pa, 19132
Almond Hazel, No Known Address, Xxxxx, Pa, 99999
Almond Daniel, 412 E Providence Rd, Aldan, Pa, 19018
Almond Christopher M, 892 3rd St, Whitehall, Pa, 18052
Almes Associates Inc, Box 7777 W0685, Philadelphia, Pa, 19175-0685
All Advertising Preotions, 2218 Race St, Philadelphia, Pa, 19103-1012
All Advertising, 2218 Race St, Philadelphia, Pa, 19103-1012
Allscoil Idioms
Allied Credit Dimark, One Summit Square, Langhome, Pa, 19470
Allied Digital Inc, Philadelphia, Pa, 19103
Allied Food Sales, 3513 Wellington St, Philadelphia, Pa, 19149
Allied Hospital For Children, One Country Club Sub Lane, State College, Pa, 16801
Allied Orthopedic Appliance, 335 East Third Street, Jamestown, Ny, 14701
Allisons, Inc, 401 North Broad St Ste 400, Philadelphia, Pa, 19108
Allman Lura I, 2045 Derry Rd, York, Pa, 17404
Altland Cleason, 3540 Bull Rd Silver Manor, York, Pa, 17404
Althousen William, Apt 319, Philadelphia, Pa, 19131-0000
Altieri Kimberly, 2028 Daybreak Cir, Harrisburg, Pa, 17110
Altieri Bernice E, 59 5th Ave, Fayetteville, Pa, 17222
Altsess David, 103 Bending Oak Dr, Bellefonte, Pa, 16823
Altenburg Thomas E, 121 W Grange Ave, Philadelphia, Pa, 19120-2407
Altman Lettie, 516 Philman Ct, Springfield, Pa, 19064
Altman Andre Lamont, 311 Green Street, Marcus Hook, Pa, 19061
Altman Jennifer L, 39 2nd St, Manchester, Pa, 18704
Altman Samuel, Woodbury Heights, Dresher, Pa, 19025
Alther Bernice E, 59 5th Ave, Fayetteville, Pa, 17222
Alters David A, 103 Bending Oak Dr, Bellefonte, Pa, 16823
Alternative Program Assoc, 221 Penn Ave, Pittsburgh, Pa, 15215
Altemus Margaret, 121 W Grange Ave, Philadelphia, Pa, 19120-2407
Altman Lura I, 2045 Derry Rd, York, Pa, 17404
Altland Cleason, 3540 Bull Rd Silver Manor, York, Pa, 17404
Altieri Kimberly, 2028 Daybreak Cir, Harrisburg, Pa, 17110
Altieri Bernice E, 59 5th Ave, Fayetteville, Pa, 17222
Altsess David, 103 Bending Oak Dr, Bellefonte, Pa, 16823
Alternative Program Assoc, 221 Penn Ave, Pittsburgh, Pa, 15215
Altemus Margaret, 121 W Grange Ave, Philadelphia, Pa, 19120-2407
Altman Lura I, 2045 Derry Rd, York, Pa, 17404
Altman Lura I, 2045 Derry Rd, York, Pa, 17404
Althousen William, Apt 319, Philadelphia, Pa, 19131-0000
Altieri Kimberly, 169 Fawn Lake Forest, Hawley, Pa, 18428
Almousni Mohamed, 116 N Hanover St, Carlisle, Pa, 17013-2408
Almasser Adrian S, Po Box 65090, Manhattan, 10065
Alano jennifer L, 1310 Pebble Hill Rd, Doylestown, Pa, 18901
Aloe Eugene R, 52 Pocono Drive, Pittsburg, Pa, 15220
Aloe Noet 5, Pocono Drive, Neavitt, Pa, 12051
Aloette Cosmetics Of Lehigh Valley, P O Box 1996, W Chester, Pa, 19305-0156
Aloette Tastic C, 19111 Race St, Philadelphia, Pa, 19132
Almond Hazel, No Known Address, Xxxxx, Pa, 99999
Almonte Domingo, 2839 W Allegheny Ave, Philadelphia, Pa, 19132
Almouzni Mohamed, 116 N Hanover St, Carlisle, Pa, 17013-2408
Almasser Adrian S, Po Box 65090, Manhattan, 10065
Alano jennifer L, 1310 Pebble Hill Rd, Doylestown, Pa, 18901
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