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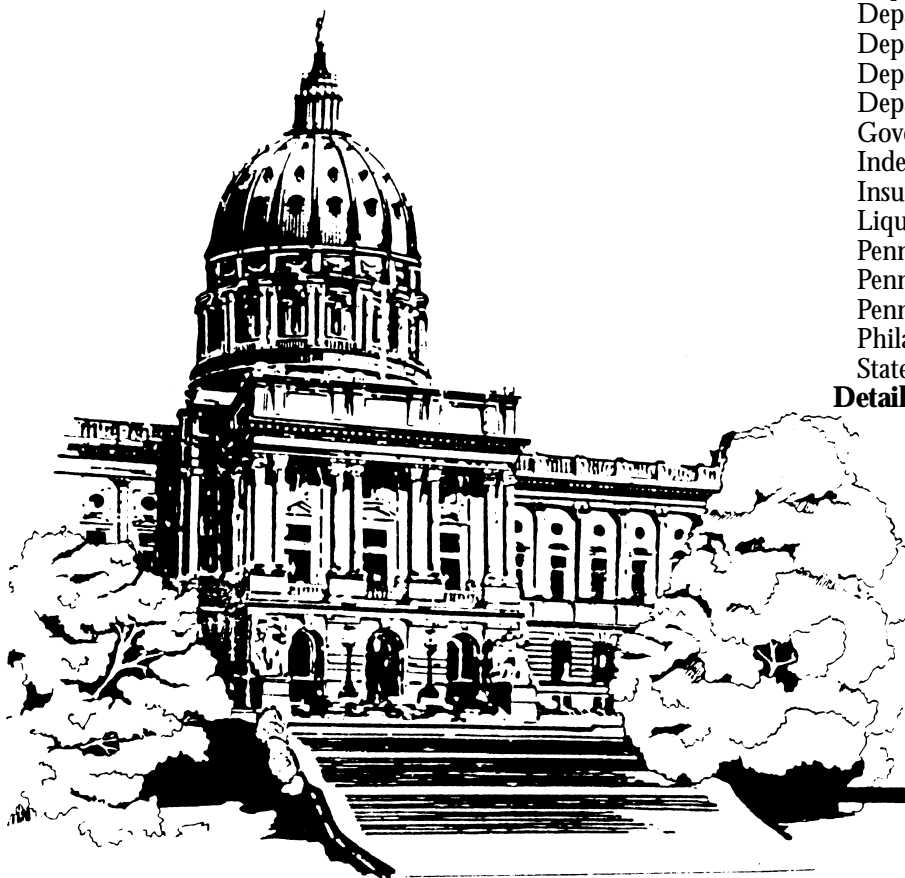
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Department of Banking
Department of Environmental Protection
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Department of Health
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Governor's Office
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Gaming Control Board
Pennsylvania Infrastructure Investment Authority
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
State Conservation Commission

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

No. 369, August 2005

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

Amendments to the Pennsylvania Rules of Professional Conduct Relating to Disclosure of Malpractice Insurance

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it amend the Pennsylvania Rules of Professional Conduct to add a new Rule 1.4(c), as set forth in Annex A, requiring disclosure to clients when a lawyer does not maintain malpractice insurance with a specified minimum level of coverage.

The existing Rules of Professional Conduct do not require any disclosure to clients regarding malpractice insurance carried by lawyers. The Board believes that it would be beneficial to clients for their lawyer to notify them if the lawyer does not carry malpractice insurance with a specified minimum level of coverage. Lawyers would also be required to notify their clients if their malpractice insurance drops below the stated minimums or is terminated. Alaska, New Hampshire, Ohio, and South Dakota have rules requiring disclosure of the type being proposed by the Board. The American Bar Association has also adopted a *Model Court Rule on Insurance Disclosure*.

Interested persons are invited to submit written comments regarding proposed Pa.R.P.C. 1.4(c) to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before September 30, 2005.

By The Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Secretary of the Board

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

Rule 1.4. Communication.

* * * * *

(c) A lawyer shall inform a new client in writing if the lawyer does not have malpractice insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year and shall inform existing clients in writing at any time the lawyer's malpractice insurance drops below either of those amounts or the lawyer's malpractice insurance is terminated. A lawyer shall maintain a record of these disclosures for six years after the termination of the representation of a client.

Comment:

* * * * *

Disclosures Regarding Insurance

(8) Paragraph (c) does not apply to lawyers in government practice or lawyers employed as in-house counsel.

(9) Lawyers may use the following language in making the disclosures required by this rule:

(i) No insurance or insurance below required amounts when retained: "Pennsylvania Rule of Professional Conduct 1.4(c) requires that you, as the client, be informed in writing if a lawyer does not have malpractice insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year and if, at any time, a lawyer's malpractice insurance drops below either of those amounts or a lawyer's malpractice insurance coverage is terminated. You are therefore advised that (name of attorney or firm) does not have malpractice insurance coverage of at least \$100,000 per occurrence and \$300,000 in the aggregate per year."

(ii) Insurance drops below required amounts: "Pennsylvania Rule of Professional Conduct 1.4(c) requires that you, as the client, be informed in writing if a lawyer does not have malpractice insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year and if, at any time, a lawyer's malpractice insurance drops below either of those amounts or a lawyer's malpractice insurance coverage is terminated. You are therefore advised that (name of attorney or firm)'s malpractice insurance dropped below at least \$100,000 per occurrence and \$300,000 in the aggregate per year as of (date)."

(iii) Insurance terminated: "Pennsylvania Rule of Professional Conduct 1.4(c) requires that you, as the client, be informed in writing if a lawyer does not have malpractice insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year and if, at any time, a lawyer's malpractice insurance drops below either of those amounts or a lawyer's malpractice insurance coverage is terminated. You are therefore advised that (name of attorney or firm)'s malpractice insurance has been terminated as of (date)."

[Pa.B. Doc. No. 05-1474. Filed for public inspection August 5, 2005, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT
[204 PA. CODE CHS. 85, 87, 91 AND 93]

Amendments to Rules of Organization and Procedure of The Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 62; Doc. Nos. R-139, R-140, R-143 and R-148

The Rules of Organization and Procedure of the Board have been drafted to restate in full the substance of the Pennsylvania Rules of Disciplinary Enforcement. By Orders dated March 17, 2005, April 1, 2005, April 5, 2005, and May 24, 2005, the Supreme Court of Pennsylvania amended Pa.R.D.E. 102, 201, 203, 204, 209, 212, 215, 216, 217, 219, and 221. By this Order, the Board is making conforming changes to its Rules to reflect the adoption of those amendments.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(10), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*, except that the amendments to 204 Pa. Code §§ 85.7, 91.1, 91.51, and 93.141 shall take effect on September 1, 2005.

(4) This Order shall take effect immediately.

By The Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Secretary of the Board

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 85. GENERAL PROVISIONS

§ 85.2. Definitions.

(a) Subject to additional definitions contained in subsequent provisions of this subpart which are applicable to specific chapters, subchapters or other provisions of this subpart, the following words and phrases, when used in

this subpart shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * * * *

Attorney. Includes any person subject to these rules.

* * * * *

Foreign legal consultant. A person who holds a current license as a foreign legal consultant issued under Pennsylvania Bar Admission Rule 341 (relating to licensing of foreign legal consultants).

* * * * *

Limited In-House Corporate Counsel License. A license issued under Pennsylvania Bar Admission Rule 302 (relating to limited in-house corporate counsel license).

Military attorney. An attorney holding a limited admission to practice under Pennsylvania Bar Admission Rule 303 (relating to limited admission of military attorneys).

* * * * *

Practice of law. Includes the provision of legal services as a foreign legal consultant or military attorney, or pursuant to a Limited In-House Corporate Counsel License.

* * * * *

§ 85.3. Jurisdiction.

(a) *General rule.* Enforcement Rule 201(a) provides that the exclusive disciplinary jurisdiction of the Supreme Court and the Board under the Enforcement Rules extends to:

(1) Any attorney admitted to practice law in this Commonwealth.

Official Note: The jurisdiction of the Board under this paragraph includes jurisdiction over a foreign legal consultant, military attorney or a person holding a Limited In-House Corporate Counsel License. See the definitions of “attorney,” “practice of law” and “respondent-attorney” in § 85.2 (relating to definitions).

* * * * *

§ 85.7. Grounds for discipline.

* * * * *

(b) Enforcement Rule 203(b) provides that the following shall also be grounds for discipline:

* * * * *

(5) **Ceasing to meet the requirements for licensure as a foreign legal consultant set forth in Pennsylvania Bar Admission Rule 341(a)(1) or (3) (relating to licensing of foreign legal consultants).**

* * * * *

§ 85.8. Types of discipline.

* * * * *

(c) **Limited In-House Corporate Counsel License.** Enforcement Rule 204(c) provides that a reference in the Enforcement Rules and these rules to disbarment, suspension, temporary suspension, or transfer to or assumption of inactive status shall be deemed to mean, in the case of a respondent-attorney who holds a Limited In-House Corporate

Counsel License, expiration of that license; and that a respondent-attorney whose Limited In-House Corporate Counsel License expires for any reason:

(1) shall be deemed to be a formerly admitted attorney for purposes of Subchapter 91E (relating to formerly admitted attorneys); and

(2) shall not be entitled to seek reinstatement under Subchapter 89F (relating to reinstatement and resumption of practice) or §§ 93.145 (relating to reinstatement) or 93.112(c) (relating to reinstatement upon payment of taxed costs) and instead must reapply for a Limited In-House Corporate Counsel License under Pennsylvania Bar Admission Rule 302 (relating to limited in-house corporate counsel license).

CHAPTER 87. INVESTIGATIONS AND INFORMAL PROCEEDINGS

Subchapter D. ABATEMENT OF INVESTIGATION

§ 87.73. Resignations by attorneys under disciplinary investigation.

(a) [*General rule*] *Voluntary resignation.* Enforcement Rule 215(a) provides [as follows:

(1) An] that an attorney who is the subject of an investigation into allegations of misconduct by the attorney may submit a resignation, but only by delivering to the Board a verified statement stating that the attorney desires to resign and that:

[(i)] (1) * * *

[(ii)] (2) * * *

[(iii)] (3) * * *

[(iv)] (4) * * *

(b) *Representation by counsel.* The verified statement under subsection (a) shall indicate whether or not the attorney has consulted or followed the advice of counsel (naming such counsel, if any) in connection with the decision to resign.

[(2) Upon] (c) *Order of disbarment.* Enforcement Rule 215(b) provides that upon receipt of the required statement, the Secretary of the Board shall file it with the Supreme Court and the Court shall enter an order disbarring the attorney on consent.

[(3) The] (d) *Confidentiality of resignation statement.* Enforcement Rule 215(c) provides that the order disbarring the attorney on consent shall be a matter of public record, but for the purposes of § 93.102(a)(1) (relating to proceedings confidential) the order shall not be an order for the imposition of public discipline. The statement required under the provisions of paragraph (1) shall not be publicly disclosed or made available for use in any proceeding other than a subsequent reinstatement proceeding except:

[(i)] (1) * * *

[(ii)] (2) * * *

[(iii)] (3) * * *

[(iv)] (4) * * *

[(b) *Representation by counsel.* The verified statement under subsection (a) shall indicate whether or not the attorney has consulted or fol-

lowed the advice of counsel (naming such counsel, if any) in connection with the decision to resign.]

§ 87.74. Discipline on consent.

(a) *General rule.* Enforcement Rule 215(d) provides that at any stage of a disciplinary investigation or proceeding, a respondent-attorney and Disciplinary Counsel may file a joint Petition in Support of Discipline on Consent; and that the Petition shall be accompanied by an affidavit stating that the attorney consents to the recommended discipline and that:

(1) the consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of submitting the consent; and whether or not the attorney has consulted or followed the advice of counsel in connection with the decision to consent to discipline;

(2) the attorney is aware that there is presently pending an investigation into, or proceeding involving, allegations that the respondent-attorney has been guilty of misconduct as set forth in the Petition;

(3) the attorney acknowledges that the material facts set forth in the Petition are true; and

(4) the attorney consents because the attorney knows that if charges predicated upon the matter under investigation were filed, or continued to be prosecuted in the pending proceeding, the attorney could not successfully defend against them.

(b) *Contents of Petition.* Enforcement Rule 215(d) provides that a Petition shall include the specific factual allegations that the respondent-attorney admits he or she committed, the specific Disciplinary Rules and Enforcement Rules allegedly violated and a specific recommendation for discipline. The Petition must also set forth:

(1) any past discipline imposed on the attorney in any jurisdiction;

(2) a discussion of applicable precedent and how the recommended discipline compares with that imposed in reported cases;

(3) any aggravating or mitigating factors; and

(4) if the recommended discipline includes probation, a statement that the attorney understands that violation of the probation may result in the commencement of a proceeding under § 89.292 (relating to violation of probation).

(c) *Handling of Petition.* Enforcement Rule 215(e) provides that the Petition shall be filed with the Board; that the filing of the Petition shall stay any pending proceeding before a hearing committee, special master or the Board; and that the Petition shall be reviewed by a panel composed of three members of the Board who may approve or deny.

Official Note: The fact that a Petition is being negotiated is not grounds for a continuance, and formal proceedings will continue unabated until the Petition is filed as provided in subsection (c).

(d) *Private discipline.* Enforcement Rule 215(f) provides that if a panel approves a Petition consenting to an informal admonition or private reprimand, with or without probation, the Board shall enter an appropriate order, and it shall arrange to

have the respondent-attorney appear before Disciplinary Counsel for the purpose of receiving an informal admonition or before a designated panel of three members selected by the Board Chair for the purpose of receiving a private reprimand.

(e) **Public discipline.** Enforcement Rule 215(g) provides that, if a panel approves a Petition consenting to public censure or suspension, the Board shall file the recommendation of the panel and the Petition with the Supreme Court; that, if the Court grants the Petition, the Court shall enter an appropriate order disciplining the respondent-attorney on consent; and that the order and the Petition shall be a matter of public record in accordance with § 93.102 (relating to proceedings confidential).

(f) **Denial of Petition.** Enforcement Rule 215(h) provides that, if either the panel of the Board or the Supreme Court denies a Petition, the members of the Board who participated on the reviewing panel shall not participate in further consideration of the same matter; and that any stayed proceedings shall resume as if the Petition had not been filed and neither the Petition nor the affidavit may be used against the respondent-attorney in any disciplinary proceeding or any other judicial proceeding.

(g) **Costs.** Enforcement Rule 215(i) provides that the panel of the Board in its discretion may direct that the necessary expenses incurred in the investigation and prosecution of the matter shall be paid by the respondent-attorney as a condition to the grant of the Petition; and that all expenses taxed under this subdivision shall be paid by the attorney before the imposition of discipline under subsection (d) or (e).

CHAPTER 91. MISCELLANEOUS MATTERS

Subchapter A. SERVICE, SUBPOENAS, DEPOSITIONS AND RELATED MATTERS IN GENERAL

§ 91.1. Substituted service.

Enforcement Rule 212 provides that in the event a respondent-attorney cannot be located and personally served with notices required under the Enforcement Rules and these rules, such notices may be served upon the respondent-attorney by addressing them to the address furnished in the last registration statement filed by the respondent-attorney in accordance with § 93.142(b) (relating to filing of annual statement by attorneys) or, in the case of foreign legal consultant, by serving them pursuant to the designation filed by the foreign legal consultant under Pennsylvania Bar Admission Rule 341(b)(8) (relating to licensing of foreign legal consultants).

Subchapter C. RECIPROCAL DISCIPLINE

§ 91.51. Reciprocal discipline.

Enforcement Rule 216 provides as follows:

(1) Upon receipt of a certified copy of an order demonstrating that an attorney admitted to practice in this Commonwealth has been disciplined by suspension or disbarment in another jurisdiction, the Supreme Court shall forthwith issue a notice (Form DB-19) (Notice of Reciprocal Discipline) directed to the respondent-attorney containing:

* * * * *

(ii) An order directing that the respondent-attorney inform the Court within 30 days from service of the notice, of any claim by the respondent-attorney that the imposition of the identical or comparable discipline in this Commonwealth would be unwarranted, and the reasons therefor.

The Office of the Secretary shall cause this notice to be served upon the respondent-attorney by mailing it to the address furnished by the respondent-attorney in the last registration statement filed by such person in accordance with § 93.142(b) (relating to filing of annual statement by attorneys) or, in the case of a foreign legal consultant, by serving it pursuant to the designation filed by the foreign legal consultant under Pennsylvania Bar Admission Rule 341(b)(8) (relating to licensing of foreign legal consultants).

* * * * *

Subchapter E. FORMERLY ADMITTED ATTORNEYS

§ 91.99. Indicia of licensure.

Enforcement Rule 217(h) provides that within ten days after the effective date of an order of disbarment or suspension for a period longer than one year, the formerly admitted attorney shall surrender to the Board the certificate issued by the Court Administrator of Pennsylvania under § 93.143 (relating to issue of certificate as evidence of compliance) for the current year, along with any certificate of good standing issued under Pennsylvania Bar Admission Rule 201(d) (relating to certification of good standing) [or], certificate of admission issued under Pennsylvania Bar Admission Rule 231(d)(3) (relating to action by Prothonotary), certificate of licensure issued under Pennsylvania Bar Admission Rule 341(e)(3) (relating to motion for licensure), Limited In-House Corporate Counsel License issued under Pennsylvania Bar Admission Rule 302 (relating to limited in-house corporate counsel license) or limited certificate of admission issued under Pennsylvania Bar Admission Rule 303 (relating to limited admission of military attorneys). The Board may destroy the annual certificate issued under § 93.143, but shall retain any other documents surrendered under this subdivision and shall return those documents to the formerly admitted attorney in the event that he or she is subsequently reinstated.

Subchapter H. FUNDS OF CLIENTS AND THIRD PERSONS; MANDATORY OVERDRAFT NOTIFICATION

§ 91.171. Definitions.

The following terms when used in this subchapter shall have the meanings given to them in this section:

[“Fiduciary account.” Enforcement Rule 221(a) provides that a fiduciary account of an attorney is any account in which or with respect to which an attorney:

(1) holds funds of a client;

(2) holds funds in a fiduciary capacity customary to the practice of law, such as administrator, executor, trustee of an express trust, guardian or conservator; or

(3) holds funds as an escrow agent or other fiduciary, having been so selected as a result of a client-attorney relationship.]

* * * * *

“Trust Account.” Enforcement Rule 221(a) provides that a Trust Account of an attorney is an account in which an attorney, in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct, deposits funds received from a client or a third person in connection with a client-lawyer relationship, excluding funds which the attorney receives while acting as fiduciary for an estate, trust, guardianship or conservatorship.

§ 91.172. Maintenance of fiduciary accounts.

Enforcement Rule 221(b) provides that a **[fiduciary account of an attorney] Trust Account** may be maintained only in a financial institution approved by the Supreme Court of Pennsylvania for the maintenance of such accounts.

§ 91.173. Approval and termination of financial institutions.

(a) *Approval.* Enforcement Rule 221(c) provides that a financial institution shall be approved as a depository for **[fiduciary accounts of attorneys] Trust Accounts** if it shall file with the Board an agreement (in a form provided by the Board) in which the financial institution agrees to make a prompt report to the Lawyers Fund for Client Security Board under the circumstances described in § 91.174 (relating to reports of overdrafts). Upon receiving a signed agreement from a financial institution as required by this subsection, the Board shall report that fact to the Supreme Court with a recommendation that the Court enter an order approving the financial institution as a depository for **[fiduciary accounts] Trust Accounts**.

(b) *Termination of approval.* Enforcement Rule 221[(j)](m) provides that a failure on the part of a financial institution to make a report called for by this subchapter may be cause for termination of its approval by the Supreme Court, but such failure shall not, absent gross negligence, give rise to a cause of action by any person who is proximately caused harm thereby. Upon learning that a financial institution has failed to make a report called for by this subchapter, the Board shall report that fact to the Supreme Court with a recommendation that the Court enter an order terminating the approval of the financial institution as a depository for **[fiduciary accounts] Trust Accounts**.

(c) *List of approved financial institutions.* The Board will periodically publish in the *Pennsylvania Bulletin* a list of financial institutions that are approved at the time as depositories for **[fiduciary accounts] Trust Accounts** under this subchapter. The current list shall also be published in the *Pennsylvania Code* as an appendix to this section.

* * * * *

§ 91.174. Reports of overdrafts.

(a) *General rule.* Enforcement Rule 221(c) provides that a financial institution shall report to the Lawyers Fund for Client Security Board whenever any check or similar instrument is presented against a **[fiduciary account] Trust Account** when such account contains insufficient funds to pay the instrument, regardless of:

* * * * *

(b) *Timing of report.* Enforcement Rule 221[(o)](r) provides that the report required to be made under this subchapter shall be made by the financial institution to

the Lawyers Fund for Client Security Board within five business days of the presentation of the instrument.

(c) *Handling of report.* Enforcement Rule 221[(n)](q) provides that a designated representative of the Lawyers Fund for Client Security Board shall conduct a preliminary inquiry regarding the report and shall, where appropriate, refer the matter to the Office of Disciplinary Counsel for further investigation.

(d) *Effect of report or referral.* Enforcement Rule 221[(n)](q) also provides that neither a report filed with the Lawyers Fund for Client Security Board pursuant to this subchapter nor a referral of such report to the Office of Disciplinary Counsel shall, in and of itself, be considered a disciplinary complaint.

(e) *Immunity.* Enforcement Rule 221[(k)](n) provides that financial institutions shall be immune from suit for the filing of any reports required by this subchapter or believed in good faith to be required by this subchapter. See § 91.173(b) (relating to termination of approval).

§ 91.175. Fiduciary accounts.

(a) *Identification.* Enforcement Rule 221(f) provides that the responsibility for identifying an account as a **[fiduciary account] Trust Account** shall be that of the attorney in whose name the account is held.

(b) *Service charge.* Enforcement Rule 221[(l)](o) provides that a financial institution shall be free to impose a reasonable service charge upon the attorney in whose name the account is held for the filing of the report required by this subchapter.

§ 91.176. Rules for determining reporting obligation.

For purposes of this subchapter:

(1) Enforcement Rule 221(d) provides that **[an account] a Trust Account** shall not be deemed to contain insufficient funds to pay a check or similar instrument solely because it contains insufficient collected funds to pay the instrument, and no report shall be required in the case of an instrument presented against uncollected or partially uncollected funds. This provision shall not be deemed an endorsement **[of the propriety]** of the practice of drawing checks against uncollected funds.

(2) Enforcement Rule 221[(g)](j) provides that funds deposited in an account prior to the close of business on the calendar date of presentation of an instrument shall be considered to be in the account at the close of business on that date notwithstanding the financial institution's treatment of such funds, for other purposes, as being received at the opening of the next banking day pursuant to 13 Pa.C.S. § **[4107(b)] 4108(b)** (relating to items **[of] or** deposits received after cutoff hour).

(3) Enforcement Rule 221[(h)](k) provides that a check or draft against a **[fiduciary account] Trust Account** shall be deemed to be presented at the close of business on the date of presentation.

(4) Enforcement Rule 221[(i)](l) provides that **no report need be made** when a financial institution determines that an instrument presented against insufficient funds had been issued in reliance on a deposited instrument that was ultimately dishonored, **no report need be made**. This provision shall not be deemed an

endorsement [of the propriety] of the practice of drawing checks against uncollected funds.

§ 91.177. Required records.

(a) *In general.* Enforcement Rule 221(g) provides that the following books and records shall be maintained for each Trust Account:

(1) bank statements and check registers (which shall include the payee, date, amount and the client matter involved);

(2) all transaction records returned by the financial institution, including canceled checks in whatever form and records of electronic transactions;

(3) records of deposits and a ledger separately listing each deposited item and the client or third person for whom the deposit is being made.

(b) *Form.* Enforcement Rule 221(h) provides that the records required by this rule may be maintained in electronic or other form if they can be retrieved in printed hard copy; and that electronic records must be regularly backed up by an appropriate storage device.

(c) *Availability.* Enforcement Rule 221(i) provides that the records required by this rule may be subject to subpoena in connection with an investigation or hearing pursuant to these rules; and that failure to produce such records may result in the initiation of proceedings pursuant to § 91.151 (relating to emergency temporary suspension orders and related relief), which permits disciplinary counsel to commence a proceeding for the temporary suspension of a respondent-attorney who refuses to comply with a valid subpoena.

CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter C. OFFICE OF THE SECRETARY

§ 93.52. Communications and filings generally.

* * * * *

(d) *Disposition of complaints.*

* * * * *

(2) Complaints received by the Office of the Secretary against Disciplinary Counsel involving alleged violations of the Disciplinary Rules or the Enforcement Rules shall be submitted directly to the Board and assigned to a reviewing member of the Board for disposition as provided by Enforcement Rule 209(b).

(3) Complaints received by the Office of the Secretary or the Office of Disciplinary Counsel against members of the Board involving alleged violations of Chapter 81 (relating to rules of professional conduct) or the Enforcement Rules shall [be submitted directly to the Supreme Court], as provided by Enforcement Rule 209(b), be handled in the same manner as other complaints, except that if action is required by the Board the Secretary shall notify the Supreme Court which shall appoint an Ad Hoc Disciplinary Board comprised of five former members of the Board who shall discharge the functions of the Board and have all the powers of the Board with respect to that one matter only.

Subchapter G. FINANCIAL MATTERS

ANNUAL ASSESSMENT OF ATTORNEYS

§ 93.141. Annual assessment.

(a) *General rule.* Enforcement Rule 219(a) provides that every attorney admitted to practice law in [any court of] this Commonwealth, other than a military attorney holding a limited certificate of admission issued under Pennsylvania Bar Admission Rule 303 (relating to limited admission of military attorneys) shall pay an annual fee under such rule of \$130.00; that the annual fee shall be collected under the supervision of the Administrative Office, which shall send and receive, or cause to be sent and received, the notices and statements provided for in this subchapter, and that the fee shall be used to defray the costs of disciplinary administration and enforcement under the Enforcement Rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine.

* * * * *

§ 93.142. Filing of annual statement by attorneys.

* * * * *

(b) *Filing of annual statement.* Enforcement Rule 219(d) provides that:

(1) On or before July 1 of each year all persons required by the rule to pay an annual fee shall file with the Administrative Office a signed statement on the form prescribed by the Administrative Office setting forth:

(i) The date on which the attorney was first admitted to practice [in this Commonwealth], licensed as foreign legal consultant, or issued a Limited In-House Corporate Counsel License, and a list of all courts (except courts of this Commonwealth) and jurisdictions in which the person has ever been licensed to practice law, with the current status thereof.

* * * * *

(iii) The name of each financial institution in which funds of a client are or were held by the attorney on May 1 of the current year or at any time during the preceding 12 months held funds[:

(A)] of a client[;

(B) in a fiduciary capacity customary to the practice of law, such as administrator, executor, trustee of an express trust, guardian or conservator; or

(C) as an escrow agent or other fiduciary, having been designated as such by a client or having been so selected as a result of a client-attorney relationship] or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct. The statement shall include the name and account number for each account in which the lawyer holds such funds, and each IOLTA Account shall be identified as such. The statement provided to a person holding a Limited In-House Corporate Counsel License need not request the information required by this subparagraph.

(iv) A certification reading as follows: "I certify that all **[fiduciary accounts] Trust Accounts** that I maintain are in financial institutions approved by the Supreme Court of Pennsylvania for the maintenance of such accounts pursuant to Pennsylvania Rule of Disciplinary Enforcement 221 (relating to mandatory overdraft notification) and that each **[fiduciary account] Trust Account** has been identified as such to the financial institution in which it is maintained."

* * * * *

(4) Upon original admission to the bar of this Commonwealth, **licensure as a foreign legal consultant, or issuance of a Limited In-House Corporate Counsel License**, a person shall concurrently file a statement under this subsection for the current assessment year, but no annual fee shall be payable for the assessment year in which originally admitted or licensed.

[Pa.B. Doc. No. 05-1475. Filed for public inspection August 5, 2005, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 100]

Proposed Amendment to Rule 112 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 112 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges to further provide for availability and temporary assignments of magisterial district judges. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the Committee's Official Notes to the rules. The Supreme Court does not adopt the Committee's Official Notes or the contents of the explanatory reports.

The text of the proposed changes precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit written suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Michael F. Krimmel, Counsel
Minor Court Rules Committee
Supreme Court of Pennsylvania
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055
Fax 717-795-2175
or e-mail to: minorrules@pacourts.us

no later than Friday, September 2, 2005.

By the Minor Court Rules Committee

THOMAS E. MARTIN, Jr.,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 100. RULES AND STANDARDS WITH RESPECT TO OFFICES OF MAGISTERIAL DISTRICT JUDGES

Rule 112. **Availability and Temporary Assignments of Magisterial District Judges.**

A. **[The president judge of the court of common pleas of a judicial district, or in his or her absence the available judge of that court longest in continuous service, may assign temporarily the magisterial district judge of any magisterial district to any other magisterial district or the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia whenever such an assignment is required for the efficient administration of justice.]** The president judge of each judicial district shall be responsible for ensuring the availability during regular business hours within the judicial district of at least one magisterial district judge to handle the following matters in civil and possessory actions:

(1) **The issuance of orders of execution pursuant to Pa.R.C.P.M.D.J. No. 403.**

(2) **The issuance of stays of execution pursuant to Pa.R.C.P.M.D.J. Nos. 410 and 413.**

(3) **The issuance of orders for possession pursuant to Pa.R.C.P.M.D.J. No. 516.**

(4) **Such other business as may require the immediate attention of a magisterial district judge.**

B. (1) **The president judge or his or her designee may assign temporarily the magisterial district judge of any magisterial district to serve another magisterial district whenever such assignment is needed:**

(a) **To satisfy the requirements of subdivision A.**

(b) **To ensure fair and impartial proceedings.**

(c) **To otherwise provide for the efficient administration of justice.**

(2) **Whenever a temporary assignment is made pursuant to this rule, notice of such assignment shall be conspicuously posted in the offices of all magisterial district judges affected by the temporary assignment.**

(3) **A party may file a motion requesting a temporary assignment pursuant to subparagraph B(1) on the ground that the assignment is needed to ensure fair and impartial proceedings. The motion shall set forth the factual basis for the request. Reasonable notice and opportunity to respond shall be provided to the parties.**

C. A magisterial district judge temporarily assigned **[under subdivision A of]** pursuant to this rule shall have the jurisdiction and authority of the office the duties of which **he or she** is temporarily performing and may continue to exercise jurisdiction and authority **[to]** in his or her own magisterial district.

Official Note: This rule was amended in 2005 to further provide for availability and temporary assignment of magisterial district judges in civil and possessory actions similar to that provided for in

criminal matters. See Pa.Rs.Crim.P. 132¹ and 133. Nothing in this rule is intended to affect or conflict with the temporary assignment or coverage requirements for criminal matters as specified in the Rules of Criminal Procedure. Unlike the criminal coverage rules, subdivision A of this rule is intended to provide for availability only during regular business hours. None of the matters contemplated under subdivision A as needing immediate attention would require after-hours coverage. In addition, this rule is not intended to affect the availability requirements for emergency relief under the Protection From Abuse Act. See Pa.R.C.P.M.D.J. Nos. 1201—1211.

Examples of the matters referred to in subdivision A include the issuance of orders of execution pursuant to Pa.R.C.P.M.D.J. No. 403, stays of execution pursuant to Pa. R.C.P.M.D.J. Nos. 410 and 413, and orders for possession pursuant to Pa.R.C.P.M.D.J. No. 516, so that such matters are handled in a timely manner even in the absence of the magisterial district judge to whom the case would ordinarily be assigned. It is expected that the president judge will continue the established procedures in the judicial district or establish new procedures to ensure sufficient availability of magisterial district judges consistent with subdivision A.

Under subdivision B, one or more magisterial district judges may be temporarily assigned to serve one or more magisterial districts.

Subparagraphs B(1)(b) and (3) make explicit the authority of the president judge to assign magisterial district judges when necessary to ensure fair and impartial proceedings, and to provide a procedure for a party to request such an assignment. Temporary assignment in this situation is intended to cover what might otherwise be referred to as “change of venue” at the magisterial district court level.

The motion procedure in subparagraph B(3) is intended to apply when a party requests temporary assignment to ensure fair and impartial proceedings. The president judge may, of course, order a response and schedule a hearing with regard to such a motion. This provision is not intended, however, to require a formal hearing. Nothing in this rule is intended to preclude the magisterial district judge from disqualifying himself or herself from a matter at the request of a party or sua sponte. See Rule 8 of the Rules Governing Standards of Conduct of Magisterial District Judges, Pa. Code tit. 207, ch. 51. The motion procedure is not intended to apply in any of the many other situations in which the president judges make temporary assignments of magisterial district judges. In all these other situations the president judge may make temporary assignments sua sponte.

See Pa. Const. art. V, § 10(a). This rule does not provide for temporary assignments of senior magisterial district judges by president judges. See also [Pa.Rs.Crim.P. 132 and 133] Rule 17 of the Standards of Conduct of Magisterial District Judges, Pa Code tit. 207, ch. 51. Nothing in this rule is intended to conflict with Rule 17.

¹ The after-hours coverage provisions of Pa.R.Crim.P. 132 will be removed and such matters will be governed by new Pa.R.Crim.P. 117 effective August 1, 2006. See 35 Pa.B. 3901 (July 16, 2005).

REPORT

Proposed Amendment to Rule 112 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

Availability and Temporary Assignment of Magisterial District Judges in Civil and Possessory Actions

I. Background

The Minor Court Rules Committee (the Committee) undertook a review of Rule 112 (Temporary Assignments of Magisterial District Judges) at the direction of the Supreme Court of Pennsylvania and in response to a recommendation of the Special Courts Administration Subcommittee of the Supreme Court's Intergovernmental Task Force to Study the District Justice System (the Task Force Subcommittee).² In its report to the Supreme Court, the Task Force Subcommittee recommended that the rules of civil procedure for magisterial district courts provide for the “continuous availability, during regular business hours, of at least one [magisterial] district [judge] in the judicial district to handle routine civil matters, such as the issuance of orders of execution or orders for possession, so that such matters are handled in a timely manner even in the absence of the proper issuing authority.”³ In response to this recommendation, the Supreme Court referred the matter to the Committee for its consideration, and the Committee proposes that Rule 112 be amended as explained below.

II. Discussion and Proposed Rule Changes

In its report to the Supreme Court, the Task Force Subcommittee noted that “while the continuous availability of at least one [magisterial] district [judge] in each judicial district is required by Pa.R.Crim.P. 132,⁴ no similar rule exist requiring availability of a [magisterial] district [judge] to handle routine civil matters in the absence of the [judge] who would normally be required to handle the matters. The [Task Force] Subcommittee was informed that parties in civil and landlord/tenant actions, particularly judgment holders, are often frustrated by delays in the issuance of judgments, orders of execution, or orders for possession when the proper issuing authority is unavailable because of vacation, illness, attendance at mandatory continuing education classes, etc.”⁵ The Committee generally agreed with the recommendation of the Task Force Subcommittee, noting that the rights of parties can be adversely affected when a magisterial district judge is not available to sign and issue time sensitive documents in civil and possessory matters.⁶

A. Availability

A new subdivision A would address the availability issue raised in the Task Force Report. Subdivision A would require that the president judge of each judicial district ensure the availability during regular business hours of at least one magisterial district judge to handle routine matters in civil and possessory matters that may

² The Intergovernmental Task Force to Study the District Justice System was convened on May 30, 2001 “to examine the current state of the district justice court system” and to “propose clear standards for the decennial magisterial district reestablishment, identify immediate and long-term system problems and needs, and formulate solutions to ensure the prudent and effective administration of the district justice courts.” Report of the Intergovernmental Task Force to Study the District Justice System vii (October 2001) (available online at <http://www.courts.state.pa.us/>) (hereinafter Task Force Report).

³ Id. at 49.

⁴ See supra, note 1.

⁵ Task Force Report at 49-50.

⁶ The Committee notes that there are many legitimate reasons why a magisterial district judge may be unavailable to sign and issue time sensitive documents. The Task Force Report lists three reasons—“vacation, illness, attendance at mandatory continuing education classes.” Others may include official court-related meetings and absences due to after-hours coverage duty.

require the immediate attention of a judge. The subdivision would list three specific matters that may require immediate attention: the issuance of orders of execution pursuant to Pa.R.C.P.M.D.J. No. 403, stays of execution pursuant to Pa.R.C.P.M.D.J. Nos. 410 and 413, and orders for possession pursuant to Pa. R.C.P.M.D.J. No. 516. A fourth “catch all” category—such other business as may require the immediate attention of a magisterial district judge—would also be included.

The proposed expanded Official Note to the rule would provide extensive explanation of new Subdivision A. The Note would compare these availability provisions with the coverage provisions in the Rules of Criminal Procedure, stressing that the civil availability provisions in Rule 112 are intended to apply only during regular business hours. The Note would also make clear that the civil availability provisions are not intended to affect the criminal coverage requirements or the coverage requirements for the issuance of emergency relief under the Protection From Abuse Act.⁷ In addition, recognizing that many judicial districts may already have in place sufficient systems to provide the coverage required by this subdivision, the Note would provide that the president judge may continue the established procedures in the judicial district or establish new procedures as needed.

B. *Temporary Assignment*

A new subdivision B would provide for and expand upon the provisions of existing subdivision A. Proposed new subdivision B(1) would provide that the president judge or his or her designee may temporarily assign a magisterial district judge to satisfy the requirements of new subdivision A, to ensure fair and impartial proceedings, or to otherwise provide for the efficient administration of justice. The references in the existing rule to temporary assignments to the Pittsburgh Magistrates Court and the Traffic Court of Philadelphia would be deleted.⁸ New subdivision B(2) would require that notice

of temporary assignments of magisterial district judges be posted in the offices of all judges affected by the temporary assignment.

Proposed new subdivision B(3) would establish a more formal procedure for a party to request the temporary reassignment of a magisterial district judge to ensure fair and impartial proceedings. Under this provision a party may file a motion with the president judge that sets forth the factual basis for the reassignment request, and the parties would be provided with reasonable notice and opportunity to respond.

The proposed expanded Official Note to the rule would also provide extensive explanation of Subdivision B. Among other things, the Note would make clear that the president judge may order a response and schedule a hearing with regard to a motion filed pursuant to subdivision B(3), but would also make clear that this provision is not intended to require a formal hearing. In addition, the Note would make clear that a magisterial district judge may of course disqualify himself or herself from a matter at the request of a party or sua sponte, as is often the case in these matters.

C. *Technical or “Housekeeping” Amendments*

In addition to the substantive amendments discussed above, existing subdivision B would become subdivision C. Also, a cross reference to Rule 17 of the Standards of Conduct of Magisterial District Judges would be included in the Official Note, along with a statement clarifying that nothing in Rule 112 is intended to conflict with Rule 17. Rule 17 sets forth the president judges’ general supervisory authority of the magisterial district courts in the judicial district. Finally, in order to properly describe the expanded content of the rule, the title of the rule would be changed to “Availability and Temporary Assignments of Magisterial District Judges.”

[Pa.B. Doc. No. 05-1476. Filed for public inspection August 5, 2005, 9:00 a.m.]

⁷ See *supra*, note 1 and Pa. R.C.P.M.D.J. Nos. 1201-1211.

⁸ The former Pittsburgh Magistrates Court has been transitioned into the Magisterial District Judge system, and the president judge of the Fifth Judicial District (Allegheny County) has authority to assign magisterial district judges to hear cases that would formerly be heard in the Pittsburgh Magistrates Court and the Pittsburgh Housing Court. Supreme Court of Pennsylvania Order No. 212, Magisterial Docket No. 1 (November 29, 2004) (34 Pa.B. 6507) and Supreme Court of Pennsylvania Order No.

215, Magisterial Docket No. 1 (February 25, 2005) (35 Pa.B. 1662). Temporary assignments of magisterial district judges to the Traffic Court of Philadelphia are accomplished by order of the Supreme Court of Pennsylvania and coordinated by the Administrative Office of Pennsylvania Courts. Accordingly, Rule 112 need not specifically refer to either court.

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

COAL AND CLAY MINE SUBSIDENCE INSURANCE BOARD

[25 PA. CODE CH. 401]

Corrective Amendment to 25 Pa. Code § 401.13

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 401.13 (relating to coverage limits and premiums for insurance) as deposited with the Legislative Reference Bureau, and the official text published at 35 Pa.B. 2628, 2630 (April 30, 2005) and as currently codified in the *Pennsylvania Code*. Subsections (c) and (d) were rescinded and should not have been printed.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 401.13. The corrective amendment to 25 Pa. Code § 401.13 is effective as of April 30, 2005, the date the defective text was printed in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 401.13 appears in Annex A.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART III. COAL AND CLAY MINE SUBSIDENCE INSURANCE BOARD

CHAPTER 401. MINE SUBSIDENCE FUND INSURANCE POLICIES

§ 401.13. Coverage limits and premiums for insurance.

(a) The maximum amount of insurance for a single covered structure, the term or duration of the policy, and the premium rate shall be determined by the Board.

(b) An insurance policy is effective upon the date a complete application is received by the Board or its agent provided the premium associated with that application is received by the Board or its agent within the next 80 days and provided that the applicant and structure meet the eligibility requirements in the act and in § 401.11 (relating to eligibility for insurance).

[Pa.B. Doc. No. 05-1477. Filed for public inspection August 5, 2005, 9:00 a.m.]

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 1101, 1121 AND 1150]

Revisions to Pharmaceutical Services Payment Methods, General Assistance Pharmacy Benefits, Payment Levels and Rate Setting Notification

The Department of Public Welfare (Department), under the authority of sections 201(2), 403(b), 443.4 and 454 of the Public Welfare Code (code) (62 P. S. §§ 201(2), 403(b),

443.4 and 454), as amended by the act of July 7, 2005 (P. L. 177, No. 42) (Act 42), amends Chapters 1101, 1121 and 1150 (relating to general provisions; pharmaceutical services; and MA program payment polices) to read as set forth in Annex A.

Omission of Proposed Rulemaking

Act 42 amended the code by adding section 454. Section 454 of the code specifies that until December 31, 2005, notwithstanding any other provision of law, the Department must promulgate regulations to establish benefit packages for adults eligible for Medical Assistance (MA) in General Assistance (GA)-related categories and provider payment rates under section 204(1)(iv) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(iv)), known as the Commonwealth Documents Law (CDL). That section authorizes an agency to omit or modify notice of proposed rulemaking when the regulation relates to Commonwealth grants or benefits. In addition, section 454 of the code expressly exempts regulations for GA-related benefit packages and provider payment rates from review under the Regulatory Review Act (71 P. S. §§ 745.1—745.15), and from review by the Attorney General under section 205 of the CDL (45 P. S. § 1205) and section 204(b) of the Commonwealth Documents Law (71 P. S. § 732-204(b)). Finally, section 454(a) and (b) of the code provides that the regulations specify the effective date for provider payment rates.

The Department is adopting this final-omitted rulemaking in accordance with section 454 of the code because the amendments pertain to the benefit package for GA-related recipients and provider payment rates. The final-omitted rulemaking also provides for the effective date for the provider payment rates.

Purpose

The purpose of this final-omitted rulemaking is to:

1. Amend the current MA fee-for-service (FFS) payment methodology in Chapter 1121 for the drug cost component of brand name drugs. The Department will establish the Estimated Acquisition Cost (EAC) for the brand name drugs as follows:

(i) The lowest wholesale acquisition cost (WAC) listed for the drug in available Nationally recognized pricing services, plus 7%.

(ii) If WAC data for the drug are not available from a Nationally recognized pricing service, the lowest average wholesale price (AWP) listed for the drug in available Nationally recognized pricing services, minus 14%.

(iii) If both WAC and AWP cost data are available for the drug from a Nationally recognized pricing service, the lower of the two amounts.

2. Amend the current MA FFS payment methodology in Chapter 1121 for the drug cost component of generic drugs. The Department will establish the EAC for the generic drugs as follows:

(i) The lowest WAC listed for the drug in available Nationally recognized pricing services, plus 66%.

(ii) If WAC data for the drug are not available from a Nationally recognized pricing service, the lowest AWP listed for the drug in available Nationally recognized pricing services, minus 25%.

(iii) If both WAC and AWP cost data are available for the drug from a Nationally recognized pricing service, the lower of the two amounts.

3. Amend the current MA pharmacy benefit package for GA-related recipients who are eligible for the pharmacy services in Chapter 1121 to permit payment for over-the-counter (OTC) medications when the Department determines that the OTC medication is the preferred medication within a therapeutic class.

4. Amend the current payment level and public notice requirements for announcing changes to Statewide methods and standards for setting payment rates in Chapters 1101 and 1150 to reflect current Federal requirements.

Background

The Pennsylvania MA Program assures the availability of a wide array of medically necessary health care services, supplies and equipment to approximately 1.8 million indigent and disabled persons. Prescription drugs are among the health care services that the Commonwealth has opted to include in the MA benefit package. The prescription drug benefit contains two types of drugs: 1) drugs available from only one manufacturer that holds or held the patent for the drug, commonly referred to as brand name drugs; and 2) drugs available from multiple manufacturers and distributors, commonly referred to as multisource drugs. A multisource drug typically includes both the brand name and the generic versions of the drug.

Under Federal law, the drug cost component of pharmacy reimbursement is based on the EAC, which is defined as the state Medicaid "agency's best estimate of the price generally and currently paid by providers for a drug marketed or sold by a particular manufacturer or labeler in the package size of the drug most frequently purchased by providers." See 42 CFR 447.301 (relating to definitions). Since 1995, the Department has calculated the EAC for all drugs at the lower of AWP minus 10% and has paid the lower of the EAC or the State Maximum Allowable Cost (MAC) plus a \$4 dispensing fee. See §§ 1121.55 and 1121.56 (relating to method of payment; and drug cost determination). Yet the MA program continues to have one of the highest payment rates for prescription drugs in this Commonwealth. The Pharmaceutical Assistance Contract for the Elderly (PACE) Program is the only publicly funded prescription drug program in this Commonwealth whose payment rates for drugs are as generous as those of the MA Program. The payment rates established by the Pennsylvania Employee Benefits Trust Fund and nearly all of the commercial third-party prescription drug programs in this Commonwealth, as well as the HealthChoices managed care organizations (MCOs) under contract to the Department to provide services to some 65% of the MA population, are significantly lower than those in the FFS delivery system.

States across the country are struggling to maintain their Medicaid programs as health care costs are increasing at a faster rate than state revenues, while the caseload of persons eligible for the program continues to grow. Rising drug costs play a major, if not the primary, role in escalating Medicaid costs. All three of these trends are affecting the Pennsylvania MA Program. The MA Program caseload is projected to increase by 5.9% in State Fiscal Year (SFY) 2005-2006. MA costs for the SFY are projected to increase by 6.7% while projected State revenues for the same period are projected to increase by only 2.8%. Expenditures for pharmaceutical services increased from \$730,090,896 in calendar year 2002 to close to \$1 billion in calendar year 2004, an increase of almost 37%.

The MA Program has responded to these challenges by aggressively improving the management of the MA Program's drug benefit. For example, the program has:

1. Issued a Request for Proposals to implement a preferred drug list (PDL) in SFY 2005-2006 designed to increase the use of the most cost-effective drugs within a drug class and enable the Department to collect supplemental rebates from drug manufacturers.

2. Implemented a disease management program for recipients with chronic diseases as part of its new ACCESS Plus Program, the primary care case management program expanded in March 2005 to include MA recipients 21 years of age and older in counties that are not included in HealthChoices, the Department's mandatory managed care program.

3. Increased the use of prior authorization (PA) to minimize the use of unnecessary drug regimens.

4. Instituted a Statewide pharmacy auditing program to insure the appropriate dispensing of drugs.

5. Improved the calculation of the EAC of drugs by basing the EAC on the lowest AWP listed in any of the Nationally recognized pricing services, rather than just one pricing service.

Each of these initiatives is designed to enhance the efficiency and cost-effectiveness of the program while maintaining access to quality care for MA recipients. Notwithstanding the savings associated with the success of these initiatives, in the face of ever-skyrocketing pharmacy expenditures, the Department cannot ignore the trends occurring in other State Medicaid programs and private third-party plans or the payment rates accepted by pharmacies in this Commonwealth, which show that the Department's pharmacy payment rates for both brand name and generic drugs are higher than those of virtually any other payor in this Commonwealth and many comparable Medicaid programs.

In setting payment rates for pharmacy services in the MA Program, the Department seeks to assure that high quality pharmacy services are available to MA recipients to the same extent as to the general population in the same geographic area at the best possible price. As a prudent buyer of medical care for its recipients, the Department must be able to obtain rates similar to those extended to other third-party payors and other state Medicaid agencies. Pharmacy providers generally complain that the lower payment rates offered by third-party payors are unfair to them and have an adverse impact on recipient access. The pharmacy industry has on two occasions in the past voiced a similar complaint to the Department, predicting that reduced payment rates would restrict recipient access and diminish the quality of care on two occasions: in 1995, when the Department revised the pharmacy payment methodology from AWP to AWP minus 10% and again in 1998 when the HealthChoices MCOs lowered their pharmacy payment rates to below AWP minus 10%. At neither time did the revised payment rates result in less access for MA recipients to pharmacy services of high quality anywhere in the State; they certainly did not result in less access than that enjoyed by the general public.

For all of these reasons, the Department is revising the EAC for both brand name and generic drugs. The Department also intends to revise the method for determining the MAC for multisource drugs but has delayed implementation of a revised State MAC after receiving comments in response to the public notice published at 35 Pa.B. 3268 (June 4, 2005) to allow for additional public

comment on the proposed MAC methodology. The dispensing fee of \$4 for both brand name and generic drugs will remain the same.

Brand Name Drugs

In the public notice published at 35 Pa.B. 3268, the Department announced its intent to revise its calculation of the drug cost component of brand name drugs both by basing the EAC on the WAC when it is available, rather than relying only on the AWP for the drug, and by increasing the discount off AWP from 10% to 15%. Since publication of the public notice and in partial response to objections from pharmacy providers to the proposed methodology, the Department decided to modify the payment methodology for brand name drugs from that proposed in the public notice. The upward adjustment is intended to address the pharmacists' concerns but enable the Department to continue to meet its goal of operating an efficient and economical pharmacy benefit program that affords MA recipients access to quality care.

Having considered the comments received in response to the public notice, the Department will revise the payment rates for the drug cost component of brand name drugs to be either the lowest WAC listed for the drug in available Nationally recognized pricing services, plus 7% or, if WAC data for the drug are not available from a Nationally recognized pricing service, the lowest AWP listed for the drug in available Nationally recognized pricing services, minus 14%. In addition, consistent with its existing policy of availing itself of the best price listed in any of the Nationally recognized pricing services, which are currently First Data Bank, Medi-Span and Micromedix, if both WAC and AWP data are available for a drug, the Department will calculate the EAC using the lower of the two amounts.

This final-omitted rulemaking aligns the payment methodology for brand name pharmaceuticals in the FFS delivery system with the payment methodology adopted by other third-party prescription plans and MCOs throughout this Commonwealth, in addition to the payment methodologies of comparable state Medicaid programs. Each of these payors base their pharmacy payment rates on a discounted AWP significantly deeper than AWP minus 10% and pay a dispensing fee considerably lower than \$4. For example, HealthChoices MCOs are currently paying between AWP minus 14% and AWP minus 16% for brand name drugs, plus a dispensing fee that ranges from \$1.50 to \$2. The weighted average of the MCOs' payment rates is AWP minus 15.22%. Rate information from 58 private prescription plans shows similar discounts from AWP: 24% of the plans discount AWP by 13%; 14% of the plans discount AWP by 14%; 19% of the plans discount AWP by 15%; and 19% of the plans discount AWP by 16%. Fifty of these private prescription plans pay a dispensing fee of \$2.75 or less per prescription.

The MA Program is not the only state Medicaid program that has recognized the need to reassess the drug cost component of its pharmacy payment methodology to address not only the appropriate payment rate but the basis on which to calculate the drug cost. Most third-party payors and state Medicaid programs have historically based the calculation of the drug cost component on AWP, which is the price assigned to a drug by its manufacturers and compiled by the various drug pricing services. More recently, state Medicaid programs in particular have started using WAC to calculate their EACs. As the cost at which wholesalers purchase drug products

from manufacturers, WAC is considered to be a more accurate gauge of the actual cost of the drug products.

Other state Medicaid programs comparable to the MA Program in size and scope or bordering this Commonwealth have lowered their EACs and abandoned use of AWP as the sole basis for determining drug costs, using WAC either as the only basis for determining drug costs or as a companion basis along with AWP. States that use WAC include Florida, Massachusetts, Maryland, Texas, Ohio and Rhode Island. In Massachusetts and Rhode Island, WAC is the sole basis for determining the EAC. Specific examples of rates paid by other State Medicaid programs for brand name drugs are:

Florida—the lower of WAC plus 5.75% or AWP minus 15.45% plus a \$4.23 dispensing fee.

Maryland—the lower of WAC plus 12% or AWP minus 12% plus a \$2.69 dispensing fee.

Texas—the lower of WAC plus 12% or AWP minus 15% plus a \$5.14 dispensing fee.

Ohio—the lower of WAC plus 9% or AWP minus 12.8% plus a \$3.70 dispensing fee.

Massachusetts—WAC plus 5% plus a \$3.50 dispensing fee.

Rhode Island—WAC plus 5% plus a \$3.40 dispensing fee.

Illinois—AWP minus 12% plus a \$3.40 dispensing fee.

Michigan—AWP minus 13.5% for pharmacies owning one to four stores and AWP minus 15.1% for pharmacies owning five or more stores and for pharmacies solely serving patients in long-term-care facilities, plus a \$2.50 dispensing fee.

New York—AWP minus 12% plus a \$3.50 dispensing fee.

Virginia—AWP minus 10.25% plus a \$3.75 dispensing fee.

Delaware—AWP minus 14% plus a \$3.65 dispensing fee.

West Virginia—AWP minus 12% plus a \$3.90 dispensing fee.

The Department's revised EAC for brand name drugs, together with the \$4 dispensing fee, is well within the range of pharmacy payment rates of these other state Medicaid programs, which have been approved by the Centers for Medicare and Medicaid Services (CMS).

Several studies conducted in recent years confirm that the reduced payment rates offered by both private third-party payors and state Medicaid agencies more accurately reflect the prices that pharmacies pay for drugs. Of particular note regarding the cost of brand name drugs is the series of reports issued by the Office of Inspector General (OIG) of the United States Department of Health and Human Services beginning in 1997. The first report, issued in April 1997, was entitled "Medicaid Pharmacy—Actual Acquisition Cost of Prescription Drug Products for Brand Name Drugs" (Report No. A-06-96-00030). From a randomly selected sample of ten states (California, Delaware, Florida, Maryland, Missouri, Montana, Nebraska, New Jersey, North Carolina and Virginia) and the District of Columbia, the OIG analyzed the actual invoice price of brand name drugs for four categories of pharmacies, including rural-chain, rural-independent, urban-chain and urban-independent pharmacies. Combining the results of its analysis of the four categories of pharmacies, the OIG

estimated that pharmacies' actual acquisition cost for brand name prescription drugs was a National average of AWP minus 18.3%.

In August 2001, the OIG issued the results of another study, entitled "Medicaid Pharmacy—Actual Acquisition Costs of Brand Name Prescription Drug Products" (Report No. A-06-00-00023), which reviewed an eight-state sample (Montana, Florida, Colorado, Indiana, Texas, Washington, West Virginia and Wisconsin) of the same types of pharmacies as in the 1997 study, plus "nontraditional pharmacies" (that is, nursing home pharmacies and hospital pharmacies). The nontraditional pharmacies were sampled separately. The OIG estimated that Nationally, the invoice price for brand name drugs was an average of 21.84% below AWP for traditional pharmacies and 31.18% below AWP for nontraditional pharmacies.

In September 2002, the OIG issued a follow-up report to the August 2001 study entitled "Medicaid Pharmacy—Additional Analysis of the Actual Acquisition Cost of Prescription Drug Products" (Report No. A-06-02-00041). In this study, the OIG reviewed not only brand name drugs, but also all drugs without Federal upper limits, multisource drugs without Federal upper limits and multisource drugs with Federal upper limits. The OIG estimated that pharmacies were able to purchase brand name drugs at an average of 17.2% below AWP, and all drugs without Federal upper limits at an average of 27.2% below AWP.

In addition to the reports issued by the OIG, Pricewaterhouse Coopers (PwC) released a pharmacy services study in November 1998 which it conducted for the Department and the Department of Aging at the direction of the General Assembly by the act of June 12, 1996 (P. L. 337, No. 53) (Act 53), codified in section 2313-A of The Administrative Code of 1929 (71 P. S. § 581-13). The purpose of the study, as prescribed by the General Assembly, was to "determine the full cost of filling a prescription and providing pharmacy services, including reasonable profits, in the Pennsylvania Medicaid and PACE programs."

The authors of the PwC study concluded that the existing MA payment rates did not place independent pharmacies at a disadvantage in relation to the cost of acquiring drugs. Although the study estimated that pharmacy net income for dispensing MA FFS claims in 1997 was minus 1¢ per claim or -0% of acquisition costs, the estimate did not reflect additional income pharmacies receive from manufacturers in the form of rebates and discounts as well as the sale of nonprescription items. The study noted that third-party payors, other than state Medicaid programs at the time, paid AWP minus 12% to 14% for most brand name drugs.

The conclusion that emerges from all of these studies, as well as a study by the Congressional Budget Office, released December 1, 2004, is that the Department is currently paying more than it costs providers to buy brand name drugs. In discharging its obligation to set payment rates for brand name drugs at a level that will maximize the efficient and economical operation of the MA Program while maintaining recipient access to quality pharmacy services, the Department has considered the concerns expressed by pharmacies that current payments for pharmacy services nonetheless do not reflect the "costs" they incur in providing those services. The Department has also taken into account the previously noted studies and reports and their review of drug costs and the "profitability" of providing services, as well as the need to account for rebates, discounts, manufacturer's promotions

and the mix of prescriptions by payor, along with the profitability from total pharmacy revenues such as non-prescription sales. Given the price ranges reflected in the studies, and taking into account the providers' claims relating to the costs of providing services, the Department believes that its decision to pay for brand name drugs at the lower of WAC plus 7% or AWP minus 14% with no reduction in the dispensing fee per prescription is consistent with its duty to assure that MA recipients have access to quality pharmacy services at rates that compare most favorably with those of other major payors, both public and private, of pharmacy services.

Generic Drugs

Generic versions of brand name drugs are reviewed and approved by the United States Food and Drug Administration (FDA). The FDA uses the same strict guidelines and inspections to evaluate and approve both generic and brand name drugs. Generic drugs that meet the same standards for strength, quality and purity as the brand name drugs are given an "A rating" by the FDA and are considered to be equivalent to the brand name counterparts. Generically equivalent drugs contain the same active ingredients and come in the same strengths and dosage forms as the brand name counterparts. Therefore, the FDA assures that all "A-rated" generically equivalent drugs can be substituted for the brand name drug with the full expectation that the generic product will produce the same clinical effect and safety profile as the brand name product.

The Department has to date established the same EAC for brand name and generic drugs, subject only to the maximum allowable cost, or State MAC, established by the Department. See § 1121.55(c). The State MAC is currently comprised of: 1) multisource drugs for which the Federal government has established a Federal upper limit as set forth in 42 CFR 447.332(a) (relating to upper limits for multiple source drugs); and 2) several other multisource drugs that do not have Federal upper limits. See § 1121.56(d).

Many A-rated generically equivalent drugs have become available in the market place for brand name drugs for which the Federal government has not yet assigned a Federal upper limit and the Department has not yet established a baseline price. Therefore, no State MAC has been established and the Department has been paying for these drugs at the rate of AWP minus 10%, rather than a rate that more accurately reflects the reported cost of the drug. For example, in its 2002 report previously discussed, the OIG concluded that pharmacies were able to purchase multisource drugs without Federal upper limits at an estimated discount of 44.2% below AWP and multisource drugs with Federal upper limits at an estimated discount of 72.1% below AWP. By not calculating a different EAC for generic drugs based on the actual costs of the generic drug, the Department has not taken full advantage of all the generic savings that exist in the current market place.

Other State Medicaid programs as well as private and public third-party payors in this Commonwealth have also begun to adopt separate EACs for generic drugs in addition to their MACs. For example, Arkansas, Colorado, Connecticut, Illinois and Kansas have adopted generic EACs ranging from AWP minus 20% to AWP minus 40%. All of these EACs have been approved by the CMS. MCOs under contract with the Department have adopted EACs for generic drugs ranging from AWP minus 15% to AWP minus 40%, depending on the drug. MCOs in this Commonwealth that participate in the Children's Health

Insurance Program have likewise adopted EACs for generic drugs, ranging from AWP minus 55% to AWP minus 30%.

After reviewing the emerging generic pricing methodologies of other state Medicaid programs and public third-party payors in this Commonwealth, the Department will revise its payment methodology for the drug cost component of generic drugs to establish a separate EAC for those drugs as proposed in the public notice published at 35 Pa.B. 3268, as follows: the lowest WAC listed for the drug in available Nationally recognized pricing services, plus 66% or, if WAC data for the drug are not available from a Nationally recognized pricing service, the lowest AWP listed for the drug in available Nationally recognized pricing services, minus 25%. As with the brand name EAC and consistent with its existing pricing policy, if both WAC and AWP data are available for a drug, the Department will calculate the EAC using the lower of the two amounts. Together with the revisions to the State MAC methodology that the Department has proposed to make in the near future, this amendment not only aligns the Department's payment methodology for generic drugs with those of other public payors but also more closely approximates the reported cost of generic drugs, thereby enabling the Department to afford MA recipients access to generic drugs at the best possible price.

GA Pharmacy Benefit Package

The MA Program currently limits the pharmacy benefit package for GA recipients who are eligible for pharmacy benefits. One limit is that OTC medications, with the exception of insulin, are not covered for these eligibility groups. This restriction was imposed as part of a Stipulation of Settlement approved by the United States District Court for the Eastern District of Pennsylvania in *Felix v. Casey* No. 92-CV-7376 (E.D. Pa.). See 23 Pa.B. 4585 (September 25, 1993).

As previously noted, the Department has begun to require PA of specified drugs within a therapeutic class, while other drugs within the same therapeutic class do not require PA (preferred drugs). In some cases, the preferred drugs are OTC medications. The Department is revising the coverage preclusion of OTC medications for GA recipients to permit coverage of OTC medications that the Department identifies as preferred drugs. This amendment will enable the Department to take advantage of the cost savings associated with the PA enhancements and extend to eligible recipients the benefits of preferred drugs that are OTC medications.

Payment Level and Public Notice of Rate-Setting Changes

Finally, the Department is amending outdated public notice requirements to conform to current corresponding Federal requirements. Section 1101.70 referred to 42 CFR 447.205 (relating to public notice of changes in Statewide methods and standards for setting payment rates) as requiring 60-day public notice of proposed Statewide changes in methods or levels of MA payment in certain circumstances and subject to certain conditions. Section 1101.70 merely recites the Federal requirements in effect at the time that regulation was promulgated. Since then, the Federal regulation has been amended to remove any reference to the timing of the public notice, but the Department has not amended its regulation to conform to the Federal amendment. The Department is rescinding § 1101.70 and amending § 1150.62 (relating to payment levels and notice of rate-setting changes) to reflect the current Federal requirement. The Department is also

amending § 1150.62 to delete provisions that are duplicative of current Federal requirements regarding payment levels.

Requirements

Section 1101.21 (relating to definitions) is amended to add a definition of "GA—General Assistance." Section 1101.70 is rescinded. Section 1121.2 (relating to definitions) is amended to add definitions of "CMS," "CMS multisource drug," "EAC," "generic drug," "pricing service" and "WAC," to remove the definition of "Department's pricing service," "HCFA" and "HCFA multisource drug" and to make conforming amendments to the definitions of "AWP," "BaseLine price" and "Federal upper limit." Section 1121.11 (relating to types of services covered) is amended to provide coverage for OTC medications for GA recipients eligible for the pharmacy benefit when the Department has identified the OTC medication as the preferred drug in a therapeutic class. Section 1121.24 (relating to scope of benefits for GA recipients) is amended to revise the scope of benefits for GA recipients consistent with the amendment to § 1121.11. Section 1121.53 (relating to limitations on payment) is amended to replace the reference to "HCFA" and to replace the term "reimbursement formula" with the term "payment formula." Section 1121.56 is amended to revise the methodology for calculating the EACs for brand name and generic drugs and to make conforming amendments. Section 1150.62 is amended to conform to current Federal requirements.

Affected Individuals and Organizations

Pharmacies and other providers that dispense prescription drugs to MA recipients will be affected by this final-omitted rulemaking, which revises the drug cost payment methodology for brand name and generic drugs. GA recipients eligible for the MA Program pharmacy benefit will be affected by this change, which provides additional coverage for OTC medications under certain conditions.

Accomplishments and Benefits

This final-omitted rulemaking aligns the Department's pharmacy payment rates within those of other private third-party payors in this Commonwealth as well as comparable or contiguous State Medicaid programs, thereby enabling the MA Program to take advantage of all available pharmacy pricing opportunities and potential savings while maintaining MA recipient access to medically necessary drugs. The final-omitted rulemaking also expands coverage for GA recipients by allowing payment for certain OTC medications, which has the dual benefit of enabling the Department to realize additional efficiencies while affording GA recipients access to previously noncovered drugs. Finally, the payment level and notice provisions conform the Department's regulations to Federal requirements.

Fiscal Impact

The revised payment methodology for brand name and generic drugs will result in reduced payments to pharmacies enrolled in the MA Program. The Commonwealth will realize \$35.256 million (\$16.213 million in State funds) in savings in Fiscal Year 2005-2006. The coverage of certain OTC medications for GA recipients will have no net fiscal impact. The revised payment level and notice provisions will have no fiscal impact.

Paperwork Requirements

No new or additional paperwork requirements result from the adoption of this final-omitted rulemaking.

Public Process

The Department published an advance public notice at 35 Pa.B. 3268 announcing its intent to revise the payment methodology for both brand name drugs and generic drugs. The Department invited interested persons to comment on the proposed changes. Only 24 commentators, including 4 trade associations and 4 members of the House of Representatives, responded to the Department's invitation to comment.

Before publishing the public notice, the Department presented a copy of the proposed rulemaking package to implement the revised EAC for both brand name and generic drugs as well as the State MAC pricing methodology for multisource drugs at the Medical Assistance Advisory Committee (MAAC) meeting on December 9, 2004. In addition, the Department discussed the revised payment methodology for both brand name and multisource drugs at the MAAC meeting on February 24, 2005, and shared an advance copy of the public notice announcing the proposed revision to the pharmacy payment methodology for brand name and multisource drugs at the May 26, 2005, MAAC meeting. The Department received no comments from the MAAC.

The Department considered all comments received in response to the advance public notice and has delayed implementation of the revised State MAC methodology to allow additional opportunity for public comment. The Department also revised the calculation of the EAC for brand name drugs from that proposed in the public notice.

Discussion of Comments

Following is a summary of the comments received within the public comment period following publication of the public notice and the Department's response to the comments.

Comment

Several commentators objected to the changes in the payment methodology because they claimed the Department has not conducted the study of the cost of dispensing medications to MA recipients required by Act 53. Several of these commentators claimed that because no study has been conducted, the Department does not know whether the revised payment rates allow for a "fair and reasonable profit," which they contend is required by Act 53. Another commentator acknowledged that the Department had conducted the study but advocated for an updated study before any changes are made to the payment methodology. Without alluding to the previous study, a different commentator also recommended that the Department conduct a study.

Response

As previously discussed, together with the Department of Aging, the Department did commission a study as directed by the General Assembly in Act 53, which was conducted by PwC. The PwC study was the second study that the Department contracted to conduct, after the author of the first study informed the Department of Aging that the "study's limitations are such that the findings cannot, should not, be used as the basis for any aspect of pharmacy reimbursement" and that the "report and results should not be released, or used in any fashion, other than design and methodological lessons."

The Department disagrees that Act 53, or any other provision of State or Federal law, requires that pharmacy payment rates allow for a "fair and reasonable profit." Rather, Act 53 required only that the study include

consideration of reasonable profits. It did not impose an independent obligation to set payment rates at a level that would afford providers the opportunity to profit from publicly funded programs. A Federal appellate court has similarly concluded that the Department's payment rates do not have to account for costs, much less profit. The Department also disagrees that another study is necessary, in light of the OIG reports previously discussed, which show that the Department's current payment rates are higher than the cost of both brand name and generic drugs.

Comment

A few commentators expressed concern that the changes in the pharmacy pricing methodology for brand name and generic drugs might result in a decrease in the number of pharmacies available to provide quality services to MA recipients, but only one commentator stated that it would be unwilling to serve MA recipients if the payment rates are changed.

Response

As previously discussed, the revised pharmacy payment methodology brings the MA FFS pharmacy payment rates in line with the payments rates of the HealthChoices MCOs, private third-party payors and other state Medicaid programs. Moreover, the studies previously discussed support the conclusion that pharmacies obtain prescription drugs at costs well below the Department's current payment rates. At the same time, experience shows that MA recipients continued to enjoy access to pharmacy services when the Department revised its payment rates in 1995 and when the HealthChoices MCOs further reduced their payment rates in 1998. Because the revised payment rates compare favorably to the payment rates offered by private payors in this Commonwealth as well as comparable public payors throughout the country, and in light of the past experience when payment rates were decreased, the Department is confident that its revised pharmacy payment rates will maintain access to quality pharmacy services for MA recipients at the same level as that of the general public.

Comment

Several commentators noted that dispensing drugs to MA recipients can be more expensive than dispensing to the general public because of the distinctly different challenges inherent to a provider in the MA Program, specifically that MA recipients often tend to have more complicated illnesses, linguistic and literacy problems and require more cognitive services from the pharmacist.

Response

The Department recognizes that many MA recipients, due to issues of poverty, community and family resources and complex health issues, may require additional provider resources. These needs affect pharmacies in this Commonwealth and other states. As previously discussed, the revised payment rates are consistent not only with those of private third-party payors in this Commonwealth but also with comparable state Medicaid programs. At the same time, the Department's dispensing fee remains higher than those of private third-party payors and the HealthChoices MCOs.

In recognition of the complexity of the health issues that many MA recipients face and to assist them to better manage those issues and to enhance access to services, in March 2005, the Department expanded the Family Care Network, a primary care case management program, to include adults. This program, known as ACCESS Plus,

not only provides a medical home to MA recipients who previously did not have one, but also offers a voluntary disease management program for MA recipients who have asthma, diabetes, chronic obstructive pulmonary disease, coronary artery disease or congestive heart failure. The ACCESS Plus case managers and disease managers are available to act as partners with the pharmacists in managing the health status of MA recipients.

Comment

Several commentators complained that while pharmacy operating costs, including overhead and actual drug costs, are increasing, the Department is proposing to pay pharmacies less. Two commentators expressed the opinion that the Department's dispensing fee is too low, with one of these commentators recommending that the dispensing fee should increase if the payment rates for drug costs are decreased.

Response

The Department has an obligation to be a prudent purchaser of health care services. As previously discussed, the Department continues to rank among the highest payors of drugs. The revised payment methodology aligns the Department's pharmacy payment rates with those of private payors in this Commonwealth, as well as state Medicaid programs, and more accurately reflects the price that providers pay for drugs. The Department has maintained the dispensing fee at \$4, which is higher than those of private payors and comparable to those of other State Medicaid programs.

Comment

Several commentators objected to the revised payment rates because they claimed that the Department changed the method for calculating the AWP in January 2005, which also resulted in lower payments to pharmacies.

Response

Since January 2005, the Department bases its calculation of the EAC on the lowest AWP listed for the drug in all of the Nationally recognized pricing services, rather than limiting its calculation to the AWP listed in one pricing service. As these prices are the prices reported by the wholesalers to the pricing services and made available to the Department, it is prudent, appropriate and consistent with its regulations for the Department to use them. Although basing the drug cost determination on the lowest AWP reported in the National pricing services might have resulted in decreased payments to pharmacies for some drugs, the Department is obligated to administer the MA program efficiently and economically. The Department would be remiss in this obligation if it did not avail itself of the base AWP price reported by wholesalers to any of the pricing services. For the same reasons, the Department cannot ignore that even after using the AWP data available in all Nationally recognized pricing services to establish the EAC, its current payment rates are considerably more generous than those of other third-party payors and other State Medicaid programs and considerably higher than the prices providers pay for the drugs.

Comment

Several commentators, including three legislators, raised concerns regarding the use of the public notice process to revise the pharmacy payment methodology rather than following the standard regulatory process. Two commentators complained that the public notice did not explain in sufficient detail the revised method for determining the State MAC for multisource drugs.

Response

Rather than implementing the payment methodology for both brand name and generic drugs by publication of public notice, the Department is proceeding with this final-omitted rulemaking under an expedited process, as directed by the General Assembly in Act 42. The Department believes that the public notice published at 35 Pa.B. 3268 complies with both State and Federal law requirements. In addition, both commentators who complained about the insufficient detail had actual notice of the proposed State MAC revision through participation at the MAAC meetings at which the Department presented and discussed the proposed amendment. Nonetheless, the Department has delayed implementation of the revised method for determining the State MAC to allow for additional public comment in response to a public notice published at 35 Pa.B. 4264 (July 30, 2005).

Comment

Some commentators complained that the administrative requirements in the MA Program are greater than in private third-party plans, such as the use of multiple forms, the timeframe for payment and stringent audits and investigations. Others raised concerns as to the effect of the revised payment rates in light of the recent additional or proposed administrative efficiencies and cost-saving measures instituted by the Department. These measures include PA requirements for additional drugs, the proposal to establish a PDL, the proposal to limit the number of authorized prescriptions per month and the proposal to increase recipient copayments. At the same time, one commentator acknowledged the legitimate cost savings to be realized through PA of high-use drugs, one commentator recommended a PDL, two commentators supported limits on the number of monthly authorized prescriptions and one commentator recommended increased recipient copayments as well as increased use of generic drugs.

Response

Regarding the general concern over the number of Department forms and bulletins, with the implementation of the PROMISE claims processing system in March 2004, all pharmacy claims are billed on-line at the point of sale. Unlike most other MA providers, pharmacies receive immediate confirmation of the approval of the claim or notification of the information needed to complete the adjudication of the claim. The Department has also moved to the use of an Internet-based program, which affords all providers, including pharmacies, online access to information and provider billing guides, thereby further minimizing paperwork requirements.

Regarding the complaints about the "minimum six-week payment cycle" for adjudicated claims, this process applies to most MA providers and complies with timely payment requirements imposed by Federal law. In fact, this requirement is mitigated for pharmacies since the Department adjudicates pharmacy claims at the point of sale, thus decreasing the time between submission and adjudication of claims.

Although the Department is aware of the concerns that providers, including pharmacies, have expressed regarding the number of audits and investigations the Department pursues, the Department has a responsibility under both State and Federal law to investigate any complaint or concern that is either reported to or uncovered by the Department to ensure that services are provided appropriately and in compliance with multiple Federal requirements. The Department has worked and will continue to

work with other State agencies, for example, the Department of Aging, to coordinate reviews to avoid unnecessary or duplicative activities. Regardless of the success of those efforts, however, the Commonwealth's responsibility to assure that public moneys are expended only as permitted by State and Federal law cannot preclude the Department from revising its pharmacy payment rates to align them with those of other private and public payors and to reflect the prices paid by pharmacies.

As previously noted, the Department's efforts to maximize efficiencies in the pharmacy program have not focused exclusively on payment rates. In its ongoing effort to enhance the efficiency and economy of the program while maintaining recipient access to quality pharmacy services, the Department has recently made several other changes to the pharmacy program in the FFS delivery system. These changes can also not be offered as a legitimate reason to prevent revision of the Department's pharmacy payment rates. Many of these changes reflect the processes currently in place in most other private and many other public pharmacy programs.

For example, in implementing the changes to PA requirements, the Department has only followed the lead of other third-party pharmacy plans, both in requiring PA of more drugs and in providing automatic PA based on a systems review of claims history, without additional work on the part of the prescriber or pharmacy. Therefore, the Department has made every effort to minimize the burden on pharmacies while conforming its policies and procedures to current industry standards.

Similarly in proceeding with establishing a PDL, the Department will be implementing a common pharmacy benefit management tool used by most third-party payors, including the MCOs under contract to the Department. By establishing a PDL, the Department will not only afford MA recipients the benefit of its assessment of the most cost-effective and efficacious drugs in a therapeutic class and at the same time enhance revenue to the program through increased manufacturers' drug rebates, but will also ensure consistency between the Department's FFS and managed care delivery systems, by implementing one PDL for both. This should eliminate the pharmacists' legitimate complaints about the inconsistency among MCOs' formularies and the resulting confusion caused by the differing array of requirements imposed by those formularies. In short, a Department-wide PDL will decrease rather than increase administrative burdens on pharmacies.

Finally, in response to the concerns that both commentators and others in the community raised regarding the impact of the proposed monthly prescription limits for adult MA recipients, the Department will not be implementing that proposal. The Department has also modified the recipient copayment increases from its original proposal, with the goal of encouraging the use of generic drugs. Under the new requirements for both adult MA recipients and GA recipients, the copayment for brand name drugs will increase to \$3 from \$1 and \$2, respectively. For multisource drugs, the copayment will remain at \$1 for adult MA recipients and decrease from \$2 to \$1 for adult GA recipients. The Department expects that the modified copayments will benefit not only recipients but pharmacies as well.

Comment

Two commentators recommended that the Department could save money by carving out pharmacy from the managed care programs in order to maximize drug rebates, rather than revising the FFS payment rates.

Response

The Department has analyzed the relative advantages and disadvantages of removing the management of the pharmacy benefit from the MCOs and determined that the disadvantages outweigh the advantages. The pharmacy payment rates established by the MCOs offset the higher level of rebates the Department would receive from drug manufacturers if it administered the pharmacy program Statewide. Nonetheless, the Department will continue to assess the cost-effectiveness of removing the drug benefit from the MCOs in the future.

Regulatory Review Act

Under section 454 of the code, this final-omitted rulemaking is not subject to review under the Regulatory Review Act.

Order

The Department finds that:

(1) Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) of the CDL and 1 Pa.Code § 7.4(1)(iv) because the regulation relates to Commonwealth grants and benefits.

(b) Adoption of this rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of the code.

Order

The Department, acting under the code, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapters 1101, 1121 and 1150, are amended by amending §§ 1101.21, 1121.2, 1121.11, 1121.24, 1121.53, 1121.56 and 1150.62 and by deleting §§ 1101.70 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

(d) This order shall take effect on August 10, 2005.

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-497. No fiscal impact; (8) recommends adoption. The changes associated with this rulemaking will generate a savings to the General Fund of \$16.213 million in Fiscal Year 2005-2006 and \$15.066 million in Fiscal Year 2006-2007.

Annex A
TITLE 55. PUBLIC WELFARE
PART III. MEDICAL ASSISTANCE MANUAL
CHAPTER 1101. GENERAL PROVISIONS
DEFINITIONS

§ 1101.21. Definitions.

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

* * * * *

*GA—General Assistance—*MA funded solely by State funds as authorized under Article IV of the Public Welfare Code (62 P. S. §§ 401—488).

* * * * *

FEES AND PAYMENTS

§ 1101.70. (Reserved).

**CHAPTER 1121. PHARMACEUTICAL SERVICES
GENERAL PROVISIONS**

§ 1121.2. Definitions.

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

AWP—The average wholesale price listed for a drug in one or more available Nationally recognized pricing services.

BaseLine price—That price for multisource drugs determined by available Nationally recognized pricing services as the recalculated mean average for a multisource drug product using only the prices within one standard deviation of the original mean average.

Brand name—A registered trade name commonly used to identify a drug.

CMS—The Centers for Medicare and Medicaid Services.

CMS multisource drug—A multisource drug identified by CMS for which FFP is limited under 42 CFR 447.331—447.333 (relating to drugs: aggregate upper limits of payment; upper limits for multiple source drugs; state plan requirements, findings and assurances).

Compounded prescription—A prescription that is prepared in the pharmacy by combining two or more ingredients and involves the weighing of at least one solid ingredient which shall be a compensable item or a legend drug in a therapeutic amount.

DESI drug—A drug product for which Federal Financial Participation FFP is not available under 42 CFR 441.25 (relating to less than effective drugs).

EAC—Estimated Acquisition Cost—As defined in 42 CFR 447.301 (relating to definitions).

Experimental drug—A drug or product currently being investigated under licensure by the FDA to determine its safety and effectiveness.

FDA—Food and Drug Administration.

FFP—Federal financial participation.

Federal upper limit—The per unit amount set for a multisource drug which is established by CMS under 42 CFR 447.332.

Generic drug—A drug that is “A-rated” by the FDA as therapeutically equivalent to the counterpart brand name drug.

Legend drug—A drug or product that under Federal law or State law can be dispensed only upon the order of a physician.

Licensed prescriber—A person currently licensed under the law of a state to order medication.

Multisource drug—A drug marketed or sold by two or more manufacturers or labelers or a drug marketed or sold by the same manufacturer or labeler under two or more different proprietary names or both under a proprietary name and without such a name.

Nonlegend drug—A drug or product that can be purchased without a prescription.

OBRA '90—The Omnibus Budget Reconciliation Act of 1990 (Pub. L. No. 101-508, 104 Stat. 1388).

Pricing service—A third-party source that compiles and provides drug-specific information needed to maintain the drug reference file under this chapter.

State MAC—The maximum allowable cost established for a multisource drug.

Usual and customary charge—The pharmacy’s lowest net charge an MA recipient would pay for a prescription as a non-Medicaid patient at the time of dispensing for the same quantity and strength of a particular drug or product, including applicable discounts, such as special rates to nursing home residents, senior citizens, or other discounts extended to a particular group of patients. This lowest net price does not apply to special in-store rates or discounts extended to charitable organizations, religious groups, store employees and their families, nonprofit organizations, members of the medical profession or other similar non-Medicaid groups.

WAC—Wholesale Acquisition Cost—The manufacturer’s list price for a drug to wholesalers or direct purchasers in the United States as listed in one or more available Nationally recognized pricing services.

COVERED AND NONCOVERED SERVICES

§ 1121.11. Types of services covered.

(a) The MA Program covers legend drugs except as otherwise specified in this chapter if the medical necessity has been established and the drug has been prescribed or ordered by a licensed prescriber within the scope of the prescriber’s practice.

(b) The MA Program covers the nonlegend drugs specified in § 1121.53(d) (relating to limitations on payment), except that for GA recipients, coverage of nonlegend drugs is limited to insulin and drugs that the Department has identified as the preferred drug in a therapeutic class.

(c) Payment is subject to the conditions and limitations of this chapter and Chapter 1101 (relating to general provisions).

SCOPE OF BENEFITS

§ 1121.24. Scope of benefits for GA recipients.

GA recipients, age 21 to 65, are eligible for medically necessary basic health care benefits as described in Chapter 1101 (relating to general provisions) and this chapter. See §§ 1101.31(e) and 1121.11 (relating to scope; types of services covered).

PAYMENT FOR PHARMACEUTICAL SERVICES

§ 1121.53. Limitations on payment.

(a) The Department will not pay a provider an amount that exceeds the provider’s usual and customary charge to the general public.

(b) The Department establishes a State MAC which sets a limit on the drug cost component of the payment formula for selected multisource drugs. The State MAC will include a combination of CMS multisource drugs and the Department’s MAC drugs and does not apply if the following exist:

* * * * *

§ 1121.56. Drug cost determination.

(a) The Department will base its drug cost for compensable legend and nonlegend drugs on the lower of:

(1) The EAC established by the Department.

(i) For brand name drugs, the EAC is established by the Department as one of the following:

(A) The lowest WAC listed for the drug in available Nationally recognized pricing services, plus 7%.

(B) If WAC data are not available from a Nationally recognized pricing service, the lowest AWP listed for the drug in available Nationally recognized pricing services, minus 14%.

(C) If both WAC and AWP cost data are available for the drug from a Nationally recognized pricing service, the lower of the two amounts.

(i) For generic drugs, the EAC is established by the Department as one of the following:

(A) The lowest WAC listed for the drug in available Nationally recognized pricing services, plus 66%.

(B) If WAC data are not available from a Nationally recognized pricing service, the lowest AWP listed for the drug in available Nationally recognized pricing services, minus 25%.

(C) If both WAC and AWP cost data are available for the drug from a Nationally recognized pricing service, the lower of the two amounts.

(2) The State MAC established by the Department.

(b) The Department will update the EAC for individual drugs on a monthly basis as it appears in available Nationally recognized pricing services.

(c) CMS establishes lists that identify and set Federal upper limits for CMS multisource drugs and provides the listing of these drugs and revisions to the list to the Department through Medicaid manual transmittals on a periodic basis.

(d) The Department will determine the State MAC by one of the following methods:

(1) For multisource drugs not classified as a CMS multisource drug, the Department will set the State MAC at the baseline price for the multisource drug entity as determined and provided by available Nationally recognized pricing services.

(2) For drugs classified as CMS multisource drugs, the Department will set the State MAC at the Federal upper limit established for that drug.

(3) For disposable insulin syringes, the Department will set the State MAC at the amount listed in the MA Program Fee Schedule.

(e) The Department will update the State MAC as follows:

(1) The Department will apply the Federal upper limits for CMS multisource drugs to be effective on the date established by CMS and will distribute the update to each pharmacy enrolled in the MA Program when it is available.

(2) The Department will apply the recomputed BaseLine price for multisource drugs not classified as CMS multisource drugs every 6 months, and will distribute the update to each pharmacy enrolled in the MA Program.

(f) With the exception of the CMS multisource drugs, the Department will make further additions to the list of State MAC drugs after consultation with the Medical Assistance Advisory Committee as to whether the application of a State MAC is cost effective to the Department for a particular multisource drug. The Department will add the CMS multisource drugs to the State MAC list effective as of the effective date established by CMS.

(g) With the exception of disposable insulin syringes, the State MAC does not apply if the conditions are met as described in § 1121.53(b)(1) and (2) (relating to limitations on payment).

(h) The most common package size for the purposes of determining the product cost is one of the following:

(1) For capsules, tablets and liquids available in breakable package sizes:

(i) The listed package size if only one package size is listed.

(ii) The 100 or pint package size if more than one package size is listed.

(iii) The next smaller package size from the 100 or pint size, excluding a drug company's unit-dose package size, if more than one package size is listed other than the 100 or pint package size.

(iv) The package size closest to the 100 or pint package size, excluding a drug company's unit-dose package size, if the next smaller package is the unit-dose package size.

(2) The listed package size for all dosage forms available in nonbreakable packages and for all nonlegend drug products.

CHAPTER 1150. MA PROGRAM PAYMENT POLICIES PAYMENT FOR SERVICES

§ 1150.62. Payment levels and notice of rate setting changes.

(a) The Department will establish maximum payment rates for MA covered services. The established maximum payment rates will not exceed the Medicare upper limit.

(b) The Department will issue public notice of changes in Statewide methods and standards for setting payment rates as required by Federal law.

[Pa.B. Doc. No. 05-1478. Filed for public inspection August 5, 2005, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Temporary Order Designating Dangerous Transmissible Disease

The Department of Agriculture (Department) hereby issues a temporary order designating Lymphocytic Choriomeningitis Virus (LCMV) as a "dangerous transmissible disease." This designation is made under 3 Pa.C.S. §§ 2301—2389) (relating to the Domestic Animal Law).

Under 3 Pa.C.S. § 2327(a) (relating to disease surveillance and detection), the Department has authority to monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases of animals. Under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases), the Department has authority to declare a disease that has not been specifically identified in that statute as a "dangerous transmissible disease" to be a dangerous transmissible disease through issuance of a temporary order making that designation.

LCMV is known to cause potentially fatal disease in humans and is capable of being spread by various rodent species. From time to time, outbreaks have occurred in the United States—necessitating swift investigation and disease containment strategies to protect human health.

Order

The Department hereby designates LCMV as a "dangerous transmissible disease" under 3 Pa.C.S. § 2321(d).

This order shall take effect as of July 25, 2005, and shall remain in effect until no later than July 25, 2006. This Department may: (1) reissue this temporary order to extend the designation beyond July 25 2006; (2) allow this temporary order to expire on July 25, 2006; (3) supplant this temporary order with a formal regulation; or (4) modify this temporary order.

Questions regarding this temporary order should be directed to Paul Knepley, DVM, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-2852.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 05-1479. Filed for public inspection August 5, 2005, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending July 26, 2005.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-22-05	Select Asset Management & Trust Company Mechanicsburg Cumberland County <i>Correspondent:</i> Timothy F. Demers, Esq. Stevens & Lee P. O. Box 679 Reading, PA 19603-0679	4718 Old Gettysburg Road Suite 405 Mechanicsburg Cumberland County	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-20-05	Community Banks Millersburg Dauphin County	The Manor at Oakridge 4500 Oakhurst Boulevard Susquehanna Township Dauphin County	Opened
7-22-05	Fulton Bank Lancaster Lancaster County	1952 Waddle Road Suite 106 State College Patton Township Centre County	Approved

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-22-05	Penn Liberty Bank Wayne Delaware County	199 East Lancaster Avenue Malvern Chester County	Approved

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-21-05	S & T Bank Indiana Indiana County	<i>To:</i> 628-630 Broad Street New Bethlehem Clarion County <i>From:</i> 363 Broad Street New Bethlehem Clarion County	Filed
7-26-05	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	<i>To:</i> 1139 Chestnut Street Philadelphia Philadelphia County <i>From:</i> 1200 Chestnut Street Philadelphia Philadelphia County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Trade, Industry or Profession Charter Application**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-26-05	Lee Hospital Credit Union Johnstown Cambria County	Johnstown	Approved

Application represents a conversion from an occupational-based credit union to a Trade, Industry or Profession Charter with a proposed field of membership consisting of health care workers in Blair, Cambria and Somerset Counties to include employees, independent contractors or self-employed persons that work at or provide the following services: assisted living facilities that provide healthcare; birthing centers; blood, organ and tissue banks; emergency medical care; health clinics; health maintenance organizations (HMO) facilities; home health care; hospices; hospitals; medical and diagnostic labs; nursing homes; nursing services; offices of chiropractors, dentists, licensed therapists, optometrists, physicians, podiatrists and psychologists; pain centers; paramedic services; pharmacy services; and rehabilitation centers providing medical treatment or licensed psychological or physical therapy.

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-1480. Filed for public inspection August 5, 2005, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Applications, Actions and Special Notices****APPLICATIONS**

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAR10H231R	Turnpike Commission Gettysburg Pike Interchange P. O. Box 67676 Harrisburg, PA 17106-7676	Cumberland County Upper Allen Township	Cedar Run/CWF	Y
PAR10M203R	Paulmark Estates Douglas Miller 9934 Brownsmill Road Greencastle, PA 17225	Franklin County Antrim Township	UNT to Conococheague Creek/WWF	Y
PA0085316 (Sewage)	Fort Heritage, Ltd. 1960 Emmitsburg Road Gettysburg, PA 17325	Adams County Cumberland Township	Marsh Creek/WWF/13-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0103543	Pithole Visitor Center 202 Museum Drive Titusville, PA 16354-8902	Venango County Cornplanter Township	Dry/Intermittent Tributary to Pithole Creek 16-E	Y
PA0221708	Chicora Borough Sewer Authority 200 Chicora-Fenelton Road P. O. Box 35 Chicora, PA 16025	Butler County Chicora Borough	Buffalo Creek 18-F	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0222704	Mowery Development No. 1 Treatment Facility Association SFTF 4493 Steger Road Erie, PA 16510-5137	Erie County Greene Township	UNT to Four Mile Creek	Y

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

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

No. PA0054712, Stormwater, **City of Philadelphia Water Department**, ARAMARK Tower, 1101 Market Street, Philadelphia, PA 19107-2994. The notice reflects changes to the first draft NPDES permit. The notice was originally published at 34 Pa.B. 5177 (September 18, 2004).

This application is for renewal of an NPDES permit to discharge stormwater from the City of Philadelphia’s municipal separate storm sewer system (MS4) to Wissahickon, Pennypack, Poquessing, Tacony/Frankford, Cobbs and Monoshone Creeks and Delaware and Schuylkill Rivers.

The receiving water bodies are classified for the following uses: TSF (Wissahickon Creek), WWF, aquatic life, water supply and recreation.

The permit consists of the following main parts: effluent limitations (in the form of best management practices), total maximum daily load requirements for sediment and PCBs, stormwater management program and standard permit conditions.

Changes to the draft permit occurred in Sections A and C—F.

PA0050105, Sewage, **Lower Frederick Township**, P. O. Box 253, Zieglersville, PA 19492. Sewage Treatment Plant is located at Spring Mount Road, Zieglersville.

Description of Activity: This application is for renewal of an NPDES permit to discharge treated sanitary wastewater from the Lower Frederick Township Sewage Treatment Plant to Perkiomen Creek.

The receiving stream, Perkiomen Creek, is in the State Water Plan Watershed 3E—Perkiomen and is classified for: WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Suburban Water Company is located on Perkiomen Creek and is approximately 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	37.5	15	22.5	30
Total Suspended Solids	33	50	20	30	
NH ₃ as N			3	4.5	40
Phosphorus as P			2	3	6
Fecal Coliform					4
Dissolved Oxygen			200#/100 ml		
Total Residual Chlorine			Monitor and Report		
			0.5		
pH (STD Unit)			6.0 (min)		9.0 (max)

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.

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

Application No. PA 02476777, Sewage, **East Waterford Sewer Authority**, R. R. 1, Honey Grove, PA 17035. This facility is located in Tuscarora Township, **Juniata County**.

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

The receiving stream, Tuscarora Creek, is in Watershed 12-B, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Authority is located on the Juniata River, approximately downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.020 mgd are:

<i>Parameter</i>	<i>Average Monthly (lbs/day)</i>	<i>Total Annual (lbs/year)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	4.2		25		50
TSS	5.0		30		60

<i>Parameter</i>	<i>Average Monthly (lbs/day)</i>	<i>Total Annual (lbs/year)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NH ₃ -N			Monitor and Report		
TKN			Monitor and Report		
NO ₃ -N			Monitor and Report		
NO ₂ -N			Monitor and Report		
Total Nitrogen		1,096	Monitor and Report		
Total Phosphorus		183	Monitor and Report		
Total Residual Chlorine			1.5		2.5
Dissolved Oxygen			minimum of 5.0 at all times		
pH			from 6.0 to 9.0 inclusive		
Fecal Coliform			200/100 ml as a geometric average		
(5-1 to 9-30)			7,000/100 ml as a geometric average		
(10-1 to 4-30)					

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

The EPA waiver is in effect.

Application No. PA 0247600, Concentrated Animal Feeding Operation (CAFO), **David Martin (David Martin Farm)**, 420 Nottingham Road, Nottingham, PA 19362.

David Martin has submitted an application for an Individual NPDES permit for a proposed CAFO known as the David Martin Farm, located in Little Britain Township, **Lancaster County**.

The CAFO is situated near Little Conowingo Creek (Watershed 7-K), which is classified for HQ-CWF. The CAFO will be designed to maintain an animal population of approximately 699 animal equivalent units consisting of 4,400 finishing swine, 155 heifers and 18,000 pullets. One new swine finishing barn is proposed. Swine manure will be stored in an underground deep pit with a storage capacity of approximately 1.64 million gallons and a leak detection system. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review the files by calling the file review coordinator at (717) 705-4732.

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

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Application No. PA 0086291, Industrial Waste, SIC Code 4922, **Texas Eastern Transmission, LP**, 5400 Westheimer Court, Houston, TX 77056. This facility is located in Lack Township, **Juniata County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Tuscarora Creek, is in Watershed 12-B, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is United Water Company located on the Susquehanna River, approximately 40 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 0.144 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Total PCBs	XXX	XXX	0.0000004	0.0000008	0.000001

In addition to the effluent limits, the permit contains the following major special condition:

- Part C includes requirements for water quality based effluent limits at or below detection limits.

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

The EPA waiver is in effect.

Application No. PA 0247618, Sewage, **Delaware Township, Juniata County**. This facility is located in Delaware Township, Juniata County.

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

The receiving stream, Delaware Creek, is in Watershed 12-B, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough is located on the Juniata River, approximately 15 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.020 mgd are:

<i>Parameter</i>	<i>Total Monthly (lbs)</i>	<i>Total Annual (lbs/year)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	4.2	6.3	25	45	50
Total Suspended Solids	5	7.5	30	45	60
NH ₃ -N	Monitor and Report		Monitor and Report		
Total Kjeldahl Nitrogen	Monitor and Report		Monitor and Report		
NO ₃ -N	Monitor and Report		Monitor and Report		
NO ₂ -N	Monitor and Report		Monitor and Report		
Total Nitrogen	Monitor and Report	1,096	Monitor and Report		
Total Phosphorus	Monitor and Report	183	Monitor and Report		
Total Residual Chlorine	Monitor and Report		0.5		1.6
Dissolved Oxygen			minimum of 5.0 at all times		
pH			from 6.0 to 9.0 inclusive		
Fecal Coliform			200/100 ml as a geometric average		
(5-1 to 9-30)			40,000/100 ml as a geometric average		
(10-1 to 4-30)					

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

The EPA waiver is in effect.

Application No. PA 0086479, SIC Code 2023, Industrial Waste, **Dietrich's Milk Products, LLC**, 100 McKinley Avenue, Reading, PA 19605-2199. This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Laurel Run in Muhlenberg Township, **Berks County**.

The receiving stream is classified for WWF, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pottstown Borough located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.129 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		6.0 to 9.0 at all times	
TSS	10	20	25
CBOD	10	20	25

Individuals may make an appointment to review 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.

PA0028657, Sewage, **Nanty Glo Sanitary Sewer Authority**, 879 Wood Street, Nanty Glo, PA 15943. This application is for renewal of an NPDES permit to discharge treated sewage from Nanty Glo Sewage Treatment Plant in Nanty Glo Borough, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as South Branch Blacklick Creek, which are classified as a CWF 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, Westmoreland County.

Outfall 001: existing discharge, design flow of 0.55 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Other conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.975 mgd.

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

The EPA waiver is in effect.

PA0033456, Sewage, **ARC DAM SA LLC**, 272 Nicole Lane, Somerset, PA 15501. This application is for renewal of an NPDES permit to discharge treated sewage from Sunny Acres MHP STP in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT East Branch Coxes Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.0375 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	3.5			7.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.05			0.12
Dissolved Oxygen	not less than 5.0 mg/l			
PH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0218294, Sewage, **Freedom Road Self Storage, Inc.**, 925 Freedom Crider Road, Freedom, PA 15042. This application is for renewal of an NPDES permit to discharge treated sewage from Freedom Road Self Storage STP in New Sewickley Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Crows Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Authority.

Outfall 001: existing discharge, design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
PH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0253014, Sewage, **Capps Development, LLC**, 3889 Washington Road, McMurray, PA 15317. This application is for issuance of an NPDES permit to discharge treated sewage from Bella Serra Banquet Facility Sewage Treatment Plant in Cecil Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Chartiers Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Municipal Authority located on the Ohio River.

Outfall 001: new discharge, design flow of 0.0036 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	22			44
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0239615, Sewage. **Frank Shipley**, 8037 Rowan Road, Cranberry Township, PA 16066. This proposed facility is located in Forward Township, **Butler County**.

Description of Proposed Activity: a new discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Pa American—Ellwood City located on Slippery Rock Creek approximately 25.5 miles below point of discharge.

The receiving stream, a UNT to Connoquenessing Creek, is in watershed 20-C and classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.09352 mgd.

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX				
CBOD ₅			25		50
Total Suspended Solids			30		60
Fecal Coliform ** (5-1 to 9-30)			200/100 ml		1,000/100 ml
(10-1 to 4-30)			2,000/100 ml		10,000/100 ml
Dissolved Oxygen			minimum of 5 mg/l at all times		
NH ₃ -N (5-1 to 10-31)			1.4		2.8
(11-1 to 4-30)			4.2		8.4
TRC			0.22		0.52
pH	6.0 to 9.0 standard units at all times				

XX—Monitor and report on monthly DMRs.

**—As a geometric average

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)

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

WQM Permit No. WQG016701, Sewerage, **John G. Boop**, 3382 Lower Glades Road, York, PA 17402-8955. This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Construction of small flow treatment facility to serve their single family residence.

WQM Permit No. WQG016702, Sewerage, **Mike Mulcahy**, 333 Lexington Street, York, PA 17403. This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Construction of small flow treatment facility to serve their single family residence.

WQM Permit No. 6705406, Sewerage, **Rodger Petrone**, 4076 Market Street, Camp Hill, PA 17011. This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Construction of small flow sewage treatment facility to serve their single family residence.

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

WQM Permit No. 0205409, Sewerage, **Findlay Township Municipal Authority**, 1271 Route 30, P. O. Box 409, Clinton PA 15026. This proposed facility is located in Findlay Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sanitary sewer extension to serve McCaslin Road and Clinton Industrial Park.

WQM Permit No. 6505401, Sewerage, **DeMill Development**, R. D. 2, Box 181, Wolf Lake Road, New Alexandria, PA 15670. This proposed facility is located in Unity Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for construction and operation of force main and pump station.

WQM Permit No. 6505405, Sewerage, **Rostraver Township Sewage Authority**, 202 Port Royal Road, Belle Vernon, PA 15012. This proposed facility is located in Rostraver Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of about 76,100 LF of sanitary sewer line construction including gravity sewer ranging in size from 24" to 8" diameter, force main and two pump stations.

The Pennsylvania Infrastructure Investment Authority which administers this Commonwealth's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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

WQM Permit No. 2583409, Sewerage Amendment No. 1, **Millcreek Township Sewer Authority**, 3608 West 26th Street, Erie, PA 16506. This proposed facility is located in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the Kearsarge pump station upgrade to include a 2.3 million gallon overflow retention facility.

WQM Permit No. 2595402, Sewerage Amendment No. 1, **Millcreek Township Sewer Authority**, 3608 West 26th Street, Erie, PA 16506. This proposed facility is located in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: This project is for the relocation of a private storm sewer which will require a revision of their outfall location.

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

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

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

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI012305004	The Rouse Group Development Co., LP Ashford Subdivision 2109 Bellemead Avenue Havertown, PA 19803	Delaware	Newtown Township	Crum Creek (HQ-TSF)

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI014605003	Turnpike Commission Roadway and Bridge Reconstruction 700 South Eisenhower Boulevard Middletown, PA 17057-5529	Montgomery	Upper Merion Township	Schuylkill River (CWF)

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

Monroe County Conservation District: 8050 Running Valley Rd., Stroudsburg, PA 18360, (570) 629-3060.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505016	Dunn Twigg Co., LLC 107 N. Commerce Way Suite 110 Bethlehem, PA 18017	Monroe	Stroud Township	Pocono Creek HQ-CWF

Northampton County Conservation District: Greystone Bldg., Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805017	Lehigh University Attn: Gary Falasca 461 Webster St. Bethlehem, PA 18015	Northampton	City of Bethlehem	Saucon Creek HQ-CWF
PAI024805018	Glen Hale 3511 Glover Rd. Easton, PA 18040	Northampton	Forks Township	Bushkill Creek HQ-CWF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS102804R	Fulton County Business Park	Fulton	Ayr Township	Big Cove Creek/CWF

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

Armstrong County Conservation District: Armsdale Administration Building, 124 Armsdale Road, Suite B-2, Kittanning, PA 16201, (724) 548-3425.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10B011-1R	Armstrong County Industrial Development Authority Armstrong County Department of Planning and Development 402 Market Street Kittanning, PA 16201-1485	Armstrong	North Buffalo and South Buffalo Townships	Pine Run (HQ-CWF) Nicholson Run (WWF)

Greene County Conservation District: 93 East High Street, Room 215, Waynesburg, PA 15370, (724) 852-5278.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI053005001	Consol Pennsylvania Coal Co. 1525 Pleasant Grove Road P. O. Box J Claysville, PA 15323	Greene	Richhill Township	Headwaters of Fletcher Run (HQ-WWF)

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

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

Permit No. 3604511, Public Water Supply.

Applicant **Hempfield Hill Estates**
 Municipality West Hempfield Township
 County **Lancaster**
 Responsible Official Jay Peifer
 P. O. Box 550
 Elizabethtown, PA 17022
 Type of Facility Public Water Supply
 Consulting Engineer James R Fisher, P. E.
 Fisher Engineering Inc.
 1522 W. Main Street
 Ephrata, PA 17522
 Application Received Date 6/30/2004
 Description of Action Installation of an anion exchange system to remove nitrates from the drinking water.

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

Permit No. 0205503, Public Water Supply.

Applicant **Fawn-Frazer Joint Water Authority**
 326 Donnellville Road
 Natrona Heights, PA 15065
 Township or Borough Fawn and Frazer Townships

Responsible Official Edward L. Adams, Vice Chairperson
 Fawn-Frazer Joint Water Authority
 326 Donnellville Road
 Natrona Heights, PA 15065
 Type of Facility Water treatment plant
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 P. O. Box 200
 Indianola, PA 15051
 Application Received Date July 12, 2005
 Description of Action Replacement of the Route 908 Water Pump Station and chlorination facility and the replacement of the interconnection with the Harrison Township Water Authority and the installation of a chlorination facility at the new interconnection.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 2305503, Minor Amendment.

Applicant **Aqua Pennsylvania, Inc.**
 Township Springfield
 Responsible Official Karl Kyriss
 762 W. Lancaster Avenue
 Bryn Mawr, PA 19010
 Type of Facility PWS
 Consulting Engineer CET Engineering Services
 1240 N. Mountain Road
 Harrisburg, PA 17112
 Application Received Date July 21, 2005
 Description of Action Improvements to the chemical feed facilities at the Crum Water Treatment facilities. The project includes installation of carbon and lime silos an aqua ammonia storage tank and construction of a chemical storage building.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An

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

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

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

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

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

Heston S. Swartley Transp. Co., Inc., Hatfield Borough, **Montgomery County**. Ethan E. Prout, P. G., ARC, P. O. Box 579, Quakertown, PA 18951 on behalf of Mark Palermo, Penn Street Realty, LLC, P. O. Box 675, Ambler, PA 19002 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site were impacted with unleaded gasoline and MTBE.

Northeast Regional Field Office: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Turkey Hill Store No. 223 (434 Main Street), Pen Argyl Borough, **Northampton County**. Kelly Lee Kinkaid, P. G., Liberty Environmental, Inc., 10 N. 5th Street, Suite 800, Reading, PA 19601 has submitted a

Notice of Intent to Remediate (on behalf of her client, Turkey Hill Minit Markets, c/o Bill Weisser, 257 Centerville Road, Lancaster, PA 17603) concerning the remediation of soil impacted by the release of No. 2 fuel oil constituents from a historic accidental release. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper in the near future. The continued future use of the site is expected to be as convenience store.

Lehigh County Authority—Park Pump Station, City of Allentown, **Lehigh County**. Carlo DiTullio, Project Engineer, Malcolm Pirnie, Inc., 630 Freedom Business Center, Suite 203, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate (on behalf of his client, Lehigh County Authority, c/o Steve Repasch, 1053 Spruce Street, Allentown, PA 18106-0348) concerning the remediation of soil and/or groundwater found or suspected to have been impacted by the release of No. 2 fuel oil constituents from a former underground storage tank on the property. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper in the near future. The continued future use of the site is expected to be as wastewater pump station.

Wilkes-Barre Truck Center (525 East Main Street), Plains Township, **Luzerne County**. Joseph Ozog, Excalibur Group, LLC, 91 Park Avenue, Windber, PA 15963 has submitted a Notice of Intent to Remediate (on behalf of his client, Calex Truck Sales, 58 Pittston Avenue, Pittston, PA 18640) concerning the remediation of soils and groundwater found or suspected to have been contaminated with VOCs compounds, semi-VOCs, and lead as the result of historical site operations. The applicant proposes to meet the Statewide Health Standard for soils and the site-specific standard for groundwater. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper in the near future. The continued future use of the site has not been identified.

Riotto Property and Surrounding Areas (1006, 1012, 1014 and 1018 Barnesville Drive), Ryan Township, **Schuylkill County**. Gregory Burgdorf, P. G., ARM Group, Inc., 1129 West Governor Road, Hershey, PA 17033 has submitted a Notice of Intent to Remediate (on behalf of his client, Dominic Riotto, Barnesville Drive, Barnesville, PA 18214) concerning the remediation of soil and/or groundwater found or suspected to have been impacted by the release of No. 2 fuel oil constituents from a former aboveground storage tank on the property. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper in the near future. The continued future use of the site is expected to be as residential properties. A Final Report was simultaneously submitted.

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

Albright College, Former Armory Parcel and Former Scrapyard Parcel, City of Reading, **Berks County**. Synergy Environmental, Inc., 607 Washington Street, Reading, PA 19604, on behalf of Albright College, P. O. Box 15234, Reading, PA 19612-5234, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PCBs, inorganics and other organics. Albright College will utilize these parcels to expand their athletic facilities. The applicant will remediate the site as a Special Industrial Area.

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

McKean Used Car Lot (Former), City of Pittsburgh, **Allegheny County**. Bruce A. Shaw, American Geosciences, Inc., 3925 Reed Blvd., Suite 400, Murrysville, PA 15668 on behalf of Michael Baressi, McKnight Development Company, 249 North Craig Street, Pittsburgh, PA 15213 has submitted a Notice of Intent to Remediate site soils contaminated with chlorinated solvents, other organics, PAHs and lead. The future use is for nonresidential purposes. The property was recently redeveloped for commercial use as a drug store. A summary of this Notice of Intent to Remediate was published in the *Pittsburgh Post Gazette* on April 5, 2005.

Wilksburg Save-A-Lot, Wilksburg Borough, **Allegheny County**. Dennis Guthrie, URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Wesley Johnson, Wilksburg Borough Manager, 713 South Avenue, Wilksburg, PA 15221 and Fred Ralston, Allegheny County Department of Economic Development, 425 Sixth Street, Pittsburgh, PA 15219 has submitted a Notice of Intent to Remediate site soils contaminated with lead and arsenic and site groundwater contaminated with petroleum compounds (benzene, ethyl-benzene, toluene and xylenes). The soil and groundwater impacts are to be addressed by pathway elimination to demonstrate conformance with a site-specific remediation standard. The area will be covered by a proposed supermarket and associated parking lot, sidewalks and vegetation.

MacPlastics Facility, Canonsburg Borough, **Washington County**. Robert King, AGES, Inc., 800 Old Pond Road, Suite 703, Bridgeville, PA 15017 on behalf of Edward Kovacic, Canonsburg Renaissance Group, 169 East Pike Street, Canonsburg, PA 15317, and Kerry Fox, Redevelopment Authority of Washington County, 100 West Beau Street, Suite 603, Washington, PA 15301 has submitted a Notice of Intent to Remediate soil contaminated with PAHs, PCBs and inorganics by removing and disposing offsite all stored wastes, underground tanks and associated sediments and contaminated media. Future planned use of the property is commercial.

Route 51 Plaza, Pleasant Hills Borough, **Allegheny County**. Rodd Bender, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500 Bala Cynwyd, PA 19004, and Joseph Harrick, Penn E & R, Inc., 359 Northgate Drive, Suite 400, Warrendale, PA 15086 on behalf of Peter Clelland, BT Pleasant Hills, LP, 2600 Philmont Avenue, Huntingdon Valley, PA 19006 has submitted a Notice of Intent to Remediate soils contaminated with petroleum hydrocarbons and chlorinated VOCs. Proposed future use of the property is a nonresidential retail shopping center.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Kaiser Aluminum, City of Erie, **Erie County**. Pat Pontoriero, MACTEC Engineering, Carnegie Office Park, Building 4, Suite 200, 700 North Bell Avenue, Pittsburgh PA 15106 on behalf of Monica T. Brower, Owner, Greater Erie Ind. Dev. Corp., 5240 Knowledge Parkway, Erie PA 16510-4658, has submitted a Notice of Intent to Remediate. Areas of the site are impacted by volatile organic, semi-volatile organics, metals and other compounds. The intended future use of the property will be nonresidential, manufacturing facility. Publication notification was placed in the *Erie Times* with publication date of July 13, 2005.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Universal Motor Sales of Butler, Butler Township, **Butler County**. Edward A. Dobson, Mountain Research LLC, 825 25th Street, Altoona PA 16601 on behalf Jean Wiles, c/o Louis A. Naugle, Esq., Reed Smith LLP, 435 Sixth Avenue, Pittsburgh, PA 15219 of has submitted a Notice of Intent to Remediate. Site contamination is from former (pre-1989) underground storage tanks. Known primary contaminants include arsenic, ethylbenzene, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. This site will have a commercial use.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications received, withdrawn, denied or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit Application No. PAD087561015. Inmetco, 245 Portersville Road, Ellwood City, PA 16117, Ellwood City Borough, **Lawrence County**. RCRA Part B Hazardous Waste Renewal Application. The application was received by Northwest Regional Office on June 10, 2005.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office, (814) 332-6848. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No. 100663. Kelly Run Sanitation, Inc., 625 Cherrington Parkway, Moon Township, PA 15108. Kelly Run Landfill, SR 51, Elizabeth, PA, 15037-0333. Application for the renewal of a municipal waste landfill in Forward Township, **Allegheny County**, was received in the Regional Office on July 13, 2005.

Permit ID No. 300657. Allegheny Ludlum Corporation, 100 River Road, Brackenridge, PA 15014-1597. Route 356 Landfill, SR 356, Allegheny Township, PA 15656. Application for the renewal of a residential waste landfill in Allegheny Township, **Westmoreland County** was received in the Regional Office on July 19, 2005.

Permit ID No. 100172. Arden Landfill, Inc., 625 Cherrington Parkway, Moon Township, PA 15108. Arden Landfill, 200 Rangos Lane, Washington, PA 15301. Application for the renewal of a municipal waste landfill in Chartiers Township, **Washington County** was received in the Regional Office on July 22, 2005.

AIR QUALITY
PLAN APPROVAL AND OPERATING PERMIT
APPLICATIONS
NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001-4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

67-05052B: New York Wire Co. (P. O. Box 1749, York, PA 17405) for installation of a fabric collector to control

particulate matter emissions from an existing powder coating line at their weaving facility in the City of York, **York County**.

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

49-00033A: Watsontown Brick Co. (P. O. Box 68, Route 405, Watsontown, PA 17777) for installation of a replacement fabric collector to control emissions from an existing 100 ton per hour pug mill and associated conveyors in Delaware Township, **Northumberland County**.

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

56-00298A: Garrett Limestone Co., Inc. (451 Stoystown road, Somerset, PA 15501) for crushing plant and reciprocating engine at Romesburg Quarry in Black and Summit Townships, **Somerset County**.

56-00210A: PBS Coals, Inc. (1576 Stoystown Road, Friedens, PA 15541) for reactivation of their PBS Cambria Coal Preparation Plant in Stonycreek Township, **Cambria County**.

30-00099E: Allegheny Energy Supply Co. (800 Cabin Hill Drive, Greensburg PA 15601) for the blending/use of Powder River Basin coal at the Hatfield's Power Station in Monongahela Township, **Greene County**.

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

10-350A: Cloverleaf Group, Inc. (1 Trueserve Way, East Butler, PA 16029) for construction of the various processes needed for the point of purchase display manufacturing operation (NAICS 323100) in East Butler Borough, **Butler County**. This is a State-only facility.

10-062D: Slippery Rock University (1 Marow Way, Slippery Rock PA 16057) plan approval for modification of a 40 mmBtu/hr coal-fired boiler to a natural gas/coal co-fired boiler at Slippery Rock University, in the Borough of Slippery Rock, **Butler County**. Slippery Rock University is a Title V facility.

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

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

54-303-016: Foster Materials—Division of Naceville Materials (1371 West Street Road, Warminster, PA 18974) for construction of a batch asphalt plant at their Ryan Stone Quarry facility Foster Township, **Schuylkill County** that will utilize recycled asphalt pavement (RAP) and will be fired on No. 2 fuel oil, liquefied propane gas, or waste derived liquid fuel (WDLF). This facility is not a Title V facility. The batch asphalt plant will incorporate no more than 22.5% RAP into the 350 ton per hour facility while any WDLF used will meet all regulatory specifications. The company has elected to take a voluntary production restriction of 300,000 tons of asphalt per year. Emissions from the plant will not exceed 18.0 tpy of NO_x, 60.0 tpy of CO, 13.2 tpy of SO_x, 1.2 tpy of VOC and 6.3 tpy of PM. The

asphalt plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources for Hot Mix Asphalt Facilities, 40 CFR 60.90–60.93. The plan approval will include appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the batch asphalt plant operating within applicable air quality requirements.

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

28-05020B: T. B. Woods, Inc. (440 North Fifth Avenue, Chambersburg, PA 17201) for construction of a pair of coreless furnaces controlled by a fabric collector at its iron foundry in Chambersburg Borough, **Franklin County**. The source has the potential to emit 0.1 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 applicable air quality requirements.

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

62-0017M: United Refining Co. (15 Bradley Street Warren, PA 16365) for replacement of the existing burner in the Distillate Hydrotreater 1 (DHT1) with a new efficient low NOx burner (LNB) for their Warren Refinery in the City of Warren, **Warren County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b) the Department of Environmental Protection (Department) intends to issue a plan approval to for the Warren Refinery in the City of Warren, Warren County. The facility was issued a Title V permit No. TV-62-00017 on December 26, 2000, which was revised on March 21, 2001, and again on December 18, 2001. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

Plan approval is for the replacement of the existing burner in the DHT1 with a new efficient LNB. The new LNB is rated at 9 mmBTU/hr. The emissions from the heater will increase by less than 1.05 TPY for CO and less than 1.0 TPY for NOx, particulate matter, SOx and VOC. The emissions limits established for the source will be included in the plan approval. Emission testing is also required for NOx and CO emissions for the heater. The heater will primarily burn refinery fuel gas and will contain restrictions on the quantity of fuel oil that may be burned for emergency use. The plan approval does not trigger NSR or PSD.

The permit will incorporate monitoring and recordkeeping requirements for the quantity of fuel burned, the heat content of the fuel, the hours of operation and the emissions from the heater. The permit also incorporates the Federal MACT requirements for the process heater (40 CFR Part 63 Subparts DDDDD) and the existing applicable requirements for the source from the Title V Operating. The permit also incorporates conditions to ensure compliance with applicable State and Federal Air Quality Requirements as well as the National Ambient Air Quality Standards.

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

Persons wishing to provide the Department with additional information that they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The Department will consider written comments received within 30 days of the publication of this notice. Written comments must contain the name, address and telephone number of the persons submitting the comments. Identification of the proposed permit (Permit No. 62-017M). A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

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

24-012E: C/G Electrodes LLC—St. Marys Plant (800 Theresia Street, St. Marys, PA 15857-1898) for construction of four carbottom kilns Nos. 491–494 to existing thermal incinerator and scrubber in St. Marys City, **Elk County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- SOx emissions shall not exceed 18.7 #/hr or 71 ppmv from all 12 car bottom kilns (1 hour average).
- SOx emissions shall not exceed 6.3 #/hr or 30 ppmv from all 12 car bottom kilns (full cycle average).
- SOx emissions shall not exceed 28 tpy from all 12-car bottom kilns (12-month rolling total).
- CO emissions shall not exceed 0.4 #/hr from all 12-car bottom kilns.
- PM emissions shall not exceed 8.7 #/hr from all 12-car bottom kilns.
- VOC emissions shall not exceed 1.49 #/ton of carbon baked.
- Compliance with the SOx emission limitations will be shown through a CEM.

- Continuously record thermal oxidizer inlet and outlet temperature.
- Maintain and operate transmissometers for opacity.
- The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, and any routine maintenance performed.
- The permittee shall operate the control device at all times that the source is operating.
- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

61-185B: Heath Oil Co. (State Route 8, Barkeyville, PA 16038) for modification of plan approval 61-185A for the removal of the NSPS (40 CFR 60 Subpart J) requirements in Barkeyville Borough, **Venango County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- Existing conditions from plan approval 61-185A will remain in effect except for those that dealt with 40 CFR 60 Subpart J and for those that dealt with the scrubber will be removed. The facility received a determination from the Environmental Protection Agency that 40 CFR 60 Subpart J is not applicable to their facility.

24-083G: Carbone of America Industrial Corp. (215 Stackpole Street, St. Marys, PA 15857) for construction of Carbon Baking Kiln No. 35 with a thermal oxidizer and connecting to existing Scrubber B in St. Marys City, **Elk County**. This installation will not result in NSR or PSD applicability. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- This source is subject to 25 Pa. Code §§ 123.1, 123.13(c), 123.31 and 123.41.
- Combined SO_x emissions from CBH Kilns 27 and 33—35 shall not exceed the following:
 - 500 ppmv instantaneous.
 - 4 #/hr 30-day rolling average.
 - 10.7 tpy based on 12-month rolling total.
- Stack test for SO_x emissions and the installation of a Department approved SO_x CEM.
 - The permittee shall monitor the following for the scrubber:
 - Pressure drop.

- Scrubber gas flow rate.
- Scrubber liquid pressure and flow rate.
- Scrubber liquid pH.
- Outlet gas temperature.
- The thermal oxidizer shall be operated, at a minimum, during the pitch-off cycle at a minimum temperature of 750°C. The pitch-off cycle is defined as kiln temperature of between 200°C and 600°C.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-7584.

S05-008: WMCH, Inc. (3300 Henry Avenue, Philadelphia, PA 19129) for operation of a commercial hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 650 hp boilers and three emergency generators.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—015) and 25 Pa. Code Chapter 127, Subchapter G.

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

32-00065: Specialty Tires of America, Inc. (1600 Washington Street, Indiana, PA 15701-2893) at Indiana Plant in Indiana Borough, **Indiana County**. The facility's major source of emissions include steam boiler, undertread cementing, tread end cementing, green tire building, other solvent usage, jetzone pellet dryer, banbury mixers, tire buffers, carbon black transfer station and plant space heaters.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—015) and 25 Pa. Code Chapter 127, Subchapter F.

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

46-00234: Conshohocken Steel Products, Inc. (301 Randolph Avenue, Ambler, PA 19002) for operation of a facility that paints and repairs roll-off containers/dumpsters in the Township of Upper Dublin, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The major sources of air emissions are a paint booth and a manual brush painting process. The permit

will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00007: Holy Redeemer Hospital and Medical Center (1648 Huntingdon Pike, Meadowbrook, PA 19047) for a non-Title V, State-only, Synthetic Minor Operating Permit in Abington Township, **Montgomery County**. This operating permit is for three boilers and two emergency generators that are located on the facility grounds. The main emissions from the facility are NO_x, and the facility has a limit of 25 tons of NO_x emissions per year. Monitoring and recordkeeping requirements have been added to the permit to address applicable limitations.

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

06-05008: SFS Intec, Inc. (P. O. Box 6326, Wyomissing, PA 19610) for operation of a fastener manufacturing facility with surface coating operations controlled by water based coatings and dry filters in Wyomissing Borough, **Berks County**. The facility is a non-Title V (State-only) facility. The facility will be required to limit the emissions to less than 100 tons of particulate, SO_x, NO_x and CO; 50 tons of VOCs; and 10/25 tons of HAPs, during any consecutive 12-month period. Limits will be placed on the VOC content of the coatings used and the annual coating usage. The permit will include restriction, monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

36-05011: Pittsburgh Terminal Corp. (P. O. Box 2621, Harrisburg, PA 17105) for renewal of their State-only operating permit for Lancaster Terminal, 1360 Manheim Pike, Lancaster PA 17601-3148, at Manheim Township, **Lancaster County**. The facility's major sources of emissions include petroleum product loading racks, which primarily emit VOCs. The facility emissions of VOC shall be limited to less than 50 tons per year. The State-only operating permit will contain restrictions, work practice standards, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

49-00040: Reagent Chemical and Research, Inc. (R. R. 1, Box 827, Coal Township, PA 17866) for operation of a skeet target manufacturing facility on Happy Hollow Road in Coal Township, **Northumberland County**.

The facility incorporates a bulk limestone storage and feed system, a biodegradable target production line, a pitch target production line, two solvent parts washers, a 2.5 million Btu per hour propane-fired hot oil heater and several small propane-fired space heaters, and the like. The particulate matter emissions from this facility are controlled by a number of fabric collectors and the hydrogen sulfide emissions are controlled by the two adsorption units. The air contaminant emissions from the facility are not expected to exceed 11.07 tons of VOCs, .93 ton of particulate matter including PM₁₀, 1.81 tons of NO_x, .25 ton of CO, .19 ton of SO_x, 1.12 tons of volatile hazardous air pollutants and .021 ton of hydrogen sulfide per year.

The respective facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to

be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air containments as well as conditions previously existing in Operating Permit 49-399-007. These previously-existing conditions include emission limitations and various work practice and monitoring requirements for the biodegradable target production line, among them a particulate matter emission limitation of .01 grain per dry standard cubic foot of effluent gas for the fabric collectors incorporated in the line, a hydrogen sulfide emission limitation of one part per million for the hydrogen sulfide adsorption units incorporated in the line, a volatile organic compound emission limitation of 2.3 tons in any 12-consecutive month period, a requirement that hydrogen sulfide not be detectable beyond the facility boundaries, a requirement that the hydrogen sulfide adsorption units be tested with Drager tubes once per month, a requirement that hydrogen sulfide sensors be operated in the building, a requirement that spare fabric collector bags be kept on hand, a requirement that the paddle mixer incorporated in the line be kept closed except during additive additions, a requirement that all materials storage silo loading be attended and a requirement restricting the paints that may be used in the line.

The Department additionally proposes to incorporate into the operating permit to be issued conditions restricting the paints that may be used in the pitch target production line and limiting the VOC emissions from the line to 8 tons in any 12-consecutive month period and conditions identifying the applicable requirements specified in 25 Pa. Code § 129.63 for the facility's solvent parts washers.

The operating permit will also include appropriate recordkeeping and reporting requirements.

14-00032: Glenn O. Hawbaker, Inc. (711 East College Ave., Bellefonte, PA 16823-6854) for the operation of a fine aggregate wash plant (Plant No. 11-Pleasant Gap Wash Facility) in Spring Township, **Centre County**.

The facility incorporates a number of pieces of stone screening, conveying, and like equipment. The fugitive particulate matter emissions including PM₁₀ from this equipment are controlled by a water spray dust suppression system. The particulate matter and PM₁₀ emissions from the facility are not expected to exceed 7.93 and 3.05 tons per year, respectively.

The facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as the conditions previously established in Operating Permit 14-310-022 issued on September 21, 1999. These previously-existing conditions include a requirement that the water spray dust suppression system be connected to an on-demand water source at all times any of the stone screening, conveying, etc. equipment is operating and a requirement that a water truck be maintained onsite for road dust control.

49-00018: ARCOS Industries, LLC. (1 Arcos Drive, Mt. Carmel, PA 17851), for operation of their welding apparatus manufacturing facility located in Mt. Carmel Township, **Northumberland County**. The facility's main air emission sources include four inline cold continuous web perchloroethylene-cleaning machines, a natural gas

fired bake off oven and one natural gas fired boiler. This facility has the potential to emit SO_x, CO, NO_x, VOCs, HAPs and PM₁₀ below the major emission thresholds.

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

62-00087: Osrsm Sylvania Products, Inc.—Warren Plant (816 Lexington Avenue, Warren, PA 16365-2834) for a Natural Minor Permit to operate a fabricated metal products plant in the City of Warren, **Warren County**. The significant sources are two plastic plant natural gas boilers, one natural gas wire plant boiler, one specialty metals boiler, electroplating wire and connectors, sludge dryer, metal stamping, seven electric annealing furnaces and four degreaser units.

10-00344: Fannie's Friends, Inc. (352 Railroad Street, Evans City, PA 16033) for a Natural Minor Permit to operate an animal crematorium in Evans City Borough, **Butler County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particu-

lar proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

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

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

Coal Applications Received

Effluent Limits—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
PH ¹		greater than 6.0;	less than 9.0
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

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

California District Mining Office: 25 Technology Drive, Coal Center, PA 15423 (724) 769-1100.

30753712 and NPDES Permit No. PA0215724, Emerald Coal Resources, LP, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to renew the permit for the Emerald Mine No. 1—Coal Refuse Disposal Facility No. 1 in Franklin Township, **Greene County** and related

NPDES permit. No additional discharges. Application received June 9, 2005.

30743711. NPDES Permit No. PA0033511, Cumberland Coal Resources, LP, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to renew the permit for the Cumberland Mine Coal Refuse Disposal Facility in Whiteley Township, **Greene County** and related NPDES permit. No additional discharges. Application received June 9, 2005.

32021301. NPDES Permit No. PA0235458, TJS Mining, Inc., (2340 Smith Road, Shelocta, PA 15774), to revise the permit for the Rossmoyne No. 1 Deep Mine in South Mahoning Township, **Indiana County** to expand the underground mining permit and subsidence control plan area acreage. No additional discharges. Application received July 7, 2005.

26970702. NPDES Permit No. PA0215112, Matt Canestrone Contracting, Inc., (P. O. Box 234, Belle Vernon, PA 15012-0234), to revise the permit for the LaBelle Site in Luzerne Township, **Fayette County** to add acreage for use of a passive water treatment system, stream relocation and add one additional NPDES discharge point. Receiving stream: Meadow Run, classified for the following use: WWF. Application received May 25, 2005.

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

11040101 and NPDES No. PA0249661. E. P. Bender Coal Company, Inc., P. O. Box 594, Carrolltown, PA 15722, revision of an existing bituminous surface-auger mine to request a variance on the 100 foot barrier of a UNT to Powell Run for the purpose of upgrading, using and maintaining an existing access road and to install a stream crossing culvert in Reade Township, **Cambria County**, affecting 69.0 acres. Receiving streams: UNTs to/and Powell Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 12, 2005.

32020106 and NPDES No. PA0249271. Britt Energies, Inc., 2450 Philadelphia Street, Indiana, PA 15701, revision of an existing bituminous surface-auger-incident removal of sandstone/shale mine to add 3.9 acres for additional mining of the Upper Kittanning coal seam and a new haul road in Center Township, **Indiana County**, affecting 278.0 acres. Receiving streams: UNT to Yellow Creek; UNTs to Tearing Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 14, 2005.

11000103 and NPDES No. PA0235067. T. J. Mining, Inc., P. O. Box 370, Carrolltown, PA 15722, permit renewal for the continued operation and restoration of a bituminous surface mine in Cresson Township, **Cambria County**, affecting 84.0 acres. Receiving streams: UNTs to/and Burgoon Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 18, 2005.

Permit No. 56000105 and NPDES No PA0235351. Hoffman Mining Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface auger mine in Shade Township, **Somerset County**, affecting 76.6 acres. Receiving streams: UNT to/and Dark Shade Creek, classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 18, 2005.

Greensburg District Mining Office: R. R. 2, Box 603C, Greensburg, PA 15601, (724) 925-5500.

26980104. Gary Gioia Coal Company (319 Karen Drive, Elizabeth, PA 15037). Revision to an existing bituminous surface mine, located in Wharton Township, **Fayette County**, affecting 156.5 acres. Receiving stream: none. There is no potable water supply intake within 10 miles downstream. Revision application received: July 15, 2005.

26970103 and NPDES Permit No. 0201961. Piccolomini Contractors, Inc. (P. O. Box 4, Waltersburg, PA 15488). Renewal application for continuous operation and reclamation to a bituminous surface mine, located in Franklin Township, **Fayette County**, affecting 48.5 acres. Receiving stream: UNT to Redstone Creek, 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: July 14, 2005.

03020107 and NPDES Permit No. PA0250180. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Revision application for land use change from forestland to land occasionally cut for hay to an existing bituminous surface mine, located in Madison Township, **Armstrong County**, affecting 38 acres. Receiving streams: UNTs to Redbank Creek and Mahoning Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision received: July 19, 2005.

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

61050101 and NPDES Permit No. PA0257940. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip operation in Irwin Township, **Venango County** affecting 9.0 acres. Receiving streams: UNT to Gilmore Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 15, 2005.

16050108 and NPDES Permit No. PA0257958. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Commencement, operation and restoration of a bituminous surface strip operation in Clarion Township, **Clarion County** affecting 58.3 acres. Receiving streams: UNTs to Brush Run and Brush Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application to include a land use change from forestland to pastureland/land occasionally cut for hay. Application received: July 14, 2005.

33010101 and NPDES Permit No. PA0241865. Sky Haven Coal, Inc. (R. D. 1, Box 180, Penfield, PA 15849). Revision to an existing bituminous surface strip operation in Winslow and Sandy Townships, **Jefferson and Clearfield Counties** affecting 65.5 acres. Receiving streams: UNT to Sandy Lick Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to include a post mining land use change from forestland to unnamed natural habitat on lands of John W. and Beverly L. Peterson and Brian L. and Michelle L. Peterson. Application received: July 21, 2005.

33020107 and NPDES Permit No. PA0242233. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Transfer of an existing bituminous surface strip and auger operation in Oliver Township, **Jefferson**

County affecting 138.7 acres. Receiving streams: Hadden Run to Little Sandy Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from P. and N. Coal Co., Inc. Application received: July 21, 2005.

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

40733203R4. HUD, Inc. t/a Emerald Anthracite II, (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite surface mine operation in Hanover Township, **Luzerne County** affecting 38.8 acres, receiving stream: none. Application received July 18, 2005.

CORRECTION

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

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity ¹			
pH ¹		greater than 6.0; less than 9.0	

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

31050801. L. Edmund Wilson, 5142 Delmar Street, Alexandria, PA 16611, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Alexandria Borough and Porter Township, **Huntingdon County**, affecting 3 acres. Receiving stream: Frankstown Branch Juniata River. Application received July 15, 2005.

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

08050809. Meshoppen Stone, Inc. (Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a small industrial minerals (sandstone) surface mine permit in Rome Township, **Bradford County** affecting 4.0 acres. Receiving streams: UNT to Parks Creek. Application received July 21, 2005.

08050810. Walter W. Parkhurst (R. R. 1, Box 266AA, Rome, PA 18837), commencement, operation and restoration of a small industrial minerals (flagstone) surface mine permit in Orwell Township, **Bradford County** affecting 3.0 acres. Receiving streams: UNT to Jerome Creek. Application received July 21, 2005.

1475302 and NPDES Permit No. PA0112275. Con Lime, Inc. (965 East College Avenue, Pleasant Gap, PA 16823), renewal of NPDES Permit, Benner Township, **Centre County**. Receiving streams: Buffalo Run classified for the following use: CWF. NPDES renewal application received: April 29, 2005.

14920304 and NPDES Permit No. PA0256234. Graymont PA, Inc. (965 East College Avenue, Pleasant Gap, PA 16823, permit revision for an NPDES permit in

Lee Coal Contracting, Inc. (147 Loop Road, West Decatur, PA 16878), was previously published as 17050105 and should have been 17050106. Commencement, operation and restoration of a bituminous surface mine permit in Cooper Township, **Clearfield County** affecting 33.4 acres. Receiving streams: UNTs to Moshannon Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is: none within 10 miles of site. Application received July 7, 2005.

Noncoal Applications Received

Effluent Limits

The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

Benner Township, **Centre County**. Receiving stream: Buffalo Run classified for the following use: CWF. Application received June 3, 2005.

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

67050301. County Line Quarry, Inc., (P. O. Box 99, Wrightsville, PA 17368), commencement, operation and restoration of a quarry operation in Hellam Township and Wrightsville Borough, **York County** affecting 67.6 acres, receiving stream: Kruetz Creek, classified for the following use: WWF. Application received July 8, 2005.

6276SM2A1C8 and NPDES Permit No. PA0594512. Martin Limestone, Inc., (P. O. Box 550, Blue Ball, PA 17506), depth correction for an existing quarry and update of NPDES Permit for discharge of treated mine drainage in East Earl Township, **Lancaster County** affecting 232.0 acres, receiving stream: Conestoga River, classified for the following use: WWF. Application received July 12, 2005.

06050301. Eastern Industries, Inc., (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), commencement, operation and restoration of a quarry operation in Maxatawny Township, **Berks County** affecting 47.1 acres, receiving stream: none. Application received July 12, 2005.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water

Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users 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 of the FWPCA (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.

E48-360. Palmer Township, 3 Weller Place, Palmer, PA 18043, in Palmer Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To modify and maintain an existing 20-foot by 5-foot reinforced concrete box culvert in Shoeneck Creek (WWF) that was previously authorized and constructed under Permit No. E48-065. The proposed modification involves a 21-foot extension on the upstream and downstream sides of the box culvert, resulting in a box culvert having a total length of 72 feet, to allow widening of Township Road T499 (Hollo Road) to satisfy current design standards. The project is located approximately 1,000 feet west of the intersection of Hollo Road and Van Buren Road (Nazareth, PA Quadrangle N: 16.7 inches; W: 4.1 inches).

E-38-361. Nic Zawarski & Sons Developers, Inc., 1441 Linden Street, Bethlehem, PA 18018, in Forks Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a road crossing consisting of twin 8 foot by 8 foot reinforced concrete box culverts in a tributary to Bushkill Creek (HQ-CWF) for the purpose of providing access to a new phase of Knollwood Estates planned residential development. The project is located on the north side of Zucksville Road, approximately 70 feet downstream of Ben Jon Road (Easton, PA-NJ Quadrangle N: 17.0 inches; W: 16.1 inches).

E54-323. JELD-WEN, Inc., P. O. Box 1329, Klamath Falls, OR 97601, in Ringtown Borough, **Schuylkill County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in approximately 0.12 acre of PEM wetlands in Dark Run watershed for the purpose of expanding an existing window manufacturing facility and operations. The project is located on the east side of West Main Street and west of Shenandoah Street (Shenandoah, PA Quadrangle N: 19.0 inches; W: 15.8 inches).

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

E07-384: J & W Interests, 352 East College Avenue, State College, PA 16801 in Snyder Township, **Blair County**, ACOE Baltimore District. To construct and maintain a private bridge on California Run (TSF) having a single span of approximately 50 feet, a width of 20 feet, and an underclearance of approximately 5.0 feet located at a site (Tyrone, Pa Quadrangle N: 22.0 inches; W: 4.1 inches) approximately 1,100 feet downstream of the Centre and Blair County Line in Snyder Township, Blair County for the purpose of constructing a private residence.

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

EA14-004, Environmental Assessment. **Warren Sasserman Jr.**, 427 Coburn Road, Coburn, PA 16832 Penn Township, **Centre County**, ACOE Baltimore District. To restore a spring and its connecting channel within the footprint of a breached nonjurisdictional dam located in the floodplain of Pine Creek (EV). The project involves removal of a concrete headwall (8 linear feet, reestablishment of a meandering channel within the footprint of the former impoundment (200 linear feet), and riparian buffer plantings along the new channel. The project is located along Coburn Road (SR 2001) approximately 0.2 mile north of the Village of Coburn and approximately 600 feet downstream from the confluence with Elk Creek. Coburn PA Quadrangle (North: 41° 52' 02"; West: 77° 27' 30"). Approval of an Environmental Assessment is requested in conjunction with 25 Pa. Code § 105.12(a)(16), Dam Safety and Waterway Management, regarding restoration activities.

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

E02-1506. Village at Pine LP, LLC, 11279 Perry Highway, Suite 509, Wexford, PA 15090-9308. To place fill in wetlands in Pine Township, **Allegheny County**, Pittsburgh ACOE District. (Mars, PA Quadrangle N: 1.3 inches; W: 7.0 inches and Latitude: 40° 37' 56"—Longitude: 80° 03' 02"). The applicant proposes to place and maintain fill in 0.57 acre of PEM/PSS wetlands associated with unnamed tributaries to North Fork Pine Creek (CWF) and a UNT to Wexford Run (CWF) for the purpose of constructing the Villages at Pine Development. The project is located on the north side of SR 910, just north from the intersection of SR 910 and North Chapel Drive and will impact 270.0 linear feet of stream channel and 0.57 acre of wetlands. The applicant also proposes to construct and maintain 0.6 acre of replacement wetlands.

E26-329. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106. To construct a bridge over the Monongahela River in Luzerne Township, **Fayette County** and Centerville Borough, Washington County, Pittsburgh ACOE District. (California, PA Quadrangle N: 1.7 inches; W: 8.18 inches and Latitude: 40° 00'

14"—Longitude: 79° 55' 57"). The applicant proposes to construct and maintain a 9-span bridge having spans of 260 feet, 260 feet, 273 feet, 441.5 feet, 518 feet, 423 feet, 260 feet, 317.5 feet and 260 feet and a minimum underclearance of 191.5 feet, over the Monongahela River (WWF) at milepost 59.11 located from mainline station 781+00 to 811+22. Temporary cofferdams will be used to construct piers 4 and 5.

E32-471. Joseph Land Development, LLC, 533 Luciusboro Road, Blairsville, PA 15717. To construct culverts in Center Township, **Indiana County**, Pittsburgh ACOE District. (Bolivar, PA Quadrangle N: 22.43 inches; W: 6.72 inches and Latitude: 40° 29' 54"—Longitude: 79° 10' 24"). The applicant proposes to construct and maintain a roadway crossing consisting of one 72-inch and two 60-inch corrugated metal pipe culverts each 50 feet long in Coral Creek (CWF) to provide access from SR 2019 to a proposed commercial land development. The project will impact 0.01 acre of wetland. The project is located at the intersection of SR 119 and SR 2019.

E56-334. Somerset County Conservancy, P. O. Box 241, Somerset, PA 15501. To construct a foot bridge in

Somerset Township, **Somerset County**, Pittsburgh ACOE District (Murdock, PA Quadrangle N: 20.28 inches; W: 3.85 inches and Latitude: 39° 59' 12"—Longitude: 79° 1' 39"). The applicant proposes to construct and maintain a pedestrian foot bridge having a span of 32.0 feet with an underclearance of 8.7 feet across the channel of Kimberly Run (CWF) for the purpose of constructing a nature/education interpretive trail. The project is located approximately 5,000 feet southeast from the intersection of the Turnpike and U. S. Route 219 and will impact 6.0 linear feet of stream channel.

E65-874. Dominion Transmission, Inc., Oakford Compressor Station, P. O. Box 66, Route 22, Delmont, PA 15626. To construct a bridge in Penn and Hempfield Townships, **Westmoreland County**, Pittsburgh ACOE District (Greensburg, PA Quadrangle N: 15.89 inches; W: 12.58 inches and Latitude: 40° 20' 15"—Longitude: 79° 35' 25"). The applicant proposes to construct and maintain a 13.0 foot wide single span bridge having a normal span of 25.0 feet and an underclearance of 6.5 feet across Brush Creek (TSF) for the purpose of providing access to gas wells. The project is located off of Oxford Park Road.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0043541 (A1) (Sewage)	The Pfaltzgraff Company Bowman Road P. O. Box 244 Thomasville, PA 17364	York County Jackson Township	Honey Run/7-F	Y
PA0085600 (Sewage)	Ono Industries, Inc. Route 22 West P. O. Box 150 Ono, PA 17077-0150	Lebanon County East Hanover Township	Reeds Creek/7-D	Y
PA0035157 (Industrial Waste)	Farmer's Pride, Inc. P. O. Box 39 Fredericksburg, PA 17026	Lebanon County Bethel Township	Deep Run/7-D	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0026255 Sewage	Allegheny Valley Joint Sewage Authority 2400 Freeport Road Pittsburgh, PA 15238	Allegheny County Harmar Township	Allegheny River	N

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0223051	Connoquenessing Borough STP 228 Constitution Avenue P. O. Box 471 Connoquenessing, PA 16027	Connoquenessing Borough Butler County	UNT to Connoquenessing Creek 20-C	Y
PA0033839	Blair's Green Acres Mobile Court 6350 U. S. Route 322 Franklin, PA 16323	Cranberry Township Venango County	UNT to East Sandy Creek 16-G	Y
PA0210056	Amsterdam Estates Mobile Home Park 39 Amsterdam Road Grove City, PA 16127	Liberty Township Mercer County	UNT to Black Run	Y
PA0022373	Lakeview Joint Sewer Authority Route 62 North P. O. Box 357 Stoneboro, PA 16153-0357	Sandy Lake Township Mercer County	Sandy Creek 16-G	Y
PA0222518	Lazar Small Flow Treatment Facility 10368 Dutch Road Waterford, PA 16441	Greene Township Erie County	East Branch LeBoeuf Creek 16-A	Y

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

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

NPDES Permit No. PA0058963, Industrial Waste, **JDM Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006-1111. This proposed facility is located in Telford Borough, **Bucks County**.

Description of Proposed Action/Activity: Approval for a new NPDES permit to discharge stormwater runoff for the Telford Batch Plant into a UNT to Mill Creek in Watershed 3E-Perkiomen.

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

NPDES Permit No. PA0081264, Sewage, **Richie Schnaars, Mountainview Thoroughbred Racing Association—Penn National of Grantville**, P. O. Box 32, Grantville, PA 17028. This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Swatara Creek in Watershed 7-D.

NPDES Permit No. PA0087106, Sewerage, **Freedom Valley Worship Center**, 3185 York Road, Gettysburg, PA 17325. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Rerate with authorization to discharge to UNT of Swift Run in Watershed 7F.
Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES Permit No. PA0023213, Sewerage, **Borough of Ridgway**, P. O. Box 149, Ridgway, PA 15853-0149. This proposed facility is located in Ridgway Township, **Elk County**.

Description of Proposed Action/Activity: This facility is authorized to discharge to the Clarion River in Watershed 17-A.

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

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

WQM Permit No. 2804405, Sewerage, **Greene Township Municipal Authority**, 4182 Sunset Pike, Chambersburg, PA 17201. This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Construction/operation of Pump Station No. 10 (Blackwood Drive).

WQM Permit No. 0100403, Amendment 04-1, Sewerage, **Freedom Valley Worship Center**, 3185 York Road, Gettysburg, PA 17325. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Construction/Operation of Sewage Treatment Plant Upgrade to serve the Freedom Valley Worship Center.

WQM Permit No. 0101405, Amendment 05-1, Sewerage, **Adams County Board of Commissioners**, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, PA 17325. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Rerating of hydraulic capacity at the Hunterstown Wastewater Treatment Plant.

WQM Permit No. 6773404, Amendment 05-1, Sewerage, **Manchester Township Municipal Authority**, 3200 Farmtrail Road, York, PA 17402. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Replacement of the existing Pump Station No. 3 with a suction lift pump station on the existing Pump Station No. 3 site.

WQM Permit No. 6705403, Sewerage, **Northeastern York County Sewer Authority**, 175 Chestnut Street Extended, P. O. Box 516, Mount Wolf, PA 17347. This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Construction/operation of a submersible pump station and collection system to serve 227 new homes in the Rentzel Subdivision and flow from the Kennington Pump Station. The Kennington Pump Station will be abandoned.

WQM Permit No. 3105402, Sewerage, **Smithfield Township**, 202 S. 13th Street, Suite 3, Huntingdon, PA 16652. This proposed facility is located in Smithfield Township, **Huntingdon County**.

Description of Proposed Action/Activity: Construction/operation of the Smithfield Commercial Park Pump Station and Sewer Extension.

WQM Permit No. 6705402, Sewerage, **Dillsburg Area Authority**, 98 West Church Street, P. O. Box 370, Dillsburg, PA 17019. This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Construction/operation of the Yellow Breeches Creek Pump Station.

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

WQM Permit No. 2605401, Sewerage, **North Union Township Municipal Services Authority**, c/o John Hercik, 6 South Evans Station Road, LaMont Furnace, PA 16456. This proposed facility is located in North Union Township, **Fayette County**.

Description of Proposed Action/Activity: Construction and operation of submersible type pump station and about 2,688 feet of 6-inch diameter PVC force main to serve the Fayette County Business Park.

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

WQM Permit No. WQG018367, Sewerage, **Mark Vommoro**, 3610 Willow Road, Erie, PA 16505. This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. WQG018389, Sewerage, **Jeffrey L Rickrode**, 10522 Pebble Creek Drive, McKean, PA 16426. This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. WQG018376, Sewerage, **Sally and William H. Slattery, II**, 58 Vaughn Avenue, Wheatland, PA 16161. This proposed facility is located in South Pymatuning Township, **Mercer County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions**V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010905001	Commerce Bank, NA Proposed Commerce Bank 11000 Atrium Way Mount Laurel, NJ 08054	Bucks	Doylestown Borough	Neshaminy Creek (WWF, MF)
PAI010905012	Solomon Asser Asser Subdivision 124 East 4th Street, Suite 603 New York, NY 10016	Bucks	Springfield Township	Cooks Creek (EV)
PAI011504069	Diament Building Corporation Hunt Meadow Subdivision P. O. Box 471, Byers Road Uwchland, PA 19480	Chester	East Nantmeal and West Vincent Townships	Beaver Creek (HQ-TSF-MF)
PAI011505032	Frazer/Exton Development, LP Whiteland Village, LLC 508 Brandywine Parkway West Chester, PA 19380	Chester	East Whiteland Township	West Valley Creek and Valley Creek (CWF, EV)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S119	Alpine Rose Resorts, Inc. 100 Ivy Hill Circle Reading, PA 19606	Monroe	Eldred Township	Aquashicola Creek HQ-CWF
PAS10S019-R	Big Ridge Developers, LLP 130 Buck Rd., Suite 201 Holland, PA 18966	Monroe	Middle Smithfield Township	Pond Creek and Bushkill Creek HQ-CWF
PAI024503004	William and Carole Grant P. O. Box 287 Brodheads ville, PA 18322	Monroe	Hamilton Township	Lake Creek HQ-CWF
PAI024504016	C & M Developers, LLC 2421 Bristol Rd. Warrington, PA 18976	Monroe	Stroud Township	Brodhead Creek HQ-CWF
PAI024504029	B & B Real Estate SR 0611, P. O. Box 295 Scot Run, PA 18355	Monroe	Pocono Township	Scot Run HQ-CWF
PAI024504033	Greystone Enterprises LLC 102 State Route 611 Bartonsville, PA 18321	Monroe	Pocono Township	Pocono Creek HQ-CWF
PAS10S075-1	Paradise Township R. R. 1, Box 1226 Cresco, PA 18326	Monroe	Paradise and Barrett Townships	Cranberry Creek HQ-CWF
PAI021304005	Department of Transportation Engineering Dist. 5-0 1713 Lehigh St. Allentown, PA 18103	Carbon	Lower Towamensing Township	Buckwha Creek HQ-CWF
PAI023904022	Phase III Lehigh Valley Hospital P. O. Box 689 1200 S. Cedar Crest Blvd. Allentown, PA 18103	Lehigh	South Whitehall and Salisbury Townships	Little Lehigh Creek HQ-CWF
PAI024804036	Berks Products 3110 Bath Pike Nazareth, PA 18064	Northampton	Upper Nazareth Township	Tributary to East Branch Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064204003	Bradford Bypass Department of Transportation District 2-0 1924-30 Daisy Street P. O. Box 342 Clearfield, PA 16830	Bradford City Bradford and Foster Townships	West Branch Tunungwant Creek CWF Tunungwant Creek WWF Bolivar Run CWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hilltown Township Bucks County	PAG2000904158	Brooke Rush Brooke Rush Minor Subdivision 732 East Creamery Road Perkasie, PA 18944	Deep Run to Tohickon Creek (WWF, CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bedminster Township Bucks County	PAG2000904124	WB Homes, Inc. Deerfield Estates 404 Sumneytown Pike North Wales, PA 19454	UNT East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tinicum Township Delaware County	PAG2002304069	Restoration Development Corp. 1275 Cold Spring Road Newtown Square, PA 19073	Delaware River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

NOTICES

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Norristown Borough Montgomery County	PAG2004605034	Carmen D'Arcangelo 1651 Markley Street Development 1900 General Alexander Drive Malvern, PA 19355	Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Norriton Township Montgomery County	PAG2004604185	McDonald's Corporation McDonald's Rebuilding 3025 Chemical Drive, Suite 200 Plymouth Meeting, PA 19462	Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Skippack Township Montgomery County	PAG2004605048	Hampton Properties, Inc. Kenney Tract Subdivision 2526 North Broad Street Colmar, PA 18915	Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Collegeville Borough Montgomery County	PAG2004604156	Waynebrook Associates, LP Claymont at Collegeville 5011/2 Germantown Pike Lafayette Hill, PA 19444	Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Towamencin Township Montgomery County	PAG2004605080	Christopher Dock Mennonite HS 1000 Forty Foot Road Lansdale, PA 19446	UNT Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Salford Township Montgomery County	PAG2004604131	Spring Hill Realty Potato Road—Phase I 528 Main Street Harleysville, PA 19438	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105021	Venice Lofts Associates, LP Venice Lofts Development 3180 Chestnut Street Philadelphia, PA 19104	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105024	Safeguard Properties Proposed Safeguard Properties 105 Maxess Road, Suite 125 Melville, NY 11747	Delaware River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Northampton Borough Northampton County	PAG2004805013	Posh Properties 2216 Willow Park Rd. Bethlehem, PA 18017	Lehigh River WWF	Northampton Co. Cons. Dist. (610) 746-1971
Rice Township Luzerne County	PAG2004005009	Presidential Land Co., LTD 433 West Centre St. Mahanoy City, PA 17948	Big and Little Wapwallopen Creeks CWF	Luzerne Co. Cons. Dist. (570) 674-7991
West Mahanoy Township Schuylkill County	PAG2005405002	West Mahanoy Township 190 Pennsylvania Ave. Shenandoah Heights, PA 17976	Shenandoah Creek and UNT CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Wright Township Luzerne County	PAG2004005020	AEP Industries Inc. 20 Elmwood Drive Mountaintop, PA 18707	Big Wapwallopen Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hegins Township Schuylkill County	PAG2005405016	Bruce Lauerman Nestle Water North AM Inc. 405 Nestle Way Breiningsville, PA 18031	UNT to Deep Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Richmond Township Berks County	PAG2000605056	Norann Warmkessel Richmond Township P. O. Box 474 Fleetwood, PA 19522	Willow Creek/CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657 Ext. 201
Heidelberg Township Berks County	PAG2000605059	Bill Mills Associated Wholesalers, Inc. P. O. Box 67 Robesonia, PA 19551-0067	Spring and Tulpehocken Creek Watershed/CWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657 Ext. 201
South Heidelberg Township Berks County	PAG2000605024	Ronald Seaman South Heidelberg Township 68A N. Galen Hall Road Wernersville, PA 19565	UNT to Tulpehocken Creek/WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657 Ext. 201
Carroll Valley Borough Adams County	PAR100147	Eric Flynn Ski Liberty, Inc. 78 Country Club Trail Carroll Valley, PA 17320	Flat Run/WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325
Carlisle Borough Cumberland County	PAG2002105012	Key Ritner LP James Clymer 421 McFarland Rd., Suite B Kennett Square PA 19348	Alexander Spring Run/CWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle PA 17013 (717) 240-7812
Upper Allen Township Cumberland County	PAG2002105017	Valley Supply Jeffery P. King 4915 Gettysburg Road Mechnaicsburg, PA 17055	Cedar Run/CWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle PA 17013 (717) 240-7812
Lower Allen Township Cumberland County	PAG2002105015	Family Land Developers, LLC Tony Crisci The Crossroads 2600 S. Market St. Bowmansdale PA 17008-0080	Cedar Run/CWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle PA 17013 (717) 240-7812

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Antrim Township Franklin County	PAG2002805051	John F. Henning 7557 Pine Hill Rd. Waynesboro, PA 17268	West Branch of the Antietam Creek	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Beaver County Brighton Township	PAG2000405011	Kevin Neill NHC Properties 1065 Dutch Ridge Road Beaver, PA 15009	UNT to Sixmile Run (WWF)	Beaver County CD (724) 378-1701
Fayette County North Union, South Union and Menallen Townships	PAG2002605009	Frank J. Kempf Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Redstone Creek Jennings Run (WWF)	Fayette County CD (724) 438-4497
Indiana County White Township	PAG2003205005	Todd Heming Indiana County Airport Authority 398 Airport Road Indiana, PA 15701	UNT to Ramsey Run (CWF)	Indiana County (724) 463-8547
Washington County Chartiers Township	PAG2006305018	Lynn Foltz Foltz development Co. P. O. Box 401 Bridgeville, PA 15017	UNT to Chartiers Creek (WWF)	Washington County CD (724) 228-6774
<i>General Permit Type—PAG-3</i>				
<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bethel Township Delaware County	PAR200044	Alloy Surfaces Co., Inc. 1515 Garnet Mine Rd. Boothwyn, PA 19061	UNT to Spring Run-3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
City of Philadelphia Philadelphia County	PAR600085	Ngo Steven d/b/a Steve's Auto Parts II 3331 S. 61st St. Philadelphia, PA 19153	Schuylkill River-3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Chester Township Delaware County	PAR200043	Alloy Surfaces Co., Inc. 121 N. Commerce Dr. Aston, PA 19014	UNT to Baldwin Run-3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Harmar Township Allegheny County	PAR216172	PPG Industries, Inc. P. O. Box 11472 Guys Run Road Pittsburgh, PA 15238-0472	UNT to Rawlins Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*Facility Location:
Municipality &
County*

Springfield Township
Fayette County

Permit No.

PAR606159

*Applicant Name &
Address*

Robert Platt Auto Wreckers
213 Foxburg Road
Normalville, PA 15469

*Receiving
Water/Use*

Unnamed feeder to
Indian Creek

*Contact Office &
Phone No.*

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

General Permit Type—PAG-4

*Facility Location:
Municipality &
County*

Marlborough
Township
Montgomery
County

Permit No.

PAG040034

*Applicant Name &
Address*

Robert P. Falkenstein
2898 Upper Ridge Road
Pennsburg, PA 18073-2547

*Receiving
Water/Use*

UNT to Macoby
Creek Watershed 3E
Perkiomen

*Contact Office &
Phone No.*

Southeast Regional
Office
2 East Main Street
Norristown, PA
19401

York County
Springettsbury
Township

PAG043730

John G. Boop
3382 Lower Glades Road
York, PA 17402-8955

UNT Codorus
Creek/WWF

DEP—SCRO
909 Elmerton
Avenue
Harrisburg, PA
17110
(717) 705-4707

York County
Springettsbury
Township

PAG043731

Mike Mulcahy
333 Lexington Street
York, PA 17403

UNT Codorus
Creek/WWF

DEP—SCRO
909 Elmerton
Avenue
Harrisburg, PA
17110
(717) 705-4707

McKean Township
Erie County

PAG049160

Mark Vomoro
3610 Willow Road
Erie, PA 16505

UNT of Elk Creek

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942

McKean Township
Erie County

PAG049181

Jeffrey L. Rickrode
10522 Pebble Creek Drive
McKean, PA 16426

Lamson Run

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942

South Pymatuning
Township
Mercer County

PAG049168

Sally and William H. Slattery, II
58 Vaughn Avenue
Wheatland, PA 16161

UNT to McCullough
Run

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942

General Permit Type—PAG-5

*Facility Location:
Municipality &
County*

Butler Township
Butler County

Permit No.

PAG058365

*Applicant Name &
Address*

Sheetz, Inc.
Good Guyz, former Sheetz 83

*Receiving
Water/Use*

Sawmill Run
20-C

*Contact Office &
Phone No.*

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942

General Permit Type—PAG-8

Facility Location:

Municipality & County	Permit No.	Applicant Name & Address	Site Name & Location	Contact Office & Phone No.
Adams County Reading Township	PAG080002	SYNAGRO 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Lary Myers Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
	PAG080003			
	PAG080006			
	PAG080008			
	PAG082201			
	PAG082203			
	PAG083501			
	PAG083502			
	PAG083506			
	PAG083515			
	PAG083517			
	PAG083522			
	PAG083535			
	PAG083540			
	PAG083542			
	PAG083547			
	PAG083551			
	PAG083825			
	PAG089903			
PAG089904				
PAG089905				
York County Peach Bottom Township	PAG080002	SYNAGRO 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Corimmel Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
	PAG080003			
	PAG080006			
	PAG080008			
	PAG082201			
	PAG082203			
	PAG083501			
	PAG083502			
	PAG083506			
	PAG083515			
	PAG083517			
	PAG083522			
	PAG083535			
	PAG083540			
	PAG083542			
	PAG083547			
	PAG083551			
	PAG083825			
	PAG089903			
PAG089904				
PAG089905				

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal

form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 5405502, Public Water Supply.
 Applicant **Borough of Orwigsburg**
 209 North Warren Street
 P. O. Box 128
 Orwigsburg, PA 17961
 Borough or Township Orwigsburg Borough
 County **Schuylkill**
 Type of Facility PWS
 Consulting Engineer Michael J. Daschbach, P. E.
 Entech Engineering, Inc.
 4 South Fourth Street
 Reading, PA
 Permit to Construct July 20, 2005
 Issued

Permit No. 1301205, Public Water Supply.
 Applicant **Nesquehoning Borough Authority**
 114 West Catawissa Street
 Nesquehoning, PA 18240-1511
 Borough or Township Nesquehoning Borough
 County **Carbon**
 Type of Facility PWS
 Consulting Engineer Ronald M. Tirpak, P. E.
 Carbon Engineering, Inc.
 350 North Pine Street
 Summit Hill, PA 18250
 Permit to Construct July 20, 2005
 Issued

Permit No., Minor Amendment PWS ID #2400091.
 Public Water Supply.
 Applicant **United Water Pennsylvania**
 4211 East Park Circle
 Harrisburg, PA 17111
 Borough or Township Kingston Township
 County **Luzerne**
 Type of Facility PWS
 Consulting Engineer Arthur Saunders, P. E.
 Permit to Construct July 18, 2005
 Issued

Permit No., Minor Amendment PWS ID #2400076.
 Public Water Supply.
 Applicant **United Water Pennsylvania**
 4211 East Park Circle
 Harrisburg, PA 17111
 Borough or Township Dallas Township/Dallas Borough
 County **Luzerne**
 Type of Facility PWS
 Consulting Engineer Arthur Saunders, P. E.
 Permit to Construct July 18, 2005
 Issued

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

Permit No. 3604503 MA, Minor Amendment, Public Water Supply.

Applicant	Safe Harbor Water Power Corporation
Municipality	Manor Township
County	Lancaster
Type of Facility	Replacing the existing gas chlorination system with an Accu-Tab treatment system.
Consulting Engineer	Todd N Stager, P. E. Civil & Environmental Design Group 5010 Ritter Rd. Mechanicsburg, PA 17055-4828
Permit to Construct Issued:	4/2/2004
Permit No. 3604505 MA, Minor Amendment , Public Water Supply.	
Applicant	West Earl Water Authority
Municipality	West Earl Township
County	Lancaster
Type of Facility	Replacing the existing gas chlorination system with a sodium hypochlorite feed system.
Consulting Engineer	David T Lewis, P. E. ARRO Consulting Inc. 270 Granite Run Drive Lancaster, PA 17601
Permit to Construct Issued:	6/8/2004
Permit No. 3604506 , Public Water Supply.	
Applicant	Pure Choice Water
Municipality	East Cocalico Township
County	Lancaster
Type of Facility	Installation of a Permit-by-Rule vended water system at Weaver's Market near Adamstown, Lancaster County.
Consulting Engineer	Not Available
Permit to Construct Issued:	6/30/2004
Permit No. 0604521 , Public Water Supply.	
Applicant	Genesis Elder Care Corporation
Municipality	Tilden Township
County	Berks
Type of Facility	Addition of pH adjustment to provide corrosion control to existing facility.
Consulting Engineer	George W Ruby, P. E. Ruby Engineering P. O. Box 127 Rexmont, PA 17085-0127
Permit to Construct Issued:	7/18/2005
Permit No. 0504503 MA, Minor Amendment , Public Water Supply.	
Applicant	Evitts Creek Water Company
Municipality	N/A

County **Bedford**
 Type of Facility Tank repainting project
 Consulting Engineer John J. DiFonzo, P. E.
 City of Cumberland, Eng. Dept.
 20 Bedford St., 3rd Floor
 City Hall
 Cumberland, MD 21501-1702

Permit to Construct 7/15/2004
 Issued:

Permit No. 2804504 MA, Minor Amendment, Public Water Supply.
 Applicant **Bear Valley Franklin County Pennsylvania Joint Authority**
 Municipality Peters Township
 County **Franklin**
 Type of Facility Seeking approval for the use of DelPAC 2020 as a primary coagulant. This will replace the existing alum chemical feed system.

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

Permit to Construct 9/11/2004
 Issued:

Permit No. 4405501 MA, Minor Amendment, Public Water Supply.
 Applicant **Municipal Authority of the Borough of Lewistown**
 Municipality Armagh Township
 County **Mifflin**
 Type of Facility Repainting and maintenance to backwash tank No. 1.

Consulting Engineer Patrick J Ward, P. E.
 Uni-Tec Consulting Engineers, Inc.
 2007 Cato Avenue
 State College, PA 16801

Permit to Construct 7/20/2005
 Issued:

Permit No. 2105505 MA, Minor Amendment, Public Water Supply.
 Applicant **Southern Cumberland Water Association**
 Municipality Southampton Township
 County **Cumberland**
 Type of Facility Finished water storage tank replacement with a 105,000 gallon glass-lined standpipe and new control system for tank fill and well pump operation.

Consulting Engineer Dennis E Black, P. E.
 Dennis E. Black Engineering Inc.
 2400 Philadelphia Ave.
 Chambersburg, PA 17201

Permit to Construct 7/18/2005
 Issued:

Operations Permit issued to: **Western Berks Water Authority**, 3060066, Wyomissing Borough, **Berks County** on 7/19/2005 for the operation of facilities approved under Construction Permit No. 0604519 MA.

Operations Permit issued to: **Mount Joy Borough Authority**, 7360091, Mount Joy Borough, **Lancaster County** on 11/21/2003 for the operation of facilities approved under Construction Permit No. 3603509 MA.

Operations Permit issued to: **Aqua Pennsylvania, Inc.**, 3060030, Robeson Township, **Berks County** on 7/20/2005 for the operation of facilities approved under Construction Permit No. 0604511 MA.

Operations Permit issued to: **Columbia Water Company**, 7360123, Columbia Borough, **Lancaster County** on 11/9/2004 for the operation of facilities approved under Construction Permit No. 3604502 MA.

Operations Permit issued to: **Maidencreek Township Authority**, 3060012, Maidencreek Township, **Berks County** on 7/20/2005 for the operation of facilities approved under Construction Permit No. 0604514 MA.

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

Permit Nos. 4146292-T5, 4146292-A6-T3, 4146292-A8-T3, 4146292-A9-T3, 4146292-A10-T3, 4146292-A14-T1, and 4146292-A15-T1—Transfer Public Water Supply.

Applicant	CCDA Waters, LLC
Township or Borough	Boggs Township
County	Centre
Responsible Official	Stephen Smith, Plant Manager CCDA Waters, LLC One Aqua Penn Drive P. O. Box 938 Milesburg, PA 16853
Type of Facility	Public Water Supply—Transfer
Consulting Engineer	R. Timothy Weston Kirkpatrick & Lockhart Nicholson Graham, LLP Payne Shoemaker Building 240 North Third Street Harrisburg, PA 17101-1507
Permit Issued Date	7/20/05
Description of Action	Transfer of ownership from Danone and Coca-Cola to The Coca-Cola Company.

Permit No. M.A.—Construction Public Water Supply.

Applicant	Penn State University
Township or Borough	College Township
County	Centre
Responsible Official	Robert Cooper Manager of Engineering Services Penn State University 101P Physical Plant Building University Park, PA 16802-1118
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Malcolm Taylor, P. E. Buchart-Horn 1200 West College Avenue State College, PA 16801

Permit Issued Date 7/22/05
 Description of Action Construction of the Big Hollow water distribution main extension.
Permit No. 4904501—Temporary Operation Public Water Supply.
 Applicant **Sunbury Municipal Authority**
 Township or Borough City of Sunbury
 County **Northumberland**
 Responsible Official Dan W. Ramer, General Manager
 Sunbury Municipal Authority
 462 South Fourth Street
 Sunbury, PA 17801
 Type of Facility Public Water Supply—Operation
 Consulting Engineer John P. Mazich, P. E.
 Uni-Tec Consulting Engineers,
 Inc.
 2007 Cato Avenue
 State College, PA 16801

Permit Issued Date 7/22/05
 Description of Action Temporary operation of the following additional chemical feed systems: polyaluminum chloride, potassium permanganate, sodium carbonate and blended phosphate.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Marshall Township	P. O. Box 2094 Warrendale, PA 15086	Allegheny

Plan Description: The approved plan provides for a proposal to install a small flow treatment facility located at 4158 State Gamelands Road in Marshall Township, Allegheny County. The proposed treatment facility will service an existing 3-bedroom, single-family dwelling that has an existing malfunctioning onlot system and a proposed new home to be constructed on an adjacent lot. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Deer Township	P. O. Box 2 Russellton, PA 15076	Allegheny

Plan Description: The approved plan provides for a single residence sewage treatment plant to be constructed at 186 Millerstown-Cullmerville Road, Tarentum, PA

15084, to repair a malfunctioning onlot sewage system. The Department's review of this sewage facility update revision has not identified any significant environmental impacts resulting from this proposal.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Juniata Township	R. R. 1 Box 378 Huntingdon, PA 16652	Huntingdon

Plan Description: The approved plan provides for the construction of a single family residence on an existing lot of Gary Aungst to be served by a small flow treatment system with discharge to a tributary to the Raystown Branch. The proposed development is located at the intersection of Point Road and Ripplin Lane. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Manchester Township	3200 Farmtrail Road York, PA 17402	York

Plan Description: The approved plan provides for public sewer improvement projects, interceptor improvement projects and sewer extensions as outlined in Table V.A.2.2 of the Official Plan. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)

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

Plan Location: Located on the west side of SR 0194, south of East Berlin Borough in Hamilton Township, Adams County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Montgomery Twp	11364 Fort Loudon Rd. Mercersburg, PA 17236	Franklin

Plan Description: The plan was disapproved because: the preliminary hydrogeologic evaluation contained in the planning module contained information that the groundwater is presently polluted on a portion of the property, and that some of the proposed onsite systems would further pollute the waters of this Commonwealth. This condition is considered to be a nuisance and a violation of The Clean Streams Law.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

Sunoco, Inc., Darby Creek Tank Farm, Darby Borough, **Delaware County**. Edward R. Kashdan, P. E., Gannett Fleming, Inc., P. O. Box 80794, Valley Forge, PA 19484-0794 on behalf of Sunoco, Inc., Ten Penn Ctr., 1801 Market St., Philadelphia, PA has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX, PHC, PAH and solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Nozensky Junkyard, Kenneth Square Borough, **Chester County**. Matthew Gordon, Walter B. Satterthwaite Assoc., Inc., 720 Old Fern Hill Rd., West Chester, PA 19380 has submitted a Baseline Environmental Report concerning remediation of site soil and ground-

water contaminated with drums, tires scrap metal and phenolic circuits boards. The report is intended to document remediation of the site to meet the Special Industrial Area Standard.

Mattei Tire Site, City of Philadelphia, **Philadelphia County**. Michael V. Malone, P. G., SECOR, 102 Pickering WY, Suite 200, Exton, PA 19341 on behalf of Timothy Mattei, Mattei Tire Co., 2035 Washington Ave., Philadelphia, PA 19146 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Smith Kline Beecham Corp. d/b/a Glaxo Smith Kline, Upper Merion Township, **Montgomery County**. Michael Gonshor, P. G., Roux Assoc., Inc., 1222 Forest Parkway Suite 190, West Deptford, NJ 08066 on behalf of Peter McGinnis, Glaxo Smith Kline, 1250 S. Collegeville Rd., Collegeville, PA 19426 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents and groundwater contaminated with chlorinated solvents, inorganics, lead and other organics. The report is intended to document remediation of the site to meet the Site Specific Standard.

Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Former Gehman's Dairy Farm/Mack Trucks Property, Macungie Borough, **Lehigh County**. Ralph Capone, Environmental Consultant, Brinkerhoff Environmental Consultants, Inc., 1913 Atlantic Avenue, Manasquan, NJ 08736 has submitted a Final Report (on behalf of his client, Mack Trucks, Inc., c/o Scott Morris, 2100 Mack Boulevard, Allentown, PA 18103) concerning the remediation of soils and/or groundwater found or suspected to have been impacted by the release of gasoline constituents from a former 550-gallon underground storage tank on the property. The report was submitted to document attainment of the Statewide health standard. This represents a change to the previously submitted Notice of Intent to Remediate, which indicated that applicant proposed to meet the Site-Specific Standard.

Riotto Property and Surrounding Areas (1006, 1012, 1014 and 1018 Barnesville Drive), Ryan Township, **Schuylkill County**. Gregory Burgdorf, P. G., ARM Group, Inc., 1129 West Governor Road, Hershey, PA 17033 has submitted a Final Report (on behalf of his client, Dominic Riotto, Barnesville Drive, Barnesville, PA 18214) concerning the remediation of soil and/or groundwater found or suspected to have been impacted by the release of No. 2 fuel oil constituents from a former aboveground storage tank on the property. The report was submitted to document attainment of the Statewide health standard. A Notice of Intent to Remediate was simultaneously submitted.

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

Defense Distribution Susquehanna PA, N-PX Gas Station, Fairview Township, **York County**. Defense Distribution Susquehanna PA, 2001 Mission Drive, New Cumberland, PA 17070, submitted a Final Report concerning remediation of site soils and groundwater contaminated with carbon tetrachloride 1, 2, dichloroethane and benzene. The report is intended to document remediation of the site to the Site Specific standard.

Keystone Central Storage, Harrisburg City, **Dauphin County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Keystone Central Storage, LP, c/o ProLogis, 14100 East 35th Place, Aurora, CO 80011 submitted a Remedial Investigation and Final Report concerning remediation of site soils contaminated with arsenic, lead and polycyclic aromatic hydrocarbons and groundwater contaminated with gasoline, kerosene and No. 2 Fuel Oil. The report is intended to document remediation of the site to a combination of Statewide Health and Site Specific standards.

Sheetz Property, City of Altoona, **Blair County**. Geologic Services Corporation, 260 Executive Drive, Suite 500, Cranberry Township, PA 160766, on behalf of Sheetz, Inc., 5700 Sixth Avenue, Altoona, PA 16602, submitted a final Report concerning remediation of site soils contaminated with gasoline and diesel fuel. The report was submitted within 90 days of a release and is intended to document remediation of the site to the Statewide Health standard.

Defense Distribution Susquehanna PA, SWMU 17, Former Building T-21, Fairview Township, **York County**. Defense Distribution Susquehanna PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070, submitted Remedial Investigation and Risk Assessment Reports concerning remediation of site soils, groundwater and surface water contaminated with solvents. The applicant proposes to remediate the site to meet a combination of Statewide Health and Site-Specific standards.

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

CPO2, 200 East Chestnut Street, Mifflinburg, PA, Mifflinburg, Borough, **Union County**, Mike Molesevich Environmental, P. O. Box 654, Lewisburg, PA 17837, has submitted a Final Report concerning soil contaminated with heating oil. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

McGahan Property, 111 Gregg Street, Spring Mills, PA, Gregg Township, **Centre County**, Chambers Environmental, 629 East Rolling Ridge Drive, Bellefonte, PA 16823, has submitted a Final Report concerning soil contaminated with gasoline. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

Bellefonte Middle School District—Middle School, 100 N. School Street, Bellefonte PA, Bellefonte Borough, Centre County. Blazosky Associates, Inc., One Davis Road, Suite 200, P. O. Box 987, Valley Forge, PA 19482, has submitted a Final Report concerning soil and groundwater contaminated with methanol. This Final Report is intended to demonstrate attainment of the Statewide Health Standard.

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

Liberty Park Development Site, City of Pittsburgh, **Allegheny County**. Joseph M. Harrick, Penn Environmental and Remediation Inc., 359 Northgate Drive, Warrendale, PA 15066 (on behalf of John Coyne, P. E., Director of Engineering and Construction, Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219) has submitted a Remedial Investigation Report concerning remediation of site soils contaminated with metals including antimony, arsenic, boron, lead, thallium, silver and PAH, and site groundwater contaminated with perchloroethylene. The Remedial Investiga-

tion Report is intended to document remediation of the site to meet the Site-Specific Standard.

LTV Southside Works (Parcel A1), City of Pittsburgh, **Allegheny County**. Martin Knuth, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219, and South Pittsburgh LLC 150 East Broad Street Suite 200, Columbus Ohio 43215) has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents, PCBs, PAHs, other organics and inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard

Molycorp Washington Site, Canton Township, **Washington County**. Alan Shuckrow, Malcolm Pirnie Inc., 1603 Carmody Court, Sewickley, PA 15143 (on behalf of Ray Chermiske, Molycorp, Inc., P. O. Box 469, Questa, NM 87556) has submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOC and semivolatiles organics, metals and cyanide. The Cleanup Plan is intended to document remediation of the site to meet the Site-Specific Standard.

Eastman Chemical Resins, Inc. (Formerly Hercules Inc.—Jefferson Plant), Jefferson Borough, **Allegheny County**. William A. Baughman, Cummings/Riter Consultants, Inc., 339 Haymaker Road, Parkway Building Suite 201 Monroeville, PA 15146 (on behalf of William C. Hendon, Eastman Company, State Highway 837, P. O. Box 567, West Elizabeth, PA 15088-0567, and Joseph A. Keller, Hercules Incorporated, Research Center, Building 8139/15, 500 Hercules Road, Wilmington, DE 19808) has submitted a Human Health and Ecological Risk Assessment concerning remediation of site soil and groundwater contaminated with chlorinated solvents, inorganics, other organics, diesel fuel, leaded gasoline, unleaded gasoline, used motor oil and PAHs. The Human Health and Ecological Risk Assessment is intended to document remediation of the site to meet the Site-Specific, Background, and Statewide Health Standards..

Cambria Iron Works, City of Johnstown, **Cambria County**. Harry Trout, L. Robert Kimball & Associates, 415 Moon Clinton Road, Coraopolis, PA 15108 (on behalf of Deborah M. Walter, Johnstown Redevelopment Authority, 401 Washington Street, Johnstown, PA 15901) has submitted a Cleanup Plan, Risk Assessment Report, and a Final Report concerning remediation of site soil and groundwater contaminated with antimony, arsenic, iron and lead. The Cleanup Plan, Risk Assessment Report and Final Report are intended to document remediation of the site to meet the Site-Specific Standard.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Trinity Ind, City of Butler, **Butler County**. Daniel F. Szwed, P. E., Civil & Env. Consultants Inc., 333 Baldwin Rd., Pittsburgh PA 15205 on behalf of Fletcher W. Helmer, CEC, CRS, Trinity Ind., 2525 Stemmos Freeway, Dallas TX 75207, has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with lead. Lead impacted zones have evidence of slightly elevated arsenic, antimony, nickel and iron with site wide groundwater concentrations of iron. The reports are intended to document remediation of the site to meet the Statewide Health, Site Specific Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

Smith Kline Beecham Corp. d/b/a Glaxo Smith Kline, Upper Merion Township, **Montgomery County**. Michael Gonshor, PG, Roux Assoc., Inc., 1222 Forest

Parkway Suite 190, West Deptford, NJ 08066 on behalf of Peter McGinnis, Glaxo Smith Kline, 1250 S. Collegeville Rd., Collegeville, PA 19426 has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents and groundwater contaminated with chlorinated solvents, inorganics, lead and other organics. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on April 6, 2005.

Ryder Transp. Svc., City of Philadelphia, **Philadelphia County**. Sean M. Damon, Langan Eng. & Env. Svc., Inc., 500 Hyde Park on behalf of Carrie Anne Vinch, Ryder Transp. Svc., 160 Lawrenceville-Pennington Rd., Suite 16, PMB 119, Lawrenceville, NJ 08648 has submitted a Final Report concerning the remediation of site soil contaminated with volatile organics, semi-volatile organics and lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 18, 2005.

Andress Res., Downingtown Borough, **Chester County**. John Founds, Eldredge, Inc., 898 Fernhill Rd., West Chester, PA on behalf of Muriel Andress, 23 Downing Ave., Downingtown, PA 19335 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report submitted within 90 days of the release-demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 22, 2005.

433 Washington St., Conshohocken Borough and Whitemarsh Township, **Montgomery County**. Michael Gonshor, P. G., Roux Assoc., Inc., 1222 Forest Pkwy, Suite 190, West Deptford, NJ 08066 on behalf of Scott Backer, Washington St. Assoc., III, LP, 709 S. Henderson Rd., Suite 225, King of Prussia, PA 19406 has submitted a Remedial Investigation, Risk Assessment and Cleanup Report concerning the remediation of site soil contaminated with lead and inorganics. The Remedial Investigation, Risk Assessment and Cleanup Report Plan were approved by the Department on July 18, 2005.

Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Novick Chemical Co., Inc., City of Scranton, **Lackawanna County**. Martin Gilgallon, P. G., Project Hydrogeologist, PA Tectonics, Inc., 826 Main Street, Peckville, PA 18452 submitted a combined Remedial Investigation Report and Risk Assessment Report (on behalf of his client, Edward Novick, Novick Chemical Company, 705 Davis Street, Scranton, PA 18505) concerning the characterization and risk assessment of soils found or suspected to have been contaminated with chlorinated solvents and other organics as the result of historic site operations. The reports were submitted in partial fulfillment of a combination of the nonused aquifer Statewide health and site-specific standards. The reports were approved on July 13, 2005.

Nuss Mobile Home Park—Vander Duim Lot, North Whitehall Township, **Lehigh County**. Richard D. Trimpi, P. G., Trimpi Associates, Inc., submitted a Final Report (on behalf of his client, Leonard Nuss, Nuss Enterprises, Inc., 2632 Old Post Road, Coplay, PA 18037) concerning the remediation of soils found to have been impacted by the accidental release of No. 2 home heating oil. The report demonstrated attainment of the residential Statewide health and was approved on July 7, 2005. The report was submitted within 90 days of the February 9, 2005 release.

Sterling Oaks at Lower Nazareth Properties, Lower Nazareth Township, **Northampton County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, submitted a Final Report (on behalf of his client, Eric Witmond, Hidden Oaks, LLP, 119 Cherry Hill Rd., Parsippany, NJ 07054) concerning the remediation of soils found to have been impacted by inorganics. The report demonstrated attainment of a combination of the Statewide health and background soil standards and was approved on July 6, 2005.

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

Albright College, Former Armory Parcel and former Scrapyrd Parcel, City of Reading, **Berks County**. Synergy Environmental, Inc., 607 Washington Street, Reading, PA 19604, on behalf of Albright College, P. O. Box 15234, Reading, PA 19612-5234, submitted a baseline remedial investigation work plan concerning remediation of site soils and groundwater contaminated with PCBs, inorganics and other organics. The applicant will remediate the site as a Special Industrial Area. The plan was approved by the Department on December 14, 2004.

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

Mifflinburg Area School District former School Bus Barn, Mifflinburg Borough, **Union County**. Molesevich Environmental, P. O. Box 654, Lewisburg, PA 17837 has submitted a Final Report for the Mifflinburg Area School District, 52 Chestnut Street, Mifflinburg, PA 17844, concerning soil and groundwater contaminated with gasoline and diesel fuel. The Final Report demonstrated attainment of the Site-specific Standard, Nonresidential and was approved by the Department on July 20, 2005.

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

McKean Used Car Lot (Former), City of Pittsburgh, **Allegheny County**. Bruce A. Shaw, American Geosciences, Inc., 3925 Reed Blvd., Suite 400, Murrysville, PA 15668 on behalf of Michael Baressi, McKnight Development Company, 249 North Craig Street, Pittsburgh, PA 15213 has submitted Final Report concerning the remediation of site soils contaminated with chlorinated solvents, other organics, PAHs and lead. This site was determined to qualify for the Department's low-risk sites program, and the Final Report was based upon the judgment of a Pennsylvania licensed professional under whose seal the Final Report was submitted without technical review by Department staff. This site was afforded liability protection as outlined in Chapter 5 of Act 2 in a letter dated May 10, 2005.

West Elizabeth Lumber Property, West Elizabeth Borough, **Allegheny County**. Timothy S. Evans, American Geosciences, Inc., 3925 Reed Blvd., Suite 400 Murrysville, PA 15668-1848 (on behalf of Michael Hoag, National Industrial Lumber Company, 489 Rosemont Road, North Jackson, OH 44451) has submitted a Cleanup Plan concerning remediation of site soil contaminated with inorganics. The Cleanup Plan was approved by the Department on July 6, 2005

No. 1 Cochran Automotive, Borough of Monroeville, **Allegheny County**. David J. Birchard, Environmental Remediation & Recovery, Inc., 5719 Route 6N, Edinboro, PA 16412 on behalf of Rob Cochran, No. 1 Cochran

Automotive, 4200 William Penn Highway, Monroeville, PA 15146, and William Krahe, ECHO Real Estate, 701 Alpha Drive, Pittsburgh, PA 15328 has submitted a Remedial Investigation Report concerning the remediation of site soils and groundwater contaminated with benzene, naphthalene, MTBE, and ethyl benzene. The Remedial Investigation Report was approved by the Department on June 15, 2005.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Registration No. WMGR097R003. Philadelphia Fry-O-Diesel, Suite 1003, 1218 Chestnut Street, Philadelphia, PA 19107-4825. Registration to operate under General Permit No. WMGR097 for use of residual and/or municipal waste in research and development (R & D) activities to support the beneficial use or processing prior to beneficial use. The registration was issued by Central Office on July 26, 2005.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

MUNICIPAL WASTE GENERAL PERMITS

Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and municipal waste regulations for a general permit to operate municipal waste processing facilities and the beneficial use of municipal waste.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGM019D003. **J. A. Rutter, Co.**, P. O. Box 540, Murrysville, PA 15668.

General Permit No. WMGM019D003 is for the processing of concrete and asphalt waste, leaf and yard waste, wood waste and soil for beneficial use as: (1) construction material; and (2) topsoil and mulch for commercial purposes generated at J. A. Rutter, Co. facility, located in **Allegheny County**. The general permit was issued by Central Office on July 20, 2005.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit No. 101625. Tamaqua Transfer Station, Environmental Awareness Corp., Inc., 244 East Broad Street, Tamaqua, PA 18252. A Permit Renewal for the continued operation of this municipal waste transfer facility located in Walker Township, **Schuylkill County**. Due to the location of the site scale, the permit area has been slightly adjusted to include the scale and the in-between access road (1.41 acres to 1.58 acres). A permit was issued by the Regional Office on July 18, 2005. No other changes to the facility's design, construction, and operation have been approved. Also, obsolete permit conditions have been deleted.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

GP7-36-03118: Continental Press, Inc. (520 E. Bainbridge Street, Elizabethtown, PA 17022-2201) on July 19, 2005, for a sheetfed offset lithographic printing press under GP7 in Elizabethtown Borough, **Lancaster County**.

GP3-36-03156: Brubacher Excavating, Inc. (825 Reading Road, P. O. Box 528, Bowmansville, PA 17507) on July 20, 2005, to operate a portable nonmetallic mineral processing plant under GP3 in East Earl Township, **Lancaster County**.

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

GP1-19-03: Windsor Foods (595 West 11th Street, Bloomsburg, PA 17815) on July 19, 2005, to operate one natural gas fired Johnston model PFTE500-4G150S boiler with a rated heat input capacity of 20.92 mmBtu per hour under the General Plan Approval and General Operating Permit for Small Gas and No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) in the Town of Bloomsburg, **Columbia County**.

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

GP5-30-00153: CNX Gas Co., LLC (1800 Washington Road, Pittsburgh, PA 15241) on July 18, 2005, to operate a gas compressor at Compressor Site No. 15 in Gilmore Township, **Greene County**.

GP5-30-00154: CNX Gas Co., LLC (1800 Washington Road, Pittsburgh, PA 15241) on July 18, 2005, to operate a gas compressor at Compressor Site No. 25 in Gilmore Township, **Greene County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

46-0248: Pottstown Borough Authority (100 East High Street, Pottstown, PA 19464) on July 25, 2005, to operate a thermal fluid dryer in Pottstown Borough, **Montgomery County**.

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

36-05137: B and S Woodcrafts, LLC (722 Truce Road, Quarryville, PA 17566-9733) on July 18, 2005, to install two spray paint booths in Providence Township, **Lancaster County**.

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

49-00033A: Watsonstown Brick Co. (P. O. Box 68 Route 405, Watsonstown, PA 17777) for installation of a replacement fabric collector to control emissions from an existing 100 ton per hour pug mill and associated conveyors in Delaware Township, **Northumberland County**.

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

04-00065B: WHEMCO Steel Casting, Inc. (12th Street, Midland, PA 15059) on July 22, 2005, to construct two 4.72 TPH coreless induction furnaces at their Midland Foundry Division in Midland Borough, **Beaver County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

09-0009D: Webcraft, LLC. (4371 County Line Road, Chalfont, PA 18914) on 25, 2005, to operate a printing press and thermal oxidizer in New Britain Township, **Bucks County**.

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

41-399-026: Penn Recycling Incorporated (2525 Trenton Avenue, Williamsport, PA 17701) on July 20, 2005, to operate an automobile/metal shredding system and associated air cleaning devices (a foam injection system and cyclone collector) on a temporary basis until November 17, 2005, in the City of Williamsport, **Lycoming County**. The plan approval has been extended.

17-399-023: Prism Enterprises, LLC d/b/a Perma-grain (1191 Venture Drive, Forest, VA 24551) on July 11, 2005, to operate wood and plastic sawing, sanding, and like equipment and associated air cleaning device (a fabric collector) on a temporary basis until November 8, 2005, in Karthaus Township, **Clearfield County**. The plan approval has been extended.

41-00005C: Lycoming Engines (652 Oliver Street, Williamsport PA 17701) on June 24, 2005, to increase the perchloroethylene emission limitation from 1.84 tons to 2.75 tons in any 12-consecutive month period and an increase in the throughput limitation of perchloroethylene from 273.4 gallons to 408.6 gallons in any 12-consecutive month period in the City of Williamsport, **Lycoming County**.

55-310-002A: National Limestone Quarry, Inc. (P. O. Box 397, Middleburg, PA 17842) on June 20, 2005, to construct various pieces of stone crushing, and like equipment and to operate various other pieces of stone crushing, and like equipment identified in the respective plan approval on a temporary basis, until November 14, 2005, at the Paxtonville Quarry in Franklin Township, **Snyder County**. The plan approval has been extended.

41-00005C: Lycoming Engines (652 Oliver Street, Williamsport PA 17701) on June 24, 2005, to construct and operate a perchloroethylene degreaser until September 6, 2005, in the city of Williamsport, **Lycoming County**. The plan approval has been extended.

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

65-302-071: Koppers Industries, Inc. (436 Seventh Avenue, Pittsburgh, PA 15219) on July 22, 2005, for two boilers at Monessen Coke Works in Monessen, **Westmoreland County**. This is an extension.

63-00014F: Orion Power Midwest, LP (121 Champion Way, Suite 200, Canonsburg, PA 15317) on July 20, 2005, to complete testing requirements at the Elrama Station SNCR Unit No. 4 in Union Township, **Washington 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.

01-05002: MasterBrands Cabinets, Inc. (P. O. Box 5, Littlestown, PA 17340-0005) on July 18, 2005, for their wood furniture manufacturing facility in Littlestown Borough, **Adams County**. This is a renewal of the Title V Operating Permit.

36-05026: R. R. Donnelley and Sons Co. (1375 Harrisburg Pike, Lancaster, PA 17601-2699) on July 18, 2005, to operate printing presses controlled by a regenerative thermal oxidizer at their Lancaster West facility in the City of Lancaster, **Lancaster County**. This is a renewal of the Title V Operating Permit.

67-05006: York County Solid Waste and Refuse Authority (2700 Blackbridge Road, York, PA 17402-7901) on July 20, 2005, to operate three municipal waste combustors in Manchester Township, **York County**. This is a renewal of the Title V Operating Permit.

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.

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

25-00037: Joseph McCormick Construction Co., Inc.—Wesleyville Plant (1507 Wesley Avenue, Erie, PA 16510-1675) on July 21, 2005, for a Natural Minor Permit to operate a hot mix asphalt plant in Wesleyville Borough, **Erie County**. The significant sources are batch asphalt plant with dryer, material conveyors and baghouse.

42-00196: Catalyst Energy Inc. (State Route 59 W and State Route 219N, Timbuck., PA 16738) on July 14, 2005, for an Administrative amendment to the Natural Minor operating permit for the Swamp Angel facility. This amendment incorporates the requirements of plan approval 42-0196B. The facility is in Lafayette Township, **McKean County**.

25-938: Safety Kleen Systems Inc. (1606 Pittsburgh Avenue, Erie, PA 16505) on July 21, 2005, for a Natural Minor operating permit for their Erie facility in the City of Erie, **Erie County**.

25-00943: Serv-All Concrete (2 East Bay Drive, Erie, Pa. 16512) on July 21, 2005 for a Natural Minor operating permit for their Erie Blue Batch Plant in the City of Erie, **Erie County**.

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

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

67-03069: H and H Castings, Inc. (4300 Lincoln Highway, York, PA 17406-8022) on July 18, 2005, to operate their aluminum foundry in Hellam Township, **York County**. This Operating Permit was administratively amended to incorporate plan approval 67-03069A. This is revision No. 1.

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

17-00007: Sensus Metering Systems—North America, Inc. (805 Liberty Blvd., Dubois, PA 15801) on July 20, 2005, by means of the minor operating permit modification requirements of 25 Pa. Code § 127.462, to authorize the use of electrostatic spray guns in three spray booths in the City of Dubois, **Clearfield County**.

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

63-00549: Arden Landfill, Inc. (Waste Management, Cherrington Corporate Center, 625 Cherrington Parkway, Moon Township, PA 15108) on July 20, 2005, to incorporate the names of the new responsible official, change of address and permit contact for their Arden Landfill in Chartiers Township, **Washington County**.

The Department of Environmental Protection (Department) has administratively amended the Operating Permit on July 20, 2005, to incorporate the names of the new responsible official, change of address and permit contact. Through a minor permit modification the Department has revised the permit to incorporate specific alternatives to the collection and control system operation. The proposed methods are acceptable and conform with language allowing such a change in the Operating Permits and also mirror language found in 40 CFR 60.752(b)(2)(i)(B) and 40 CFR 60.753 that allow for alternatives to operational standards for collection and control systems.

The Department has approved this minor operating permit modification in accordance with 25 Pa. Code § 127.462. This is a TV Facility

56-00181: Southern Alleghenies Landfill, Inc. (Waste Management, Cherrington Corporate Center, 625 Cherrington Parkway, Moon Township, PA 15108) on July 20, 2005, to incorporate the names of the new responsible official, permit contact and the conditions of Plan Approval PA-56-00181B for their Southern Alleghenies Landfill in Conemaugh Township, **Somerset County**.

The Department of Environmental Protection (Department) has administratively amended the Operating Permit on July 20, 2005, to incorporate the names of the new responsible official, permit contact, and the conditions of Plan Approval PA-56-00181B. Through a minor permit modification the Department has revised the permit to incorporate specific alternatives to the collection and control system operation. The proposed methods are acceptable and conform with language allowing a change in the Operating Permits and also mirror language found in 40 CFR 60.752(b)(2)(i)(B) and 40 CFR 60.753 that allow for alternatives to operational standards for collection and control systems.

The Department has approved this minor operating permit modification in accordance with 25 Pa. Code § 127.462. This is a Title V Facility.

63-00550: South Hills Landfill (Waste Management, Cherrington Corporate Center, 625 Cherrington Parkway, Moon Township, PA 15108) on July 20, 2005, to incorporate the names of the new responsible official, change of address and permit contact for their South Hills Landfill Union Township, **Washington County**.

The Department of Environmental Protection (Department) has administratively amended the Operating Permit on July 20, 2005, to incorporate the names of the new responsible official, change of address and permit contact. Through a minor permit modification the Department has revised the permit to incorporate specific alternatives to the collection and control system operation. The proposed methods are acceptable and conform with language allowing such a change in the Operating Permits and also mirror language found in 40 CFR 60.752(b)(2)(i)(B) and 40 CFR 60.753 that allow for alternatives to operational standards for collection and control systems.

The Department has approved this minor operating permit modification in accordance with 25 Pa. Code § 127.462. This is a Title V Facility.

11-00370: Laurel Highlands Landfill (Waste Management, Cherrington Corporate Center, 625 Cherrington Parkway, Moon Township, PA 15108) on July 20, 2005, to incorporate the names of the new responsible official and permit contact and change the address for their Laurel Highlands Landfill in Jackson Township, **Cambria County**.

The Department of Environmental Protection (Department) has administratively amended the Operating Permit on July 20, 2005, to incorporate the names of the new responsible official and permit contact and change the address. Through a minor permit modification the Department has revised the permit to incorporate specific alternatives to the collection and control system operation. The proposed methods are acceptable and conform with language allowing such a change in the Operating Permits and also mirror language found in 40 CFR 60.752(b)(2)(i)(B) and 40 CFR 60.753 that allow for alternatives to operational standards for collection and control systems.

The Department has approved this minor operating permit modification in accordance with 25 Pa. Code § 127.462. This is a Title V Facility.

32-00266: Evergreen Landfill (Waste Management, Cherrington Corporate Center, 625 Cherrington Parkway, Moon Township, PA 15108) on July 20, 2005, to incorporate the names of the new Responsible Official and permit contact for their Evergreen Landfill in Center Township, **Indiana County**.

The Department of Environmental Protection (Department) has administratively amended the Operating Permit on July 20, 2005, to incorporate the names of the new responsible official and permit contact. Through a minor permit modification the Department has revised the permit to incorporate specific alternatives to the collection and control system operation. The proposed methods are acceptable and conform with language allowing such a change in the Operating Permits and also mirror language found in 40 CFR 60.752(b)(2)(i)(B) and 40 CFR 60.753 that allow for alternatives to operational standards for collection and control systems.

The Department has approved this minor operating permit modification in accordance with 25 Pa. Code § 127.462. This is a Title V Facility.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

55-00021: Shreck's Painting (P. O. Box 6, Mount Pleasant Mills, PA 17853) on July 20, 2005, application returned due to applicant's failure to correct an administrative deficiency in a reasonable time frame in Perry Township, **Snyder County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

Greensburg District Mining Office: R. R. 2, Box 603-C, Greensburg, PA 15601, (724) 925-5500.

65010102. Coal Loaders, Inc. (210 East Main Street, P. O. Box 556, Ligonier, PA 15658). Permit revised to add removal of the Redstone Limestone and incidental removal of the Redstone coal seam at an existing bituminous surface mining site located in Fairfield Township, **Westmoreland County**, affecting 133.6 acres. Receiving streams: UNT of Hypocrite Creek to Hypocrite Creek to Hendricks Creek to Tubmill Run to Conemaugh River; and UNT of Hannas Run to Mill Creek to Loyalhanna Creek to Conemaugh River. Application received: May 11, 2005. Permit revision issued: July 21, 2005.

02743004 and NPDES Permit No. PA 126756. Deep Valley Coal & Disposal, Inc. (7111 Steubenville Pike, Oakdale, PA 15071). Renewal permit for continuous operation and reclamation to a surface mine, located in North Fayette Township, **Allegheny County**, affecting 35 acres. Receiving stream: Pinkerton Run. Renewal application received: March 29, 2005. Permit renewal issued: July 22, 2005.

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

33900105. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838). Renewal of an existing bituminous strip and auger operation in Snyder Township, **Jefferson County**, affecting 650.2 acres. Receiving streams: UNTs to Little Toby Creek and UNTs to Mill Creek. Application received May 8, 2000. Permit issued July 21, 2005.

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

18793005 and NPDES Permit No. PA0596129. Confer Coal Company (P. O. Box 471, Milesburg, PA 16853). Renewal of an existing bituminous surface mine-auger permit in Beech Creek Township, **Clinton County** affecting 329 acres. Receiving streams: South Fork of the Tangascootac Creek to Tangascootac Creek to West Branch of the Susquehanna River. Application received: January 20, 2005. Permit issued: April 8, 2005.

17000102 and NPDES Permit No. PA0242888. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838). Transfer of an existing bituminous surface mine-

auger permit from Johnson Brothers Coal Company. The permit is located in Bell Township, **Clearfield County** and affects 131.3 acres. Receiving streams: UNTs to Whiskey Run, UNTs to Bear Run. Application received: January 12, 2005. Permit issued: April 26, 2005.

17030111 and NPDES Permit No. PA0243558. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650). Commencement, operation and restoration of a bituminous surface mine in Decatur Township, **Clearfield County** affecting 52.5 acres. Receiving stream: UNT "A" to Little Laurel Run. Application received: August 22, 2003. Permit issued: July 12, 2005.

14030101 and NPDES Permit No. PA0243493. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650). Commencement, operation and restoration of a bituminous surface mine in Snow Show Township, **Centre County** affecting 218.9 acres. Receiving streams: Sandy Run above UNT 2 to Sandy Run. Application received: May 13, 2003. Permit issued June 2, 2005.

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

19881301R3 and NPDES Permit No. PA0223549. UAE CoalCorp. Associates (P. O. Box 306, Mt. Carmel, PA 17851), renewal of an existing anthracite underground mine operation in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland Counties** affecting 25.5 acres, receiving stream: underground mine workings. Application received November 12, 2004. Renewal issued July 19, 2005.

Coal NPDES Permit Renewal Applications Issued:

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

40A77SM12, PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), renewal of NPDES Permit No. PA0249815, Brothersvalley Township, **Somerset County**, receiving stream Piney Run. NPDES Renewal Application Received May 20, 2005. Permit issued July 19, 2005.

Noncoal Permits Actions

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

08050801. William C. Pickett (R. R. 2, Box 2951, Laceyville, PA 18623), commencement, operation and restoration of a small industrial minerals (Bluestone) surface mine permit in Tuscarora Township, **Bradford County** affecting 5.0 acres. Receiving streams: Little Tuscarora Creek, Susquehanna River. Application received January 19, 2005. Permit issued: July 12, 2005.

59910301 and NPDES Permit No. PA0206580. Jill D. Cross (P. O. Box 240, Mainesburg, PA 16932), renewal of NPDES Permit, Delmar Township, **Tioga County**. Receiving stream: UNT to Marsh Creek. NPDES renewal application received: March 4, 2005. Permit issued: April 13, 2005.

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

38970301C and NPDES Permit No. PA022448. Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474), depth correction and addition of NPDES Permit for discharge of treated mine drainage from a quarry operation in Cornwall Borough, **Lebanon County** affecting 194.14 acres, receiving stream: UNT to Snitz Creek. Application received January 13, 2005. Correction issued July 19, 2005.

7475SM5C3 and NPDES Permit No. PA0223522. ESSROC Cement Corp. (Route 248 and Easton Road, Nazareth, PA 18604), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Upper Nazareth and Lower Nazareth Townships and Nazareth Borough, **Northampton County**, receiving stream: UNT to Schoeneck Creek. Application received May 27, 2005. Renewal issued July 19, 2005.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P. S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

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

05054004. Appalachian Geophysical Services, 2659 SR 60, P. O. Box 426, Killbuck, OH 44637, seismic exploration project in Monroe Township, **Bedford County**. Duration of blasting is 24 days. Permit issued July 18, 2005.

Greensburg District Mining Office: R. R. 2, Box 603-C, Greensburg, PA 15601, (724) 925-5500.

26054007. Sheehan Pipe Line (2431 E. 61st, Suite 700, Tulsa, OK 74136). Blasting activity permit for pipeline replacement, located in Uniontown Township, **Fayette County**, with an expected duration of 120 days. Permit issued: July 14, 2005.

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

16054002. Glen Gery Corporation (Route 28, P. O. Box 68, Summerville, PA 15864). Blasting activity permit to blast for clay exploration in Monroe Township, **Clarion County**. This blasting activity permit will expire on August 22, 2005. Application received: July 21, 2005. Application Issued: July 22, 2005.

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

17980118. Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830). Blasting approved for this surface mine permit located in Lawrence Township, **Clearfield County**. Blasting application received: June 24, 2005. Blasting permit issued July 19, 2005.

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

06054011. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting for Service Electric's New Addition in Exeter Township, **Berks County** with an expiration date of July 15, 2006. Permit issued July 15, 2005.

13054001. West End Drilling & Blasting (P. O. Box 1646, Brodheads ville, PA 18322), construction blasting for a House Foundation at 140A Broad Mountain View Drive in Penn Forest Township, **Carbon County** with an expiration date of August 31, 2005. Permit issued July 15, 2005.

01054111. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Mason Dixon Farms in Freedom Township, **Adams County** with an expiration date of July 31, 2006. Permit issued July 18, 2005.

21054147. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Stonehedge Development in South Middleton Township, **Cumberland County** with an expiration date of December 30, 2005. Permit issued July 18, 2005.

28054140. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Antrim Crossing in Antrim Township, **Franklin County** with an expiration date of July 31, 2006. Permit issued July 18, 2005.

28054141. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Findly Park in Mercersburg Borough, **Franklin County** with an expiration date of July 31, 2006. Permit issued July 18, 2005.

28054142. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201), construction blasting for Rhine Manor in Greene Township, **Franklin County** with an expiration date of July 31, 2006. Permit issued July 18, 2005.

35054111. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for two homes in Old Forge Borough, **Lackawanna County** with an expiration date of July 31, 2006. Permit issued July 18, 2005.

35054112. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for a trench in Scott Township, **Lackawanna County** with an expiration date of December 31, 2005. Permit issued July 18, 2005.

39054111. Austin Powder Co. (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Nob Hill in Whitehall Township, **Northampton County** with an expiration date of July 15, 2006. Permit issued July 18, 2005.

39054112. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Rolling Hills Subdivision in Whitehall Township, **Northampton County** with an expiration date of July 15, 2006. Permit issued July 18, 2005.

45054129. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Alpine Lake in Pocono Township, **Monroe County** with an expiration date of March 20, 2006. Permit issued July 18, 2005.

45054130. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Leisure Lands in Middle Smithfield Township, **Monroe County** with an expiration date of March 29, 2006. Permit issued July 18, 2005.

45054131. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for The Estates at Tannersville in Pocono Township, **Monroe County** with an expiration date of March 8, 2006. Permit issued July 18, 2005.

4505432. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431), construction blasting for Blue Mountain Lake in Stroud Township, **Monroe County** with an expiration date of March 22, 2006. Permit issued July 18, 2005.

21054148. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Keystone Arms Development in Middlesex and North Middleton Townships, **Cumberland County** with an expiration date of April 30, 2006. Permit issued July 19, 2005.

28054144. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting for Mill Creek Acres in Chambersburg Borough, **Franklin County** with an expiration date of December 31, 2005. Permit issued July 19, 2005.

06054114. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for manure storage in Penn Township, **Berks County** with an expiration date of December 30, 2005. Permit issued July 21, 2005.

22054108. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Stone Ridge Industrial Park in Lower Swatara Township, **Dauphin County** with an expiration date of July 30, 2006. Permit issued July 21, 2005.

22054109. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Graystone Farms in Hummelstown Borough, **Dauphin County** with an expiration date of July 30, 2006. Permit issued July 21, 2005.

36054136. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Timberline Estates in East Earl Township, **Lancaster County** with an expiration date of August 1, 2006. Permit issued July 21, 2005.

36054137. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Wenger Feed Mill in West Donegal Township, **Lancaster County** with an expiration date of August 1, 2006. Permit issued July 21, 2005.

36054138. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for the Farm at Quarry Road in Manheim Township, **Lancaster County** with an expiration date of August 1, 2006. Permit issued July 21, 2005.

36054139. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for the Eugene Wenger Project in Clay Township, **Lancaster County** with an expiration date of October 30, 2005. Permit issued July 21, 2005.

38054116. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in Jackson Township, **Lebanon County** with an expiration date of December 30, 2005. Permit issued July 21, 2005.

46054121. Allan A. Myers, Inc. (P. O. Box 98, Worcester, PA 19490), construction blasting for the Villages at Trewellyn in Lower Gwynedd Township, **Montgomery County** with an expiration date of July 15, 2006. Permit issued July 21, 2005.

46054122. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241), construction blasting for the Crispo Tract in Montgomery Township, **Montgomery County** with an expiration date of July 30, 2006. Permit issued July 21, 2005.

46054123. American Rock Mechanics, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for the Villages at Trewellyn in Lower Gwynedd Township, **Montgomery County** with an expiration date of December 23, 2005. Permit issued July 21, 2005.

67054122. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Asbury Farms in East Manchester Township, **York County** with an expiration date of July 15, 2006. Permit issued July 21, 2005.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-725. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Newlin Township, **Chester County**, ACOE Philadelphia District.

To remove the existing Brandywine Creek Road (SR 3049, Section 47M) bridge; a 20-foot long 14-foot wide by 5-foot high structure, and to replace with a 28-foot long 22-foot wide by 4-foot 7-inch high box culvert across an UNT to the West Branch of the Brandywine Creek (CWF-MF). The site is located approximately 400 feet

northwest of intersection of Brandywine Creek and Green Valley Roads (Coatesville, PA, USGS Quadrangle N: 10.8 inches, W: 0.9 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E15-578. Linden Hall Development, LLC, 30 Jackson Road, Suite C-3, Medford, NJ 08055, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To Reissue and amend Joint Permit E15-578

To construct and maintain the following water obstructions and encroachment associated with the proposed Linden Hall Subdivision. The site is located immediately to the north of the intersection of Lancaster Pike (SR 030) and Sproul Road (SR 0352). Malvern, PA Quadrangle, N: 6.0 inches; W: 8.4 inches).

Work will consist of:

1. Construction and maintenance of a 6-inch sanitary sewer line across an UNT to Valley Creek (EV).

2. The placement and maintenance of two-stormwater outfall structures (EW No. 1 and EW No. 3) along the 100-year floodway of an UNT of Valley Creek (EV).

3. To place and maintain fill in 0.08 acre of wetland (PEM) for the construction of an underground stormwater management and parking facility associated with the proposed shopping center.

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

E67-772: North Codorus Township, 1986 Stoverstown Rd., Spring Grove, PA 17362 in North Codorus Township, **York County**, ACOE Baltimore District

To remove three existing twin culverts at three separate roadway crossings, then to construct and maintain: 1) a 24 linear foot 16-foot by 5-foot, 8.5 inch corrugated metal pipe arch with wingwalls and R-5 rip-rap rock bank, footer and wingwall protection at a point where Spangler's Road crosses a UNT to the South Branch Codorus Creek (WWF) (Seven Valleys, PA Quadrangle N: 16.5 inches; W 7.7 inches); 2) a 24 linear foot 16-foot by 5-foot, 2 inch corrugated metal pipe arch with wingwalls and R-5 rip-rap rock bank, footer and wingwall protection at a point where Brush Valley Road crosses over a UNT to the South Branch Codorus Creek (WWF) (Seven Valleys, PA Quadrangle N: 15.6 inches; W: 9.2 inches), 3) a 30 linear foot 12-foot by 5.5-foot reinforced concrete box culvert with R-6 rip-rap rock bank, footer and wingwall protection at a point where Buffalo Valley Road crosses over a UNT to the South Branch Codorus Creek (WWF) (Seven Valleys, PA Quadrangle N: 13.8 inches; W: 11.6 inches) all in North Codorus Township, York County.

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

E02-1477. Penn Hills Prop., LP, One Atlantic Avenue, Pittsburgh, PA 15202-1707. To fill in two wetlands in the Borough of Penn Hills, **Allegheny County**, Pittsburgh ACOE District (Braddock, PA Quadrangle N: 17.7 inches; W: 4.2 inches and Latitude: 40° 28' 35"—Longitude: 79° 46' 50"). To place and maintain fill in two wetlands, wetland A—0.02 acre (PEM) and wetland C—0.01 acre (PEM) for a total impact of 0.03 acre (de minimis). The project will also impact approximately 378 ft. of a tributary to Thompson Run, to a point where the

contributory drainage area is less than 100 acres. The proposed impacts are for a proposed development to be known as Penn Hill Retail Center located in the southeast corner of the intersection of Saltsburg Road and Reiter Road (Braddock, PA Quadrangle N: 17.7 inches; W: 4.2 inches and Latitude: 40° 28' 35"—Longitude: 79° 46' 50"). To mitigate for the stream channel impacts, the permittee will stabilize approximately 294 ft. of the left bank of Steels Run (HQ-CWF). The permittee will also provide an approximately 40 ft. wide vegetated buffer on both sides of the stream channel, for approximately 420 ft. The mitigation project is located within the Murrsville Community Park, along Westertown Road, in the Municipality of Murrsville, Westmoreland County (Slickville, PA Quadrangle N: 14.28 inches; W: 16.93 inches and Latitude: 40° 27' 13"—Longitude: 79° 37' 18").

E02-1489. Allegheny County Airport Authority, Pittsburgh International Airport, 1000 Airport Boulevard, Suite 4000, Pittsburgh, PA 15231-0370. To place fill in wetlands and place culvert in Independence Township, **Beaver County**, Pittsburgh ACOE District (Ambridge, PA Quadrangle N: 0.2 inch; W: 14.5 inches; and Latitude: 40° 30' 4"—Longitude: 80° 13' 45"). To place and maintain fill in 0.02 acre of wetlands (PEM), to construct and maintain a 9' diameter culvert extension to an existing 7.2' by 11.2' elliptical culvert for approximately 610' in McClarens Run (TSF), to construct and maintain a concrete junction box approximately 23' wide in McClarens Run to connect the existing culvert structure to the proposed structure, to construct and maintain an approximately 190' long stream channel relocation on the upstream end of the proposed culvert, to construct and maintain a 4' diameter culvert approximately 450' long within a tributary to McClarens Run (TSF) and to construct and maintain various storm water outfalls to the 4' diameter culvert. The proposed work is part of the Runway 28R safety area improvement for the Pittsburgh International Airport. The project is located between Cargo Road and Business Route 60 (Ambridge, PA Quadrangle N: 0.2 inch; W: 14.5 inches; and Latitude: 40° 30' 4"—Longitude: 80° 13' 45") in Moon and Findlay Townships, Allegheny County. To mitigate for the stream impacts the applicant will perform mitigation in Raredon Run for approximately 780'. The mitigation area is located along the west side of SR 3013 between SR 151 and the streams confluence with Raccoon Creek (Aliquippa, PA Quadrangle N: 8.9 inches; W: 7.2 inches and Latitude: 40° 32' 56"—Longitude: 80° 18' 7").

E02-1492. Encore Real Estate Services, LLC, 2208 South Villa Drive, Gibsonia, PA 15044. To place fill in wetlands in McCandless Township, **Allegheny County**, Pittsburgh ACOE District, (Emsworth, PA Quadrangle N: 14.58 inches; W: 1.00 inch; and Latitude: 40° 34' 49"—Longitude: 80° 0' 26"). To place and maintain fill in a de minimus area of PEM/PSS wetlands (0.04 acre), to construct and maintain an approximately 350 foot long stream enclosure consisting of a 30-inch diameter culvert in a UNT to Pine Creek (TSF) and to excavate within said stream and the floodway to construct and maintain a storm water detention pond for the purpose of constructing the proposed Grace Manor Assisted Living Facility. The project is located on the north side of Babcock Boulevard, approximately 3,000 feet northeast from the intersection of Babcock Boulevard and Kummer Road, across from Beatty Technical School and will impact 0.04 acre of wetlands and 450 linear feet of stream channel.

E04-300. Calaco, Inc., 307 4th Avenue, Suite 604, Pittsburgh, PA 15222. To construct a culvert and place fill in New Sewickley Township, **Beaver County**, Pittsburgh

ACOE District (Baden, PA Quadrangle N: 11.6 inches; W: 15.4 inches and Latitude: 40° 41' 20"—Longitude: 80° 14' 10"). To construct and maintain a dual 60" diameter HDPE culvert (one culvert to be depressed 6") for a distance of approximately 76 ft. within a tributary to Crows Run (WWF) with 11 ft. of riprap on the upstream and 25 ft. of riprap at the downstream ends, to place and maintain fill for a distance of approximately 400 ft. along the right bank floodway of Crows Run, to construct and maintain various storm water outfalls to Crows Run and to place and maintain fill in a de minimus wetland of 0.02 acre (PEM). The encroachments are for a proposed development to be known as Pine Run Townhouses. The project is located on the west side of Pine Run Road approximately 1,000 ft. north of its intersection with 9th Street.

E65-863. Westmoreland County Airport Authority, 200 Pleasant Unity Road, Suite 103, Latrobe, PA 15650. To place fill in wetlands in Unity Township, **Westmoreland County**, Pittsburgh ACOE District (Latrobe, PA Quadrangle N: 4.65 inches; W: 3.75 inches and Latitude: 40° 16' 32"—Longitude: 79° 24' 07"). To place and maintain fill in 1.44 acres of wetlands, in 130 linear feet of a UNT to Monastery Run (WWF) and in 205 linear feet of a UNT to Ninemile Run (WWF) for the purpose of extending Runway 5-23, replacing navigational aids and improving safety at the Arnold Palmer Regional Airport.

E65-865. Levin Furniture, 301 Fitz Henry Road, Smithton, PA 15479. To place fill in wetlands in South Huntingdon Township, **Westmoreland County**, Pittsburgh ACOE District, (Smithton, PA Quadrangle N: 8.83 inches; W: 16.88 inches and Latitude: 40° 10' 25"—Longitude: 79° 44' 45"). To place and maintain fill in 0.49 acre of wetlands, located in the watershed of a UNT to Youghiogheny River (WWF), for the purpose of expanding the existing Levin Furniture warehouse facility. The site is located at the intersection of SR 3031 and T-378. The permittee will construct 0.49 acre of replacement wetland.

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

E33-223. Department of Transportation, District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701-0429. DuBois-Jefferson County Airport Access Road, in Washinton Township, **Jefferson County**, ACOE Pittsburgh District (Hazen, PA Quadrangle N: 4.9 inches; W: 2.0 inches).

To construct Phase 2 of the DuBois-Jefferson County Airport Access Road, designated as SR 6830, Section 590, a 4.5-mile two-lane full access arterial roadway to provide improved access between Interstate 80 and the DuBois-Jefferson County Airport in Washington Township, Jefferson County. Phase 2 will impact 0.69 acre of wetland and 5,475 linear feet of stream impacts (ephemeral, intermittent and perennial), including the following activities:

1. Construct (on SR 6830) a 141-foot precast reinforced concrete box culvert with a 14-foot span and 8-foot-high waterway opening (9-foot-high box with 1-foot depressed invert and concrete baffles) in a tributary to Keys Run (CWF) (Hazen, PA Quadrangle N: 9.4 inches; W: 5.5 inches).

2. Construct (on SR 6830) a 235-foot-long precast reinforced concrete box culvert with a 12 foot-span and 8-foot-high waterway opening (9-foot-high box with 1-foot depressed invert and concrete baffles) and realignment of approximately 368 feet of stream channel downstream of the structure in a tributary to Horm Run (CWF) (Hazen, PA Quadrangle N: 7.0 inches; W: 5.2 inches).

3. Replace an existing 48-inch corrugated metal pipe culvert (on SR 6830) with an 85-foot-long precast reinforced concrete box culvert with a 20-foot-span and 8-foot-high waterway opening (9-foot-high box with 1-foot depressed invert and concrete baffles) and realignment of approximately 174 linear feet of the channel upstream of the proposed structure in Horm Run (CWF) (Hazen, PA Quadrangle N: 5.6 inches; W: 3.6 inches).

Project includes construction of 0.84 acre of wetlands as mitigation for the 0.69 acre of wetland impacts. Phase II wetland impacts will be mitigated at the wetland mitigation site authorized under DEP Permit E33-219 Phase 1 I-80 interchange project. All 5,475 linear feet of stream impacts (ephemeral, intermittent and perennial) will be mitigated at a 1:1 ratio based on stream surface area.

E37-166. Department of Transportation, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. SR 2005, Section L02, VanGorder Mill Road Across Slippery Rock Creek, in Perry and Wayne Townships, **Lawrence County**, ACOE Pittsburgh District (Portersville, PA Quadrangle N: 1.65 inches; W: 15.1 inches).

To remove the existing Van Gorder Mill steel truss bridge and to construct and maintain a prestressed concrete or steel beam bridge having two clear spans of 141.25 feet (145 feet bearing to bearing) and a maximum underclearance of 22.8 feet on a 77° skew across Slippery Rock Creek on SR 2005, Section L07 approximately 1.4 miles north of SR 488.

E42-314. Department of Transportation, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA. SR 0219, Section C09, Bradford Bypass Upgrade in Bradford and Foster Township, **McKean County**, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 18 inches; W: 0.75 inches to N: 9.75 inches; W: 3.25 inches).

The Department of Transportation is proposing pavement reconstruction and shoulders of 3.3 miles of mainline SR 0219 and to replace the existing two structures with the following:

- To construct and maintain a dual 4-span steel plate girder bridge having clear spans of 70.3 feet, 105.4 feet, 105.4 feet, 70.3 feet and an underclearance of 27 feet on a 70° skew across West Branch of Tunungwant Creek and Forman Street, on SR 0219, Segment 0550, Offset 0000.
- To construct and maintain a single span composite prestressed concrete spread box beam bridge having a clear span of 58 feet and an underclearance of 8.6 feet on a 82° 30' skew across Bolivar Run on SR 0219, Segment 0570, Offset 1752.

This project will include no impacts to wetlands. According to the Department Chapter 93, the Branch of Tunungwant Creek and Bolivar Run are classified as CWF.

Wilkes-Barre District: District Engineer, 2 Public Sq., Floor 5, Wilkes-Barre, PA 18711-0790.

GP03131105002. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, 2 Public Square, Floor 5, Wilkes-Barre, PA 18711-0790. Foster Township, **Luzerne County**, ACOE Philadelphia District.

To eliminate a public health and safety hazard by removing an abandoned treatment facility located within Sandy Run. A total of 0.25 acre will be disturbed. The site is located 0.2 mile south of the intersection of TR 355 and Detweiler Lane. (White Haven, PA Quadrangle N: 0.75 inches; W: 8.5 inches).

ENVIRONMENTAL ASSESSMENTS

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

EA-06-007: Harry Shaak, 258 Mill Road, Hamburg, PA 19526 in Tilden Township, **Berks County**, ACOE Philadelphia District.

To: 1) relocate 60 lineal feet of channel; 2) to place fill and rock stabilization within the left bank's 100-year floodway; 3) construct and maintain a 42-inch pipe culvert; and 4) install two 6 inch outfalls at the channel of a UNT to Mill Creek (TSF) as part of a barnyard improvement project, located on the Harry Shaak Farm (Auburn, PA Quadrangle N: 4.5 inches; W: 8.2 inches) in Tilden Township, Berks County. The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D23-028EA. Southeast PA Resource Conservation and Development Council, 1000 East Walnut Street, Suite 704, Perkasie PA 18944. Nether Providence Township and City of Chester, **Delaware County**, ACOE Philadelphia District.

Project proposes to breach and remove an unnamed dam across Ridley Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is located approximately 3,300 feet northwest of the intersection of Providence Avenue (SR 320) and McDade Boulevard (SR 2006) (Bridgeport, NJ-PA Quadrangle N: 22.1 inches; W: 17.15 inches).

SPECIAL NOTICES

Chesapeake Bay Point Source Nutrient Reduction Strategy

In accordance with the 2000 Chesapeake Bay Agreement, the Commonwealth has agreed to develop a Tributary Strategy (strategy) to reduce total nitrogen and phosphorus to the Chesapeake Bay by about 40% from both point and nonpoint sources by 2010. This reduction is projected to improve the water quality in the Chesapeake Bay to allow it to be removed from the impaired waters list. The point source part of the strategy requires that the existing dischargers start to monitor for total nitrogen and phosphorus. The following dischargers have been identified as possible significant contributors of nutrients. These dischargers are being notified by letter that their NPDES permits will be modified to include monitoring requirements for nutrients. The monitoring requirements concern Ammonia-N, Total Nitrogen (calculated as the sum of Kjeldhal-N, Nitrite-N and Nitrate) and Total Phosphorus.

Comments should be directed to the region responsible for issuance of the permit.

NPDES

Permit No. Permittee

Northeast Region

PA0007919 CASCADE TISSUE GROUP-PENN INC
(FORMERLY POPE & TALBOT)
PA0008231 GOLD MILLS INC
PA0008885 PROCTER & GAMBLE PRODUCTS CO
PA0020915 PINE GROVE BORO AUTHORITY

NPDES

Permit No.

PA0023558
PA0023736
PA0026107
PA0026361
PA0026492
PA0026921
PA0027065

PA0027081

PA0027090

PA0028576
PA0030139
PA0045985
PA0046272
PA0046388
PA0046396
PA0060046
PA0060135
PA0060801
PA0061034
PA0061590
PA0062201
PA0062219
PA0064025
PA0070041
PA0070386

Permittee

ASHLAND BORO
TRI-BORO MUN AUTH
WYOMING VALLEY SAN AUTH
LOWER LACKAWANNA VLY SAN AUTH
SCRANTON CITY SEW AUTH
GREATER HAZELTON JNT SEW AUTH
LACKAWANNA RIVER BASIN SEW AUT
(ARCHBALD)
LACKAWANNA RIVER BASIN SEW AUT
(CLINTON)
LACKAWANNA RIVER BASIN SEW AUT
(THROOP)
CLARKS SUMMIT—S ABINGTON JSA
DALLAS SCI
MOUNTAINTOP AREA JNT SAN AUTH
PORTER TWP JOINT MUN AUTH
BULTER TWP MUN AUTH (ST JOHNS)
BUTLER TWP AUTH (DRUMS)
CAN-DO INC
SHICKSHINNY BORO SA
MONTROSE MA
ABINGTON TWP SUPERVISORS
LITTLE WASHINGTON WW CO
SCHUYLKILL CO MA
FRACKVILLE AREA MA
KBM REGIONAL AUTH)
MAHANOEY CITY SA
SHENANDOAH MUN SEW AUTH

Southcentral Region

PA0027014 ALTOONA CITY AUTH—EAST
PA0027022 ALTOONA CITY AUTH—WEST
PA0021806 ANNVILLE TWP
PA0080519 ANTRIM TWP
PA0008265 APPLETON PAPERS INC
PA0022209 BEDFORD BORO MUN AUTH
PA0028088 BROWN TWP MA
PA0038920 BURNHAM BOROUGH
PA0026077 CARLISLE BORO
PA0026051 CHAMBERSBURG BORO
PA0087661 CHESTNUT RIDGE AREA JMA
PA0026123 COLUMBIA MUN AUTH
PA0024147 CUMBERLAND TWP MUN AUTH
PA0026484 DERRY TWP MUN AUTH—CLEARWATE
PA0082392 DERRY TWP MUN AUTH—SOUTHWEST
PA0024431 DILLSBURG AREA AUTH
PA0021644 DOVER BORO
PA0020826 DOVER TWP
PA0021245 DUNCANNON BORO
PA0032883 DUNCANVILLE BORO
PA0038415 EAST PENNSBORO TWP
PA0023108 ELIZABETHTOWN BORO
PA0007552 EMPIRE KOSHER POULTRY INC
PA0027405 EPHRATA BORO AUTH
PA0087181 EPHRATA BORO AUTH #2
PA0009423 EVERETT BORO AREA MA
PA0081868 FAIRVIEW TWP
PA0082589 FAIRVIEW TWP AUTHORITY
PA0035157 FARMER'S PRIDE INC
PA0028142 FT INDIANTOWN GAP
PA0021563 GETTYSBURG MUN AUTH
PA0020818 GLEN ROCK SEW AUTH
PA0032051 GRANVILLE TWP MIFFLIN
PA0020834 GREENCASTLE FRANKLIN CO AUTH
PA0029106 GREENFIELD TWP MUN AUTH
PA0028746 HAMPDEN TWP—PINEBROOK

NPDES

<i>Permit No.</i>	<i>Permittee</i>
PA0080314	HAMPDEN TWP—ROTH LANE
PA0026875	HANOVER BOROUGH
PA0044741	HANOVER FOODS CORP
PA0027197	HARRISBURG AUTHORITY
PA0024040	HIGHSPIRE BORO
PA0043273	HOLLIDAYSBURG REGIONAL SEW AUTH
PA0026191	HUNTINGDON BORO
PA0020851	HYNDMAN BORO
PA0042269	LANCASTER AREA S & W AUTH
PA0026743	LANCASTER CITY
PA0027316	LEBANON CITY
PA0026441	LEMOYNE BORO
PA0026280	LEWISTOWN BORO
PA0020320	LITITZ SEW AUTH
PA0021229	LITTLESTOWN BORO AUTH
PA0032557	LOGAN TWP BOARD OF SUPERVISORS
PA0027189	LOWER ALLEN TWP AUTH
PA0043575	LYKENS BORO AUTH
PA0020893	MANHEIM STP
PA0021717	MARIETTA-DONEGAL JOINT AUTH
PA0028347	MARTINSBURG MUN AUTH
PA0021571	MARYSVILLE BORO COUNCIL
PA0020508	MECHANICSBURG BORO
PA0020664	MIDDLETOWN BORO AUTH
PA0022535	MILLERSBURG AREA AUTH
PA0026620	MILLERSVILLE BORO
PA0009326	MOTTS INC
PA0023183	MOUNT HOLLY SPRINGS BORO
PA0021067	MOUNT JOY BORO AUTH
PA0020214	MOUNT UNION
PA0026654	NEW CUMBERLAND BORO
PA0043257	NEW FREEDOM BORO AUTH
PA0021890	NEW HOLLAND BORO
PA0020923	NEW OXFORD MUN AUTH
PA0083011	NEWBERRY TWP MUN AUTH
PA0021237	NEWPORT BORO MUN AUTH
PA0009229	CONSOLIDATED RAIL CORP.—ENOLA
PA0024384	NORTH MIDDLETON AUTH
PA0023744	NORTHEASTERN YORK CO SEW AUTH
PA0080438	NORTHERN LANCASTER CO AUTH
PA0080748	NORTHERN LEBANON CO AUTH
PA0024287	PALMYRA BORO STP LEBANON
PA0037150	PENN TWP BOARD OF COMMISSIONER
PA0037141	PFBC HUNTSDALE
PA0008869	PH GLATFELTER CO
PA0020249	ROARING SPRING MUN AUTH
PA0030643	SHIPPENSBURG BORO
PA0083593	SILVER SPRING TWP AUTH
PA0044113	SOUTH MIDDLETON TWP MUN AUTH
PA0026808	SPRINGETTSBURY TWP
PA0081001	ST THOMAS TWP MUN AUTH
PA0036269	STEWARTSTOWN BORO
PA0026735	SWATARA TWP AUTH
PA0023264	TWIN BOROUGH SANITARY AUTH
PA0026727	TYRONE BORO
PA0035092	TYSON FOODS
PA0024708	UNION TWP STP
PA0024902	UPPER ALLEN TWP BRD OF COMMRS
PA0080225	WASHINGTON TWP MUN AUTH
PA0020621	WAYNESBORO BORO AUTH
PA0023442	WRIGHTSVILLE BORO MUN AUTH
PA0026263	YORK CITY SEW AUTH

NPDES

<i>Permit No.</i>	<i>Permittee</i>
Northcentral Region	
PA0020486	BELLEFONTE BORO
PA0023248	BERWICK AREA JNT SEW AUTH
PA0027171	BLOOMSBURG TWP MUN AUTH
PA0020036	BLOSSBURG MUNICIPAL AUTHORITY
PA0026310	CLEARFIELD MUN AUTH
PA0024759	CURWENSVILLE MUN AUTH
PA0023531	DANVILLE BORO
PA0032492	DCNR-BALD EAGLE STATE PARK
PA0009270	DLM FOODS LLC
PA0110582	EASTERN SNYDER CO REG AUTH
PA0113298	ELKLAND BORO AUTH
PA0114821	GREGG TWP MUN AUTH
PA0046159	HOUTZDALE
PA0114961	HUGHESVILLE-WOLF TWP JOINT SEW
PA0028665	JERSEY SHORE BORO
PA0028681	KELLY TWP MUN AUTH
PA0020338	KULPMONT-MARION HEIGHTS JT MUN
PA0044661	LEWISBURG AREA JOINT SEW AUTH
PA0025933	LOCK HAVEN CITY
PA0209228	LYCOMING CO WATER & SEWER AUTH
PA0021814	MANSFIELD BORO MUN AUTH
PA0008419	MERCK & CO INC
PA0028631	MID-CAMERON AUTHORITY
PA0110965	MID-CENTRE COUNTY AUTH
PA0020583	MIDDLEBURG MUN AUTH
PA0028461	MIFFLINBURG BORO
PA0020273	MILTON REGIONAL SEW AUTH
PA0020699	MONTGOMERY WATER & SEWER AUTH
PA0037966	MOSHANNON VALLEY JT SEW AUTH
PA0024406	MOUNT CARMEL MUN AUTH
PA0024325	MUNCY BORO MUN AUTH
PA0008591	NATIONAL GYPSUM
PA0020567	NORTHUMBERLAND SEW AUTH
PA0009024	OSRAM SYLVANIA PRODUCTS INC
PA0010553	PA FISH & BOAT COMMISSION—BS
PA0040835	PA FISH & BOAT COMMISSION—LOWER/BELLEFONTE
PA0010561	PA FISH & BOAT COMMISSION—PL
PA0044032	PA FISH & BOAT COMMISSION—UPPER
PA0112127	PENNSYLVANIA FISH & BOAT COMMISSION—TYLERSVILLE
PA0027553	PINE CREEK MUN AUTH
PA0008443	PPL MONTOUR LLC
PA0028738	RALPHO TWP MUN AUTH
PA0027324	SHAMOKIN-COAL TWP JNT SEW AUTH
PA0026557	SUNBURY CITY MUN AUTH
PA0111759	TAYLOR PACKING CO INC
PA0034576	TOWANDA MUN AUTH
PA0028266	TROY BORO
PA0009857	U.S. F&WS—LAMAR
PA0026239	UNIVERSITY AREA JOINT AUTH
PA0043681	VALLEY JOINT SEW AUTH
PA0021687	WELLSBORO MUN AUTH
PA0043893	WESTERN CLINTON COUNTY MA
PA0021881	WESTFIELD BORO
PA0020800	WHITE DEER TWP SEW AUTH
PA0027057	WILLIAMSPORT SAN AUTH-CENTRAL
PA0027049	WILLIAMSPORT SAN AUTH-WEST
PA0007498	WISE FOODS INC

NPDES
Permit No. Permittee

Southwest Region

PA0023141 HASTINGS AREA SA
PA0028673 GALLITZIN BORO
PA0110469 PATTON BORO STP
PA0205869 WEST BRANCH SA

[Pa.B. Doc. No. 05-1481. Filed for public inspection August 5, 2005, 9:00 a.m.]

Availability of Technical Guidance

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

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2005.

Ordering Paper Copies of Department Technical Guidance

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

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

Changes to Technical Guidance Documents

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

Final Technical Guidance—Minor Revision

DEP ID: 400-2200-001. Title: Guidelines for Development and Implementation of Emergency Response Plans. Description: This document provides a one-stop source for requirements to comply with the State and Federal laws and regulations dealing with emergency planning and response, pollution prevention and contingency plan requirements for all activities to be carried out in this Commonwealth. This document is being revised to add regulatory references and update contact information. Effective Date: August 6, 2005. Contact: Questions regarding this guidance document should be directed to Charles High, Director, Emergency Response, Department

of Environmental Protection, Office of Field Operations, (717) 787-5027.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1482. Filed for public inspection August 5, 2005, 9:00 a.m.]

Incentives Available Under EPA's National Environmental Performance Track Program

The Department of Environmental Protection (Department) announces the availability of incentives under the United States Environmental Protection Agency's (EPA) National Environmental Performance Track (NEPT) program. The air and waste incentives announced at 69 FR 21737 (April 22, 2004) are available for qualified facilities.

The EPA's April 22, 2004, final rulemaking revised the Resource Conservation and Recovery Act (RCRA) regulations to allow hazardous waste generators who are members of NEPT up to 180 days, and in some cases 270 days, to accumulate their hazardous waste without a RCRA permit or interim status. The EPA also simplified the reporting requirements for facilities that are members of Performance Track and governed by the Maximum Achievable Control Technology (MACT) provisions of the Clean Air Act (CAA). These changes serve as incentives for facility membership in NEPT while ensuring the current level of environmental protection provided by the relevant RCRA and MACT provisions. These incentives are applicable exclusively to member facilities of NEPT and include the following:

- Allowing large quantity hazardous waste generators who are NEPT members up to 180 days, and 270 days if the waste must be transported 200 miles or more, to accumulate hazardous waste without a RCRA permit or interim status. The Federal regulation for the extended storage of hazardous waste for NEPT members is found at 40 CFR 262.34(j), (k) and (l) (relating to accumulation time). The Commonwealth regulations incorporate these provisions by reference in 25 Pa. Code § 262a.10 (relating to incorporation by reference, purpose, scope and applicability). Generators that choose to take advantage of this incentive must give prior notice to the authorized state agency of their intent to accumulate hazardous waste in excess of 90 days. Information about the RCRA provisions of the NEPT, and the notification form that generators must complete, are available on the EPA's website at www.epa.gov/performance-track/benefits/regadmin/waste.htm.

Questions concerning the RCRA provisions of the NEPT should be directed to D. Richard Shipman, Chief, Division of Hazardous Waste, (717) 787-6239, dshipman@state.pa.us.

- Reducing the frequency of reports required under the MACT provisions of the CAA, and in some cases submitting an annual certification in lieu of an annual report. The modification of these reporting requirements applies to any major source at a NEPT member facility subject to a MACT and which has reduced its total hazardous air pollutant (HAP) emissions to less than 25 tons per year, reduced its emissions of each individual HAP to less than 10 tons per year and reduced emissions of all HAPs covered by each MACT standard to at least the level of full compliance with the applicable standard. The reduced reporting requirements are found in 40 CFR 63.16 (relat-

ing to performance track provisions) and are incorporated by reference under section 6.6(c) of the Air Pollution Control Act (35 P.S. § 4006.6(c)) and under this act's implementing regulations at 25 Pa. Code § 127.35(b) (relating to maximum achievable control technology standards for hazardous air pollutants). NEPT facilities in this Commonwealth have already begun to take advantage of this incentive covered under the April 24, 2004, rule.

Questions concerning the MACT provisions of the NEPT should be directed to Baldev Kohli, Air Pollution Control Engineer, Bureau of Air Quality, (717) 772-3974, bkohli@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1483. Filed for public inspection August 5, 2005, 9:00 a.m.]

Proposed Modifications to Chapter 105 General Permit BWM-GP-11 and Reissuance of 401 Water Quality Certification for the Maintenance, Testing, Repair, Rehabilitation or Replacement of Existing Water Obstructions and Encroachments

The Department of Environmental Protection (Department), under the authority of section 7 of the Dam Safety and Encroachments Act (act) (32 P.S. § 693.7) and 25 Pa. Code Chapter 105, Subchapter L (relating to general permits), proposes to modify General Permit BWM-GP-11 which authorizes the maintenance, testing, repair, rehabilitation or replacement of any existing water obstruction or encroachment. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, current construction codes or safety standards which are necessary to repair, to modify or to replace, are permitted, provided the environmental impacts resulting from the repair, rehabilitation, modification or replacement are minimal and there is no impact on public health and safety. This general permit also authorizes work being funded by the Natural Resources Conservation Service which qualifies as an "emergency situation" (requiring immediate attention) under its Emergency Watershed Protection Program. This permit may not be used for maintenance, repair, rehabilitation, removal or replacement of dams.

The Department is authorized by the act and regulations to issue general permits where it determines a category of projects are similar in nature and can be adequately regulated using standard specifications, performance criteria and conditions. The Department has found the maintenance, testing, repair, rehabilitation or replacement of water obstructions or encroachments to be a category of activity which meets the general permit requirements.

It is proposed that the permit condition regarding the widening of the structure to 12 feet on each side of the structure be modified to allow for necessary appurtenant upstream and downstream works beyond the immediate 12-foot limitation for the actual bridge or culvert. Language has been added to ensure the appurtenant works are limited to the extent necessary to restore, maintain and protect the stream and structure as well as ensure the protection of the public health, safety and the environment.

Additionally, language has been included in the permit condition that limits the use of bridges and culverts authorized under GP-11 to their existing use. For instance, GP-11 cannot be used to convert a logging road into a subdivision access.

Also proposed is clarifying language at standard Condition No. 16 Historical Resources.

Department staff review all GP-11 general permit registrations to ensure each project meets the terms and conditions of the general permit. Department staff may conclude that the project is more appropriately reviewed through an individual permit process and require the submission of an individual water obstruction and encroachment permit.

The Department's GP-11 is comprehensive in that it provides for the same public health, safety and environmental performance achieved through an individual permit process. Terms and conditions in the permit provide for the protection for water quality and quantity, fish passage, wild trout, erosion and sediment control and species of special concern.

401 Water Quality Certification

Many projects authorized by General Permit BWM-GP-11 may also require a Federal license or permit. Section 401(a) of the Federal Clean Water Act (33 U.S.C.A. § 1341(a)) requires that an applicant for a Federal license or permit to conduct any activity which may result in any discharge into waters of the United States provide the Federal licensing or permitting agency with certification from the state in which the discharge will originate that the discharge will comply with applicable provisions of the Clean Water Act, as well as applicable state law related to water quality protection.

The Department issued 401 Water Quality Certification (WQC) with the final GP-11 published on July 10, 2004. The Department believes the proposed amendments to GP-11 comply with the Commonwealth's water quality standards and proposes to reissue the 401 Water Quality Certification for GP-11.

Comments concerning the proposed modifications to the general permit and reissuance of the 401 Water Quality Certification should be directed to Kenneth R. Reisinger, Chief, Division of Waterways, Wetlands and Stormwater Management, Bureau of Watershed Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 787-6827 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. Comments submitted by facsimile will not be accepted. The Department will consider all relevant and timely comments received. Comments must be submitted by September 5, 2005.

KATHLEEN A. MCGINTY,
Secretary

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION
BUREAU OF WATERSHED MANAGEMENT
GENERAL PERMIT
BWM-GP-11
MAINTENANCE, TESTING, REPAIR,
REHABILITATION, OR REPLACEMENT OF WATER
OBSTRUCTIONS AND ENCROACHMENTS**

1. **GENERAL DESCRIPTION AND FEES**—In accordance with the following registration requirements and

the standard general permit conditions, the Department of Environmental Protection hereby authorizes by General Permit the maintenance, testing, repair, rehabilitation or replacement of existing currently serviceable, water obstructions or encroachments, including bridges and culverts owned by railroad companies. Minor deviations in the structure's configuration or filled area including those due to changes in materials, construction techniques, current construction codes or safety standards which are necessary to repair, modify or replace the water obstruction or encroachment are permitted, provided the environmental impacts resulting from such repair, modification or replacement are minimal, those minimal impacts fall within the terms and conditions of this General Permit, and there is no adverse impact on public health and safety. There is no registration fee required for a project authorized under this General Permit.

2. **DAMS**—This General Permit may not be used for the maintenance, repair, modification, removal, or replacement of dams.

3. **DENIAL OF AUTHORIZATION**—The Department shall have the discretion, on a case-by-case basis, to deny, revoke or suspend the authorization to use this general permit for any project which the Department determines to have a significant adverse impact and would not adequately protect public health, safety or the environment or otherwise could not be adequately regulated by the provisions of this general permit.

4. **AUTHORITY AND CONTINUING AUTHORIZATION**—Authorization of this General Permit is under Section 7 of the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and the rules and regulations promulgated thereunder at 25 Pa. Code §§ 105.441—105.449 (relating to General Permits). This General Permit becomes effective August 10, 2004 and will remain in effect unless specifically modified, suspended, or revoked by the Department.

5. **NOTIFICATION OF PROPOSED USE OF GENERAL PERMIT**—Prior to the activity, the owner(s) shall submit the "Registration Form" along with the required attachments to the appropriate DEP Regional Office's Soils and Waterways Section (see exhibit B). The Department may require additional information necessary to determine that the proposed maintenance complies with the terms and conditions of this General Permit. A copy of the "Registration Form" shall also be sent to the municipality and county in which the work will be performed. **The owner may not begin work until he has received the acknowledged "Registration Form" from the Department.**

6. **DEFINITIONS**—The terms as used in this General Permit shall have the following meanings:

ALONG—Touching or contiguous; to be in contact with; to abut upon.

APPURTENANT WORKS—Structures or materials incident to water obstructions or encroachments which are built or maintained in connection with the water obstruction or encroachment and essential to their proper maintenance, function, operation and stability.

BODY OF WATER—Any natural or artificial lake, pond, reservoir, swamp, marsh or wetland.

DEPARTMENT—The Department of Environmental Protection.

EARTH DISTURBANCE—Any construction or other human activity which disturbs the surface of the land

including, but not limited to clearing and grubbing, grading, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth. This includes any excavation or fill within a stream channel.

EROSION AND SEDIMENT CONTROL PLAN—A plan which is designed to minimize accelerated erosion and sediment developed in accordance with the requirements of 25 Pa. Code Chapter 102.

ENCROACHMENT—A structure or activity which changes, expands or diminishes the course, current or cross section of a watercourse, floodway or body of water.

FLOODWAY—The channel of the watercourse and portions of the adjoining floodplains which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by the Federal Emergency Management Agency (FEMA). In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

OWNER—A person who owns, controls, operates, maintains, or manages a reservoir, water obstruction or encroachment.

REGULATED WATER OF THIS COMMONWEALTH—Watercourses, streams or bodies of water and their floodways wholly or partly within or forming part of the boundary of this Commonwealth.

STOCKED TROUT STREAMS—Regulated waters of this Commonwealth classified by the Pennsylvania Fish and Boat Commission as waters approved for trout stocking. Stream classification shall be verified by contacting the Pennsylvania Fish and Boat Commission's Division of Fisheries Management (see Exhibit A).

STREAM—A watercourse.

STREAM ENCLOSURE—A bridge, culvert or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

SUBMERGED LANDS OF THIS COMMONWEALTH—Waters and permanently or periodically inundated lands owned by the Commonwealth, including lands in the beds of navigable lakes and rivers and beds of streams declared public highways which are owned and held in trust by the Commonwealth.

TESTING—A procedure (internal or external to the structure) used as a means of analysis or diagnosis.

WATERCOURSE—A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATER OBSTRUCTION—A dike, bridge, culvert, wall, wingwall, fill, pier, wharf, embankment, abutment or other structure located in, along or across or projecting into a watercourse, floodway or body of water. In the case of ponds, lakes and reservoirs, a water obstruction is considered to be in or along the body of water if, at normal pool elevation, the water obstruction is either in the water or adjacent to and abutting the water's edge.

WATERWAY OPENING—The cross-sectional area of a structure that is available to convey stream flow. This area is expressed in terms of span multiplied by underclearance.

WETLANDS—Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WILD TROUT STREAMS—A stream classified as supporting naturally reproducing trout populations by the Fish Commission. For a list of wild trout streams, the Fish and Boat Commission can be contacted at: Fish and Boat Commission, Bureau of Fisheries, Division of Fisheries Management, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9620.

7. SPECIAL CONDITIONS

A. No new stream relocation, stream enclosure or stream channel is authorized by this General Permit.

B. No stream realignments are permitted except for those incidental activities immediately adjacent to the upstream and downstream waterway opening of bridges and culverts that are necessary to support the structure.

C. All projects must be designed and constructed to protect or enhance existing aquatic habitat.

D. Wetlands must be identified in accordance with the 1987 U.S. Army Corps of Engineers Manual for Identifying and Delineating Wetlands and properly flagged or otherwise identified on the site to ensure they are protected. Impacts to wetland and other waters of the Commonwealth must be avoided or minimized to the maximum extent practicable at the project site. Wetland areas which cannot be avoided and which will be temporarily impacted during the maintenance activity must be identified on the plan and be stabilized and restored to original contours and grade at the conclusion of the activity. Wetland areas which cannot be avoided and which will be permanently impacted are limited to a cumulative total of 0.05 acres per project site.

E. Utilization of General Permit BDWM-GP-8, Temporary Road Crossing—Temporary road crossings of streams and causeways that are necessary to access the project must be constructed in accordance with BDWM-GP-8. The applicant shall indicate utilization of BDWM-GP-8 on the General Permit Registration form, and provide location and dimensions of the temporary crossing on the plan drawing or sketch plan that is required for General Permit 11 Registration.

F. Paving the metal bottom pipes, arches and culverts with concrete, grouting or the use of concrete for scour protection shall be done in dry conditions.

G. Bridge or culvert maintenance, replacement projects, or upgrades to existing facilities to meet current standards are subject to the following:

- **Bridge and culvert replacement for purposes of converting the existing structure to a new or differing use, e.g., converting a logging or forest road or a private access road to a residential, retail, or commercial subdivision access, is not authorized by this general permit.**
- No significant reduction in existing waterway openings is permitted.
- There will be no significant changes to grades of approach roadways or to overtopping characteristics.

- **[Increases in culvert length will be limited to a maximum of 12 feet perpendicular to the roadway on each side of the culvert as measured from the outer most portion of the structure (including wingwalls, headwalls, riprap, and other appurtenant structures).]**
- **Increases in culvert length are limited to a maximum of 12 feet on each end of the existing culvert. Appurtenant works beyond the maximum 12 feet increase on each end of the culvert, such as, but not limited to, wingwalls, headwalls, bank stabilization, and scour protection are also authorized under this general permit. The appurtenant works must be minimized and limited to the extent necessary to ensure the protection of the structure, public health and safety, and the environment.**
- **[Increases in bridge width will be limited to a maximum of 12 feet on each side of the bridge as measured from the outer most portion of the structure (including wingwalls, headwalls, riprap, and other appurtenant structures).]**
- **Increases in bridge width are limited to a maximum of 12 feet on each side of the bridge as measured from the upstream side of the bridge deck to the downstream side of the bridge deck. Appurtenant works beyond the maximum 12 feet increase on each side of the bridge deck, such as, but not limited to, wingwalls, headwalls, bank stabilization and scour protection are also authorized under this general permit. The appurtenant works must be minimized and limited to the extent necessary to ensure the protection of the structure, public health and safety and the environment.**
- The removal of debris and accumulated sediment to ensure adequate hydraulic capacity for bridges or culverts is limited to 50 feet upstream and downstream of the bridge or culvert and shall be conducted in accordance with the Department's Standards for Channel Cleaning at Bridges and Culverts.
- Bridges and culverts with paved bottoms shall provide for fish passage by constructing a low flow channel.
- Bridge and culvert replacement projects may not increase water surface elevations for the 100-year flood event.
- Backfill material may not be stored in the floodway and/or wetlands.

Hydraulic capacity.

- Bridge and culvert maintenance or replacement projects shall be designed and constructed in accordance with the following criteria:
 - The structure shall pass flood flows without loss of stability.
 - The structure may not create or constitute a hazard to life or property, or both.
 - The structure may not materially alter the natural regimen of the stream.
 - The structure may not increase velocity or direct flow in a manner which results in accelerated erosion of stream beds and banks.

Multiple pipes and spans.

- Multi-culvert groups and multiple span bridges which may tend to collect debris, contribute to the formation of ice jams, and cause excessive increases in head losses shall be avoided to the maximum extent practicable. Spans of less than 15 feet shall be by single-opening structure, except where conditions make it impractical to design the crossing with a single span.

Bridge piers.

- Bridge piers shall be kept to a minimum in number and cross-sectional area and shall be designed to offer the least obstruction to the passage of water and ice, consistent with safety and current engineering practice.
- Bridge piers in channels subject to unstable or super critical flow shall require special investigation and shall be so designed as to minimize backwater and avoid standing waves downstream of the pier.

Bridge abutments.

- Bridge abutments shall be aligned with the flow of the stream for the design flood. The Department may require the construction of wing walls on either side of the bridge to assist in directing flood flows through the bridge opening.

Culverts.

- Culverts shall be aligned with the stream flow.
- Culverts shall be of sufficient width to minimize narrowing of the stream channel.
- The ends of culverts shall be protected by wing walls, or with other structures sufficient to assist in directing flood flows to and through the culvert opening.
- Culverts with a drainage area of 640 acres or less shall be installed with the invert a minimum of 6 inches below natural streambed and in such a manner that the average gradient of the invert shall not deviate from that of the natural streambed.
- Culverts with a drainage area of greater than 640 acres shall be installed with the invert a minimum of 12 inches below natural streambed and in such a manner that the average gradient of the invert shall not deviate from that of the natural streambed.
- The flow velocities of water discharging from culverts must not cause erosion of the downstream channel.

Professional Engineer Certification

Plans, specifications and reports for bridges and culverts across a stream which are to be used by the general public such as an access to an industrial, commercial or residential development, etc., shall be prepared by a registered professional engineer and shall be affixed with their seal and certification which shall read as follows:

"I (name) do hereby certify pursuant to the penalties of 18 Pa.C.S.A. Sec. 4904 to the best of my knowledge, information and belief, that the information contained in the accompanying plans, specifications, and reports has been prepared in accordance with accepted engineering practice, is true

and correct, and is in conformance with Chapter 105 of the rules and regulations of the Department of Environmental Protection."

H. Pipelines and utilities:

- Trenches excavated for the maintenance and replacement of utility lines shall be the minimum width necessary.
- Trenches excavated for the maintenance and replacement of utility lines shall be backfilled with suitable material, stabilized and restored to pre-existing elevation and condition.
- Construction material such as pipes, rock and bedding materials may not be stored in the floodway and/or wetlands.
- Excavated material to be used as backfill may be temporarily stored adjacent to the trench, but for no more than 72 hours.
- Trench Plugs must be installed within the trench on both sides of the stream channel. In wetlands, trench plugs, must be used to prevent the trench from draining the wetland.

I. A copy of this General Permit along with the Erosion and Sediment Control Plan must be provided to all contracting and construction entities involved with the project and must be available on site during all phases of the project.

8. EROSION AND SEDIMENT CONTROLS—Activities conducted under this General Permit which involve an earth disturbance must be done in compliance with Chapter 102 of the Department's Rules and Regulations (relating to Erosion Control). The Erosion and Sediment Control Plan shall be submitted with the General Permit registration, for review by the DEP Regional Office. The Erosion and Sediment Control Plan must be available at the site at all times, and all BMP's on the plan must be implemented and maintained prior to, during and after construction.

9. SPECIES OF SPECIAL CONCERN

A. No regulated activity is authorized under this General Permit which is likely to directly or indirectly adversely affect a State or Federal species of special concern or a species proposed for such designation, or which is likely to destroy or adversely modify the critical habitat of such a species, as identified under the Federal Endangered Species Act of 1973; Title 30, Chapter 75 of the PA Fish and Boat Code; Title 17, Chapter 25, Conservation of Wild Plants; and Title 31 Chapter 133 Game Wildlife Code.

B. Permit registrations shall include a Pennsylvania Natural Diversity Inventory (PNDI) search receipt. Activities conducted under this General Permit beyond one year of the date acknowledged will require the submission of an updated PNDI search to the DEP Regional Office. Information on PNDI searches is available through the PA Department of Conservation and Natural Resources, Bureau of Forestry, Ecological Services Section, P. O. Box 8552, Harrisburg, PA 17105-8852, telephone 717-787-3444.

C. Applicants must comply with special bog turtle screening requirements. See Section H of the Registration Form.

10. BEACH NOURISHMENT—Sand used for beach nourishment shall be free from zebra mussels.

11. **EQUIPMENT**—Use of motorized vehicles or equipment in a watercourse, stream or body of water is limited to the minimum necessary to complete the project. Motorized vehicles or equipment working in wetlands must be placed on mats or other measures must be taken to minimize disturbance.

12. **PROPER MAINTENANCE**—Facilities and activities authorized under this General Permit must be operated and maintained to protect public health, safety and the environment.

13. **AQUATIC LIFE MOVEMENTS**—No regulated activity may substantially disrupt the movement of those species of aquatic life indigenous to the watercourse, stream or body of water, including those species which normally migrate through the area.

14. **WILD AND STOCKED TROUT WATERS**—Activities authorized by this General Permit in regulated waters of this Commonwealth are prohibited in the following streams for the specified time period unless written approval is obtained from the PA Fish and Boat Commission's Division of Environmental Services at 459 Robinson Lane, Bellefonte, PA 16823-9616 or the local DEP Regional Office. Stocked and wild trout stream locations are compiled and available through the Commission's Division of Fishery Management.

Stocked trout streams	March 1 through June 15
Wild trout streams	October 1 through December 31
Lake Erie tributaries	September 1 through April 30

15. **WATERFOWL BREEDING AREAS**—Breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

16. HISTORICAL RESOURCES

A. No regulated activity is authorized which [is likely to] will adversely impact:

- Historical, cultural or archaeological sites as identified in the latest published version of the Pennsylvania Inventory of Historic Places or the National Register of Historic Places.
- Local historical sites officially approved or recognized by a municipality.

B. Any archaeological artifacts discovered during the performance of work authorized under this General Permit must be adequately protected and their discovery promptly reported to the Bureau for Historic Preservation, Pennsylvania Historic and Museum Commission, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120-0093.

17. **FILL**—Fill material must be uncontaminated, nonwater-soluble, nondecomposable inert solid material and must be free of asphalt, trash, construction debris, tires, toxic pollutants and never been subject to a spill or release of a contaminated substance. Temporary fills for construction purposes (e.g. road embankments, equipment staging, cofferdams and causeways). shall consist of only clean nonwater-soluble rock material (without fine particles or small-grained materials) to prevent the introduction of sediment to water resources.

18. **REMOVAL OF TEMPORARY FILLS**—Temporary fills must be removed in their entirety, and the affected areas stabilized and returned to their pre-existing elevations.

19. **NAVIGATION**—No authorized activity shall permanently hinder commercial or recreational navigation.

20. **EFFECTIVE TIME PERIOD**—This General Permit will remain in effect indefinitely unless specifically modified, suspended or revised by the Department.

21. **SUBMERGED LANDS OF THIS COMMONWEALTH**—This General Permit shall not be effective to authorize any project over, across or occupying submerged lands of this Commonwealth until the owner has obtained a license from the Department authorizing the occupation of such submerged lands issued under Section 15 of the Dam Safety and Encroachments Act (32 P. S. § 693.15), Section 514 of the Administrative Code of 1929 (71 P. S. § 194), or other applicable laws. Upon receipt of notification from the owner, the Department will review the project, determine if its location is over, across or occupies submerged lands of the Commonwealth. If applicable, the Department will prepare a Submerged Lands License Agreement and forward same to the owner for execution prior to acknowledgement of registration to use the General Permit. No annual charge is required for facilities constructed, owned or operated by a Political Subdivision of the Commonwealth.

22. **USE OF EXPLOSIVES**—Prior to the use of explosives in a watercourse or body of water, the permittee shall secure a written permit from the Pennsylvania Fish and Boat Commission, under the Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services (see Exhibit A).

23. **SUSPENSION, MODIFICATION OR REVOCATION**—The Department may suspend, modify or revoke this General Permit at any time upon notice in the *Pennsylvania Bulletin*.

24. **PROJECT INTERFERENCE**—This General Permit does not authorize any interference with any existing or proposed local, State, Federal or Federally licensed project, and permittee shall not be entitled to compensation for damage or injury to the work authorized herein which may be caused by or a result of existing or future operations undertaken by the United States or the Commonwealth of Pennsylvania or its Political Subdivisions in the public interest.

25. **INSPECTION**—As a condition of use of this General Permit, and of the owner's authority to conduct the activities authorized by this General Permit, the owner hereby authorizes and consents to allow authorized employees or agents of the Department, including the County Conservation District, without advance notice or a search warrant, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated or maintained. The authorization and consent shall include consent to conduct tests or sampling, to take photographs, to perform measurements, survey and other tests, to inspect the methods of construction, operation or maintenance, to examine and copy books, papers and records pertinent to any matter under investigation, and to take any other action necessary to assure that the project is constructed, operated or maintained in accordance with the terms and criteria of the General Permit. This General Permit condition is referenced in accordance with Section 16 of the Dam Safety and Encroachments Act, 32 P. S. § 693.16, and in no way limits any other powers granted under the Dam Safety and Encroachments Act.

26. FISH AND BOAT COMMISSION NOTIFICATION—The owner(s) shall notify the Pennsylvania Fish and Boat Commission's Regional Field Office Manager (see "Exhibit A") responsible for the County where the activities are proposed ten (10) days prior to start of construction. Written notification is suggested. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission.

27. ACTIVITIES NOT IN ACCORDANCE WITH THE TERMS OR CONDITIONS—If the Department determines, upon inspection, that the construction, operation or maintenance of a project has violated the terms or criteria of this General Permit or of the Chapter 105 Rules and Regulations, the Department may take such actions, legal or administrative, that it may deem to be appropriate.

28. STRUCTURE REMOVAL—The owner shall remove all or any portion of the water obstruction upon written notification to the owner by the Department in the event the water obstruction is causing an adverse impact on public health, safety, or the environment, or in any other manner violates the conditions of this General Permit or Chapter 105 Rules and Regulations. The removal of railroad bridges and culverts is not subject to this condition. The removal of railroad bridges and culverts is regulated exclusively by the Federal Surface Transportation Board under the Interstate Commerce Commission Termination Act of 1995, 49 U.S.C. Sections 10501(b), 10903.

29. PROPERTY RIGHTS—This General Permit does not convey any property rights, either in real estate or material, or in any exclusive privileges; nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State or local laws or regulations.

30. WATER QUALITY CERTIFICATION—The issuance of this General Permit also constitutes approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

31. OTHER PERMITS—Nothing in this General Permit relieves the owner(s) of the obligation of complying with all Interstate Compacts, Federal, state and local laws, and regulations.

32. SIGNATURE—The General Permit Registration Form shall be signed by the person responsible for installation, operation and maintenance of the authorized activity.

[Pa.B. Doc. No. 05-1484. Filed for public inspection August 5, 2005, 9:00 a.m.]

Small Systems Technical Assistance Center Advisory Board

The Small Systems Technical Assistance Center Advisory Board's regular quarterly Board meeting scheduled for August 25, 2005, is canceled.

The next meeting will be held on November 17, 2005, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the meeting should be directed to Ray Braun, (717) 772-2186, rbraun@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1485. Filed for public inspection August 5, 2005, 9:00 a.m.]

DEPARTMENT OF HEALTH

Approved Drugs for ALS Ambulance Services

Under 28 Pa. Code § 1005.11 (relating to drug use, control and security), the following drugs are approved for use by ground advanced life support (ALS) ambulance services and may be administered by emergency medical technician-paramedics, prehospital registered nurses and health professional physicians when use of the drugs is permitted by the applicable Department of Health (Department) approved regional medical treatment protocols:

1. Adenosine
2. Albuterol
3. Amiodarone
4. Aspirin
5. Atropine sulfate
6. Benzocaine—for topical use only
7. Bretylium
8. Calcium chloride
9. Dexamethasone sodium phosphate
10. Diazepam
11. Dilaudid—for interfacility transports only
12. Diltiazem
13. Diphenhydramine HCL
14. Dobutamine
15. Dopamine
16. Epinephrine HCL
17. Fentanyl
18. Furosemide
19. Glucagon
20. Heparin by intravenous drip—for interfacility transports only
21. Heparin lock flush
22. Hydrocortisone sodium succinate
23. Glycoprotein IIb/IIIa Inhibitors—for interfacility transports only
 - a. Abciximab
 - b. Eptifibatide
 - c. Tirofiban
24. Intravenous electrolyte solutions
 - a. Dextrose
 - b. Lactated Ringer's
 - c. Sodium chloride
 - d. Normosol
 - e. Potassium—for interfacility transports only
25. Ipratropium bomide
26. Isoproterenol HCL—for interfacility transports only
27. Levalbuterol—for interfacility transports only
28. Lidocaine HCL
29. Lorazepam
30. Magnesium sulfate
31. Metaproterenol
32. Methylprednisolone
33. Midazolam
34. Morphine sulfate
35. Naloxone HCL
36. Nitroglycerin by intravenous drip—for interfacility transports only
37. Nitroglycerin ointment

38. Nitroglycerin spray
39. Nitroglycerin sublingual tablets
40. Nitrous oxide
41. Oxytocin
42. Phenergan
43. Pralidoxime CL
44. Procainamide
45. Sodium bicarbonate
46. Sodium thiosulfate
47. Sterile water for injection
48. Terbutaline
49. Tetracaine—for topical use only
50. Verapamil

This list supersedes the list of approved drugs published at 34 Pa.B. 3987 (July 24, 2004).

Section § 1005.11 of 28 Pa. Code permits a ground ALS ambulance service to exceed, under specified circumstances, the drugs (taken from the master list) that a region's medical treatment protocols authorize for use within the region. In addition, under 28 Pa. Code § 1001.161 (relating to research), the Department may approve an ambulance service to engage in a research project that involves use of a drug not included in a region's medical treatment protocols. Finally, under 28 Pa. Code § 1001.4 (relating to exceptions), a ground ALS ambulance service and its ALS service medical director may apply to the Department for an exception to a region's medical treatment protocols.

The list of drugs in this notice does not apply to air ambulance services. Under 28 Pa. Code § 1007.7(i)(2) (relating to licensure and general operating requirements), each air ambulance service is to develop its own medical treatment protocols which identify drugs that may be used by the air ambulance service. The air ambulance service is to then submit the protocols to the medical advisory committee of the appropriate regional emergency medical services council for the medical advisory committee's review and recommendations. Following its consideration of the recommendations, and after making further revisions if needed, the air ambulance service is to file the protocols with the Department for approval.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape or Braille) should contact Andrew Gilger, Department of Health, Emergency Medical Services Office, Room 1032, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740 or speech or hearing impaired persons may use V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 05-1486. Filed for public inspection August 5, 2005, 9:00 a.m.]

Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on Wednesday, September 7, 2005, from 10 a.m. to 2 p.m. in Room C2860, Biomedical Research Building, Penn State Milton S. Hershey Medical Center, 500 University Drive, Hershey, PA.

For additional information, contact Jayme L. Trogus, Public Health Educator, Health Education and Information Program, Bureau of Chronic Diseases and Injury Prevention, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-6214.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Jayme L. Trogus at (717) 787-6214 or speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services, (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 05-1487. Filed for public inspection August 5, 2005, 9:00 a.m.]

Prehospital Practitioner Scope of Practice

Under 28 Pa. Code §§ 1003.21(c)(13), 1003.22(e)(3), 1003.23(f), 1003.24(e) and 1003.25b(c), the Department of Health (Department) is publishing the scope of practice for ambulance attendants, first responders, emergency medical technicians (EMT), EMT-paramedics and prehospital registered nurses (PHRN) under the Emergency Medical Services Act (EMS Act) (35 P. S. §§ 6921—6938).

Skills identified may be performed by a prehospital practitioner at the practitioner's level of certification/recognition only if the practitioner has successfully completed training (cognitive, affective and psychomotor) on the specified skill, which includes training to perform the skill on adults, children and infants, as appropriate.

A PHRN with medical command authorization may perform, in addition to those services within an EMT-paramedic's scope of practice, other services authorized by The Professional Nursing Law (63 P. S. §§ 211—225.5), when authorized by a medical command physician through either on-line medical command or standing medical treatment protocols. To administer drugs in addition to those permitted by applicable medical treatment protocols, a PHRN must also have received approval to do so by the advanced life support service medical director of the advanced life support ambulance service under which the PHRN is functioning.

This list supersedes the list of skills in the scope of practice of prehospital personnel published at 34 Pa.B. 3988 (July 24, 2004).

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Andrew Gilger at the Department of Health, Emergency Medical Services Office, Room 1032, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740. Speech or hearing impaired persons may call by using V/TT: (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

Yes—The skill is in the scope of practice for the level of certification.

No—The skill is not in the scope of practice for the level of certification.

AA—Ambulance Attendant.

FR—First Responder.

EMT—Emergency Medical Technician.

EMT-P—Emergency Medical Technician paramedic.

1. May assist higher level practitioner only when in the physical presence and under the direct supervision of the ALS practitioner.

2. Additional training and approval by service medical director required.

3. The skill may be performed by BLS personnel in accordance with Statewide BLSS protocols or medical command order.

4. The skill is not approved for the level of certification regardless if taught in a course approved for that level of certification.

5. The acronym is explained following the table.

6. Skill may only be used when functioning with a licensed ambulance service or QRS that complies with Department requirement for performing this skill.

7. May only be done as a physician extender under the Medical Practice act.

<i>TOPIC</i>	<i>SKILL</i>	<i>AA</i>	<i>FR</i>	<i>EMT</i>	<i>EMT-P</i>
Airway/ventilation/oxygenation	Airway—esophageal tracheal—dual lumen CombiTube®	No	No	No	Yes
Airway/ventilation/oxygenation	Airway—oral and nasal	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Airway—pharyngeal tracheal lumen (PTL)	No	No	No	No ⁴
Airway/ventilation/oxygenation	Bag-valve-ETT/CombiTube® ventilation	No	Yes ¹	Yes ¹	Yes
Airway/ventilation/oxygenation	Bag-valve-mask—with in-line small-volume nebulizer	No	Yes ¹	Yes ¹	Yes
Airway/ventilation/oxygenation	Bag-valve-mask (BVM) ventilation	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Chest decompression—needle	No	No	No	Yes
Airway/ventilation/oxygenation	CPAP/BiPAP ⁵ —demonstrate application of	No	No	No	Yes
Airway/ventilation/oxygenation	Cricoid pressure (Sellick maneuver)	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Cricothyrotomy—needle	No	No	No	Yes
Airway/ventilation/oxygenation	Cricothyrotomy—open/surgical	No	No	No	Yes
Airway/ventilation/oxygenation	Cricothyrotomy—overwire (Seldinger) technique	No	No	No	Yes
Airway/ventilation/oxygenation	End tidal CO ² monitoring/capnography	No	Yes ¹	Yes ¹	Yes
Airway/ventilation/oxygenation	Esophageal obturator airway (EOA)/esophageal gastric tube airway (EGTA)	No	No	No	No ⁴
Airway/ventilation/oxygenation	Extubation	No	No	No	Yes
Airway/ventilation/oxygenation	Flow restricted oxygen powered ventilation device (demand valve)	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Gastric decompression—OG ⁵ and NG ⁵ tube (suction)	No	No	No	Yes
Airway/ventilation/oxygenation	Gastric tube insertion—nasal and oral	No	No	No	Yes
Airway/ventilation/oxygenation	Head-tilt/chin-lift	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Intubation—digital and lighted stylet	No	No	No	Yes
Airway/ventilation/oxygenation	Intubation—endotracheal tube	No	No	No	Yes
Airway/ventilation/oxygenation	Intubation—medication paralytics assisted (RSI ⁵)	No	No	No	No ⁴
Airway/ventilation/oxygenation	Intubation—nasotracheal and orotracheal	No	No	No ⁴	Yes
Airway/ventilation/oxygenation	Intubation—retrograde	No	No	No	No ⁴
Airway/ventilation/oxygenation	Intubation—transillumination/lighted stylet	No	No	No	Yes
Airway/ventilation/oxygenation	Jaw thrust and modified jaw thrust (trauma)	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Laryngeal mask airway (LMA)	No	No	No	No ⁴
Airway/ventilation/oxygenation	Mouth-to-mouth, nose, stoma, barrier and pocket mask	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Obstruction—direct laryngoscopy (remove with forceps)	No	No	No	Yes
Airway/ventilation/oxygenation	Obstruction—manual (Heimlich, finger sweep, chest thrusts) upper airway	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—blow-by delivery	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—humidifiers	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—nasal cannula	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—nonrebreather mask	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—partial rebreather	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—regulators	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—simple face mask	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—Venturi mask	No	No	No	Yes
Airway/ventilation/oxygenation	Peak expiratory flow assessment	No	No	No	Yes

<i>TOPIC</i>	<i>SKILL</i>	<i>AA</i>	<i>FR</i>	<i>EMT</i>	<i>EMT-P</i>
Airway/ventilation/oxygenation	Pulse oximetry	Yes ¹	Yes ²	Yes ²	Yes
Airway/ventilation/oxygenation	Suctioning—meconium aspiration	No	No	No	Yes
Airway/ventilation/oxygenation	Suctioning—stoma	No	No	Yes	Yes
Airway/ventilation/oxygenation	Suctioning—tracheobronchial	No	No	No	Yes
Airway/ventilation/oxygenation	Suctioning—upper airway (nasal)	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Suctioning—upper airway (oral)	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Transtracheal jet ventilation	No	No	No	Yes
Airway/ventilation/oxygenation	Ventilators—automated transport (ATV)	Yes ¹	Yes ²	Yes ²	Yes
Assessment of	Glasgow Coma Scale (GCS)	Yes	Yes	Yes	Yes
Assessment of	Level of consciousness (LOC)	Yes	Yes	Yes	Yes
Assessment of	Patient assessment skills identified in the NSC ⁵	Yes	Yes	Yes	Yes
Assessment of	Vital sign—body temperature	Yes	Yes	Yes	Yes
Assessment of	Vital sign—pulse	Yes	Yes	Yes	Yes
Assessment of	Vital sign—pupils	Yes	Yes	Yes	Yes
Assessment of	Vital sign—respirations	Yes	Yes	Yes	Yes
Assessment of	Vital sign—skin color/temperature and condition (CTC)	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Blood pressure—auscultation	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Blood pressure—electronic noninvasive	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Blood pressure—palpation	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Cardiac monitoring—apply electrodes	No	Yes ¹	Yes ¹	Yes
Cardiovascular/circulation	Cardiac monitoring—multi lead	No	No	No	Yes
Cardiovascular/circulation	Cardiac monitoring—single lead (interpretive)	No	No	No	Yes
Cardiovascular/circulation	Cardiopulmonary resuscitation (CPR) adult, infant, child, one and two person	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Cardioversion—synchronized	No	No	No	Yes
Cardiovascular/circulation	Carotid massage (vagal maneuvers)	No	No	No	Yes
Cardiovascular/circulation	Defibrillation—Counter shock—manual	No	No	No	Yes
Cardiovascular/circulation	Defibrillation—automated external defibrillator (AED)	Yes ²	Yes ²	Yes ²	Yes
Cardiovascular/circulation	Hemodynamic monitoring/assist (Swan Ganz, arterial, central venous lines)	No	No	No	No ⁴
Cardiovascular/circulation	Intra-aortic balloon pump monitoring/assist	No	No	No	No ⁴
Cardiovascular/circulation	Mechanical CPR device	No	No	No	Yes
Cardiovascular/circulation	Military/Pneumatic Anti-Shock Trousers/Garment PASG/MAST ⁵)	No	No	Yes	Yes
Cardiovascular/circulation	Thrombolytic therapy—initiation	No	No	No	No ⁴
Cardiovascular/circulation	Thrombolytic therapy—monitoring	No	No	No	No ⁴
Cardiovascular/circulation	Transcutaneous pacing	No	No	No	Yes
Cardiovascular/circulation	Use a (cardiac) magnet to alter the mode of an AICD ⁵ or pacemaker	No	No	No	Yes
Communications	Verbal patient report to receiving personnel	No	Yes	Yes	Yes
Communications	Communications with PSAPs ⁵ , hospitals, medical command facilities	Yes	Yes	Yes	Yes
Documentation	Out-of-Hospital Do Not Resuscitate (DNR) orders (Act 59)	Yes	Yes	Yes	Yes
Documentation	Patient Care Report completion	No	Yes	Yes	Yes
Hazardous materials	Contaminated equipment disposal (sharps and PPE ⁵)	Yes	Yes	Yes	Yes
Hazardous materials	Decontamination	Yes	Yes	Yes	Yes
Hazardous materials	Disinfection	Yes	Yes	Yes	Yes
Hazardous materials	PPE ⁵ (personal protection equipment) use	Yes	Yes	Yes	Yes
Immobilization	PASG/MAST ⁵ —pelvic stabilization	No	No	Yes	Yes
Immobilization	Spinal immobilization—helmet stabilization or removal	No	No	Yes	Yes
Immobilization	Spinal immobilization—long board w/pt supine and standing	Yes	Yes	Yes	Yes
Immobilization	Spinal immobilization—manual stabilization and cervical collar	Yes	Yes	Yes	Yes

TOPIC	SKILL	AA	FR	EMT	EMT-P
Immobilization	Spinal immobilization—rapid extrication	No	No	Yes	Yes
Immobilization	Spinal immobilization—seated patient (KED ⁵ , and the like)	No	No	Yes	Yes
Immobilization	Splinting—manual, ridged, soft, vacuum	Yes	Yes	Yes	Yes
Immobilization	Splinting—traction	Yes	Yes	Yes	Yes
IV initiation/maintenance/fluids	Central venous cannulation (femoral vein only)	No	No	No	Yes
IV initiation/maintenance/fluids	Central venous line—access of existing catheters	No	No	No	Yes
IV initiation/maintenance/fluids	Clean technique	No	No	No	Yes
IV initiation/maintenance/fluids	External jugular vein cannulation	No	No	No	Yes
IV initiation/maintenance/fluids	Heparin/saline lock insertions as no-flow IV	No	No	No	Yes
IV initiation/maintenance/fluids	Indwelling intravenous catheters as described 28 Pa. Code § 1003.23(e)(2)	No	No	Yes	Yes
IV initiation/maintenance/fluids	Intraosseous—needle placement and infusion—anterior tibia or distal femur	No	No	No	Yes
IV initiation/maintenance/fluids	Peripheral venous—initiation (cannulation)	No	No	No	Yes
IV initiation/maintenance/fluids	Sub-cutaneous indwelling catheters—access of existing catheters	No	No	No	Yes
IV initiation/maintenance/fluids	Vascular access devices in home healthcare—access of existing catheters	No	No	No	Yes
IV initiation/maintenance/fluids	Venous (blood sampling)—obtaining	No	No	No	Yes
IV initiation/maintenance/fluids	Venous central line (blood sampling)—obtaining	No	No	No	No ⁴
IV initiation/maintenance/fluids	Arterial line—capped—transport	No	No	Yes	Yes
IV initiation/maintenance/fluids	Arterial line—monitoring/assist	No	No	No	No ⁴
IV initiation/maintenance/fluids	Blood/Blood—by-products	No	No	No	No ⁴
Lifting and moving	Patient lifting, moving and transfers per NSC ⁵	Yes	Yes	Yes	Yes
Lifting and moving	Patient restraints on transport devices	Yes	Yes	Yes	Yes
Medication administration routes	Endotracheal tube (ET)	No	No	No	Yes
Medication administration routes	Inhalation (aerosolized/nebulized)	No	No	No	Yes
Medication administration routes	Intramuscular (IM)	No	No	No	Yes
Medication administration routes	Intraosseous—anterior tibia or distal femur	No	No	No	Yes
Medication administration routes	Intravenous (IV)—bolus	No	No	No	Yes
Medication administration routes	Intravenous (IV) infusion, including by intravenous pump	No	No	No	Yes
Medication administration routes	Nasogastric	No	No	No	Yes
Medication administration routes	Oral	No	No	No	Yes
Medication administration routes	Rectal	No	No	No	Yes
Medication administration routes	Subcutaneous	No	No	No	Yes
Medication administration routes	Sub-lingual	No	No	No	Yes
Medication administration routes	Topical	No	No	No	Yes
Medication administration routes	Auto-injectors	No	No	Yes ³	Yes
Medications	Activated charcoal	No	No	Yes ³	Yes
Medications	As published in <i>Pennsylvania Bulletin</i> by PA DOH	No	No	No	Yes
Medications	Immunizations	No	No	No	Yes ⁷
Medications	Oral glucose	No	No	Yes ³	Yes
Medications	Over-the-counter medications (OTC)	No	No	No	No ⁴
Medications	Oxygen	Yes	Yes	Yes	Yes
Medications	Auto-injected epinephrine—primary use—not patient's own prescription	No	No	Yes ^{2,3,6}	Yes
Medications—Patient Assisted	Auto-injected epinephrine	No	No	Yes ³	Yes
Medications—Patient Assisted	Metered dose inhaler (MDI)—bronchodilator	No	No	Yes ³	Yes
Medications—Patient Assisted	Nitroglycerin	No	No	Yes ³	Yes
Patient assessment/management	Behavioral—Restrain violent patient	No	No	Yes	Yes

<i>TOPIC</i>	<i>SKILL</i>	<i>AA</i>	<i>FR</i>	<i>EMT</i>	<i>EMT-P</i>
Patient assessment/management	Blood glucose assessment	No	No	No	Yes
Patient assessment/management	Burns—chemical, electrical, inhalation, radiation, thermal	Yes	Yes	Yes	Yes
Patient assessment/management	Childbirth—umbilical cord cutting	No	Yes	Yes	Yes
Patient assessment/management	Childbirth (abnormal/complications)	No	No	Yes	Yes
Patient assessment/management	Childbirth (normal)—cephalic delivery	Yes	Yes	Yes	Yes
Patient assessment/management	Dislocation reduction (shoulder)	No	No	No	No ⁴
Patient assessment/management	Eye irrigation/care	Yes	Yes	Yes	Yes
Patient assessment/management	Hemorrhage control—diffuse, direct, pressure point, tourniquet, bandaging	Yes	Yes	Yes	Yes
Patient assessment/management	Intracranial monitoring/assist	No	No	No	No ⁴
Patient assessment/management	As outlined in DOH approved regional and Statewide tx ⁵ and transport protocols	Yes	Yes	Yes	Yes
Patient assessment/management	Multiple Casualty Incident (MCI)/Incident Command System (ICS)	No	Yes	Yes	Yes
Patient assessment/management	Triage (prioritizing patients)-use of tags	Yes	Yes	Yes	Yes
Patient assessment/management	Urinary catheterization	No	No	No	Yes
Rescue	Vehicle access and extrication	Yes	Yes	Yes	Yes

◀ *Acronym*

AICD
 CPAP/BiPAP
 KED
 NSC
 OG and NG
 PASG/MAST
 PPE
 PSAP
 RSI
 TX

Explanation

Automatic Implantable Cardioverter Defibrillators
 Continuous positive airway pressure/biphasic positive airway pressure
 Kendrick Extrication Device
 United States Department of Transportation National Standard Curriculum
 Oral gastric and nasal gastric tube
 Pneumatic antishock garment/military antishock trousers
 Personal protective equipment
 Public safety answering point
 Rapid sequence induction
 Treatment

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 05-1488. Filed for public inspection August 5, 2005, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Valley View Haven, Inc.
 4702 East Main Street
 Belleville, PA 17004

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.38(a) (relating to toilet facilities):

Beverly Healthcare—Erie
 2686 Peach Street
 Erie, PA 16508

Barbara J. Egan Nursing and Rehabilitation Center
 200 Luther Road
 Shrewsbury, PA 17361
 FAC ID 970902

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 an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the previously listed address or phone num-

ber or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service, (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 05-1489. Filed for public inspection August 5, 2005, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Quick Silver Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Quick Silver.

2. *Price:* The price of a Pennsylvania Quick Silver instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Quick Silver instant lottery game ticket will contain one play area featuring a "QUICK NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "QUICK NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 10 (TEN). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN) and Silver Bar symbol (SILVER).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$5, \$10, \$20, \$50, \$100, \$500 and \$5,000. A player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania Quick Silver instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "QUICK NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "QUICK NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver Bar symbol (SILVER), and a prize symbol of \$500 (FIV HUN) appears

under the Silver Bar symbol (SILVER) on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "QUICK NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver Bar symbol (SILVER), and a prize symbol of \$100 (ONE HUN) appears under the Silver Bar symbol (SILVER) on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "QUICK NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver Bar symbol (SILVER), and a prize symbol of \$50\$ (FIFTY) appears under the Silver Bar symbol (SILVER) on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "QUICK NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver Bar symbol (SILVER), and a prize symbol of \$20\$ (TWENTY) appears under the Silver Bar symbol (SILVER) on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "QUICK NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver Bar symbol (SILVER), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Silver Bar symbol (SILVER) on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "QUICK NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver Bar symbol (SILVER), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Silver Bar symbol (SILVER) on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "QUICK NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver Bar symbol

(SILVER), and a prize play of \$2.⁰⁰ (TWO DOL) appears under the Silver Bar symbol (SILVER) on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "QUICK NUMBERS" play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver Bar Symbol (SILVER), and a prize play of \$1.⁰⁰ (ONE DOL) appears under the Silver Bar Symbol (SILVER) on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "QUICK NUMBERS" play symbols and a prize symbol of FREE (TICKET) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Quick Silver instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Quick Number, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds 1 In:</i>	<i>Approximate No. Of Winners Per 14,400,000 Tickets</i>
FREE	TICKET	30	480,000
\$1 w/SILVER BAR	\$1	30	480,000
\$1	\$1	30	480,000
\$2 w/SILVER BAR	\$2	50	288,000
\$1 × 2	\$2	50	288,000
\$2	\$2	50	288,000
\$5 w/SILVER BAR	\$5	100	144,000
\$1 × 5	\$5	100	144,000
\$5	\$5	150	96,000
\$10 w/SILVER BAR	\$10	300	48,000
\$2 × 5	\$10	300	48,000
\$5 × 2	\$10	300	48,000
\$10	\$10	300	48,000
\$20 w/SILVER BAR	\$20	1,500	9,600
\$5 × 4	\$20	1,500	9,600
\$10 × 2	\$20	1,000	14,400
\$20	\$20	1,000	14,400
\$50 w/SILVER BAR	\$50	6,000	2,400
\$10 × 5	\$50	5,581	2,580
\$20 × 2 + \$10	\$50	6,000	2,400
\$50	\$50	5,581	2,580
\$100 w/SILVER BAR	\$100	120,000	120
\$20 × 5	\$100	120,000	120
\$50 × 2	\$100	120,000	120
\$100	\$100	120,000	120
\$500 w/SILVER BAR	\$500	1,440,000	10
\$100 × 5	\$500	1,440,000	10
\$500	\$500	1,440,000	10
\$5,000	\$5,000	2,880,000	5

SILVER BAR = Win prize shown under it automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Quick Silver instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Quick Silver, prize money from winning Pennsylvania Quick Silver instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Quick Silver instant lottery game, the right

of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Quick Silver or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 05-1490. Filed for public inspection August 5, 2005, 9:00 a.m.]

Pennsylvania Ruby Red 7s Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Ruby Red 7s.

2. *Price:* The price of a Pennsylvania Ruby Red 7s instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Ruby Red 7s instant lottery game ticket will contain one play area. The play symbols and their captions, printed in black ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (BKSEV), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions, printed in red ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (RSEV), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT).

4. *Prize Symbols:* The prize symbols and their captions, located in the 10 "prize" areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$6⁰⁰ (SIX DOL), \$9⁰⁰ (NIN DOL), \$18\$ (EGHTN), \$27\$ (TWY SVN), \$54\$ (FTY FOR), \$90\$ (NINTY), \$270 (TWOHUNSTY) and \$27,000 (TWYSVNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$3, \$6, \$9, \$18, \$27, \$54, \$90, \$270 and \$27,000. The player can win up to ten times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,080,000 tickets will be printed for the Pennsylvania Ruby Red 7s instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$27,000 (TWYSVNTHO) appearing in the "prize" area to the right of that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$27,000.

(b) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$270 (TWOHUNSTY) appearing in the "Prize" area to the right of that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$270.

(c) Holders of tickets with a play symbol of 7 (RSEV), with the symbol and caption printed in red ink, and a prize symbol of \$90\$ (NINTY) appearing in the "Prize" area to the right of that 7 (RSEV) play symbol, on a single ticket, shall be entitled to a prize of \$270.

(d) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$90\$ (NINTY) appearing in the "Prize" area to the right of that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$90.

(e) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$54\$ (FTY FOR) appearing in the "Prize" area to the right of that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$54.

(f) Holders of tickets with a play symbol of 7 (RSEV), with the symbol and caption printed in red ink, and a prize symbol of \$18\$ (EGHTN) appearing in the "Prize" area to the right of that 7 (RSEV) play symbol, on a single ticket, shall be entitled to a prize of \$54.

(g) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$27\$ (TWY SVN) appearing in the "Prize" area to the right of that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$27.

(h) Holders of tickets with a play symbol of 7 (RSEV), with the symbol and caption printed in red ink, and a prize symbol of \$9⁰⁰ (NIN DOL) appearing in the "Prize" area to the right of that 7 (RSEV) play symbol, on a single ticket, shall be entitled to a prize of \$27.

(i) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$18\$ (EGHTN) appearing in the "Prize" area to the right of that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$18.

(j) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$9⁰⁰ (NIN DOL) appearing in the "Prize" area to the right of that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$9.

(k) Holders of tickets with a play symbol of 7 (RSEV), with the symbol and caption printed in red ink, and a prize symbol of \$3⁰⁰ (THR DOL) appearing in the "Prize" area to the right of that 7 (RSEV) play symbol, on a single ticket, shall be entitled to a prize of \$9.

(l) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$6⁰⁰ (SIX DOL) appearing in the "Prize" area to the right of that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$6.

(m) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$3⁰⁰ (THR DOL) appearing in the "Prize" area to the right of that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(n) Holders of tickets with a play symbol of 7 (RSEV), with the symbol and caption printed in red ink, and a prize symbol of \$1⁰⁰ (ONE DOL) appearing in the "Prize" area to the right of that 7 (RSEV) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(o) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$2⁰⁰ (TWO DOL) appearing in the "Prize" area to the right of that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets with a play symbol of 7 (BKSEV), with the symbol and caption printed in black ink, and a prize symbol of \$1^{.00} (ONE DOL) appearing in the "Prize" area to the right of that 7 (BKSEV) play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Find A "7" Symbol, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 10,080,000 Tickets</i>
\$1 × 2	\$2	18.75	537,600
\$2	\$2	17.65	571,200
\$1 × 3	\$3	50	201,600
\$1 w/RED 7	\$3	42.86	235,200
\$3	\$3	60	168,000
\$1 × 6	\$6	300	33,600
\$2 × 3	\$6	300	33,600
\$3 × 2	\$6	300	33,600
\$6	\$6	300	33,600
\$1 × 9	\$9	150	67,200
\$3 × 3	\$9	150	67,200
\$3 w/RED 7	\$9	75	134,400
\$9	\$9	150	67,200
\$2 × 9	\$18	1,500	6,720
\$3 × 6	\$18	1,500	6,720
\$6 × 3	\$18	1,500	6,720
\$9 × 2	\$18	1,500	6,720
\$18	\$18	1,500	6,720
\$3 × 9	\$27	375	26,880
\$9 × 3	\$27	750	13,440
\$9 w/RED 7	\$27	166.67	60,480
\$27	\$27	300	33,600
\$9 × 6	\$54	4,800	2,100
\$18 × 3	\$54	4,800	2,100
\$18 w/RED 7	\$54	4,615	2,184
\$54	\$54	4,800	2,100
\$9 × 10	\$90	40,000	252
\$18 × 5	\$90	40,000	252
\$90	\$90	40,000	252
\$27 × 10	\$270	120,000	84
\$90 × 3	\$270	120,000	84
\$90 w/RED 7	\$270	120,000	84
\$270	\$270	120,000	84
\$27,000	\$27,000	1,440,000	7

RED 7 = Triples the prize.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Ruby Red 7s instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Ruby Red 7s, prize money from winning Pennsylvania Ruby Red 7s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Ruby Red 7s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Ruby Red 7s or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 05-1491. Filed for public inspection August 5, 2005, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(e) of The Administrative Code of 1929 (71 P. S. § 512 (c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by Montgomery County, Courthouse, P. O. Box 311, Norristown, PA 19404-0311 seeking to lease highway right-of-way located at Old Park Avenue, Perkiomen Township, Montgomery County, 31,020 sq. ft. + adjacent to SR 1022 Section 3 for the purpose of a bike trail.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Andrew Warren, P. E., District Executive, Engineering District 6-0, Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Attention: Amin Jackson, R/W.

Questions regarding this application or the proposed use should be directed to Amin Jackson, R/W, Real Estate Technician, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, (610) 205-6514.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 05-1492. Filed for public inspection August 5, 2005, 9:00 a.m.]

GOVERNOR'S OFFICE

Catalog of Nonregulatory Documents

Pursuant to Executive Order 1996-1, agencies under the jurisdiction of the Governor must catalog and publish non-regulatory documents such as policy statements, guidance manuals, decisions, rules and other written materials that provide compliance related information. The following compilation is the ninth list of the nonregulatory documents. This list is updated and published annually on the first Saturday in August.

This catalog is being provided to ensure that the public has complete access to the information necessary to understand and comply with state regulations. We have made every effort to ensure that the catalog includes all documents in effect as of August 6, 2005; however, due to the breadth and changing nature of these documents, we cannot guarantee absolute accuracy. Facilitating access to information is important to enhancing the partnership between the regulated community and the state.



Governor

ADMINISTRATION

Editor's Note: The Index of Issuances, Manual M210.3, issued by the Governor's Office of Administration, Directives Management System, includes Executive Orders, Management Directives and Manuals. New or revised documents to the Index are published monthly in the PA Bulletin and the entire index is revised yearly in the PA Code.

AGING

DECISIONS:

Office of Chief Counsel

Contact: Jacqueline Welby, Assistant Counsel (717) 783-2529

- *Reynolds vs. Department of Aging*, 570 A.2d 1373 (Pa. Commw. 1990).
- *Pennsylvania Department of Aging v. Lindbergh*, 469 A.2d 1012 (Pa.1983).
- *Suburban/Bustleton v. Department of Aging*, 579 A.2d 426 (Pa. Commw. 1990).
- *McGuire v. Department of Aging*, 592 A.2d 830 (Pa. Commw. 1991).
- *Dickey v. Department of Aging*, 615 A.2d 990 (Pa. Commw. 1992).
- *In the Interest of M.B.*, 686 A.2d 87 (Pa. Commw. 1996).
- *Calabro v. Department of Aging*, 689 A.2d 34 (Pa Commw. 1997).
- *Calabro v. Department of Aging*, 698 A.2d 596 (Pa. 1997).
- *Schaffren v. Philadelphia Corporation for Aging*, 1997 U.S. Dist. Lexis 17493 (Middle Dist. Pa., 1997).
- *Scanlon v. Department of Aging*, 739 A.2d 635 (Pa. Commw. 1999).
- *Nixon v. Com. of PA*, 789 A.2d 376 (Pa. Commw. 2001).
- *Peek v. Department of Aging*, 873 A.2d (Pa. Commw. 2005).

INTERNAL GUIDELINES:**PHARMACEUTICAL PROGRAM (PACE)**

Contact: Gretchen Beard, Chief of Compliance Division (717) 787-7313

PACE PROVIDER BULLETINS: 2005

- January 28, 2005—PACE & Generic Substitution: Senate Bill 1167 permits PACE to continue reimbursing for brand name products if the brand name drug is determined to be “less expensive to the Program” than the newly introduced A-Rated generically equivalent drug.
- January 28, 2005—MDP Transitional Assistance (T/A): The 2005 \$600 T/A benefit for Medicare Discount Program (MDP) cardholders began January 1, 2005.
- January 28, 2005—Optometrist’s Prescribing Privileges: Notices of updated list of drugs established by the Department of Health on October 9, 1998, when The Department of Health promulgated the amending of § 6.1 of the regulations of the Department, 28 Pa. Code Chapter 6, to permit the prescribing of certain medications by optometrists certified to prescribe and administer pharmaceutical agents under § 4.1 of the Optometric Practice and Licensure Act.
- January 28, 2005—Optometrists Allowable Pharmaceutical Products: Updated list for PACE providers.
- February 11, 2005—Prospective Drug Utilization (ProDur) Additions: Effective Monday, February 14, 2005 this criteria will be applied to the following listed drugs
- February 18, 2005—Payer Specifications NCPDP 5.1 FUTURE EDITS: (PLEASE WATCH FOR REVISIONS) The fields listed below are contained in the current version of PACE/PACENET NCPDP v5.1 Payer Specifications dated June 1, 2004. Currently these data fields are not edited. Effective March 22, 2005, PACE will begin editing these fields. Providers are encouraged to contact their software vendors to ensure that valid data is being submitted to PACE in the data fields listed below:
- March 11, 2005—PACE Patient Location Definitions: (PLEASE WATCH FOR REVISIONS) At the request of PACE Providers, we are providing the following definitions to assist in the determining the number to be entered in NCPDP v5.1 field 307-C7, Patient Location.
- March 18, 2005—Non-Participating Manufacturer: Eli Lilly
- April 1, 2005—REVISED PAYER SPECIFICATIONS NCPDP 5.1 FUTURE EDITS: The fields listed below are contained in the current version of PACE/PACENET NCPDP v5.1 Payer Specifications dated June 1, 2004.
- April 8, 2005—Bextra: Effective April 7, 2005: PACE no longer reimburses for Bextra. The FDA announced that effective April 7, 2005, Pfizer Inc. was voluntarily withdrawing Bextra at the request of the Food and Drug Administration.
- May 6, 2005—Payer Specifications NCPDP 5.1 Future Edits Reminder (Part 1 of 2): The fields listed below are contained in the current version of PACE/PACENET NCPDP v5.1 Payer Specifications dated June 1, 2004. PACE is monitoring these fields and is returning the paid claim with an E.O.B. (Explanation Of Benefits) message whenever Missing or Invalid Data has been entered. Claims containing incorrect or invalid data in these fields will continue to be paid and returned with these EOB’s until September 27, 2005. Effective September 27, 2005, claims with missing or invalid data in these fields will deny.
- May 6, 2005—Payer Specifications NCPDP 5.1 Future Edits Reminder (Part 2 of 2): Explanatory Materials for Part 1
- May 13, 2005—Medicare Outpatient Drug Benefit Cardholder Information: The Department of Aging recognizes that many PACE cardholders are worried that this new Medicare benefit will diminish their current PACE coverage. This letter is intended to assure PACE cardholders that the new Medicare outpatient benefit will assist, not replace, PACE.
- June 3, 2005—Payer Specifications NCPDP 5.1 Future Edits REMINDER (Part 1 of 2): The fields listed below are contained in the current version of PACE/PACENET NCPDP v5.1 Payer Specifications dated June 1, 2004. PACE is monitoring these fields and is returning the paid claim with an E.O.B. (Explanation Of Benefits) message whenever Missing or Invalid Data has been entered. Claims containing incorrect or invalid data in these fields will continue to be paid and returned with these EOB’s until September 27, 2005. Effective September 27, 2005, claims with missing or invalid data in these fields will deny.
- June 3, 2005—Payer Specifications NCPDP 5.1 Future Edits REMINDER (Part 2 of 2): Explanatory Materials for Part 1
- June 3, 2005—Eli Lilly & Company: Reconsideration of Rebate Participation.

PACE PROVIDER BULLETINS: 2004

- January 9, 2004—Federal Upper Limits (FUL) Pricing for A-Rated Multiple Source Products—Pending additional review, effective January 20th, 2004, the Department of Aging is temporarily suspending FUL reimbursement pricing on A-rated multiple source products.
- January 23, 2004—Provider Telephone Calls: Changes in PACE/PACENET Legislation have the potential for lessening the program’s ability to address phone calls in a timely manner. The potential for thousands more to be enrolled in the program requires some interim information to be presented.
- February 6, 2004—Manufacturers’ Rebate NON-PARTICIPATION NOTICE FOR: MYLAN AND UDL Labs. Effective February 9, 2004.
- February 13, 2004—Clarifications: This memo provides examples of the possible situations involved with helping people understand the use of the PACENET \$40 deductible.

- February 20, 2004—Manufacturers' Rebate REINSTATEMENT NOTICE FOR: MYLAN AND UDL Labs.
- February 27, 2004—Timoptic XE Days Supply Permissions: Merck was last manufacturer of 0.25% strength in 2ML size. Only 5ML size is available from Merck and Falcon. Days supply requirement is listed.
- March 12, 2004—Lorazepam/Clorazepate Assistance Program: On March 29, 2004, the Department of Aging will implement the Lorazepam/Clorazepate Assistance Program known as the PA (Pennsylvania) Patient Assistance Program. This new program reimburses for generic formulations of lorazepam and clorazepate.
- March 26, 2004—Renagel®: Effective Monday, March 29, 2004 all claims for sevalamer hydrochloride (Renagel®) will be denied at the point of sale.
- March 26, 2004—ProDUR Edit Revisions: Effective March 29, 2004, the following list shows the recommended initial maximum dose, maximum daily dose and duration criteria have been added to the Department of Aging's Prospective Drug Utilization Review Program for the following class of drugs.
- May 14, 2004—Non-Participating Drug Manufacturers: Manufacturer Rebate Program requires manufacturers' whose products are paid for by PACE, to pay a rebate to continue having PACE pay for their products. Attached is the latest information on non-participants.

PACE PROVIDER BULLETINS: 2003

- January 24, 2003—Pace Software Vendor List: Updates list of known software vendors that will be contacted regarding the requirements of the HIPAA initiative during the testing phase regarding NCPDP 5.1 and requests contact information from providers for vendors not included on the list.
- January 24, 2003—Requests to Void Prescriptions: The PACE Provider Manual, page IV.24 states that providers are responsible for voiding claims for prescriptions paid for by the Program but never received by the cardholder. This bulletin specifies costs and conditions involved with submitting voided claims.
- January 31, 2003—Important Cardholder Information Poster: Please post this provider bulletin. It summarizes general guidance for the cardholder regarding the major conditions under which PACE assistance can and cannot be used.
- February 14, 2003—Lumigan® (bimatoprost): Describes dosing restrictions recommended by the manufacturer Allergan and describes subsequent PACE claim handling procedures regarding this medication.
- February 14, 2003—Avage® and Botox Cosmetic®: PACE legislation prohibits payment for "drugs prescribed for wrinkle removal . . .". This bulletin includes these medications in the category and removed them from PACE coverage.
- February 14, 2003—Medical Exception Processing for Lotronex®, Forteo® and Humira®: Specific guidance for these medications.
- March 28, 2003—Early Refill Edit: Effective Monday, April 14, 2003, PACE cardholders must use 85% of their medication, based on the previous prescription's days supply, before the Program will consider the refill for reimbursement.
- April 4, 2003—HIPAA: This bulletin is in response to inquiries regarding the responsibility of the Department of Aging, PACE Program and its contractor, First Health in achieving HIPAA (Health Insurance Portability and Accountability Act of 1999) compliance.
- April 11, 2003—Cardholder Information for Early Refill Edit Poster: Illustrated poster describing that effective Wednesday, May 14, 2003, PACE cardholders must use 85% of their medication, based on the previous prescription's day's supply, before the Program will consider the refill for reimbursement.
- May 23, 2003—Provider Manual Insert: PACE legislation was amended in 1992 to require that cardholders be informed of the Usual and Customary price of the prescription they received under the PACE Program.
- June 6, 2003—Early Refill Edit: The Department of Aging is delaying the implementation of the revised early refill edit. As announced earlier, this revision will require that PACE cardholders must use 85% of their medication, based on the previous prescription's days supply, before the Program will consider the refill for reimbursement.
- August 1, 2003—Relocation: First Health Services announces its office relocation details. New address becomes effective August 11, 2003.
- August 8, 2003—Pro-DUR Edit Revisions: New drug classes to be added effective August 19, 2003.
- August 22, 2003—Important Telephone Numbers: Lists retained and changed general access telephone numbers, as well as, new address of First Health Services/PACE.
- November 28, 2003—Program Changes: Changes pursuant to House Bill 888 become effective January 1, 2004. This bulletin specifies the most notable changes applicable to providers.
- December 26, 2003—New Legislation Cardholder Impact: Further description of changes to PACE/PACENET detailing Income Limit Increases Co-pays, Generics, PACENET Claims Processing and Potential PACE/PACENET Applicants.

PACE PROVIDER BULLETINS: 2002

- January 18, 2002—Important Cardholder Information: It summarizes general guidance for the cardholder regarding the major conditions under which PACE assistance can and cannot be used.
- April 1, 2002—Non-Participating Manufacturers: Manufacturers are required to extend a rebate to PACE for medications purchased through the program. This bulletin lists all labelers that choose not to participate in extending the required rebate to PACE.

- April 19, 2002—ProDUR Additions: Specifies several new additions to PACE Prospective Drug Utilization Review System. Included are: Prozac Weekly, Rivastigmine, Galantamine, Perindopril, Meloxicam, Doxycycline, Acetaminophen, Propoxyphene Napsylate and Propoxyphene HCL.
- May 3, 2002—PACE Moratorium Information: Provides for a readjustment of the COLA factor used by PACE to reprocess enrollments that were affected by a 2000 Social Security COLA adjustment in mid 2001.
- May 24, 2002—Tracleer™: Specifies the addition of Actelion Pharmaceutical's Tracleer™ (bosentan) product to the PACE drug file. Describes the only approved diagnosis and explains the mandatory medical exception processing claims for Tracleer™ must undergo.
- August 23, 2002—PACE Moratorium Information: A supplemental PACE moratorium reprocessing project announcement. All affected cardholders and providers are being notified. A toll-free phone number is provided for additional information.
- September 6, 2002—Remodulin™: A treatment for pulmonary arterial hypertension (PAH), Remodulin™ (treprostinil) injection has been added to PACE program coverage but only for this diagnosis. Claims for this medication must go through the medical exception process to be considered for payment.
- November 8, 2002—HIPAA Compliance: Lists software vendors that will be contacted regarding the requirements of the HIPAA initiative and requests contact information from providers for vendors not included on the list.
- December 27, 2002—Mandatory Substitution of Prilosec: Identifies manufacturers that will be a source for the generic version of Prilosec, omeprazole.

PACE PROVIDER BULLETINS: 2001

- January 26, 2001—Prescription Records: Notified Providers that the Department of Aging will accept the "daily hardcopy record" identified in Section 22.62, (c)(3) of Chapter 22, Pharmaceutical Assistance Contract for the Elderly, as being a certification statement which will contain verbiage clearly identifying the prescriptions and stating that the pharmacist, identified by his or her signature, attests to the identified prescriptions' validity, accuracy and completeness. Reminder that Section 22.62 (c) and (d) state that "hardcopy prescriptions" and "other records necessary to disclose the full nature and extent of prescription drugs ... dispensed by a provider shall be retained for 4 years . . .".
- February 23, 2001—Sarafem®: Effective February 26, 2001, the PACE Program will deny all claims for Sarafem®. This action is being taken based on the manufacturer's package insert which states, "Sarafem® is indicated for treatment of premenstrual dysphoric disorder (PMDD)."
- March 9, 2001—Immunosuppressants: Notified Providers that effective April 1, 2001, Medicare has eliminated the time limitation for Medicare recipients receiving immunosuppressant drug benefits. This change re-establishes coverage for disabled Medicare recipients as well as Medicare recipients over age 65 who had previously exceeded the Medicare time limit for immunosuppressant drug coverage. Effective April 1, 2001, all medical exceptions for immunosuppressants will calculate the PACE reimbursement based on the percentage NOT reimbursable by Medicare, which is currently 20%.
- March 16, 2001—Mandatory Substitution Coumadin®: Notified Providers that effective April 16, 2001, the PACE Program will mandate substitution for all new claims for Coumadin®.
- March 16, 2001—Ketoprofen Reminder: Notified Providers that as stated on page V.20 of your PACE Provider Manual, section m, "Ketoprofen being compounded for off-label use to treat arthritis will be disallowed when identified in utilization review reports."
- March 23, 2001—PACE—CRDP Cardholders Reminder: Notified Providers that PACE is payor of last resort.
- March 30, 2001—Renagel®: Notified Providers that effective Monday, April 9, 2001, PACE will deny all claims for Renagel®. No additional medical exceptions will be approved prior to the receipt of supporting diagnostic and treatment information.
- April 20, 2001—Non-Participating Manufacturers: Notified Providers of manufacturers not participating in the PACE Program.
- April 20, 2001—Mandatory Substitution for Coumadin® Clarification: Notified Providers that Cardholders whose prescription history contains Coumadin® usage and therefore received a Medical Exception should submit the Coumadin® claim to PACE with a DAW code of "1". PACE will not disallow Coumadin® claims on future audits in those instances in which a medical exception was granted to continue Coumadin® therapy even in the absence of Brand Medically Necessary documentation. Cardholders with no history of Coumadin® usage are subject to the Program's mandatory substitution regulations unless a Medical Exception is authorized.
- May 11, 2001—Imitrex®: Notified Providers that effective May 14, 2001, PACE Will Deny Claims for all forms of sumatriptan (Imitrex®). No medical exceptions will be approved prior to the receipt of a cardiovascular evaluation stating the patient is free of cardiovascular disease.
- May 25, 2001—TOBI®: Notified Providers that effective June 4, 2001, PACE will deny claims for TOBI®. Only approved FDA indication is for the "management of cystic fibrosis patients with Pseudomonas aeruginosa." Off label indications will be denied. Medical Exceptions granted only upon confirmation from prescriber of a diagnosis of cystic fibrosis.
- June 26, 2001—PACENET Expansion: Notified Providers that effective July 1, 2001, PACENET eligibility income limits have been increased. No change in PACE income limits.
- June 26, 2001—PACENET Expansion: Pharmacy poster with details of program changes.

- June 26, 2001—Legislative Changes: PACE Moratorium: Notified Providers that PACE cardholders whose eligibility was terminated in 2001 solely because of a Social Security cost-of-living-adjustment would be reinstated automatically in PACE. An automated process to be established to address PACENET claims for cardholders reinstated into PACE.
- July 6, 2001—GLEEVEC™: Notified Providers that Novartis Pharmaceutical's anti-cancer drug added to PACE drug file. Approved only for treatment of chronic myelogenous leukemia (CML) and not currently covered by Medicare. Provider should understand that PACE will ensure that drug is approved FDA indication and is prescribed in the approved dosage before authorizing payment.
- July 13, 2001—Cardholders with July 15, 2001 Ending Eligibility Dates: Notified providers of an extension of eligibility to August 21, 2001.
- July 20, 2001—Renagel®: Notified Providers that effective immediately, only Medical Exception documentation received from prescriber verifying calcium phosphate products of 70 or greater will be considered for the granting of medical exceptions.
- August 10, 2001—Baycol: Notifies Providers that effective August 9, 2001, PACE no longer reimburses for Baycol because of a voluntary manufacturer withdrawal of the product.
- August 24, 2001—PACE Moratorium Agreements: Notifies Providers of agreement mailings and of process involved in the provider refunding the cardholder and PACE reimbursing the provider due to the Moratorium.
- September 21, 2001—Broncholidlator Drugs: Notifies Providers that effective October 1, 2001, the restriction of denying at point-of-sale the reimbursement of these agents has been removed. Medicare remains primary payor. PACE continues to reimburse at 20%, the part not covered by Medicare.
- September 28, 2001—Miscellaneous Agents, Maximum Dosing Edit: Notifies providers that effective October 8, 2001, PACE will review several new agents. Patients whose prescribing regimen exceeds PACE maximum daily dose will have their prescriber contacted to obtain documentation to support dosing therapy.
- November 30, 2001—National Drug Code (NDC) Accuracy: Reminds Providers of their responsibilities in accurately reporting NDCs. Discusses prohibited acts. Providers with error rates greater than 50% may be subject to recovery audit and termination.
- December 14, 2001—Other Prescription Coverage Edit: Specifies proper use of "Other Coverage Code" field and identifies NCPDP claim denial responses in the event of improper submission.

PACE Provider Bulletins: 2000

- February 4, 2000—Medical Exception Authorization. Notified Providers that requests for Medical Exceptions for medications routinely prepared during non-processing hours will not be considered. Requests for Emergency Medical Exceptions for medications dispensed under exceptional circumstances during non-processing hours may be reviewed.
- February 4, 2000—Other Prescription Coverage. Notified Providers that effective February 14, 2000, PACE will edit claims for PACE cardholders identified by the following insurance carriers: Healthguard; Highmark; Qualmed; Health America; and KHP Central/Senior Blue. Claims submitted to PACE for cardholders identified by these companies will deny if the provider submits the claim with an incorrect Other Coverage value of "0"—"Not Specified" or "1"—"No Other Coverage Identified."
- February 11, 2000—Alupent® Billing. Notified Providers that to assist providers in maintaining billing consistency, PACE is changing its reimbursement calculation for Alupent® 14 gm-10ml, NDC 00597007017 from price per ml to price per gram, effective with dates of service of February 19, 2000 and thereafter. Providers submitting a claim for 1 inhaler of Alupent® 14 gm-10 ml, NDC 00597007017 should submit a quantity of 14 in the metric decimal quantity field.
- February 11, 2000—Medicare Billable Pharmaceuticals Additions. Notified Providers effective February 14, 2000, PACE will reject the following medications at the point-of-service: Synvisc®; Hyalgan®; Polygam®; Imovax®; Leukine®; and Aredia® because PACE has been advised that, with the proper diagnosis, physicians may submit these claims to Medicare.
- March 3, 2000—Duplicate Therapy Edit. Notified Providers that effective March 13, 2000 and thereafter, PACE is implementing a Duplicate Therapy Edit for benzodiazepines and miscellaneous sedative hypnotics.
- March 24, 2000—Non-Participating Manufacturers. Notified Providers of manufacturers not participating in the PACE Program.
- March 24, 2000—Propulsid® Boxed Warning Revision. Notified Providers that Janssen Pharmaceutica has notified physicians of important changes to its Boxed Warnings, Drug Interactions and Dosage and Administration sections. Highlights of the changes included: 1) A 12-lead ECG should be obtained before Propulsid® is administered; 2) Propulsid® should not be initiated if the QTs value exceeds 450 milliseconds; and 3) Propulsid® is contraindicated in patients with electrolyte disorders (hypokalemia, hypocalcemia and hypomagnesemia). Serum electrolytes should be assessed in diuretic-treated patients before initiating Propulsid® and periodically thereafter.
- March 24, 2000—Dentist Prescribers. Notified Providers that effective April 3, 2000, and thereafter, claims containing a dentist's license number in the prescriber license number field and submitted for pharmaceuticals other than antibiotics, analgesics, non-steroidals or fluoride preparations will reject with NCPDP Error 88, accompanied by the DUR response "CH".
- March 24, 2000—Duplicate Therapy Edit. Notified Providers effective April 17, 2000 and thereafter, PACE is augmenting its Duplicate Therapy Edit for Benzodiazepines and Miscellaneous Sedative Hypnotics with the inclusion of Ambien® and Sonata®.

- March 31, 2000—Oral Antidiabetic Agents. Notified Providers effective June 5, 2000 and thereafter PACE will review claims submitted for oral antidiabetic agents for maximum daily dose.
- March 31, 2000—Antirheumatic Drug Therapy. Notified Providers that effective June 5, 2000 and thereafter, PACE will review claims submitted for the antirheumatic drug etanercept (Enbrel®).
- March 31, 2000—COX-2 Inhibitors. Notified Providers that effective June 5, 2000 and thereafter, PACE will review claims submitted for the COX-2 inhibitors (Celebrex®) and rofecoxib (Vioxx®) for maximum daily dose.
- March 31, 2000—Antiplatelet Agent PLETAL®. Notified Providers effective June 5, 2000 and thereafter, PACE will review claims submitted for the antiplatelet agent cilostazol (Pletal®) for maximum daily dose of 200 mg.
- March 31, 2000—Skeletal Muscle Relaxants. Notified Providers effective June 5, 2000 and thereafter, PACE will review claims submitted for skeletal muscle relaxants for both maximum daily dose and duration of therapy.
- March 31, 2000—Rezulin®. Notified Providers that effective March 22, 2000 PACE no longer reimburses for Rezulin®. This action is in response to the Warner Lambert Company's voluntary withdrawal of Rezulin® from the marketplace on Tuesday, March 21, 2000.
- April 7, 2000—Propulsid® Reimbursement. Notified Providers effective April 10, 2000 PACE will deny all claims received for cisapride (Propulsid®). Physicians desiring their patients to continue taking cisapride (Propulsid®) have been advised they may request a Medical Exception. These exception requests will be considered only until the product is withdrawn from the market by Janssen Pharmaceutica effective July 14, 2000.
- April 7, 2000—Dispensing Date. Reminded Providers that claims are to be submitted to PACE on the date they are dispensed. Advised PACE Providers enrolled as Nursing Home Providers as well as those providers servicing nursing homes that effective with dates of service of June 1, 2000 and thereafter, claims submitted with incorrect dates of service will have those claims disallowed.
- May 12, 2000—Mandatory Substitution Dilantin®. Notified Providers effective May 22, 2000, PACE is mandating substitution for Dilantin®.
- May 12, 2000—Generic Refills. Reminder to Providers that Section 22.55(e) of Title 28 (Health and Safety) of the Pennsylvania Code states: "Prescription refills, where permitted by the practitioner, shall be completed using the identical product (same distributor and manufacturer) as dispensed on the original, unless the person presenting the prescription and the practitioner authorize, in advance, a different manufacturer's generic equivalent product. Advance authorization is not required in an emergency, but the physician shall be notified by the pharmacist as soon as possible thereafter."
- May 19, 2000—LOTROXEX®. Notified Providers that in the package insert that accompanies Lotronex®, Glaxo Wellcome Inc. states that "Lotronex® has NOT been shown to work in men with IBS."(Irritable Bowel Syndrome). Effective June 12, 2000, all claims for Lotronex® will be denied with NCPDP Code 70, PACE Code 055 "Drug not covered". At a future date this edit will be converted to a DUR drug—gender denial. In the interim, providers should contact Provider Services to receive a Medical Exception for female cardholders.
- May 19, 2000—Zyvox®. Notified Providers effective June 5, 2000, PACE will deny all claims for Zyvox®. Medical Exceptions for the antibiotic linezolid (Zyvox®) will only be considered upon receipt of the appropriate documentation from the cardholder's physician. Providers should note that no evidence supports Zyvox® for use in the management of antibiotic associated colitis (AAC). No medical exceptions will be approved prior to the receipt of supporting diagnostic and treatment information.
- May 26, 2000—Dispensing Date Update. Notified Providers enrolled as Nursing Home Providers and those who service nursing homes affected by the PACE Provider Bulletin of April 7, 2000, that the implementation date cited in this notification has been delayed thirty days until July 1, 2000.
- June 9, 2000—Provider Update: Generic substitution for Dilantin®: Notified Providers as stated in the Provider Bulletin of May 12, 2000, PACE notified the physicians of all PACE cardholders currently receiving Dilantin® of the impending mandatory substitution and provided a Medical Exception Form if the prescriber did not wish the cardholder to receive the generic.
- July 14, 2000—PACENET Deductible Reminder: Notified Providers that any providers refusing to submit PACENET deductible claims through the on-line claims adjudication system at the time of presentation or prior to dispensing the prescription are in violation of their PACE/PACENET Provider Agreement. Failure to abide by the terms and conditions of the Provider Agreement could result in provider termination and/or suspension of payments by the Department of Aging until such non-compliance is corrected.
- August 4, 2000—Dispensing Date & Nursing Home Providers: Notified Providers our Bulletin of April 7, 2000, instructed that all claims for cardholders residing in nursing homes are to be submitted to PACE on the date that they are dispensed. Subsequently, the Department has reviewed issues raised by nursing home providers and providers who service nursing homes regarding this requirement. Although the Department recognizes that it cannot dictate a nursing home's medication dispensing policy, the Program does encourage the submission of claims for those chronic maintenance drugs to be on a monthly basis. The authorizations apply ONLY to those cardholders residing in nursing homes who are subject to the nursing home's controlled environment and internal drug utilization review policy.
- August 18, 2000—Vaniqa®: Notified Providers that PACE will NOT reimburse for Bristol- Myers Squibb and Gillette's Vaniqa® (eflornithine HCL) cream recently approved by the FDA for the treatment of unwanted facial hair in women.
- September 15, 2000—Other Prescription Coverage: Notified Providers that effective October 16, 2000, PACE will edit claims for PACE cardholders with dual coverage. Providers enrolled in other third party point-of-sale prescription plans must have the ability to "dual bill." PACE is to be billed after the claim is adjudicated by the primary insurer but prior to dispensing.

- November 10, 2000—Reminder of Other Prescription Coverage: Notified Providers that PACE denies claims for cardholders identified as having other insurance if the provider submits the claim with an incorrect “other coverage” value.
- December 1, 2000—Manufacturers’ Rebate: Notified Providers that Act 128-1992 amending the Lottery Fund Preservation Act, in part, requires all pharmaceutical manufacturers to have in effect a rebate agreement with the PACE Program if they wish to have their products covered. Sidmak Laboratories, Labeler Code 50111 is being added to PACE’s non-participating list. Sidmak’s products are no longer reimbursable effective December 18, 2000.
- December 15, 2000—Sidmak Laboratories Reinstatement: Notified Providers that the Department of Aging advises that Sidmak Laboratories, Labeler Code 50111 will continue to participate in the Manufacturers’ Rebate Program. Providers should disregard the previous December 18, 2000 termination announcement.

PACE Provider Bulletins: 1999

- 2/19/99: Kytril® and Zofran®: Reminder to providers that PACE will reimburse only on the 20% not reimbursed by DMER
- 2/19/99: Optometrists’s Prescribing Privileges: Provides PACE Providers with a list of medications permitted by Department of Health regulation to be prescribed by optometrists. Warns providers to not dispense and bill the Program for pharmaceuticals that are prohibited by regulation from being prescribed by optometrists.
- 2/19/99: Optometrist’s License Numbers: Notifies providers that Optometrists certified to prescribe and administer pharmaceutical agents for therapeutic purposes under section 4.1 of the Optometric Practice and Licensure Act are being issued a license with a suffix of “T.”
- 3/5/99: PACENET Deductible: Reminder to PACE Providers that the \$500 PACENET deductible is accumulated based on each individual cardholder’s enrollment year; not the calendar year.
- 4/9/99: Notified PACE Providers that effective May 14, 1999, PACE will mandate substitution on the following medications: Lasix®, Depakene®, Mysoline®, Quinaglute Dura-tabs®, Mexitil®, Tegretol® and all sustained-release Theophylline preparations.
- 4/9/99: Betoptic® Solution: Notified PACE Providers that Alcon Laboratories had informed PACE that it had discontinued production of Betoptic® solution in the 2.5 and 5 ml sizes.
- 4/30/99: Propulsid® Drug to Drug Interactions: Notifies providers that effective May 10, 1999, PACE will review history across all providers and reject all prescriptions in the drug classes which are contraindicated for patients using Propulsid.
- 5/7/99: Drug Utilization Review Program: Notified Providers that effective May 15, 1999, several new and revised maximum daily dose criteria, duration criteria and duplicate criteria will be added to the PACE ProDUR Program.
- 7/2/99: Trovan®(Trovafoxacin/Alatrofoxacin Mesylate): Notified Providers that effective July 6, 1999, PACE will deny all claims for Trovan®. In accordance with FDA recommendations, PACE will reimburse for Trovan® only through the Medical Exception Process.
- 7/2/99: Medicare Reimbursable Chemotherapeutics: Notified Providers that effective July 12, 1999, the following pharmaceuticals will be included with those products being reimbursed by the PACE/PACENET Program at 20%: Oaklide® and Neumega®
- July 16, 1999—HISMANAL®. Notified Providers that effective July 26, 1999, PACE will no longer reimburse for HISMANAL®. This action is in response to Janssen Pharmaceutica informing the U.S. Food and Drug Administration that it has voluntarily decided to discontinue the manufacturing and distribution of HISMANAL® 10 mg tablets.
- July 16, 1999—Cellcept® and Prograf®. Notified Providers that effective July 26, 1999, PACE claims for Cellcept® and Prograf® may be submitted to the Program using the PACE On-Line Claims Adjudication System (POCAS) Medical Exception process.
- July 16, 1999—Drug Utilization Review Program Anti-obesity Agents. Notified Providers that effective July 26, 1999, maximum dose and initial duration of therapy criteria will be added to the PACE ProDUR Program specifically for the anti-obesity class of medication.
- September 3, 1999—NEORAL® and SANDIMMUNE®. Notified Providers that effective September 13, 1999, PACE claims for Neoral® and Sandimmune® will be adjudicated by the Program using the PACE On-Line Claims Adjudication System (POCAS) Medical Exception process.
- October 20, 1999—Other Prescription Coverage. Notified Providers effective November 1, 1999, PACE cardholders identified by Highmark as possessing Security Blue prescription coverage, will have their claims denied by PACE IF the provider submits the claim with an incorrect Other Coverage value of: “0”—“Not Specified” or “1”—“No Other Coverage Identified.”
- October 29, 1999—Multiple Point of Service Billing. Notified Providers whose software does not permit dual or multiple point-of-sale submissions may not bill cardholders for medications submitted to PACE after dispensing and experiencing a subsequent denial.
- November 5, 1999—RAXAR®. Notified Providers that Glaxo Wellcome has announced the voluntary withdrawal of RAXAR® tablets from the market. Any claims submitted for RAXAR® on or after November 3, 1999 will deny.
- November 19, 1999—PACENET Cardholders and Other Prescription Coverage. Reminded Providers that claims submitted to PACE during the PACENET cardholder’s deductible period are to contain the dollar amount paid by the

PACENET cardholder for the prescription. The out of pocket expense, borne by the cardholder, is the amount the Program accumulates toward the cardholder's \$500 deductible.

- December 3, 1999—Medicare Reimbursable Agents. Notified Providers that effective December 13, 1999, PACE will deny claims submitted for all Medicare Reimbursable Agents. Providers attempting to bill for these products may contact Provider Services for a Medical Exception.

PACE Provider Bulletins: 1998

- 2/13/98: PACENET Deductible: Reminder to Providers that the PACENET \$500 deductible is accumulated based on each individual's enrollment year, not the calendar year. 2/13/98: PACE Required Documentation for "Brand Medically Necessary" (DAW Code 1) Prescriptions: Reminder to Providers who are being reimbursed for a Brand Name product having an A-rated generic because the Program has granted a cardholder medical exception or because the Program has elected not to require substitution must, by PACE regulation, have at the time of dispensing, a prescription on which the prescriber has handwritten "Brand Medically Necessary" or "Brand Necessary."
- 2/13/98: Clozapine (Clozaril): Notified Providers that Clozaril is subject to the PACE Program's mandatory substitution requirement. Generic clozapine is available from Zenith Goldline Pharmaceuticals.
- 2/13/98: Use of NDC Codes and Calculation of Reimbursement: Reminder to PACE Providers that all claims submitted to the Program for reimbursement must accurately report the labeler code and product code of the drug dispensed. Reimbursement paid by the PACE Program will be based upon the package size as reported by the Provider.
- 2/20/98: Other Prescription Coverage: Notified Providers that EOB Message "041—Billable to Other Payor" will soon be rejected with an Error Code 041.
- 2/27/98: Bromfenac Sodium Capsules (DURACT): Reminder to Providers that DURACT is only intended for the short term (10 days or less) management of acute pain and is not indicated for long term use. Notified Providers effective March 2, 1998 PACE will reject all claims for DURACT at the point of sale. A one-time medical exception will be considered, upon request from the Provider, for a maximum 10-day supply at a maximum dose that does not exceed 150 mg per day. Written correspondence from the cardholder's physician will be necessary for reimbursement beyond ten days.
- 2/27/98: Mibefradil Dihydrochloride (POSICOR): Notified Providers of advisory issued by Roche Laboratories Inc. of reported cases of interaction of POSICOR with certain HMG-CoA Reductase Inhibitors. PACE claims for POSICOR identified as being coadministered with either lovastatin or simvastatin will reject with the NCPDP Error "88, DUR Reject"; PACE Error Code "706," accompanied with the Conflict Code "DD," the free text message of "DRUG-DRUG," and the NDC of the drug in conflict.
- 4/10/98: PACE Cardholders Enrolled in Medicare HMO's: Reminder to Providers that PACE Cardholders enrolled in Medicare certified HMO's are entitled to the same prescription medications under the Medicare certified HMO as those covered under Medicare Part "B." This entitlement is not affected by a cardholder's decision not to subscribe to supplemental HMO offered prescription coverage.
- 4/17/98: Drug Utilization Review Program: Notified Providers effective April 22, 1998, several new maximum daily dose criteria, duration criteria and duplicate therapy criteria will be added to the PACE ProDUR Program. The criteria is as follows: Mibefradil HCl (POSICOR) 100 mg maximum dose/duplicate therapy edit; Carvedilol (Coreg) 100 mg maximum dose/duplicate therapy edit; Losartan (Cozaar) 100 mg maximum dose/duplicate therapy edit with the ACE Inhibitors; Quetiapine (Seroquel) 400 mg maximum dose; Hydrocodone and Ibuprofen (Vicoprofen) 37.5 mg maximum dose/duration edit: 10 days out of every 30.
- 4/25/98: Mandatory Substitution Diltiazem Extended Release Capsules: Notified Providers effective April 29, 1998, the PACE Program will begin mandating substitution of Dilacor XR and Cardizem SR. This is a result of information received from the FDA granting therapeutic equivalence to capsules manufactured by Mylan Pharmaceuticals, Watson Labs, Andrx and Teva Pharmaceuticals.
- 5/8/98: Early Refill Edit: Notified Providers effective May 19, 1998, the additional classes will be added to the early refill edit: Intranasal Steroids; Topical Corticosteroids—Single Entity; Anti-diabetic Agents—Insulins; Bronchodilators; Conjugated Estrogens; Estrogens—Transdermal Patches; and Opiates. Reimbursement will not be made until 75% of the medication has been used.
- 5/22/98: Drug Utilization Review Program: Notified Providers effective May 26, 1998 several new criteria will be added to the PACE ProDUR Program and applied to all claims submitted on or after this date for the medication Viagra. The criteria added are: maximum daily dose of 50 mg. Claims submitted for greater than 50 mg daily will require a diagnosis and approval through the PACE medical exception process. Duration of therapy will be thirty tablets per month. PACE will only reimburse claims submitted for male cardholders. Claims submitted for female cardholders will be reversed.
- 6/1/98: Drug Utilization Review Program: Notified Providers that Pfizer, Inc. has recently reiterated that patients taking nitrates in any form, including nitroglycerin and long-acting nitrates commonly used for chest pain, should not take Viagra. PACE will reject prescriptions for Viagra and Nitroglycerin at the point-of-sale in order to comply with this guideline for appropriate use.
- 6/12/98: RECALL: Notified Providers that a Voluntary Class I recall has been initiated by Meridian Medical Technologies, manufacturer of both Epipen and Epipen Jr. Auto-Injectors. All PACE cardholders for whom reimbursement was made during this period have been instructed to return their product to their pharmacy for a lot number review.

- 6/12/98: RECALL: POSICOR—Notified Providers that Roche Laboratories Inc. is withdrawing POSICOR from the market effective June 8, 1998. The PACE Program will deny reimbursement for claims submitted with dates of service of June 9, 1998 or thereafter will be denied.
- 6/19/98: Cholinesterase Inhibitors: Notified Providers that effective June 22, 1998, several new maximum initial dose and maximum daily dose criteria will be added to the PACE ProDUR Program. The criteria added are for Tacrine (Cognex®), initial maximum dose 40 mg/6 weeks; 80 mg/6 weeks; 120 mg/6 weeks and a maximum dose of 160 mg; and Donepezil (Aricept®), initial maximum dose 5 mg and a maximum dose of 10 mg.
- 6/26/98: DURACT®: Notified Providers that effective June 22, 1998, Wyeth-Ayerst Laboratories is withdrawing Duract® capsules from the market. Accordingly, any Duract® claim submitted to PACE after June 22, 1998 is being denied.
- 6/26/98: Early Refill Edit Applied to Ophthalmics: Notified Providers that effective July 6, 1998, PACE is applying the early refill edit criteria to ophthalmic preparations requiring that at least 75% of the medication, based on the day's supply submitted on the previous claim, has been used before PACE will consider reimbursement for a prescription refill.
- 12/11/98: Meridia® Drug to Drug Interactions: Notified Providers that in order to comply with the manufacturers' warnings that Meridia® should not be used concomitantly with MAOI's (at least a two week interval after stopping an MAOI before commencing with Meridia®), PACE will review history across providers and reject all prescriptions for Nardil, Eldepryl and Parnate at the point of sale.
- 12/31/98: Drug Utilization Review Program: Notified Providers that effective January 4, 1999, revised criteria will be added to the PACE ProDUR Program and applied to all claims submitted on or after this date for the medication Viagra®. The criteria is as follows: Maximum Daily Dose—50 mg; Duration of Therapy decreased from thirty to eight tablets per month.

PACE Provider Bulletins: 1997

- 02/07/97: Brand Medically Necessary Update: Notified Providers that effective immediately PACE is no longer mandating generic reimbursement on the following brand medications: Lasix, Depakene, Tegretol, Mysoline, Quinaglute Duratabs (Quinidine Gluconate), Pronestyl SR, Mexitil and All Sustained Release Theophylline Preparations.
- 02/14/97: Mandatory Substitution Nitroglycerin Transdermal Patch: Notified Providers that effective February 21, 1997, the PACE Program will be mandating substitution on both Nitro-Dur and Transderm-Nitro.
- 03/01/97: PACENET: Reminder to Providers to encourage their older customers to make application for the new PACENET Program. Bulletin includes income requirements, information regarding the crediting of out-of-pocket expenses; use of 1997 PACE applications to apply for both PACE and PACENET and a reminder to discard the old 1996 enrollment applications.
- 03/28/97: Drug Utilization Review Program: Notified Providers that effective April 14, 1997, PACE will be adding new criteria to our Prospective Drug Utilization Review Program for HMG Co-A Reductase Inhibitors.
- 05/09/97: PACENET Claim Submission: Provides explanation to Providers regarding the \$500 deductible and submission of out-of-pocket prescription expenses for PACENET cardholders.
- 06/20/97: Claim Timeliness: Reminder to Providers that PACE claims are to be submitted on the date of dispensing.
- 07/11/97: Fragmin: Notified Providers that on July 18, 1997, PACE would reimburse claims submitted for Fragmin only when being prescribed for the prevention of deep venous thrombosis, which may lead to a pulmonary embolism following abdominal surgery or hip replacement. Further, since Fragmin is indicated for short-term treatment (five to ten days), PACE would apply a duration of therapy edit of not greater than 14 days to all incoming claims.
- 8/7/97: Generic Update: Ranitidine: Notified Providers that Ranitidine currently being manufactured by Novopharm and Geneva is now available as a therapeutically equivalent generic for Zantac and effective Friday, August 15, 1997, PACE would be mandating substitution on Ranitidine.
- 8/7/97: 1997 Pharmacy Licensure: Reminder to Pharmacies that current pharmacy licenses expire August 31, 1997 and that PACE Regulations mandate that, "Only pharmacies and dispensing physicians that are currently licensed by the Commonwealth are eligible to participate as providers in the PACE Program."
- 8/15/97: PACENET Claims: Reminder to Providers that they must submit all PACENET Cardholder prescription claims on POCAS to permit the accurate recording of the amount accumulating toward the \$500 deductible.
- 8/15/97: Other Prescription Coverage: Reminder to Providers that, by statute, the PACE Program is the payor of last resort and will accept responsibility only for those costs not covered by the cardholder's other prescription drug benefit program.
- 8/15/97: Notified Providers effective August 18, 1997, several new maximum dose criteria will be added to the PACE ProDUR Program. These new additions are: 1) Maximum daily dose and duplicate therapy (with ACE inhibitors) edit for angiotensin II antagonist inhibitor: Valsartan (Diovan) 320 mg; 2) Maximum initial dose and maximum daily dose for antipsychotic agent Olanzapine (Zyprexa) 2.5 mg (initial) 10 mg (maximum); 3) Maximum daily dose and duplicate therapy for the HMG Co-A Reductase Inhibitor: Atorvastatin (Lipitor) 80 mg (maximum); 4) Maximum daily dose and duplicate therapy for the beta blocker: Cavedilol (Coreg) 100 mg (maximum); 5) Maximum initial dose and maximum daily dose for the antidepressant: Mirtazapine (Remeron) 15 mg (initial) 45 (maximum); 6) Maximum dose and duplicate therapy for the calcium channel blocker Nisoldipine (Sular) 60 mg (maximum); and 7) Maximum initial dose and maximum daily dose for the antipsychotic: Clozapine (Clozaril) 25 mg (initial) 100 mg (maximum).
- 8/29/97: Updated listing of Non-Participating Manufacturers.

- 9/12/97: Reinstatement of Common Package Size: Notified Providers effective September 15, 1997, PACE will reinstate the Common Package Size pricing which was discontinued in November, 1996.
- 9/19/97: Audit Issues: Reminder to Providers their responsibilities regarding voiding claims' payments for prescriptions that are not picked up by cardholders as well as maintaining an accurate, current signature log to identify the individuals who are receiving the PACE prescriptions dispensed by the Provider.
- 9/19/97: DAW/Product Selection Code: Reminder to Providers of the five codes used by POCAS.
- 10/3/97: Injectable Chemotherapy Antineoplastics: Reminder to Providers that Injectable chemotherapeutic antineoplastic claims are only reimbursed based on the 20% not covered by Medicare.
- 10/3/97: Claim Submission Timeliness: Reminder to Providers that they are required by contract to submit claims prior to dispensing.
- 10/17/97: Other Prescription Coverage: Notification to Providers effective November 3, 1997, PACE is implementing edit criteria to ensure compliance with the Program's requirement of billing other prescription plans prior to billing PACE. Providers entering a TPL indicator identifying "no other coverage" for a cardholder identified as having other prescription coverage will have the claim denied with the NCPDP Error Code 41 "Submit Bill to Other Payor."
- 11/14/97: Drug Utilization Review Program: Notified Providers effective November 24, 1997, the following new maximum daily dose criteria will be added to the PACE ProDUR Program: Maximum daily dose edit for the centrally acting analgesic Tramadol (Ultram) 300 mg maximum for individuals 75 years of age or older and 400 mg for individuals younger than 75 years.
- 11/14/97: Drug Utilization Review Program: Notified Providers effective November 24, 1997, the following new maximum daily dose criteria will be added to the PACE ProDUR Program: Edits for the miscellaneous sedative/hypnotics are as follows: Amobarbital (Amytal) 200 mg; Butobarbital (Butisol) 100 mg; Chloral Hydrate 1 gm; Pentobarbital (Nembutal) 100 mg; Ethchlorvynol (Placidyl) 500 mg; Secobarbital (Seconal) 100 mg; Amobarbital/Secobarbital (Tuinal) 50/50 mg.
- 11/21/97: Reminder to PACE Providers to review their Remittance Advice and to pay particular attention to those claims with Message Codes 041 and 918, which address those claims for cardholders with other prescription coverage.
- 11/21/97: Oral Anti-Nausea Medication: Notified Providers effective December 1, 1997, PACE will be reimbursing only 20% of the Average Wholesale Price of oral formulations of Kytril and Zofran. Remaining cost of the drug will have to be submitted to the regional Medicare carrier, United Health Care in Wilkes-Barre for reimbursement.
- 12/26/97: Reminder to PACE Providers that claims submitted for brand name pharmaceuticals having an A-rated generic therapeutic equivalent will be denied unless a medical exception is granted or PACE does not mandate substitution for the product. PACE does not require substitution on these products with A-rated generics Warfarin Sodium (Coumadin); Carbamazepine (Tegretol); Phenytoin (Dilantin); or Furosemide (Lasix).

PACE Provider Bulletins: 1996

- 1/08/96: Prilosec and Prevacid: Notified Providers these drugs would be edited for maximum duration for all claims dispensed on or after January 8, 1996.
- 1/26/96: Non-Participating Manufacturer List.
- 5/24/96: Biaxin Filmtabs (NDC: 00074248660): Notified providers of an error on the formulary file from 1/22/96 to 3/21/96.
- 5/24/96: Solopak Pharmaceuticals: Notified providers that Labeler Codes 39769 and 59747 would be participating in the PACE Program.
- 7/12/96: PACE Cardholders with PEBTF Prescription Coverage: Notified Providers that PACE Cardholders with drug coverage through the Commonwealth's Retired Employees Health Plan had been notified they were being canceled from the PACE Program.
- 8/2/96: Other Insurance Coverage: Reminder to Providers to exercise reasonable diligence in ascertaining the existence of other prescription benefits before billing the PACE Program.
- 10/18/96: Injectable Chemotherapeutics: Reimbursement restrictions (20% of Average Wholesale Price) applied to injectable chemotherapy medications when administered through a home infusion pump or in a physician's office.
- 10/18/96: Vaccine Reimbursement: Notified Providers of a change in the reimbursement of vaccines to be implemented on November 11, 1996 for claims with a date-of-service on or after that date. The change is as follows: Vaccines used to provide immunization against pneumococcal pneumonia and influenza will no longer be reimbursed by the PACE Program. Vaccines used to provide immunization against hepatitis B will be reimbursed at 20% of the Average Wholesale Price.
- 10/18/96: Bronchodilator Drugs: Notified Providers that effective November 11, 1996, PACE will begin reimbursing only 20% of Average Wholesale Price for the following products: Acetylcysteine 10%; Acetylcysteine 20%; Albuterol Sulfate 0.083%; Albuterol Sulfate 0.5%; Cromolyn Sodium; Isoetharine HCl 0.1%; Isoetharine HCl 0.125%; Isoetharine HCl 0.167%; Isoetharine HCl 0.2%; Isoetharine HCl 0.25%; Isoetharine HCl 1.0%; Isoproterenol HCl 0.5%; Isoproterenol HCl 1.0%; Metaproterenol Sulfate 0.4%; Metaproterenol Sulfate 0.6%; and Metaproterenol Sulfate 5.0%.
- 11/21/96: PACE Legislative Changes: Notified Providers of increased income limits (\$14,000 maximum for singles and \$17,200 maximum for married); and Mandatory Substitution of A-Rated Multiple-source products.
- 11/21/96: PACENET Requirements: Notified Providers of income limits for PACENET cardholders (Between \$14,000 and \$16,000 if single; Between \$17,200 and \$19,200 if married); Annual Deductible (\$500 per person) which PACE

Providers are expected to enter PACENET Enrollee's out-of-pocket prescription expenses in POCAS; Mandatory Copayments (\$8 per prescription for non-innovator, multiple-source (generic) products; and \$15 per prescription for single-source and innovator multiple-source products); Mandatory Substitution of A-Rated Multiple-source products after deductible is met; and the claims reimbursement formula for PACENET claims would be AWP - 10% + \$3.50 dispensing fee.

- 11/22/96: Third Party Liability: Notified Providers that a PACE cardholder's I.D. card could currently contain two indicators that may affect coverage. The first indicator is a "Y" appearing in the lower right quadrant of the I.D. card meaning the cardholder has informed PACE that they have other third party insurance that is to be billed before PACE. The second indicator is an "L" appearing in the lower right quadrant of the I.D. card. This "L" means the cardholder has been restricted into receiving their PACE benefits at one specific provider.
- 11/22/96: Lovenox: Notified Providers that effective December 9, 1996, PACE will reimburse claims submitted for Lovenox only when being prescribed for the prevention of deep venous thrombosis, which may lead to a pulmonary embolism following hip or knee replacement surgery or general surgery which includes abdominal, gynecologic, urologic or thoracic. Further, since Lovenox is indicated for short-term treatment (seven to ten days), the Program will apply a duration edit of not greater than 14 days to all incoming claims.
- 11/22/96: Oral Vancomycin: Notified Providers that PACE would be applying a duration of therapy edit of not greater than 14 days for all incoming claims for oral Vancomycin.
- 11/22/96: Bronchodilator Drug Update: Reminder for Providers that reimbursement for the bronchodilator solutions used in either IPPB machines or nebulizers is limited to 20% of the Average Wholesale Price by PACE and suggested that Providers who do not currently have a Medicare provider number contact the National Supplier Clearinghouse in North Carolina to request an application.
- 11/22/96: Non-Participating Manufacturers effective November 27, 1996.
- 12/01/96: Processing PACENET Claims: Provides information to assist pharmacies in the processing of claims for cardholders enrolled in PACENET.
- 12/13/96: Imitrex Tablets: Notified Providers that effective December 30, 1996, all claims for Imitrex will not be reimbursed for a quantity greater than nine or a days' supply less than or equal to 25.
- 12/13/96: Nimotop: Notified Providers that effective December 30, 1996, claims for Nimotop will be denied at the point-of-sale. After determining the diagnosis, providers can contact the POCAS operators and obtain a Medical Exception. Although this medication is approved only for use in subarachnoid hemorrhage, there are several other off-label uses for which reimbursement will be made.
- 12/13/96: Revision: Non-Participating Manufacturer List.
- 12/20/96: Mandatory Generic Substitution: Advises providers to direct cardholder questions about the new mandatory substitution policy to the Cardholder Services toll-free number (1-800-225-7223)

PACE Provider Bulletins: 1995

- 1/6/95: Drug Utilization Review Program: Addition of new criteria for antidepressants, antipsychotics and benzodiazepines.
- 2/17/95: Antidepressants, Antipsychotics and Benzodiazepines: Reminder to Pharmacy to carefully review both the reject codes and accompanying messages.
- 2/24/95: Toradol: Reimbursement restrictions.
- 2/24/95: Minitran: 30-day supply limit.
- 3/95: PACE Drug Utilization Review Criteria.
- 3/3/95: Medicare Update: Extended coverage for prescription drugs used in immunosuppressive therapy to three years following hospital discharge for an organ transplant.
- 3/3/95: Maximum Initial Dose for selected antipsychotic, antidepressant or benzodiazepine agents.
- 3/27/95: Non-Sedating Antihistamines and Oral Antifungals Coadministration is Contraindicated. PACE will reject claims for Seldane, Seldane-D, Hismanal, Claritin, Claritin-D, Diflucan, Nizoral and Sporanox.
- 3/95: Third Party Billing Reminder: PACE is payer of last resort, pharmacy must bill other third parties first.
- 5/5/95: Brand Patent Expirations/Generic Substitutions.
- 7/95: CellCept Billing Instructions.
- 7/1/95: Claims Submissions: 90-day limit to file claims for reimbursement.
- 8/1/95: Injectable Chemotherapeutics: Effective 9/1/95 PACE Reimbursement for list of injectable chemotherapeutics limited to 20% of AWP.
- 8/18/95: Non-Participating Manufacturer List.
- 8/18/95: Drug Utilization Review Program: New maximum dose criteria added to the PACE ProDur Program effective 8/28/95—Nefazodone (Serzone) 600 mg/day; Fluvoxamine (Luvox) 50 mg/day (initial) and 300 mg/day (maximum); Lansoprazole (Prevacid) 30 mg/day.
- 9/1/95: Common Package Size Reimbursement Listing.
- 9/1/95: Epoetin Alfa (EPO) Injections: Effective 9/11/95 PACE reimbursing only 20% of AWP for Epogen and Procrit.

- 9/6/95: Early Refill Edit: Additional classes added to the Early Refill Edit.
- 9/22/95: Drug Utilization Review Program: Effective 9/25/95 duplicate therapy edit applied to the following class of drugs: Proton Pump Inhibitors—Prilosec and Prevacid.
- 10/95: PACE POCAS Telecommunications Number: New direct number available to pharmacy providers for Primary Claim Submission: 950-5545.

PACE Provider Bulletins: 1994

- 2/8/94: Reimbursement Criteria for Temazepam (effective 3/1/94).
- 5/23/94: Glyburide: Mandatory Substitution of Micronase and Diabeta.
- 5/94: Prograf Billing Instructions
- 5/94: Ophthalmics: Days Supply Provisions
- 5/94: Betaseron Billing Instructions
- 7/1/94 Ophthalmics: Noted billing discrepancies regarding pharmacies reporting of the days supply.
- 7/23/94: Narrow Therapeutic Index Exemption Listing (Revised)
- 8/94: Incorrect Physician License Numbers: Notice to Pharmacy Providers of Procedures to Disallow Claims Submitted with Wrong Prescriber I.D.
- 8/19/94: Physician/Medical Assistants: PACE Reimbursement of Prescriptions Written by Physician Assistants.
- 9/23/94: Serevent: PACE will no longer reimburse for more than 13 gm of Serevent per prescription.
- 9/26/94: Febatol—No PACE Reimbursement after 12/26/94.
- 9/30/94: Manufacturers' Rebate Update
- 10/3/94: DAW/Product Selection Code (Revised)
- 10/21/94: Oral Contraceptives: Effective 10/30/94 PACE no longer reimburses except through the Medical Exception process.
- 10/21/94: New Maximum Dose Criteria Added to the PACE ProDUR Program: Maximum daily dose and duplicate therapy criteria for NSAIDs (Trilisate; Disalcid; and Cataflam) and maximum daily dose criteria for miscellaneous anti-ulcer preparations (Propulsid and Reglan).
- 11/18/94: Oral Chemotherapeutics: Effective 12/15/94 PACE reimburses only 20% of AWP for Cyclophosphamide 25 mg/oral; Cytosan 50 mg/oral; Etoposide/Vepesid 50 mg/oral; and Melphalan/Alkeran 2 mg/oral.
- 12/2/94: 30-Day Supply Requirement: Humulin and Solganal.

PACE Provider Bulletins: 1993

- 1/1/93: PACE Legislative Changes Effective 1/1/93
 - Dispense as Written (DAW) Codes
 - Mandatory Generic Substitution when an "A" rated generic therapeutically equivalent drug is available.
 - Pricing Information
 - Consultation Fee Discontinued
- 2/28/93: Deadline for PACE Provider Reenrollment and Conversion to 3.2 NCPDP Telecommunications Standard for PACE. Telecommunications Standard for Claims Submission.
- 3/1/93: Standard Error Codes
- 3/1/93: Early Refill Edit
- 3/1/93: Halcion Error Code Revisions
- 3/1/93: Processing Requirements: Conversion to NCPDP Version 3.2
- 3/19/93: POCAS System Maintenance on 4/10/93 and 4/11/93.
- 5/14/93: Delay in Provider Reimbursement
- 5/21/93: Change in the ProDUR screening criteria for H2 Receptor Antagonists effective 6/1/93.
- 6/28/93: Implementation of PACE ProDUR Changes:
 - Maximum daily dose for NSAIDs
 - Maximum daily dose for Omeprazole, Sucralfate and Misoprostol.
 - Maximum daily dosage allowed for Famotidine (Pepcid) changed from 80 mg/day to 40 mg/day.
- 6/28/93: Claims Processing Procedures When POCAS Is Not Available.
- 7/1/93: Non-Participating Manufacturers List
- 7/23/93: 30-Day Supply Requirements
- 7/23/93: Narrow Therapeutic Index Exemption Listing (Revised)
- 9/28/93: Manufacturers Rebate Update (Non-Participating Manufacturer List, effective 10/5/93 was attached.)

PACE Provider Bulletins: 1992

- 4/92: Provider Training Seminars (5/11/92 through 7/2/92)
- 5/29/92: Manufacturers' Rebate News: Center Laboratories
- 6/19/92: Manufacturers' Rebate News: Roxane Laboratories, Inc.
 - Astra Pharmaceutical Products
 - Ocumed
 - IPR Pharmaceutical
 - Immunex Corporation
- 8/16/92: PACE Rescue Plan: Implementation of ProDUR; NCPDP Version 3.2 and related Program Changes
- 9/92: Dixon-Shane recoupments/pharmacy credits.
- 11/9/92: PACE Pharmacy Provider Manual
- 12/23/92: Narrow Therapeutic Index Exemption Listing
- 12/92: Generic Substitution on Oral Prescriptions (Included Poster and Informational Flyers).

PACE Provider Bulletins: 1991

- 6/21/91: Co-Pay Change (\$4 to \$6 effective 7/1/91)
- 8/14/91: General Program Issues: Claims Payment
 - Cardholder Eligibility Changes (Income Eligibility Changed to \$13,000 for Single and \$16,200 for Married Couples)
 - Nursing Home Providers
 - Cosmetic Drugs (Effective 10/1/91 claims for Rogaine and Retin-A no longer paid)
 - Paper Claims (Only claims for Compound Drugs or claims whose Quantity is in Excess of 9999 accepted as paper claims)
 - Persantine and Dipyridamole (These two drugs must have an indication on the prescription that it is being used as an adjunct to Coumadin anticoagulants for the prevention of postoperative thromboembolic complications of cardiac valve replacement in order to be allowed payment by (PACE).
 - Audit Issues (Telephone Prescriptions and Brand Medically Necessary Requirements).
- 8/21/91: Final Instructions Concerning the PACE On-line Claims Adjudication System (POCAS).
- 9/27/91: Billing Instructions Cosmetic Drugs Exception Claim Processing POCAS, post payment review Nursing Home Claims

DIVISION OF CONSUMER PROTECTION

Contact: Robert Hussar, Division Chief (717)-783-6207

Current Aging Program Directives

Provided below is a comprehensive list of current Aging Program Directives. Directives which do not appear on the list are no longer in effect. Current directives are as follows:

Program Area 01—"AAA Administration"

- 88-01-07 Personnel Action Plan for Private Non-Profit Area Agencies on Aging (AAA)
- 91-01-01 Certification and Disclosure Regarding Lobbying
- 91-01-05 Area Agency on Aging Involvement in Corporate Eldercare Activities
- 92-01-01 Single Audit Act Audit Requirements
- 92-01-06 Minimum Standards for Governing Boards of Private Non-Profit Area Agencies on Aging
- 93-01-04 Providing AAA Funded Services to Domiciliary Care and Personal Care Home Residents
- 94-01-02 Indirect Cost Policy for Department of Aging Contracts
- 94-01-04 Department of Aging Heat Emergency Plan
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- 97-01-02 Accounting Manual For AAA Programs
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following are individual chapters from the Manual. They contain a significant number of appendices, which are not yet displayed. They will be added to this site in the near future. In the meantime, please contact the Department at 717-783-6207 for additional information.)

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AGRICULTURE

POLICY STATEMENTS:**Bureau of Administrative Services**

- Right-to-Know Procedures—Public Access to Information

Contact: Derek Ruhl (717-783-3577)

Bureau of Animal Health and Diagnostic Services

- Scrapie Containment and Eradication Strategy

Contact: Dr. Paul Knepley (717-783-8300)

- Chronic Wasting Disease Containment and Eradication Strategy

Contact: Dr. Paul Knepley (717-783-8300)

Bureau of Flood Distribution

- Allowable Uses of State Food Purchase Program Capital Asset Program (CAP) Monies

Contact: Sandy Hopple (717-772-2693)

Bureau of Market Development

- Instructions for Completion of Application for Capital Improvement Matching Funds Grant

Contact: Brant Bickel (717-787-5342)

- Guidelines: Agricultural and Rural Youth Grant Program Direct and Matching Grants

Contact: Brant Bickel (717-787-5342)

Pennsylvania State Harness Racing Commission

- Licensing Procedures and Standards for Applicants

Contact: Anton J. Leppler (717-787-5196)

Pennsylvania Horse Racing Commission

- Licensing Procedures and Standards for Applicants

Contact: Benjamin H. Nolt, Jr. (717-787-1942)

Pennsylvania State Conservation Commission

- Pennsylvania's Nutrient Management Plan Implementation Grants Program Application Form and Guidelines

Contact: Karl Brown (717-787-8821)

- Pennsylvania's Nutrient Management Act Technical Manual

Contact: Karl Brown (717-787-8821)

- Nutrient Management Program Administrative Manual

Contact: Karl Brown (717-787-8821)

GUIDANCE MANUALS:**Bureau of Animal Health and Diagnostic Services**

- Pennsylvania Animal Diagnostic Laboratory System User Guide

Contact: Dr. Helen Acland (717-787-8808)

Bureau of Food Distribution

- Farmers Market Nutrition Program—Farmer/Vendor Procedure Manual

- Woman, Infants and Children ("WIC") Clinic Procedure Manual

- Self Declaration of Need: Income Poverty Guidelines for TEFAP

Contact: Sandy Hopple (717-772-2693)

Bureau of Food Safety and Laboratory Services

- rBST Labeling Information

- Application to Install or Remodel a Milking System

- Supplement to a Farm Refrigerated Bulk Milk Storage Tank and/or a Precooler Installation Application

Contact: James C. Dell (717-787-4316)

- Food Safety Concession Guidelines

- Ice Manufacturing Plants Consumer Confidence Program Guidelines

- Listeria Handbook for Retail Food Establishments

- Model Food Service Self-Inspection Checklist

- Procedures for Vacuum Packaging Foods in Reduced Oxygen Packages

- Retail Food Establishment Consumer Confidence Program Self-Inspection Checklist

Contact: Lenchen Radle (717-787-4315)

Pennsylvania Harness Racing Commission

- Guidelines for Medications in Racehorses

Contact: Anton J. Leppler (717-787-5196)

Pennsylvania Horse Racing Commission

- Guidelines for Medications in Racehorses

Contact: Benjamin H. Nolt, Jr. (717-787-1942)

Bureau of Plant Industry

- Instructions for Licensing under the Pennsylvania Commercial Feed Law

- Instructions for Licensing under the Pennsylvania Fertilizer Act

- Directions for Renewing Specialty Fertilizer Registration in Pennsylvania

- Instructions for Licensing under the Pennsylvania Agricultural Liming Materials Act

Contact: John Breitsman (717-787-4843)

- Instructions for Licensing under the Pennsylvania Seed Act

Contact: Joe Garvey (717-787-5609)

- Directions for Registering Pesticides in Pennsylvania

- Experimental Pesticide Use Permits
- Grower Record Keeping Guidelines for Pesticide Applications made under an Emergency Exemption
- Instructions for Licensing under the Pennsylvania Soil and Plant Amendment Act
- Directions for Soil and Plant Amendment Registration in Pennsylvania

Contact: John Lake (717-787-4843)

- IPM for Pennsylvania Schools: A How-To Manual

Contact: Sara Pickel (717-772-5227)

- Greenhouse IPM with Emphasis on Biocontrol

Contact: Cathy Thomas (717-772-5204)

Bureau of Ride and Measurement Standards

- Amusement Ride Operators' and Attendants' Manual

Contact: Kent Shelhamer (717-787-6772)

Pennsylvania State Conservation Commission

- Best Management Practices Manual for Pennsylvania Livestock and Poultry Operations

Contact: Karl Brown (717-787-8821)

- Interim Guidance Addressing Phosphorus and other Nutrients in Nutrient Management Plans

Contact: Doug Goodlander (717-705-3895)

INTERNAL GUIDELINES:

Bureau of Farmland Preservation

- Checklist for Review of an Agricultural Conservation Easement Purchase Recommendation
- Checklist for Evaluation of a County Agricultural Conservation Easement Purchase Program

Contact: Sandra Robison (717-783-3167)

Bureau of Food Safety and Laboratory Services

- Summary of Enforcement Requirements for Violations of Bacterial Count, Somatic Cell Count and Antibiotic Residue Tests for Individual Milk Producer Samples
- Clarification of Enforcement Policy for a Producer Utilizing Two Bulk Milk Tanks
- Producer Record Transfer Program

Contact: James C. Dell (717-787-4316)

- Tolerances for Egg Quality, below which a Warning Letter shall be issued to a store
- Tolerances for Egg Quality, below which Seizure of Eggs will be made at a store
- Tolerances for Egg Quality, below which Prosecution will be initiated against a store
- Tolerances for Egg Quality, below which Seizure of Eggs will be made at a plant

Contact: Kim F. Miller (717-787-3294)

- Guidelines for Inspection of Food Concessions at Fairs
- Inspection Guidelines for Farmers Markets and Stands

Contact: Lenchen Radle (717-787-4315)

Bureau of Market Development

- Agricultural Fair Program State Premium Guideline Book

Contact: Brant Bickel (717-787-5342)

Bureau of Plant Industry

- Turfgrass Seed Certification Interagency and Interstate Certification

Contact: Joe Garvey (717-787-5609)

- Plant Pest Act Enforcement Action Penalty Matrix

Contact: Walt Blosser (717-772-5205)

- Fertilizer Enforcement Action Penalty Matrix

Contact: John Breitsman (717-787-4843)

- Soil and Plant Amendment Enforcement Action Penalty Matrix

Contact: John Breitsman (717-787-4843)

- Pesticide Enforcement Action Penalty Matrix

Contact: Joseph Uram (717-787-4843)

- Seed Enforcement Action Penalty Matrix

Contact: Joe Garvey (717-787-5609)

Pennsylvania Harness Racing Commission

- Procedures with respect to Unlicensed Owners

Contact: Anton J. Leppler (717-787-5196)

OTHER:

Bureau of Food Safety and Laboratory Services

- Industry Responsibilities with respect to Broken Seals

Contact: James C. Dell (717-787-4316)

- Temperature Requirements for Safe Handling of Hot and Cold Foods
- Guidelines for Self-Service Bulk Food Displays
- Guidelines for Maple Syrup Operations

Contact: Lenchen Radle (717-787-4315)

- A Retailer's Guide to Assuring Shelf Egg Safety & Quality
- Safe Handling of Eggs
- Safe Handling of Fresh Fruits & Vegetables

Contact: Kim F. Miller (717-787-3294)

Bureau of Plant Industry

- Pennsylvania Pesticide Hypersensitivity Registration Information

Contact: Dave Scott (717-772-5214)

BANKING

Nonregulatory public documents of the Department of Banking are divided into three indexed categories listed below: Letters from Secretaries of Banking to Regulated Entities; Guidance Available Regarding Compliance with Depository Institution Statutes and Regulations; and, Guidance Available Regarding Compliance with Licensee Statutes and Regulations. The contact person for all Department of Banking documents is Carter Frantz (717) 787-1471.

SECRETARIES' LETTERS

The following is a historical list of letters to regulated entities from respective Secretaries of Banking providing guidance regarding compliance with statutes and regulations applicable to Pennsylvania state-chartered banking institutions, savings associations, credit unions, and nondepository institutions licensed to make mortgage and other types of loans in Pennsylvania.

2005

04/13/05 Secretary's Letter states that overdraft protection programs are permissible for state-chartered depository institutions and provides guidelines for such programs

2004

12/1/04 The Secretary's Letter request that State and National Banks, State and Federally Chartered Savings Banks and State and Federally Chartered Savings and Loan Associations consider the difficult winter period and the effect it will have on the cash flow of over 600 heating oil dealers operating in the Commonwealth.

09/30/04 Pennsylvania state-chartered trust companies, bank and trust companies, and savings banks and savings associations with trust powers may engage in fiduciary activities to the same extent as national banks without notice to the Department.

09/23/04 Secretary's Letter on behalf of Governor Edward G. Rendell, encourage leaders of financial institutions to act with reasonable forbearance toward local governments, individuals and businesses which are experiencing financial difficulties due to the recent floods.

08/03/04 The Secretary's Letter informs all lenders and brokers under the jurisdiction of the Department of the Department's concerns related to the use of improperly influenced appraisals. Letter also addresses "builder exception" under the Mortgage Bankers and Brokers and Consumer Equity Protection Act.

03/19/04 Secretary's Letter addresses terms and conditions of "selective first payment due date" options and "deferred first payment" options that may be offered to buyers as part of installment sale contracts under the MVSFA..

2003

9/30/03 The Secretary's Letter states that overdraft protection programs permissible for state-chartered depository institutions and provides guidelines for such programs. OCC Interpretive Letter #914

9/2/03 The Secretary's Letter informs all mortgage lenders and/or mortgage brokers of the restrictions regarding the use of lock-in agreements.

- 8/22/03 The Secretary's Letter reminds all motor vehicle lenders that PA law requires motor vehicle lienholders to mail or deliver the outstanding motor vehicle certificate of title to the vehicle owner immediately upon satisfaction of the respective lienholder's security interest in the vehicle.
- 8/11/03 The Secretary's Letter, informs all mortgage lenders and/or mortgage brokers of the requirement to provide the written cautionary notice disclosure to an applicant for a "covered loan" at least three business days prior to consummation of that type of mortgage loan transaction.
- 6/11/03 The Secretary's Letter that requests licensees and registrants under the Check Cashier Licensing Act to voluntarily adopt a policy of cashing all government-issued checks at the rate authorized for government assistance checks in Section 503(a)(1) of the Check Cashier Licensing Act.
- 5/8/03 The Secretary's Letter states that the Act 207 of 2002 provides Pennsylvania state-chartered credit unions parity with federally-chartered credit unions in regard to activities, field of membership requests, and investing in credit union service organizations, subject to a notice requirement.
- 5/2/03 Secretary's Letter stating that check cashers licensed by the Department of Banking must comply with the statement of policy issued May of 1998 concerning the Check Cashier Licensing Act. The statement of policy provides that check cashers should post a notice of exact fees and charges, which shall be within the maximum prescribed in the act. The notice should be in plain view and in a location readily apparent to the consumer transacting business at each check casher location.
- 5/2/03 Secretary's Letter stating that retail food stores registered with the Department of Banking must comply with the statement of policy issued May of 1998 concerning the Check Cashier Licensing Act. The statement of policy provides that check cashers should post a notice of exact fees and charges, which shall be within the maximum prescribed in the act. The notice should be in plain view and in a location readily apparent to the consumer transacting business at each check casher location.
- 4/1/03 The Secretary's Letter discusses state-charted banks engaging in payday lending activities.
- 3/26/03 The Secretary's Letter discusses the Streamlined Call Report filing requirements.
- 2002**
- 9/23/02 The Secretary's Letter discusses that the Act 55 of 2001 definition of "Covered Loan" changes effective October 1, 2002; and that "Median Family Income" statistical estimates necessary for lenders to calculate (a) repayment ability of potential obligor under Section 512(b), and (b) whether negative amortization terms may be imposed on a potential obligor under Section 511(c), are now stated in the convenient chart attached to the letter.
- 6/3/02 Secretary's letter discusses the Pilot Program for Residential Real Estate and Small Business Loans.
- 3/15/02 Secretary's Letter announces that by virtue of publication in the March 2, 2002 *Pennsylvania Bulletin* (Vol. 32, No. 9), the Mortgage Bankers and Brokers and Consumer Equity Protection Act ("MBBCEPA") Continuing Education Regulation (the "Regulation") is now in effect for all licensees under the MBBCEPA. Therefore, all licensees must be in compliance with the requirements contained in the Regulation by June 30, 2003, in order to renew a license.
- 2001**
- 12/21/01 This letter is to set forth in writing the Pennsylvania Department of Banking (the "Department") position on issues related to the ability of a Pennsylvania state-chartered bank, bank and trust company, or savings bank ("PA Bank") under Section 322 of the Banking Code of 1965 ("Section 322"). 7 P. S. § 322.
- 10/19/01 Secretary's Letter regarding President Bush's Executive Order Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit or Support Terrorism.
- 8/17/01 Letter to announce Act 55 of 2001, the Mortgage Bankers and Brokers and Consumer Equity Protection Act. A summary of Act 55 is attached to the Secretary's letter.
- 1/4/01 Letter announces that Pennsylvania state banking institutions and Pennsylvania national banks are hereby permitted to observe Monday, November 12, 2001, as an optional legal holiday in recognition of Veteran's Day.
- 2000**
- 11/29/00 Governor Ridge signed into law as Act 89 of 2000, the Bank Parity Bill, HB 2533 of 2000 (P. N. 4073).
- 3-30-00 Pennsylvania State-chartered banks, bank and trust companies and savings banks may establish and operate messenger service branches.
- 3-23-00 Loans to Directors and Section 1414.
- 1-18-00 Department's General Position on Internet Banking.
- 1999**
- 8-23-99 Holidays for 2000.
- 5-26-99 Letter interprets section 1414 of the Banking Code of 1965 as permitting Pennsylvania state-chartered banks, bank and trust companies, and savings banks to charge interest on loans to their executive officers to the same extent as permitted under Federal Reserve "Regulation O."
- 5-12-99 Permissible Bank Holidays for 2000.

- 5-12-99 Letter states that state-chartered banking institutions and offices of national banks located in Pennsylvania may remain open for business on January 1, 2, and 3, 2000, in order to address customers' questions and concerns regarding Year 2000 computer transaction issues.
- 1-22-99 Record Keeping Guidelines under the Mortgage Bankers and Brokers Act.
- 1-22-99 Record Keeping Guidelines under the Consumer Discount Company Act.
- 1998**
- 1-23-98 Year 2000 readiness and credit underwriting criteria for credit unions.
- 1-15-98 Year 2000 readiness and credit underwriting criteria.
- 1997**
- 8-27-97 Holidays for 1998.
- 6-9-97 Letter addresses electronic submission of Call Reports.
- 4-24-97 Letter discusses computer problems in the year 2000.
- 1-31-97 Letter regarding federal regulatory agencies having adopted a revised Uniform Financial Institutions Rating System which has been known as CAMEL.
- 1996**
- 11-25-96 Letter discusses the adjustment to the overhead assessment methodology for non-depository trust companies that it implemented in 1994.
- 4-16-96 Letter regarding authority of Pennsylvania state-chartered banking institutions to sell annuities issued by insurance companies.
- 1-26-96 Letter regarding heavy snowfall and floods having had a profound impact upon many communities in Pennsylvania and the financial hardships imposed upon your customers by this devastation.
- 1995**
- 10-10-95 Letter to Presidents of Pennsylvania State-chartered Credit Unions forwarding Investment Powers, Standards and Accounting Guidelines for Pennsylvania state-chartered credit unions as required by Section 501(b)(7) of the Credit Union Code which was amended by House Bill 2563, effective February 12, 1995.
- 7-11-95 Letter regarding Act 39 of 1995, amends the provisions of Pennsylvania's Banking Code to authorize full interstate banking and branching under Pennsylvania law and to facilitate the operations of interstate banks in Pennsylvania.
- 3-24-95 Letter regarding the Simplification and Availability of Bank Credit Act.
- 1994**
- 11-17-94 Letter to the Presidents and Chief Compliance Officers of Pennsylvania First Mortgage Companies regarding mortgage companies disbursing loan proceeds in a form prescribed by applicable law.
- 11-8-94 Letter to all Chief Executive Officers of Banks, Bank and Trust Companies, Savings Banks regarding Assets pledged for uninsured trust deposits.
- 10-13-94 Letter to the Presidents of Pennsylvania State-Chartered Credit Unions regarding automated teller machines at locations other than credit union's principal place of business.
- 10-5-94 Letter to all Chief Executive Officers of Banks, Bank and Trust Companies, Trust Companies, Savings Banks, Savings and Loan Associations regarding role change for outside auditors.
- 8-22-94 Letter to Chief Executive Officers of Pennsylvania Banking Institutions regarding bank holidays.
- 8-9-94 Letter to the Chief Executive Officers of Pennsylvania State-Chartered Banking Institutions, Savings Associations and Entities Licensed by the Department of Banking regarding enforcing the regulations of the Department of Banking Code, which provides for assessments of penalties and interest against financial institutions for failing to pay assessment and examination fees in a timely manner.
- 3-29-94 Letter to the Chief Executive Officers of Pennsylvania State-Chartered Non-Depository Trust Companies regarding the Department revising its examination/assessment billing method for non-depository trust companies.
- 1993**
- 12-9-93 Letter to the Presidents and Chief Executive Officers of Pennsylvania State-Chartered Banking Institutions regarding a new schedule for costs associated with the examination and supervision of state-chartered banks.
- 1992**
- 9-24-92 Letter to the Presidents and Chief Executive Officers of Pennsylvania State-Chartered Banking Institutions regarding evaluating the adequacy of capital and loan loss reserves separately.
- 1991**
- 9-3-91 Letter to all Motor Vehicle Sales Finance Companies discussing the problems with late delivery of certificates of title by motor vehicle lenders upon satisfaction of the existing loan. Letter states that title must be released immediately upon satisfaction of a loan.

- 8-23-91 Letter to all CEOs of Pennsylvania Chartered Savings Associations and all Pennsylvania Department of Banking Examiners clarifying its 7-29-91 interpretation of section 510 of the Savings Association Code of 1967, 7 P. S. § 6020-70(a)(3) which states that the Department will not object to and will not cite in an examination report a savings association employer for offering and providing favorable terms and rates on loans to such association's employees.
- 7-29-91 Letter to all CEOs of Pennsylvania Chartered Savings Associations and all Pennsylvania Department of Banking Examiners interpreting section 510 of the Savings Association Code of 1967, 7 P. S. § 6020-70(a)(3).
- 5-2-91 Letter to all Pennsylvania State-Chartered Banks, Savings Associations, and Credit Unions, OCC, OTS, NCUA, FDIC, Federal Reserve Board and all State Financial Regulatory Agencies informing them that Settlers Trust Savings Bank has not been and is not currently chartered to be a Pennsylvania state-chartered or federally chartered bank, bank and trust company, savings bank, or savings association.
- 1990**
- 12-3-90 Letter to the Executive Officer of the banking institution addressed: regarding the new minimum requirements for Annual Audits performed by Certified Public Accountants.
- 7-10-90 Letter to CEOs of Pennsylvania Financial Institutions informing them of an enforcement order against Mellon Bank, N. A. by the Pennsylvania Department of Insurance—re: Collateral Protection Insurance. Letter requests a summary of any existing collateral protection insurance programs to be used by the Department to assist the Department in drafting regulations to determine reasonable fees for licensees under the MVSFA.
- 7-10-90 Letter to CEOs of all Pennsylvania financial institutions informing them of the Department's opinion on the applicability of the "Anti-takeover law," Act 36 of 1990.
- 7-10-90 Letter to CEOs of all Pennsylvania Credit Unions informing them that credit unions must take immediate action in order to retain the power to indemnify their directors and volunteer officers. Also informing them that a special meeting of the board of directors should be called immediately to discuss adoption of a bylaw opting out of new provisions of the recently enacted "Anti-takeover Law," Act 36 of 1990.
- 6-11-90 Letter to CEOs and Boards of Directors of State-Chartered Credit Unions informing them that strict compliance with section 27 of the Credit Union Act, 15 Pa.C.S.A. § 12327, is required whenever a state-chartered credit union plans to merge or consolidate with any other credit union. In the future, failure to submit a merger application to the Department prior to the consummation of a merger will be viewed as a violation of law.
- 6-6-90 Letter to CEOs of state-chartered commercial banks and state-chartered credit unions informing them of the Department's opinion on the permissibility of the Federal Home Loan Bank of Pittsburgh ("FHLB/P") offering membership to other depository institutions in PA. Specifically, the FHLB/P would like to extend offers of membership to state-chartered commercial banks and state-chartered credit unions in PA.
- 5-17-90 Letter to CEOs of all Pennsylvania banking institutions informing them that the Department has recently issued an opinion regarding the impermissible collateralization of interest rate swap agreements.
- 4-30-90 Letter to all state-chartered credit unions issuing a new fee schedule for overhead assessment.
- 3-5-90 Letter to CEOs of all federally-insured state-chartered banks and S & Ls discussing the Resolution Trust Corporation, who is soliciting potential bidders for failing S&Ls. Letter requests institutions who are considering bidding to notify this Department before the bidding process begins.
- 1-18-90 Letter discusses FIRREA and additional language added to Section 222, entitled ACTIVITIES OF SAVINGS ASSOCIATIONS, which adds a new section to the Federal Deposit Insurance Act, Section 28, which states that Disclosures by Uninsured Savings Associations which are not insured by the Corporation, shall disclose clearly and conspicuously that the savings association's deposits are not federally insured.
- 1989**
- 11-1-89 Letter to CEOs of PA Banking Institutions discusses legal holidays for 1990. The Department has been advised by the Federal Reserve Banks of Philadelphia and Cleveland that it is their intention to observe Veterans' Day on Mayday, November 12. The Department exercises its authority under Section 113(b)(x) that all state-chartered institutions have the option to observe Monday, November 12, 1990, as an optional holiday.
- 9-29-89 Letter lists legal bank holidays for 1990.
- 8-11-89 Letter to PA savings associations which are insured by the PSAIC regarding Financial Institutions Reform, Recovery and Enforcement Act and Section 222, entitled "Activities of Savings Associations" which requires certain disclosures be made by non-federally insured savings associations.
- 4-13-89 Letter discusses House Bill 979, Act 173 of 1988 which makes several significant changes in the Banking Code of 1965, including provisions which provide real estate investment and development authority to commercial savings banks; permit commercial and mortgage-backed securities powers; and, permit commercial and savings banks to make investments not presently permitted under statute in amounts up to 3% of assets with no more than 1% in any one investment.
- 1988**
- 11-3-88 Letter regarding survey of institutions offering low-cost checking and savings accounts.

- 11-2-88 Letter announces survey to be conducted by the Department regarding low-cost deposit accounts availability at banks and savings and loan associations.
- 10-17-88 Letter lists legal bank holidays for 1989.
- 9-30-88 Letter mailed to state-chartered banking institutions asking for a Report of Condition and Report of Income as of the close of business 9-30-88.
- 7-15-88 Letter to lenders asking them to act with forbearance toward farmers who may have been experiencing financial difficulties due to poor weather conditions.
- 6-30-88 Letter announces increase in assessments.
- 6-27-88 Letter to CEOs of bank and trust companies discusses the review of assessment fees for trust companies and trust departments. Letter asks institutions to complete a Report of Trust Assets.
- 6-3-88 Letter announces legislative amendments to sections 112, 166 and 117 of the Banking Code of 1965.
- 5-31-88 Letter to realtors discusses Senate Bill 7 of 1988, the Mortgage Bankers and Brokers Act.
- 4-6-88 Letter discusses the liquidation of TMIC Insurance Company and the need for some financial institutions to obtain alternate coverage.

1987

- 12-11-87 Letter to bank and savings and loan association CEOs—re: provisions of the Uniform Commercial Code regarding full-day hours during the holidays.
- 11-4-87 Letter lists fixed and optional bank holidays for 1988.
- 8-28-87 Letter permit closing of institutions for Constitution Day celebration in Philadelphia, September 17, 1987.
- 6-24-87 Letter discusses requirements under Section 403 of the Banking Code of 1965 relating to report of condition & report of income.
- 3-23-87 Letter addressed to CEOs of all PA state-chartered banking institutions discusses Sections 1407(a) and 1407(c) of the Banking Code of 1965, which revises the minimum requirements for Directors' audits performed by CPAs.
- 2-5-87 Letter discusses permissibility of purchase or establishment of discount brokerage office subsidiaries under sections 311(b), 502(d) and 203(d) of the Banking Code of 1965.
- 1-16-87 Letter discusses Senate Bill 1389, Act No. 205 of 1986, amending various provisions of the Banking Code of 1965 (P. L. 847 No. 346) particularly § 1610 relating to fair pricing provisions.
- 1-6-87 Letter discusses permissibility of investment on mutual funds under the provision of the Banking Code of 1965, 7 P. S. § 307.

1986

- 11-6-86 Letter contains a list of fixed and optional bank holidays for 1987.
- 9-30-86 Letter requests Report of Condition and Income as of September 30, 1986.
- 8-21-86 Letter discusses ownership of stock by state chartered institutions of out-of-state bank holding companies and 7 P. S. §§ 116, 311.
- 6-26-86 Letter requests Report of Condition and Income as of the close of business June 30, 1986.
- 3-17-86 Letter announces CSBS Computer Audit & Control Conference for bankers.

1985

- 12-20-85 Letter requests report of condition and income for 4th Quarter of 1985.
- 12-16-85 Letter announces Martin Luther King, Jr.'s Birthday as a fixed holiday.
- 11-4-85 Letter lists all fixed and optional bank holidays for 1986.
- 9-25-85 Letter requests report of condition and income as of the close of business—9/30/85.
- 6-14-85 Letter announces upcoming examination of all corporations licensed under Pennsylvania's Secondary Mortgage Loan Act.
- 5-31-85 Letter discusses brokered loan fraud.
- 5-16-85 Letter announces "Day with the Secretary" program.
- 4-29-85 Letter discusses requirements for directors' audits pursuant to 7 P. S. § 1407(a) and the relevant regulations.
- 4-2-85 Letter announces CSBS Computer Audit and Control Conference for bankers.
- 1-30-85 Letter announces substantive amendments to 7 P. S. § 408, House Bill No. 2453, Act No. 1984-217.

1984

- 12-20-84 Letter announces staff changes in the banking bureau of the Department.
- 12-12-84 Letter discusses requirement of § 1407 of the Banking Code of 1965 regarding audit requirements.
- 11-28-84 Letter discusses increasing fees and charges for traditional financial services.

- 10-19-84 Letter announces banking legal holidays for 1985.
- 10-9-84 Letter discusses Section 105(B.1) of the Banking Code of 1965, establishment of additional offices in Pennsylvania by foreign banking organizations.
- 7-26-84 Letter discusses Senate Bill 1304, Act No. 128 of 1984, Senate Bill 1305, Act. No. 129 of 1984 and amendments to § 302, § 303, § 401 of the Banking Code of 1965.
- 7-26-84 Letter discusses Senate Bill No. 1304, Act No. 128 of 1984 which amended sections 203, 306, 308, 310, 311, 404, 405, 505, 805, 908, 1415, 1609, 1910, 2002 of the Banking Code of 1965.
- 7-26-84 Letter discusses Senate Bill No. 1080, Act No. 125 of 1984 which amended sections 311, 404, 514, 610, 802, 1217, 1405, 1609, 1801 and 1809 of the Banking Code of 1965.
- 7-13-84 Letter discusses amendment to Section 1910(d) of the Banking Code of 1965, which requires directors and officers to have an audit performed of the books and affairs of the institution at least once per year.
- 6-18-84 Letter announces Department's revisions to branch application forms.
- 6-14-84 Letter discusses Banking Code of 1965, § 307—Investment Securities (other than stock) and OCC revising its interpretation of ruling 7.1100, redefining capital and surplus for the purposes of investment limitations.
- 3-5-84 Letter is a reminder of importance of making and maintaining arrangements to backup data processing equipment and provide for reconstruction of records.
- 2-23-84 Letter discusses Section 319 of the Banking Code of 1965 and variable rate consumer installment loans.
- 2-17-84 Letter discusses the technological revolution which is affecting the banking industry. The letter also announces a presentation of CSBS Computer Audit and Control Conference for Bankers to be held in Philadelphia, PA on April 23-26, 1984.
- 1-24-84 Letter discusses Section 307 of the Banking Code of 1965 and investments in shares of money market mutual funds.

1983

- 12-5-83 Letter discusses annual audits of one-bank holding companies and multi-bank holding companies in compliance with Sections 1407 of the Banking Code of 1965.
- 12-1-83 Letter discusses impact of deregulation on industry.
- 10-13-83 Letter announces deletion of Section 14.1 and 14.2 from Title 10 of the Pa. Code.
- 10-7-83 Letter announces 1984 legal bank holidays.
- 4-14-83 Letter discusses Garn-St. Germain Depository Act of 1982 and preemption of state law re: alternative mortgage loans and override of 7 P. S. § 505.
- 4-12-83 Letter regarding electronic automation.
- 4-8-83 Letter regarding the Garn-St Germain Depository Institutions Act of 1982 overrides state law to the extent that it permits adjustable-rate mortgages to be made or purchased by state-chartered banks, bank and trust companies, trust companies, and private banks.
- 2-28-83 Letter discusses annual audits requirement contained in Section 17.1(a), Title 10 of the Pennsylvania Code.
- 2-15-83 Letter discusses mortgage loans requiring special consideration such as those affected by temporary unemployment of borrower.
- 2-2-83 Letter discusses Garn-St. Germain Depository Institution Act of 1982 overriding substantially equal payments requirements of Section 310 of the Banking Code of 1965.
- 1-24-83 Letter discusses exercising of compassion and forbearance in dealing with unemployed customers.
- 1-17-83 Letter discusses recent amendments to Chapter 7 of the Banking Code of 1965, as amended.
- 1-3-83 Letter concerns substantial increase in the number of institutions advertising repurchase agreements.

1982

- 12-8-82 Letter discusses examination of PA Bank Holding Companies by Department.
- 11-1-82 Letter lists legal bank holidays for 1983.
- 7-30-82 Letter addressed to thrift CEOs and discusses asset restatement accounting.
- 7-2-82 Letter to MVSFA licensees discusses Act No. 160 of 1982 and maximum permissible finance charges.
- 6-4-82 Letter discusses House Bill No. 1739, Act No. 79 of 1982, which amended sections 202, 308, 311, 319, 320, 407, 504, 506, 610, 702, 703, 1414, 2004 and 1609 of the Banking Code of 1965.
- 6-4-82 Letter discusses House Bill No. 1889, Act No. 44 of 1982, which amended sections 113, 114, 115, 903, 904 and 905 of the Banking Code of 1965.
- 4-5-82 Letter announces change of policy from capital-to-deposit ratio as a measurement of capital adequacy to capital-to-assets ratio.

- 4-2-82 Letter discusses the technological revolution which is affecting the banking industry. The letter also announces a presentation of CSBS Bank Executives EDP/EFT Conference to be held in Philadelphia, April 27-28, 1982.
- 3-26-82 Letter discusses the technological revolution which is affecting the banking industry. The letter also announces a presentation of CSBS Bank Executives EDP/EFT Conference to be held in Philadelphia, April 27-28, 1982.

1981

- 11-20-81 Letter lists legal bank holidays for 1982.
- 10-13-81 Letter discusses sections 702(c) and 610(c) of the Banking Code of 1965, as amended.
- 10-9-81 Letter announces CSBS Computer Audit and Control Conference for Bankers.
- 1-21-81 Notice of authorization to close banks in Philadelphia for official celebrations.

1980

- 11-7-80 Letter lists legal bank holidays for 1981.
- 10-28-80 Letter discusses proposed amendments to Department regulations pertaining to Legal Reserve Funds, 10 Pa. Code, Chapter 11.
- 7-7-80 Letter announces "Day with the Secretary" program.
- 6-17-80 Letter discusses Chapter 7 and Section 103 of the Banking Code of 1965, as amended, and Section 202 of the Banking Code of 1933, as amended, legal reserves of PA nonmember banks.
- 6-10-80 Letter discusses Section 318 of the Banking Code of 1965 and permissible interest computations.
- 5-29-80 Letter discusses Act No. 51 of 1980, amending various provisions of the Banking Code of 1965 (P. L. 847, No. 346).
- 3-13-80 Letter discusses proposed legislation requiring mandatory reserves to be maintained at the Federal Reserve.
- 2-14-80 Letter discusses Act No. 286 of 1980 and new requirements for CPAs.
- 2-4-80 Letter discusses conversions of PA National Banks to State Charters.
- 1-2-80 Letter discusses federal law preemption of first lien residential mortgage rate portion of Pennsylvania usury law.

1979

- 11-29-79 Letter discusses whether a bank or a bank and trust company may charge the Federal Reserve discount rate plus 1% on a residential mortgage loan.
- 11-16-79 Letter discusses legal bank holidays.
- 11-1-79 Letter discusses attempts to curb inflation and to maintain stability and balance in Pennsylvania.
- 10-26-79 Letter regarding a Conference on technological revolution involving electronics.
- 10-9-79 Letter discusses Outstanding Mortgage Loans
- 10-8-79 Letter discusses Outstanding Mortgage Loans
- 10-3-79 Letter discusses to what extent PA banks may invest in mortgage-backed pass-through certificates sold by banks through an underwriting syndicate.
- 7-26-79 Letter discusses outstanding mortgage loans.

1975

- 3-7-75 Letter discusses instructions for filing documents with the Corporation Bureau of the Department of State.

1966

- 3-14-66 Letter

POLICY STATEMENTS

- 10 Pa. Code §§ 13.61—13.68—Exception to Definition of "Branch"
- 10 Pa. Code § 21.61—Insurance and Annuities (Act 40 of 1997 was enacted after issuance of this Statement of Policy)
- 10 Pa. Code § 41.3a—Calculation of Consumer Discount Company Act default charges—Statement of Policy
- 10 Pa. Code Chapter 81—Check Cashers—Statement of Policy
- 10 Pa. Code § 13.51—Simplification and Availability of Bank Credit—Statement of Policy

INDEX OF GUIDANCE AVAILABLE REGARDING COMPLIANCE WITH DEPOSITORY INSTITUTION STATUTES AND REGULATIONS

The following is a list of applications and instructions to assist depository institutions in complying with various provisions of the statutes and regulations respectively applicable to Pennsylvania state-chartered banking institutions, thrift institutions, and credit unions.

- *Branch Applications:*

DeNovo Branch—Bank, Savings Association, Credit Union, Non-Depository Trust Company

Purchase of Assets/Assumption of Liabilities—Bank, Savings Association

Remote Service Facility—Savings Association

Branch Relocation—Bank, Savings Association

Relocation of Main Office—Savings Association

Branch Discontinuance—Bank, Savings Association

Foreign Bank Office

- *Conversions*

National Bank to State Bank

Savings Association to Savings Bank

Mutual Savings Bank to Stock Savings Bank

Mutual Savings Association to Stock Savings Association

Federal Credit Union to State Credit Union

- *Mergers*

Banks

Savings Associations

Credit Unions

- *Charters*

Bank

Interim Bank

Savings Association

Interim Savings Association

Credit Union

Non-Depository Trust Company

- *Dissolutions*

Savings Associations

Bank

- *Intrastate Acquisitions*

Bank Holding Company

Thrift Holding Company

- *Interstate Acquisitions*

Thrift Holding Company

- *Other*

Change In Bank Control—Individuals

Mutual Holding Company Reorganizations

Trust Department—Bank, Savings Association

Bank Subsidiary and Parity Notice

INDEX OF GUIDANCE AVAILABLE REGARDING COMPLIANCE WITH LICENSEE STATUTES AND REGULATIONS

Instructions for license applications, and Guidelines for compliance are available regarding each of the following statutes and, to the extent that regulations have been promulgated, their respective underlying regulations:

- Mortgage Bankers and Brokers Act,
- Secondary Mortgage Loan Act,
- Consumer Discount Company Act,
- Money Transmitter Act,
- Motor Vehicle Sales Finance Act,
- Pawnbrokers License Act,
- Check Cashers Licensing Act, and
- Credit Services Act.

In addition to the above indices, the Department of Banking maintains interpretive letters addressing the applicability of statutes and regulations administered by the Department of Banking to specific fact patterns. The Department may provide a summary of the Department's position on a particular issue or a redacted interpretive letter when appropriate in response to particular questions previously addressed by the Department, in order to assist the public and members of the lending industry in complying with laws administered by the Department. The Department of Banking will continue to issue interpretive letters on a case basis when appropriate regarding new issues raised by persons requesting such interpretive information.

COMMUNITY AND ECONOMIC DEVELOPMENT

I. POLICY STATEMENTS:

Center for Business Financing

Loans:

Machinery and Equipment Loan Fund
 Pennsylvania Industrial Development Authority
 Steven Clarke (717-787-6245)

Center for Private Financing

Private Activity Bonds
 Gail Wagner (717-783-1109)

Strategic Planning and Operations Office

Community Revitalization Program
 Richard Guinan (717-787-7402)

II. GUIDANCE MANUALS:

Business Development Deputate

Business Financing Programs
 Customer Service: 1-800-379-7448 or 717-787-3405

Center for Entrepreneurial Assistance

Entrepreneurs Guide: Starting and Growing a Business in Pennsylvania
 Isabelle Smith (1-800-280-3801)

Governor's Center for Local Government Services

Administering Police Services in Small Communities
 Annual Audit and Financial Report
 Auditor's Guide
 Borough Council Handbook
 Borough Mayor's Manual
 Boundary Change Procedures
 Chart of Accounts
 Citizen's Guide to Local Government
 City Government
 Councils of Governments, 2002 Directory
 Councils of Governments Director's Handbook
 County Annual Financial Report
 County Chief Clerk's/Administrator's Manual
 County Commissioners Manual
 Debt Management Handbook
 Flood Plain Management Regulations
 Elective Office in Local Government
 Financial Monitoring Workbook
 Fiscal Management Handbook
 Home Rule in Pennsylvania
 Insurance Primer for Municipal Officials
 Intergovernmental Cooperation Handbook
 Local Taxpayers Bill of Rights and Real Property Tax Payer Programs under Act 50 of 1998
 Local Government Regulation of Wireless Telecommunications Facilities
 Model Hiring Manual
 Municipal Authorities
 Municipal Secretary's Manual
 Municipalities Financial Recovery Act
 Open Meetings/Open Records, The Sunshine Act and Right to Know Law
 Pension Manual
 Public Works Manual
 Purchasing Handbook
 Referendum Handbook
 Regional Police
 Risk Manager's Insurance Guide
 Solicitor's Handbook
 Tax Collector's Manual

Taxation Manual
 Township Commissioner's Handbook
 Township Supervisor's Manual

Planning Series

Municipalities Planning Code
 No. 1—Local Land Use Controls In Pennsylvania
 No. 2—The Planning Commission
 No. 3—The Comprehensive Plan
 No. 4—Zoning
 No. 5—Technical Information on Floodplain Management
 No. 6—The Zoning Hearing Board
 No. 7—Special Exceptions, Conditional Uses and Variances
 No. 8—Subdivision and Land Development
 No. 9—The Zoning Officer
 No. 10—Reducing Land Use Barriers to Affordable Housing
 Growing Smarter Toolkit: Catalog of Financial and Technical Resources
 Planning for Agriculture
 Neil Kinsey (1-888-223-6837)

Office of Community Development

Building Energy Conservation
 Mark Conte (717-720-7416)
 CDBG Grantee Monitoring Systems
 CDBG Grantee Performance Evaluation Report Handbook
 Civil Rights Manual
 Economic Development Handbook
 Environmental Review Guide
 Housing Rehabilitation Guide
 Labor Standards Handbook
 Scott Dunwoody (717-720-7402)
 Manufactured Housing Program Responsibilities
 On-Site Completion of Your New Manufactured Home
 Mark Conte (717-720-7416)
 Procedures for Closeout of Contracts
 Procurement/Contract Guide
 Sample Construction Contract Documents
 Scott Dunwoody (717-720-7402)
 Section 108 Standards for Financial Underwriting
 Tom Brennan (717-720-7403)
 Special Assessments Guide
 Scott Dunwoody (717-720-7402)

Travel, Film, and Economic Development Marketing Office

Heritage Grant Program Guidelines
 Lenwood Sloan (717-787-5453)
 Regional Marketing Initiative
 James (Mickey) Rowley (717-720-1302)
 Tourist Promotion Agency Matching Fund Program Manual
 James (Mickey) Rowley (717-720-1302)

III. DECISIONS:

IV. INTERNAL GUIDELINES:

Center for Business Financing

Grants Division:

Commonwealth Financing Authority—First Industries/Agriculture
 Commonwealth Financing Authority—First Industries/Tourism
 Customized Job Training Program
 Guaranteed Free Training Program (WEDnet)
 Local Economic Development Assistance Program
 Opportunity Grant Program
 Opportunity Grant Program—Flood Disaster Relief Grant Program
 Lynne Ruby (717-787-7120)

Loans Division:

Machinery and Equipment Loan Fund
 Pennsylvania Industrial Development Authority
 Steven Clarke (717-787-6245)

Site Development Division:

Commonwealth Financing Authority—Business in Our Sites
 Commonwealth Financing Authority—PennWorks
 Infrastructure and Facilities Improvement Program
 Industrial Sites Reuse Program
 Infrastructure Development Program
 Brian Eckert (717-787-7120)
 Keystone Opportunity Zone
 Thomas Usiadek (717-720-7344)

Small Business Financing Division:

Commonwealth Financing Authority—First Industries/Small Business First Program
 Community and Economic Development Loan Program
 Export Financing Program
 Pollution Prevention Assistance Account
 Small Business First
 Underground Storage Tank Loan Program
 Cathy Onyeaka (717-787-6245)

Tax Credit Division:

Educational Improvements Tax Credits
 Job Creation Tax Credit Program
 Pre-Kindergarten Tax Credit Business Guidelines
 Ted Knorr (717-787-7120)

Center for Private Financing

Pennsylvania Capital Access Program
 Accreditation Standards
 Capacity Building Grants
 Pennsylvania Community Development Bank Business Plan
 State Accreditation Guidelines and Application
 Underwriting
 Steve Drizos (717-783-1109)

Commonwealth Financing Authority
 Tax Increment Financing Guarantee Program
 Brian Deamer (717-783-1109)
 First Industries Tourism Loan Guarantee Program
 First Industries Agriculture Loan Guarantee Program
 Second Stage Loan Program
 Craig Petrasic (717-783-1109)

Pennsylvania Economic Development Financing Authority
 Conventional Bond Financing Taxable
 Exempt Facility and Small Issue Bonds
 Industrial Development Fund Financing
 Revenue Bond & Mortgage Program
 Gail Wagner (717-783-1109)
 Taxable and Tax-Exempt Bond Financing
 Craig Petrasic or Brian Deamer (717-783-1109)

Community Affairs and Development

Appalachian Regional Commission
 Neil Fowler (717-214-5395)

Local Government Services Center

Early Intervention Program
 Dean Fernsler (1-888-223-6837)
 Floodplain Management
 Kerry Wilson (1-888-223-6837)
 Land Use Planning and Technical Assistance Program
 John Mizerak (1-888-223-6837)
 Local Government Capital Project Loan Program
 Sharon Grau (1-888-223-6837)
 Municipalities Financial Recovery Act Program
 Fred Reddig (1-888-223-6837)
 Regional Police Assistance Program
 Ron Stern (1-888-223-6837)
 Shared Municipal Services Program
 Dean Fernsler (1-888-223-6837)
 Tax Collector Training, Examination, Qualification and Continuing Education Program
 Sharon Grau (1-888-223-6837)

Office of Community Development

Community Development Block Grant
Housing and Redevelopment Assistance
Emergency Shelter Grant Program
HOME Investment Partnerships Program
New Communities Program (Elm Street, Main Street, Enterprise Zone)
PA Community Development Bank Grant Program
Pennsylvania Access Grant Program
Section 108 (of the Housing and Community Dev. Act) Loan Guarantee Program
Ed Geiger (717-787-5327)

Office of Community Services

Community Services Block Grant Directives
Community Services Block Grant Program
Community Services Block Grant Discretionary Grants
Jamie Reed (717-787-1984)
Family Savings Account Program
Family Savings Account Program Directives
Patsy Taylor-Moore (717-787-1984)
Neighborhood Assistance Program
Neighborhood Assistance Comprehensive Service Program (not accepting new applications)
Neighborhood Assistance Enterprise Zone Tax Credit Program
Neighborhood Assistance Program
Jamie Reed (717-787-1984)
Supported Engagement Program (instructions for application)
Weatherization Program
Weatherization Program Directives
Patsy Taylor-Moore (717-787-1984)

Office of International Business Development

Export 2000 Block Grant
Governor's Export Excellence Award
Market Access Grant
Scott Conrad (717-787-7190)

Technology Investment Office

Ben Franklin Technology Partners
Bill Cook (717-787-4147)
Commonwealth Financing Authority—New PA Venture Investment Program
Commonwealth Financing Authority—Building PA Program
Rebecca Bagley (717-720-1367)
Cyberstart
Sue Klosinski (717-705-6755)
Keystone Innovation Zones Program
Tom Palisin (717-787-4147)
Keystone Innovation Grants
Sherri Bushey (717-346-7046)
LifeSciences Greenhouse Program
Lauren Lenfest (717-720-2359)
Pennsylvania Infrastructure Technology Alliance, PITA
Bill Cook (717-787-4147)
Pennsylvania Industrial Resource Center Program
Tom Palisin (717-787-4147)
Research and Development Tax Credit Assignment
Bill Cook (717-787-4147)
Technology Company Investment
Rebecca Bagley (717-720-1367)
Technology Development Grant
Jeanine Marttila (717-787-4147)
University Research Grant
Kelly Wylam (717-214-5330)
Workforce Leadership Grants
Tom Palisin (717-787-4147)

Strategic Planning and Operations Office

Community Conservation and Employment Program
Emergency Responders Program
Local Municipal Resources and Development Program
Urban Development Program
Richard Guinan (717-787-7402)

IV. OTHER

Office of Community Development
 Consolidated Plan
 Ed Geiger (717-787-5327)

CONSERVATION AND NATURAL RESOURCES**POLICY STATEMENTS:****Bureau of Forestry**

State Forest Natural Areas
 Contact: Dan Devlin (717-787-2105)

Transfer or Exchange of State Forest Land
 Contact: Dan Devlin (717-787-2105)

Bureau of State Parks

State Park User Fees
 Contact: (Vacant) (717-783-3307)

Transfer or Exchange of State Park Land
 Contact: Greg Schrum (717-787-6674)

State Park Natural Areas
 Contact: Greg Schrum (717-787-6674)

Bureau of Recreation and Conservation

Land Acquisition Grants
 Contact: Mike Schneider (717-772-3742)

GUIDANCE MANUALS:**Bureau of Forestry**

Cooperative Forest Insect Pests Suppression Program—Procedure for Cooperator Participation Manual—County/
 Municipal Cooperator
 Cooperative Forest Insect Pests Suppression Program—Procedure for Cooperator Participation Manual—Other Agency
 Cooperator
 Cooperative Forest Insect Pests Suppression Program—Procedure for Cooperator Participation Manual—Forest Stew-
 ardship Cooperator
 Cooperative Gypsy Moth Suppression Program Operating Procedure and Deadlines Manual
 Contact: Donald Eggen (717-948-3941)

Forest Fire Warden Manual
 Contact: Paul Sebasovich (717-783-7953)

Wildland/Urbanface Guidance Document
 Contact: Paul Sebasovich (717-783-7953)

Forest Camp Lease Manual
 Right-of-Way Manual
 Contact: Jason Hall (717-787-2014)

Snowmobile Instructor's Manual
 Contact: W. Paul Szabara (717-783-7941)

Forest Products Permit
 Contact: John Hecker (717-787-4009)

Camping Permit
 Contact: James Foose (717-783-7941)

District Forester Permit
 Contact: John Hecker (717-787-4009)

Road Use Agreement
 Contact: Jason Hall (717-787-2014)

Special Activities Agreement
 Contact: James Foose (717-783-7941)

License for Right of Way
 Contact: Jason Hall (717-787-2014)

Prospecting Permit

Contact: Ted Borawski (717-787-4835)

Seismic Survey Agreement

Contact: Ted Borawski (717-787-4835)

Oil and Gas Leases

Contact: Ted Borawski (717-787-4835)

Surface Use Agreements

Contact: Ted Borawski (717-787-4835)

Gas Storage Leases

Contact: Ted Borawski (717-787-4835)

Agreements of Consent to Assignments

Contact: Ted Borawski (717-787-4835)

Coal Agreements

Contact: Ted Borawski (717-787-4835)

Hard Mineral Agreement

Contact: Ted Borawski (717-787-4835)

Bureau of Recreation and Conservation

Pennsylvania Scenic Rivers Program Guidelines

Pennsylvania Scenic Rivers Program Management Guidelines

Pennsylvania Scenic Rivers Program Eligibility Process and Criteria

Contact: Terry Hough (717-783-2712)

Community Conservation Partnerships (C2P2) Grant Manual and Forms

A Guide to Funding Recreation and Conservation Projects

Contact: Greg Gove (717-783-2662)

Swimming Pool Management Manual

Contact: Greg Gove (717-783-2662)

Heritage Parks Program Manual and Forms

Contact: Alan Chace (717-783-5877)

County Greenways and Open Space Network Guidelines

Contact: Diane Kripas (717-772-1282)

Bureau of State Parks

Boat Docks

Rights-of-Way and Antenna Sites

Marina Manuals Contact: (Vacant) (717-783-3307)

EDUCATION

POLICY STATEMENTS:**State Board of Education**

- Statement of Policy—Accrediting Organizations

Contact: Jim Buckheit (717-787-3787)

Office of Educational Technology

- Act 197 Letter

Contact: Kathy Brautigam (717-705-4486)

Bureau of Community and Student Services

- Secretary of Education's Plan to Require and Assist Each School District to Establish and Maintain a Program of Appropriate Counseling and Support Services to Students Experiencing Problems Related to the Use of Drugs, Alcohol and Dangerous Controlled Substances

- BEC Drug and Alcohol Education, Counseling, and Support Services; 24 P. S. § 15-1547

Contact: Kim Swarner (717-783-6777)

- BEC Education for Homeless Youth; 42 U.S.C. § 11431 et seq.

Contact: Sheldon Winnick (717-772-2066)

- BEC Pregnant & Parenting Teen; 24 P. S. § 13-1327

Contact: Dorothy Hershey (717-783-7089)

- Charter School Application (on PDE Website)
 - Cyber Charter School Application (on PDE Website)
 - Pennsylvania Charter School Annual Report-Late Summer/Early Fall 2003 (on PDE Website)
 - Competitive Charter School Federal Grant Program-Guidelines and Application Forms-Late Summer/Early Fall 2003 (on PDE Website)
 - Competitive PA Charter School Planning Grants-Guidelines and Application Forms-Late Summer/Early Fall (on PDE Website)
 - Cyber Charter Schools Review (On PDE Website)
 - Pennsylvania Charter School Operator's Manual—binder available through Department Contact
- Contact: Dr. Dan Felix (717-787-9819)

Bureau of Teacher Certification and Preparation

- Pennsylvania Department of Education Standards, Policies and Procedures for State Approval of Certification Programs and for the Certification of Professional Educators for the Public Schools of Pennsylvania

Contact: Marjorie Blaze (717-783-9252)

- Certification and Staffing Policies and Guidelines Regarding Education Certification and Staffing Requirements for Public Schools

Contact: Marjorie Blaze (717-783-9252)

- Policy on Evaluation Procedure for Certificate of Preliminary Education Evaluation of Credentials
- Commonly Asked Questions on Act 48
- Memorandum to inform school entities of Computer Education Guideline
- Memorandum to inform school entities of Emergency Permits
- Memorandum to inform school entities of Emergency Permit Updates and Revised 338E Form
- Memorandum to inform school entities of Emergency Permit Electronic Processing for Day-to-Day Substitute Teachers
- Memorandum to inform school entities of English as Second Language: General Policies and Competencies
- Memorandum to inform school entities of Education Resolutions for No Child Left Behind Legislation
- Memorandum to inform colleges/universities of Test Rules for 2002-2003
- Notice to inform Out-of-State Certificate Candidates of Chapter 354 Regulations Regarding GPA and Math/English Requirements
- Notice to Inform State Board Resolutions for Interstate Agreement and Replacement of PLT

Contact: Kevin Corcoran (717-787-3356)

- Memorandum to Pennsylvania teacher preparing colleges and universities announcing six new Praxis series assessments for beginning teachers effective November 1, 1997 and the qualifying scores for these assessments.
- Memorandum to teacher preparing colleges and universities providing instruction and policies for the use of new application forms for professional educator certification.
- Memorandum to provide for new processing procedures for Emergency Certificates.
- Memorandum to Pennsylvania teacher preparation institutions announcing changes to the Pennsylvania Certification Testing program effective September 1, 2001.
- Memorandum to Pennsylvania teacher preparing institutions announcing changes to major reviews and changes to the Pennsylvania Teacher Testing Program for the 1998-99 program year.
- Memorandum: Important Notice on Tests Required (March 2000)
- Memorandum: Important Notice on Tests Required (March 2001)
- Memorandum: Important Notice on Tests Required (April 2001)
- Guidelines for Reporting Pennsylvania Institutions of Higher Education Responses to Title II, Section 207 of the Higher Education Act of 1998 & General Standards for the Institutional Preparation of Professional Educators—Chapter 354
- Memorandum: Important Notice Regarding Title II, Section 207 of the Higher Education Act of 1998.
- Professional Educator Memorandum-01 (February 2001) Guide to Interpreting Chapter 354
- Professional Educator Preparation Memorandum—02 (July 27, 2001)
- Professional Educator Preparation Memorandum—03 (September 18, 2001)
- Professional Educator Preparation Memorandum—04 (December 7, 2001)
- Professional Educator Preparation Memorandum—05 (February 20, 2002)
- Professional Educator Preparation Memorandum—06 (November 12, 2002)
- Professional Educator Preparation Memorandum—07 (May 19, 2003)
- Professional Educator Preparation Testing Memorandum—01 (January 22, 2002)
- Professional Educator Preparation Testing Memorandum—02 (April 29, 2002)
- Professional Educator Preparation Testing Memorandum—03 (May 30, 2002)
- Professional Educator Preparation Testing Memorandum—04 (January 10, 2003)
- Professional Educator Preparation Testing Memorandum—05 (August 25, 2003)
- Professional Educator Preparation Testing Memorandum—06 (November 21, 2003)
- Professional Educator Preparation Testing Memorandum—07 (July 12, 2004)
- Professional Educator Preparation Testing Memorandum—08 (April 29, 2005)

Contact: Marjorie Blaze (717-783-9252)

- Specific Program Guidelines for State Approval of Professional Educators (January 2001)

Contact: Marjorie Blaze (717-783-9252)

Bureau of Adult Basic and Literacy Education

- Application Procedures and Program Guidelines—Program Year 2004-05—Pennsylvania Act 143 of 1986, The Workforce Investment Act of 1998, Title II (Adult Education and Family Literacy Act), Federal Even Start Family Literacy Program (Title I, Part B of Improving Americas Schools Act)
- Policy Guidance A.100, Definition of Bureau of ABLE Policy

- Policy Guidance A.110, Bureau Policy, Indicators of Program Quality and Program Evaluation
 - Policy Guidance B.100, Adult Education (Including PA Literacy Corps), Family Literacy and State Leadership (PY 2004-05)
 - Policy Guidance B.100a, Department of Education Grant Procedures Manual
 - Policy Guidance C.100, Adult Education Performance Standards
 - Policy Guidance C.110, Family Literacy Performance Standards
 - Policy Guidance C.120, Data Quality Standards
 - Policy Guidance C.130, Verification and Reporting of Data
 - Policy Guidance C.135, Core Outcomes Methodology
 - Policy Guidance C.140, Instruction Manual for eData System
 - Policy Guidance C.141, Glossary for eData System
 - Policy Guidance C.200, Residency Requirements for Issuance of the Commonwealth Secondary School Diploma through GED Testing
 - Policy Guidance C.300, Family Literacy Summer Reading Programs
 - Policy Guidance C.310, Even Start Independent Local Evaluations
 - Policy Guidance C.320, Workplace Education Reporting
 - Policy Guidance C.330, Early Childhood Assessment
 - Policy Guidance C.700, Non-Employee Travel, Lodging and Subsistence
 - Policy Guidance C.800, Nonimmigrant Foreign Students with F-1 Visa
 - Policy Guidance C.900, Safety and Security
 - Policy Guidance D.100, Adult Learner Assessment
 - Policy Guidance D.120, Special Populations Agency Accountability Plans
 - Policy Guidance D.130, Distance Learning
 - Policy Guidance E.100, Program Improvement Teams
 - Policy Guidance E.120, Program Monitoring
 - Policy Guidance E.130, Adult Education On-Site Evaluation Field Guide
 - Policy Guidance E.140, Family Literacy On-Site Evaluation Field Guide
 - Policy Guidance E.150, Performance Funding
 - Policy Guidance F.110, PDE Online Training
 - Policy Guidance F.120, Fees for Professional Development Activities and non-Bureau-Funded Agencies
 - Policy Guidance G.100, Adult Education and Workforce Investment Boards
- Contact: Donald Paquette (717-787-6344)

Office of Postsecondary and Higher Education

- Policies, Regulations and Guidelines for Pennsylvania Community Colleges
 - Tuition Compliance Calculation at Community Colleges
- Contact: Sandra Edmunds (717-772-3623)
- Education for Corporations Interested in Receiving Authority to Offer Academic Programs in Pennsylvania Leading to Collegiate Level Degrees
- Contact: Paula Fleck (717-772-3623)

Bureau of Postsecondary Services

- Private Licensed School Memoranda—Student Complaint Questionnaire
- Private Licensed School Memoranda—Board Policy on the Use of the Term Tuition “Savings”
- Private Licensed School Memoranda—Final Rulemaking—Chapter 73 Regulations
- Private Licensed School Memoranda—Scholarships
- Private Licensed School Memoranda—Revised Board Policy on the Use of the Term Tuition “Savings”
- Private Licensed School Memoranda—Revised Scholarships Policy
- Private Licensed School Memoranda—Certificates of Preliminary Education and Correspondence High School Programs
- Private Licensed School Memoranda—Return of Title IV Funds—Definition of Withdrawal Date
- Private Licensed School Memoranda—Board; Calendar; Act 174; Procedures
- Private Licensed School Memoranda—Bonds, Statement of Reasonable Service and Business Ethics, Multi-branch Training Schools
- Private Licensed School Memoranda—Applications for Approval of New Programs
- Private Licensed School Memoranda—Review Form for New Program
- Private Licensed School Memoranda—Student Information Publications
- Private Licensed School Memoranda—License and User Fees
- Private Licensed School Memoranda—Clock Hour/Lesson/Semester Credit/Quarter Credit
- Private Licensed School Memoranda—Statement Concerning Transfer of Credit Hours
- Private Licensed School Memoranda—Act 174 of 1986 and Chapter 73 Regulations
- Private Licensed School Memoranda—Tuition Change Report—Description and Instructions
- Private Licensed School Memoranda—Contract Bond Form
- Private Licensed School Memoranda—Board-Approved Private Surety Fund
- Private Licensed School Memoranda—Termination; Leave of Absence
- Private Licensed School Memoranda—Financial Reporting—Annual Reporting Rescinded; Biennial Reporting Reinstated
- Private Licensed School Memoranda—Revised Qualification Form for Instructional Staff
- Private Licensed School Memoranda—Allowable Administrative Fee and Refunds of \$25.00 or Less
- Private Licensed School Memoranda—Fees
- Private Licensed School Memoranda—Non-Resident Program Application
- Private Licensed School Memoranda—Program Applications

- School License Application Guidelines
 - New Program Application Guidelines
 - Private Licensed School Memoranda—Leave of Absence
 - Private Licensed Schools Memoranda—Enrollment in Single Courses
 - Private Licensed Schools Memoranda—Non-Resident Program Application
- Contact: Patricia Landis (717-783-8228)

Scranton State School for the Deaf

- Various internal and external policy statements relating to the operation of Scranton State School for the Deaf, such as: Student Immunization, Child Abuse, AIDS, Human Growth and Development, Admission Policy, the Recognition of Scranton State School for the Deaf as a Magnet School and Student Drug and Alcohol Policy, etc.
- Contact: William O'Neill (570-963-4420)

Bureau of Career and Technical Education

- Pennsylvania State Plan for the Administration of the Carl D. Perkins Vocational and Technical Education Act of 1998
- Contact: Robert G. Barlett (717-787-5530)

Bureau of Teaching and Learning Support Services

- Pennsylvania State Board of Education AIDS Policy—Admissions/Readmissions of Students or Staff Persons with AIDS, March 1987
- Contact: Shirley A. Black (717-772-0067)
- Enhanced Driver Education Program Guide
- Contact: Robert Roush (717-783-6595)
- Procedures for Establishing a Private Driver Training School
- Contact: Harry Sherman (717-783-4382)

Bureau of Special Education

- State Plan under the Individuals with Disabilities Education Act—Part B
- Contact: John Tommasini (717-783-6134)
- Memorandum to Local Education Agencies (Penn*Link): New Special Education Forms for LEA Use (June 15, 2005)
 - Memorandum to Local Education Agencies (Penn*Link): Notice of Proposed Settlement of Class Action Lawsuit Gaskin v. Pennsylvania Department of Education (May 10, 2005)
 - Memorandum to Local Education Agencies (Penn*Link): Responsibility for Transporting Children in Early Intervention Programs (April 18, 2005)
- Contact: Esther Beck (717-783-6889)
- Memorandum to Local Education Agencies (Penn*Link): Least Restrictive Environment (March 16, 2005)
 - Memorandum to Local Education Agencies (Penn*Link): Revised Individualized Education Program (May 28, 2004)
 - Memorandum to Local Education Agencies (Penn*Link): Important Notice Regarding IEP Requirements (November 12, 2003)
 - Memorandum to Local Education Agencies (Penn*Link): Reporting Students Assigned to Instruction in the Home and Homebound Instruction (April 3, 2000)
- Contact: Linda McNelis (717-772-0635)

Bureau of Budget and Fiscal Management

- School Construction Policies and Procedures (This booklet describes how reimbursement is calculated along with examples and formulas.)
- Contact: Carle Dixon (717-787-5480)
- Community Colleges Reimbursement for Equivalent Full-Time Students Enrolled in Stipend Programs
 - Debt Service at Community Colleges
- Contact: Larry Snell (717-787-5993)

GUIDANCE MANUALS:

Bureau of Special Education

- Special Education Mediation Services
 - Education of Students with Hearing Loss
- Contact: John Tommasini (717-783-6134)
- School District Special Education Plan Guidelines
 - Intermediate Unit Special Education Plan Guidelines
- Contact: Patricia Hozella (724-836-2460 X244)
- Education of Mentally Gifted Students
- Contact: Barbara Thrush (717-783-6881)
- Disabilities Education Act-Part B Program Guidelines for Local Education Agency Applications
- Contact: John Tommasini (717-783-6134)

Office of Educational Technology

- Secondary Career and Technical Education Information System Instruction Manual for Student Data Submission, 2004-2005
- Contact: Steve Simchock (717-787-2644)
- Adult Career and Technical Education Instruction Manual, 2004-2005
- Contact: John S. Creason (717-787-2644)
- Elementary/Secondary Professional Personnel Instruction Manual, 2003-04
- Contact: Deborah Rodrigues (717-787-2644)
- Postsecondary Career and Technical Education Instruction Manual, 2003-2004
- Contact: Ron Hoerner (717-787-2644)

- Elementary/Secondary Professional Personnel Instruction Manual, 2004-05, Charter Schools
Contact: Deborah Rodrigues (717-787-2644)
- Electronic Dropout/Graduate Report (EDGR): Graduate Instructions for School Year 2003-2004
Contact: Joanne Bobek (717-787-2644)
- Electronic Dropout/Graduate Report (EDGR): Dropout Instructions for School Year 2003-2004
Contact: Richard Hruska (717-787-2644)
- Elementary/Secondary Public Enrollment Instruction Manual, 2004-05
Contact: Richard Hruska (717-787-2644)

Bureau of State Library

- Revised Classification Scheme for Pennsylvania State Publications,- Provides Call Numbers to be Used in Classifying Pennsylvania State Publications
Contact: Ann Kemper (717-783-3884)

Bureau of Library Development

- Guidelines for Negotiating Agreements, 2003—Guidance for District Library Centers in Negotiating Service Agreements With Local Libraries
- Guidelines for Statewide Library Card System, 1999 rev.—Rules for Public Libraries Participating in the Statewide Library Card System
- A Handbook for Public Library Trustees, Fifth Edition, 2003—Guidance for People Serving as Trustees for Pennsylvania Public Libraries
- Continuing Education Guidelines for Public Library Staff, 2005—Guidance for Determining What Kinds of Continuing Education are Acceptable for Meeting the Continuing Education Requirements in The Library Code.
- Library Services and Technology Act Five-Year Plan 2003-2007, 2002—A Focused Program for the Improvement of Library Services for the People of Pennsylvania through Federal LSTA Funds.
- Pennsylvania Guidelines for School Library Information Programs, 1999—Suggestions for Implementing Quality Library Programs in Pennsylvania.
- Measuring Up To Standards: The Impact of School Library Programs and Information Literacy in Pennsylvania Schools 2000—Recent research on the impact of school library programs on academic achievement.
- The Pennsylvania School Library Information Specialist TOOLKIT for Implementing Information Literacy in Schools Supplement 2003—Defines information literacy standards integrated into curricular areas.
Contact: Barbara W. Cole (717-783-5722)

Bureau of Community and Student Services

- Pregnant and Parenting Teen Evaluation Packet
- Education Leading to Employment and Career Training Monthly Attendance Instructions
- Education Leading to Employment and Career Training Operational Manual
Contact: Dorothy Hershey (717-783-7089)
- Services for Nonpublic School Students Program Guidelines
Contact: Betsy Becker (717-783-3755)
- Guidelines for Student Assistance Program Implementation (Guidelines for Secondary Student Assistance Program Teams), September 1991
- Commonwealth Student Assistance Program Training System Handbook: Guidelines, Monitoring Procedures, and Related Information, March 2003
Contact: Kim Swarner (717-783-6777)
- State District and School Report Cards CD ROMs
Contact: John Weiss (717-772-8020)

Office of Elementary and Secondary Education

- Basic Education Circulars (BECs)—(Updated and indexed collection of Pennsylvania Department of Education guidance statements on state and federal basic education laws and regulations. These guidance statements cover several areas of the School Code within Title 24 of *Purdon's Statutes*, Articles 1—25, State Board of Education Regulations—Title 22 of the *Pennsylvania Code*, Chapters 1-23, 342 and 349, and other state and federal laws, regulations and court cases: Topics include among others: Early Intervention—Department of Education Services—Employee Rating Form—School and Student Records—Home Education Programs—Special Education—Payments for Education—Graduation of Seniors—School Construction—Safe Schools—Copyright Law)
Contact: Sarah Pearce (717-787-4860)
- Child Labor Laws and Employment of Minors
Contact: Stephen Fisher (717-787-6016)
- Guidelines and Application for the Alternative Education for Disruptive Youth Program
- Guidelines and Application for Private Alternative Education Institutions
Contact: Nancy Avolese (717-705-6908)

Bureau of Teacher Certification and Preparation

- Pennsylvania Teacher Intern Certification Handbook and Institutional Listing (Revised, 1998)
Contact: Marjorie Blaze (717-783-9252)
- Programs Approved for Teacher Education in Pennsylvania Colleges and Universities
- Education Testing Service Praxis Series Registration Bulletin
Contact: Marjorie Blaze (717-783-9252)
- Pennsylvania Department of Education Application and Instructions for Professional Educator (Includes background information, application forms, and directions.

- Teacher Certification Information Sheets (Various handout papers used to respond to queries on professional educator certification in Pennsylvania.)
- Contact: Kevin Corcoran (717-787-3356)
- Guidelines for the Preparation of Self-Study Materials for Certification in Pennsylvania
- Contact: Marjorie Blaze (717-783-9252)
- Certification for Charter School Professional Staff
- Application Booklets (Revised May 2001)
 - Applicant Prepared Outside of Pennsylvania
 - Emergency Permits and Act 97 Waivers
 - Letter of Equivalency for Master's Degree
 - Applicant Prepared In Pennsylvania
- Professional Educator Certificate (Revised 6/01)
- Letter of Equivalency for Master's Degree (Issued 3/00)
- Letter of Equivalency for Bachelor's Degree (Issued 3/00)
 - Application information and form
 - Letter of Equivalency with seal
- Emergency Permit with seal (Issued 3/00)
- Private School Certificate Application (Revised 5/00)
- Requirements of Act 48 of 1999
 - Application for Voluntary Inactive Certification (Form 338R)
 - Approval notice for Voluntary Inactive Certification
 - Application for Removal of Voluntary Inactive Certification (Form 338R2)
 - Approval notice for Removal of Voluntary Inactive Certification
 - Four and five-year notices for educators and school entities
 - Informational Handout: Important Information About Your Certificate (Revised 6/02)
- Contact: Kevin Corcoran (717-787-3356)

Bureau of Postsecondary Services

- Pennsylvania Department of Education Guidelines for the Approval of Degree Programs
- Materials Related to the Approval of Postsecondary Institutions Requesting a Certificate of Approval to Award the Associate in Specialized Business and/or the Associate in Specialized Technology Degree
- Contact: Paula Fleck (717-772-3623)
- Eligible Partnerships Application Guidelines
- Contact: Linda J. Benedetto (717-772-3623)

Deputy Secretary's Office of Postsecondary and Higher Education

- Chart of Activities for a Group Wishing to Establish a Domestic Nonprofit/For-Profit Degree-Granting Institution in Pennsylvania or a Foreign Nonprofit/For-Profit Degree-Granting Corporation Wishing to Operate in Pennsylvania
- Contact: Paula Fleck (717-772-3623)

Bureau of Career and Technical Education

- Community College Variable Stipend Program Approved for 04-05
- Contact: John Bonchalk (717-772-4177)
- Cooperative Education Guidelines for Administration
- Contact: Lee Burket (717-772-4968)
- Application for Approval of the Nurse Aide Training Program Submission Guidelines
- Contact: Carlyn Forlizzi (717-783-6975)
- Implementing a Statewide System of Core Performance Measures and Standards for Vocational-Technical Education in Pennsylvania
- A Guide to Student Occupational Competency Testing in Pennsylvania
- Pennsylvania Student Occupational Competency Testing
- Contact: Paul Munyofu (717-783-6867)
- Tech Prep Secondary and Postsecondary Guidelines 2000-2006
- Tech Prep Works
- Tech Prep Works for Schools
- Tech Prep Works for Students
- Contact: Susan Will (717-787-8804)
- Managing Local Plans: A Guide to Accountability for the Carl D. Perkins Vocational and Applied Technology Act of 1990, P. L. 101-392
- Managing Local Plans Part II Technical Assistance Manual for Perkins One-Stop Partners in Pennsylvania Career Link Centers
- Secondary & Postsecondary Perkins Local Plan Guidelines 2000-2006
- Contact: Jerilynn Millvan (717-783-6619)
- Secondary Vocational-Technical Education Program Approval Application Procedure
- Contact: Forrest Keiser (717-772-4968)
- New Choices/New Options Career Development for Single Parents, Displaced Homemakers, Single Pregnant Women and Individuals Interested in Nontraditional Vocational Education
- New Choices/New Options
- Contact: Marian Thomas (717-787-8022)
- Self-Study Guidelines—Accreditation System of Institutions for Adult Education
- Administration Guidelines for the Accreditation System of Institutions for Adult Education
- Contact: Robert Kline (717-783-6867)

- The Occupational Competency Assessment Program Brochure
Contact: Robert Kline (717-783-6867)
 - American Careers Parent Edition
 - American Careers Student Edition
 - American Careers Teacher Edition
Contact: Jay Cannon (717-787-8022)
 - Consider a Career as a Business, Computer and Information Technology Teacher: Educating for Success in Business and Life Brochure
 - Business, Computer and Information Technology: Education for Success in Business and Life Brochure
Contact: James A. Dilorio (717-346-4792)
 - Child Development Laboratory Procedures Guidelines
 - Pennsylvania's Career Clusters: Focusing Education on the Future (PDE and PA Dept of L&I)
Contact: Lydia Hess (717-772-4870)
 - Industry-Recognized Certifications for Career and Technical Education Programs: A Resource Guide for Pennsylvania's Career and Technology Centers
Contact: Mary Beth Hassan (717-787-8022)
 - Pennsylvania Area Career and Technical Education Schools 2002 Report
Contact: Ron Hoerner (717-783-6760)
 - Career and Technical Student Organizations Brochure
 - Career and Technical Student Organizations in Pennsylvania
 - FCCLA: The Ultimate Leadership Experience
 - FCCLA State Officer and Adviser Handbook
 - FCCLA Membership Brochure
 - FCCLA Chapter Directory
 - American FFA Degree Applications
 - Ag Proficiency Award Applications
 - PA SkillsUSA Personal and Liability Release Form
 - PA HOSA Regional Directory
Contact: Katherine Simchock (717-787-8804)
 - Concordance
Contact: Esther Brown (717-772-4968)
 - High Schools That Work
Contact: Vincent Safran (717-772-4968)
 - Pennsylvania Career and Technical Facts
Contact: Vincent Safran (717-772-4968)
- Bureau of Teaching and Learning Support Services**
- Chapter 4 Strategic Planning Guidelines, May 2002
Contact: Parker Martin (717-783-4307)
 - Act 48 Professional Education Plan Guidelines, April 2000, amended May 2002
Contact: Charles Sabulski (717-783-9260)
 - Act 48 Approved Provider Guidelines, April 2000, amended November 2002
Contact: Dale Baker (717-783-6583)
 - PDE Policy on Free Access to PDE Online Professional Development, April 2002, amended August 2004
Contact: Marian Sutter (717-772-3817)
 - PDE Strategic Planning Midpoint Review Instructions, April 2003
Contact: Marian Sutter (717-772-3817)
 - Guidebook for Planning Programs for English Language Learners
 - Instructions for Completing PDE 3044-45, Programs and Services for Students of Limited English Proficiency
Contact: Barbara Mowrey (717-787-3499)
 - ESL Monitoring Program
Contact: Barbara Mowrey (717-787-3499)
 - Education of Mentally Gifted Students
 - Project REAL (Rural Education for Accelerated Learners)
Contact: Karen Cobb (717-787-8913)
Marian Sutter (717-772-4944)
 - Induction Plan Guidelines, May 2002
Contact: Charles Sabulski (717-783-9260)
 - No Child Left Behind Act—Supplemental Education Services—Instructions for Completing the Provider Application (on PDE Website)
Contact: Norma Hull (717-787-8631)
 - BEC 22 Pa. Code § 04.26* Educating Students With Limited English Proficiency (LEP) and English Language Learners (ELL)
Contact: Barbara Mowrey (717-787-5482)
Tami Shaffer (717-705-3829)
 - PENNLINKs:
 - January 12, 2005, SUBJECT: Parental Consent for English Language Instruction Programs
 - February 11, 2005 SUBJECT: Title III Updates, (non-public guidance/LEP SYSTEM reminder)
 - December 14, 2004 SUBJECT: Title III Updates, (Consortium Update and AMAOs)

- September 24, 2004 SUBJECT: LEP Assessment (entrance, ongoing and exit)
- April 23, 2003 SUBJECT: English Language Proficiency Assessment (annual required assessment)

Contact: Barbara Mowery (717-787-5482)
Tami Shaffer (717-705-3829)

- PA Environmental Education Act of 1993. This Act set responsibilities for the Department of Education as it relates to environmental education for the school districts of the Commonwealth. It also sets responsibilities for formal and non-formal educational entities. This Act is incorporated into the PA School Code of 1949.

Contact: Patti Vathis (717-783-6994)

- Pennsylvania Reading First Implementation Checklist

Contact: Dr. Geraldine Miller (717-783-6746)

Bureau of Budget and Fiscal Management

- Planning and Construction Workbook (Forms Used to Apply for Commonwealth Reimbursement for a School Construction Project)

- Revised Self-Certification Application Forms for Non-Reimbursable Construction Projects (PDE-3074(a), PDE-3074(b) and PDE-3074(c))

- Charter School Lease Reimbursement Program

Contact: Carle Dixon (717-787-5480)

- Guidelines for Approval of Capital Expenses for Community Colleges
- Application for State Assistance for Construction of Community College Facilities
- Space Approval Formula for Community Colleges
- Procedures for Funding Institutional Equipment Grant Program
- Procedures for Funding Engineering Schools Equipment Grant Program

Contact: Larry Snell (717-787-5993)

- Instructions for Reporting Child Accounting Data
- Instructions for Reporting Pupil Transportation Data
- Instructions for Charter Schools to Request Subsidy Withholding from School Districts

Contact: Barbara Nelson (717-787-5423)

- Individuals with Disabilities Education Act Part B (IDEIA-B) 2005-2006 Administrative and Fiscal Guidelines for Rider H—Program Application of LEA; Rider I—Support Services and Rider J—Direct Services

- Individuals with Disabilities Education Act Part B (IDEIA-B) 2005-2006 Administrative and Fiscal Guidelines for Approved Private Schools

- Individuals with Disabilities Education Act Part B (IDEIA-B) 2005-2006 Administrative and Fiscal Guidelines for Institutions of Higher Education and other Nonpublic School Entities

- Procedures for Commonwealth Reimbursement of the Special Education Cost of Wards of the State

- Out-of-State Special Education Placements Approval and Reimbursement (jointly with the Bureau of Special Education [John Tommasini])

Contact: Ralph Girolamo (717-783-6535)

Scranton State School for the Deaf

- Student Handbook

Contact: William O'Neill (570-963-4420)

Bureau of Assessment and Accountability

- Educational Empowerment Act—Annual Report

Contact: Sally Chamberlain (717-705-0863)

- Applying for a Waiver . . . (on PDE Website)
 - Shortcuts (on PDE Website)
 - Provisions not Subject To Waiver (on PDE Website)
 - Instructions for Mandate Waiver Application (on PDE Website)
 - PDE-417 Mandate Waiver Application (on PDE Website)
 - Mandate Waiver Program Evaluation Guidelines & Form (on PDE Website)

- Mandate Waiver Program—Annual Reports

Contact: Sally Chamberlain (717-705-0863)

- State, District and School Report Cards CD ROMs

Contact: John Weiss (717-772-0020)

- Writing Assessment Handbook

Contact: Ray Young (717-783-6636)

- Reading Assessment Handbook

Contact: Ray Young (717-783-6636)

- Mathematics Assessment Handbook

- Released Mathematics Items from the 2000 and 2001 Assessments

Contact: Ray Young (717-783-6636)

DECISIONS:

State Charter School Appeal Board

- Vitalistic Therapeutic Center Charter School (Bethlehem Area SD) CAB # 1999-6
- William Bradford Academy Charter School (Keystone Oaks SD) CAB # 1999-8
- Wonderland Charter School (State College Area SD) CAB # 1999-3
- Sugar Valley Rural Charter School (Keystone Central SD) CAB # 1999-4
- Phoenix Academy Charter School (Phoenixville Area SD) CAB # 1999-10
- Hills Academy Charter School (Penn Hills SD) CAB # 1999-12

- Collegium Charter School (West Chester Area SD) CAB # 1999-9
 - Vitalistic Therapeutic Center Charter School (Allentown City SD) CAB # 1999-5
 - Shenango Valley Regional Charter School (Hermitage and Sharon City SD) CAB # 1999-11
 - Ronald G. Brown Charter School (Harrisburg City SD) CAB # 1999-1
 - Edith & Eloise Academy (Steel Valley and Pittsburgh School Districts) CAB # 1999-13
 - Creative Educational Concepts Charter School (Chester Upland SD) CAB # 1999-15
 - Souderton Charter School Collaborative (Souderton Area SD) CAB # 1999-2
 - Bucks County Montessori Charter School (Pennsbury SD) CAB # 1999-7
 - Environmental Charter School (Palisades SD) CAB # 1999-14
 - W.E.B. Dubois Charter School (Philadelphia SD) CAB # 2000-10
 - William Bradford Academic Charter School (Philadelphia SD) CAB # 2000-1
 - Dimensions of Learning Academic Charter School (Philadelphia SD) CAB # 2000-7
 - Rising Sun Academy Charter School (Philadelphia SD) CAB # 2000-4
 - Leadership Learning Partners Charter School (Philadelphia SD) CAB # 2000-8
 - Delaware Valley High Charter School (Philadelphia SD) CAB # 2000-5
 - Lincoln-Edison Charter School (York SD) CAB # 2000-11
 - Independence Charter School (Philadelphia SD) CAB # 2000-2
 - Kemetite Institute Charter School (Philadelphia SD) CAB # 2000-6
 - Genesis Charter School (Philadelphia SD) CAB # 2000-9
 - Legacy Charter School (Council Rock SD) CAB # 2000-14
 - Lehigh Valley Academy Regional Charter School (Bethlehem Area SD) CAB # 2000-12
 - Lehigh Valley Academy Regional Charter School (Saucon Valley SD) CAB # 2000-13
 - Vitalistic Therapeutic Center Charter School (Bethlehem Area SD) CAB # 2000-15
 - Dr. Lorraine K. Monroe Academy Charter School (Millcreek Township SD) CAB # 2000-16
 - Learning Connection Charter School (Chester Upland SD) CAB # 2001-1
 - Renaissance Academy of Pittsburgh, Alternative of Hope Edison Charter School (SD of Pittsburgh) CAB #2001-2
 - Elan Charter School (Pennsbury SD) CAB # 2001-3
 - Ricci J. Hausley Charter School (Philadelphia SD) CAB # 2001-4
 - Thurgood Marshall Charter School (Wilkes-Barre SD) CAB # 2001-5
 - Phoenix Charter School (Philadelphia SD) CAB # 2001-6
 - Penn Hills Charter School (Penn Hills SD) CAB # 2001-7
 - David P. Richardson Charter School (Philadelphia SD) CAB # 2001-8
 - Fell Charter School (Carbondale Area SD) CAB # 2001-9
 - Graystone Academy Charter School (Coatesville Area School District) CAB #2002-1
 - Infinity Charter School (Central Dauphin School District) CAB #2002-4
 - Einstein Academy Charter School (Morrisville Borough School District) CAB #2002-6
 - Wonderland Charter School (State College Area School District) CAB #2002-7
 - Lincoln-Edison Charter School (School District of the City of York) CAB #2002-03
 - Montessori Regional Charter School (Millcreek Township School District) CAB #2002-05
 - Einstein Academy Charter School (Morrisville Borough School District) CAB #2002-06
 - Wonderland Charter School (State College Area School District) CAB #2002-07
 - Propel Charter School (Steel Valley School District) CAB #2003-01
 - Bear Creek Community Charter School (Wilkes-Barre School District) CAB #2003-03
 - Bucks County Montessori Charter School (Pennsbury School District) CAB #2003-04
- Contact: Ernest Helling (717-787-5500)

Office of Chief Counsel Teacher Tenure Appeal Opinions

- *Patricia A. Gorman v. East Allegheny School District*, Teacher Tenure Appeal No. 4-96
- *In Re: Petition of Stroudsburg Area School District*, Teacher Tenure Appeal No. 6-96
- *Bridget E. Kelly v. Stroudsburg Area School District*, Teacher Tenure Appeal No. 6-96A
- *Joseph G. Cesari v. North Schuylkill School District*, Teacher Tenure Appeal No. 2-96
- *Deborah N. Collins v. Bethlehem Area Vocational-Technical School*, Teacher Tenure Appeal No. 3-96
- *Renee Czubowicz-Drouse v. Mid Valley School District*, Teacher Tenure Appeal No. 6-95
- *Margaret M. McMackin v. Pittsburgh School District*, Teacher Tenure Appeal No. 8-95
- *Wayne Sousa v. Palisades School District*, Teacher Tenure Appeal No. 10-95
- *James D. Holt v. Muncy Area School District and Board of Directors*, Teacher Tenure Appeal No. 12-94
- *Roland H. Holvey v. Northumberland County Area Vocational-Technical School*, Teacher Tenure Appeal No. 13-94
- *Sally Bollinger v. Curwensville Area School District and Board of School Directors*, Teacher Tenure Appeal No. 9-94
- *William Dopko, et al. v. Riverside Board of School Directors*, Teacher Tenure Appeal No. 2-94
- *Callie Anderson, et al. v. Board of Education of the School District of Philadelphia*, Teacher Tenure Appeal No. 16-94
- *Patricia Peiffer v. Lake-Lehman School District*, Teacher Tenure Appeal No. 9-93
- *Mary Ellen Mela v. Morrisville School District*, Teacher Tenure Appeal No. 5-95
- *Angela Martino v. Philadelphia City School District*, Teacher Tenure Appeal No. 7-95
- *Shawn-Kimberly Kocher v. Salisbury School District*, Teacher Tenure Appeal No. 5-97
- *Dale Kessler v. Line Mountain School District*, Teacher Tenure Appeal No. 11-94
- *Thomas Katruska v. Bethlehem-Center School District*, Teacher Tenure Appeal No. 4-97
- *Jane L. Shaffer v. Riverview Intermediate Unit*, Teacher Tenure Appeal No. 6-97
- *John Reber and Thomas L. McDevitt v. Reading School District*, Teacher Tenure Appeal No. 12-95
- *Mark Berman, et al v. Philadelphia School District*, Teacher Tenure Appeal No. 3-97
- *Jay Mastro v. City of Pittsburgh School Board*, Teacher Tenure Appeal No. 1-98
- *Carol Ann Russo v. Easton Area School District*, Teacher Tenure Appeal No. 4-98

- *Mary Anne Norris v. Penns Valley Area District*, Teacher Tenure Appeal No. 2-98
- *Alice Hirsch v. Montour School District*, Teacher Tenure Appeal No. 2-97
- *Karen Korman v. Penns Valley Area School District*, Teacher Tenure Appeal No. 1-99
- *Kevin Santry v. Philidelphia School District*, Teacher Tenure Appeal No. 2-99
- *Stephen Moiles v. Marple Newtown School District*, Teacher Tenure Appeal No. 1-00
- *James B. Dickinson, Jr. v. Gettysburg Area School District*, Teacher Tenure Appeal No. 3-98
- *Dale Clymer v. Berks County Intermediate Unit*, Teacher Tenure Appeal No. 2-00
- *Nancy J. Zelno v. Lincoln Intermediate Unit*, Teacher Tenure Appeal No. 3-00
- *Colleen Sheptock v. Muncy School District*, Teacher Tenure Appeal No. 4-00
- *Priscilla Barto v. Williamsport Area School District*, Teacher Tenure Appeal No. 3-99
- *Margaret McMackin v. Pittsburgh School District*, Teacher Tenure Appeal No. 5-99
- *Mary Claire Brown v. Parkland Area School District*, Teacher Tenure Appeal No. 7-97
- *Robert Adams v. Harrisburg School District*, Teacher Tenure Appeal No. 5-00
- *Dr. Henry Benz v. Board of Public Education of the School District of Pittsburgh*, Teacher Tenure Appeal No. 3-01
- *Glenn Gow v. Big Spring School District*, Teacher Tenure Appeal No. 1-97
- *Carol Ann Russo v. Easton Area School District*, Teacher Tenure Appeal No. 4-98A
- *Maureen Joyce v. Board of Directors of Spring-Ford School District*, Teacher Tenure Appeal No. 2-01
- *Kenna Williams v. Clearfield County Vocational-Technical School*, Teacher Tenure Appeal No. 4-99
- *Barbara Palumbo v. Board of Directors of DuBois Area School District*, Teacher Tenure Appeal No. 4-01
- *Jacquelyn N'Jai v. Pittsburgh School District*, Teacher Tenure Appeal No. 5-01
- *William Brunson v. Coatesville Area School District*, No. 1-02
- *Thomas Hajduz v. Peters Twp. School District*, No.1-03
- *Dr. Linda Portlock v. Harrisburg Area School District*, No. 2-02
- *Edwin Hasson v. Glendale School District*, No. 5-03
- *Joanne Henshaw v. Boyertown Area School District*, No. 7-03
- *Shirley Curl v. Solanco School District*, No. 1-04
- *Peter Igoe v. Dunmore School District*, No. 3-03
- *Cecil E. Clugston v. Franklin County Career and Technology Center*, No. 4-03
- *Eleanor Jones v. School District of Pittsburgh*, No. 3-04
- *Donald Becker v. York County School of Technology*, No. 4-04
- *Dr. Brenda G. Turner v. Wilkinsburg School District*, No. 5-04

Contact: Karen Feuchtenberger (717) 787-5500

Certification Appeal Committee Decisions

- John DiLeonard, Certification Appeal #01-01
- Mark Lysiak, Certification Appeal #01-02
- Donna Radice, Certification Appeal #01-03
- Edward Penn, Certification Appeal #01-04
- Brook Kabakjian, Certification Appeal #01-05
- Mark Mannella, Certification Appeal #01-06
- Timothy Kalajainen, Certification Appeal #01-07
- Andrew Igbineweka, Certification Appeal #01-08
- Frances Santiago, Certification Appeal #01-09
- Ronald Duska, Certification Appeal #01-10
- Kim Cuff, Certification Appeal #01-11
- John Hillard, Certification Appeal #01-12
- Gregory Williams, Certification Appeal #01-13
- Shirley Dickinson, Certification Appeal #01-14
- Mary Lamm, Certification Appeal #01-15
- Thomas Podpora, Certification Appeal #01-16
- Joseph Liberati, Certification Appeal #01-17
- M Miller, Certification Appeal #01-18
- Dianne Hammett, Certification Appeal #01-19
- Sandra Williams, Certification Appeal #01-20
- Paul Gomes, Certification Appeal #01-21
- John Lyman, Certification Appeal #01-22
- Robert Gockley, Certification Appeal #01-23
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- Contact: Bette H. Williams (717-705-7787)

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- Contact: Marjorie Blaze (717-783-9252)

Certification Audit Appeals

- Lancaster School District
- Contact: Amy Foerster (717-787-5500)

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- Contact: M. Patricia Fullerton (717-787-5500)
- *Commonwealth of Pennsylvania v. Bobby Wilson*
- Contact: Joseph Miller (717-787-5500)

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- Lower Kensington Environmental Center Youth Services, Child Care Food Program 1995-1
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 - Cassoria Learning Centers, Inc.
- Contact: Ernest Helling (717-787-5500)
- Blessed Hope S.D.C. Church
- Contact: Ann St. Ledger (717-787-5500)
- Little People Day Care School, Inc.
- Contact: Karen Feuchtenberger (717-787-5500)
- *Educational Management Services of Harrisburg. v. Department of Education.*
- Contact: Robert Tomaine (717-787-5500)

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- Contact: Carolyn Angelo (717-787-6576)

State Board of Private Licensed Schools

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- Contact: Patricia Landis (717-783-8228)

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- T.K., #1454
- A.G., #1455
- R.R., #1456
- D.O., #1457
- R.B., #1458
- M.V., #1459
- E.B., #1460
- S.S., #1461
- E.M., #1462
- E.G., #1463
- K.C., #1464
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- B.S., #1466
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- S.D., #1468
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- G.G., #1476
- K.B., #1477
- K.C., #1479
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- J.K., #1481
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- F.S., #1483
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- H.D., #1485
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- J.P., #1489
- W.W., #1490
- J.A.G., #1491
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- M.L., #1494
- E.W., #1495
- C.F., #1496
- C.T., #1497
- M.L., #1498
- A.A., #1499
- A.A., #1499A
- J.T., #1501
- Y.D., #1502
- K.H., #1504
- C.T., #1505
- K.R., #1506
- D.O., #1507
- A.B., #1508
- T.M., #1509
- D.R., #1510
- J.C., #1512
- E.M., #1513
- B.G., #1515
- K.B., #1516A
- B.B., #1516B
- R.S., #1517
- R.O., #1519
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- D.T., #1522
- M.W., #1523
- D.F., #1524
- STUDENT, #1525
- M.P., #1526
- A.B., #1527
- J.R., #1529
- J.P., #1530
- M.S., #1531A
- K.S., #1531B
- W.P., #1532
- STUDENT, #1533
- C.C., #1534
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- J.P., #1536
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- E.D., #1564
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- P. S., #1568
- E.Z., #1569
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- M.B., #1571
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- B.S., #1582
- G.G., #1583
- D.S., #1584
- B.R., #1585
- P.D., #1588
- D.L., #1589

Contact: John Tommasini (717-783-6134) * Recently filed appeals, cases not decided as yet.

Contact: John Tommasini (717-783-6134)

School Construction Decisions

- In the Matter of: Reimbursement for the Rose Tree Media School District

Contact: Ernest Helling (717-787-5500)

Miscellaneous Decisions

- *Farrell Area School District v. Commonwealth of Pennsylvania*, Department of Education, Office of School Services

Contact: Marion K. Echols-Clark (717-783-3618)

- *Shane B. Peck v. Edward L. Rech*, Office of Postsecondary/Higher Education, Division of Private Licensed Schools

Contact: Patricia Landis (717-783-8228)

- *Greater Latrobe School District v. Bureau of Elementary and Secondary Education*

- *Pottsgrove Taxpayers Alliance v. Department of Education*

- *Hazleton Area School District v. Department of Education*

- *Sleighton School v. Department of Education*

Contact: Ernest Helling (717-787-5500)

- Potomac College, Application for Certificate of Authority

Contact: Paula Fleck (717-772-3623)

- Montgomery County Community College v. Department of Education

- Wyoming Valley West School District v. Department of Education, Bureau of Curriculum and Academic Services, Division of Federal Programs

- In Re: Commonwealth Connections Academy Charter School Cyber Charter School Application—2002

- In Re: Pennsylvania Leadership Charter School Cyber Charter School Application—2002

- In Re: Pennsylvania Distance & Electronic Learning Academy Charter School Cyber Charter School Application—2002

- In Re: Achievement House Charter School Cyber Charter School Application—(2002)

- In Re: Millennium Cyber Charter School Cyber Charter School Application—(2002)

- In Re: Commonwealth Connections Academy Charter School Revised Application—(2003)

- In Re: Pennsylvania Leadership Charter School Revised Application—(2003)

- In Re: Achievement House Charter School Cyber Charter School Resubmission Application (2004)

- In Re: Achievement House Charter School Cyber Charter School Second Resubmission Application (2004)

- In Re: Commonwealth Connections Academy Charter School Cyber Charter School Second Resubmission Application (2003)

- In Re: Pennsylvania Distance Learning Charter School Cyber Charter School Resubmission Application (2003)

- In Re: Pennsylvania Distance Learning Charter School Cyber Charter School Second Resubmission Application (2004)

- In Re: Pennsylvania Leadership Charter School Cyber Charter School Second Resubmission Application (2003)

- In Re: Pennsylvania Leadership Charter School Cyber Charter School Third Resubmission Application (2003)

- In Re: Anchorage Cyber Charter School Cyber Charter School Application (2004)

- In Re: Pennsylvania Hinterland Mobil Cyber Charter School Cyber Charter School Application (2003)

- In Re: SusQ Cyber Charter School Cyber Charter School Renewal Application (2003)

Contact: Karen Feuchtenberger (717-787-5500)

- Jeanette School District

- Kennett Consolidated School District

- Reading School District

Contact: Ann St. Ledger (717-787-5500)

Bureau of Teaching and Learning Support Services

- No Child Left Behind Act—Supplemental Education Services—Approved Provider List (on PDE Website)

Contact: Norma Hull (717-705-8014)

Bureau of Performance Accountability and Reporting

- 2000 Mandate Waiver Applications Received and Action Taken (on PDE Website)

- 2001 Mandate Waiver Applications Received and Action Taken (on PDE Website)
 - 2002 Mandate Waiver Applications Received and Action Taken (on PDE Website)
 - 2003 Mandate Waiver Applications Received and Action Taken (on PDE Website)
- Contact: Sally Chamberlain (717-705-0863)

State Charter School Appeal Board

- Propel Charter School (McKeesport Area School District) CAB #2004-01
 - Bear Creek Community Charter School (Wilkes-Barre Area School District) CAB #2004-02
 - Propel Montour Charter School (Montour School District) CAB # 2004-3
 - Sugar Valley Rural Charter School (Keystone Central SD) CAB # 2004-4
- Contact: Ernest Helling (717-787-5500)

Food and Nutrition Appeals

- Auntie Sherry's Christian Child Care
 - Heaven's Angels Day Care
 - Little Paradise Day Care Center
- Contact: Karen Feuchtenberger (717-787-5500)

INTERNAL GUIDELINES:

Bureau of Special Education

- Compliance Monitoring System
- Contact: Patricia Hozella (724-836-2460 X244)
- Procedures for Complaint Management
- Contact: Michael Carricato (717-783-6137)

Office of Educational Technology

- Act 183 Grant Guidelines
- Contact: Kathy Brautigam (717-705-4486)

Bureau of Community and Student Services

- Learn and Serve America Request for Application Guidelines
 - 21st Century Community Learning Centers Funding Application Guidelines
- Contact: Dorothy Hershey (717-783-7089)
- Education for Homeless Children and Youth Request for Application Guidelines
- Contact: Sheldon Winnick (717-772-2066)
- Certificate of Eligibility of Migrant Education Children to Enroll in Program
 - State Parent Involvement Committee Members for Migrant Education Program
 - Travel Expense Policy for Reimbursement to Parents of Migrant Education Children Participating in State Parent Involvement Committee Meeting
 - Equal Educational Opportunities to Pennsylvania Children Regardless of their Legal Status
- Contact: Mary Ramirez (717-783-3755)
- Safe Schools Grant Application Guidelines
- Contact: Mary Ramirez (717-783-3755)
- Successful Students' Partnership Dropout Prevention Program Funding Application Guideline
 - Education Mentoring Grant Application Guidelines
- Contact: Mary Ramirez (717-783-3755)
- Safe and Drug-Free Schools and Communities Act; 2003-04 eGrant Application Guidelines; May 2003
- Contact: Dan Iser (717-787-6406)

Bureau of Teacher Certification and Preparation

- Interstate Agreement on Qualification of Educational Personnel—Policy for Certification of Educational Professionals Across State Jurisdictions
- Contact: Kevin Corcoran (717-787-3356)
- Policy Regarding Acceptance on Educational Testing Service Facsimile Score Reports
 - Program Approval for Teacher Certification Programs: Chairperson's Handbook
 - Program Approval for Teacher Certification Programs: Team Member's Handbook
 - General Standards Interpretation and Guidelines: Review Team Worksheets
- Contact: Marjorie Blaze (717-787-3470)

Bureau of Adult Basic and Literacy Education

- Program Monitoring Review Field Guide
- Contact: Donald F. Paquette (717-787-6344)

Bureau of Career and Technical Education

- Monitoring/Self-Study Booklet of the Nurse Aide Training and Competency Evaluation Program
 - Teaching the Educator Workshop for Nurse Aide Training and Competency Evaluation Program
- Contact: Carlyn Forlizzi (717-783-6975)
- Federal Carl Perkins Vocational and Technical Education Local Performance Review/Report
- Contact: Jerilynn Millvan (717) 786-3319
- Pennsylvania Department of Education Methods of Administration for Complying with Civil Rights Guidelines in Vocational Education
- Contact: Marian Thomas (717-772-4177)
- Federal and State Final Performance Reports
- Contact: John Bonchalk (717-772-4177)

- Program Administration Manual: Policy and Procedures for Perkins Subgrants and Related State Grants
Contact: Allan Mensky (717-772-4177)
- Establishing & Operating Effective Local Advisory Committees
- Establishing & Operating Effective Occupational Advisory Committees
Contact: Lydia Hess (717-783-6956)

Equal Educational Opportunity Office

- Manual for Deriving Indicators of Equal Opportunity for Higher Education in The Commonwealth of Pennsylvania
- Act 101 Regulations and Guidelines
Contact: Carrie M. Patterson (717-783-9531)

Bureau of Assessment and Accountability

- Education Empowerment Act—SEA Procedural Manual
Contact: Sally Chamberlain (717-705-8014)
- Mandate Waiver Program Procedural Manual
Contact: Sally Chamberlain (717-705-0863)

OTHER:

Bureau of State Library

- Disaster Response and Recovery Manual
- State Library of Pennsylvania Collection Development Policy
Contact: Sharon Anderson (717-783-5983)
- State Library of Pennsylvania Information Services Guidelines
Contact: Gene Smith (717-783-7014)

Bureau of Community and Student Services

- Cyber Charter School Application Decisions (On PDE Website)
Contact: Sheri Rowe (717-705-8020) Karen Feuchtenberger (717-787-5500)

Bureau of Teacher Certification and Preparation

- Certification Testing Booklets
Contact: Marjorie Blaze (717-787-3470)

Office of Postsecondary and Higher Education

- Professional Standards and Practices Commission—Pa. Code Title 22—Chapter 233 Bylaws—Statement of Policy, Annual Report, Professional Educator Discipline Act 24 P. S. §§ 2070.1-2070.18)
Contact: Carolyn Angelo (717-787-6576)
- Postsecondary and Higher Education Operating Institutions of Higher Education in Pennsylvania Legally Authorized to Grant Degrees
Contact: Paula Fleck (717-772-3623)

Bureau of Teacher and Learning Support Services

- Pennsylvania Literacy Framework
Contact: Joel Geary (717-772-1716)
- No Child Left Behind/Blue Ribbon Program-United States Department of Education Guidelines
Contact: Dale Baker (717-772-4944)

Bureau of Budget and Fiscal Management

- Standard Contract for Food Service Management Services
Contact: Sandy Souder (717-787-3186) or (800-331-0129)
- Basic Education Circular 24 P. S. Section 7-707, Sale or Lease of Unused and Unnecessary Lands and Buildings
- Basic Education Circular 24 P. S. Section 7-733, School Construction Reimbursement Criteria
- Basic Education Circular 24 P. S. Section 7-775, Department Approval of School Buildings, Equipment and Premises Leased for Educational Purposes by School Districts Except School Districts of the First Class
- Basic Education Circular 24 P. S. Section 25-2574, Reimbursement for School Construction Bond Issues
- Basic Education Circular 22 PA Code Section 349.28, Subsidy Payments on Closed School Buildings
Contact: Carle Dixon (717-787-5480)

Bureau of Community and Student Services

- Western Michigan University Five-Year Charter School Evaluation (on PDE Website)
Contact: Dr. Dan Felix (717-787-9819)

EMERGENCY MANAGEMENT AGENCY

Circulars:

- D2003—1 Training and Test Authorization Requests
- D2003—2 Pennsylvania Emergency Incident Reporting System (PEIRS)
- D2003—4 Comprehensive Exercise Program
- D2003—5 Emergency Management Training and Education
- D2002—2 Testing Program and Protocol for State Emergency Voice Alerting Network (SEVAN)
- D2002—3 Radiological Instructor Classification System and Code of Professionalism
- D2002—4 Emergency Equipment Materials and Supplies

- D2002—5 Requirements for the Preparation, Review and Update of Municipal Emergency Operation Plans (EOPs) and Accompanying Documents.
- C2003—1 Weather Emergency Preparedness Exercise
- C2003—2 Radiation Emergency Response Fund (RERF) Grant Guidance
- C2003—3 Hazardous Material Emergency Response After-Action Reviews and Reports
- C2003—4 Nuclear Power Plant Accident Emergency Worker Dosimetry and Potassium Iodide (KI)
- C2003—5 Hazardous Material Response Fund Guidance and Grant Application
- C2003—6 Emergency Management Performance Grant Annual Submission

2002

- C2002—1 Weather Emergency Preparedness Exercise (BOOT)
- C2002—2 Hazardous Material Response Fund Guidance and Grant Application (BOA)
- C2002—3 Radiation Emergency Response Fund (RERF) Grant Guidance (BOA)
- C2002—4 Emergency Management Performance Grant Annual Submission (BOA)
- C2002—5 Requirements for Preparation of Annual County Report on Hazardous Material Emergency Response Preparedness—Reporting Year 2002
- C2002—6 Hazardous Materials Emergency Preparedness (HMEP) Planning and Training Grant Guidance

2001

- C2001—5 Requirements for Preparation of Annual County Report on Hazardous Material Emergency Response Preparedness *Reporting Year 2001* (BOP)
- C2001—6 Hazardous Materials Emergency Preparedness (HMEP) Planning and Training Grant Guidance—(BOA)
- C2001—7 Release of Sensitive Documents or Information to the General Public in Light of the Terrorist Threat (EO)

2000

- C2000-1 Radiological Preparedness Program (BOOT)
- C2000-4 Guidance for Enforcement of the Hazardous Material Emergency Planning and Response Act (Act 1990-165) (BOP)
- C2000-6 Planning Guidance For Mass Fatalities Incidents (BOP)
- C2000-8 Radiation Transportation Emergency Response Fund (RTERF) Grant Guidance (BOA)
- C2000-10 Evacuation Authority (EO)
- C2000-12 Movement of Authorized Persons on Commonwealth Highways During a Blizzard or Major Winter Storm (EO)

1999

- C99-4 Nuclear Power Plant Accident Emergency Worker Dosimetry and Potassium Iodide (KI) (BOP)
- C99-5 Emergency Management Exercise Program (BOOT)
- C99-9 Hazardous Materials After-Action Reviews and Reports—(BOP)

1993

- C93-1 Guidance for Appropriate Emergency Response to Spills or Leaks from Vehicle Fuel Tanks or Heating System Fuel Supply Tanks or Lines (SF/CO)

Directives**2001**

- D2001-1 Expenditure of Act 165-Generated Revenues at The County Level (BOP)
- D2001-2 Preparation, Review, and Maintenance of SARA Title III Off-Site Response Plans and the State SARA Facility Database. (BOP)
- D2001-3 Certified Hazardous Material Response Teams In Pennsylvania (BOP)

2000

- D2000-1 Official Enrollment Of Emergency Management Volunteers (EO)
- D2000-2 Training and Test Authorization Requests (EO)
- D2000-3 Compensation for Accidental Injury (EO)
- D2000-4 Testing Program and Protocol for State Emergency Voice Alerting Network (SEVAN) (BOOT)
- D2000-5 Act 1990-165 Facility and Vehicle Inspections (BOP)
- D2000-6 PA Emergency Incident Reporting System (PEIRS) (BOOT)
- D2000-7 Emergency Equipment, Materials and Supplies (BOA)

1995

D95-2 Instructor Classification System and Code of Professionalism (SFCO)

1991

D91-3 Firefighter's Memorial Flag (SFCO)

D91-4 Guidelines for the Operation of a Fire Service Certification Advisory Committee (SFCO)

1990

D90-3 Emergency Management Training and Education (BOOT)

ENVIRONMENTAL HEARING BOARD**GUIDANCE MATERIALS:**

Filing Instructions and appeal form that are provided to the public on request.

Internal Operating Procedures published in the *Pennsylvania Bulletin* on May 20, 2000 at 30 Pa. Bulletin 2541.

Electronic Filing Instructions located on the Board's website at www.ehb.verilaw.com.

Practice and Procedure Manual effective January 2003.

The Board also publishes an annual report in August for each fiscal year ended in June as well as an annual summary of a selected number of its decisions.

These materials are distributed broadly and may be accessed on the Board's website at www.ehb.courtapps.com.

Contact: William T. Phillipy (717) 787-3483

ENVIRONMENTAL PROTECTION**Policy Office**

Contact: Michele Tate 717-783-8727

Document ID#

Title of Document

012-0200-001

Policy for Consideration of Local Comprehensive Plans and Zoning Ordinances in Permit Review

012-0200-002

Policy for Consideration of Local Comprehensive Plans and Zoning Ordinances in Grants Review

012-0200-003

Public Access to Information Policy

012-0200-004

Policy for Applications for Technical or Financial Assistance Proposals

012-0501-001

DEP Mediation Confidentiality

012-0501-002

Environmental Justice Public Participation Policy

012-0700-001

Policies and Procedures for Implementing the History Code

012-0840-001

Policy to Encourage Voluntary Compliance by Means of Environmental Audits

012-0900-001

Policy for Development, Approval and Distribution of Guidance

012-0900-002

Secretary's Directive/Review of Existing Regulations and Technical Guidance Documents

012-0900-006

Adoption by Reference of EPA's Y2K Enforcement Policy

012-1920-001

Public Participation in the Development of Regulations and Technical Guidance

012-4180-001

Policy/Acceptance/Community Environmental Projects in lieu of Civil Penalties

012-5500-001

2004 Environmental Education Grants Program Manual and Forms

012-5500-002

Environmental Education Grants Elective Program

Office of Information Technology Contact: Gail Jackson 717-772-4786

013-0830-002

Data Standards for PA Municipality Codes

013-0830-003

DEP Locational Data Policy

013-0830-004

Loan of DEP Personal Computers to Local Procurement Units

013-0830-005

Suggested Formats for Required Electronic Deliverable Attachments

013-0830-006

Formats for Required Electronic Deliverable CAD Attachments

013-0830-007

Formats for Required Electronic Deliverable GIS Attachments

013-0830-008

Geospatial Digital Data Submission Guideline

013-2000-001

Policy for the DEP Money-Back Guarantee Permit Review Program

013-2000-002

Policy for Implementing the Pennsylvania Natural Diversity Index

Management and Technical Service Contact: Lisa Miller 717-787-7193

150-0200-001

DEP Policy on Professional Work Assignments Conducted by Licenses Professional Engineers, Geologists

150-0200-002	Operator Certification Program Guidelines
150-2302-001	Critical Elements for Certification of Laboratories for Chemistry
150-2302-002	Critical Elements for Certification of Laboratories for Microbiology
150-2302-003	Critical Elements for Certification of Laboratories for Radionuclides
150-2302-004	Procedures for the Approval and Accreditation of Laboratories in PA, Utilizing the NELAC Standards

Bureau of Land Recycling and Waste Management Contact: Mike Texter 717-783-6006

250-3100-001	Guidance on Radioactivity Monitoring at Muni. and Residual Waste Processing/Disposal Facilities
250-3100-401	Quality Assurance Program
250-3120-320	Execution of Release Forms by Waste Management Field Inspectors
250-3130-763	Purge Water from Groundwater Sampling
250-4180-302	Calculation of Civil Penalties
251-0300-402	Risk Assessment Guidelines for Facilities Burning Hazardous Waste
251-2000-704	Exclusionary Siting Criteria—Hazardous Waste Treatment & Disposal
251-2000-705	Revisions to Exclusionary Siting Criteria Document
251-2000-706	Time Frame for Application of Hazardous Waste Exclusionary Siting Criteria
251-2100-203	Hazardous Sites Cleanup Act, Preapplication Meetings
251-2100-727	Policy and Procedure for Municipal Waste Facilities Equivalency Approvals
251-2100-754	Change of Ownership/Transfer of Permit
251-2149-713	Review Procedure for Hazardous Waste Transfer Facilities for PBR Status
251-2200-502	Household Hazardous Waste Collection Program
251-2200-515	Establishment of Household Hazardous Waste (HHW) Program
251-5500-758	Reimbursement to Host County for Hazardous Review
252-5500-100	Section 902 Recycling Grant Applications that must comply with Act 57
252-6600-516	Review of Residual and Hazardous Waste Source Reduction Strategies
253-0300-100	Land Recycling Program Technical Manual
253-0300-101	Assessing the Potential for Vapor Intrusion into Buildings from Groundwater and Soil
253-4500-601	Closure Requirements for Underground Storage Tank Systems
253-4500-606	ARARs—Cleanup Response and Remedial Actions
253-4500-608	Environmental Emergency Response Actions
253-4500-613	Mitigating Remedies under the Orphan Sites Program
253-5500-612	Issuance of Grants for Technical Evaluations under HSCA
253-5700-621	Off-site Audit Manual for Hazardous Sites Cleanup Program
253-5700-632	Community Relations Activities for State HSCP and Federal Superfund Program
253-5700-634	Prep of Analysis of Alternatives/HSCA Proposed Response Document
253-5800-638	Environmental Emergency Response Program Response Actions
254-2000-715	Clean Fill Policy and Procedures
254-2100-100	Local Municipality Involvement Process
254-2100-101	Environmental Assessment Process, Phase I Review
254-2100-102	Municipal Waste Facility Review—Traffic Analysis
254-2100-103	Process for Evaluating Daily Volume
254-2153-721	Areas Where Municipal Waste Landfills (MWLF) are Prohibited
254-2153-723	Leak Detection Tests for Installed Liners
254-2157-717	Pumping Requirements for Construction/Demolition Landfills in Noncoal Mines
254-2157-718	Liners for Construction/Demolition Waste Landfills
254-2158-745	Issue of Emergency Municipal Waste Transfer
254-2160-762	Management of Municipal Ash Waste from Resource Recovery Facility
254-2167-702	Clarification of the Identification of Infectious Waste Generators
254-2167-703	Co-mingling of Infectious and Chemotherapeutic Waste in One Container

254-2167-708	Procedures for Container/Vehicle Decontamination & Small Spill Cleanup
254-2167-709	Clarification of Requirements Related to Storage Bags
254-2167-712	Clarification of the Permit-by-Rule Provision for Mixed Waste/Residual Waste
254-2167-725	Temp Storage and In-Transit Provisions during Transport or Transfer
254-2167-726	Policy/Procedures for Infectious Waste Definition
254-2212-504	Guidelines for the Development of County Waste Management Plan Revisions
254-2412-002	Act 90 Waste Transportation Safety Program Placarded Authorizations
254-5400-001	BMP's for Storage, Processing, or Disposal of Land-Clearing, Grubbing, and Excavation Wastes
254-5400-100	The Food Processing Residual Management Manual
254-5401-001	Best Practices for Environmental Protection in the Mushroom Farm Community
254-5403-100	Guidelines for Yard Waste Composting Facilities
254-5900-001	Guidelines for the Development and Implementation of PPG Plans for Generators/Burners of Waste Oil
255-5400-001	Outdoor Shooting Range Guidance
257-2212-501	County Option to Retain or Eliminate Municipal Waste Flow Control
257-2318-005	Policy for Implementing the General Operating Permit Strategy for Aboveground Storage Tanks
257-4180-002	Storage Tank Program Compliance Assistance Strategy
257-4200-001	Closure Requirements for Aboveground Storage Tank Systems
258-2000-764	New Waste Streams Review
258-2000-765	General Permitting Procedure
258-2000-767	Chemical Analysis
258-2182-773	Safe Fill Policy and Procedure Establishing Criteria for use of Uncontaminated Soil, Rock, Stone etc

Bureau of Air Quality Contact: Janette Van Skike 717-787-4325

271-5000-001	Employer Trip Reduction Policy
271-5000-002	Interstate Ozone Reduction/Chapter 145 Regulation Overview
273-4000-001	Compliance Assurance Policy for Cement Kilns with CEMS
273-4000-002	Compliance Assurance Policy for Hospital Waste Incinerators
273-4000-003	Compliance Assurance Policy for Municipal Waste Incinerators, including Revisions
273-4000-004	Enforcement Policy for CEMS on Fluid Catalytic Cracking Units
273-4000-005	Enforcement Policy—CEMS and Coal Sampling/Analysis Systems
273-4000-007	Interim Compliance Strategy on RACT for NOx Sources with CEMS
273-4000-008	Policy for Sampling/Determination of Compliance with Low RVP Gasoline Requirements in the Pittsburgh
273-4100-005	Air Pollution Control Act/Compliance History Review/Civil Penalty Assessment Procedure
273-4110-001	Guidelines for Identifying, Tracking and Resolving Violations for Air Quality
273-4130-001	DEP/EPA Asbestos Demolition/Renovation Civil Penalty Policy
273-4130-003	Guidance for Application of Regional Civil Assessment Procedure
273-4130-004	Compliance Docket Procedure
273-4130-006	Stage I Penalty Assessment Guidance
273-4130-007	Stage II Enforcement Strategy
273-5401-001	Compliance Strategy for Mushroom Composting Operations
274-0300-001	Continuous Source Monitoring Manual
274-0300-002	Source Testing Manual
274-0300-003	Continuous Emissions Monitoring Manual
274-3100-001	Policy for Stage II Vapor Recovery Testing Requirements
274-3100-002	Interim Procedures Pertaining to Continuous Source Monitoring System Quarterly Data Reports
275-2101-001	Air Quality Operating Permit—Protocol
275-2101-002	AQ Operating Permit—Permitting Procedures
275-2101-003	Air Quality Permit Exemptions

275-2101-004 AQ Operating Permit—Modification/Reactivation
 275-2101-005 AQ Operating Permit—Delegation Conditions & Policy Performance Test Waivers
 275-2101-006 AQ Operating Permit—Requirements
 275-2101-007 AQ Operating Permit—Best Available Technology & Other Permitting Criteria
 275-2101-008 AQ Operating Permit—Hazardous Waste Incineration
 275-2101-009 AQ Operating Permit—Waste Derives Liquid Fuel Policies
 275-2101-010 AQ Operating Permit—Air Toxics Policies
 275-2101-011 AQ Operating Permit—Public Notification
 275-2101-014 AQ Operating Permit—Prevention of Significant Deterioration
 275-2101-015 AQ Operating Permit—Volatile Organic Compounds
 275-2101-016 AQ Operating Permit—Continuous Source Monitors

Bureau of Radiation Protection Ben Seiber 717-787-2489

291-0400-001 P & P Summary, Radiation Control Division
 292-0400-002 Nuclear Power Generating Station Incident Manual
 293-0400-001 Policy and Procedures, Nuclear Safety Division
 293-0400-002 Low Level Radioactive Waste Section Policies and Procedures
 293-2400-001 Conducting Radiological Performance Assessments For LLRW Disposal in PA
 293-2400-003 Requirements for LLRW Minimization Plan
 294-2309-001 Radon Certification Policy
 294-2309-002 Radon Mitigation Standards
 294-2309-003 Pennsylvania Radon Certification Guide
 294-2309-004 Schematic Radon Mitigation Installation for New Construction
 294-2309-005 Radon Reduction Techniques for Existing Detached Houses
 294-2309-006 Application of Radon Reduction Techniques
 294-2400-002 Enhanced Containment through Engineered Barriers Staff Technical Report

Bureau of Waterways Engineering Dennis Dickey 717-772-5951

310-0600-002 Interagency Agreement with the Susquehanna River Basin
 310-2139-002 Land Acquisition Policies
 310-2140-001 Criteria and Fees for Dam Safety Limited Power Permits
 310-3120-001 Annual Dam Inspection Report Policy
 310-3140-002 Category 3 Dam Inspection Program
 310-4000-001 Compliance Assistance and Enforcement Manual

**Bureau of Watershed Management/ Bureau of Water Standards and Facility Regulation
 Cheri Sansoni 717-772-5258**

361-0100-001 Conservation District Fund Allocation Program
 361-0100-002 Chesapeake Bay Nonpoint Source Pollution Abatement Program
 361-0300-001 Manure Management for Environmental Protection
 361-0300-002 Field Application of Manure
 361-5500-004 Chesapeake Bay Financial Assistance Funding Program Guidelines
 362-0300-001 Domestic Wastewater Facilities Manual
 362-0300-003 Sewage Facilities Planning: Preparing Act 537 Update Revisions
 362-0300-004 A Guide To Requirements and Procedures For Obtaining Permits etc for Industrial Wastewater Mgt System
 362-0300-008 Experimental Systems Guidance
 362-0400-001 NPDES Program Implementation—MOU Concerning WQM, NPDES Program Implementation, and Related Matters
 362-0600-001 National Pollutant Discharge Elimination System Program Implementation
 362-0600-002 Agreement Between Oil/Gas Mgmt and Water Quality on Pollution Discharge
 362-0830-001 Locational Data Policy for the Wastewater Management Program
 362-2000-001 Permitting Policy and Procedure Manual

362-2000-003	Policy for Permitting Surface Water Diversions
362-2000-005	Subsurface Disposal of Carwash Waste
362-2000-007	Conducting Technical Reviews of Water Quality Management (Part II) Permit
362-2000-008	Conducting Technical Reviews of Minor NPDES Renewal Applications
362-2000-009	Manual for Land Application of Treated Sewage and Industrial Wastewaters
362-2000-010	Interim CAFO Policy
362-2183-001	Technical Guidance for Permitting Landfill Leachate Discharges
362-2183-003	Technology-Based Control Requirements for Water Treatment Plant Wastes
362-2183-004	Technical Guidance for Development of NPDES Permit Requirements Steam Electric Industry
362-2192-003	Guidelines for Agricultural Utilization of Sewage Sludge
362-2206-001	Review and Coordination of Chapter 94 Reports and Act 537 Planning
362-2206-007	Policy Establishing New Program Direction for Act 537 Comprehensive Planning
362-2207-004	Impact/Subsurface Disposal on Ground Water Nitrate-Nitrogen Levels
362-2207-008	Administration of Fee Collection for Planning Module Reviews
362-2208-002	Municipal Guidance—Reconstructive Planning
362-2208-003	Technical Decision Making and the Use of Technology in Onlot Sewage System Repair Situations
362-4000-001	Calculation of Contingent Penalties for Effluent Violations
362-4000-002	Field Manual for Compliance Orders
362-4180-001	Guidance for Civil Penalty Calculation for Effluent Violations
362-4180-002	Civil Penalty Assessment Procedures for Pollution Incidents
362-4180-003	Calculation of Civil Penalties for Willfulness
362-5512-001	PA Sewage Facilities Act 537, Enforcement Reimbursement
362-5512-002	Act 537 Sewage Facilities Planning Grants
362-5512-003	Recognition of Selected Cost Items Associated with “Inflow and Infiltration Studies”
363-0200-002	Delegation of Authority for Chapters 105-106
363-0200-003	Pennsylvania Wetland Replacement Project
363-0300-001	Design Criteria—Wetland Replacement/Monitoring
363-0600-001	Delegation of Chapter 105 Functions to County Conservation Districts
363-0600-003	Agreement with the U. S. Army Corps of Engineers
363-2100-002	Delegation of Chapter 105 Functions to Oil and Gas and Field Operations
363-2134-008	Erosion and Sedimentation Pollution Control Manual
363-2134-010	Earth Disturbance Permit Policies and Procedures
363-2134-013	Permit Guidelines for Phased Projects for NPDES Strmwtr Discharges, w/ Erosion and SPC and WRP Permits
363-2140-001	Criteria and Fees for Waterways Management Limited Power Permits
363-2141-001	Chapter 105 General Permits
363-2316-001	Certification for Corps Nationwide Permits (Wetlands)
363-2505-001	Guidelines for Determining Bonds
363-4000-001	Compliance Assistance and Enforcement Manual
381-2208-001	Experimental Onlot Wastewater Technology Verification Program
381-5500-001	Guidance for Reviewing Capital Grants for Construction
381-5511-012	DEP and Pennsylvania Infrastructure Investment Authority Agreement
381-5511-014	Guidance on the Utilization of Disadvantaged Business Enterprise Firms (DEB)
381-5511-111	Guidelines for the Uniform Environmental Review Process
381-5511-113	Handbook for PennVest Wastewater Projects
383-0300-001	Ground Source Heat Pump Manual
383-0300-107	Working Guide to the Lead and Copper Rule
383-0400-104	Health Effects and Risk Management Staff Handbook
383-0400-110	Safe Drinking Water Program Compliance Strategy

383-0400-114	Pennsylvania's Capacity Enhancement Program
383-0800-001	Principles for Ground Water Pollution Prevention and Remediation
383-0810-101	Summary of Key Requirements, Community Water Systems
383-0810-102	Summary of Key Requirements for Total Coliform Rule
383-0810-105	Summary of Key Requirements for Phase 2 and Phase 5 Wellhead Protection Rule
383-0810-106	Summary of Key Requirements for Surface Water Filtration Rule
383-0810-107	Summary of Key Requirements for Lead and Copper Rule
383-0810-201	Summary of Key Requirements for Transient Noncommunity Water Systems
383-0810-203	Summary of Key Requirements for Bottled Water Systems
383-0810-206	Summary of Key Requirements for Surface Water Identification Protocol
383-0810-301	Summary of Key Requirements for Nontransient/Noncommunity Water Systems
383-0810-303	Summary of Key Requirements for Vended/Bulk Water Hauling
383-0810-401	Summary of Key Requirements for Consecutive Water Systems
383-0830-001	Quality Management Plan for the Bureau of Water Supply and Wastewater Management
383-2000-030	Comprehensive State Ground Water Protection Program (CSGWPP)
383-2000-208	Pilot Plant Filtration Studies for Filtration of Surface Sources
383-2100-108	DEP Permit Guide to Public Water Systems
383-2100-208	DEP Approval Guide for Noncommunity Water Systems
383-2125-001	Proposals to Add or Remove Fluoridation Treatment by a Community Water System
383-2125-108	Public Water Supply Manual, Part 2—Community Water System Design Standards
383-2126-103	Permitting of Vended Water Systems
383-2126-203	Permitting of Retail Water Facilities
383-2127-103	Permitting of Bulk Water Hauling Systems
383-2128-108	Public Water Supply Manual, Part IV—Noncommunity System Design Standards
383-2129-001	Enhanced Coagulation Calculator Spreadsheet
383-2129-002	Guidance for Evaluating Alternate Recycle Return Locations Proposed Under the FBRR
383-2129-003	Consumer Confidence Report Handbook
383-2131-001	Screening Criteria on Water Quality/Quantity Impacts for Drinking Water Permits
383-2200-108	Guidance for the Review and Approval of an Existing Well Water Source for Use at a Public Water System
383-2300-001	Pennsylvania's Interim Program for Operator Certification
383-2300-002	Training Provider Manual for the PA Water and Wastewater System Operator Training Program
383-3000-001	Groundwater Monitoring Guidance Manual
383-3000-101	Safe Drinking Water Program Field-Related Compliance
383-3000-102	Program Guidance on the Total Coliform Rule Guidance
383-3000-307	Corrosion Control Treatment—Basic Feasibility Study
383-3100-111	Public Water Supply Manual, Part 7
383-3110-111	Public Water Supply Manual—Part 5, Sections 1 and 2
383-3110-211	Public Water Supply Manual, Part 5, App A
383-3120-106	Filter Plant Performance Evaluations and Response
383-3130-106	Giardia Sampling and Response
383-3130-108	New Source Sampling Requirements for Surface Water Sources
383-3130-208	Community and Nontransient Noncommunity Water Systems: New Source Sampling for Groundwater Sources
383-3130-308	Transient Noncommunity Water Systems: New Source Sampling Requirements for Groundwater Sources
383-3200-009	Pennsylvania's Ground Water Quality Monitoring Network: Ambient and Fixed Station Network
383-3200-016	Quality Assurance Work Plans for Groundwater Monitoring Stations
383-3301-102	Laboratory Reporting Instructions for Total and Fecal Coliform Bacteria
383-3301-103	Guide to Laboratory Reporting Instructions for BVRBs

383-3301-105	Laboratory Reporting Instructions for Chemical Contaminants
383-3301-106	Filter Rule Reporting Instructions/Public Water Systems Using Filtered Surface-Water
383-3301-107	Laboratory Reporting Instructions, Lead and Copper Rule
383-3301-205	Laboratory Reporting Instructions/ Radiological Contaminants/ Drinking Water Distribution
383-3301-305	Laboratory Reporting Procedures for Total Trihalomethanes
383-3310-209	PADWIS Inventory Reports by PWSID
383-3310-309	Pennsylvania Drinking Water Information System (PADWIS) Laboratory Sample User's Manual
383-3310-409	Pennsylvania Drinking Water Information System (PADWIS) Violation and Enforcement Users Manual
383-3310-609	PADWIS Reporting
383-3500-105	Pennsylvania Vulnerability Assessment Summary
383-3500-106	Guidance for Surface Water Identification
383-3500-112	Surface Water Identification Protocol—NCWS
383-5000-001	Source Water Assessment and Protection Program
383-5500-113	PENNVEST Guidance
383-5500-213	Small Water Systems Regionalization Grant Program
383-5500-413	Formation of Water Authorities Grant Program
383-5500-513	County Water Supply Planning
383-5500-613	Small Water Systems Consolidation Construction Grant Program
383-5900-111	Public Water Supply Manual, Part VI
385-2000-011	Pennsylvania Combined Sewer Overflow Policy
391-0300-002	Water Quality Antidegradation Implementation Guidance
391-2000-002	Establishment of Alternate Thermal Effluent Limitations
391-2000-003	Determining Water Quality Based Point Source Effluent Limits
391-2000-006	Implementation Guidance Design Conditions
391-2000-007	Technical Reference Guide—Wasteload Allocation Program for Dissolved Oxygen and Ammonia Nitrogen
391-2000-008	Implementation Guidance for the Sampling and Analysis of Osmotic Pressure
391-2000-010	Implementation Guidance for Phosphorus Discharges to Lakes, Ponds, and Impoundments
391-2000-011	TRG PENNTOXSD for Windows PA Single Discharge Wasteload Allocation Program for Toxics
391-2000-012	Users Guide for the Pennsylvania Single Discharge Toxics Model
391-2000-013	Implementation Guidance of Section 93.7 Ammonia Criteria
391-2000-014	Implementation Guidance for Evaluating Wastewater Discharges to Drainage Ditches and Swales
391-2000-015	Implementation Guidance for Total Residual Chlorine (TRC) Regulation
391-2000-017	Implementation Guidance for Temperature Criteria
391-2000-018	Implementation Guidance for Section 95.9 Phosphorus Discharges to Free Flowing Streams
391-2000-019	Implementation Guidance for Application of Section 93.5 (e)
391-2000-020	Protocol/Estimating First Order Pollutant Fate Coefficients/ Volatile Organic Substances
391-2000-021	Field Data Collection and Evaluation Protocol/Determining Stream & Point Source Discharge Hardness
391-2000-022	Ambient Water Quality in the Determination of Wasteload Allocations and NPDES Effluent Limitations
391-2000-023	Design Stream Flows
391-2000-024	Field Data Collection and Evaluation Protocol for Deriving Daily and Hourly Discharge Coefficients
391-3200-003	Quality Assurance Work Plan: Cause/Effect Surveys
391-3200-004	Aquatic Life Use Attainability Studies—Flow Water and Impoundment
391-3200-005	Aquatic Life Special Water Quality Protection Survey
391-3200-006	Quality Assurance Work Plan: Toxics Surveys
391-3200-007	Stream Enrichment Risk Analysis
391-3200-008	Quality Assurance Work Plan: Advanced Treatment Model—Calibration/Verification Surveys

- 391-3200-013 Evaluation of Phosphorus to Lakes, Ponds & Impoundments
- 392-0300-001 Stormwater Management Guidelines and Model Ordinances
- 392-0300-002 Comprehensive Stormwater Management Policy
- 392-0300-003 Guidance on MS4 Ordinance Provisions
- 392-2130-001 General Policy and Procedures for the Review of Water Allocation Permit Applications
- 392-2130-002 Subsidiary Water Allocation Permit Requirement
- 392-2130-003 Attorney General Opinion 361 re: 1939 Water Rights Act
- 392-2130-004 Recision of Water Rights
- 392-2130-005 Policy for Regulation of Interbasin Transfers
- 392-2130-006 Metering of Withdrawals under Orders of Confirmation
- 392-2130-007 Constant Gallons per Capita per Day (GPCD)
- 392-2130-008 Permit Life
- 392-2130-012 Recognizing Succession to Water Rights as a Result of Changes of Ownership
- 393-0900-006 Stationary/Nonstationary Tanks
- 393-0900-009 Exemption From Registration Fees for Volunteer Fire Cos/Volunteer EMS Orgs
- 393-0900-012 Storage Tank Cleaning Activities
- 393-0900-014 Applicability of 40 CFR, Subpart 280, Sub G to Previously Closed Tanks
- 393-0900-015 Implementation of Act 16
- 393-0900-016 Implementation of Act 34
- 393-0900-018 Summary of the Technical Requirements for Aboveground Storage Tanks
- 393-0900-019 Summary of the Simplified Program for Small Aboveground Storage Tanks
- 393-0900-020 Summary of the Technical Standards for Underground Storage Tanks
- 393-0900-021 UST/AST System Variances
- 393-0900-022 Verification of Emergency Containment Structures for Aboveground Storage Tanks
- 393-2300-001 Storage Tanks Certification Program (Chapter 245, A and B)
- 393-2318-001 ASNT Level II Certification
- 393-2318-002 PE Certification for Aboveground Storage Tanks (ASTs)
- 393-2318-003 Upgrade Requirements/Substantial Modification of Underground Storage Tanks
- 393-2318-004 Summary of the Permitting of Underground and Aboveground Storage Tank Systems and Facilities
- 393-2320-001 Statement of Policy—Definition of Underground Storage Tank
- 393-3300-002 Permeability of Secondary Containment & Emergency Containment
- 393-4180-001 Penalty Assessment Matrix
- 393-4180-003 Strategy for Addressing the 1998 Federal and State Deadline for Upgrading Existing USTs
- 394-0300-001 Commonwealth of Pennsylvania Coastal Zone Management Program and Final Environmental Impact Statement
- 394-0810-001 PA's Continuous Planning Process (CPP) for Water Quality Management 1999 Update
- 394-2000-001 Municipal Reference Document- Department Guidance for the Bluff Recession and Setback Act
- 394-2000-002 PA's Nonpoint Source Mgt. Program
- Office of Field Operations Kris Lutz 717-787-9240**
- 400-0200-001 Policy for PA Natural Diversity Inventory (PNDI) Coordination During Permit Review and Evaluation
- 400-2000-300 Policy for Model Permit Application Process
- 400-2200-001 Guidelines for the Development and Implementation of Environmental Emergency Response Plans
- 400-5900-101 Emergency Operations Plan
- 400-5900-102 Policy for Authorizing Emergency Response Expenditure
- 400-5900-103 Policy for Emergency Response Critiques
- 400-5900-104 Policy for Authorities of DEP On-Scene Coordinators
- 400-5900-105 Policy for Emergency Response Contracting
- 400-5900-107 Policies for Authorities of DEP's Director of Emergency Response

400-5900-108	Policy for Contracting with Fire Companies or HAZMAT Teams
400-5900-109	Policy for Authorization of Emergency Transport/Storage of Hazardous Waste
400-5900-110	Policy for Field Order Authorization of Emergency Response Team
400-5900-111	Procedures for Emergency Contracting to Extinguish Mine Fire
400-5900-112	Policy for Gasoline Fume Emergency Criteria
400-5900-113	Chlorine Safety Procedures
400-5900-114	Hazardous Material and Hazardous Atmosphere Safety Policy
400-5900-115	Confined Space Safety Policy
400-5900-116	Policy for Electrofishing Personnel and Equipment Safety
400-5900-117	Standard Operating Procedures for the Acceptance, Collection, Transport etc of Elemental Mercury

Bureau of Oil and Gas Management Millie Raudabaugh 717-787-4817

550-0300-001	Oil and Gas Operators Manual
550-0800-001	PA's Plan for Addressing Problem Abandoned Wells and Orphaned Wells
550-2000-001	Administrative Policies and Procedures Manual
550-2100-002	Oil and Gas Wastewater Permitting Manual
550-2100-003	Oil and Gas Well Drilling Permit Applications and Related Approvals
550-2100-004	Oil and Gas Well Drilling Permit Applications and Related Approvals
550-2100-005	Oil and Gas Well Drilling Permit Applications and Related Approvals
550-2100-006	Oil and Gas Well Drilling Permit Applications and Related Approvals
550-2100-007	Oil and Gas Well Drilling Permit Applications and Related Approvals
550-2100-008	Interim Policy for NPDES Permits for Stormwater Discharges Assoc'd w/ Constr Activities O and G Wells
550-2100-009	Oil and Gas Locational Guidance
550-2500-001	Interim Technical Guidance For Attachments to Electronic Submissions—Oil and Gas Program
550-2501-101	Guidelines for Submitting Oil/Gas Bonds
550-3000-001	Compliance Monitoring of Oil and Gas Wells and Related Facilities and Activities
550-4000-001	Enforcement Actions by DEP's Oil and Gas Management Program
550-4180-001	Civil Penalty Assessments in the Oil and Gas Program

Bureau of Mining and Reclamation James Charowsky 717-787-7007

560-0600-101	Interagency Agreement with the Fish and Boat Commission
560-0600-102	MOU Between PA Game Commission and DEP
560-0600-104	Interagency Agreement, Historical Museum Commission
560-0600-105	Interagency Agreement, Waste Management
560-0600-204	Office of Surface Mining MOU
560-0700-302	Fish and Boat Commission Coordination
560-0700-303	Game Commission Coordination
560-0700-304	Review of Surface Mine Applications on High Quality Waters
561-2305-201	SOAP and ROAP Application Processing and Preassignment Field Conference
561-2305-203	Small Operator and Remining Operator Assistance Programs (SOAP and ROAP) Report Review
561-2305-601	SOAP and ROAP Applicant Liability and Reimbursement Procedure
561-5300-101	Mine Subsidence Insurance (MSI) Coverage Issuance Procedures
561-5300-201	Mine Subsidence Insurance (MSI) Damage Claim Processing Procedures
562-2000-001	Projects and Activities under the Environmental Good Samaritan Act
562-2000-703	Licensing, Name Changes
562-2100-001	Blasting Activity Permits and Permits by Rule
562-2100-002	Alternative Peak Particle Velocity or Airblast Level
562-2100-704	Municipal Mining Licenses, Permits and Bonds
562-2112-315	Prompt Closure of Abandoned Underground Mine Openings
562-2112-316	Sealing Mine Openings, Bituminous

562-2112-317	Sealing Anthracite Underground Mine Openings
562-2112-503	Bituminous Coal Surface Mining/Blasting near Utilities and Pipelines
562-2112-504	Blasting Complaint Protocol
562-2402-501	Blaster's License Suspension and Revocation Procedure
562-2403-505	Drop Trailer and Tanker Guidelines
562-2500-702	Insurance Requirements and Water Supply Replacement Assurance
562-2504-312	Surety Reclamation of Bond Forfeiture Sites
562-3000-102	Inspections
562-3000-105	Field Evaluation of Pit Size Variances
562-3000-110	Applicant Violator System (AVS) Inspections
562-3000-802	Applicant Violator System (AVS) Compliance
562-3200-203	Fixing Water Samples
562-3200-205	Normal/Favorable Planting Season
562-3900-402	Citizens' Requests: Receiving, Tracking, Investigating, Appealing and Filing
562-4000-101	Water Supply Replacement and Compliance
562-4100-301	Compliance/Enforcement Procedures
562-4100-307	Enforcement, Alternative
562-4170-308	Bond Forfeiture
562-4180-101	Noncoal Civil Penalty Assessments
562-4180-306	Civil Penalty Assessments
562-4180-309	Reclamation in Lieu of Cash Payment for Civil Penalties
562-4180-310	Bankrupt Surety Company Bond Replacement Requirements and Civil Penalty Calculations
562-4180-311	Civil Penalty Collections
562-5900-001	Surface Mine Accident Investigations
563-0300-101	Engineering Manual for Coal
563-2000-001	Government Financed Construction Contracts
563-2000-102	Coal Exploration
563-2000-105	Coal Exploration by Slope Development
563-2000-203	Noncoal Underground Mine Permit Applications
563-2000-204	Homeowner Notification of Right to Pre-Blast Survey (Industrial Minerals)
563-2000-208	Right of Entry
563-2000-223	Review Process, Bituminous Coal Blast Plan
563-2000-602	Beneficial Use of Sewage Sludge at Active Mine Sites
563-2000-609	Technical Review, Coal Mining
563-2000-610	Validating Abandoned Underground Mine Maps and Establishing Barrier Pillars
563-2100-216	Permit Renewals
563-2111-101	Noncommercial Exemption from Requirements of the Noncoal SMCRA
563-2111-102	Building Construction Exemption from Requirements of the Noncoal SMCRA
563-2111-111	Noncoal Operations
563-2111-112	Highwall Stability In Long-Term Multiple Bench Quarries
563-2112-203	Insignificant Boundary Corrections for Surface Mining Activities
563-2112-205	Application Review, Mining Permit
563-2112-206	Beneficial Use of Coal Ash at Active Coal Mine Sites
563-2112-211	Application Review, Coal Mining Activity Completeness
563-2112-212	Evaluation and Approval of Land Use Changes for Surface Water Coal Mine Operations
563-2112-214	Application Review, Coal Mining Activity Preapplication
563-2112-215	Application Review, Accepted Coal Mining Activity
563-2112-217	Alkaline Addition for Surface Coal Mines
563-2112-218	Permit Transfers

563-2112-219	Cumulative Hydrologic Impact Assessments (CHIAs)
563-2112-222	Coal Surface Mining—Oil and Gas Barriers
563-2112-224	Certification Guidelines for Beneficial Uses of Coal Ash
563-2112-225	Beneficial Uses of Coal Ash
563-2112-603	Evaluation and Approval of Innovative Mining and Reclamation Techniques
563-2112-604	Auger Mining
563-2112-605	Water Supply Replacement and Permitting
563-2112-607	Marketing of Anthracite Coal Reject Materials
563-2112-608	Contracted Wetlands for Mine Drainage Treatment
563-2112-610	Determining Eligibility of Pre-Existing Pollutational Discharges
563-2112-611	Technical Review, Permitting Pre-existing Pollutational Discharges
563-2112-652	Underground Mining near Oil and Gas Wells
563-2112-653	Permitting Ventilation Boreholes for Underground Coal Mines
563-2112-654	Technical Review, Mine Stability
563-2112-656	Liners—Impoundments and Storage Areas
563-2112-657	Technical Review, Public Water Protection Zones
563-2112-658	Imminent Hazards Associated with Subsidence from Active Mining
563-2113-660	Coal Refuse Disposal—Site Selection
563-2500-401	Noncoal Surface Mining Payment in Lieu of Bond
563-2504-001	Conventional Bonding for Land Reclamation
563-2504-002	Land Maintenance Financial Guarantees
563-2504-101	Procedures for Calculating Mine Subsidence Bonds
563-2504-405	Anthracite Mine Operator's Emergency Bond Loan (A.E.B.L.) Program
563-2504-407	Bonding, Direct Submittal of Bonds
563-2504-409	Phased Deposit of Collateral Coal and Noncoal Mining
563-2504-411	Processing Completion Reports
563-2504-412	Evaluating Postmining Discharges
563-2504-451	Bonding, Anthracite Underground Mines
563-2504-501	Qualifying, Processing and Tracking Financial Guarantees and Bond Credits
563-2504-612	Monitoring and Compliance and Bond Release for Subchapters F and G Permits
Bureau of Deep Mine Safety Allison Gaida 724-439-7469	
580-2200-003	Section 316(h): Use of Electronic Atmospheric Detectors in lieu of Approved Flame Safety Lamps
580-2200-004	Procedures for Processing Requests to Adopt New Items or Methods
580-2200-008	Guidelines for Use of Internal Combustion Motors in Underground Mines other than Coal
580-2200-009	Use of Electronic/Oxygen Detectors in Lieu of Approved Flame Safety Lamps
580-2200-010	Underground Storage of Explosives
580-2219-002	Section 247—Guidelines to Approve Ventilation Plans for Abandoned and Unused Mine Areas
580-2219-003	Section 253(b)—Guidelines for Approving Roof Bolts as Primary Support
580-2219-008	Submission of Mine Maps when a Mine is Abandoned
580-3000-002	Bureau of Deep Mine Safety's Compliance and Enforcement Procedures
580-3000-005	Clarification of Pertinence of DEP Statutes re: Coal Processing Facilities
580-3300-001	Underground Mine Accident and Production/ Manhour Reporting
Office of Energy and Technology Development Eric Thumma 717-783-0540	
700-0200-001	Technology Management Process
700-5600-001	Guidance for Pollution Prevention and Energy Efficiency Site Visits

GENERAL SERVICES

POLICY STATEMENTS:

Deputy Secretary for Property Management (Contact: Daniel Wheeler 783-5028)
 —Use of the Public Areas of the Capitol Complex, 4 Pa. Code § 86.1, et seq.

Bureau of Minority and Women Business Opportunities (Contact: Tyrone Powell 783-3119) www.dgs.state.pa.us, Keyword: BMWBO

- Contract Compliance—Pre-qualification of Vendors and Nonconstruction Contractors, 4 Pa. Code § 68.1, et seq.
- Contract Compliance—Construction Contracts, 4 Pa. Code § 68.101, et seq.
- Internal Guidelines for MBE/WBE Certification, 4 Pa. Code § 68.201, et seq.

GUIDANCE MATERIALS:

Bureau of Construction (Contact: David McCarty 787-6330)

- Administrative Procedures (1999)

Bureau of Minority and Women Business Opportunities (Contact: Tyrone Powell 783-3119) www.dgs.state.pa.us, Keyword: BMWBO

- Contract Compliance Orientation and Training Manual

Bureau of Engineering and Architecture (Contact: Tom Rados 787-3709)

- Bureau of Engineering and Architecture Procedure Manual

Bureau of Police and Safety (Contact: Richard Shaffer 787-9013)

- Building Evacuation—Emergency Action Plan
- Capitol Police Duty Manual

Bureau of Publications and Paperwork Management (Contact: Audrey Marrocco 787-3707)

- M210.4 Forms Managements (8/16/83)—Rev. 1-2 (8/1/84 & 10/27/86)
- M210.5 Standard (STD) Forms Management (9/15/98)
- M210.6 Publications Management (8/1/84)—Rev. 1 (10/17/86)

Bureau of Procurement (Contact: John Troxel 787-4719)

- M215.3 Field Procurement Handbook (3/20/01)—Rev. 1-4 (6/21/01, 10/5/01, 3/25/02 & 4/17/03)

Bureau of Supplies and Surplus Operations (Contact: Kenneth J. Hess 787-5940)

- State Surplus Property Manual (2/3/98)
- Warehouse and Distribution Division Policies and Procedures Manual (6/2/05)

Bureau of Vehicle Management (Contact: Josie Sharp 787-3162)

- Automotive Services Facilities

Bureau of Professional Selections and Administrative Services (Contact: Gary Lee 787-4479)

- Instructions to Bidders

Bureau of Real Estate (Contact: James Hickey 787-0274)

- M260.1 Manual for Space Utilization (3/11/04)

Internal Guidelines

Management Directives and Administrative Circulars

Property Management (Contact: William Dempster 787-5240)

- 625.10 Card Reader and Emergency Response Access to Certain Capitol Complex Buildings and Other State Office Buildings (4/21/04)

Bureau of Facilities Management (Contact: Todd Garrison 787-3893)

- 625.8 Contracting for Bargaining Unit Work (2/25/94)
- 04-25 Live Christmas Trees and Decorations (11/22/04)
- 720.5 Personal Electrical Devices in Commonwealth-Owned or Leased Building (10/14/03) 720.3 Emergency Evacuation Plans at Commonwealth Facilities (12/3/04)

Bureau of Financial and Management Services (Contact: Barbara Seiler 787-5051)

- 220.3 Mail Delivery Between Harrisburg and the Pittsburgh and Philadelphia State Office Buildings (10/26/82)
- 240.7 Submission of Changes to the Commonwealth Telephone Directory, Agency Organization and Functional Listings, and Employee Locator File (9/26/97)
- 04-24 Office Relocation—Department of General Services (11/8/04)

Bureau of Police and Safety (Contact: Richard Shaffer 787-9013)

- 205.2 Powers and Duties of Policing Forces (2/9/77)
- 625.4 Enforcement of Fire and Panic Regulations (3/27/91)
- 720.7 Bomb Threats and Suspicious Packages (11/1/04)

Bureau of Publications and Paperwork Management (Contact: Audrey Marrocco 787-3707)

- 220.9 Graphic Design, Typesetting, Reproduction and Printing Services (6/4/87)

Bureau of Procurement (Contact: John Troxel 787-4719)

- 220.10 Processing Automated Mail (2/21/91)
- 215.9 Contractor Responsibility Program (4/16/99)
- 620.1 Coal Sampling and Reporting (2/6/02)—Rev. 2 (5/28/02)

Commonwealth Agency Recycling Office (Contact: John Rarig 772-2300)

- 205.22 Implementation of Act 1998-101, Municipal Waste Planning, Recycling and Waste Reduction Act (8/7/89)

Commonwealth Media Services (Contact: Kristin Snow 787-9777)

- 04-27 Mailing Address Change—Commonwealth Media Services, Photographic Services (12/9/04)

Bureau of Risk and Insurance Management (Contact: Kenneth Love 787-2492)

- 630.1 Agency Insurance Coordinators (10/2/87)
- 630.2 Reporting of Employee Liability Claims (4/28/98)
- 720.4 Safety and Loss Prevention Program (10/2/87)

Bureau of Minority and Women Business Opportunities (Contact: Tyrone Powell 783-3119)

www.dgs.state.pa.us, Keyword: BMWBO

- 215.16 Contract Compliance Program (6/30/99)
- 04-24 Office Relocation—Department of General Services (11/8/04)

Bureau of Professional Selections and Administrative Services (Contact: Gary Lee 787-4479)

—625.9 Payment of Contractors and Design Professionals for Agency Funded Construction Projects Undertaken by the Department of General Services (3/9/01)

Commonwealth Media Services (Contact: Kristin Snow 787-9777)

- 220.1 Commonwealth Media Services (6/21/90)

Bureau of Real Estate (Contact: James Hickey 787-2834)

- 615.15 Vehicle Parking License Agreements (7/19/01)
- 625.1 Repairs, Alterations, and Improvements to Commonwealth Buildings Under the Direct Supervision of the Department of General Services (10/04/04)
- 625.2 Inventory of Commonwealth Property (6/3/96)
- 625.5 Reporting Surplus Real Property (5/6/96)
- 625.6 Lease Amendment Exceptions for Leasehold Construction Improvements Costing Less than \$10,000 (2/28/01)
- 625.7 Use of STD-291, Request for Lease Action and Budget Approval (11/6/97)

Bureau of Supplies and Surplus Operations (Contact: Kenneth J. Hess 787-5940)

- 04-20 Availability—Commonwealth Telephone Directory (9/02/04)

Bureau of Vehicle Management (Contact: Josie Sharp 787-3162)

- 615.1 Temporary Assignment of Commonwealth Automotive Fleet Vehicles (12/2/92)
- 615.2 Motor Vehicle Liability Insurance and Accident Reporting (6/17/96)
- 615.3 Rates and Billing for Motor Vehicles of the Commonwealth Automotive Fleet (2/07/05)—615.6 License Plates for Commonwealth-Owned Vehicles (6/30/97)
- 615.7 Commonwealth Vehicle Invoices (7/3/97)
- 615.9 Permanent Assignment of Commonwealth Automotive Fleet Vehicles (11/20/02)
- 615.11 Use and Condition Inspections of Commonwealth—Owned Motor Vehicles (4/21/82)
- 615.12 Motor Vehicle Authorization List (8/11/83)
- 615.13 Emission Control Test Program—Commonwealth Automotive Fleet (9/26/97)
- 615.14 Repairs and Maintenance, Commonwealth Automotive Fleet (6/25/97)
- 04-7 Refueling of Commonwealth Automotive Fleet Vehicles (4/9/04)
- 04-9 State Employees Purchasing Vehicles at the Commonwealth Auction (5/6/04)
- 04-10 Placing of Decals and Logos on Commonwealth Vehicles (5/6/04)
- 04-11 Automotive Fleet Preventive Maintenance Schedule (5/6/04)
- 04-23 Winterization of State Vehicles and Commonwealth Garage Parking and Hours of Operation (10/04/04)

External Guidelines**Bureau of Engineering and Architecture** (Contact: Tom Rados 787-3709)

- Professional Agreement and General Conditions to that Agreement

Bureau of Minority and Women Business Opportunities (Contact: Tyrone Powell 783-3119)

www.dgs.state.pa.us, Keyword: BMWBO

- PA Bureau of Minority and Women Business Opportunities
- Application and Instruction Guide for Certification as a Minority/Women Business Enterprise
- Disadvantaged Business Program
- Commonwealth Construction Contracts
- Finding State Bids on the Internet
- Ensuring Timely Payments
- You have a Right to Know
- Statewide Contracts
- Finding PA State Certified Minority-Owned and Women-Owned Businesses
- State Purchasing Requirements Regarding MBEs and WBEs
- Certification as a Minority or Women Business Enterprise
- State Government Resources for Small Businesses
- Small Business Development Centers (SBDCs)
- Procurement Technical Assistance Centers (PTACs)
- Doing Business with the Commonwealth of PA

Bureau of Supplies and Surplus Operations (Contact: Kenneth J. Hess 787-5940)

- Drug Reduction Property Program
- State Surplus Property Program
- Federal Surplus Property Program

Bureau of Procurement (Contact: John Troxel 787-4719)

- Cooperative Purchasing Program

Executive Office (Contact: Anne Rung 705-3896)
—Doing Business with the Department of General Services

Press Secretary (Contact: Frank Kane 787-3197)
Right-to-Know Law-Notice-35 Pa.B. 73 (12/30/04)

HEALTH

POLICY STATEMENTS

Department of Health

- Procedures Applicable to Right-to-Know Law Request (5/20/04). (This document is electronically available at www.health.state.pa.us)
- Contact: Troy Thompson (717) 787-1783

Bureau of Chronic Diseases and Injury Prevention

- Position Statement on Colorectal Cancer Screening (Revised 3/04)
- Position Statement on Prostate Cancer Screening (Revised 3/04)
- Position Statement on Cervical Cancer Screening (Revised 3/04)
- Position Statement on Sun Safety (9/99) (Revised 5/03)
- Policy Statement on Clinical Trials (3/04)
- Policy Statement on Unsolicited Proposals Requesting Funding From the Cancer Control Program (10/03)
- Position Statement on Breast Cancer Screening (Revised 5/04) Contact: Leslie A. Best (717) 787-6214

Bureau of Drug and Alcohol Programs

- Confidentiality and Student Assistance Programs (1/92)
 - Disclosure of Confidential Information to the Criminal Justice System (10/92)
 - Oral Polio Vaccine (12/91)
 - Provision of Outpatient Treatment Services Within the School Setting (11/94)
 - Reporting of Communicable Diseases (12/92)
 - Requests for Exceptions to Regulations and Requirements in State Plan
 - Single County Authorities Subcontracts with Providers (1/97)
 - Tuberculosis Testing (9/92)
- Contact: Hector Gonzales (717) 783-8200

GUIDANCE MANUALS

Bureau of Community Health Systems

- Bathing Place Manual, Part I: Swimming Pools
 - Bathing Place Manual, Part II: Bathing Beaches
 - Bathing Place Manual, Part III: Hot Tubs and Spas
 - Local Health Officer Handbook (revised 04/2004)
- Contact: Dennis Wilson (717) 787-4366
- Guidelines for Documentation and Maintenance of School Health Records (1988)
 - Request for Reimbursement and Report of School Health Services Instruction Manual (1997)
 - Guidelines for School Based Program for Control of Lice, Scabies and Ringworm (1986)
 - Procedures for the Growth Screening Program for Pennsylvania's School-Age Population
 - Procedures for the Scoliosis Screening Program for Pennsylvania's School-Age Population (2001)
 - Procedures for the Hearing Screening Program for Pennsylvania's School-Age Population (2001)
 - Guidelines for School Tuberculin Testing Program (1986)
 - Procedures for the Vision Screening Program for Pennsylvania's School-Age Population (2002)
 - Guidelines for School Dental Health Program (1986)
 - Guidelines for Care: Children Assisted by Medical Technology in Education Settings (1989)
 - Indoor Air Quality Guidelines for Pennsylvania Schools (1999)
- Contact: Richard Brown (717) 787-2390

Bureau of Community Program Licensure and Certification

- Free Standing Treatment Facility Guidelines
 - Health Care Treatment Facility Guidelines
 - Inpatient Hospital Activities Detoxification, Treatment and Rehabilitation Activity Guidelines
 - Prevention and Intervention Facility Guidelines
 - Staffing Requirements for Drug and Alcohol Activities Guidelines
 - Protocol for Sharing Drug and Alcohol Information
- Contact: Cheryl Williams (717) 783-8765

Drug and Alcohol Licensing Interpretive Guidelines

- Chapter 157. Inpatient Hospital Activities Detoxification and Treatment and Rehabilitation
- Chapter 704. Staffing Requirements for Drug and Alcohol Treatment Activities
- Chapter 705. Physical Plant Standards
- Chapter 709. Free-Standing treatment facilities
- Subchapter C. General Standards for Free-Standing Treatment Activities
- Subchapter D. Standards for Intake, Evaluation and Referral Activities
- Subchapter E. Standards for Inpatient Non-Hospital Activities—Residential Treatment and Rehabilitation
- Subchapter F. Standards for Inpatient Non-Hospital Activities—Short-Term Detoxification
- Subchapter G. Standards for Inpatient Non-Hospital Activities—Transitional Living Facilities (TLFs)

- Subchapter H. Standards for Partial Hospitalization Activities
 - Subchapter I. Standards for Outpatient Activities
 - Subchapter K. Standards for Inpatient Hospital Drug and Alcohol Activities Offered in Free-Standing Psychiatric Hospitals
 - Chapter 711. Health Care Facilities treatment facilities
 - Subchapter D. Standards for Intake, Evaluation and Referral Activities
 - Subchapter E. Standards for Inpatient Non-Hospital Activities—Residential Treatment and Rehabilitation
 - Subchapter F. Standards for Inpatient Non-Hospital Activities—Short-Term Detoxification
 - Subchapter G. Standards for Inpatient Non-Hospital Activities—Transitional Living Facilities (TLFs)
 - Subchapter H. Standards for Partial Hospitalization Activities
 - Subchapter I. Standards for Outpatient Activities
 - Chapter 715. Standards for Approval of Narcotic Treatment Program
 - Chapter 715. Standards for Approval of Narcotic Treatment Program—Modified by Exception
 - Letter dated May 2004 concerning availability of Chapter 715 Modified Narcotic Addiction Treatment Regulations and Guidelines for the Development of Standard Operating Procedures
- Contact: Cheryl D. Williams (717) 783-8675

Bureau of Epidemiology

- Guidelines on Bloodborne Pathogens for the Public Sector
- Contact: Judy Gostin (717) 787-1708

Emergency Medical Services Office

(Some of these documents are electronically available at www.health.state.pa.us/EMS/)

- Overview of Pennsylvania Department of Health Ambulance Licensure Program
 - EMS Continuing Education Manual
 - EMS Training Manual—Guidelines for Medical Command Authorization for Prehospital Personnel
 - Emergency Medical Services Study Guide (Basic Life Support and Advanced Life Support)
 - Medical Command Accreditation Manual
 - Medical Command Course
 - Pennsylvania Emergency Medical Services Continuing Education Handbook for Prehospital EMS Personnel
 - Prehospital Personnel Manual
 - Overview of Pennsylvania Department of Health Quick Response Service Recognition Program
 - Trauma Patient Triage Protocols
 - Pennsylvania EMS Information Management System Patient Encounter Form Instruction Manual
 - Statewide Basic Life Support Protocols
 - Out-of-Hospital Do-Not-Resuscitate Questions and Answers
 - Voluntary Rescue Service Recognition Program Manual
 - Pennsylvania Rescue Program Administration Manual
- Contact: Joseph W. Schmider (717) 787-8740

Bureau of Family Health

- Case Management and Tracking Protocol for Community Health Nurses, Including Protocols for Early Intervention Referrals (Revised 8/95)
- Contact: Melita Jordan (717) 787-7192

Bureau of Health Planning

- Primary Health Care Practitioner Loan Repayment Program Brochure (Revised 12/06/01)
 - Primary Health Care Practitioner Loan Repayment Program, Policies and Guidelines (Revised 1/02)
 - Loan Repayment for Primary Care Practitioners Fact Sheet (Revised 1/03)
 - Commonwealth of Pennsylvania Appalachian Regional Commission J-1 Visa Waiver Application Procedure (Revised 2/03)
 - State 30 J-1 Visa Waiver Program Application Policy and Procedure (Revised 4/05)
 - State 30 J-1 Visa Waiver Program Fact Sheet (Revised 2/03)
 - Guidelines for Federally Designated Health Professional Shortage Areas (HPSAs)
 - Guidelines for Federally Designated Medically-Underserved Shortage Area
 - Guidelines for Development of a Rural Health Clinic
- Contact: Marina Matthew (717) 772-5298

Bureau of Health Statistics and Research

- Application for Access to Protected Data (Revised 5/02)
 - User's Guide for Access to Protected Data, (Revised 5/02)
- Contact: Craig Edelman (717) 783-2548

Bureau of Managed Care

- Technical Advisory: Sample Enrollee Consent Form (6/26/04)
 - Technical Advisory: Enrollee Consent for Provider-Initiated Grievances (6/19/04)
 - Technical Advisory: Gatekeeper and Point-of-Service Plans seeking to offer benefit plans with less than 8% plan paid co-insurance for out-of-network services (10/13/04)
 - Technical Advisory: Interpreting 28 Pa. Code § 9.752(f) (Relating to UR Standards) requiring a UR decision to include a contractual basis and clinical reason for denial (1/1/05)
 - Technical Advisory: Interpreting 28 Pa. Code § 9.752(f) (Relating to Time Frames for UR)—Communicating the UR Decision. (1/1/05)
- Contact: Stacy Mitchell (717) 787-5193

Division of Immunizations

- School Immunization Catch Up Booklet
 - Adolescent and Adult High-Risk Immunization Program Manual
 - Standards for Adult Immunization Practices
 - Mass Immunization Liability Protection Guidelines
 - Vaccine Preventable Disease Protocols
 - Vaccines for Children Provider Handbook (for public providers)
 - Vaccines for Children Provider Handbook (for private providers)
 - 2005 List of Immunizing Agents and Average Wholesale Prices Vaccine Cold Chain Protocols for Public Provider Sites
 - Quality Assurance Plan 2005
 - Immigration Status and Data Entry into the Statewide Immunization/Information System
- Contact: Alice Gray (717) 787-5681

STD Program

- Participating Provider Agreement (PPA) Providers Information Manual
 - STD Annual Report, Pennsylvania 2004
 - Region III Infertility Prevention Project Service Protocols
 - Region III Infertility Prevention Project Data Manager's Manual
- Contact: Steve Kowalewski (717) 787-3981

INTERNAL GUIDELINES**Bureau of Health Statistics and Research**

- Policy and Procedures for Assisted Conception Birth Registrations (10/03)
- Contact: Frank Yeropoli (724) 656-3113

Division of Immunizations

- Perinatal HB Protocols
 - Biological Room Standard Operating Procedures
- Contact: Alice Gray (717) 787-5681

STD Program

- Guidelines: Use of the Internet to Perform Partner Service and Health Education Activities
- Contact: Steve Kowalewski (717) 787-3981

Institutional Review Board

- Institutional Review Board Policies and Procedures (03/04)
- Contact: Deborah Blackburn (717) 705-6740

OTHER**Bureau of Community Program Licensure and Certification**

- Abortion Control Act (footnoted)
 - Ambulatory Gynecological Surgery in Hospitals and Clinics Regulations (footnoted)
 - Abortion: Making a Decision
 - A Guide to Services for Pregnant Women
 - Application of Abortion Control Act to Abortions Induced by Drugs
- Contact: Carol Williams (717) 783-8665

Licensing Alerts

- Complaint Investigations (Licensing Alert 2-96)
- Clinical Supervisor Requirements (Licensing Alert 2-05)
- Dating of Signatures (Licensing Alert 4-05)
- Distinction between Outpatient and Partial Hospitalization Services (Licensing Alert 3-97)
- Drought Emergency (Licensing Alert (3-99)
- Drug and Alcohol Staffing Regulations Interpretive Guidelines (Licensing Alert 6-96)
- Electronic Clinical Records (Licensing Alert 1-05)
- Facility Closures (Licensure Alert 5-98)
- Group Counseling (Licensing Alert 2-94)
- Licensed Capacity (Licensing Alert 1-94)
- Minimum Content Requirements for Pennsylvania Department of Health Approved Curriculum for Tuberculosis and Sexually Transmitted Diseases (Licensing Alert 6-97)
- Minimum Content Requirements for Pennsylvania Department of Health Approved HIV/AIDS Curriculum (Licensing Alert 1-97)
- Older Adult Protective Services Act not Applicable to D&A Treatment Programs (Licensing Alert 1-02)
- Physical Examinations (Licensing Alert 1-96)
- Physical Plant Standards (Chapter 705) (Licensing Alert 1-02)
- Project Director Requirements (Licensing Alert 5-05)
- Psychosocial Histories (Licensing Alert 4-96)
- Relocation (Licensing Alert 3-94)
- Reporting of Unusual Incidents (Licensing Alert 5-97)
- Request for Exceptions to Regulations (Licensing Alert 4-97)
- Rescheduling of LAAM (Licensing Alert 2-98)
- Rescission of Shelter, Drop-in and Hot-line Regulations (Licensing Alert 1-98)
- Restrictions on Licenses/Certificates of Compliance/Approval (Licensing Alert 2-97)

- Scheduling of Licensing Inspections (Licensing Alert 3-96)
 - Scheduling of Licensing Inspections (Licensing Alert 6-98)
 - Staffing Regulations — Requirements for Direct Observation and Close Supervision of Counselor Assistants (Licensing Alert 4-02)
 - Staffing Regulations—Primary Care Hours and Detoxification Activities (Licensing Alert 3-02)
 - Staffing Regulations—Qualifications/Degree in a Related Field (Licensing Alert 2-02)
 - Staffing Regulations—Qualifications/Degree in a Related Field (Licensing Alert 4-98)
 - Staffing Qualifications for Clinical Supervisors and Counselors Hired Prior to 3/4/96 (Licensing Alert 5-99)
 - Staffing Regulations Qualifications/Degree from a Foreign Non- Accredited University/College (Licensing Alert 1-00)
 - Staffing Regulations—Qualifications/Degree from a Foreign Non-Accredited University College (Licensing Alert 3-98)
 - 1998 Standards Deficiencies (Licensing Alert 4-99)
 - Timing of Individual Training Plans (Licensing Alert 3-05)
 - Unannounced Visits (Licensing Alert 5-96)
 - Verification of Training, Experience and Professional Licensure or Certification (Licensing Alert 2-99)
- Contact: Cheryl Williams (717) 783-8765

Division of HIV/AIDS

- HIV Counseling and Testing Operations Manual
 - Housing Opportunities For Persons With AIDS Operations Manual
 - Coalition and Fiscal Agents Operations Manual
 - Procedures and Consent Forms for HIV Antibody testing, CD4 tests, Viral Load tests, Orasure tests and Rapid tests
 - Statewide Coordinated Statement of Need
- Contact: Joseph Pease (717) 783-0572

Bureau of Health Planning

- State Health Improvement Plan
 - State Health Improvement Plan Special Report and Plan to Improve Rural Health Status
 - State Health Improvement Plan Special Report on the Health Status of Minorities in Pennsylvania
- Contact: Joseph B. May (717) 772-5298

Emergency Medical Services Office

- Prehospital Care Response Report
- State Emergency Medical Services System Development Plan

Information Bulletins

- EMS Information Bulletin #1—Active Military Duty (8/5/03)
 - EMS Information Bulletin #2—Epinephrine Auto Injector Administration by EMTs (8/13/03)
 - EMS Information Bulletin #4—EMS Instructor Update Requirement (Revised 3/2/04)
 - EMS Information Bulletin #5—Cyanide Compound Exposure Protocol (9/9/03)
 - EMS Information Bulletin #6—Continuing Education Requirement—ALS Medical Command (11/5/03)
 - EMS Information Bulletin #7—On-Line Continuing Education (11/6/03)
 - EMS Information Bulletin #8—Distribution of Continuing Education Handbook (12/9/03)
 - EMS Information Bulletin #9—Statewide Trauma Patient Destination Air Ambulance Transport Protocol (Revised 3/10/04)
 - EMS Information Bulletin #10—EMS License Plates (2/11/04)
 - EMS Information Bulletin #11—Public Access AED (2/13/04)
 - EMS Information Bulletin #12—Suspension of Driver's License and Operation of an Ambulance (3/24/04)
 - EMS Information Bulletin #13—EMS Vehicle Collision and Personal Injury Form (Revised 4/1/04)
 - EMS Information Bulletin #14—Epinephrine Auto-Injector Administration (Revised 3/10/04)
 - EMS Information Bulletin #15—Emergency Response Employees (ERES) (4/30/04)
 - EMS Information Bulletin #16—Electronic Ambulance Licensure Application Amendment Procedure (4/30/04)
 - EMS Information Bulletin #17—Statewide BLS Medical Treatment Protocols and Guidelines (5/6/04)
 - EMS Information Bulletin #18—Accelerated Rehabilitative Disposition (ARD) (6/7/04)
 - EMS Information Bulletin #19—CD and Web-Based ACLS Programs (6/18/04)
 - EMS Information Bulletin #20—Certificates, Wallet Cards and Patches (6/8/04)
 - EMS Information Bulletin #21—System Status Management (6/18/04)
 - EMS Information Bulletin #22—EMTs Assisting With ALS Procedures (7/28/04)
 - EMS Information Bulletin #23—Ambulance Licensing Overview (10/19/04)
 - EMS Information Bulletin #24—Trauma Patient Destination For Air Ambulances (12/7/04)
 - EMS Information Bulletin #25—Surge Response Services Update (12/13/04)
- Contact: Joseph W. Schmider (717) 787-8740

Bureau of Facility Licensure and Certification (Long Term Care Provider Bulletins)

- Influenza in Nursing Homes—LTC PB No. 4 (Revised 10/25/99)
- Physicians Participation in Resident Care Planning—LTC PB No. 12 (Revised 7/1/99)
- MRSA Guidelines—LTC PB No.16 (Updated 7/1/99)
- Resident Assessment State Designated Instrument—LTC PB No. 19 (Effective 1/31/91) (Updated 9/17/97)
- Admission/Treatment of Persons with AIDS or AIDS Related Conditions—LTC PB No. 21 (Revised 7/99)
- Abuse, Neglect, Misappropriation of Property by Nurse Aides or Others—LTC PB No. 22 (Revised 2/2/01)
- Securing Copies of Nurse Aide-Enrollment Information—LTC PB No. 24 (Revised 7/1/99)
- Potential Hazards of Restraint Devices-FDA Alert—LTC PB No. 28 (Revised 7/1/99)
- Nurse Aide Registry Update—LTC PB No. 29 (Revised 7/1/99)
- Training of Companions/Sitters in T18 or 19 Facilities—LTC PB No. 31 (Revised 7/1/99)

- Adjustment of Licensure Fees—LTC PB No. 34 (Revised 7/1/99)
 - Disposition of Patient Medications—LTC PB No. 35 (Revised 7/1/99)
 - Advance Directives for Health Care/Durable Power of Attorney/Do Not Resuscitate Orders—LTC PB No. 36 (Revised 7/1/99)
 - Exception/Waiver Requests—LTC PB No. 37 (Revised 7/1/99)
 - Federal Clarification of RAI Issues-Amended—LTC PB No. 38 (Revised 7/1/99)
 - Incident/Accident Reporting Procedures—LTC PB No. 41 (Revised 7/1/99)
 - Taping of Exit Conference—LTC PB No. 42 (Revised 7/1/99)
 - Precautions for Excessive Temperatures—LTC PB No. 43 (Revised 7/1/99)
 - Informal Dispute Resolution—LTC PB No. 44 (Revised 5/30/00)
 - Ban on Use of Egg Breaking Centrifuges—LTC PB No. 46 (6/28/96)
 - Surety Bond Requirements—Clarification of “Obligee”—LTC PB No. 48 (6/16/97)
 - Department Access to Records at Nursing Homes Pursuant to 35 P. S. § 448.813—LTC PB No. 49 (6/16/97)
 - Consumer Hotline—LTC PB No. 50 (3/24/98)
 - Ninety-Day Advance Notice Requirement for Changes in Ownership, Structure, or Name—LTC PB No. 51 (7/1/99)
 - Federal Requirements Regarding Use of the Comprehensive Resident Assessment—LTC PB No. 52 (6/12/98)
 - Resident Choice of Pharmacy Provider—LTC PB No. 53 (1/9/98)
 - Vancomycin Resistant Enterococci (VRE) Recommendations—LTC PB No. 54 (11/12/97)
 - Nursing Hours—LTC PB No. 55 (6/4/00)
 - Metallic Mercury Precautions—LTC PB No. 56 (6/13/00)
 - Nurse Aide Registry Information—LTC PB No. 57 (Revised 2/11/03)
 - Advance Directives Requirements—LTC PB No. 58 (11/8/01)
 - Elopement, Resident Smoking and Water Temperatures—LTC PB No. 59 (1/23/03)
 - MPPS Assessment Form—LTC PB No. 60 (9/17/02)
 - Single Licensure for Multiple Nursing Care Facilities—Interim Policy (2/01)
- Contact: William Bordner (717) 787-8015

Division of Acute and Ambulatory Care

- Inpatient Care in Outpatient Settings
 - Resident Choice of Pharmacy Provider
 - Vancomycin Resistant Enterococci (VRE) Recommendations
 - Director of Nursing
 - Hospital Bed Count Clarification
 - Guidelines to Determine the Issuance of Single or Multiple Hospital Licenses(s)
 - Hospital Diversion Policy
 - On-Line/WebSite Based Process for Reporting of Statements of Deficiency and Plans of Correction With Public Access
 - EMTALA during a bio-terrorism event (CMS)
 - Provider Bulletin No. 2001-1 HOSPITAL DIVERSION POLICY
 - Division staff changes and Chapter 51 event reporting form
 - Patient Safety Plan Guidance
 - Recall of smoke/fire damper actuating devices
 - CMS-Physician Orders for Influenza and Pneumonia Vaccine
 - MedWatch Safety Alert
 - Safe Haven Act
 - Email to hospital administrators on SARS
 - Patient Safety Plan-Psychiatric Hospitals
 - Letter on use of non-licensed beds from DSQA
 - DAAC Hospital Alert Dialysis Blood Sets
 - Enhancements to the Events Reporting System
 - Pa. Bulletin Notice-Specified Professional Personnel
 - Moratorium on Demonstration Projects (PCI without open heart surgical capacity)
 - 4-12 Update ASF EXPEDITED REVIEW REQUESTS [UPDATE]
 - PharMEDium Services is recalling all strengths of 50 ml admixtures
 - IMPORTANT CMS CLARIFICATION ON ASHE Alert on flammable surgical preps
 - Persons presenting as hospital surveyors or inspectors
 - Expedited Exceptions Request ASF Medicare Approved Procedures
 - Notice to ASFs on exceptions for certain procedures
 - Guidance to Hospitals on the use of exempt unit or unlicensed beds 2004-2005
 - Med Watch Notice on Ventilator Power cord failure 10 Dec 2004
 - Update on Influenza Vaccine for Nursing Care Facilities and Hospitals
 - Notice on procedures in Ambulatory Surgical Facilities
 - Update of the availability of Flu Vaccine for Hospitals November 5, 2004
 - FLU SURVEY ALERT
 - Med watch alert: Confusion between Amaryl and Reminyl
 - Influenza Antiviral Medications
 - Revised DOH statement on influenza immunization for facilities Health Advisory No. 18—The Elderly Immunization Act—Act 85 of 2004
- Contact: Sandra Knoble (717) 783-8980

Bureau of Family Health

- Screening Young Child For Lead Poisoning: Guidance for State and Local Public Health Officials, Statement by the Centers for Disease Control—11/97 (Federal guidelines adopted by Department)
- Application for Chronic Renal Disease Transportation Services
- Application for Services (Division of Program Support and Coordination-Form #HD1072F)
- Universal Newborn Hearing Screening Program Guidelines for Infant Hearing Screening

Contact: Melita Jordan (717) 787-7192

- WIC State Plan of Operations

Contact: Frank Maisano (717) 783-1289

- Traumatic Brain Injury Needs Assessment (2003)
- Traumatic Brain Injury State Action Plan (2003)

Contact: Carolyn Cass (717) 783-5436

TB Program

- TB In the Commonwealth, 2004 (annual report)
- TB Control Manual
- TB Outbreak Response Plan

Contact: Donna Murray (717) 787-6267

STD Program

- STD Outbreak Response Plan
- STD Electronic Resource Guide, 2004 (CD-ROM)
- PA NEDSS STD Program Reference Guide
- PA's Strategic Plan for STD's, 2002-2005
- Program Operation Guidelines for STD Prevention (published by Centers for Disease Control and Prevention)

Contact: Steve Kowalewski (717) 787-3981

Bureau of Health Statistics and Research

- Application for Certified Copy of Birth or Death Record, Form H105.102.
- Form Utilized for Birth Corrections, Form H105.133
- Death Correction Statement, Form H105.135
- Application for Multi-Year Search of Birth Record, Form HD1124F.
- Application for Multi-Year Search of Death Record, Form HD 1125F.
- Biological Parent Registration Identification Form, Form H105.700.
- Withdrawal of Biological Parent Consent Form, Form H105.702.

The following forms are electronically available at www.health.state.pa.us/vitalrecords:

- Application for Certified Copy of Birth Record-Mail Requests, Form HD1105F
- Application for Certified Copy of Birth Record-FAX Request, Form HD1106F
- Application for Certified Copy of Death Record-Mail Requests, Form HD1107F
- Application for Certified Copy of Death Record-Fax Request, Form HD1108F
- Form Utilized for Birth Corrections, Form HD1104F
- Death Correction Statement, Form HD1109F
- Application for Multi-Year Search of Birth Record, Form HD1131FW
- Application for Multi-Year Search of Death Record, Form HD1132FW

Contact: Patty Mitcheltree (724) 656-3114

Bureau of Laboratories

- Submission of Rabies Specimens
 - General Specimen Submission
 - Compliance with Shipping of Diagnostic Specimen/Etiologic Agent
 - Laboratory Submission Form for Viral Encephalitis/Meningitis
- Contact: Stanley Reynolds (610) 280-3464, Ext. 3283
- Postmortem Blood Testing on Motor Vehicle Accident Victims—Specimen Submittal Requirements
 - Blood Lead Analysis—Specimen Submittal Requirements
 - Environmental Lead Analysis—Specimen Submittal Requirements
 - Neonatal Testing for Genetic Disorders—Specimen Submittal Requirements
 - Blood Alcohol Proficiency Testing Program Requirements
 - Blood Lead Proficiency Testing Program Requirements
 - Erythrocyte Protoporphyrin Proficiency Testing Program Requirements
 - Abused Drugs in Blood Proficiency Testing Program Requirements
 - Abused Drugs in Urine Proficiency Testing Program Requirements

Contact: M. Jeffrey Shoemaker, Ph.D. (610) 280-3464

- Clinical Laboratory Application Procedure
- Glucose/Cholesterol Screening Procedure
- Multiphasic Screening Procedure
- Out-of-State Laboratory Licensure/Certification Procedure
- Understanding State Clinical Laboratory Regulation
- Nursing Home Laboratory Licensure Procedure
- Proficiency Testing Evaluation Procedure

Contact: Marianne Porter (610) 280-3464 Ext. 3224

Bureau of Chronic Diseases and Injury Prevention

- Why We Recommend Community Water Fluoridation
 - Policy for Determining Eligibility and Compliance of Service Providers Currently Receiving Funding From a Tobacco Company, a Tobacco Company Subsidiary, or Their Agent (6/04)
- Contact: Leslie A. Best (717) 787-6214

Many of these documents are also available on the Department of Health's website, www.health.state.pa.us

INSURANCE**I. NOTICES:****Executive Office***Insurance Department Notices*

<i>No.</i>	<i>Date Published</i>	<i>Description</i>
2005-08	07/23/2005	Repeal of Outdated Bulletins and Notices
2005-07	07/23/2005	Agreement on Community Health Reinvestment
2005-06	05/21/2005	Per Diem Charges for Market Conduct Examinations of Insurance Companies
2005-05	05/21/2005	Per Diem Charges for Financial Examinations Conducted by the Department
2005-04	03/26/2005	Viatical Settlement Broker License Testing Requirements for Licensed Life Insurance Producers
2005-02	02/05/2005	Reporting and Disclosure of Criminal Convictions
2005-01	01/22/2005	Increase in the Accident Surcharge Dollar Threshold (Cap) to \$1,150
2004-11	12/25/2004	Disclosure of Departures from Statutory Accounting Principles
2004-10	12/25/2004	Financial Regulation Updates
2004-09	10/30/2004	Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action
2004-07	08/07/2004	Reserve and Surplus Levels of Hospital Plan and Professional Health Services Plan Corporations; Application Update
2004-03	04/24/2004	Officers Required to Certify Financial Statements
2004-02	04/17/2004	Medical Care Availability and Reduction of Error Fund; Calculation of Podiatrist Liability
2004-01	01/17/2004	Reserve and Surplus Levels of Hospital Plan and Professional Health Services Plan Corporations; Application
2003-11	11/29/2003	Coverage for Chiropractic Care
2003-09	11/01/2003	Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action
2003-08	09/27/2003	List of Approved Guide Source Method Vendors
2003-07	09/20/2003	Notice to Companies Writing Private Passenger Auto Insurance in Pennsylvania
2003-06	08/09/2003	Drug and Alcohol Use and Dependency Coverage
2003-02	01/19/2003	Federal Terrorism Risk Insurance Act of 2002
2003-01	01/04/2003	Procedures Applicable to Right-to-Know Request
2002-13	11/02/2002	Notice of and Amount of Assessment Action
2002-10	10/19/2002	Proper Reporting of Uncovered Medical Liabilities and Expenses (Uncovered Claims)
2002-09	09/21/2002	Medical Care Availability and Reduction of Error Fund's Assessment
2002-08	09/14/2002	Medical Care Availability and Reduction of Error Fund Administrative Hearings Process
2002-07	09/07/2002	2003 MCare Fund Assessment
2001-08	09/29/2001	Arson and Insurance Fraud Reporting
2001-04	04/21/2001	Book Transfers
2000-07	06/10/2000	Record Retention
2000-04	02/26/2000	The Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C., Sections 1033 and 1034

<i>No.</i>	<i>Date Published</i>	<i>Description</i>
2001-07	06/30/2001	Deregulation of Life Insurance Forms
2000-03	02/19/2000	Federally Mandated Health Care Fraud and Abuse Reporting
1997-03	08/09/1997	Mutual to Stock Notices
	06/28/1997	Deregulation of Accident and Health Forms
	04/12/1997	Deregulation of Accident and Health Forms
	03/20/1996	Deregulation of Accident and Health Forms
1995-09	08/23/1995	Deregulation of Commercial Lines Property and Casualty Forms
1995-07	07/19/1995	Modification of Contract for Use When an Annuity Premium Tax is Not Applicable
1994-14	10/03/1994	Separate Account Modified Guaranteed Life Insurance
1994-13	10/03/1994	General Account Modified Guaranteed Life Insurance
1994-12	10/03/1994	Separate Account Modified Guaranteed Annuity
1994-11	10/03/1994	General Account Modified Guaranteed Annuity
1994-09	07/07/1994	Approval and Solicitation of Long Term Care Policies for Continuing Care Retirement Communities

Statements of Policy

- 31 Pa. Code, Chapter 67, Sections 67.41—67.45 and Appendix A, Motor Vehicle Financial Responsibility Law, Subchapter D. Adopted 05/19/1989.
- 31 Pa. Code, Chapter 89, Sections 89.451—89.474, Approval of Life, Accident and Health Insurance. Subchapter H. Statements of Policy. Adopted 02/05/1982.
- 31 Pa. Code, Chapter 90c, Sections 90c.1—90c.25, Individual Applications. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90d, Sections 90d.1—90d.9, Individual Accidental Death Benefits; Provided by Riders or Built into Policies. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90e, Sections 90e.1—90e.13, Individual IRA Endorsements for Life Insurance and Annuities. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90f, Sections 90f.1—90f.16, Individual Imminent Death/Lifetime Health Care Facility Confinement Benefits Provided as Accelerated Death Benefit or Settlements of Death Benefit; Provided by Riders or Built into Policies. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90g, Sections 90g.1—90g.16, Individual Health Care Facility Benefits Provided as Accelerated Death Benefit or Settlement of Death Benefit; Provided by Riders or Built into Policies. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90h, Sections 90h.1—90h.11, Individual Waiver of Surrender Charges for Life and Annuity Contracts Resulting From Health Care Facility Usage; Provided by Riders or Built into Policies. Adopted 01/18/1991.
- 31 Pa. Code, Chapter 90i, Sections 90i.1—90i.3, Certificates of Assumption. Adopted 03/05/1993.
- 31 Pa. Code, Chapter 119, Sections 119.1—119.26, Anti-Fraud. Adopted 08/27/1993.
- 31 Pa. Code, Chapter 120, Sections 120.1—120.5, Loss Cost Adjustment Filing. Adopted 08/27/1993.
- 31 Pa. Code, Chapter 150, Sections 150.1—150.5, Uniform Health Insurance Claim Form. Adopted 07/02/1993.
- 31 Pa. Code, Chapter 152, Sections 152.101—152.105, Preferred Provider Organizations, Primary Care Gatekeeper PPO Products. Adopted 09/27/1991.
- 31 Pa. Code, Chapter 153, Section 153.2, Permission to file accident and health, life and annuity insert pages. Adopted 10/19/1990.
- 31 Pa. Code, Chapter 153, Section 153.3, Simplified review of company merger, assumption or name change form and rate filing. Adopted 06/28/1991.
- 31 Pa. Code, Chapter 301, Sections 301.201—301.204, Health Maintenance Organization, Subchapter H. Point-of-Service Products Group Specific Community Rating. Adopted 09/27/1991.
- 31 Pa. Code, Chapter 301, Sections 301.301—301.321, Health Maintenance Organization, Subchapter I. Contractual Arrangements Between HMOs and IDSs. Adopted 04/05/1996.
- 31 Pa. Code, Chapter 303, Section 303.1, Out-of-State Health Maintenance Organization Investments. Adopted 03/25/1988.

Contact: Peter J. Salvatore, Regulatory Coordinator, Special Projects Office, 717-787-4429; fax 717-772-1969

II. OTHER:**Special Projects Office***Regulatory Procedures Manual*

Internal procedures regarding drafting of regulations

Contact: Peter J. Salvatore, Regulatory Coordinator, Special Projects Office, 717-787-4429; fax 717-772-1969

Administrative Hearings Office*Digest of Automobile Policy Terminations (Act 68 and 78)*

Insurance Commissioner Decisions on Automobile Insurance Administrative Hearings

Digest of CAT Fund Adjudications

Insurance Commissioner Decisions on Automobile CAT Fund Administrative Hearings

Digest of Homeowners Policy Terminations (Act 205)

Insurance Commissioner Decisions on Homeowners Insurance Administrative Hearings

Digest of Agency Terminations (Act 143)

Administrative Hearing Officer Decisions on Insurance Agency Administrative Hearings

Practice and Procedure Digest

Describes the Administrative Hearing Process

Contact: J. Fralick, Asst. Hearings Administrator, Administrative Hearings Office, 717-783-2126; fax 717-787-8781

Bureau of Administration*Public Documents Room Procedures*

Procedures to review public documents at the Insurance Department

Contact: Peter Dalina, Director, Bureau of Administration, 717-787-4298; fax 717-705-3873

LABOR AND INDUSTRY**POLICY STATEMENTS:**

Secretary Stephen M. Schmerin

- Equal Opportunity Policy Statement
- Labor and Industry Contract Compliance Policy Statement
- Weapons Policy Statement
- Disability—Related Employment Policy Statement
- Commonwealth's Policy of Sexual Harassment and Procedures for Distribution
- Health Policy Statement
- Security Policy Statement
- Workplace Violence Statement

Office of Equal Opportunity

- Equal Employment Opportunity Policy Statement

Contact: Autro Heath (717-787-1767)

Bureau of Occupational and Industrial Safety

- Universal Accessibility Interpretation

1) November 8, 1999

2) March 15, 2002

Contact: Jerry Seville (717-787-3329)

Bureau of Workers' Compensation

- Guidelines for Employment Screening Programs under Act 115 of 2001

Contact: John T. Kupchinsky, Director, BWC (717-783-5421)

- Health Care under the Workers' Compensation Act/Medical Fee Updates

Contact: Eileen K. Wunsch, Chief, Health Care Services Review Division, BWC (717-772-1912)

- Effect of Act 53 Regarding Qualifications of Vocational Experts

Contact: John T. Kupchinsky (717-783-5421)

GUIDANCE MANUALS:**Office of Vocational Rehabilitation**

- OVR Counselor Policy Manual

Contact: Roger Barton (717-772-3511) Office of Vocational Rehabilitation

Bureau of Workers' Compensation

- PA Workers' Compensation Employer Information Pamphlet (Workers' Compensation guidelines for employers.)

Contact: Employer Information Services (717-772-3702)

- Workers' Compensation and the Injured Worker Pamphlet (Workers' Compensation Guidelines for injured workers.)

Contact: Employer Information Services—long distance within PA: 1-800-482-2383, local or outside PA: 717-772-4447, TTY 1-800-362-4228

- Section 305 Prosecutions

Contact: John Strawser (717-787-3567)

- BWC Forms Tip Sheets

Contact: Claims Information Services—long distance within PA: 1-800-482-2383, local or outside PA: 717-772-4447, TTY

1-800-362-4228

- Procedures for Completing an Application for Fee Review
Contact: Eileen K. Wunsch, Chief, Health Care Services Review Division, BWC (717-772-1912)
- Employer's Guide to Self-Insuring Workers' Compensation
Contact: George W. Knehr, Chief, Self-insurance Division, BWC (717-783-4476)

INTERNAL GUIDELINES:

NONE

OTHER:

Center for Workforce Information and Analysis

- New Hire Program booklet guidelines and form for businesses to use to report new hires—found at www.panewhires.com.

Bureau of Workforce Development Partnership

- Workforce Investment Information Notice 2-01 dated July 13, 2001—regarding Team PA CareerLink Employment Services Registration Policy—PA Workforce website at www.paworkforce.state.pa.us.
- Workforce Investment Information Notice 3-01 dated July 17, 2001—can be found on the PA Workforce website at www.paworkforce.state.pa.us.
- Workforce Investment Information Notice 1-00, change 2 dated April 2, 2002—regarding WIA Performance Requirements for the Subsequent Eligibility Certification Process of Eligible Training Programs/Providers—PA Workforce website at www.paworkforce.state.pa.us.
- Workforce Investment Information Notice 7-01 dated November 2, 2001 regarding Clarification of Federal Interpretation of Reasonable Cost of Training and Transportation Payments for the TAA/Nafta-TAA Programs—found on the PA Workforce website at www.paworkforce.state.pa.us.
- Workforce Investment Information Notice 5-01—dated September 14, 2001 regarding Governance Agreement Revision/Cost Allocation Agreement Plan and Resource Sharing Agreement—found on the PA Workforce website at www.paworkforce.state.pa.us.
- Workforce Investment Information Notice 5-01, change 1-February 8, 2002—regarding Governance Agreement Revision/Cost Allocation Agreement Plan and Resource Sharing Agreement found on the PAWorkforce website at www.paworkforce.state.pa.us.
- Workforce Investment Information Notice 6-01 dated February 8, 2002—regarding Combined Business Plan/Agreement Process—found on the PA Workforce website: www.paworkforce.state.pa.us.

Office of Vocational Rehabilitation

- OVERVIEW—The OVR Online Newsletter
- The OVR Annual Report (717-787-5244)
- OVR Combined Agency State Plan Update (717-787-5244)
- OVR Program Brochure Carl Marshall (717-783-3129)
- Employment Services for Persons with Disabilities—Carl Marshall (717-787-3940)
- The OVR Rehabilitation Services Handbook—Carl Marshall (717-787-3940)
- OVR Transition Pamphlet—Joan Kester
- Disability Management (OVR Ability Management) Carl Marshall (717-787-3940)
- OVR—Transition From Substance Abuse to Recovery and Work (A Guide for Vocational Rehabilitation) Carl Marshall (717-787-3940)
- Getting Your Business Ready for ADA—Carl Marshall (717-787-3940)
- ICAN Program Guidelines—Raymond Walker (717-787-5735)
- ICAN Application—Raymond Walker (717-787-5735)
- ICAN Application Checklist Raymond Walker (717-787-5735)

State Workers' Insurance Fund

- Injury Hotline Reporting Sticker
- Employee Information for reporting of Work Related Injuries
- Workers' Compensation Employee Notice
- SWIF District Office Map and Directory
- Notice of Employer W/C coverage with SWIF (English & Spanish)
- SWIF Information Pamphlet
- "You as a Witness" in a Workers' Comp. Proceeding
- Benefits of Early Reporting of Injuries
- State Workers' Insurance Fund "Checklist"
- SWIF's Early Return to Work Program
- Telephonic Reporting Questionnaire
- "21 day rule" Reporting guideline letter
- SWIF Safety Policy and Program Outline
- Certified Safety Committee Addendum
- Governor's Initiative on Workplace Safety, Pennsafe
- Drug Free Pennsylvania Packet
- Claimant Authorization for Direct Deposit of SWIF Benefits Notice of subrogation lien against a third-party recovery under Section 319 of the Workers' Compensation Act

Bureau of Workers' Compensation

- Questions and Answers about Funded Employment

Contact: Claims Information Services—(long distance within PA: 1-800-482-2383, local or outside PA: 717-772-4447, TTY 1-800-362-4228)

- Maximum Pennsylvania Workers' Compensation Payable

Contact: Nathaniel Holmes, Chief, Claims Management Division, BWC (717-772-0621)

- Range of Fees Charged by Utilization Review Organizations and Peer Review Organizations for Services Performed under the Workers' Compensation Act

Contact: Eileen K. Wunsch, Chief, Health Care Services Review Division, BWC (717-772-1912)

- Claim Petition for Additional Compensation from the Subsequent Injury Fund pursuant to section 306.1 of the Workers' Compensation Act

Contact: Claims Information Services—long distance within PA: 1-800-482-2383, local or outside PA: 717-772-4447, TTY 1-800-362-4228)

Bureau of Unemployment Compensation Benefits and Allowances

- UCP-7 The Problem of "Localized" and "NonLocalized" Employment
- UCP-25 Employee Contributions
- UCP-33 UC Services, Unemployment Compensation Service Centers
- UCP-36 Employers' Reference Guide to Unemployment Compensation
- UCP-37 A Guide For Setting Up a Claim By Telephone or Internet
- Form UCP-1(SC), Pennsylvania Unemployment Compensation Handbook
- UCP-28 Services Provided By Pennsylvania Teleclaims (PAT)
- "UC Issues Update" quarterly newsletter.

Bureau of Unemployment Compensation Benefits and Allowances—Discontinued Non-Regulatory Documents

- UCP-1 (Insert) How to Figure Your Weekly Benefit Rate
- UCP-3 Unemployment Compensation Information for Contributing Employers
- UCP-6 Unemployment Compensation for Federal Civilian Employees
- UCP-10 Unemployment Compensation for Ex-Servicemen
- UCP-19 Unemployment Compensation in Pennsylvania
- UCP-27 (Cert) Transitional Adjustment Assistance Benefits
- UCP-28Z Services Provided by Pennsylvania Teleclaims (PAT) For Interstate
- UC-87Z How to File Pennsylvania Interstate Claims on the Internet System

Bureau of Employer Tax Operations

- UCP-29 Pennsylvania Unemployment Compensation (UC) Tax Appeals
- UCP-32 Employee or Independent Contractor?
- PA- 100 Pennsylvania Enterprise Registration Form and Instructions

Unemployment Compensation Board of Review

- UC-53 Notice of Hearing
- UC-53BR Notice of Board Hearing
- UC-53C Notice of Continuance of Hearing
- UC-59 Referee's Decision/Order
- UC-59RFC Referee's Decision/Order—Relief from Charges
- UC-46 Petition for Appeal
- UC-46A Petition for Appeal
- UC-46B Petition for Appeal
- BD-58 Board Decision/Order
- BD-242 Board Order
- BD-242A Board Order
- BD-251 Board Order

Bureau of Labor Law Compliance

Contact: Robert V. O'Brien, Director (717-787-3681)

- Updated procedures for workers' protests of prevailing wage settlements.
- Apprenticeship and Training Act
- Apprenticeship and Training Program Overview
- Child Labor Law
 - Child Labor Complaint Form
 - Application for Permit for Employment of a Minor in Theatrical and Other Performances
 - Newspaper Carriers
- Equal Pay Law
- Industrial Homework Law
- Medical Fee Act
- Minimum Wage Act
 - Food Service Employee Incentive Program
 - Overtime Rules in Pennsylvania
- Wage Payment and Collection Law
- Personnel File Inspection Act
- Prevailing Wage Act
 - Wage Rate Submittal Form
- Seasonal Farm Labor Act

- Underground Utility Line Protection Act
- Prevailing Wage Statistics and Collections
- Labor Standards Statistics and Collections
- Prevailing Wage Rate Determination Search
- Prevailing Wage Determination Request
- Prevailing Wage Act
- Prevailing Wage Regulations
- Debarments
- Certified Payroll Certificate
- Apprenticeship and Training Act
- Apprenticeship and Training Regulations
- Apprenticeship and Training Program Overview
- Wage Rate Submittal Form
- Prevailing Wage Complaint Form
 - Electronic Online Version
 - Printer Friendly (PDF Download)
 - Spanish Version (PDF Download)
- Definitions for 29 County Building Construction Laborers
- Definitions for 29 County Heavy, Highway Construction Laborers
- Definitions for 7 County Building Construction Operators
- Definitions for 22 County Building Construction Operators
- Definitions for 29 County Heavy Equipment Operators
- Definitions for 29 County Highway Construction Operators
- Definitions for 33 County Building Laborers
- Definitions for 33 County Heavy & Highway Laborers
- Definitions for 33 County Building Operators
- Definitions for 33 County Heavy & Highway Operators
- Definitions for 5 County Building Laborers
- Definitions for 5 County Heavy & Highway Laborers
- Definitions for 5 County Building, Heavy, Highway Operators
- Asbestos Removal—Asbestos Worker/Laborer
- Truck Driver (Building, Heavy, Highway)
- Painters (Building, Heavy, Highway)
- Mandatory Workplace Postings

Bureau of Occupational and Industrial Safety

Technical International Building Code Advisories

Contact Edward Leister, Director, Buildings Division (717-787-3323).

- Advisory on Sections 302.1.1 and 302.1.1—Incidental use areas and accessory use areas. Issued March 3, 2005
- Advisory on Sections 310.1 and 310.2—Residential care facilities with 6-16 occupants. Issued April 1, 2005
- Advisory on Sections 311.1 and 312.1—Storage group S and utility and miscellaneous group U. Issued June 30, 2005
- Advisory on Section 404.8—Travel distance. Issued October 29, 2004.
- Advisory on Section 707.2—Shaft enclosure required (Exception 7). Issued October 29, 2004
- Advisory on Section 1016.5—Corridor continuity. Issued October 29, 2004
- Advisory on Section 1019.1—Enclosures required, and exceptions 8 and 9. Issued March 3, 2005
- Advisory on Section Sections 3409.3 and 3409.6—Change of occupancy and alterations affecting an area containing a primary function. Issued March 3, 2005

Uniform Construction Code Advisories

Contact Jon Balson, UCC Administrator (717-787-9099)

- Building Code Official (BCO) Certification
- Health Care Facilities Act
- Manufactured Housing
- Residential Care Facilities
- Temporary Structures
- Utility Service Connections
- Ground Snow Loads
- Recreational Cabin Exclusion

MILITARY AND VETERANS AFFAIRS

NON-REGULATORY PUBLIC DOCUMENTS

POLICY STATEMENTS:

- ADA Policy Statement
- HIV/AIDS Policy
- Sexual Harassment Policy
- Substance Abuse in the Workplace Policy
- Workplace Violence Policy

Contact: Jeff Thomas (717) 861-8849

- Equal Opportunity Statement

Contact: Kristi Smith (717) 861-8796

- Operation of Clubs within National Guard Facilities
 - Privately Owned Weapons on National Guard Facilities
 - Smoking Policy
- Contact: Jeff Thomas (717) 861-8849
- Public Affairs Airlift Policy
- Contact: Colonel Latchford (717) 861-8825 Army
Joe Black (717) 861-8675 Air
Lt Col Cleaver (717) 861-8468
- Military Aircraft Flyovers
- Contact: Colonel Latchford (717) 861-8825 Army
Joe Black (717) 861-8675 Air
- Use of Military Equipment for Civilian Organizations
John Maietta (717)-861-8648
 - Recreational Access to Fort Indiantown Gap
Joe Hovis (717)-861-2806
 - Resident Abuse Policy and Procedures
 - Staff/Resident Fraternalization Policy, Veterans' Homes
 - Handbook of Accounting Manual for State Veterans' Homes
 - HIPAA Policies and Forms for State Veterans' Homes
 - Scotland School for Veterans' Children Administrative Procedures and Policy Memoranda, including Student Disciplinary and Discharge Process
- Contact: Cecil Hengeveld (717) 861-8903
- Standard Operating Procedure for Armory Rentals
 - Policy for State-Owned Family Housing and Conestoga Mobile Home Court
- Contact: Duke Munford (717) 861-8580

INTERNAL GUIDELINES:

- Adherence to Work Hours/Wear of Military Uniform
 - Bomb Threat Plan—DMVA contains classified information
 - Curtailment of Activities at FTIG Due to Inclement Weather
 - Discipline Manual
 - Photo ID Cards for State Civilian Employees at FTIG
 - Political Activity
 - Reporting Procedures for Workplace Violence
 - Retired Guardsmen Involvement
 - Notification of VIP Visits for FTIG and DMVA Organizations
 - Overtime/Compensatory Leave Policy
 - Work Schedule
 - Pennsylvania National Guard Military Regulations and Directives (PMR/PaANGR)
- Contact: Jeff Thomas (717) 861-8849
- Discrimination Complaint Process
- Contact: Kristi Smith (717) 861-8796
- Employee Orientation Checklist
 - Review of Procedures for Responding to PHRC/EEOC Complaints
 - Sexual Harassment: Your rights and responsibilities
 - DMVA Work Rules/Standards of Conduct
- Contact: Jeff Thomas (717) 861-8849
- IT Policies and Procedures
- Contact: James Nelson (717) 861-8639

OTHER/GUIDANCE/INSTRUCTIONAL MANUALS:

- Personnel Manual
 - DMVA Guide to Classification
 - Employee Handbook
 - Guide to Managing the Official Personnel Folder
 - Leave Manual for the DMVA
 - Employee Safety Handbook
 - DMVA Guide for Controlling Sick Leave Abuse and Time and Attendance Problems
 - PA Worker and Community Right to Know Training Booklet
 - Partial and Full-Day Closings for State Employees at Ft. Indiantown Gap
 - Training Guidelines Manual
 - Work-Related Disability Leave and Modified Light Duty Manual
- Contact: Jeff Thomas (717) 861-8849
- Equal Opportunity Plan
 - Contract Compliance Plan for DMVA
 - DMVA Workforce Profile
 - Training Plan and Report
- Contact: Kristi Smith (717) 861-8796
- Organizational and Functional Statement for the DMVA
 - Index of Administrative Publications (contains classified information) Pamphlet 310

- Military Publications Index of Blank Forms (contains classified information) Pamphlet 25-32
Contact: Jeff Thomas (717) 861-8849
- Patient Care Policy Manual, Veterans' Homes
- State Home Construction Grant Program
- Veterans Administration Guidelines for State Veterans' Homes
Contact: Cecil Hengeveld (717) 861-8903
- Adjutant General's Biennial Report
Contact: Lt Col Cleaver (717) 861-8468
- Directory of Agencies Providing Information to Veterans
- PA Veterans' Memorial
- Telephone Directory for Veterans Organizations
- Scotland School's Admission Packet
Contact: Cecil Hengeveld (717) 861-8903

PENNSYLVANIA BOARD OF PROBATION AND PAROLE

Publications available through the Pennsylvania Board of Probation and Parole

- Parole in Pennsylvania
- Parole in Pennsylvania (Spanish version)
- Pre-Parole Information Bulletin (for parolees)
- Parole Plan Investigations (info for potential home plan provider with district-by-district domestic violence resources)
- SAVE: Substance Abuse Violators Effort (general public)
- SAVE: Substance Abuse Violators Effort (for parolees)
- County SAVE: County Substance Abuse Violators Effort
- Triennial Report: PA Board of Probation and Parole (FY1997-2000)
- Biennial Report: PA Board of Probation and Parole (FY-2000-2002)

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

Bureau of Training Services

- Constables' Training Bulletins, August 1994 to present.
- Deputy Sheriffs' Training Bulletins, April 1990 to present.
- Criteria for instructors as listed on constables' certification application.
- Constables' Education and Training Board (CETB) instructor information, produced solely for contractor schools.
- Code of Conduct for deputy sheriffs training, distributed by training contractor to trainees in each basic training and waiver class.
- Deputy Sheriffs' Education and Training Board Policy, approved November 2004.
- DARE Officers Policy and Procedures Manual.

Office of Criminal Justice System Improvements

- U.S. Department of Justice, Bureau of Justice Assistance, "Byrne Formula Grant Program Guidance."
- U.S. Department of Justice Bureau of Justice Assistance, State and Local Assistance Division (SLAD) Information Memorandums.
- U.S. Department of Justice, Bureau of Justice Assistance, Fact Sheets.
- Drug Education and Law Enforcement Grant Program Guidelines and Application (Drug Abuse Resistance Education—D.A.R.E.—grants)

Office of Financial Management and Administration

- PCCD Applicant's Manual on PCCD website, revised May 2001.
- U.S. Department of Justice, Office of Justice Programs, Office of the Comptroller, Financial Guide.
- Commonwealth of Pennsylvania, Governor's Office, Management Directive 305.20, Grant Administration.
- Funding guidelines disseminated as needed by various divisions.
- PCCD Grant Procedures Manual, June 2001.
- External Quick Start Guides for Egrants.

Office of Juvenile Justice and Delinquency Prevention

- Funding announcements that provide guidelines and requirements for applicants:
- Research—Based Delinquency and Violence Prevention Program Funding, March 31, 2005.
 - Juvenile Accountability Block Grant (JABG), Oct. 4, 2004.
 - State Partnership and federal Title V Funding, March 31, 2005.

Center for Research, Evaluation and Statistical Analysis

- Funding guidelines for research/evaluation projects, April 15, 2004.

Office of Victims' Services

Victims Compensation

- Victims Compensation Claim Form. (Standard)
- Victims Compensation Claim Form. (One Page)
- Spanish Signature Page
- Claim Form Instruction Booklet.
- Financial Assistance for Victims of Crime pamphlet.
- Compensation Resource Guide for Victim Service and Allied Professionals brochure.
- Rights and Services Available to Victims of Crime in PA booklet.

- Victim Advocate Manual—revised February 27, 2003.
- Victims Compensation Assistance Program Procedure Manual.
- Victims Compensation Assistance Program Standard Operating Guidelines.
- Annual Report for FY 2003-2004.
- Compensation Fact Sheet—Information for Law Enforcement.
- Compensation Instruction Sheets: Counseling Claims; Crime-Scene Cleanup Claims; Death Claims and Funeral Expenses; Loss of Earnings Claims; Loss of Support Claims; Motor Vehicle Related Claims; Personal Injury Claims; Relocation Expense Claims; and Stolen Benefit Cash Claims.
- Victim Service Program Referral Handbook 2005.

Victims Services

- Local Policy Board Requirements, revised June 2004.
- STOP Funding Announcement, revised February 2005.
- Rights and Services Act (RASA) Funding Announcement, revised June 2005.
- VOJO Funding Announcement, revised June, 2005.
- VOCA Funding Announcement, January 2005
- VOCA Funding Guideline Amendment: Mass Violence, 2000.
- Project STRONG Announcement, May 2005
- DCSI/JAG Announcements, June 2004
- Concept paper formats, May 1999.
- State Victim/Witness Standards and Procedures Manual, April 1999.
- Victims of Juvenile Offenders (VOJO) Standards and Procedures, effective December 2000.
- Comprehensive Victim Service Center Standards, Revised February 2001.
- Monitoring tools for Drug Control and System Improvement (DCSI), Applications through Project STRONG, VOJO, revised June 2005; RASA, revised June 2005; Victims of Crime Act (VOCA), revised June 2005; STOP, revised 2005.

Pennsylvania Weed and Seed Program

- Operations Manual, current for 2005-2006.

PENNSYLVANIA HOUSING FINANCE AGENCY

POLICY STATEMENTS

Rental Housing Program

12 Pa. Code, Section 31.11-31.25

Contact: William Koons (717-780-3876)

Owner-Occupied Residential Housing Program

12 Pa. Code, Section 31-101-31-105

Contact: Kate Newton (717-780-3891)

Mortgage Loan Program

12 Pa. Code, Section 31-111-31-117

Contact: Kate Newton (717-780-3891)

Policy Statement on Homeowners' Emergency Mortgage Assistance Program (including Program Guidelines, Act 91 Notice, and list of counseling agencies)

12 Pa. Code, Section 31.201 et. seq.

Contact: Daryl Rotz (717-780-3940)

GUIDANCE MANUALS

Development Division

PHFA Multifamily Housing Application and Guidelines (contains PennHOMES, Taxable and Tax-Exempt Financing and Low Income Housing Tax Credit Guidelines)

PHFA Preprocessing Manual for Projects with Agency Federal HOME Funds

PHFA Preprocessing Manual for Projects with Agency Reserve Funds

Contact: Kristina Avery (717-780-3876)

Technical Services Division

Architectural Submission Guide

Submission Guide for Small Projects

PHFA Preconstruction Meeting Guide

General Payout Procedures for Mortgagees and Contractors

Contact: Dottie Shipley (717-780-1830)

Housing Management Division

PHFA Policies, Procedures and Compliance Manual (PennHOMES Program)

PHFA Management Office Policies and Procedures Manual—Section 8 New Construction and Substantial Rehabilitation Programs

PHFA Low-Income Housing Tax Credit Compliance Manual

Contact: Donna Farnham (717-780-3814)

PHFA PennHOMES Financial Reporting Manual

Contact: Shana Dressler (717-780-3820)

Housing Services Department

Seniors Supportive Services Program Operating Manual

Family Supportive Services Program Manual

Contact: Sandy Klunk (717-780-3874)

Single Family Housing Division

PHFA Seller's Guide

HOMESTEAD Program Guidelines

Contact: Kate Newton (717-780-3891)

Individual On-Lot Sewage Disposal System Loan Program Guidelines

Contact: Gary Zimmerman (717-780-1899)

PHFA Servicing Manual

Contact: Tony Julian (717-780-3824)

INTERNAL GUIDELINES

Homeowners' Emergency Mortgage Assistance Program Policies and Procedures

Contact: Daryl Rotz (717-780-3940)

PHFA Board Minutes and Resolutions

PHFA Employee Manual

Bylaws of the Pennsylvania Housing Finance Agency

PHFA Right To Know Act Policy

Contact: Carrie Barnes (717-780-3911)

OTHER

PHFA Annual Report

Pennsylvania Housing Study (available only on website at www.phfa.org)

Inventory of Assisted Rental Housing

Funding Affordable Housing (resource guide)

PHFA Homebuyer Workbook

Doable Renewable Home (Accessibility Workbook)

Report on the Economic Benefits of Affordable Housing Development in Pennsylvania

Report on the Use of Act 137—Implementation of Pennsylvania's County Housing Trust Fund Legislation

PHFA Developments (newsletter)

PHFA Service Connections (supportive services newsletter)

Answers to Common Questions about the Homeowners' Emergency Mortgage Assistance Loan Program (fact sheet)

Home Equity Conversion Mortgage Lenders List (reference sheet)

List of Counseling Agencies for Mortgage Bankers and Brokers and Consumer Equity

Protection Act (Act 55 of 2001)

Contact: Paula Brightbill (717-780-3915)

PHFA Brochures

Programs Information of the Pennsylvania Housing Finance Agency

Keystone Home Loan Program (English & Spanish)

Keystone Home Loan PLUS Program (English and Spanish)

Homeownership Opportunities for Persons with Disabilities

Important Information About the Federal Recapture Tax

Home Energy Efficiency and Home Buying

Homeowners' Emergency Mortgage Assistance Program (English & Spanish)

Future Homebuyer Education

Homebuyer Tips (English and Spanish)

Housing Services

PennHOMES Multifamily Rental Development Funding Program

Business Opportunities with the Pennsylvania Housing Finance Agency

Tax Credit Program

Mortgage Programs Guide

Contact: Paula Brightbill (717-780-3915)

Additional information is available on PHFA's website (www.phfa.org) from time to time (including funding notices, Requests for Proposals, and news and public notices)

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY—PENNVEST

Guidelines:

- PENNVEST: Financing Clean Water for Pennsylvania, 2004.
- On-Lot Sewage Disposal System for the Individual Homeowner Funding Program January 2004.
- PENNVEST Annual Report, 2003-2004.
- Liquid Assets/ Newsletter
- PENNVEST—How to Apply
- Brownfield Redevelopment Guidelines and Forms
- PENNVEST ON-LINE—2005
 - Mission
 - PENNVEST Process
 - How to Apply

- Loan Calculator
- Cap Rates by County
- Guide to Uniform Environmental Review Process
- Single Audit Process Pamphlet
- Continuing Education Guidelines and Forms
- Continuing Education—Environmental Training Partnership
- Frequently Asked Questions
- Legislation and Regulations
- Financial Assistance Simulator
- Compare Subsidy Calculator
- Utility Guide
- Annual Financial Statement/Audit Report Submission

Contact: Lou Ann Buffington (717) 787-8138.

Public Procedure:

- PENNVEST Right to Know Policy
- Contact: Elaine Keisling (717) 783-4494.

Internet Policy:

- PENNVEST Privacy Policy
 - PENNVEST Site Security
- Contact: Laura A. Lewis (717) 783-4491.

**PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM
PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM**

Public School Employees' Retirement System

POLICY STATEMENTS (BENEFITS):

- Paying of Benefits when PSERS has been Notified of Pending or Completed Divorce Action
 - Purchase of Service Waiving of Payroll Deductions
 - Paying Death Benefits when Ex-Spouse is Last Named Beneficiary
 - Contested Death Benefits
 - Maternity Leave of Absence
 - Elimination of Frozen Present Value
 - Crediting Service For Lockouts
 - Method of Payment For Purchase of Service
 - Return to School Service for an Emergency Annuitant
 - Direct Rollover Limitations
 - Overpayments and Direct Rollovers
 - Alternate Retirement Dates and Termination Date
 - Special Retirement Incentive 30-Year Window
 - Inactive Interest
 - Employment and Income Restrictions for Disability Annuitants
 - Interpretation of Declaration of Intent to Retire Under Mellow
 - Multiple Service Election
 - Leaving Service Before Age 62 With Less Than Ten Years of Service
 - Converting Hours to Days
 - Crediting Purchases of Service during a Non-Qualifying Year
 - Definition of "School Year"
 - Rate of Contribution
 - Paying Death Benefits and Collecting Overpayments from Deceased Members' Accounts
 - Activated Military Leave (Approved Military Leave of Absence)
 - Paying Death Benefits and Collecting Overpayments from Deceased Members' Accounts
 - Cadet Nurse Service
 - Birthday Rule for Determining Eligibility for Retirement Benefits
 - Designation of Primary and Contingent Alternate Payees in an Approved Domestic Relations Order
 - Processing Faxed Documents
 - Contested Death Benefits
 - Purchase of Service Payment Plan
 - Purchase of Previous Non-Qualifying School Service
 - Worker's Compensation Offset Under Act 57
- Contact: Evelyn Tatkovski (717) 720-4734

GUIDANCE MANUALS:

- PSERS Active Member Handbook (Current Ed. 2002)
- PSERS Retired Member Handbook (Current Ed. 2000)
- PSERS Update
- PSERS Pamphlets:
 - Let's Talk About: Leaving Employment & Your PSERS Benefits
 - Let's Talk About: Taxes on Your Retirement Benefits
 - Let's Talk About: Disability Retirement Benefits
 - Let's Talk About: Being Retired

- Let's Talk About: Your Retirement Benefit and Divorce
 - Let's Talk About: Death Benefits During Employment
 - Let's Talk About: Death Benefits During Retirement
 - Let's Talk About: Purchasing Credit for Service
 - Sample Domestic Relations Order and Instruction Memo
 - PSERS Retirement Chalkboard (Active Members Newsletter)
 - PSERS Benefits Hotline (Retired Members Newsletter)
 - The Employer Bulletin
 - PSERS Employer Reference Manual
- Contact: Evelyn Tatkovski (717) 720-4734

DECISIONS:

- PSERS Board of Trustees Adjudications Topics:
 - Accelerated Option
 - Act 1991-23 ("Mellow Bill")
 - Beneficiary Change
 - Change Employment Status
 - Change of Option
 - Change Retirement Date
 - Class T-D Election
 - Cost of Living Increase
 - Credited Years of Service
 - Death Benefit
 - Disability
 - Divorce
 - Effective Date of Retirement
 - Final Average Salary
 - Frozen Present Value
 - Forced Maternity Leave
 - Full-Year Service
 - Health Care Premium Assistance
 - Mandatory Membership
 - Membership Eligibility
 - Merchant Marine
 - Military Service (purchase of)
 - Multiple Service Credit
 - Overpayment
 - Payment of Interest
 - Pension Forfeiture
 - Purchase of Service
 - Recalculation of Benefit
 - Reinstatement
 - Retirement-Covered Compensation
 - Tax Collector
 - Miscellaneous
- Contact: Evelyn Tatkovski (717) 720-4734

INTERNAL POLICY STATEMENTS and GUIDELINES:

- PSERS Board Automation Policy
 - PSERS Bylaws
 - PSERS External Board Appointment and Attendance Policy
 - PSERS Election Procedures and Guidelines
 - PSERS Domestic Proxy Voting Guidelines
 - PSERS ISS Domestic Proxy Voting Guidelines Summary
 - PSERS International Proxy Voting Guidelines
 - PSERS ISS International Proxy Voting Guidelines Summary
 - PSERS Investment Policy Guidelines
 - PSERS Public Information Policy
 - PSERS Securities Litigation Policy
 - PSERS Travel and Education Policy
- Contact: Evelyn Tatkovski (717) 720-4734

OTHER:

- PSERS Website: www.psers.state.pa.us
 - PSERS Comprehensive Annual Financial Report (Includes Mission Statement)
 - PSERS Board Minutes and Resolutions
 - PSERS Asset Allocation Plan
 - Actuarial Report (annual and 5 year)
 - Actuarial Tables and Computational Procedures, Pa. Bulletin, Vol. 31, No. 14, pp. 1930-1945, April 7, 2001
 - Health Options Program Enrollment Package
- Contact: Evelyn Tatkovski (717) 720-4734

Pennsylvania Municipal Retirement System**POLICY STATEMENTS:**

- Calculation of Withdrawing Plan's Portion of Retired Member's Reserve
- Allocation of Excess Interest to Municipal Account, Member's Accounts, and Retired Member's Reserve Accounts
- Portability: Individual Member
- Portability: Plan Spin-offs
- Business and Educational Travel Policy
- Y2K Statement
- Return to Work Policy Statement
- Actuarial Tables
- Disposition of Surplus Equipment
- Public Information
- PMRS Indemnification
- Permanent Employee

Contact: James B. Allen (717) 787-2065

GUIDANCE MANUALS:

- PMRS Notes and News
- PMRS Pamphlets:
 - Plan Benefit Summary (individualized for each municipality)
 - Evaluating Your Pension Plan
 - Pennsylvania Municipal Retirement System
- Individual Municipality Plan Benefit Agreements
- PMRS Procedures Manual (1984)
- PMRS WebSite: www.pmrs.state.pa.us

Contact: James B. Allen (717) 787-2065

DECISIONS:

- PMRS Board of Trustees Adjudications Topics:
 - Death Benefit
 - Pension Forfeitures
 - Purchase of Service
 - Vesting
 - Disabilities
 - Miscellaneous

Contact: James B. Allen (717) 787-2065

INTERNAL GUIDELINES:

- PMRS Investment Guidelines and Proxy Voting
- Investment Consultant Quarterly Reports
- Comprehensive Annual Financial Report
- Annual Report Summary
- Actuarial Reports (Annual Evaluation and 5 year Experience Study Report)
- Actuarial Tables
- Sample Domestic Relations Order and Instruction Memo
- PMRS Board Minutes and Resolutions
- PMRS Policy on Public Information

Contact: James B. Allen (717) 787-2065

PUBLIC WELFARE

(Editor's Note: Statements of Policy are in upper and lower case. Notices of Rule Change are in all capitals. Notices of Rule Change adopted more than 180 days before deposit are starred (*).

Office of Income Maintenance—Contact: Edward J. Zogby (717) 787-4081

POLICY STATEMENTS:

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1983	Ch. 166	Computation of CWEP Hrs.	10/25/83	166-83-57
	Ch. 275	Postmark Date as the Receipt Indicator for Appeals and for Requests for Reconsideration	03/15/84	275-84-10
1991	*CH. 140	MANDATORY CONTINUATION OF MA THROUGHOUT PREGNANCY AND POSTPARTUM PERIOD	08/20/91	0140-91-01
1993	*CH. 166	PROVIDING SUPPORTIVE SERVICES TO PARTICIPANTS IN THE COMMUNITY WORK EXPERIENCE PROGRAM	08/21/93	166-93-01
1994	*CH. 257	REVISIONS TO 55 PA. CODE CHAPTER 177 (RESOURCES) AND 257 (REIMBURSEMENT)	06/24/94	257-94-01

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1995	*CH. 257	MA ESTATE RECOVERY—CHAPTER 178—MEDICAL ASSISTANCE RESOURCES; CHAPTER 257—REIMBURSEMENT	06/01/95	257-95-01
1996	CH. 125	ACT 1995-20 PROVISIONS RELATING TO PERSONS SENTENCED OR CHARGED FOR A FELONY OR MISDEMEANOR	04/05/96	125-96-01
2000	CH. 187	REVISION TO CHAPTER 187, SUPPORT FROM RELATIVES NOT LIVING WITH THE CLIENT, TO SUPPORT IMPLEMENTATION OF THE FAMILY VIOLENCE OPTION	06/10/00	187-00-01
	CH. 285	INCREASES IN PAYMENT FOR BURIAL AND/OR CREMATION AND MAXIMUM AMOUNT OF EXCLUDED CONTRIBUTIONS	06/10/00	285-00-01

GUIDANCE MANUALS:

- Cash Assistance Handbook
- Food Stamp Handbook
- Medical Assistance Eligibility Handbook
- Nursing Care Handbook
- Supplemental Handbook
- Medicaid in Pennsylvania
- Low-Income Home Energy Assistance Program Final State Plan
- Actions for Support
- TANF State Plan

Office of Medical Assistance—Contact: Donald Yearsley (717) 772-6341

POLICY STATEMENTS:

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1981	Ch. 1251	Clarification of M.A. Bulletin # 22-80-01	08/19/81	22-81-01
	Ch. 1121	Info. Concerning Claims Submitted as Compounded Prescriptions	06/30/82	19-82-02
1984	Ch. 1101	Third Party Resource and Copay	11/01/84	99-84-15
1985	Ch. 1141	Decision Concerning Prof. Component Billing	01/25/85	01-85-01
	Ch. 1141	Physician Assistant Use	04/22/85	01-85-05
	Ch. 1245, 1163	Ambulance Transportation	04/22/85	11-85-08
	Ch. 1163	Psych. Inpatient Adm of Patients with D/A and Psychiatric Diagnoses	05/31/85	13-85-04
	Ch. 1101	Copayments/Guidelines/ Exemption for Pregnancy and Ability to Pay	10/17/85	99-85-12
	Ch. 1153	Requirements for Treatment Plans and Doc. of Treatment	10/31/85	29-85-01 33-85-02
	Ch. 1149	Clarification of Treatment Plan Requirements for Orthodontists	02/11/86	03-86-1
	Ch. 1163	Offset of Investment Income	02/21/86	11-86-04
	Ch. 1151			12-86-02 13-86-01
1986	Ch. 1101.75(a)(5)	Policy Clarification	07/23/86	19-86-06
	Ch. 1101	Policy Clarification Re: Provider's Signature	09/19/86	99-86-06
	Ch. 1101	Professional License No.	10/13/86	11-86-12 12-86-05
	Ch. 1101	Preclusion of Convicted Persons, Not Providers, from Participation or Involvement in the MA Program	10/24/86	99-86-09
	Ch. 1123	Durable Medical Equipment Warranties	10/28/86	05-86-02 19-86-07
	Ch. 1101	Records Maintenance and Avail. Requirements	11/05/86	23-86-02

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>	
1987	Ch. 1101	Physicians' Response. Home Health Services	01/12/87	01-87-01	
	Ch. 1223	Letter of Agreement-D&A Single County Authorities	01/23/87	11-87-01 12-87-01 13-87-01	
	Ch. 1223	Contractual Agreement Single County Authority	02/12/87	28-87-01	
	Ch. 1149	Palliative Emerg. Treat.	04/24/87	03-87-02 27-87-01	
	Ch. 1101	Records Maint. and Avail. Require. for Chiropractors	04/27/87	07-87-01	
	Ch. 1249	Reimbursement-Home Health Services in PCH	05/22/87	23-87-01	
	Ch. 1101	Professional Lic. No.	06/10/87	10-87-01	
	Ch. 1223	Nonrecompensable Services Drug Screens	07/29/87	11-87-05 12-87-04 16-87-01 28-87-02	
	Ch. 1101/ Ch. 1123	Coverage for Motorized Wheelchairs	07/30/87	05-87-02 01-87-08 19-87-06	
	Ch. 1101	Policy Relating to Apnea Monitors	09/02/87	01-87-15 05-87-04 19-87-09	
	Ch. 1150	Spec. Enroll. Req. to Bill Tech. Comp. of Ped. Pneumograms	10/07/87	05-87-05 19-87-10	
	1988	Ch. 1101	Policy Clarification Regarding Physician License	07/01/88	1101-88-01
		Ch. 1249	Clarification of Condition Under Which MA Recipients Are Considered Homebound	09/26/88	1249-88-01
	1989	Ch. 1101	Policy Reminder Regarding Practitioner License Requirements	09/09/89	1101-89-02
		Ch. 1163	Assignment of DRG (Neonate)	11/18/89	1163-89-01
1990	Ch. 1150	Payment Policy for Consultations	04/27/90	1150-90-01	
	Ch. 1249	Use of Medicare Form HCFA-485	06/08/90	1249-90-01	
1991	*CH. 1101 CH. 1121 CH. 1123 CH. 1241	EPSDT—OBRA '89	08/02/91	1101-91-01 1121-91-02 1123-91-01 1241-91-01	
	1992	*CH. 1141 *CH. 1153	CLOZAPINE SUPPORT SERVICES	01/31/92	1141-92-01 1153-92-01
		Ch. 1241	Revised EPSDT Immunization Guidelines	12/11/92	1241-92-01
	1993	*CH. 1165	PAYMENT FOR MENTAL HEALTH SERVICES PROVIDED IN A RESIDENTIAL TREATMENT FACILITY FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE	01/01/93	1165-93-01
*CH. 1121		CHANGES IN THE MEDICAL ASSISTANCE PHARMACEUTICAL BENEFITS	07/09/93	1121-93-01	
*CH. 1149		DENTAL SERVICES FOR ADULTS	07/09/93	1149-93-01	
*CH. 1101		BASIC HEALTH CARE FOR ADULT GENERAL ASSISTANCE RECIPIENTS (<i>FELIX ET. AL. v.</i> <i>CASEY ET. AL.</i>) STIPULATION OF SETTLEMENT	07/21/93	1101-93-03	
*CH. 1101		UPDATE TO EXCEPTIONS PROCESS AND CRITERIA UNDER THE GENERAL ASSISTANCE BASIC HEALTH CARE PACKAGE	07/21/93	1101-93-04	
Ch. 1241		Centers for Disease Control Blood Lead Testing	09/03/93	1241-93-01	
Ch. 1101		Business Arrangements Between Nursing Facilities and Pharmacy Providers	10/08/93	1101-93-05	

NOTICES

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<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1994	Ch. 1241	Update to Blood Lead Testing Guidelines	04/08/94	1241-94-01
	*CH. 1239	M.A. CASE MANAGEMENT SERVICES FOR RECIPIENTS UNDER THE AGE OF 21	05/17/94	1239-91-01
	*CH. 1121	PHARMACEUTICAL SERVICES DRUG COVERAGE FOR MEDICALLY NEEDY IN NURSING FACILITIES	06/24/94	1121-94-01
	*CH. 1249	PRIOR AUTHORIZATION OF HOME HEALTH SERVICES (REVISED)	07/01/94	1249-94-02
	*CH. 1121	PHARMACEUTICAL SERVICES PRIOR AUTHORIZATION REQUIREMENT MULTISOURCE BRAND NAME DRUGS	08/26/94	1121-94-02
	*CH. 1121	TREATMENT OF	08/30/94	1121-94-03
	CH. 1126	INFERTILITY—DISCONTINUED COVERAGE		1126-94-01
	CH. 1129	FOR DRUGS AND RELATED SERVICES		1129-94-01
	CH. 1141			1141-94-01
	CH. 1163			1163-94-01
	CH. 1221			1221-94-01
	CH. 1225			1125-94-01
	CH. 1242			1242-94-01
	*CH. 1101	GENERAL ASSISTANCE RESTRUCTURE AS A RESULT OF ACT 49	09/02/94	1101-94-01
1995	CH. 1153	ACCESSING OUTPATIENT WRAPAROUND MENTAL HEALTH SERVICES	09/08/95	1153-95-01
	CH. 1157	MENTAL HEALTH SERVICES PROVIDED IN NON-JCAHO	09/08/95	1157-95-01
	CH. 1165	UPDATE-JCAHO-ACCREDITED RTF SERVICES	09/08/95	1165-95-01
	*CH. 1153	PRIOR AUTHORIZATION OF PARTIAL HOSPITALIZATION	12/30/94	1153-95-01
	CH. 1163	PAYMENT POLICY FOR ABORTION SERVICES	12/15/95	1163-95-02
1996	CH. 1101	LIMITS ON OFFICE VISITS UNDER THE GENERAL ASSISTANCE (GA) BASIC HEALTH CARE PACKAGE	03/18/96	1101-96-01
	Ch. 1101	Medical Assistance Deductible	09/20/96	1101-96-02
1997	Ch. 1141	Revision to Physician Assistant and Nurse Midwife Supervision Requirement	07/30/97	1141-97-01
1998	Ch. 1101	Regulation Changes Regarding "Emergency Medical Condition"	07/01/98	1101-98-01
	Ch. 1141			1141-98-01
	Ch. 1150			1150-98-01
	Ch. 1221			1221-98-01
	Ch. 1163	Revision of Utilization Guidelines for Inpatient Hospital Drug and Alcohol Services Under the Medical Assistance Program	05/18/98	1163-98-01
1999	Ch. 1187	Capital Component Payments for Post-Moratorium Beds	04/17/99	1187-99-01
	Ch. 1101	"Payment in Full"	09/17/99	99-99-06
2001	Ch. 1101	Clarification of Coverage for Motorized Wheelchairs and Other Durable Medical Equipment	02/16/01	01-01-02 05-01-01 17-01-01 19-01-02 49-01-02 50-01-01 1101-01-01 1123-01-01

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 1241	Revision to the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program	7/1/01	01-01-10 10-01-03 11-01-05 17-01-04 26-01-03 49-01-07
	—	Breast and Cervical Cancer Prevention and Treatment Program	12/26/01	99-01-12
2002	Ch. 1223	Drug and Alcohol Clinics with Provisional Licenses	10/26/02	28-02-02
	Ch. 1241	Revision to the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program	1/22/02	01-02-01 10-02-01 11-02-01 17-02-01 26-02-01 49-02-01
	—	Breast and Cervical Cancer Prevention and Treatment Program	5/3/02	99-02-06
	Ch. 1241	Addition of Procedure Code 90732 to Medical Assistance Fee Schedule for Administration of Pneumococcal Vaccine	11/18/02	01-02-13 10-02-04 11-02-06 17-02-07 26-02-04 49-02-06
2003	Ch. 1241	2003 Recommended Childhood Immunization Schedule	3/31/03	01-03-04 10-03-01 11-03-01 17-03-01 26-03-01 49-03-01
	Ch. 1241	Coverage of Pediarix and Addition of Procedure Code 90723 to Medical Assistance Fee Schedule for Administration of Pediarix Vaccine	5/15/03	01-03-06 10-03-02 11-03-02 17-03-03 26-03-02 49-03-03
	Ch. 1241	Elimination of the Pennsylvania Children's Check-up (EPSDT) Form (MA-517)	9/5/03	01-03-08 10-03-03 11-03-05 17-03-04 26-03-03 49-03-05
	Ch. 1223	Elimination of the Requirement for the Outpatient Drug and Alcohol Clinic's Supervisory Physician to Perform a Comprehensive Medical Examination Within 15 days following the Intake and Before the Provision of Treatment	10/1/03	28-03-02
	Ch. 1101	Liability for Cost Sharing for Recipients Enrolled in Medical Assistance through Fee for Service or Managed Care and a Private Third Party Insurer	9/1/03	99-03-12
	—	Continuity of Care for Recipients Transferring Between and Among Fee for Service and Managed Care Organizations	9/1/03	99-03-13
2004	Ch. 1223	Methadone Take-Home Services	2/1/04	28-04-01

GUIDANCE MANUALS:

- Provider Handbook 01—Physician
- Provider Handbook 03—Dentist
- Provider Handbook 04—Podiatrist
- Provider Handbook 05—Medical Supplier
- Provider Handbook 06/08—Short Procedure Unit/Ambulatory Surgical Center
- Provider Handbook 07—Chiropractor
- Provider Handbook 09—Birth Centers

- Provider Handbook 10-I—Independent Medical/Surgical Clinic
- Provider Handbook 11-I—Inpatient Hospital (Encompasses provider types General Hospital, Rehabilitation Hospital, Private Mental Hospital, State Mental Hospital and Extended Acute Psychiatric Care)
- Provider Handbook 11-O—Outpatient Hospital (Encompasses provider types General Hospital, and Rehabilitation Hospital)
- Provider Handbook 15—Optometrist
- Provider Handbook 16—Independent Laboratory
- Provider Handbook 18—Ambulance Company
- Provider Handbook 19—Pharmacy
- Provider Handbook 20—Portable X-Ray Provider
- Provider Handbook 21—Renal Dialysis Center
- Provider Handbook 22—Funeral Director
- Provider Handbook 23—Home Health Agency
- Provider Handbook 26—Rural Health Clinic
- Provider Handbook 28—Drug and Alcohol Clinic
- Provider Handbook 29—Outpatient Psychiatric Clinic
- Provider Handbook 30—Family Planning Clinic
- Provider Handbook 31—Midwives
- Provider Handbook 33—Psychiatric Partial Hospitalization Facility
- Provider Handbook 36L—Nursing Facility Services only applies to County Nursing Facilities and Private Nursing Facilities. Nursing facility case mix regulations implemented in 1996 (Pa. Code Chapter 1187) do not encompass provider types State Mental Retardation Center, Private ICF/MR, or State Restoration Center
- Provider Handbook 37—Hospice
- Provider Handbook 41—Psychologist
- Provider Handbook 42—Comprehensive Outpatient Rehabilitation Facility
- Provider Handbook 43—Physical Therapist
- Provider Handbook 44—Certified RN Anesthetist
- Provider Handbook 49—Certified RN Practitioner
- Provider Handbook 50—Early Periodic Screening, Diagnosis and Treatment (EPSDT) Provider
- Provider Handbook 54—Nutritionist
- Provider Handbook 55—PA Department of Aging (PDA) Waiver
- Provider Handbook 59—COMMCARE Waiver

Office of Social Programs—Contact: David Kauffman (717) 705-7744

POLICY STATEMENTS:

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1993	Ch. 2620	Increase in Personal Needs Allowance for Residents of Personal Care Homes	08/16/93	2620-93-02
1998	Ch. 2620	Licensing Compliance Prediction System for the Personal Care Home Regulations	06/30/98	99-98-01
1999	Ch. 2620	Office of Social Programs Bulletin Clarifying Permissibility of Electronic Monitoring/Recording In Personal Care Homes	10/30/99	99/99/01
2000	Ch. 2620	Personal Care Home Planned, Intermittent, or Holiday Closures	03/01/00	99-00-01

GUIDANCE MANUALS:

Bureau of Home and Community Based Services

- Attendant Care Program Requirements
- Attendant Care Medicaid Waiver #0277
- Attendant Care Program Updates
- Community Services Program for Persons with Physical Disabilities (CSPPPD) Program Requirements—In Draft
- OBRA Medicaid Waiver #0235
- Independence Medicaid Waiver #0319
- COMMCARE Waiver #0386
- Community Services Program for Persons with Physical Disabilities Program Directives
- Interpretive Guidelines for Personal Care Home Regulations—Chapter 2620
- Operating A Personal Care Home
- Personal Care Home Administrator Training Requirements
- HCBS Management Directives

Bureau of Supportive Services

- Homeless Assistance Program—Instructions and Requirements
 - o (Note: Revised/Reissued Annually)
- Human Services Development Fund—Instructions and Requirements
 - o (Note: Revised/Reissued Annually)

- Human Services Development Fund (HSDF)—Instructions and Requirements Supplements:
 - Supplement A—Eligibility for Adult Services Funded Through the HSDF
 - Supplement B—Services Definitions—Adult Services
 - Supplement C—Services Definitions—Generic Services
- Medical Assistance Transportation Program—Instructions and Requirements (Note: Revised/Reissued Annually)

Office of Children, Youth & Families—Contact: TaWonda Jones-Williams (717) 772-7712

POLICY STATEMENTS:

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1980	Ch. 3140	Funding of Basic Ed. Components of Private Day Treatment Center Programs	10/29/80	99-80-22
1981	—	OCYF Licensing Procedures: Clarification of Provider's Right to Appeal DPW Issuance of a Provisional Certification of Compliance	10/29/81	99-81-38
1983	Ch. 3130	Clarification of the Definition of "Accept for Service"	02/04/83	3130-83-03
	Ch. 3700	Waiver for Foster Family Homes by Foster Family Care Agencies	02/04/83	3700-83-01
	Ch. 3130	Clarification of County C and Y Agency Requirements with Respect to Fee Setting	02/04/83	3130-83-04
	Ch. 3130	Participation on Agency Administrative Review Panel	02/04/83	3130-83-06
	Ch. 3130	Clarif. on Caseworker-to- Family Case Load Ratio & Case Management Functions	02/04/83	3130-83-07
	Ch. 3130	Case Management Responsibilities When a Report of Suspected Child Abuse is Received Involving a Case Already Accepted for Service	02/04/83	3130-83-01
	Ch. 3140	Clarif. of Adoption Asst. to Relatives in Adoption Cases	05/02/83	3140-83-07
	Ch. 3140	Responsibility of the Co. for Legal Representation for Children and Parents	06/10/83	3140-83-09
	Ch. 3140	Chapter 3140.22 Reimbursement Regulations Alternative Programs 3140.22(e)	02/04/83	3140-83-02
	Ch. 3140	Chapter 3140.22 0 Reimbursement Regulations Community Residential Service 3140.22(d)(3)	2/04/83	3140-83-03
1984	Ch. 3140	3130.64(b)(2), 3130.67(9), 3140.131(7), 3700.35(b)(1) Reimbursement to Parents for the Cost of Child Visits	08/15/83	3130-83-11 3140-83-13 3700-83-03
	Ch. 3140	Reimbursement Rates for Placements in VisionQuest Wilderness & Wagon Train Programs	01/12/84	3140-84-01
	Ch. 3001	Transmittal of Interdpt. Memo. on Nonimmunized Students Excluded from Attending School	07/08/84	99-84-13
1985	Ch. 3490	Release of Child Abuse Info. to the Media	08/15/84	99-84-20
	Ch. 3140	VisionQuest Policy	09/07/84	3140-84-05
	Ch. 3001.5	Unannounced Visits to Licensed & Approved Facilities/Agencies	08/20/85	99-85-18
	Ch. 3130	Interstate Compact on Juveniles	09/30/85	99-85-27
	Ch. 3490	Providing Copies of Child Abuse Reports to Subjects	11/20/85	99-85-28
1986	Ch. 3490	Law Enforcement Officials as Perpetrators of Suspected Child Abuse	07/15/86	3490-86-04
	Ch. 3490	Policy Clarifications Regarding Child Protective Services Law and Regulations as Related to Act 33	04/01/86	3490-86-02
	Ch. 3490	Policy Clarifications Regarding Child Protective Services Law and Regulations as Related to Act 33—Part II	06/16/86	3490-86-05

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 3490	Policy Clarifications Regarding Child Protective Services Law and Regulations as Related to Act 33—Part III	11/01/86	3490-86-08
	Ch. 3350	Screening Prospective Adoptive Parents Pursuant to Act 33 of 1985	09/02/86	3350-86-01
1987	Ch. 3490	Implementation of Child Protective Service Policies Relating to Alleged Medical Neglect of Disabled Infants	05/01/87	3490-87-01
	Ch. 3490	Sharing Child Abuse Info Among DPW Offices	09/01/87	3490-87-03
	Ch. 3490	Policy Clarification of the Child Protective Services Law and Regulations	06/01/87	3490-87-02
	Ch. 3140	Personal Incident Costs	10/01/87	3140-87-05
	Ch. 3140	OCYF Financial Participation in Costs of County Human Service Departments	08/31/87	3140-87-02
1988	—	Special Medical Assistance—Healthy Beginnings—for Pregnant Women and Qualified Children	11/02/88	99-88-08
	Ch. 3490	Screening Student Interns	05/88	3490-88-01
1989	Ch. 3350	Adoption Record Disclosure	06/06/89	3350-89-01
	Ch. 3130	Statements of Policy—Amendments to Chapter 3130 Due Process Protections for Parents and Children	10/10/89	3130-89-01
1991	Ch. 3130	Regulatory Interpretation Guidelines for Revisions to Chapter 3130		3130-91-03
1992	Ch. 3140	Title XX Invoicing Procedures for the Youth Development Centers and Youth Forestry Camps (YDCs/YFCs)	09/25/92	99-92-02
1994	—	Site Visits and Access to Records by PA Protection and Advocacy, Inc.	08/22/94	00-94-19
1995	Ch. 3270 Ch. 3280 Ch. 3290	Certified Childcare Professional Credential	11/01/95	3001-95-01
	Ch. 3490	Amendments to the Child Protective Services Law that Become Effective July 1, 1995	09/95	3490-95-02
1996	Ch. 3001	Day Care—Supervision of Children		3001-96-01
	Ch. 3001	Day Care—Posting DPW Inspection Summaries		3001-96-02
	Ch. 3001	Day Care—Inaccessibility of Above Ground Swimming Pools		3001-96-03
	Ch. 3001	Day Care—Departmental Access to the Facility Premises		3001-96-04
	Ch. 3490	Certification and Training for Children and Youth Workers		3490-96-03
	00	Update of Policies and Procedures for Juveniles in Detention		00-96-03
	00	Maximization of the OCYF's Grant Funds		00-96-04
	00	Surveying and Evaluating Child Welfare Agencies Implementation and Compliance with MEPA	00-96-06	
1997	Ch. 3001	Day Care—Exemption from Immunization Requirements	03/29/97	3001-97-01
	Ch. 3001	Day Care—Ground Surface Requirements	06/01/97	3001-97-02
	Ch. 3140	Availability of Federal Financial Participation For Profit Residential Child Care Facilities		3140-97-02
	Ch. 3140	AFCARS/SACWIS		3140-97-03
	Ch. 3140	Instructions—Random Moment Time Study	12/01/97	3140-97-11
	—	Access to Pennsylvania State Police Records	10/01/97	00-97-09

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	—	Priority Placement Request Procedures for the Interstate Compact on the Placement of Children	12/01/97	00-97-12
1998	Ch. 3140	NMEPA 1994—Small Business	02/07/98	3140-98-03
	—	1997 Association of Juvenile Compact Administrators Rules and Regulations Amended Travel Permit	06/01/98	00-98-06
1999	Ch. 3001	Release of Children	09/07/99	3001-99-01
	Ch. 3140	Adoption Assistance Questions and Answers		3140-99-01
	Ch. 3490	Drug Convictions Prohibiting Hiring and Approving Foster/Adoptive Parent Applications	02/03/99	3490-99-01
	Ch. 3490	Implementation of Revisions to the Child Protective Services Law as Amended by Act 127 of 1998	10/01/99	3490-99-02
2000	Ch. 3140	YDC/YFC Interim Per Diem Rate	03/31/00	00-00-01
	Ch. 3140	TANF—Retroactive Eligibility Determinations	04/15/00	3140-00-01
	Ch. 3140	Invoicing Procedures—Child Welfare TANF	04/15/00	3140-00-03
	Ch. 3140	Needs-Based Instructions—FY 2001-02 Plan and FY 2000-01 Implementation Plan	05/09/00	3140-00-04
	Ch. 3140	Federal Financial Participation Rate Change for Title IV-E Placement Maintenance and Adoption Assistance Costs	12/29/00	00-00-05
	Ch. 3140	AFCARS Planning, Budgeting and Invoicing Procedures	08/15/00	3140-00-02
	Ch. 3140	Youth Development Centers/ Youth Forestry Camps—Interim Per Diem Rates	05/18/01	00-01-02
	Ch. 3270	Overpopulation of Indoor Child	06/01/00	3001-00-01
	Ch. 3280	Care Space		
	Ch. 3490	Child Death Review and Report Protocols	10/10/00	3490-00-01
	Ch. 3490	Safety Assessment and Safety Planning Protocol and Format	11/13/00	3490-00-02
	Ch. 3800	Child Residential and Day Treatment Facilities Licensing Measurement Instrument Revisions	05/30/00	3800-00-01
2001	Ch. 3130	The Second Revised Interim Guidelines for the Adoption and and Safe Families Act of 1997	01/02/01	3130-01-01
	Ch. 3140	Youth Development Centers/ Youth Forestry Camps—Interim Per Diem Rates	5/18/01	00-01-02
	Ch. 3140	Revised Policies and Procedures: Title IV-E Placement Maintenance Eligibility and Reimbursability, Title IV-E Adoption Assistance Eligibility and Title XX Medicaid Eligibility	04/09/01	3140-01-01
	Ch. 3490	Revised Certification and Training Requirements for Children and Youth Supervisors	09/25/01	3490-01-02
2002	Ch. 3140	YDC/YFC Interim Per Diem Rates July 2002	05/18/01	00-02-02
	Ch. 3140	YDC/YFC Interim Per Diem Rates July 2003	05/18/01	00-02-05
	Ch. 3140	Children, Youth and Families Fiscal Year 2003-2004 Needs-Based Plan and Fiscal Year 2002-2003 Implementation Plan Instructions	07/01/02	3140-02-02
2003	—	Kinship Care Policy	06/30/03	00-03-03
	—	Megan's Law	04/13/03	00-03-02
	Ch. 3130	Permanent Legal Custodianship Policy	06/30/03	3130-03-01 3140-03-07
	Ch. 3140	YDC/YFC Interim Per Diem Rates Effective July 1, 2004	06/30/03	00-03-05

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 3140	Act 148 Invoicing Procedures for County Child Welfare Service	07/01/03	3140-03-00
	Ch. 3140	Interstate Compact on Adoption and Medical Assistance	06/30/03	3140-03-02
	Ch. 3140	Children, Youth and Families Fiscal Year 2004-2005 Needs-Based Plan and Fiscal Year 2003-2004 Implementation Plan Instructions	07/01/03	3140-03-03
	Ch. 3140	Title IV-E Invoicing Procedures	07/01/03	3140-03-05
	Ch. 3350	Statewide Adoption Network Policies and Procedures	01/01/03	3350-03-01
	Ch. 3490	<i>A.Y. v. DPW</i> /Allegheny County	03/10/03	3490-03-01
	Ch. 3490	Federal Criminal History Clearances for PA Residents	04/25/03	3490-03-02
	Ch. 3001	Emergency Plan	12/27/03	3001-03-01
2004	Ch. 3140	Approval/Licensing of Foster Family Homes	4/1/04	3140-04-02
	Ch. 3140	Child Welfare TANF Services Policies and Procedures	5/17/04	3140-04-06
	Ch. 3140	Independent Living	7/1/04	3140-01-04

GUIDANCE MANUALS:

- Clearance Statements for School Employees
- Office of Children, Youth and Families Bulletin Board System
- Education Portions of "Non-Educational" Residential Placements
- Federal Regulations Affecting Children's Eligibility for Supplemental Security Income (SSI) Benefits
- Children Living on Their Own: Referrals from School Districts
- Title IV-E Placement Maintenance and Adoption Assistance Invoicing
- Indirect Costs Guidelines for County Children and Youth Agencies
- Continuity of Health Care for Children in the Custody of County Children and Youth Agencies
- Revised Waiver Procedure for Regulations Governing Children and Youth Social Service Programs
- EPSDT Protocol for Children in Placement
- Consent to EPSDT Child Screening
- Medical Assistance for Children
- Planning Permanent Families for Children Residing in Mental Retardation Residential Facilities
- County Children and Youth Agency Responsibility for Juveniles in Police Custody
- Audit Clause Language for Use in All County Child Welfare Service Provider Contracts
- Interagency and Intergovernmental Agreements
- Coordination of Child Support Collections Between County Children and Youth Agencies and County Domestic Relations Sections
- County Claiming for Child Welfare Training Costs
- Title IV-D Collections/Title IV-E Invoicing
- Submission of Title IV-E Invoices and Quarterly Expenditure Reports
- COBRA (P. L. 99-272) Changes to Title IV-E Adoption Assistance and Placement Maintenance Costs Incident to Special Needs Adoption
- Early Intervention Services and Referrals by County Children and Youth Agencies for Handicapped or "At Risk" Preschool Children
- County Children and Youth Advisory Committee Guidelines
- Indirect Costs Under the County Costs Allocations Plan Guidelines
- Interstate Compact on the Placement of Children
- Reporting of Indirect Costs—County Children and Youth Services
- Interstate Compact on Juveniles
- Instruction for Completing the Revised Child Protective Services Investigation Report
- PA Adoption Cooperative Exchange Standard Operating Procedures Manual
- Jurisdiction of Office of Hearing and Appeals in Family Service Plans Cases
- Model Case Plan Forms and Instructions
- Application of Chapter 3700 Regulations When Relatives Provide Substitute Family Care
- Implementation of Allowable Costs for Title IV-E Placement Maintenance and Adoption Assistance Program
- Audit Requirements for the County Children and Youth Audit Reports
- Clarification of Eligibility Requirements Re: Adjudicated Delinquent Youth Under Title IV-E Placement Maintenance Program
- Notice of Right to Appeal for Spanish Speaking Clients
- Release of Inspection/Monitoring Reports
- Guidelines for Approving Foster Families to Have More than Six Children in a Home
- Local Management Agency Policy and Procedures Manual
- "Dear Contractor Letters"—a series of letters providing contract clarifications for subsidized child day care

- PA Standards for Child Welfare Practice
- Audit Requirements for the County Children and Youth Audit Reports
- Licensing Indicator System for Child Day Care Centers
- Licensing Indicator System for Group Day Care Homes
- Supervised Independent Living Guidelines
- 1999-2000 Title IV-E Independent Living Program Application Guidelines
- Policy Clarifications Regarding Child Protective Services Regulations as Related to Act 33
- Policy Clarifications Regarding Child Protective Services Regulations as Related to Act 33—Part II
- Policy Clarifications Regarding Child Protective Services Regulations as Related to Act 33—Part III
- Compliance with Conflict of Interest Provisions of Chapter 3680—Administration of Private Children and Youth Social Service Agencies
- Child Residential Facilities and Child Day Treatment Facilities Potential Training Sources
- Reporting Unusual Incidents at Facilities and Agencies Licensed or Approved by the Office of Children, Youth and Families—Chapter 3130
- Reporting Unusual Incidents at Facilities and Agencies Licensed or Approved by the Office of Children, Youth and Families—Chapter 3680
- Reporting Unusual Incidents at Facilities and Agencies Licensed or Approved by the Office of Children, Youth and Families—Chapter 3700
- Federal Criminal History Clearance of PA Residents
- Act 151 Amendments
- Revised Certification and Training Requirements for Children and Youth Services
- Medication Administration Training for Child Residential and Day Treatment Facilities
- HealthChoices Information Sharing Policies and Procedures
- Interim Policies and Procedures for Subsidized Permanent Legal Custodianship (SPLC)
- CYF Fiscal Year 02-03 Implementation Plan Instructions for FY 03-04 Needs-Based Plan and Budget
- Revised Policies and Procedures: Title IV-E Placement Maintenance Eligibility and Reimbursability, Title IV-E Adoption Assistance Eligibility and Title XIX Medicaid Eligibility
- Costs Incident to Special Needs Adoption
- Protocol for Sharing Drug and Alcohol Information
- County Children and Youth Risk Assessme

INTERNAL GUIDELINES:

- Application of Child Day Care Service Regulations 10/21/94, Class I Bulletin, 00-94-10
- Procedures for the Regulation of Child Day Care Facilities 2/13/95, Class I Bulletin, 00-95-03
- Waivers of Child Day Care Service Regulations 7/3/95, Class I Bulletin, 00-95-07
- Youth Development Center/Youth Forestry Camp Policy Manual
- Child Residential and Day Treatment Facilities Licensing Measurement Instrument Revisions
- Model Petitions and Court Orders
- Report on Recommended Best Practices for IV-E and TANF Programs
- Foster Care Visitation Manual
- Statewide Adoption Network (SWAN) Adoption Manual
- SWAN Adoption Technical Guide

Office of Mental Health and Substance Abuse Services/Mental Retardation—Contact: Noraliz Campanella (717) 772-7926

POLICY STATEMENTS:

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1981		Collecting of Tuition Expenses for School-Age Residents in MR and MH Residential Facilities	9/2/81	199-81-01
1982	Ch. 4000	Respon. for Collection of Tuition Exp. Under Act 199 of 1980 for Out-of-State Residents	03/17/82	199-82-01
	Ch. 4000	Notice of Assessments (Joint MH/MR Bulletin)	04/16/82	99-82-15
1985	Ch. 4000	County Indirect Cost Allocation Plan Guideline Update—Maintenance In Lieu of Rent as a Direct Cost (Joint MH/MR Bulletin)	8/22/85	99-85-17
1986	Ch. 6000	Procedures for Review of Service Eligibility and Termination Decisions	01/17/86	99-86-01
1987	Ch. 4305	Community MH/MR Liability	05/21/87	4305-87-2
1988	Ch. 4305	Quarterly Liability Summaries	01/29/88	4305-88-01
2000		Guidelines for Identifying Persons with Mental Retardation and Mental Illness for State Mental Health Hospital Discharge	5/15/00	00-00-04

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
	Ch. 4300	The Roles and Responsibilities of County Mental Health/Mental Retardation Programs in the Development of a Child's Individual Education Program	10/04/00	OMHSAS-00-04
2002		Coordination of treatment and support for people with a diagnosis of serious mental illness who also have a diagnosis of mental retardation		00-02-16

Office of Mental Health and Substance Abuse Services—Contact: Noraliz Campanella (717) 772-7926

POLICY STATEMENTS:

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1983	Ch. 5001	Expiration of 4th Provisional Cert. of Compliance	12/15/83	99-83-49
1984	Ch. 5250	Guidelines for Delivery of MH Forensic Svs. to Persons in Co. Jails and Persons on Prob. or Parole	08/27/84	99-84-38
1985	Ch. 4210	Readmission from Community Placement Within 30 Days of Discharge	05/30/85	99-85-21
	Ch. 5001	Administration of Psychotropic Medication to Protesting Patients	03/11/85	99-85-10
1986	Ch. 5001	Implementation of Act 33 of 1985	03/19/86	99-86-11
	Ch. 5100	Involuntary Outpatient Commitment	05/08/86	99-86-14
1987	Ch. 4210	Dis. Plan. Response. for SMH Child/Adolescent Program and County MH/MR Program	01/16/87	99-87-10
	Ch. 5100	Guidelines for Assessing and Documenting the Dangerousness of Mentally Ill Adults	01/16/87	99-87-07
	Ch. 5100	Not. of Grievance and Appeal Proc. Involuntary Outpatient Commitment	09/08/87	99-87-23
1993	Ch. 5221	Intensive Case Management Record Requirements	09/21/93	5221-93-01
1998		Reporting Requirements for services funded through county base and CHIPP funds.	02/17/98	OMH-98-01
	Ch. 5310	Licensing Compliance Prediction Instrument Application in the Licensing of Community Residential Rehabilitation Services	08/01/98	OMH-98-02
1999	Ch. 4300	Revised Procedure for Waiver of Office of Mental Health and Substance Abuse Services (OMHSAS) Program Regulations	10/01/99	OMHSAS-99-08
		<i>Emerich v. Philadelphia Center for Human Development, 720 A.2d 1032 (Pa. 1998) (Duty to Ward Third Parties—Tarasoff in Pennsylvania)</i>	09/15/99	OMHSAS-99-09
2001		Nursing Home Reform Implementation	02/01/01	OMHSAS- 01-01
	Ch. 13	Use of Restraints, Seclusion and Exclusion in State Mental Hospitals and Restoration Center	06/01/01	SMH-01-02
	Ch. 5100	Age of Consent for Voluntary Outpatient Mental Health Treatment	06/18/01	OMHSAS-01-04
		Accessibility of Community Mental Health and Substance Abuse Services For Persons Who are Deaf, Hard of Hearing, Late Deafened, or Deaf-Blind	10/01/01	OMHSAS 01-06
	Ch. 5100	Procedures for Client Rights, Grievances and Appeals	8/10/01	SMH-01-03
		Accessibility of State Mental Health Facilities for Persons who are Deaf, Hard of Hearing, or Deaf-Blind	6/18/01	SMH-01-01
2002	Ch. 5100	Interpretation of Pennsylvania Law Related to 402(b) Commitment	9/12/02	OMHSAS 02-04

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
		The Use of Seclusion and Restraint in Mental Health Facilities and Programs	04/08/02	OMHSAS 02-01
		Performance Expectations and Recommended Guidelines for the County Child and Adolescent Service System Program (CASSP)	06/06/02	OMHSAS-02-02
		Generic Drugs	4/1/02	SMH-02-01
2003	Ch. 4300	Cost Settlement Policy and Procedures for Community-Based Medicaid Initiatives	8/12/03	OMHSAS 04-01
2005	Ch. 5100	Unscheduled Use of Medication in the State Hospital System PRN and STAT Medication Orders	2/28/05	SMH-05-01
2005	Ch. 5100	Transporting Patients	2/28/05	SMH-05-02
2005	Ch. 13	Use of Restraints, Seclusion and Exclusion in State Mental Hospitals And Restoration Centers	4/29/05	SMH-05-03
2005	Ch. 5100	Administrative Transfers between State Mental Hospitals	4/29/05	SMH-05-04

GUIDANCE MANUALS:

- County Mental Health Plan Guidelines
- Community Mental Health Services Block Grant

Office of Mental Retardation—Contact: Mel Knowlton (717) 783-5764

POLICY STATEMENTS:

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1981	Ch. 6000	Policies and Procedures Governing Admissions, Commitment, Transfers, and Discharges at State-Operated Mental Retardation Facilities	12/01/81	99-81-51
1984	Ch. 6000	Therapeutic Leave Guidelines for 2176 Waiver Facilities and State/Non-State ICFs/MR	08/01/84	99-84-08
	Ch. 6000	Community Residential Program Slot and Funding Adjustment	12/27/84	99-84-20
	Ch. 6000	Supplement and Amendment to DPW Policy on Support Services for Persons with MR and Their Families	12/27/84	99-84-21
1987	Ch. 6000	Revised Fair Hearing Proc. Related to Services Under 2176 Waiver Program	06/10/87	99-87-08
	Ch. 6000	Doc. Requirements-Waiver 09/25/87 99-87-15 Requests Increases for Workers' Comp. Costs	06/10/87	99-87-08
	Ch. 6000	Submission of Cost Reports (MA-11s) to OMR	10/09/87	99-87-16
	Ch. 6000	Conversion of Comm. Res. MR Facilities to ICF/MR	10/23/87	99-87-17
1988	Ch. 6000	Mandatory Child Abuse and Criminal History Clearances	05/31/88	6000-88-02
	Ch. 6000	Licensing Policy and Procedure Manual	08/30/88	6000-88-03
	Ch. 6000	Administration and Management of Client Funds	10/05/88	6000-88-08
1989	Ch. 6000	Guidelines for Enhancing and Conducting Direct and Independent Assessment	10/16/89	6000-89-01
	Ch. 6000	Abatement of Liability for Psychological Evaluations	9/14/89	00-89-17
1990	Ch. 6000	Provider Agreements Under the 2176 Waiver	09/18/90	6000-90-04
	Ch. 6000	Family-Driven Family Support Services	12/12/90	6000-90-01
	Ch. 6000	Support for Independent Living	12/12/90	6000-90-02
	Ch. 6000	Therapy and Other Specialized Services	12/18/90	6000-90-05
	Ch. 6000	Policy on Employment for Persons with Mental Retardation	12/26/90	6000-90-06

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1991	Ch. 4000	Services for Children in Foster Family Care Who Are Placed Out-of-County	11/22/91	4000-91-01
1994	Ch. 6000	Closure of Admissions of Children to State-Operated Intermediate Care Facilities for the Mentally Retarded	12/14/94	SC-94-01
1996	Ch. 6000	Criteria for Approval of New Intermediate Care Facilities for People with Mental Retardation	04/06/96	6000-96-01
	Ch. 6000	Procedures for Funding Reserved Hospital and Leave Days Under 2176 Waiver	04/15/96	6000-96-02
1998	Ch. 6000	Guidelines To Supporting People Moving From State Centers Into The Community	03/27/98	00-98-03
	Ch. 6000	Waiver Funding For Prevocational, Supported Employment And Educational Services	04/07/98	00-98-04
	Ch. 6000	Supplemental Grant Agreement Medicaid Waiver For Infants, Toddlers and Families	05/07/98	00-98-05
	Ch. 6000	Eligibility and Freedom of Choice in Medicaid Waiver for Infants Toddler and Families	8/2/99	00-98-07
1999	Ch. 6000	Natural Environments	8/2/99	00-99-08
	Ch. 6000	Acceptable Signers of the Beneficiary Choice Form for the Infant/Toddler/Family Waiver	9/15/99	00-99-13
	Ch. 6000	Individual Eligibility for Medicaid Waiver Services	12/10/99	00-99-14
2000	Ch. 6000	Service Preference in Medicaid Waivers for Individuals with Mental Retardation	08/04/00	00-00-09
	Ch. 6000	Person/Family Directed Support Waiver Supplemental Grant Agreement for 1999-2002	04/06/00	04-06-00
2001	Ch. 6000	Incident Management	8/7/01	00-01-05
	Ch. 6000	Statement of Policy—Incident Management (55 Pa. Code Ch. 6000)	3/28/02	00-01-05A
2002		Incident Management	04/27/02 (Effective 3/25/02)	
		Clarifying Eligibility for Mental Retardation Services and Supports	05/31/02	4210-02-05
	Ch. 6000	Revision of Definition of Conflict Free Providers for Targeted Service Management	4/12/02	00-02-06
	Ch. 6000	Need for ICF/MR Level of Care	8/7/02	00-02-13
2004	Ch. 6000.901-985	Incident Management	2/18/04	6000-04-01

GUIDANCE MANUALS:

- Obtaining Criminal Clearances on Prospective Employees
- Substitute Decision-Making for Medical Treatment
- Positive Approaches
- Licensing Policies and Procedures for ICFs/MR
- Applicability of OMB Circular A-133 for Non-State ICFs/MR
- Issuance of Audit Guidelines for Non-State Operated ICFs/MR County Responsibilities for Waiver Case Management
- County Responsibilities for Waiver Funded Habilitation in a Private Home
- Supporting People in the Community
- Amendments to Licensing Policy and Procedure Manual
- Licensing Weighting System for Community Homes for Individuals with Mental Retardation
- Domiciliary Care for Persons with Mental Retardation
- Licensing Weighting System for Family Living Homes
- Early Intervention Program Issues for Children Who Are Deaf or Hard of Hearing
- Community Resource Development in Family Support Services Projects
- Targeted Service Management and Third Party Liability
- Movement of Funds in ICFs/MR
- Early Intervention Medical Assistance Eligible Service Coordination
- Early Intervention Reporting System Roles and Responsibility
- Payment for Sign Language Interpreters
- Assessments: Lifetime Medical Histories

- Facilitated Communication—Best Practices and Guidelines
- Educational and Vocational Training in ICFs/MR
- Early Intervention Principles
- Licensing Inspection Instrument for Family Living Homes Regulations
- Licensing Inspection Instrument for Community Homes Regulations
- Licensing Inspection Instrument for Adult Training Facilities Regulations
- Licensing Inspection Instrument for Vocational Facilities Regulations
- Coordination of Vocational Training and Supported Employment Under the 2176 Waiver
- Early Intervention Due Process System
- Guidelines for Identifying Persons with Mental Retardation and Mental Illness for State Mental Health Hospital Discharge
- Office of Mental Retardation's Monitoring of Counties
- Principles for the Mental Retardation System
- Accessing Public Transportation for Individuals Enrolled in the Consolidated or Person/Family Directed Support Waivers
- Foster Care Tax Reform as it Relates to the Lifesharing/Family Living Program
- Announcement: Step-By-Step Guide to Ready Providers for the Reporting of Incidents through HCSIS
- Revision of Definition of Conflict Free Providers for Targeted Service Management
- OBRA Time Limited Determinations
- Clarifying Waiver Funding and Domiciliary Care Payments
- Site Visits and Access by Pennsylvania Protection and Advocacy, Inc.
- Passage of Act 171 relating to the Older Adults Protective Services Act (OAPSA)
- Coordination of treatment and support for people with a diagnosis of serious mental illness who also have a diagnosis of mental retardation
- Guidelines Concerning Sexuality
- Regulation Interpretation—Family Living Medication Administration Training
- Survey Guidelines and Procedures Intermediate Care Facilities for the Mentally Retarded (ICFs/MR)
- Regulation Interpretation Unobstructed Egress
- Signature Requirement for Medical Assistance Case Management Services
- Claiming Federal Reimbursement for Targeted Service Management Administration Costs
- State Match Verification Signatures
- Revised Intermediate Care Facility for the Mentally Retarded (ICF/MR) Guidelines
- Coordination of Vocational Training and Supported Employment Under the 2176 Waiver
- Licensing Weighting System for Adult Training Facilities
- Part H/A Act 212-1990 Non-Compliance Resolution Process
- Agreement Between the Office of Mental Retardation and PP&A
- DPW Policy on Support Services for Persons with MR and Their Families
- Medication Administration Training Program
- Procedure Codes for Electronic Transfers of Health Care Services
- Clarifying the "30 Hour Rule"
- Payments for Psychological Testing to Diagnose Mental Retardation in Children and Adults
- Medical Assistance for Workers with Disabilities in the Community Mental Retardation Program
- Service Definitions and Procedure Codes for Healthcare and Non-Healthcare Waiver and Base Services
- Intermediary Service Organizations (ISOs)
- Procedure Codes for Medical Assistance Early Intervention Service FY 2003-2004
- Procedure Codes for Early Intervention Waiver Services FY 2003-2004 Early Intervention Services FY 2003-2004
- Procedure Codes for Early Intervention Base Services FY 2003-2004
- County MH/MR Programs
- Clarifying Procedures for Individual and Provider Appeals
- Determining Medical Assistance Eligibility for Individuals Age Three and Older Who Apply for Supports and Services Authorized by a County Mental Health/Mental Retardation Program
- Service Definitions and Procedure Codes for Healthcare Waiver and Base Services
- Certified Investigations
- Limited English Proficiency (JOINT MH/MR)
- Determining Medical Assistance Eligibility for Families of Infants and Toddlers Who Apply for Supports and Services Authorized by a County Mental Health/Mental Retardation Program
- Alternative Sanctions for ICF/MR Medical Assistance Certification (JOINT MR/MA/DOH)
- Issuance of Audit Guide for Non-State Operated Intermediate Care Facilities for the Mentally Retarded
- P/FDS Waiver Amendment to Allow for the Provision of Respite Services in Contiguous States

INTERNAL GUIDELINES:

- Choking Prevention and Management
- State Employees Acting in Voluntary Capacity to Control Client Funds
- Maintenance of Resident Abuse Files
- Search of Visitors and Residents at State Centers and Mental Retardation Units
- Model Bylaws for State Center Boards of Trustees
- Guardianship Petitioning Process at State Centers
- Guidelines for State Center Boards of Trustees—Revision
- Changes in Reimbursement Method for Hospital Reserved Bed Days
- CRF-Reporting-Revised Procedures for 2176 Waiver Recipients
- Residential Data System Instruction Manual

- Correction to Residential Data System Instruction Manual
- Licensing Policies and Procedures for Intermediate Care Facilities for Mentally Retarded
- Amendments to Licensing Policy and Procedure Manual
- Pro Re Nata Medication Usage for Psychiatric Treatment—Clarification of Interpretation

OTHER:

- New Federal ICF/MR Regulations
- Childhood Lead Poisoning Prevention Program
- SSI Benefits for Children
- Resources for Children with Sensory Impairments
- Joint Statement by the Department of Public Welfare and the Department of Aging
- Opportunities and Supports for Older Persons with Mental Retardation
- Special Innovative Services Expenditures Under Family Support Services
- Medical Assistance for Children
- Providing Services to Persons with Autism/Pervasive Developmental Disorder
- Facilitated Communication
- Medical Assistance Funded Services for Children
- Act 28 of 1995
- Reorganization of the Office of Mental Retardation
- Medicaid Waiver for Infants, Toddlers and Families
- Announcement of Certified Investigator Training
- Medicaid Waiver for Infants, Toddlers and Families Renewal
- Guidelines for Identifying Persons with Mental Retardation and Mental Illness for State Mental Health Hospital Discharge
- Person/Family Directed Support Waiver Renewal
- Approved Consolidated Waiver
- Children's Cardiac Program
- Department of Health Programs for Young Children
- Federal Regulations on Occupational Exposure to Bloodborne Pathogens

Office of Administration—Contact: Charles Jones (717) 772-6247

POLICY STATEMENTS:

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1998	Ch. 259	Statement of Claim, Managed Care Organization	07/11/98 (effective 2/1/97)	

Office of Child Development—Contact: Robert Frein (717) 346-9323

POLICY STATEMENTS:

<i>Year</i>	<i>Code Citation</i>	<i>Subject</i>	<i>Date Issued</i>	<i>Bulletin Number</i>
1995		Certified Childcare Professional Credential	11/01/95	3001-95-01
1996		Supervision of Children	07/17/96	3001-96-01
1996		Posting DPW Inspections Summaries	07/17/96	3001-96-02
1996		Inaccessibility of Above-Ground Swimming Pools	07/17/96	3001-96-03
1997		Exemption from Immunization Requirements	03/29/97	3001-97-01
1997		Ground Surface Requirements	06/01/97	3001-97-02
1999		Release of Children	09/07/99	3001-99-01
2000		Overpopulation of Indoor Child Care Space	06/01/00	3001-00-01
2003		Emergency Plan	12/27/03	3001-03-01

GUIDANCE MANUALS:

- Waivers of Child Day Care Service Regulations
- Megan's Law, Directions for Distributing/Administering Information Regarding Sexually Violent Predators
- Licensing Indicator System for Child Day Care Centers
- Licensing Indicator System for Group Day Care Homes

INTERNAL GUIDELINES:

- Application of Child Day Care Service Regulations
- Procedures for the Regulation of Child Day care Facilities

REVENUE

PLEASE ORDER FROM SPECIFIED BUREAU. THERE IS NO CHARGE UNLESS NOTED.

BUREAU OF ADMINISTRATIVE SERVICES, TAX FORMS SERVICE UNIT, 711 GIBSON BLVD., HARRISBURG, PA 17104-3200 OR TELEPHONE: 1-800-362-2050 (Toll-free number), or FAX requests to (717) 985-3234.

- PA-100 PA Enterprise Registration Forms and Instructions Booklet
- PA-40 Personal Income Tax Inst. Book-Resident/Nonresident/Part-year Res. (order by year needed)
- PAFASTFILE—PIT Electronic Book for TeleFile/pa.direct.file.pa/irs e-file (2001 and later-order by year needed)
- PA-40EZ Personal Income Tax Instruction Book (order by year needed—prior to 1998)
- PA-40NR Personal Income Tax Instruction Book/Nonresidents (1995 and prior—order by year needed)
- PA-40T Personal Income Tax TeleFile Book (1998-2000-order by year needed—includes EZ single)
- PA-40EZ KOZ—Keystone Opportunity Zone Tax Return (order by year needed—after 1999)
- PA-40KOZ—Keystone Opportunity Zone Tax Return (order by year needed—after 1999)
- PAKOZ—SCHEDULE KOZ—Keystone Opportunity Zone Schedule (order by year needed—after 1999)
- PAKOZ P-S Schedule for Partnerships/Shareholders (Keystone Opportunity Zone) (order by year needed—after 1999)
- PAKOZPSI—Information for Schedule P-S
- PA-20S/PA-65 Partnership/PA S Corporation Information Return
- PA-65I Partnership/S Corp Information Book (order by year needed)
- PA-41 Fiduciary Income Tax Instruction Book (order by year needed)
- PA-1000 Property Tax/Rent Rebate Instruction Book (order by year needed)
- PA971 Innocent Spouse Relief
- PA8379 Injured Spouse Claim and Allocation
- PA8857 Request for Innocent Spouse Relief
- PA8453 Declaration of Electronic Filing/PIT
- PA12507 Innocent Spouse Statement
- PA12508 Non-requesting Spouse Information
- PA12510 Innocent Spouse Information Request
- PA20S-I S Corporation Tax Instruction Book (order by year needed-prior to 1997—was part of REV1200 book-beginning year 2002 will be part of PA65I book)
- PA-4R Public Transportation Assistance Fund Taxes/Fees Replacement Coupon/Inst.
- PA-501R Employer Tax Deposit Statement Replacement Coupon/Instructions
- PA-W3R Employer Quarterly Reconciliation Return Replacement Coupon/Instructions
- PA-40ESR(I) Estimated PIT Replacement Coupon for Individuals
- PA-40ESR(F/C) Estimated PIT Replacement Coupon for Fiduciaries/Corporations
- PA-1 Use Tax Return
- RCT-101D—Declaration of de minimis PA Activity
- RCT-101KOZ—Keystone Opportunity Zone Instruction Book
- REV-23 Board of Appeals Practices and Procedures Brochure
- REV-181 Application for Tax Clearance
- REV-183 Affidavit of Value Realty Transfer Tax
- REV-221 Sales and Use Tax Rate Chart
- REV-227 Sales and Use Tax Credit Chart
- REV-229 Estate Tax General Information
- REV-238 Out of Existence/Withdrawal Affidavit/Corp Tax
- REV-251 Tax Bulletin 53B and 53F Instructions Foreign Corp Clearance Cert./Withdrawal
- REV-252 Tax Bulletin 53C and 53E Security Clearance Cert./Domestic Out of Existence
- REV-253 Tax Bulletin 53D Instructions for Filing Corp Tax Reports
- REV-260 Petition for Refund Bd. of Finance and Revenue
- REV-276 Application for Extension of Time to File (PIT)
- REV-330 Electronic Filing Program Guide

- REV-331A Authorization for Electronic Funds Transfer Agreement
- REV-346 Estate Information Sheet
- REV-413I Instructions for Estimated Tax/PIT (Individuals)
- REV-413F Instructions for Estimated Tax/PIT (Fiduciaries)
- REV-413P/S Instructions for Estimated Tax/PIT (Partnership/Shareholders)
- REV-414I Worksheet for Estimated Tax/PIT (Individuals)
- REV-414F Worksheet for Estimated Tax/PIT (Fiduciaries)
- REV-414P/S Worksheet for Estimated Tax/PIT (Partnership/Shareholders)
- REV-415 General Information for Withholding PIT (for Employers)
- REV-440 Corp Tax Bulletin 116/Act 48 Changes
- REV-440D Corp Tax Bulletin 117/Act 21 Changes
- REV-443 IFTA Compliance Manual
- REV-459B Consent to Transfer PA Estimated Tax Account
- REV-460 Information Concerning Time Limitations for Filing Refund Petitions
- REV-467 Authorization for Release of Tax Records
- REV-489 Article XI Safe Deposit Box
- REV-502 FACT Line Brochure/ PATAXES
- REV-527 Taxpayer's Bill of Rights Brochure
- REV-552 TeleFile/E-File Information Insert
- REV-554 Disclosure Statement/Taxpayer Rights Advocate
- REV-555I Inheritance Tax General Information
- REV-556 Taxpayer Request for Assistance
- REV-573 CAQ-Property Tax/Rent Rebate Brochure
- REV-577 CAQ-Estimated Tax Payments Brochure
- REV-580 CAQ-Employer Withholding Brochure
- REV-581 CAQ-Personal Income Tax Brochure
- REV-582 CAQ-Corporation Taxes Brochure
- REV-584 CAQ-Inheritance Tax Brochure
- REV-585 CAQ-Sales and Use Tax Brochure
- REV-588 Starting a Business in PA (A Beginner's Guide)
- REV-591 CAQ-IFTA/Motor Fuel Tax Brochure
- REV-610 CAQ-Voluntary Disclosure Program Guidelines Brochure
- REV-611 CAQ-Determining Residency for PA PIT Purposes Brochure
- REV-612 CAQ-Military Pay for PA PIT Purposes Brochure
- REV-617 CAQ-Hiring Household Workers Brochure
- REV-618 CAQ-PA Realty Transfer Tax and New Home Construction Brochure
- REV-625 CAQ-Sale of Principal Residence for PA PIT Purposes Brochure
- REV-627 CAQ-Construction Contracts Brochure
- REV-631 CAQ-Tax Forgiveness for Personal Income Tax
- REV-634 CAQ-Employee Fringe Benefits/Wage & Salary Supplements Brochure
- REV-635 CAQ-S Corp Brochure
- REV-636 CAQ-Roth IRAs Brochure
- REV-637 CAQ-Unreimbursed Employee Business Expenses Brochure
- REV-670 Instructions for Fuel Use Bond
- REV-671 KOZ Brochure-The Benefits of Living in a KOZ
- REV-672 KOZ Brochure-How They Effect Business Owners
- REV-695 KOZ Brochure-How Property Owners Benefit
- REV-696 CAQ-The Difference Between an Employee and an Independent Contractor Brochure
- REV-705 Strategic Planning Update 2000 Brochure

- REV-717 Retailer's Information Booklet
- REV-721 Corp Tax Bulletin 121/Estimated Settlement
- REV-745 Electronic Tax Filing Brochure
- REV-748 Electronic Services for PA Businesses Brochure
- REV-750 Limited Liability Companies Brochure
- REV-758 PA PIT for College Students Brochure
- REV-775 Credit Card Payment Stuffer
- REV-778 PA Tax Obligations for Out-of-State Vendors Brochure
- REV-791 Consumer Cig. Excise Floor Tax Return
- REV-816G Corp Tax Bulletin #92, Act 90 of December 1983
- REV-816I Corp Tax Bulletin #94, Shares Tax-Banks and Title Insurance Co.
- REV-816M Corp Tax Bulletin #108, Act 21, 1989 Shares Tax Base Rate
- REV-816N Corp Tax Bulletin #95 Credits/Gross Premiums Tax Liability
- REV-851F PA Inheritance & Estate Tax Act
- REV-853R Corp Tax Annual Payment/Extension Replacement Coupon
- REV-854R Corp Tax Filing Period/EIN/Address Change Form Replacement Coupon
- REV-857R Corp Tax Estimated Payment Replacement Coupon
- REV-860 Schedule L, M, N, C-5 and OA
- REV-861 Schedule DA Disposition of Assets
- REV-883 Application for Film Production Tax Credit
- REV-915 PA Small Games of Chance/Game Approval Form
- REV-1026 Information on Motor Carriers Road Tax and IFTA
- REV-1026A Information on Motor Carriers Road Tax-PA Only
- REV-1076 Tax Bulletin 53A Instructions for Securing Bulk Sales Certificate
- REV-1200 CT-1 Corporation Tax Instruction Book (order by year needed)
- REV-1220 Certificate of Exemption for Sales and Use Tax
- REV-1250 Realty Tax Act and Regulation
- REV-1501 Instruction Book Inheritance Tax Resident
- REV-1501B Inheritance Tax Life Estate Booklet
- REV-1611 Notice of Interest Rate and Calculation Changes
- REV-1633 PIT Pamphlet No. 2, Taxation of Shareholders
- REV-1640 Shareholders Consent Statement
- REV-1643 Listing of Tax Exempt PIT Obligations
- REV-1716 Employer Withholding Period Ending Due Dates
- REV-1729 Tax Information for Farmers Booklet
- REV-1730 PA Realty Transfer Tax General Information
- REV-1736 Instruction Book/Inheritance Tax Nonresident
- REV-1737 Nonresident Inheritance Tax Returns/Schedules
- REV-1742 PIT Pamphlet No. 3, Gain or Loss on Property Acquired prior to June 1, 1971/Sch. D-71
- REV-1748 Use Tax and You Brochure
- REV-1799 Information Concerning Appeals/Time Limitations

REGULATIONS/PRONOUNCEMENTS

All regulations and revenue pronouncements issued by the Department of Revenue are published in Title 61 of the *Pennsylvania Code*. The Department does not reprint all of these documents. If you need to review a regulation or revenue pronouncement that is not included in this list, please consult Title 61 of the *Pennsylvania Code*.

- SEC05.1-05.7 Payments by Electronic Funds Transfer
- SEC06.01-06.22 Tax Amnesty
- SEC08A.1-8A.11 Enforcement
- SEC09.13 Pronouncement/S Corporation Election
- SEC09.17 Pronouncement/Research & Development Tax Credit Implementation Issues

- SEC31.04 Rentals or Leases of Tangible Personal Property
- SEC31.05 Persons Rendering Taxable Services
- SEC31.06 Persons Rendering Nontaxable Services
- SEC31.07 Use Tax
- SEC31.1-31.3 Scope of Taxable and Exempt Transactions
- SEC31.11-31.16 Construction Contractors
- SEC31.21 Advertising Agencies
- SEC31.22 Duplicating
- SEC31.23 Auctioneers
- SEC31.24 Florists
- SEC31.25 Licensing of Club Plan Secretaries
- SEC31.26 Financial Institutions
- SEC31.27 Morticians and Funeral Directors
- SEC31.28 Vending Machines
- SEC31.29 Books, Publications, and Advertising Materials
- SEC31.30 House Trailers and Mobile Homes
- SEC31.41-31.50 Vehicles
- SEC32.02 Exemption Certificates
- SEC32.03 Sales for Resale
- SEC32.04 Isolated Sales
- SEC32.05 Multi-State Sales
- SEC32.06 Wrapping Supplies
- SEC32.21 Charitable, Volunteer Firemen's, Religious Org/Nonprofit Education Inst.
- SEC32.22 Sales to the US Government
- SEC32.23 Sales to Comm. of PA and Political Subdivisions and Sales By Commonwealth
- SEC32.24 Sales to Ambassadors, Ministers
- SEC32.25 Steam, Gas, Electricity, Fuel Oil, Kerosene
- SEC32.31 Dairying
- SEC32.32 Manufacturing/Processing
- SEC32.33 Farming
- SEC32.34 Public Utilities
- SEC32.35 Mining
- SEC32.36 Printing
- SEC32.37 Photographers and Photofinishers
- SEC32.38 Commercial Motion Pictures
- SEC33.02 Purchase Price
- SEC33.03 Cancellations, Returns, Allowances and Exchanges
- SEC33.04 Credit and Layaway Sales
- SEC34.01 Registration
- SEC34.02 Keeping of Records
- SEC34.03 Tax Returns
- SEC34.04 Direct Payment Permit
- SEC35.01 Tax Examinations and Assessments
- SEC35.02 Interest/Additions/Penalties/Crimes and Offenses
- SEC35.03 Lien for Taxes
- SEC36.11 Board of Finance and Revenue
- SEC38.01 Hotel Occupancy/Imposition and Computation of Tax
- SEC38.02 Hotel Occupancy/ Exemptions
- SEC38.03 Hotel Occupancy/Definition

- SEC39.01-39.13 Transient Vendors
- SEC41.02 Concrete Transit Mixing Unit
- SEC41.03 Dry Ice for Packaging Ice Cream
- SEC41.04 Gas Used by a Manufacturer
- SEC41.05 Integrated Plants
- SEC41.06 Processing for Wholesale Distribution
- SEC41.07 Pump Used for Conveying Water Prior to Production Process
- SEC41.08 Recapping and Retreading of Tires
- SEC41.09 Research Exemption
- SEC42.1-42.5 Broadcasting
- SEC43.00 Water Well Drillers
- SEC44.01 Dairy Farm Paper Towels
- SEC44.02 Cooperative Agricultural Associations
- SEC44.03 Farm Water Heaters
- SEC44.04 Guns and Ammunition
- SEC45.01 Exemption of Electric Co-op Corp.
- SEC45.02 Automobiles for Attorneys
- SEC45.03 Street Repairs
- SEC46.01 Construction Contractor Cutting or Bending Steel Beam
- SEC46.02 Construction of Exempt Public Utility
- SEC46.03 Contractors Installing Stained Glass Windows
- SEC46.04 Fixed Price Construction Contract
- SEC46.05 Outdoor Advertising Signs
- SEC46.06 Contractor Renting Equipment to Others
- SEC46.07 Nonresident Contractors
- SEC46.08 Industrialized Housing
- SEC46.09 Financial Institutions Security Equipment
- SEC47.01 Coin Operated Amusement Devices
- SEC47.02 Films for Commercial Exhibitions
- SEC47.03 Frozen Food Lockers
- SEC47.04 Golf Bag Carts and Lockers
- SEC47.06 Miniature Golf Course
- SEC47.10 Riding Academies and Stables
- SEC47.11 Saws and Blades to Butchers
- SEC47.12 Soda Fountains
- SEC47.16 Rental of Equipment Between Affiliated Interests
- SEC47.17 Lease or Rental of Vehicles and Rolling Stock
- SEC47.18 Totalizator Equipment
- SEC47.19 Public Transportation Assistance Fund Taxes and Fees
- SEC47.20 Vehicle Rental Tax
- SEC48.01 Utility Services Used by Exempt Organizations
- SEC48.04 Credit Unions
- SEC49.02 Game, Fish, Animals and Birds
- SEC50.01 Purchases and Sales by Wholesalers
- SEC51.01 Purchases of Replacement Parts
- SEC51.02 Use of Automobile Other than for Resale
- SEC51.04 Remittances for Payment of Sales Tax on Certain Vehicles
- SEC52.01 Purchases of Medicines/Med Supplies, Equipment, Devices, etc.
- SEC52.02 Fabrication of Dental Prothesis

- SEC52.04 Sellers and Repairers of Eyeglasses
- SEC53.01 Clothing
- SEC53.02 Footwear, Footwear Accessories and Footwear Repairs
- SEC54.01 Delivery Charges
- SEC54.02 Sign Painters
- SEC55.01 Automobile Towing Services
- SEC55.04 Taxidermy Service
- SEC55.05 Cleaning of Animals
- SEC55.06 Lawn Care Services
- SEC56.01 Maintaining Place of Business within Commonwealth
- SEC57.01 Carbonator for Soda Fountains
- SEC57.02 Gas Used by Restaurants
- SEC57.03 Icemaking Equipment
- SEC57.04 Merchandising Equipment
- SEC57.05 Sale of Equipment to Restaurants
- SEC57.06 Sales Order Books
- SEC57.07 Purchase of Soft Drinks by Liquor Licensees
- SEC58.01-58.02 Taxable and Exempt Personal Property
- SEC58.03 Timbering Operations
- SEC58.04 Commission Vendors
- SEC58.05 Decorated Cottage Cheese Containers
- SEC58.06 Barbers and Beauticians Supplies, Materials, Tools and Equipment
- SEC58.07 Trading Stamps
- SEC58.08 Commercial Airport and Aircraft Operators
- SEC58.09 School Textbook Exemption
- SEC58.10 Water Softeners and Conditioners
- SEC58.11 Taxes Paid/Purchases Resold
- SEC58.12 Flags
- SEC58.13 Carpeting and Other Floor Coverings
- SEC60.01 Pronouncement/Bldg. Maintenance or Bldg. Cleaning Services
- SEC60.03 Pronouncement/Disinfecting or Pest Control Services
- SEC60.04 Pronouncement/Help Supply Services
- SEC60.05 Pronouncement/Employment Agency Services
- SEC60.06 Pronouncement/Lobbying Services
- SEC60.07 Pronouncement/Sale and Preparation of Food & Beverages
- SEC60.08 Pronouncement/Secretarial and Editing Services
- SEC60.09 Pronouncement/Premium Cable Services
- SEC60.10 Pronouncement/Adjustment and Collection Services
- SEC60.11 Pronouncement/Credit Reporting Services
- SEC60.12 Pronouncement/Self Storage Services
- SEC60.13 Pronouncement/Computer Services
- SEC60.14 Pronouncement/Zero Emission Vehicles
- SEC60.15 Pronouncement/Sales Tax Refund Procedures Regarding Contracts
- SEC60.16 Pronouncement/Local Sale Use and Hotel Occupancy Tax
- SEC60.17 Pronouncement/Sale of Food/Beverages Sold to Nonprofit Associations
- SEC60.18 Pronouncement/ Sale and Installation of Prefabricated Housing
- SEC60.19 Pronouncement/Computer Software, Hardware and Related Transactions
- SEC60.20 Pronouncement/Telecommunications Service
- SEC60.21 Pronouncement/Commercial Racing Activities

- SEC60.23 Pronouncement/Electric Utility Services
- SEC71.04 Cigarette Tax

BUREAU OF CORPORATION TAXES, PO BOX 280700, HARRISBURG, PA 17128-0700, TELEPHONE (717) 787-8211.

- E69 Important 1967 Legislative Changes
- E70 Important 1969 Legislative Changes
- E71 Important 1970 Legislative Changes
- E72 Important 1970 Legislative Changes
- E73 Important 1971 Legislative Changes—Tentative Tax-Reports and Payments
- F74 Important 1971 Legislative Changes
- F75 1972 Disaster Relief Policy with respect to CNI/CIT
- F76 1973 CNI/CIT
- F77 1974 CNI/CIT
- F78 1974 Tentative Tax-Reports and Payments Rates/CNI/CIT
- F79 1975 CNI/CIT
- F81 1976 Recycling Process
- F82 1977 New Address for Mailing Tax Reports and Remittances
- F83 1978 Important 1977 Legislative Changes Tax Rate
- F84 1979 Addressing Report and Remittances
- REV-816 Corp Tax Bulletin F-85 1982 CNI/CIT
- REV-816A Corp Tax Bulletin F-86 1982 CNI Tax, Delays application of depreciation changes in 1981 Federal Economic Recovery Tax Act
- REV-816B Corp Tax Bulletin F-87 1982 Gilbert Asso. Inc. v. Commonwealth
- REV-816C Corp Tax Bulletin 88 1983 CNI/Interest Rate/Oil Franchise Rate/Installment Payment of Tentative CNI Tax/Mutual Thrift Inst./PURTA/Employment Incentive Payments Credits
- REV-816D Corp Tax Bulletin 89 1983 Tentative CNI/Method 2 Election
- REV-816E Corp Tax Bulletin 90 1983 CNI Tax
- REV-816F Corp Tax Bulletin 91 1984 Act No. 90/Election to be Taxed as a PA S Corp.
- REV-816H Corp Tax Bulletin 93 1984 Act No. 29/Reporting and Payment of Public Utility Realty Tax Liability
- REV-816J Corp Tax Bulletin 96 Fixed Formula-Valuation of Capital Stock/Domestic and Foreign Corporations
- T-CT-1 Corp Tax Bulletin 98 1985 Gross Premiums Tax-Foreign Fire Insurance Co.
- T-CT-2 Corp Tax Bulletin 99 1985 Economic Revitalization Tax Credit
- T-CT-3 Corp Tax Bulletin 100 1985 Estimated CNI System
- T-CT-4 Corp Tax Bulletin 101 1986 Capital Stock/Franchise Tax Regulated Investment Co.
- T-CT-5 Corp Tax Bulletin 102 1986 Act No. 77-Reduction in rates for CNI/\$50,000 Deduction Capital Stock Value/Change in Definition of Net Worth
- T-CT-6 Corp Tax Bulletin 103 1987 Act No. 58-Reduction in Capital Stock/Foreign Franchise/Tentative Capital Stock/Tentative Franchise Tax Rates
- T-CT-7 Corp Tax Bulletin 104 1988 Notice to Mutual Thrift Institution Taxpayers
- REV-1743 Corp Tax Bulletin 105 1988 Tentative Capital Stock/Franchise Tax Method 2 Election
- DCT09 Corp Tax Bulletin 106 Notice to Mutual Thrift Institution Taxpayers
- REV-816L Corp Tax Bulletin 107 1989 Shares Tax-Banks, Bank and Trust Co., Trust Co.
- DCT13 Corp Tax Bulletin 109 Notice to Mutual Thrifts Inst./ Change in Base Rate
- DCT18 Corp Tax Bulletin 110 Major Filing Changes for 1991
- REV-176 Corp Tax Bulletin 111 1991 Major Changes on or after January 1, 1991
- REV-173 Corp Tax Bulletin 112A Notice regarding Recomputation of Safe Harbor and Recovery Payments
- REV-174 Corp Tax Bulletin 112B Notice of PA Corporations Fiscal Years beginning in July 1991 through and including December 1991
- DCT27 Corp Tax Bulletin 113 1991 Utilities Gross Receipts/PURTA
- DCT28 Corp Tax Bulletin 115 1991 Tax for Financial Inst. for Shares Tax/Mutual Thrift
- DCT29 Corp Tax Bulletin 114 1991 Annuities for Gross Premiums Tax Retroactive to July 1, 1991

- REV-440 Corp Tax Bulletin 116A 1994 Act 48 Changes
- REV-440A Corp Tax Bulletin 116B 1994 Act 48 Amended Shares Tax/Allowing Apportionment
- REV-440C Corp Tax Bulletin 116C 1995 Act 48 Concerning Business Trusts
- REV-440D Corp Tax Bulletin 117 1995 Double Weighted Sales Factor, Tax Rate Changes Fixed Formula, Processing Exemptions, Insurance Gross Premiums Tax, Utilities Gross Receipts Tax Commercial Printers and Tax Amnesty
- REV-440E Corp Tax Bulletin 118, Limited Liability Companies (LLC's) Reporting Requirements
- REV-525 Corp Tax Bulletin 119, Motor Vehicle Gross Receipts/Ambulance Services
- REV-545 PA Research and Development Tax Credit
- DCT52 PURTA Brochure
- DCT53 Corp Tax Bulletin 120/Purta Compensating Adjustment
- DCT54 Corp Tax Bulletin 122/Tax Transition Impact Limitations

OFFICE OF CRIMINAL TAX, 1854 BROOKWOOD ST., HARRISBURG, PA 17104, TELEPHONE 783-4649

- DCI02 Guide to Cigarette Law Enforcement

PRESS OFFICE, PO BOX 281100, HARRISBURG, PA 17128-1100, TELEPHONE (717) 787-6960

- DPO22 Brochure/Working Together

BUREAU OF RESEARCH, PO BOX 281100, HARRISBURG, PA 17128-1100, TELEPHONE (717) 787-6300

- DOP3 Compendium of Revenue
- DOP4 Personal Income Tax Statistics
- DOP7 Statistical Supplemental to Tax Compendium
- DOP9—Statistical Report-Capital Stock/Franchise Tax/CNI Tax
- DOP11 Strategic Planning Update

BUREAU OF INDIVIDUAL TAXES, PO BOX 280600, HARRISBURG, PA 17128-0600, TELEPHONE (717) 787-8346

- DEX42 Property Tax Statistical Report
- PA1345 Handbook for Electronic Filers
- PA1346 Electronic Return Filing Specifications for Individual Tax Forms
- PA1436 Electronic Filing Test Package

OFFICE OF CHIEF COUNSEL, PO BOX 281061, HARRISBURG, PA 17128-1061, TELEPHONE (717) 787-1382

- OCCPLR Office of Chief Counsel Private Letter Rulings (Fee Charged)

PA STATE LOTTERY, 2850 TURNPIKE INDUSTRIAL PARK, MIDDLETOWN, PA, 17057, TELEPHONE (717) 986-4714 (*Or from Lottery Retailer Outlets)

- *All-Game Guide Brochure
- *Winning Numbers Lists
- Retailer Connection—Retailer Newsletter
- PA Lottery Game Guide
- Compulsive Gambling Brochure
- Benefits and Rights for Older Pennsylvanians Booklet
- *RSL-3 Lottery Retailer License Application
- *RSL-209 Standard Claim Form
- *RSL-355 Beneficiary Statement
- *RSL-400 Lottery Fund Benefits Programs Brochure Comparative Statement of Income and Expenditures
- *RSL-438 Game Odds Card

PENNSYLVANIA SECURITIES COMMISSION

GUIDANCE MANUALS:

- Compendium of Commission and Staff Positions, Summary of Significant Commission Orders and Compilations of Staff No-Action Letters
- Small Company Offering Registration (SCOR) In Pennsylvania
- Coordinated Equity Review Notebook
- Publication: Raising Small Business Capital

- Website: www.psc.state.pa.us
- Contact: Michael J. Byrne, (717) 783-5130

SEXUAL OFFENDERS ASSESSMENT BOARD

Sexually Violent Predator—Treatment and Management Standards

Contact: Diane Dombach (717) 787-5430

STATE

POLICY STATEMENTS:

Secretary of the Commonwealth

- Use of Public Areas Outside the Capitol Complex, 49 Pa. Code, Chapter 61
 - Returned Check Fee, 49 Pa. Code, Chapter 63
- Contact: Patricia Ventrone (717) 787-3945

State Athletic Commission

- Athletic Agents, 58 Pa. Code §§ 41.1—41.3
- Contact: Gregory Sirb (717) 787-5720

Bureau of Professional and Occupational Affairs

Commissioner of Professional and Occupational Affairs

- Schedule of Civil Penalties—Certified Real Estate Appraisers, 49 Pa. Code § 43.b.15
 - Schedule of Civil Penalties—Audiologists, Speech-Language Pathologists and Teachers of the Hearing Impaired, 49 Pa. Code § 43b.16
 - Schedule of Civil Penalties—Nursing Home Administrators, 49 Pa. Code § 43b.17
 - Schedule of Civil Penalties—Nurses, 49 Pa. Code § 43b.18
 - Schedule of Civil Penalties—Occupational Therapists and Occupational Therapy Assistants, 49 Pa. Code § 43b.19
 - Schedule of Civil Penalties—Physicians and Other Board Regulated Practitioners, 49 Pa. Code § 43b.20
- Contact: Cynthia Montgomery (717) 783-7200

State Board of Dentistry

- Replacement of Dental Amalgams, 49 Pa. Code § 33.213
 - Disclosure of Financial or Ownership Interest, 49 Pa. Code § 33.214
 - Use of Lasers in the Dental Office, 49 Pa. Code § 33.215
 - Requirement of Anesthesia Permit for Nonparenteral Premedication of Dental Patients, 49 Pa. Code § 33.344
- Contact: Lisa Burns (717) 783-7162

State Board of Examiners of Nursing Home Administrators

- Temporary Permits, 49 Pa. Code § 39.17
 - Subordinate Supervision, 49 Pa. Code § 39.18
- Contact: Chris Stuckey (717) 783-7155

State Board of Examiners in Speech-Language and Hearing

- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 45.3
- Contact: Cindy Warner (717) 783-1389

State Board of Medicine

- Disciplinary Guidelines for Use of Anabolic Steroids, 49 Pa. Code § 16.97
- Contact: Joanne Troutman (717) 783-1400

State Board of Nursing

- Scope of Practice Interpretations, 49 Pa. Code § 21.401
 - General Functions of Registered Nurses, 49 Pa. Code § 21.411
 - Venipuncture, Intravenous Fluids, Resuscitation and Respiration, 49 Pa. Code § 21.412
 - Administration of Drugs, 49 Pa. Code § 21.413
 - Functions of Licensed Practical Nurses, 49 Pa. Code § 21.414
- Contact: Ann Steffanic (717) 783-7142

State Board of Optometry

- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 23.101
- Contact: Deb Smith (717) 783-7155

State Board of Osteopathic Medicine

- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 25.291
Contact: Gina Bittner (717) 783-4858

State Board of Pharmacy

- Radiopharmaceutical Prescriptions, 49 Pa. Code § 27.101
- Return to Stock of Undelivered Medication, 49 Pa. Code § 27.102
Contact: Melanie Zimmerman (717) 783-7156

State Board of Physical Therapy

- Disclosure of Financial or Ownership Interest, 49 Pa. Code § 40.54
Contact: Robert Kline (717) 783-7134

State Board of Psychology

- Qualified Members of Other Recognized Professions, 49 Pa. Code § 41.7
- Department of Health Licensing of Substance Abuse Services Provided by Psychology Practices, 49 Pa. Code § 41.8
Contact: Chris Stuckey (717) 783-7155

State Board of Social Workers, Marriage and Family Therapists and Professional Counselors

- Department of Health Licensing of Substance Abuse Services Provided by Professional Counseling Practices, 49 Pa. Code § 49.17
Contact: Cindy Warner (717) 783-1389

GUIDANCE MANUALS:**Bureau of Professional and Occupational Affairs**

- Case Management Guidelines Manual for Professional Health Monitoring Programs
Contact: Kevin Knipe (717) 783-4857

State Board of Barber Examiners

- Policy Manual
Contact: Hilarene Staller (717) 783-3402

State Board of Cosmetology

- Policy Manual
Contact: Hilarene Staller (717) 783-7130

State Board of Medicine

- Policy Manual
- Guideline for the Use of Controlled Substances in the Treatment of Pain (1998)
Contact: Joanne Troutman (717) 783-1400

State Board of Nursing

- Staff Suggestions for Nursing Education Curriculum Proposals (2000)
- Curriculum Guidelines for the Approval of a CRNP Program (1993)
- LPN and Central Venous Lines (1999)
- Complying with Pennsylvania Continued Competency Regulations (2003)
- Nursing Practice Guide RN/LPN (1999)
- Alternative/Complementary Therapies (1997)
- Criteria for a Pennsylvania Board Approved Intravenous Therapy Education Program for the Student/Graduate/Licensed Practical Nurse (1995)
Contact: Ann Steffanic (717) 783-7142

State Board of Physical Therapy

- Policy Manual
Contact: Robert Kline (717) 783-7134

State Board of Psychology

- Guidance Manual
- Guideline: Education Requirements
- Guideline: Persons Licensed in Other States
Contact: Chris Stuckey (717) 783-7155

State Real Estate Commission

- Guideline: Real Estate Assistants
- Guideline: Home Offices
- Guideline: Team Advertising

- Guideline: Relationship Between Educational Providers and Real Estate Companies and Brokers
 - Guideline: Continuing Education
 - Guideline: Internet Advertising Policy
 - Policy Manual
- Contact: Deborah Mischeck (717) 783-3658

Bureau of Commissions, Elections and Legislation

- The Pennsylvania Voter Registration Implementation Manual for County Election Officials
- Contact: Harry VanSickle (717) 783-2053
- A Guide to Agency-Based Voter Registration Programs
- Contact: Allison Deibert (717) 787-5280

INTERNAL GUIDELINES:

Bureau of Professional and Occupational Affairs

State Architects Licensure Board

- Architect/Engineer Joint Advisory Committee
- Contact: Linda Dinger (717) 783-3397

State Board of Dentistry

- Probable Cause Screening Committee
- Contact: Lisa Burns (717) 783-7162

State Board of Examiners of Nursing Home Administrators

- Guidelines for Continuing Education Audit
- Contact: Chris Stuckey (717) 783-7155

State Board of Medicine

- Probable Cause Screening Committee
 - Mcare Triage Guidelines
- Contact: Joanne Troutman (717) 783-1400

State Board of Optometry

- Probable Cause Screening Committee
- Contact: Deb Smith (717) 783-7155

State Board of Osteopathic Medicine

- Probable Cause Screening Committee
- Contact: Gina Bittner (717) 783-4858

State Board of Psychology

- Probable Cause Screening Committee
- Contact: Chris Stuckey (717) 783-7155

State Board of Veterinary Medicine

- Probable Cause Screening Committee
- Contact: Robert Kline (717) 783-7134

State Real Estate Commission

- Internal Operating Guidelines
 - Probable Cause Screening Committee
- Contact: Deborah Mischeck (717) 783-3658

OTHER:

Bureau of Commissions, Elections and Legislation

- Secretary's Advisories to County Election and Voter Registration Officials
 - Election Calendars
 - Becoming a Notary Public in Pennsylvania
 - Instructions for Filing as a Candidate of a Minor Political Party
 - Instructions for Filing as an Independent Candidate
 - Nomination Petitions
 - Nomination Papers
 - Notice on What Constitutes a Vote
- Contact: Harry VanSickle (717) 783-2053
- Campaign Finance Reporting Law Pamphlet
- Contact: Mary Heinlen (717) 787-5280

- Voter Registration Mail Application (English and Spanish)
- 2003 Report to the General Assembly—The Administration of Voter Registration in Pennsylvania
- Your Vote is Your Voice
Contact: Allison Deibert (717) 787-5280
- The Commonwealth of Pennsylvania State Plan (as required by the Help America Vote Act of 2002)
- Elections News Poster (English and Spanish)
Contact: Gail Borger (717) 787-5280

Bureau of Charitable Organizations

- Registration Packets for Charitable Organizations, Professional Solicitors and Professional Fundraising Counsels
Contact: Elissa Brown (717) 783-1720

Corporation Bureau

- A Guide to Business Registration in Pennsylvania
Contact: Travis Blouch (717) 783-9210

Bureau of Professional and Occupational Affairs

State Board of Nursing

- List of Approved Programs for RN, CRNP and LPN Education (updated as needed)
- List of Approved LPN Intravenous Therapy Education Programs (updated as needed)
- NCLEX Jurisdiction Program Summary of All First Time Candidates (updated quarterly)
Contact: Ann Steffanic (717) 783-7142

State Real Estate Commission

- Applications: Experience Requirements and Point System for Applicants for Broker's Licenses
- List of States Willing/Not Willing to Enter Into Reciprocal Agreements
- List of Board Approved Continuing Education Providers
- 2004-2006 Approved Continuing Education Courses
Contact: Deborah Mischeck (717) 783-3658

STATE EMPLOYEES' RETIREMENT SYSTEM

Pursuant to Executive Order 1996-1 (Regulatory Review and Promulgation), the State Employees' Retirement System (SERS) submits for publication in the *Pennsylvania Bulletin* the following list of the agency's non-regulatory public documents. For additional information on the listed items, contact the SERS Public Information Officer by calling (717) 787-9657.

Eric Henry
Executive Director

- SERS Board of Trustees Adjudications by Topic:
 - Cost of Living Increase
 - Change of Benefit Option
 - Transfer to Alternate Retirement Plan
 - Credited Years of Service
 - Death Benefit
 - Disability
 - Effective Date of Retirement
 - Final Average Salary
 - Fraternal Order of Police
 - Frozen Present Value
 - Membership Eligibility
 - Military Service
 - Multiple Service Credit
 - Overpayment
 - Payment of Interest
 - Pension Forfeiture
 - Purchase of Service
 - Reinstatement
 - Retirement-Covered Compensation
 - Miscellaneous
- SERS Member Handbook (2005 edition)
- SERS Guide for Retiring Members (2005 edition)
- SERS pamphlets
 - Information for Retirees (SERS-149)—11/30/04
 - Classes of Membership (SERS-150)—10/30/04

- o Social Security Integration Coverage for SERS Members (SERS-151)—10/28/04
- o How to Apply for a Disability Retirement (SERS-152)—11/04/04
- o Retirement Benefits available to Pennsylvania State Police (SERS-153)—11/3/04
- o Retirement Options for SERS Members (SERS-154)—10/28/04
- o Provisions for the Purchase of Service (SERS-155)—3/8/05
- o Domestic Relations and Support Orders (SERS-157)—11/3/04
- o Frozen Present Value: Its Impact on State Pensions (SERS-158)—10/28/04
- o Refund Procedures for those Leaving State Service (SERS-159)—10/28/04
- o Information on Tax Form 1099-R for Tax Year 2004
- o Vesting in the State Employees' Retirement System (SERS 162)—11/30/04
- SERS Flyers:
 - o SERS Monthly Annuity Payment Dates (2005)
 - o Custom Retirement Calculator Special Notice (April 2003)
- Management Directives and Administrative Circulars issued by SERS
- SERS Mission Statement
- SERS Statement of Investment Policy
 - o SERS Real Estate Statement of Investment Policy
 - o SERS Alternative Investments Statement of Investment Policy
- SERS Public Markets Investment Advisor Retention Guidelines
- SERS current Five-Year Investment Plan ("2005 Annual Five-Year Investment Plan")
- SERS Proxy Voting Policy
- SERS Right-to-Know-Law Policy dated November 3, 2004
- The FOP Decision: The resolution of the SERS Board of Trustees dated September 26, 1990, implementing the arbitration award issued February 17, 1988, in *Commonwealth of Pennsylvania v. Commonwealth of Pennsylvania State Police Lodges*, American Arbitration Association Case No. 14 390 1611 87 J (Thomas J. DiLauro, Chair)
- The "SERSNews" member newsletter
- SERS Information Bulletins
- SERS 2004 Comprehensive Annual Financial Report
- Sample Domestic Relations Order and Instruction Letter
- Power of Attorney form
- SERS Board Minutes and Resolutions
- Actuarial Reports (annual and five-year)
- Actuarial Tables
- Memoranda of Understanding currently in effect
- SERS Appeals Committee Guidelines for Informal Appeals

STATE POLICE

GUIDANCE MANUALS, BROCHURES, FORMS AND OTHER MATERIALS

Bureau of Criminal Investigation, Heritage Affairs Office

Cultural Awareness Brochure (SP5-344)

Bureau of Human Resources

Enlisted Employment Information

Application for State Police Cadet

General Cadet Information (SP5-349)

Pennsylvania State Police: A Challenging Career That Makes a Difference

Pennsylvania State Police General Information SP3-313 (7-2001)

Liquor Enforcement Employment Information

Application for Liquor Enforcement Officer Trainee

General Information Brochure (SP5-348)

Civilian Employment Information

General Information Pamphlet (SP5-346)

Police Communicators Operator Pamphlet (SP5-347)

Personal Data Sheet for Employment (STD-300)

Civil Service Application

Bureau of Liquor Control Enforcement

Bureau of Liquor Control Enforcement Brochure

Choices Program Brochure

Bureau of Patrol

Emergency Vehicle Designation (SP6-115)
Child Safety Seat Identification Decal (SP6-153)

Bureau of Professional Responsibility

Complaint Verification Form (SP1-108)

Bureau of Records and Identification

Information for Pennsylvania Firearms Purchasers and Basic Firearm Safety (SP4-135)
Request for Criminal Record Check (SP4-164)
Notice of Crash Investigation and Application to Obtain Copy of Police Crash Reporting Form (SP7-0015)

Bureau of Research and Development

Pennsylvania State Police Overview of Department Activities (2-01)
Pennsylvania State Police CALEA Facts About Accreditation (3-98)
Pennsylvania Annual Police Pursuit Report (2002)
Pennsylvania State Police Annual Report (2002)
Crime in Pennsylvania: Uniform Crime Executive Summary (2002)
Pennsylvania State Police Historical Facts and Highlights

Bureau of Training and Education

Youngster Protect Yourself from Attacks and Accidents (SP5-330)
Stop Burglary Brochure (SP5-331)
Crimes of Fraud: "The Con-Artist" (SP5-332)
Lady Beware (SP5-333)
Understanding Crime Prevention (SP5-334)
Accessing Your Pennsylvania State Police (SP5-335)
Protect Your Child (SP5-336)
Preventing Child Abduction and Child Runaway (SP5-337)
Drugs Aren't Part of Anyone's Future (SP5-342)
Child Identification Kit (SP5-342)

Municipal Police Officers Education and Training Commission—Lethal Weapons

Application for Agent Certification—LWTA (SP8-200)
Physical Examination—LWTA (SP8-200A)
Police Officer Exemption Application—LWTA (SP8-200C)
Active Municipal Office LWTA Verification Procedure for Training Waiver (SP8204)

Equal Employment Opportunity Office

Equal Employment Opportunity Plan, Statement of Management Commitment (1-02)
Equal Employment Opportunity Plan (1-02)

All of the non-regulatory compliance-related documents listed above are available from the Pennsylvania State Police by contacting the Department at the following address or phone number:

Pennsylvania State Police
Bureau of Research and Development
1800 Elmerton Avenue
Harrisburg, PA 17110
(717) 783-5536

Documents are also available from the State Library, Government Publication Section at 219 Forum Building, Harrisburg, PA 17120 and may be obtained through inter-library loan.

TRANSPORTATION

POLICY STATEMENTS:**Bureau of Equal Opportunity**

- Disability-Related Employment Policy for Applicants/Employees with Disabilities, 6/23/2004
- EEO Policy Statement, 6/23/2004
- Harassment/Hostile Work Environment Policy, 6/23/2004
- Sexual Harassment Policy Statement, 6/23/2004
- DBE Policy Statement, 5/21/2004
- Equal Opportunity Title VI Statement of Policy, 7/15/2002 (included in Title VI Compliance and Implementation Plan at pg. 9)
- External Contract Compliance Policy Statement, 2/2/2005
- MBE/WBE Policy 100% State Funded Construction Contracts, 9/21/1999 (This program and document is currently being reviewed by the Department)

Bureau of Design

- Standards for Hardware Glulam Bridge Design (Pub. 6M)
- Design Manual Part 1: Transportation Project Development Process (Pub. 10)
- Design Manual Part 1A: Transportation Engineering Procedures (Pub. 10A)
- Design Manual Part 2: Highway Design, Dual Units (Pub. 13M)
- Design Manual Part 3: Plans Presentation, Dual Units (Pub. 14M)
- Pile Load Test Summaries (Pub. 15A)
- Design Manual Part 4: Structures, Dual Units (Pub. 15M)
- Design Manual Part 5: Metric (Pub. 16M)
- Guidelines for Design of Local Roads and Streets, Dual Units (Pub. 70M)
- Roadway Construction Standards, Dual Units (Pub. 72M)
- Standards for Bridge Design, Dual Units (Pub. 218M)
- Standards for Bridge Construction, Dual Units (Pub. 219M)
- Right-of-Way Encroachments and Outdoor Advertising Sign Control (Pub. 266)
- Roadway Specifications (Pub. 408/2000)

Bureau of Maintenance and Operations

- Pavement Policy Manual (Pub 242)

Bureau of Construction and Materials

- Geo-technical Engineering Manual (Pub. 293, 1/97)

Bureau of Highway Safety and Traffic Engineering

- Traffic Signing Standards, TC-8700 Series (Pub. 111M)
- Traffic Signal Standards, TC-7800 Series (Pub. 148)
- Traffic Signal Design Handbook (Pub. 149)
- Guidelines for the Maintenance of Traffic Signal Systems (Pub. 191)
- Engineering and Traffic Studies (metric) (Pub. 201M)
- Work Zone Traffic Control (dual units edition) (Pub. 203M)
- Flagging Handbook (Pub. 234)
- Handbook of Approved Signs (Pub. 236M)
- Sign Blank Specifications (Pub. 306M)
- Statewide Bicycle & Pedestrian Master Plan
- Pennsylvania Bicycle Driver's Manual (Pub. 380)

Center for Program Development and Management

- PennPlan MOVES
- PennPlan MOVES—Report of Achievement 2000
- PennPlan MOVES—Report of Achievement 2001
- PennPlan MOVES—Report of Achievement 2002
- PennPlan MOVES—Report of Achievement 2003
- Action Plan Resulting from the 2003 Conference on Transportation and Land Use for Economic Development

Bureau of Municipal Services

- Mileage Addition Guidelines (Policies concerning adding local road mileage to a municipalities Liquid Fuels Road Inventory.)
- Liquid Fuels Allowable Expenditures (Expenditures that a municipality may make utilizing Liquid Fuels Funds.)
- Policies and Procedures for the Administration of Liquid Fuels Funds (Pub. 9)

Strategic Environmental Management Program (SEMP) Office

- Waste Site Evaluation Procedures for the Highway Project Development Process (Pub. 281)

GUIDANCE MANUALS:**Bureau of Driver Licensing**

- Pennsylvania Driver's Manual (Pub 95) (Updated January 2004)
- Commercial Driver's Manual (Pub 233) (Updated December 2003)
- Motorcycle Operator Manual (Pub 147) (Updated May 2004)

- New Driver's License and Identification Cards
- A Guide to Obtaining a Pennsylvania Junior Learner's Permit and Junior Driver's License (Pub 178) (Updated October 2004)

Bureau of Motor Vehicles

- Apportioned Manual (Pub 181) (Updated April 2004)
- Dealer Manual (Pub 458) (Updated January 2005)
- Salvor Manual (Pub 460) (Updated August 2003)
- Messenger Manual (Updated 2000)

Bureau of Equal Opportunity

- Minority/Female Resource Guide, 5/2005
- OJT—Training Manual, 3/1995
- Highway and Bridge Subcontractor's Manual (Pub. 412), 2/2001
- Equal Employment Opportunity Plan, Federal/State (This Program is currently under review)
- Title VI Compliance and Implementation Plan, 7/15/2002
- Contract Compliance Plan (This Program is currently under review)
- Pennsylvania Unified Certification Program 2004

Bureau of Municipal Services

- Liquid Fuels Annual Qualifying Package (Yearly forms a municipality must complete to receive their annual Liquid Fuels Allocation.)
- Transfer of State Highways Program (Pub. 310)
- Procedures for Administration of Municipal Projects (Pub. 39)
- Dirt & Gravel Roads Manual
- Quality Assurance and Inspection Manual for Timber Bridges
- Municipal Services Guide for Road Construction (Pub 372)
- Approved Products for Lower Volume Local Roads (Pub 447)

Bureau of Office Services

- Conducting Business with the PA Department of Transportation (Pub 4) (3/2003)

Bureau of Design

- Contract Proposal Preparation Guide, Dual Units (Pub. 51M)
- When Your Land Is Needed for Highway Use (Pub. 83)
- Local Public Agency Project Guidelines (Pub. 98)
- Surveying and Mapping Manual (Pub. 122M)
- Estimating Manual (Pub. 352)
- Guide to Roundabouts (Pub. 414)
- Specifications for Consultant Engineering Agreements (Form 442)

Bureau of Maintenance and Operations

- Trucker's Handbook (Pub. 194)
- Posting and Bonding Procedures for Municipal Highways (Pub. 221)
- Highway Occupancy Permit Handbook (Pub. 282)
- Guide for Obtaining Minimum Use Driveway Permits (Pub. 312)
- Oversize/Overweight Application for Special Hauling Permit M-936A
- How to Complete General Application Form M-936A Oversize/Overweight Application for Special Hauling Permit)
- Supplemental Application for Overweight Special Hauling Permit (M-936AS)
- How to Complete Supplemental Application Form M-936A, Excessively Overweight Movement (Supplemental Application for Overweight Special Hauling Permit)
- How to Complete an Application for a PA Super Load Permit
- Pennsylvania STAA Truck Routes (Pub. 411)
- Trucker's Guide to Pennsylvania

Bureau of Construction and Materials

- Procedures for Administration for Municipal Projects (Pub. 39)

Bureau of Highway Safety and Traffic Engineering

- Pennsylvania's Traffic Calming Handbook (Pub. 383)
- Guidelines to Implement Act 229 of 2002; Additional Traffic-Control Devices in Highway Work Zones; Statement of Policy
- Bicycling Directory of Pennsylvania (Pub 316)

Center for Program Development and Management

- Congestion Management System (CMS) Planning Guidance
- Transportation Enhancements Program Guidance
- State Transportation Program Guidance
- PENNDOT User's Guide to Transportation Planning and Programming
- Public Involvement Program for Transportation Planning and Programming
- Transportation Management Association Assistance Program Guidelines
- PA Infrastructure Bank Handbook
- Pennsylvania's Transportation Program—Executive Summary, September 2001
- Sound Land Use Planning for Your Community
- PennDOT's Sound Land Use Implementation Plan
- Home Town Street & Safe Routes To School General Information and Program Guidance
- Access Management Model Ordinances For Pennsylvania Municipalities Handbook
- Pennsylvania Infrastructure Bank Handbook
- Pennsylvania Byways . . . A Guide
- Pennsylvania Byways Program—Pamphlet
- State Transportation Commission Guidelines for Public Participation in the 2007 Transportation Program Development Process

Office of the Deputy Secretary for Planning

- Transportation Partnerships Guidelines Manual

Bureau of Aviation

- Aviation Development Airport Sponsor's Guide (Pub 405)
- Environmental Evaluation Forms A, B and C for Airport Development Projects

INTERNAL GUIDELINES:**Bureau of Driver Licensing**

- Physician Reporting Fact Sheet (Pub 7212) (Updated March 2005)

Bureau of Equal Opportunity

- DBE Plan, 9/1999
- PENNDOT Title VI Assurances, 7/15/2002 (Included in Title VI Compliance and Implementation Plan at pg. 77)
- State Assurances with Regard to Equal Opportunity as required by the Federal-Aid Highway Act of 1968, 2/2/2005
- Pennsylvania Unified Certification Program Procedures Manual, 5/2004

Bureau of Design

- Administration of Consultant Agreements (Pub. 93)
- Project Level Highway Traffic Noise Handbook (Pub. 24)
- Environmental Impact Statement Handbook (Pub. 278)
- Categorical Exclusion Evaluation Handbook (Pub. 294)
- Public Involvement Handbook (Pub. 295)
- Needs Study Handbook (Pub. 319)
- PennDOT Project Level Air Quality Handbook (Pub. 321)
- Agriculture Resources Handbook (Pub. 324)
- Wetlands Resource Handbook (Pub. 325)
- Environmental Assessment Handbook (Pub. 362)

Bureau of Maintenance and Operations

- Maintenance Manual (Pub. 23) (Updated 8/2004)
- Engineering District and County Maintenance Offices Location Maps and Mailing Addresses (Pub. 22)

Bureau of Construction and Materials

- Finals Unit Manual (Pub. 11) (Guidance for Highway Construction Project Closeouts) (Pub. 11)
- Field Computation Guidebook (Guidance for Highway Construction Projects) (Pub. 21)
- Contract Documentation System Field Operations Manual (Pub. 320)
- Producers of Ready Mix Concrete (Pub 42)
- Producers of Bituminous Mixtures (Pub 41) Approved Aggregate Producers (Pub 34)

Bureau of Planning and Research

- Conduct of Research at PennDOT
- 2002 PA Traffic Data Book
- 2002 PA Highway Statistics Book

Center for Program Development and Management

- Single Occupancy Vehicle Capacity Adding Project (SOVCAP) Guidance
- Rail-Highway Grade Crossing Safety Program Guidance
- HOP\Land Use Questionnaire

Bureau of Municipal Services

- Abandonment/Vacation/Deletions Procedure Letter (Policies and procedures governing the abandonment, vacation, and deletion of roads from the state road system and their return to local jurisdiction.)
- Transfer of State Highways Program (Pub 310)
- Procedures for Administration of Municipal Projects (Pub 39)
- Dirt & Gravel Roads Manual
- Quality Assurance and Inspection Manual for Timber Bridges

OTHER:**Bureau of Office Services**

- Price List, Maps and Publications (Pub. 12) (12/2004)

Bureau of Design

- Construction Items Catalog (Pub. 7)
- Construction Items Catalog (metric edition) (Pub. 7M)
- Construction Cost Catalog of Standard Construction Items (Pub. 287)
- Getting Involved Brochure (Pub. 304)

Bureau of Construction and Materials

- Aggregate Producers (Pub. 34)
- Approved Construction Materials (Pub. 35)
- Producers of Bituminous Mixtures (Pub. 41)
- Producers of Redi-Mixed Concrete (Pub. 42)
- Subsurface Boring, Sampling and Testing Contract (Pub. 222)
- Slope Stability Program, PASTABL (Metricated) (Pub. 318)

Center for Program Development and Management

- Transportation Conformity State Implementation Plan

Bureau of Municipal Services

- Liquid Fuels Calendar (Tool for municipalities highlighting policies, procedures and information to assist with road and street maintenance.) (updated yearly)
- Treasurer's Account Book (Accounting system for local governments.)
- PENNDOT Keeping you Connected—CD (a production that's designed to educate the public about PENNDOT's business.)
- Building Relationships for better Government (Pub 454)
- Bureau of Municipal Services Information and Forms CD (updated yearly)

Bureau of Public Transportation

- PA Urban Transit Statistical Report 2003/2004 (Statistics for urban public transportation providers.)
- Pennsylvania Operating Assistance Programs Statistical Report (Rural Intercity Bus & Intercity Rail), Fiscal Years 2002-03 and 2003-04
- Shared-Ride Service Statistical Report 2002-03 and 2003-04, April 2005

Bureau of Equal Opportunity

- Sexual Harassment Prevention (Pub. 109) (Currently under review for revision)
- BEO Brochure (Pub 317) (Currently under review for revision)

Bureau of Human Resources

- ADA Brochure (Pub. 359)

Many of the non-regulatory compliance-related documents listed above, specifically those containing a publication number, are available from the PENNDOT Sales Store. Please contact the Sales Store, PO Box 2028, Commonwealth Keystone Building 5th floor, Harrisburg, PA 17105-2028; telephone number (717) 787-6746; or the PENNDOT website at www.dot.state.pa.us, for more information. In some cases, printing or duplicating fees will be charged. Documents are also available from the State Library, Government Publications Section, at 219 Forum Building, Harrisburg, PA 17120 and are available through inter-library loan.

[Pa.B. Doc. No. 05-1493. Filed for public inspection August 5, 2005, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the 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 regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-237	Pennsylvania Public Utility Commission Provisions of Default Service 35 Pa.B. 1421 (February 26, 2005)	6/27/05	7/27/05
18-402	Department of Transportation School Bus Drivers 35 Pa.B. 3145 (May 28, 2005)	6/27/05	7/27/05

Pennsylvania Public Utility Commission Regulation #57-237 (IRRC #2463)

Provisions of Default Service July 27, 2005

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Pennsylvania Public Utility Commission (PUC) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on June 27, 2005. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

1. General—Legislative intent of the Electricity Generation Customer Choice and Competition Act; Need.

The purpose of this regulation is to implement § 2807(e) of the Electricity Generation Customer Choice and Competition Act (Act), as it pertains to an electric distribution company's (EDC's) obligation to serve retail customers. One of the key policy declarations of the Act is found in § 2802(5). It states: "Competitive market forces are more effective than economic regulation in controlling the cost of generating electricity." The preamble states

that this declaration of policy guided the PUC in drafting this rulemaking. We concur that this policy should be used as the basis for this rulemaking and note that the PUC has correctly considered other declarations of policy found in the Act. Those declarations relate to reliability, availability, customer service and protection afforded to low-income customers.

The PUC has crafted a regulation that considers competitive market forces to be more effective than economic regulation while, at the same time, ensuring a reliable and reasonably priced supply of electricity. We acknowledge that this is unprecedented territory for the PUC. When reviewing the comments, we encourage the PUC to continue to focus on the principle that competitive market forces are more effective than economic regulation, and further incorporate that principle into the final-form regulation.

In addition, we urge the PUC to consider another key concept of the Act found at § 2807(e)(3). This section states in part: "... the electric distribution company or commission-approved alternative supplier shall acquire electric energy at *prevailing market prices* to serve that customer and shall recover fully all reasonable costs" (Emphasis added). We believe that electric energy acquired at true prevailing market prices and sold to

customers at rates that reflect those prices is the most appropriate way to bring true choice and competition to the citizens of Pennsylvania.

Having commended the PUC for undertaking this difficult task, we question the need for the rulemaking at this time. We base this question on the following. First, the PUC has noted that the retail and wholesale energy markets will continue to evolve between now and the expiration of the last EDC rate caps in 2010. Drafting regulations today that match tomorrow's markets is an imprecise and difficult task. Second, the PUC has also stated that changes to Federal and State law could affect this rulemaking. To illustrate this point, the Alternative Energy Portfolio Standards Act (AEPS), which became law in 2004, and the implementing regulations to be developed by the PUC will have a dramatic affect on how energy companies acquire electricity. Third, knowledge could be gained from the experience of other states that are making the transition from a regulated to a competitive electric market. Fourth, the experiences gained by both the PUC and the EDCs, whose rate cap periods have ended and are operating under interim guidelines, could be useful when crafting regulations at a future date. Additionally, the continuing use of interim guidelines would provide the PUC an opportunity to consider various pilot programs before it finalizes these regulations. For these reasons, we urge the PUC to carefully consider the value of delaying the promulgation of these regulations until a date closer to conclusion of the rate cap periods of the major EDCs.

2. Section 54.123. Transfer of customers to default service.—Adverse effects on prices, productivity or competition; Need; Implementation procedures.

This section establishes the standards that apply to the transfer of retail customers by an electric generation supplier (EGS) to a default service provider (DSP). Section 2807(e)(4) of the Act states: "If a customer that chooses an alternative supplier and subsequently desires to return to the local distribution company for generation service, the local distribution company shall treat that customer exactly as it would any new applicant for energy service." We believe this language prohibits any restrictions on customers who want to obtain their energy service from the DSP. In addition, if rates are set at the prevailing market price by the DSP, there would be no need for limitations on the transfer of customers from an EGS to a DSP. Therefore, all of the language in Subsection (1)(iv) following "... expiration of contracts ..." and all of Subsection (3) should be deleted because they could be interpreted as preventing customers from switching from one energy supplier to another.

3. Section 54.181. Purpose.—Adverse effects on price, productivity or competition.

Under this section, an EDC is allowed to fully recover all reasonable costs for acting as a DSP. However, this rulemaking also allows for the possibility that an EGS may serve as a DSP. If a DSP is not an EDC, that DSP should also be allowed to recover all reasonable costs associated with providing that service. This would conform to § 2807(e)(3) of the Act, which states, in part, that "... the electric distribution company or commission-approved alternative supplier shall ... recover fully all reasonable costs." The final-form regulation should be amended to provide for the recovery of costs by either an EDC or an EGS serving as a DSP.

4. Section 54.182. Definitions.—Clarity.

Competitive procurement process—This definition contains the phrase "through a bid solicitation process." To give more flexibility to DSPs, as discussed in our comments on §§ 54.185(d) and 54.186(a), this phrase should be deleted.

Default service provider—This definition includes the phrase that is being defined. Section 1.7(e) of the *Pennsylvania Code & Bulletin Style Manual* states that the term being defined may not be included as part of the definition. Therefore, the phrase DSP should be deleted from this definition.

Fixed rate option—The phrase "seasonal differences" is included in this definition. It also appears throughout the regulation. For clarity, this term should be defined. Also, in order to better meet the "prevailing market price" standard, the phrase "may include" should be replaced with "includes."

Hourly Priced Service—Based on this definition, the hourly default service price is based on either the "RTO or ISO's LMP for energy, or other similar, mechanism." The phrase "other similar mechanism" is vague. The final-form regulation should provide examples or more detail as to what other mechanisms would be acceptable. Because substantive provisions in the definitions section are not enforceable, any substantive provisions added to the final-form regulation should be placed in the appropriate section of the regulation.

5. Section 54.183. Default service provider.—Statutory authority; Legislative intent; Implementation procedures.

Subsection (a)

This subsection establishes the incumbent EDC in each certificated service territory as the DSP. The PUC believes that this decision is in the public interest because the competitive retail market is still in transition and it is consistent with § 2802(16) of the Act. This section of the Act states, in part: "Electric distribution companies should continue to be the provider of last resort in order to ensure the availability of universal electric service in this Commonwealth unless another provider of last resort is approved by the commission."

Section 2807(e)(2) of the Act further explains the potential role of an EDC. It states:

At the end of the transition period, the commission shall promulgate regulations to define the electric distribution company's obligation to connect and deliver and acquire electricity under paragraph (3) that will exist at the end of the phase-in period.

While it is clear that § 2802(16) of the Act requires EDCs to fill the role of provider of last resort during the transition period, § 2807(e)(2) leaves open what the EDCs' role should be at the end of the transition period. Given the declaration of policy contained in § 2802(5) of the Act, that competitive market forces are more effective than economic regulation, we question whether this decision is consistent with the intent of the General Assembly.

Subsection (b)

Under this subsection, an EDC may petition the PUC to be relieved of its default service obligation or the PUC may relieve an EDC of its default service obligation if this action is in the public interest. The final-form regulation should include the criteria that the PUC will use to determine if the removal of an EDC as a DSP is in the public interest.

Subsection (c)

This subsection outlines the competitive process for the replacement of an EDC acting as the DSP. Under Subsection (c)(1), an EDC or EGS wanting to be an alternative DSP must apply for a certificate of public convenience. Subsection (c)(2) also requires the applicant to demonstrate its operational and financial fitness to serve and its ability to comply with certain laws, regulations and orders.

We have three concerns. First, what is the PUC's statutory authority to require that an EGS acquire a certificate of public convenience in order to provide default service? Second, an EDC already has a certificate of public convenience. Would a new certificate be required, or could the EDC amend its existing certificate? Third, Subsection (c)(4) states that if one or more applicants meet the standards to become the DSP, the PUC will grant a certificate of public convenience to act as DSP to the applicant best able to fulfill the obligation. The criteria the PUC will use to make this determination should be included in the final-form regulation.

6. Section 54.184. Default service provider obligations.—Clarity.*Subsection (b)*

This subsection requires DSPs to comply with all applicable PUC regulations and orders. For clarity, a citation to the applicable regulations should be included in the final-form regulation.

Subsection (c)

Under this subsection, a DSP is required to continue the universal service program in effect in the EDC's certificated service territory or implement a similar customer assistance program consistent with the Act. Subchapter C of 52 Pa. Code Chapter 54, relating to universal service and energy conservation reporting requirements, imposes certain duties on EDCs. Would the DSP have to comply with all the requirements contained in Subchapter C? If the DSP is not the EDC, how will these programs be funded?

7. Section 54.185. Default service implementation plans and terms of service.—Adverse effects on prices, productivity or competition; Implementation procedures; Clarity.*Subsection (a)*

This subsection requires a DSP to file a default service implementation plan no later than 15 months prior to conclusion of the existing plan or the PUC approved generation rate cap. When would a DSP selected under the competitive process contained in § 54.183(b) and (c) be required to file an implementation plan?

Subsection (b)

This subsection requires compliance with all PUC regulations pertaining to documentary filings and requires service of the plans on certain parties. We have two recommendations. First, a citation to the applicable regulations should be included in the final-form regulation. Second, as suggested by a commentator, plans should also be served on all registered EGSs in the EDC's service territory and/or made available on the EDC's website.

Subsection (c)

This subsection states the following: "A default service implementation plan must propose a minimum term of service of at least twelve months, or multiple twelve

month periods, or for a period necessary to comply with subsection (f)." Some commentators believe that allowing multiple 12 month periods is too long because it may distort market prices and thereby contradict the competition goal of the Act. Other commentators believe 12 months is too short and could lead to higher prices for consumers. We believe this provision is important because it will directly affect the procurement strategies of the DSPs and will influence how closely rates for default service will reflect prevailing market prices.

We believe it is appropriate for default service implementation plans to include details on a DSP's procurement strategy which may call for a portion of the energy to be provided under contracts with a duration of more than 12 months. However, the PUC should be cautious about approving plans that will remain in effect for multiple 12 months periods because they may not reflect the prevailing conditions in wholesale energy markets. Where DSPs want to enter long term contracts with energy suppliers, we recommend that only a limited portion of the energy purchased be for a term of service of greater than 12 months and that the term of service be no longer than 36 months.

Subsection (d)

Under this subsection, electric generation supply must be acquired through a competitive procurement process, which requires bid solicitation. We note that the § 2807(e)(3) of the Act requires EDCs to acquire electric energy at "prevailing market prices." Several commentators believe that a "competitive" process is not needed to acquire energy at the "prevailing market price." Others believe that bid solicitation is not the only method that should be allowed. Flexibility should be provided by allowing an EDC or an alternate EDC to acquire energy using appropriate procurement processes with varying terms of service that reflect the prevailing market price. The EDC or the alternate EDC would then have the duty to demonstrate that the selected process procured energy at the prevailing market price.

Subsection (i)

Under this subsection, the implementation plan must include reasonable credit requirements or "other reasonable assurances of any supplier of electric generation services' ability to perform, as approved by the Commission." The phrase "other reasonable assurances" is unclear. The final-form regulation should explain what other assurances the PUC would approve. Similarly, how would these be "approved by the Commission"? Would they be evaluated as part of the review of the plan or as a part of another process?

Subsection (j)

This subsection requires default services plans to identify all existing "long-term generation contracts" between EDCs and retail customers. The phrase "long-term" is vague and should be replaced with a specific time frame.

Subsection (k)

This subsection states that default service implementation plans "should include copies of any proposed confidentiality agreements." The term "should" is non-regulatory language which indicates that this provision is optional. The PUC should either replace the word "should" with "shall" or delete this provision from the final-form regulation.

Subsection (m)

This subsection allows the PUC to issue further orders which would specify the form and content of implementa-

tion plans. We agree that PUC orders are the best way to specify the form of default service implementation plans. However, the required "content" should be included in this section and, if changes are needed, be promulgated by amending this regulation through the rulemaking process.

8. Section 54.186. Default service supply procurement.—Adverse effects on prices, productivity or competition; Implementation procedures; Clarity.

Subsection (a)

This subsection requires a DSP to procure electricity through a competitive procurement process or a replacement procurement process approved by the PUC. We question the need to prescribe the manner in which electricity is procured by the DSP. As noted, the Act requires the procurement of electricity at the "prevailing market price." The method of procurement should not matter if that condition is met. Therefore, the requirement that electricity be acquired only through the competitive procurement process should be modified.

Subsections (b) and (e)

The phrase "bid evaluation criteria" appears in Subsections (b)(2)(vi) and (e). What bid evaluation criteria, other than price, will be acceptable to the PUC? If there are any, they should be included in the regulation.

Subsection (d)

This subsection states that the competitive procurement process may be subject to direct oversight by the PUC or an independent third party. It is our understanding that the competitive procurement process shall be subject to oversight. Therefore, the optional term "may" should be replaced with the mandatory term "shall."

Subsection (f)

The PUC's verification of compliance with a competitive procurement process is addressed under this subsection. The scope of the PUC's review should be limited to the compliance with the approved default service implementation plan.

Also, in Subsection (f)(2), the PUC should amend the language to state that the review period will be no more than three business days. This would allow all participants in the competitive procurement process to know the results of the bid solicitation.

Subsection (g) and also § 54.187(i) and § 54.188(e)

These subsections provide instructions for procuring energy when there is insufficient supply, an EGS fails to deliver supply, or a competitive procurement process has been rejected. All three subsections conclude with the following sentence: "The default service provider shall follow acquisition strategies that reflect the incurrence of reasonable costs, consistent with 66 Pa.C.S. § 2807(e)(3) (relating to duties of electric distribution companies), when selecting from the various options available in these energy markets." We have two concerns. First, the phrase "acquisition strategies" is vague and should be defined. Second, will this process be subject to review and approval by the PUC?

9. Section 54.187. Default service rates and the recovery of reasonable costs.—Reasonableness; Clarity.

Subsection (a)

This subsection requires the use of three types of charges for recovering costs associated with providing default service. They include a generation supply charge,

a customer charge and an automatic energy adjustment charge to recover costs incurred under the AEPS. The first two are nonreconcilable charges. The other charge reflects the statutory recovery mechanism contained in the AEPS.

Commentators have suggested a wide-range of options, from unbundling to reconciliation, on how these costs should be handled. To promote competition, the PUC is requiring unbundling of the charges. To further promote competition, the PUC should maintain the proposed language that does not permit the reconciliation of the generation supply and customer charges. This approach would keep the EDCs on a more equal competitive footing with EGSs.

Subsection (a)(1)

This subsection relates to the generation supply charge. Subsection (a)(1)(vi) references "other reasonable, identifiable generation supply acquisition costs." These costs should be specified in the final-form rulemaking.

Subsection (a)(2)

This subsection relates to the customer charge. We have three concerns.

First, the PUC should ensure that no customer care costs are recovered through generation, distribution or transmission rates. Embedded customer care costs related to generation service and to distribution and transmission service should be separated.

Second, if small utilities have not performed the necessary cost of service studies to determine an appropriate "customer charge," how is this cost determined?

Finally, as a commentator suggested, a "distribution credit," which would only include incremental costs related to customer care service, could replace this charge. Has the PUC contemplated instituting a distribution credit, as suggested by the commentator?

Subsection (a)(2)(iv)

In this subsection, what are "other reasonable and identifiable administrative or regulatory expenses"?

Subsection (a)(3)

The automatic energy adjustment charge is addressed in this subsection. It is not clear how this annually reconciled mechanism will operate in conjunction with the competitive procurement process. This should be clearly explained in the final-form regulation.

Subsection (b)

This subsection requires that "a default service plan must include a *fixed* rate option for all residential customers" (Emphasis added). In order to promote competition, the PUC should require that fixed rate options include a seasonal or monthly variation to reflect the prevailing market price. Also, the final-form regulation should include language to require the DSP to offer, as an option, an hourly rate to residential customers.

Also, because this provision relates to what must be included in an implementation plan, it should be deleted from this section and placed in § 54.185, relating to default service implementation plans and terms of service. The same concern applies to Subsections (c), (f) and (g).

Subsection (c)

This subsection provides that nonresidential customers with a registered peak demand of 500 kilowatts or less must be given a fixed rate option. Again, in order to

promote flexibility and a greater role for market pricing, the PUC should also require that the fixed rate option include seasonal or monthly variations. DSPs should also be required to offer the option for hourly pricing.

Several commentators have offered a wide range of peak demand levels that they feel would be more appropriate, ranging from 25 kilowatts to 1 megawatt. Another commentator requests flexibility in determining the threshold. In addition, the threshold has already been established at 300 kilowatts for Duquesne Light. The PUC should explain why it chose the 500 kilowatt peak demand threshold in this section as well as in Subsection (d).

Subsection (d)

This subsection establishes that DSPs “shall include an hourly rate in its implementation plan for all default service customers” with a peak demand level of greater than 500 kilowatts. Commentators claim that hourly pricing for these customers will limit the DSP’s flexibility in meeting requirements of the AEPS because alternative energy credit acquisition “will be quite limited with prices higher relative to longer-term contracts.” The PUC should explain how this provision will affect DSPs in meeting the AEPS requirements.

Subsection (f)

We have two comments on this subsection.

First, the terms “demand side response” and “demand side management programs” should be defined.

Second, a commentator has asserted that offering demand side response and demand side management programs could impose a hardship on small EDCs. Does the PUC anticipate any negative effect on small EDCs?

Subsection (g)

This subsection provides that implementation plans may include “mechanisms that allow default service providers to adjust their prices” in certain circumstances. The “mechanisms” that could be used should be clearly set forth in the final-form regulation. Does the PUC intend to use the AEPS clause as a mechanism?

Subsection (h)

This subsection states that a DSP’s projected and actual costs for providing service may not be subject to PUC review and reconciliation except in “extraordinary circumstances.” What are these “extraordinary circumstances”? These should be set forth in the final-form regulation.

10. Section 54.188. Commission review of default service implementation plans.—Reasonableness; Clarity.

Subsection (b)

Some commentators indicate that the six-month review period established by this subsection is not long enough. They note that rate cases usually take nine months. The PUC should consider extending the time period for review of a default service implementation plan to nine months.

Subsections (c) and (e)

In keeping with the theme of our initial general comment, the PUC should consider reviewing plans to ensure that they are properly designed to result in the lowest price, produce a reliable supply and include only reasonable cost recovery.

Subsection (g)

This subsection contains the phrase, “and other applicable laws.” If there are other “applicable laws” that must be followed, the PUC should provide a cross-reference to these laws.

11. Section 54.189. Default service customers.—Legislative intent; Clarity.

Some commentators believe switching rules are necessary to provide predictability as to the size of the DSPs’ potential customer bases. They contend that this would allow DSPs to more accurately predict their customers’ load and to procure energy at lower prices, resulting in more affordable energy for default customers. Others believe that the Act and the spirit of competition prohibit any rules that would hinder customers from changing their supplier of electric service.

Section 2807(e)(4) of the Act states the following: “If a customer that chooses an alternative supplier and subsequently desires to return to the local distribution company for generation service, the local distribution company shall treat that customer exactly as it would any new applicant for energy service.” The PUC should ensure that no limitations are placed on customers to prevent switching from one energy supplier to another.

Department of Transportation Regulation #18-402 (IRRC #2482)

School Bus Drivers

July 27, 2005

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P. S. § 745.5b) which have not been met. The Department of Transportation (Department) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on June 27, 2005. If the final-form regulation is not delivered within 2 years of the close of the public comment period, the regulation will be deemed withdrawn.

1. Section 71.2. Definitions.—Consistency with the statute; Need; Clarity.

Doctor of Chiropractic Medicine

The proposed regulation adds the new term “Doctor of Chiropractic Medicine” instead of using the statutory term “chiropractor” that was added to the Vehicle Code by Act 76 of 2004 (75 Pa.C.S.A. § 1508.1(b)). The proposed definition of this new term also differs substantially from the statutory definition of “chiropractor.” For consistency, the final-form regulation should use the statutory term “chiropractor” and replace the proposed definition with the statutory definition for “chiropractor” verbatim or with a reference to the statutory definition. In addition, the statutory term “chiropractor” should be used in place of the term “Doctor of Chiropractic Medicine” throughout the final-form regulation.

School transportation physician

The existing regulation defines this term as a physician appointed or approved by the school board or authorities for private schools. There are two concerns.

First, is this term necessary if the Department is not involved in the appointment or approval of physicians? It is our understanding that when school authorities appoint physicians, they pay for the physical examinations conducted by the appointee. If the applicant sees a different licensed health care provider, then the applicant

is responsible for payment. Hence, it is a financial incentive that attracts applicants to the appointed physician rather than a requirement imposed by the Department. Finally, Department staff indicate that very few school boards still appoint or approve physicians for these services.

If the term "school transportation physician" is not needed and is out-of-date, it should be replaced with the word "physician" in the final-form regulation. This would be helpful since the term "physician" is used repeatedly throughout Chapter 71 but it is not defined except within the definition for "school transportation physician." The definition of "physician" should be a reference to the definition of "licensed physician" in existing regulations at 67 Pa. Code § 83.2 (relating to definitions), which includes both doctors of medicine and doctors of osteopathic medicine.

Second, if the concept of an appointment or approval of practitioners is included in the final-form regulation, the definition should include all practitioners allowed by the statute or the Department should explain why it is limited to physicians. The Vehicle Code now allows other health care practitioners, including certified registered nurse practitioners (CRNPs), chiropractors and physician assistants, to conduct physical examinations for school bus driver endorsements.

2. Section 71.3. Physical examination.—Reasonable-ness; Clarity.

Subsection (a) contains a list of the practitioners who may give physical examinations to drivers or applicants for the school bus driver endorsement on their commercial driver's licenses. This list in the proposed regulation includes "a school transportation physician, a Doctor of Chiropractic Medicine, a CRNP or a physician assistant." There are two concerns.

First, the placement of the term "school transportation physician" in this list may create two erroneous impressions. One possible misreading is that applicants can only go to physicians appointed by school authorities. Another possible misinterpretation is that while their choice of physicians is limited to the "school transportation physician," applicants may choose other practitioners, such as CRNPs, chiropractors or physician assistants, who are not appointed by a school authority. The Department has stated that this is not its intent. This concern may be resolved in large part by the response to comments on the definition of this term discussed above in Issue #1. However, if the concept of a school transportation practitioner is retained in the final-form regulation, the term "physician" should be added to Subsection (a).

Second, the term "chiropractor" should replace the term "Doctor of Chiropractic Medicine" in Subsection (a) as noted above in Issue #1 and the term "chiropractor" should be added to the list of practitioners in Subsection (c) (relating to physical examination certificate).

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-1494. Filed for public inspection August 5, 2005, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation on the date

indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at www.irrc.state.pa.us. To obtain a copy of the regulation, contact the promulgating agency.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-391	Environmental Quality Board Concentrated Animal Feeding Operations and Other Agricultural Operations	7/26/05

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-1495. Filed for public inspection August 5, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

D & E Properties; Prehearing

Appeal of D & E Properties under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 04-0111(F); Doc. No. UT05-07-018

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on August 18, 2005. Motions preliminary to those at the hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed on or before August 4, 2005, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before August 11, 2005.

A date for a hearing will be determined, if necessary, at the prehearing telephone conference.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1496. Filed for public inspection August 5, 2005, 9:00 a.m.]

Pennsylvania 2004 Private Passenger Automobile Data Call; Rate Filing

Each year the Insurance Department (Department) conducts routine "Data Calls" to companies licensed to write motor vehicle insurance in this Commonwealth. Data Calls are used to monitor the auto insurance marketplace and to collect data for statutory reports. On August 1, 2005, the Department forwarded Data Calls to be completed by companies who are licensed to write private passenger automobile insurance in this Commonwealth. Companies will receive only a cover letter through the United States Postal Service. The 2004 Data Call letter, instructions and data formats are available on the Department's website at www.insurance.state.pa.us.

Companies with Pennsylvania private passenger automobile direct written premium in 2004 are required to

complete Parts 1 and 2. Data for more than one insurance company may not be combined into a single submission. This information is to be submitted to the Department by December 15, 2005.

Companies with no Pennsylvania private passenger automobile direct written premium in 2004 are required to submit only Part 2. This is to be submitted to the Department by December 15, 2005.

Consistent with previous Data Calls, the Department will consider the data submitted as proprietary and handle the data accordingly. See the instructions for additional information regarding the completion of the individual parts.

Submissions and inquiries should be directed to Clinton Wright, Insurance Department, Office of Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, (717) 783-0651, clwright@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1497. Filed for public inspection August 5, 2005, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304 State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Mohammed Lachhab; file no. 05-308-70934; Progressive Insurance Company; doc. no. PI05-07-010; September 21, 2005, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order

resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1498. Filed for public inspection August 5, 2005, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's policy. The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Jeffrey White; file no. 05-265-01847; Neighborhood Spirit Property & Casualty; doc. no. PH05-07-011; September 29, 2005, 1 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1499. Filed for public inspection August 5, 2005, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0271, 3408 Main Street, Munhall, PA 15120.

Lease Expiration Date: July 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 to 2,500 net useable square feet of new or existing retail commercial space along Main Street in the Central Business District of Munhall Borough. The site must have rear access for tractor-trailer deliveries.

Proposals due: August 26, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Craig Johnson, (412) 565-5130

Cambria County, Wine & Spirits Shoppe #1115, 20th Ward Shopping Center, 358 N. Sheridan Street, Johnstown, PA 15906.

Lease Expiration Date: July 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space in a shopping center environment in the northwest section of the City of Johnstown.

Proposals due: August 26, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Craig Johnson, (412) 565-5130

Erie County, Wine & Spirits Shoppe #2501, Summit Towne Centre, 7200 Peach Street, Erie, PA 16509.

Lease Expiration Date: July 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 to 6,000 net useable square feet of new or existing retail commercial space in a shopping center environment along Peach Street between Interchange Road and the intersection with Interstate 90, Erie.

Proposals due: August 26, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

Mercer County, Wine & Spirits Shoppe #4304, Route 58 North, Mercer, PA 16137.

Lease Expiration Date: July 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,500 to 3,000 net useable square feet of new or existing retail commercial space in a shopping center environment serving the Town of Mercer.

Proposals due: August 26, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Westmoreland County, Wine & Spirits Shoppe #6507, 613 W. Main Street, Ligonier, PA 15658.

Lease Expiration Date: July 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 to 5,000 net useable square feet of new or existing retail commercial space serving the Town of Ligonier.

Proposals due: August 26, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 05-1500. Filed for public inspection August 5, 2005, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

Clean Water State Revolving Fund; Federal FY 2004 and 2005 Project Priority List

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have amended the combined Federal Fiscal Year (FY) 2004/2005 Clean Water State Revolving Fund (CWSRF) Project Priority List (List) of municipal sewage construction projects.

The FY 2004/2005 List was prepared in conformance with the requirements of Title II and Title VI of the Clean Water Act and Federal guidance and was previously approved by the Environmental Protection Agency (EPA). The projects included on the List have a project priority rating established under the Department's EPA approved Chapter 103 project priority rating system. The Clean Water Act stipulates that States must maintain a Project Priority List of municipal sewage projects from which to develop the annual CWSRF Intended Use Plan (IUP) list of projects to be funded.

The projects added to the List will not replace any project currently on the approved FY 2004/2005 List. Projects were placed in the appropriate ranking slot in relation to other rated and ranked projects on the List. The rank order standing of projects on the List does not dictate the order in which projects are chosen for funding in the CWSRF program. A project may be selected from any numerical rank position on the List for funding. A project's readiness to proceed and the reasonable availability of alternative sources of funds have a bearing on project selection for funding in the program.

Some projects added to the FY 2004/2005 List are expected to proceed to construction in the near future, and others are being added as potential projects for future construction loan consideration. The projects expected to be ready for loan funding in the near future have submitted applications for funding and may be placed on an IUP to: (1) replace projects that have not proceeded timely toward initiation of project construction; and/or (2) to fill funding gaps that have developed as a result of cost savings. Projects removed from an IUP will remain on the List and be considered for CWSRF loan funds in the future.

Interested persons are invited to express their views on the priority rating or ranking of projects on the amended FY 2004/2005 List. Persons wishing to offer comments should submit them in writing to the Infrastructure Grant Administration Section, Division of Technical and Financial Assistance, Bureau of Water Standards and Facility Regulation, 10th Floor, Rachel Carson State Office Building, P. O. Box 8466, Harrisburg, PA 17105-8466, (717) 787-6744, amaisano@state.pa.us.

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

A copy of the amended FY 2004/2005 List that shows all municipal sewage projects in priority and ranked order is available for public review at the Bureau's office or in the offices listed as follows or on the Department's website: www.dep.state.pa.us/dep/deputate/watermgt/WSM/WSM_TAO/Finan_Tech_Asst.htm.

DEP—Southeast Region:
Water Quality Program Manager
Lee Park, Suite 6010
555 North Lane
Conshohocken, PA 19428
(610) 832-6131

DEP—Northeast Region:
Water Quality Program Manager
2 Public Square
Wilkes-Barre, PA 18711-0790
(570) 826-2553

DEP—Southcentral Region:
Water Quality Program Manager
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707

DEP—Northcentral Region:
Water Quality Program Manager
208 West 3rd Street
Williamsport, PA 17701
(570) 327-3669

DEP—Southwest Region:
Water Quality Program Manager
400 Waterfront Drive
Pittsburgh, PA 15222-4745
(412) 442-4000

DEP—Northwest Region:
Water Quality Program Manager
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942

PENNVEST
22 S. Third Street
4th Floor, Keystone Building
Harrisburg, PA 17101
(717) 787-8137

KATHLEEN A. MCGINTY,
Secretary
Department of Environmental Protection
Vice Chairperson
Pennsylvania Infrastructure Investment Authority
PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 05-1501. Filed for public inspection August 5, 2005, 9:00 a.m.]

Drinking Water State Revolving Fund; Federal FY 2004 and 2005 Project Priority List

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have amended the combined Federal Fiscal Year 2004/2005 Drinking Water State Revolving Fund (DWSRF) Project Priority List (List) of drinking water construction projects.

The FY 2004/2005 List was prepared in conformance with the requirements of the Safe Drinking Water Act Amendments of 1996 (act) and Federal guidance. The act stipulates that states must maintain a Project Priority List of drinking water projects from which to develop the annual DWSRF Intended Use Plan (IUP) list of projects to be funded.

The projects added to the List will not replace any project currently on the approved FY 2004/2005 List. Projects were placed in the appropriate ranking slot in relation to other rated and ranked projects on the List. The rank order standing of projects on the List does not dictate the order in which projects are chosen for funding in the DWSRF program. A project's readiness to proceed and the reasonable availability of alternative sources of funds have a bearing on project selection for funding in the program.

Some projects added to the FY 2004/2005 List are expected to proceed to construction in the near future,

and others are being added as potential projects for future construction loan consideration. The projects expected to be ready for loan funding in the near future have submitted applications for funding and may be placed on an IUP to: (1) replace projects that have not proceeded timely toward initiation of project construction; and/or (2) to fill funding gaps that have developed as a result of cost savings. Projects removed from an IUP will remain on the List and be considered for DWSRF loan funds in the future.

Interested persons are invited to express their views on the priority rating or ranking of projects on the amended FY 2004/2005 List. Persons wishing to offer comments should submit them in writing to the Infrastructure Grant Administration Section, Division of Technical and Financial Assistance, Bureau of Water Standards and Facility Regulation, 10th Floor, Rachel Carson State Office Building, P. O. Box 8466, Harrisburg, PA 17105-8466, (717) 787-6744, amaisano@state.pa.us.

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

A copy of the amended FY 2004/2005 List that shows all drinking water projects in priority and ranked order is available for public review in the Bureau's office and in the offices listed at the end of this notice and is accessible through the Department's website at: www.dep.state.pa.us/dep/deputate/watermgt/WSM/WSM_TAO/Finan_Tech_Asst.htm.

DEP—Southeast Region:
Water Supply Program Manager
Lee Park, Suite 6010
555 North Lane
Conshohocken, PA 19428
(610) 832-6131

DEP—Northeast Region:
Water Supply Program Manager
2 Public Square
Wilkes-Barre, PA 18711-0790
(570) 826-2553

DEP—Southcentral Region:
Water Supply Program Manager
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707

DEP—Northcentral Region:
Water Supply Program Manager
208 West 3rd Street
Williamsport, PA 17701
(570) 327-3669

DEP—Southwest Region:
Water Supply Program Manager
400 Waterfront Drive
Pittsburgh, PA 15222-4745
(412) 442-4000

DEP—Northwest Region:
Water Supply Program Manager
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942

PENNVEST
22 S. Third Street
4th Floor, Keystone Building
Harrisburg, PA 17101
(717) 787-8137

KATHLEEN A. MCGINTY,
Secretary
Department of Environmental Protection
Vice Chairperson
Pennsylvania Infrastructure Investment Authority

PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 05-1502. Filed for public inspection August 5, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Orders

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. All-Star Acquisition Corp.
(2004.0267.00); C-20044072; A-311212

Default Order

By the Commission:

On December 22, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against All-Star Acquisition Corp. (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-311212. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 27, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of All-Star Acquisition Corp.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the

imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. All-Star Acquisition Corp. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by All-Star Acquisition Corp. at A-311212 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Better World Telecom, Inc.
(2004.0267.00); C-20044069; A-311241*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Better World Telecom, Inc. (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-311241. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 16, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been

filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Better World Telecom, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Better World Telecom, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Better World Telecom, Inc. at A-311241 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Budget Phone, Inc. (2004.0267.00);
C-20044068; A-311159*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Budget Phone, Inc. (the Respondent), a non-facilities based reseller of toll

service and non-facilities based competitive local exchange carrier certificated at A-311159. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 17, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Budget Phone, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Budget Phone, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Budget Phone, Inc. at A-311159 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Capsule Communications, Inc.
(2004.0267.00); C-20044055; A-310915*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Capsule Communications, Inc. (the Respondent), a facilities based competitive local exchange carrier and facilities based toll carrier certificated at A-310915. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 16, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Capsule Communications, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Capsule Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Capsule Communications, Inc. at A-310915 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Communicate Technological Systems
(2004.0267.00); C-20044065; A-311116*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Communicate Technological Systems (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-311116. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on May 18, 2005. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Communicate Technological Systems's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Communicate Technological Systems immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Communicate Technological Systems at A-311116 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Communications Billings, Inc.
(2004.0267.00); C-20044063; A-310668*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Communications Billings, Inc. (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-310668. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 16, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66

Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Communications Billings, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Communications Billings, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Communications Billings, Inc. at A-310668 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. IDT America Corp (2004.0267.00);
C-20044051; A-310782*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against IDT America Corp (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-310782. In the Complaint, Prosecutory Staff alleged that the Commission sent by

certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on May 25, 2005. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of IDT America Corp's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. IDT America Corp immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by IDT America Corp at A-310782 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Kiger Telephone & Telephone
(2004.0267.00); C-20044046; A-311175*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Kiger Telephone & Telephone (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-311175. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 23, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Kiger Telephone & Telephone's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Kiger Telephone & Telephone immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Kiger Telephone & Telephone at A-311175 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Necc Telecom, Inc. (2004.0267.00);
C-20044040; A-311209*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Necc Telecom, Inc. (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-311209. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 20, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Necc Telecom, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Necc Telecom, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Necc Telecom, Inc. at A-311209 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. One Voice Communications, Inc.
(2004.0267.00); C-20044038; A-311051*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against One Voice Communications, Inc. (the Respondent), a facilities based competitive local exchange carrier, non-facilities based reseller of toll service and switched access carrier certificated at A-311051. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 16, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of One Voice Communications, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. One Voice Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by One Voice Communications, Inc. at A-311051 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Onestar Communications LLC
(2004.0267.00); C-20044036; A-311135*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Onestar Communications LLC (the Respondent), a competitive access provider or other, facilities based competitive local exchange carrier, non-facilities based reseller of toll service and switched access carrier certificated at A-311135. In the Complaint, Prosecutory Staff alleged that the Com-

mission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 16, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Onestar Communications LLC's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Onestar Communications LLC immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Onestar Communications LLC at A-311135 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Onestar Long Distance, Inc.
(2004.0267.00); C-20044034; A-310569*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Onestar Long Distance, Inc. (the Respondent), a facilities based competitive local exchange carrier and facilities based toll carrier certificated at A-310569. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 16, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Onestar Long Distance, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Onestar Long Distance, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Onestar Long Distance, Inc. at A-310569 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Optimum Global Comm., Inc.
(2004.0267.00); C-20044031; A-311060*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Optimum Global Comm., Inc. (the Respondent), a non-facilities based competitive local exchange carrier certificated at A-311060. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 15, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Optimum Global Comm., Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Optimum Global Comm., Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Optimum Global Comm., Inc. at A-311060 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Orion Telecommunications Corp.
(2004.0267.00); C-20044030; A-311004*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Orion Telecommunications Corp. (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-311004. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 15, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Orion Telecommunications Corp.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Orion Telecommunications Corp. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Orion Telecommunications Corp. at A-311004 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Premier Network Services, Inc.
(2004.0267.00); C-20044026; A-310987*

Default Order

By the Commission:

On December 13, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Premier Network Services, Inc. (the Respondent), a facilities based competitive local exchange carrier, non-facilities based reseller of toll service and switched access carrier certificated at A-310987. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written

notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 20, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Premier Network Services, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Premier Network Services, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Premier Network Services, Inc. at A-310987 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Primo Communications, Inc.
(2004.0267.00); C-20044022; A-311219*

Default Order

By the Commission:

On December 13, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Primo Communications, Inc. (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-311219. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 21, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Primo Communications, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Primo Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Primo Communications, Inc. at A-311219 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Servisense.Com (2004.0267.00);
C-20044018; A-310908*

Default Order

By the Commission:

On December 13, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Servisense.Com (the Respondent), a facilities based competitive local exchange carrier and facilities based toll carrier certificated at A-310908. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 15, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Servisense.Com's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the

Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Servisense.Com immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Servisense.Com at A-310908 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Summit Telco, LLC (2004.0267.00);
C-20044016; A-310936*

Default Order

By the Commission:

On December 13, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Summit Telco, LLC (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-310936. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 21, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of

Summit Telco, LLC's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Summit Telco, LLC immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Summit Telco, LLC at A-310936 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Core Communications, Inc.
(2004.0267.00); C-20044062; A-310922*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Core Communications, Inc. (the Respondent), a switched access carrier, facilities based competitive local exchange carrier and facilities based toll carrier certificated at A-310922. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 20, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, the NXX codes that were assigned to Respondent must be returned to the North American Numbering Plan.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Core Communications, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Core Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Core Communications, Inc. at A-310922 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. The North American Numbering Plan (NANPA) is directed to reclaim Core Communications, Inc.'s NXX Codes since this carrier no longer has authority to operate in the Commonwealth of Pennsylvania.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Telecomm Cooperative Network
(2004.0267.00); C-20044015; A-310780*

Default Order

By the Commission:

On December 13, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Telecomm Cooperative Network (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-310780. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 13, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Telecomm Cooperative Network's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Telecomm Cooperative Network immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Telecomm Cooperative Network at A-310780 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Telegenius, Inc. (2004.0267.00);
C-20044014; A-311128*

Default Order

By the Commission:

On December 13, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Telegenius, Inc. (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-311128. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was served on December 13, 2004. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2003 Annual Report, we conclude that revocation of Telegenius, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and

also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Telegenius, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Telegenius, Inc. at A-311128 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1503. Filed for public inspection August 5, 2005, 9:00 a.m.]

Default Orders

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Choice Telco, LLC (2004.0267.00);
C-20044067; A-311186*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Choice Telco, LLC (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-311186. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was not served because the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respon-

dent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Choice Telco, LLC's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Choice Telco, LLC immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Choice Telco, LLC at A-311186 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Citynet Telecom, Inc. (2004.0267.00);
C-20044066; A-310985*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Citynet Telecom, Inc. (the Respondent), a facilities based competitive local exchange carrier, competitive access provider or other carrier certificated at A-310985. In the Complaint, Prosecutory Staff alleged that the Commission sent by

certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was not served because the address was unknown. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Citynet Telecom, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Citynet Telecom, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Citynet Telecom, Inc. at A-310985 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Foxtel, Inc. (2004.0267.00);
C-20044054; A-310610*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Foxtel, Inc. (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-310610. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was not served because the address was wrong. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Foxtel, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Foxtel, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Foxtel, Inc. at A-310610 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. I-Link Communications
(2004.0267.00); C-20044050; A-310454*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against I-Link Communications (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-310454. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was not served because the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of I-Link Communications's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the

Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. I-Link Communications immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by I-Link Communications at A-310454 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Inmate Communications Corp.
(2004.0267.00); C-20044049; A-310499*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Inmate Communications Corp. (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-310499. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66

Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Inmate Communications Corp.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Inmate Communications Corp. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Inmate Communications Corp. at A-310499 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Intelecall Communications, Inc.
(2004.0267.00); C-20044048; A-311210*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Intelecall Communications, Inc. (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-311210. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the

Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was not served because the company moved. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Intelecall Communications, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Intelecall Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Intelecall Communications, Inc. at A-311210 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Jenkintown, Ltd. (2004.0267.00);
C-20044047; A-310346*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Jenkintown, Ltd. (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-310346. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was not served because the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Jenkintown, Ltd.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Jenkintown, Ltd. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Jenkintown, Ltd. at A-310346 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Mcgraw Comm. (2004.0267.00);
C-20044043; A-311160*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Mcgraw Comm. (the Respondent), a non-facilities based competitive local exchange carrier certificated at A-311160. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was not served because the number was wrong. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Mcgraw Comm.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the

Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Mcgraw Comm. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Mcgraw Comm. at A-311160 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Miko Telephone Comm., Inc.
(2004.0267.00); C-20044042; A-311268*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Miko Telephone Comm., Inc., (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-311268. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was not served because the address was unknown. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revoca-

tion of Miko Telephone Comm., Inc.,'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Miko Telephone Comm., Inc., immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Miko Telephone Comm., Inc., at A-311268 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Moving Bytes, Inc. (2004.0267.00);
C-20044041; A-311168*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Moving Bytes, Inc. (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-311168. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was

due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Moving Bytes, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Moving Bytes, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Moving Bytes, Inc. at A-311168 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Nutel Phone Service, Inc.
(2004.0267.00); C-20044039; A-310813*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Nutel Phone Service, Inc. (the Respondent), a non-facilities based competitive local exchange carrier certificated at A-310813. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Nutel Phone Service, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Nutel Phone Service, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Nutel Phone Service, Inc. at A-310813 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Operator Communications, Inc.
(2004.0267.00); C-20044033; A-310078*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Operator Communications, Inc. (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-310078. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was not served because the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Operator Communications, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the

Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Operator Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Operator Communications, Inc. at A-310078 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Optical Telephone Corp.
(2004.0267.00); C-20044032; A-311117*

Default Order

By the Commission:

On December 14, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Optical Telephone Corp. (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-311117. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was not served because the company moved. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respon-

dent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Optical Telephone Corp.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Optical Telephone Corp. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Optical Telephone Corp. at A-311117 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Special Accounts Billing Group, Inc.
(2004.0267.00); C-20044017; A-310709*

Default Order

By the Commission:

On December 13, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Special Accounts Billing Group, Inc (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-310709. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the

Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Special Accounts Billing Group, Inc's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Special Accounts Billing Group, Inc immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Special Accounts Billing Group, Inc at A-310709 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Telstar International, Inc.
(2004.0267.00); C-20044013; A-311059*

Default Order

By the Commission:

On December 13, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Telstar International, Inc. (the Respondent), a non-facilities based reseller of toll service carrier certificated at A-311059. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was presumably not served but the post office did not return a green card. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Telstar International, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Telstar International, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Telstar International, Inc. at A-311059 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Worldxchange Corp. (2004.0267.00);
C-20044007; A-310972*

Default Order

By the Commission:

On December 13, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Worldxchange Corp. (the Respondent), a facilities based toll carrier certificated at A-310972. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was presumably not served but the post office did not return a green card. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Worldxchange Corp.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the

Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Worldxchange Corp. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Worldxchange Corp. at A-310972 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

Default Order

Public Meeting held
July 14, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Winstar of Penna., LLC
(2004.0267.00); C-20044008; A-311171*

Default Order

By the Commission:

On December 13, 2004, the Law Bureau Prosecutory Staff filed a Formal Complaint against Winstar of Penna., LLC (the Respondent), a non-facilities based reseller of toll service, facilities based competitive local exchange carrier, switched access carrier and competitive access provider or other carrier certificated at A-311171. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2003 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2003 Annual Report. The Complaint requested that the Commission issue an order canceling the Respondent's certificate of public convenience for failure to file its 2003 Annual Report.

According to the U. S. Postal Service return receipt, the Complaint was presumably not served but the post office did not return a green card. To date, more than 20 days later, no answer has been filed to the Complaint and the 2003 Annual Report has not been filed. In addition, the NXX codes that were assigned to Respondent must be returned to the North American Numbering Plan.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respon-

dent's failure to file its 2003 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Winstar of Penna., LLC's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Winstar of Penna., LLC immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Winstar of Penna., LLC at A-311171 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

5. That the North American Numbering Plan (NANPA) is directed to reclaim Winstar of Penna., LLC's NXX Codes since this carrier no longer has authority to operate in the Commonwealth of Pennsylvania.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1504. Filed for public inspection August 5, 2005, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 29, 2005. Documents filed in support of the applications are available for

inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-00121957. Cesar A. Ludena t/d/b/a Michael's Transportation Express Service (921 North Locust Street, Suite 5, Hazleton, PA 18201)—persons, upon call or demand, between points in the City of Hazleton, Luzerne County, and within an airline distance of 12 statute miles of the limits of the City of Hazleton.

A-00121955. Alternative Transport, LLC (660 13th Avenue, Building 1, Prospect Park, Delaware County, PA 19076), a limited liability company of the Commonwealth—persons, in paratransit service, between points in the County of Delaware, and from points in said county, to points in the Counties of Montgomery and Chester, and the City and County of Philadelphia, and return.

Applications of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.*

A-00119340. Folder 2. Paul's Cab Service, Inc. (735 Market Street, Sunbury, Northumberland County, PA 17801)—persons in paratransit service, between points in the Counties of Columbia, Cumberland, Dauphin, Juniata, Lycoming, Montour, Northumberland, Perry, Schuylkill, Sullivan and Union.

A-00115480. Folder 4. Frederick L. Corey, t/a Corey Transportation (20865 Alden Street, Meadville, Crawford County, PA 16335)—persons upon call or demand, in the County of Crawford.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1505. Filed for public inspection August 5, 2005, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project #05-044.P, Purchase of Convertible Minitowers and Flat Panel LCD Monitors until 2 p.m. on Thursday, August 18, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available August 9, 2005. The cost of the bid document is \$25 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. The contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 05-1506. Filed for public inspection August 5, 2005, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Dirt and Gravel Roads Pollution Prevention Maintenance Program Notice of Appointment

As required by 25 Pa. Code § 83.604(f) (relating to appointment criteria), the State Conservation Commission (Commission) is providing public notice of the apportionment of Fiscal Year (FY) 2005 Dirt and Gravel Road Pollution Prevention Maintenance Program (program) funds to participating county conservation districts. This apportionment is authorized under 75 Pa.C.S. § 9106 (relating to dirt and gravel road maintenance).

A. Effective Date

This apportionment is effective upon publication in the *Pennsylvania Bulletin*. Allocations will be disbursed when funds are released from the Treasury after July 1, 2005.

B. Background

The Commission approved the following allocations at their public meeting on March 2, 2005: \$3.528 million of FY 05-06 funds are apportioned according to stipulations in 75 Pa.C.S. § 9106(c). Copies of 25 Pa. Code § 83.604 and 75 Pa.C.S. § 9106 are available from Michael Klimkos, State Conservation Commission Office, Room 407, Agriculture Building, 2301 N. Cameron Street, Harrisburg, PA 17110-9408, (717) 787-8821.

The following allocations are being made to the county conservation districts participating in the program. Not all counties receive an allocation as provided for at Pa. Code § 83.613(a) (relating to performance standards). Listed alphabetically, the allocations are:

Adams	\$15,000
Armstrong	\$129,192
Beaver	\$15,000
Bedford	\$41,391
Berks	\$15,000
Blair	\$20,914
Bradford	\$318,377
Bucks	\$16,758
Cambria	\$15,291
Cameron	\$33,529
Carbon	\$26,166
Centre	\$33,866
Chester	\$17,321
Clarion	\$61,561
Clearfield	\$67,703
Clinton	\$23,132
Columbia	\$80,222
Crawford	\$149,008
Cumberland	\$15,000
Dauphin	\$23,773
Elk	\$24,449
Erie	\$53,830
Fayette	\$32,750
Forest	\$21,571
Franklin	\$15,423
Fulton	\$30,635
Greene	\$38,325
Huntingdon	\$72,694
Indiana	\$94,371
Jefferson	\$45,828
Juniata	\$36,440
Lackawanna	\$28,835
Lancaster	\$16,900

Lawrence	\$15,000
Lebanon	\$15,000
Lehigh	\$26,534
Luzerne	\$25,274
Lycoming	\$83,789
McKean	\$21,509
Mercer	\$48,053
Mifflin	\$21,023
Montgomery	\$15,000
Montour	\$18,056
Northumberland	\$48,569
Perry	\$42,365
Pike	\$57,290
Potter	\$134,534
Schuylkill	\$54,495
Snyder	\$28,496
Somerset	\$34,129
Sullivan	\$68,921
Susquehanna	\$137,244
Tioga	\$318,555
Union	\$25,633
Venango	\$75,388
Warren	\$194,899
Washington	\$77,584
Wayne	\$116,126
Westmoreland	\$27,653
Wyoming	\$58,619
York	\$108,007

DENNIS C WOLFF,
Chairperson

[Pa.B. Doc. No. 05-1507. Filed for public inspection August 5, 2005, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
Location: Harrisburg, Pa.
Duration: 12/1/93-12/30/93
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

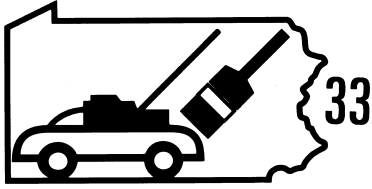
⑦

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

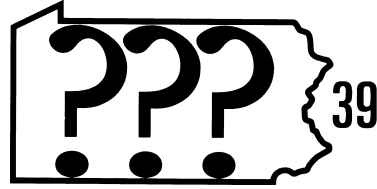
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705



Property Maintenance

FC-198H Oswayo The PA Fish and Boat Commission is accepting bids for exterior wall insulation and finish system installation at the Oswayo State Fish Hatchery Administration Building, Oswayo Township, Potter County, PA. There will be a pre-bid meeting on site at 11:00 am on Wednesday, August 17. Bids will be opened at 2:30 p.m. on Wednesday, August 24, 2005.

Department: Fish and Boat Commission
Location: Oswayo State Fish Hatchery, Coudersport, PA, Oswayo Township
Duration: 6-30-06
Contact: Kathi Loewen, Purchasing Agent, (814) 359-5131



Miscellaneous

105-R-1936010000 The Department of State, Bureau of Finance and Operations on behalf of the Bureau of Professional and Occupational Affairs wishes to contract with a qualified, professional testing organization that has experience in professional licensure examination development, preparation, administration and scoring.

Department: State
Location: 308 North Office Building, Harrisburg, PA 17120
Duration: Five year, firm fixed-price contract with two one-year options to renew.
Contact: Monna J. Accurti, Chief of Procurement Division, (717) 214-4927

105-R-1939042/45312 The Department of State, Bureau of Finance and Operations on behalf of the Bureau of Professional and Occupation Affairs wishes to contract with a qualified, professional testing organization that has experience in professional licensure examination development, preparation, administration and scoring.

Department: State
Location: 308 North Office Building, Harrisburg, PA 17120
Duration: Five year, fixed-price contract with two one-year options to renew.
Contact: Monna J. Accurti, Chief, Procurement Division, (717) 214-4927

[Pa.B. Doc. No. 05-1508. Filed for public inspection August 5, 2005, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Secretary

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS 441, 443 AND 501]

Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under authority in 4 Pa.C.S. § 1202(b)(14) (relating to general and specific powers), adopts temporary regulations to facilitate implementation of 4 Pa.C.S. §§ 1101—1904 (relating to Pennsylvania Race Horse Development and Gaming Act) (act), enacted by the act of July 5, 2004 (P. L. 572, No. 71) (Act 71). The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board). Subpart C is entitled Slot Machine Licensing and contains Chapter 441, Slot Machine Licenses and Chapter 443, Categories of Licensure.

Chapter 441 focuses on the general licensing and application process for slot machine licenses. Chapter 443 contains regulations that pertain to specific categories of licensure.

The next portion of regulations focuses on the compulsive and problem gambling requirements of slot machine licensees. Subpart I is entitled Compulsive and Problem Gambling and contains Chapter 501, Compulsive and Problem Gambling Requirements.

Purpose and Background

Under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board is required to promulgate temporary regulations to facilitate the prompt implementation of Act 71. The regulations are necessary to enhance the credibility of the licensed operation of slot machines and associated equipment in this Commonwealth and to carry out the policy and purposes of the Board. In adopting the temporary regulations, the Board has considered the public comments submitted to the Board, comments of various State agencies including the Department of Agriculture and the regulatory practices of other Commonwealth agencies and gaming jurisdictions.

To promulgate the temporary regulations in accordance with customary rulemaking procedure, the Board published its draft regulations at 35 Pa.B. 3199 (May 28, 2005). A 30-day public comment period was provided.

Under 4 Pa.C.S. § 1203, the temporary regulations adopted by the Board shall expire no later than 3 years following the effective date of the act or upon promulgation of regulations as generally provided by law. These temporary regulations are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL), or to the Regulatory Review Act (71 P. S. §§ 745.1—745.15).

Comment

The Board received public comment from approximately 18 interested parties, including State and local government officials, racetrack owners and citizens. The Board thoroughly reviewed and considered all comments submitted. All public comments received by the Board are available for review on the Board's website, www.pgcb.state.pa.us. To respond to the comments in the most efficient manner, the Board has selected representative comments and formulated responses to these comments.

The Comment and Response document is available by contacting the Board at: Pennsylvania Gaming Control Board, Office of Communications, P. O. Box 69060, Harrisburg, PA 17106-9060.

Paperwork

The Board is publishing Category 1 applications and other necessary forms for the administration of licensing Category 1 slot machine licensees. The Board is developing a docket process to monitor and track submitted applications.

The Board will publish notices in the *Pennsylvania Bulletin* identifying the filing period for applications, the completion date and those facilities who have been awarded licenses by the Board.

Financial Impact

Act 71 and the regulations will provide for the implementation and management of gaming within this Commonwealth and the collection of fees and taxes from entities and individuals authorized by the Board to be employed by, provide gaming related services to, or operate gaming facilities.

The appropriations from the Commonwealth for the implementation of Act 71 and costs of administering the act will be reimbursed by the licensed gaming entities as specified within the Act 71. Individuals and entities that wish to obtain licenses as gaming entities shall pay to the gaming fund significant licensing fees to obtain the authority to do business within this Commonwealth. Part of these fees shall reimburse the Board and the Pennsylvania State Police for licensing processes and background investigations. The licensing and registration of individuals and other classes of licensees will be reimbursed by the individuals and licensees through fees established by the Board.

It is anticipated that all expenses of the Board and all associated activities shall be reimbursed by the applicants and gaming entities as previously specified. The Board will have no financial impact on the State budget.

Statutory Authority

Section 1203 of the act provides the Board authority to adopt and publish temporary regulations to implement the policies and purposes of Act 71.

Regulatory Review

Under 4 Pa.C.S. § 1203, the Board may adopt temporary regulations that are exempted from the Regulatory Review Act and sections 201—205 of the CDL. Section 1203 of the act provides that the Board's authority to adopt regulations shall expire 2 years from the effective date of the act.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1203, the temporary regulations are exempt from the requirements of the Regulatory Review Act and sections 201—205 of the CDL.

(2) A 30-day public comment period was held prior to the adoption of the temporary regulations. All comments received by the Board were reviewed and considered.

(3) The adoption of the temporary regulations provided by this order is necessary and appropriate for the administration of the authorizing statute.

Order

The Board, acting under the authorizing statute, orders that:

(a) The Board acting under the authority of Act 71, adopts as its final-form temporary regulations, the draft regulations adopted by resolution at the July 21, 2005, Board meeting. The temporary regulations pertain to general licensing standards for slot machine license applicants, specific licensing standards for Category 1 slot machine license applicants and compulsive and problem gambling requirements for slot machine licensees.

(b) The temporary regulations of the Board, 58 Pa. Code, are amended by adding §§ 441.1—441.12, 443.1—443.3 and 501.1—501.8 to read as set forth in Annex A.

(c) The temporary regulations are effective July 21, 2005.

(d) The temporary regulations shall be posted in their entirety on the Board’s website and published in the *Pennsylvania Bulletin*.

(e) The temporary regulations shall be subject to amendment as deemed necessary by the Board in accordance with the purpose of Act 71 and to further the intent of Act 71.

(f) The Chairperson of the Board shall certify this order and deposit the regulations with the Legislative Reference Bureau as required by law.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-2. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART VII. GAMING CONTROL BOARD
Subpart C. SLOT MACHINE LICENSING

Chap.	
441.	SLOT MACHINE LICENSES
443.	CATEGORIES OF LICENSURE

CHAPTER 441. SLOT MACHINE LICENSES

Sec.	
441.1.	Definitions.
441.2.	Initial slot machine application deadlines.
441.3.	Slot machine license requirements.
441.4.	Slot machine license application.
441.5.	Financial fitness requirements.
441.6.	Character requirements.
441.7.	Procedure.
441.8.	Divestiture.
441.9.	Responsibilities of licensed organizations.
441.10.	Application bond or letter of credit requirement.
441.11.	Slot machine license issuance bond requirement.
441.12.	Public input.

§ 441.1. Definitions.

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

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

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

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

Slot machine license—For purposes of this chapter, the term includes a Category 1 slot machine license under section 1302 of the act (relating to Category 1 slot machine license), a conditional Category 1 slot machine license under section 1315 of the act (relating to Conditional Category 1 license), a Category 2 slot machine license under section 1304 of the act (relating to Category 2 slot machine license) and a Category 3 slot machine license under section 1305 of the act (relating to Category 3 slot machine license).

§ 441.2. Initial slot machine application deadlines.

(a) To enable the Board to consider all initial applications for every category of slot machine license together in a comprehensive Statewide manner, the Board will initiate the formal procedure for the acceptance, consideration and final resolution of all initial applications for slot machine licenses by setting a filing period for filing of all initial Category 1, 2 and 3 slot machine license applications. The filing period set by the Board shall be the same for all categories of slot machine licenses and shall be published in the *Pennsylvania Bulletin* at least 1 month prior to the start of the filing period.

(b) After the expiration of the filing period established by the Board under subsection (a), the Board will set a completion date by which all filed applications are to be deemed complete by the Board. An application that is not complete, as determined by the Board, by the filing date will not be considered. The completion date set by the Board under this subsection shall be the same for all categories of slot machine licenses and shall be published in the *Pennsylvania Bulletin* at least 45 days prior to the completion date.

(c) Subsections (a) and (b) do not apply to applications for conditional Category 1 slot machine licenses filed under § 443.3 (relating to conditional Category I licenses).

§ 441.3. Slot machine license requirements.

(a) An applicant for or holder of a slot machine license shall have a continuing duty to do the following:

(1) Notify the Board within 30 days of a material change in the information, materials, documents or facts relating to the license application, license or renewal application, which is relevant to the licensing requirements set forth in the act.

(2) Provide information required by the Board or the Bureau relating to licensing.

(3) Cooperate with the Board and the Bureau in investigations, hearings, enforcement and disciplinary actions.

(4) Comply with all conditions, restrictions, requirements, orders and determinations made by the Board in accordance with the act.

(b) Failure to provide the information required by this subpart shall result in an application being deemed incomplete.

(c) A copy of the local impact report required under § 441.4(a)(21) (relating to slot machine license application) shall be provided to each political subdivision in which the licensed facility will be located at least 7 days prior to the filing of the application for a slot machine license. The applicant shall file a proof of service with the Board.

§ 441.4. Slot machine license application.

(a) To be eligible for a slot machine license, an applicant shall submit an application which includes the following:

(1) An original and seven copies of the slot machine license Application and Disclosure Information Form.

(2) The name, address, fingerprints, photograph, handwriting exemplar and criminal history background information for the applicant, its key employee qualifiers and key employees and their current or proposed position and responsibilities within the applicant's business structure, unless granted a waiver under § 435.2(g) or § 435.3(f) (relating to key employee qualifier license; and key employee license).

(3) A license application for each key employee qualifier and key employee under Chapter 435 (relating to employees), unless granted a waiver under § 435.2(g) or § 435.3(f), including an original and seven copies of the Multi Jurisdictional Personal History Disclosure Form, the Pennsylvania Supplement and a nonrefundable background investigation deposit to be set by the Board and provided in a fee schedule for each key employee qualifier and each key employee. An additional charge may be assessed upon the applicant by the Board based on the actual expenses incurred to conduct the background investigation required by the act.

(4) An executed consent form for the Board and the Bureau to conduct background investigations for the applicant and each key employee qualifier and key employee and notarized releases necessary to obtain information from government agencies and other institutions.

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

(6) The proposed location of slot machines at the facility.

(7) The number of slot machines requested, consistent with section 1210 of the act (relating to number of slot machines) and section 1305(c) of the act (relating to Category 3 slot machine license).

(8) If applicable, copies of all filings required by the United States Securities and Exchange Commission, including all annual and current reports filed under section 13 or section 15D of the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78(m) and 78o-6) and all proxy statements issued by the applicant during the 2 immediately preceding fiscal years.

(9) Executed consent forms to allow inspections, searches and seizures and the examination of accounts and records.

(10) An executed waiver of liability for damages as required under § 421.1(d) (relating to general requirements).

(11) The applicant shall affirm that neither it nor any of its affiliates, intermediaries, subsidiaries or holding companies, key employee qualifiers or key employees hold any direct or indirect ownership interest in any applicant for or holder of a supplier license, or employs, directly or indirectly, any person who satisfies the definition of a key employee qualifier or key employee of a supplier licensee. In applying this provision to an applicant for a slot machine license, the Board will not include interests that are held by individuals in any of the following manners:

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

(ii) Through defined benefit pension plans.

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

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

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

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

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

(12) A current tax clearance and lien review from the Department.

(13) A current Unemployment Compensation Tax clearance review and a Workers' Compensation Tax clearance review from the Department of Labor and Industry.

(14) The details of any gaming, slot machine or casino license applied for by, or granted or denied to, the applicant or an affiliate, intermediary, subsidiary or holding company in any other jurisdiction and an executed consent for the Board to acquire copies of applications, licenses and related information from the other jurisdiction.

(15) The details of existing, unpaid loans from a financial institution or other source, or loans or financing arrangements to be entered into in connection with the applicant's proposed facility.

(16) Marketing plans and proposals.

(17) The location and description of the facility and a description of the proximity of the facility to its market service area.

(18) Architectural drawings, artist renderings, plans and other depictions of the facility to be licensed.

(19) The square footage of area that will be used for the placement of slot machines and the square footage of the areas that will not be used for the placement of slot machines.

(20) Planned retail and food venues for the facility and the identification of the outside operators of each venue.

(21) A local impact report, which includes, but is not limited to, engineering reports and traffic studies, including details of any adverse impact on transportation, transit access, housing, water and sewer systems, local police and emergency service capabilities, existing tourism, including historical and cultural resources or other municipal service or resource. Local impact reports and other studies and reports shall clearly indicate all information in the study or report that the applicant considers confidential.

(22) A description of proposed parking facilities and number of spaces.

(23) Land acquisition costs and supporting documents.

(24) A compulsive or problem gambling plan.

(25) If a temporary facility is to be licensed, a plan for how the licensee will transition to a permanent facility, including a date for the completion of the permanent facility.

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

(27) Except as provided in § 443.3(b)(12) (relating to Conditional Category 1 licenses), a bond or letter of credit required under § 441.10 (relating to application bond or letter of credit requirement).

(28) The history and success of the applicant or its affiliate in developing tourism facilities ancillary to gaming, if applicable.

(29) The degree to which the applicant's proposal will likely lead to the creation of quality, living wage jobs and full-time permanent jobs for residents of this Commonwealth and residents of the host political subdivision. The projected number of new jobs to be created if the license is granted, including the projected number of new employees at the licensed facility.

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

(31) The degree to which potential adverse effects related to the proposed facility, including costs of meeting the increased demand for public health care, child care, public transportation, affordable housing and social services, will be mitigated.

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

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

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

(33) The applicant's record in dealing with its employees and their representatives at other locations.

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

(35) Other information requested by the Board.

§ 441.5. Financial fitness requirements.

(a) An applicant for a slot machine license shall prove by clear and convincing evidence the financial stability and integrity of the applicant and its affiliates, intermediaries, subsidiaries and holding companies in accordance with section 1313 of the act (relating to slot machine license application financial fitness requirements).

(b) The Board will not approve a slot machine license application unless it has made an affirmative determination that the applicant has established it is likely to maintain a financially successful, viable and efficient business operation and will likely be able to maintain a steady level and growth of revenue to the Commonwealth.

(c) Unless a waiver under § 435.2(g) or § 435.3(f) (relating to key employee qualifier license; key employee license) has been granted or is pending, an applicant for a slot machine license shall provide the following to the Board:

(1) An executed authorization for the Board to examine all bank accounts and records as necessary.

(2) The organization, including a chart outlining the organizational structure, and the financial structure and

nature of all businesses owned or operated by the applicant and its affiliates, intermediaries, subsidiaries or holding companies, including the name, employment history and criminal history record of each key employee qualifier and key employee of each business owned or operated by the applicant and its affiliates, intermediaries, subsidiaries or holding companies.

(3) If the applicant is a corporation, the extent to which securities are held by all key employee qualifiers and their remuneration from salary, wages, fees and other sources.

(4) Bank references.

(5) Business income, disbursement schedules, accounting, check records and ledgers for the applicant and key employee qualifiers as applicable.

(6) The applicant's and each key employee qualifier's State and Federal tax returns and other reports filed with government agencies for the past 5 years.

(7) A list and description of all existing and proposed financial backers, as well as adequate information to allow the Board to determine the integrity of the financial backers as provided under section 1313(b) of the act. The Board may waive the requirement that it determine the integrity of a financial backer for a banking or lending institution or an institutional investor.

(8) Demonstration of adequate financing for the proposed facility and terms of financing including payback period.

(9) Business and economic development plans and timetables.

(10) Projected debt service expenses.

(11) Projected EBITDA and Internal Rate of Return.

(12) Projected annual gross terminal revenue.

(13) Projected operating and capital expenses.

(14) Defined gaming market and projected visitation.

(15) Any additional documentation or information requested by the Board.

§ 441.6. Character requirements.

(a) An applicant for a slot machine license shall prove by clear and convincing evidence the good character, honesty and integrity of the applicant and its affiliates, intermediaries, subsidiaries and holding companies in accordance with section 1310 of the act (relating to slot machine license application character requirements).

(b) Prior to approval of a slot machine license, the Board will make a finding relating to the applicant's good character, honesty and integrity.

(c) Unless a waiver under § 435.2(g) or § 435.3(f) (relating to key employee qualifier license; and key employee license) has been granted or is pending, the applicant shall provide the following to the Board:

(1) Information, documentation and assurances pertaining to family and personal background, habits, character, reputation, business activities, financial affairs and business, professional and personal associates for the 10 years immediately preceding the filing date of the application for the applicant, its key employee qualifiers and key employees, to include the information required under § 435.2(b).

(2) History of insurance claims for the past 7 years or that exceed \$50,000 relating to the business activities of the applicant or its affiliate, intermediary, subsidiary or holding company.

(3) Notice of any civil judgment obtained against the applicant, or any of its key employee qualifiers or key employees pertaining to antitrust or security regulation of laws of the Federal government, the Commonwealth or other jurisdiction.

(4) A letter of reference from law enforcement agencies having jurisdiction in the applicant's and key employee qualifier's principal place of residence and place of business indicating that the agency does not have any pertinent information relating to the applicant or its key employee qualifiers. If the law enforcement agency has information pertaining to the applicant or any of its key employee qualifiers, the letter must specify the details of the information. If no letters are received within 30 days of the request, the applicant or key employee qualifier may submit a sworn or affirmed statement that the applicant, or key employee qualifier is a citizen in good standing in his jurisdiction of residence and principal place of business.

(5) If the applicant has held a gaming license in any other jurisdiction, a letter of reference from the gaming or casino enforcement or regulatory agency in the other jurisdiction. The letter must specify the experiences of the agency with the applicant, the applicant's associates and the applicant's gaming operation. If no letter is received within 30 days of request by the applicant, the applicant may submit a sworn or affirmed statement that the applicant's operation is in good standing with the regulatory agency.

(6) Additional information requested by the Board.

§ 441.7. Procedure.

(a) If the Board determines that the applicant has proven by clear and convincing evidence that it has the financial stability, integrity and responsibility and is of good character, honesty and integrity, it may issue a slot machine license under this chapter.

(b) The Bureau may file an objection with the Board to the issuance of a license under this chapter if the Bureau determines that the applicant, a key employee qualifier, key employee or other employee or associate of the applicant, fails to meet the requirements of this chapter regarding financial fitness and character requirements. Notice of the objection will be provided to the applicant by the Bureau. The applicant shall be afforded 10 days to respond to the application.

(1) The Board will review the information contained in the objection by the Bureau and determine if the information warrants the denial of an application, divestiture under § 441.8 (relating to divestiture) or the imposition by the Board of conditions upon a license which establish the applicant's financial fitness and character as required by the Board.

(2) The Board may direct an applicant to disassociate itself with any employee or associate objected to by the Board or the Bureau, order divestiture under section 1312 of the act (relating to divestiture of disqualifying applicant) or to otherwise cure any defect that will enable the applicant to meet the financial fitness or character requirements of the act.

§ 441.8. Divestiture.

(a) If the Board determines that a slot machine license cannot be approved because the applicant, its key employee qualifier or other person who holds a direct or indirect interest in the applicant or in an affiliate, intermediary, subsidiary or holding company of the applicant, does not meet a character or other eligibility criteria

required by section 1310 of the act (relating to slot machine license application character requirements), or has an ownership or financial interest that is prohibited by section 1330 of the act (relating to multiple slot machine license prohibition), the Board may grant the person up to 120 days following the determination to completely divest his interest in the applicant or its affiliate, intermediary, subsidiary or holding company.

(b) The person shall notify the Board of his intention to divest within 30 days of notice from the Board of the opportunity to divest. The Board may extend this time period at its discretion.

(c) Failure to divest within 120 days, or within the time period prescribed by the Board, constitutes a per se disqualification of the applicant to receive a slot machine license.

(d) Following divestiture, the Board will reconsider the applicant's suitability for licensure in an expedited procedure.

(e) The terms of divestiture will be approved by the Board.

(f) The Board will not approve a divestiture if the compensation received for the divested interest exceeds the value of the interest.

§ 441.9. Responsibilities of licensed organizations.

(a) *General.* A Category 1 license, including a Conditional Category 1 license, may be issued to any qualifying legal business entity within an organization, if the legal business entity within the organization has been approved or issued a license from either the State Horse Racing Commission or the State Harness Racing Commission to conduct thoroughbred or harness race meetings. If a Category 1 license is issued to a legal business entity within an organization, all requirements, duties and obligations imposed by this part or the act on the licensed racing entity or a licensed racetrack shall be deemed to be requirements imposed on any legal business entity within the organization that has been approved or issued a Category 1 license. If more than one licensed racing entity, on July 5, 2004, was conducting a racing meet at the same licensed racetrack where an organization has been issued a Category 1 slot machine license, section 1303 of the act (relating to additional Category 1 slot machine license requirements) applies to each licensed racing entity at the licensed racetrack.

(b) *Specific.* If a Category 1 license is issued to a legal business entity in an organization, any legal business entity within the organization that has been approved or issued a Category 1 license shall be responsible for, in particular but not limited to, complying with:

(1) Section 1404 of the act (relating to distributions from licensee's revenue receipts).

(2) Section 1405 of the act (relating to Pennsylvania Race Horse Development Fund).

(3) Distribution allocations received from the Pennsylvania Race Horse Development Fund under section 1406 of the act (relating to Distributions from the Pennsylvania Race Horse Development Fund).

§ 441.10. Application bond or letter of credit requirement.

(a) Except as otherwise provided in § 443.3 (relating to Conditional Category 1 licenses), an application for a slot machine license shall include an original payment bond or an original irrevocable letter of credit that includes a draw certificate, at the applicant's option, guaranteeing

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

(1) The payment bond or irrevocable letter of credit shall be submitted and approved by the Board before the application may be deemed complete. The payment bond or irrevocable letter of credit shall be in the following amounts:

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

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

(2) It is not necessary for an applicant who has paid the \$50,000,000 slot machine license fee upon the issuance of a conditional Category 1 license under § 443.3 to post an additional payment bond or letter of credit in connection with its application for a Category 1 license if the application involves the same applicant at the same licensed facility.

(b) Unless otherwise required by the Board, a payment bond or letter of credit provided under this section must comply with the following:

(1) A payment bond must be issued by a surety company that is licensed by the Insurance Department and guaranteed by a guarantor that is licensed by the Insurance Department.

(2) A letter of credit must be issued by a bank, trust company, national banking association or corporation subject to registration with the Board of Governors of the Federal Reserve System under the Bank Holding Company Act of 1956 (12 U.S.C.A. §§ 1841—1849) whose unsecured obligations or uncollateralized long-term debt obligations have been assigned a rating within the two highest rating categories by Moody's and Standard & Poor's, or upon the discontinuance of Moody's or Standard & Poor's, by another Nationally recognized rating service.

(c) An application is not deemed complete until the Board investigates and approves the proposed terms of the payment bond or irrevocable letter of credit, the surety or financial institution that will issue the payment bond or irrevocable letter of credit and the guarantor that will guaranty the performance bond.

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

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

(f) The payment bond or irrevocable letter of credit must state that it runs continuously and remains in full force and effect throughout the period in which the application is on file with the Board and until the application is denied or all of the following occur:

(1) The license is issued.

(2) The license application fee is paid.

(3) The applicant is permitted by the Board to withdraw its application under § 423.5 (relating to application withdrawal).

§ 441.11. Slot machine license issuance bond requirement.

(a) A licensed gaming entity shall post an original performance bond in the amount of \$1,000,000 upon the issuance of a slot machine license.

(b) Unless otherwise required by the Board, the performance bond must comply with the following:

(1) The performance bond must be issued by a surety company licensed by the Insurance Department and guaranteed by a guarantor that is licensed by the Insurance Department.

(2) A licensed gaming entity shall submit its proposed performance bond to the Board prior to the issuance of a slot machine license. The Board will investigate and approve the proposed terms of the performance bond and the surety that will issue the performance bond and the guarantor that will guarantee the performance bond.

(3) The performance bond must state that it is payable to "The Commonwealth of Pennsylvania" as the obligee for immediate payment of the licensed gaming entity's financial obligations to the Commonwealth under the act and as security to guarantee that the licensed gaming entity faithfully makes the payments, keeps its books and records, makes reports and conducts its operations in compliance with the act.

(4) The performance bond shall state that it runs continuously and remains in full force and effect throughout the period of time that the slot machine license is in effect. The surety shall provide the Board at least 30 days written notice of cancellation of the performance bond.

(c) The Board may demand that the slot machine licensee post a new performance bond upon the occurrence of any of the following:

(1) Liability on the existing performance bond is discharged or reduced by judgment rendered, payment made or similar occurrence.

(2) The Board determines that the surety or guarantor is no longer satisfactory.

(3) The licensed gaming entity requests the right to post a new performance bond.

(4) The Board receives notice that the performance bond will be cancelled.

§ 441.12. Public input.

(a) If the Board determines that there is substantial public interest in a slot machine licensing proceeding, it may conduct a public hearing in the municipality where the proposed facility is to be located.

(b) The Board will develop and publish a protocol establishing the procedure to be used in the conduct of a public hearing under this section.

CHAPTER 443. CATEGORIES OF LICENSURE

Sec.	
443.1.	Category 1 slot machine licenses.
443.2.	Alternative Category 1 licensing standards.
443.3.	Conditional Category 1 licenses.

§ 443.1. Category 1 slot machine licenses.

(a) To be eligible to receive a Category 1 slot machine license, an applicant shall submit the following:

(1) A statement detailing the applicant's regulatory history as a licensed racing entity under the jurisdiction of the State Horse Racing Commission or State Harness Racing Commission, including the applicant's history of suitability and compliance with the Race Horse Industry

Reform Act in the operation of the racetrack and nonprimary locations and the conduct of pari-mutuel wagering.

(2) A verification from the State Horse Racing Commission or the State Harness Racing Commission stating that the applicant has satisfied the license eligibility requirements under section 1302 of the act (relating to Category 1 slot machine license).

(3) A verification from the State Horse Racing Commission or the State Harness Racing Commission stating that the applicant has satisfied the live racing requirements under section 1303 of the act (relating to additional Category 1 slot machine license requirements).

(4) An initial plan for the management and use of backside area improvement and maintenance accounts under section 1404 of the act (relating to distributions from licensee's revenue receipts).

(5) An initial plan for the management of accounts created from funds allocated under section 1406 of the act (relating to distributions from Pennsylvania Race Horse Development Fund).

(6) Information deemed necessary by the Board to determine the operational viability, financial fitness or character of the applicant.

(b) The State Horse Racing Commission or the State Harness Racing Commission may submit additional information to the Board if it believes the information will assist the Board in making a determination relating to the operational, financial or character fitness of the applicant.

(c) The Board may issue a Category 1 slot machine license if it determines that the applicant has complied with the requirements of this section and has proven by clear and convincing evidence that it has the financial stability and integrity and the good character, honesty, integrity and responsibility to qualify for a slot machine license.

(d) An applicant for a Conditional Category 1 license who has paid the fee under § 441.4(a)(3) (relating to slot machine license application) as part of its conditional license application shall only pay the additional costs of updating background information as required by the Board.

§ 443.2. Alternative Category 1 licensing standards.

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

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

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

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

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

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

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

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

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

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

(e) Following the issuance of a Category 1 license under this section, the Bureau will initiate a complete review of all information submitted under this subpart. If the applicant does not meet the requirements of the act following formal proceedings under § 441.7 (relating to procedure), the Board will revoke the license or suspend or condition the license until the applicant meets all the requirements of the act.

§ 443.3. Conditional Category 1 licenses.

(a) A person who is eligible for a Category 1 license may apply for a Conditional Category 1 license.

(b) An application for a Conditional Category 1 license shall include the following information:

(1) A statement detailing the applicant's regulatory history as a licensed racing entity under the jurisdiction of the State Horse Racing Commission or State Harness Racing Commission, including the applicant's history of suitability and compliance with the Race Horse Industry Reform Act in the operation of the racetrack and any nonprimary locations and the conduct of pari-mutuel wagering.

(2) A verification from the Horse Racing Commission or the Harness Racing Commission stating that the applicant has satisfied the license eligibility requirements under section 1302 of the act (relating to Category 1 slot machine license).

(3) A verification from the Horse Racing Commission or the Harness Racing Commission stating that the applicant has satisfied the live racing requirements under section 1303 of the act (relating to additional Category 1 slot machine license requirements).

(4) A copy of the applicant's audited financial statements for the last 5 years.

(5) A chart disclosing the organizational structure of the applicant and identifying the affiliate, intermediary, subsidiary or holding company, if any, that will operate the slot machine facility under the Conditional Category 1 license, if issued.

(6) A statement identifying and providing the required licensing information under §§ 435.2 and 435.3 (relating to key employee qualifier license; and key employee license) for all key employee qualifiers and key employees

who will conduct slot machine operations under the conditional license, unless subject to waiver under § 435.2(g) or § 435.3(f).

(7) An original and seven copies of the Multi Jurisdictional Disclosure Form for each key employee qualifier and key employee and a consent form from each of these individuals authorizing the Board to conduct a background investigation and a release signed by each key employee qualifier and key employee identified under paragraph (6) of all information required to complete the investigation, unless subject to waiver under § 435.2(g) or § 435.3(f).

(8) A detailed statement that includes the following:

(i) The location of the proposed slot machine facility.

(ii) The detailed plans for the slot machine facility to be operated under the conditional license, if issued, including architectural and engineering plans.

(iii) The number of machines which the applicant plans to operate.

(iv) A description of how the slot machine operations under the conditional license will enhance the applicant's horse racing operations.

(v) The estimated capital expenditure, including the cost of purchasing slot machines, for the applicant's proposed facility under the conditional license.

(9) A current tax clearance and lien review performed by the Department.

(10) A current Unemployment Compensation Tax clearance certificate and a Workers' Compensation Tax clearance certificate from the Department of Labor and Industry.

(11) Detailed information pertaining to any gaming, slot machine or casino license held or denied in any other jurisdiction and an executed consent form authorizing the Board to obtain documents and information relating to the license issuance or denial in the other jurisdiction.

(12) The payment bond or letter of credit required under § 441.10 (relating to application bond or letter of credit requirement). The Board may waive this requirement if the applicant provides adequate documentation regarding its ability to pay the \$50,000,000 licensing fee upon issuance of a Conditional Category 1 license.

(13) A sworn or affirmed statement that the applicant, its key employee qualifiers and key employees have not been convicted of a felony or a gambling offense in any jurisdiction within the past 15 years.

(c) An application submitted under subsection (a) and information obtained by the Board or the Bureau relating to the application shall be part of the evidentiary record of the licensing proceeding. Information obtained, including background investigation information and documents and information from other jurisdictions shall be served on the applicant. The Board's decision to issue or deny a Conditional Category 1 license will be based solely on the evidentiary record before the Board.

(d) The Board will consider and evaluate the applicant's record with the State Horse Racing Commission or the State Harness Racing Commission for operating a racetrack and any nonprimary location and conducting pari-mutuel wagering as a factor in its deliberations relating to the issuance of a conditional license.

(e) The Board will not issue a Conditional Category 1 license until:

(1) Ninety days following the Board's initial approval, conditioning or denial of all filed applications for manufacturer and supplier licenses.

(2) The applicant's application for a Category 1 license has been filed and deemed complete by the Board.

(3) A filing period has been established by the Board for applications for all categories of slot machine licenses under § 441.2 (relating to initial slot machine application deadlines).

(f) If the holder of a Conditional Category 1 license does not receive Board approval for a Category 1 license within 18 months of the deadline established by the Board for the application to be deemed complete under § 441.2, the Conditional Category 1 license shall be forfeited and the authorization to place and operate slot machines at the licensed facility shall be revoked.

(g) If a Conditional Category 1 license expires without the issuance of a license or if an application for a license is denied, the applicant shall be entitled to a return of 85% of the conditional slot machine license fee submitted by the applicant.

Subpart I. COMPULSIVE AND PROBLEM GAMBLING

Chap.
501.

COMPULSIVE AND PROBLEM GAMBLING

CHAPTER 501. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS

Sec.

- 501.1. Definitions.
- 501.2. Compulsive and problem gambling plan.
- 501.3. Criteria for development.
- 501.4. Employee training program.
- 501.5. Reports.
- 501.6. Liability.
- 501.7. Signage requirements.
- 501.8. Prohibition on check cashing.

§ 501.1. Definitions.

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

Qualified treatment professional—A mental health or behavioral health professional who has produced documentation of the training, experience and competency, including a license or certification in good standing if required by the Commonwealth, necessary to treat compulsive and problem gambling. The term includes community based organizations such as Gamblers Anonymous.

§ 501.2. Compulsive and problem gambling plan.

A slot machine licensee shall submit a compulsive and problem gambling plan to the Board at the time of submission of the application. The plan must meet the minimum standards in this subpart. The maintenance of the plan approved under this subpart shall be a condition of license renewal.

§ 501.3. Criteria for development.

(a) *Content of plan.* A compulsive and problem gambling plan must include the following:

(1) The goals of the plan and procedure and timetables to implement the plan.

(2) The identification of the individual who will be responsible for the implementation and maintenance of the plan under this subpart.

(3) Policies and procedures including the following:

(i) The commitment of the licensee to train appropriate employees.

(ii) The duties and responsibilities of the key employees and gaming employees designated to implement or participate in the plan.

(iii) The responsibility of patrons with respect to responsible gambling.

(iv) Procedures to identify patrons and employees with suspected or known compulsive and problem gambling behavior.

(v) Referral of individuals self excluded from gaming activities under section 1516 of the act (relating to list of persons self excluded from gaming activities) to qualified treatment professionals, including mental health, behavioral health and other professions and to community compulsive gambling organizations.

(vi) Referral of suspected or known compulsive and problem gamblers to qualified treatment professionals. This subparagraph does not create a duty for licensed facilities or its employees to refer compulsive and problem gamblers to qualified treatment professionals.

(4) The provision of printed material to educate patrons about compulsive and problem gambling and to inform them about treatment services available to compulsive and problem gamblers and their families. The slot machine licensee shall provide examples of the materials to be used as part of its plan, including signs, brochures and other printed material and a description of how the material will be disseminated.

(5) An employee training program, including training materials to be utilized and a plan for periodic reinforcement training.

(6) A certification of an employee's completion of the training required by the plan in a form approved by the Board.

(7) An estimation of the cost of development, implementation and administration of the plan.

(8) The qualified treatment professional and community organizations to which compulsive and problem gamblers will be referred.

(9) Procedures to prevent underage gambling.

(10) Procedures to prevent intoxicated patrons from playing slot machines.

(11) If the plan includes an outreach program, the details of the program.

(12) The posting of Board approved signs within the licensed facility, containing gambling treatment referral information.

(13) Other policies and procedures to encourage responsible gambling.

(b) *Department of Health.* The Board may provide the plan submitted by the slot machine licensee to the Department of Health for evaluation. The Department of Health may provide comments and recommendations to the Board relating to the plan.

§ 501.4. Employee training program.

(a) A plan submitted under this subpart shall include an employee training program, including instruction in the following:

(1) Characteristics and symptoms of compulsive behavior, including compulsive and problem gambling.

(2) The relationship of compulsive and problem gambling to other addictive behavior.

(3) The social and economic consequences of compulsive and problem gambling, including debt, treatment costs, suicide, criminal behavior, unemployment and family counseling.

(4) Techniques to be used when compulsive and problem gambling is suspected or identified.

(5) Techniques to be used to discuss compulsive and problem gambling with patrons and to refer and advise patrons regarding community, public and private treatment services.

(6) Procedures designed to prevent serving alcohol to visibly intoxicated gaming patrons.

(7) Procedures for removing self-excluded persons from a licensed facility including, if necessary, procedures that include obtaining the assistance of appropriate law enforcement personnel.

(8) Procedures for preventing any person identified on the self-exclusion list from receiving any advertisement, promotion or other target mailing after 90 days of receiving notice from the Board that the person has been placed on the self-exclusion list.

(9) Procedures for the dissemination of written materials to patrons explaining the self-exclusion program.

(10) Procedures to prevent any person placed on the self-exclusion list from having access to or from receiving complimentary services, or other like benefits.

(11) Procedures designed to prevent persons from gambling after having been determined to be visibly intoxicated.

(b) Training for permanent employees shall be conducted by qualified treatment professionals within time tables approved by the Board for the completion of training.

(c) Key employees and gaming employees designated to receive training shall receive the certification under § 501.3(a)(6) (relating to criteria for development) upon completion of the training.

(d) Key employees and gaming employees who are required to receive training under the plan shall receive periodic reinforcement training, which shall be reported in a manner prescribed by the Board.

(e) A key employee or gaming employee may report suspected or identified compulsive or problem gamblers to a designated key employee or other supervisory employee. The employee who makes a report under this subsection shall be immune from liability under § 501.6 (relating to liability).

(f) The identity of an individual suspected of known compulsive or problem gambling shall be confidential except as provided under this subpart and section 1516(d) of the act (relating to list of persons self-excluded from gaming activities).

(g) Slot machine licensees may collaborate with qualified treatment professionals to develop an in-house or Internet based employee training program to provide the training and reinforcement training in accordance with this subpart. The use of the Internet based program must be approved by the Board prior to the use of the program to meet the requirements of this subsection.

(h) If the plan submitted under this subpart meets the minimum requirements of this subpart, the Board will

approve the plan. The Board will approve or disapprove the plan within 90 days of its submission. If the Board disapproves the plan, the applicant shall have 30 days to make the changes requested by the Board and to resubmit the plan to meet the minimum requirements set forth in this subpart.

§ 501.5. Reports.

A slot machine licensee shall submit an annual summary of its compulsive and problem gambling plan with its application for renewal of the slot machine license.

§ 501.6. Liability.

A licensed gaming entity or an employee thereof is not liable for damages in a civil action based on the following:

- (1) Failure to include any of the requirements of this chapter in its compulsive and problem gambling plan under this chapter.
- (2) Compliance or noncompliance with this section or a plan adopted under this chapter.
- (3) An action or failure to take action under this chapter or a plan adopted under this chapter.
- (4) Failure to withhold gambling privileges from an individual.
- (5) Permitting an individual to gamble.

§ 501.7. Signage requirements.

(a) Under section 1509(c) of the act (relating to compulsive and problem gambling program), each licensed gaming entity shall post signs that include the statement: "If

you or someone you know has a gambling problem, help is available. Call (toll-free telephone number)." The complete text of the sign will be determined by the Board. The signs shall be prominently posted at the following locations:

- (1) Within 50 feet of each entrance and exit of the facility.
- (2) Within 50 feet of each ATM, cash dispensing or change machine in each facility.
- (b) Each licensee shall print a statement related to obtaining compulsive or problem gambling assistance, the text of which shall be determined by the Board, on all marketing or advertising materials that are offered to the general public by a licensee, including signs, billboards, print, radio or television advertisements.

§ 501.8. Prohibition on check cashing.

- (a) Except as otherwise permitted in this section, a licensed gaming entity or any person acting on behalf of a licensed gaming entity, may not cash any check, including Social Security, unemployment insurance, disability payment, public assistance payment or payroll check from any person to enable such person to take part in gaming.
- (b) Notwithstanding the provisions of subsection (a), a licensed gaming entity may accept a recognized traveler's check, cashier's check, money order, wire transfer check or other cash equivalent.

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