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# PENNSYLVANIA BULLETIN

Volume 36  
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## Agencies in this issue

The Courts  
Department of Banking  
Department of Community and Economic  
Development  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Fish and Boat Commission  
Pennsylvania Gaming Control Board  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Board of Nursing  
State Employees' Retirement Board

**Detailed list of contents appears inside.**



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

**No. 382, September 2006**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

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

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

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

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

## **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

## **Citation to the *Pennsylvania Bulletin***

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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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2006.

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# THE COURTS

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

**Amendment of Fee Schedule for Counsel Appointed by the Court; 06-2715 and 06-9278, CP-13-AD-0000006-2006 (Old Number 87-2197 and 71 MI 04)**

#### Administrative Order No. 17-2006

*And Now*, this 21st day of August, 2006, in order to establish a reasonable rate for counsel appointed by the Court, it is hereby

*Ordered and Decreed* that, effective January 1, 2007, Carbon County *Amends* the fee schedule for court appointed counsel in all types of cases except homicide cases to the rate of Fifty Dollars (\$50.00) per hour for time expended in Court and Forty Dollars (\$40.00) per hour for time expended out of Court. Homicide cases shall be established at the rate of Seventy-Five Dollars (\$75.00) per hour for time expended in Court and Fifty Dollars (\$50.00) per hour for time expended out of Court. All compensation payments shall be approved by the Court.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee, Pennsylvania Criminal Procedural Rules Committee, Pennsylvania Orphans Court Procedural Rules Committee and Pennsylvania Juvenile Court Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office, Clerk of Courts Office, Juvenile Court and Orphans Court.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

[Pa.B. Doc. No. 06-1746. Filed for public inspection September 8, 2006, 9:00 a.m.]

### CENTRE COUNTY

**Adoption of Local Criminal Rule 117; No. CP-14-MD-690-2006**

#### Order

*And Now*, this 21st day of August, 2006, pursuant to Pennsylvania Rules of Criminal Procedure 117 and 105,

this Court hereby adopts Local Criminal Rule 117, as follows; the same to be given full force and effect once all provisions of Pennsylvania Rule of Criminal Procedure 105(c), et seq., have been fully complied with.

*By the Court*

CHARLES C. BROWN, Jr.,  
*President Judge*

### Centre County Criminal Local Rule

**Local Rule 117 Providing for Judicial Coverage for the Issuance of and Presiding Over Necessary Proceedings: Issuing Warrants, Preliminary Arraignments, Summary Trials, and Setting and Accepting Bail**

(a) After normal business hours, coverage shall be provided by a Magisterial District Judge, assigned on a rotational schedule, who has county-wide jurisdiction and who operates between the hours of 5:00 p.m. to 8:30 a.m. Monday through Friday. Holidays and weekend coverage shall be provided by an assigned on-call Magisterial District Judge.

(1) In the event a Magisterial District Judge is needed for after-hours coverage for the issuance of a search or arrest warrant, a preliminary arraignment, a summary trial, a protection from abuse petition, or other emergency matters; the "duty" Magisterial District Justice will be contacted through the Centre County 911 Center.

(2) The "duty" Magisterial District may conduct essential hearing, such as a preliminary arraignment pursuant to Pa.R.Crim.P. 516 & 519 (A)(1) and summary trials pursuant to Pa.R.Crim.P. 430(A), 431 (b)(3), and 441(c), from any approved advanced communication technology site.

(3) It shall be at the discretion of the Magisterial District Judge presiding whether to conduct said essential hearing.

(b) Monetary bond may be posed after normal business hours for Magisterial District Judge Court or Common Pleas Court cases at the Centre County Correctional Facility by certified check or money order. Bail bond agents may continue to post bond at the Centre County Correctional Facility.

[Pa.B. Doc. No. 06-1747. Filed for public inspection September 8, 2006, 9:00 a.m.]

### PIKE COUNTY

**Amendment to Local Rule L.Civ.P. 1915; No. 1146-2006-Civil**

#### Order

*And Now*, this 22nd day of August, 2006, the Court *Orders* the following:

1. Local Rule of Civil Procedure 1915 is hereby amended effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Civil Procedural Committee;

d. Provide one (1) copy of this *Order* and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

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

*By the Court*

JOSEPH F. KAMEEN,  
President Judge

**Local Rule L.1915—Civil Custody, Partial Custody and Visitation**

A. Claims for Custody—Whenever a Divorce Complaint containing a count for custody, a Custody Complaint or a Petition for Modification is filed, it shall contain a Cover Sheet, essentially in the attached format. The Prothonotary shall submit the Cover Sheet to the Court Administrator. Pursuant to the provisions of 23 Pa.C.S.A. § 3902(a), an additional twenty dollar (\$20) filing fee is hereby imposed on Custody Complaints and Divorce Complaints containing a count for custody. After the filing of any of the above pleadings, each of the parties shall be ordered to attend the “Kids First” Program, or other similar program approved by the Court, cost to be borne by the parties. Failure by a party to comply with an Order of Court directing attendance at one of the programs, as set forth above, will result in the initiation of contempt proceedings against said party.

B. Upon the filing of a Divorce Complaint containing a count for custody, a Custody Complaint, or a Petition for Modification of Custody, the parties shall be Ordered to attend an orientation session relative to resolving the dispute through a mediation process, pursuant to the provisions of Pa.R.C.P. § 1940.3 and 23 Pa.C.S.A. § 3901(b). No orientation session shall take place if a party or a child of either party is or has been the subject of domestic violence or child abuse either during the pendency of the action or within twenty-four (24) months preceding the filing of the action, pursuant to Pa.R.C.P. § 1940.3(b), which shall be determined by the domestic violence answers on the Cover Sheet.

C. For internal control and monitoring, all motions and petitions in custody actions shall be filed with the Prothonotary, for submission to the Court Administrator. Motions requiring immediate action shall be brought directly to the Court Administrator.

D. The Mediator shall encourage and supervise the formulation of settlement agreements between the parties. In the event the parties agree to mediation, each party shall bear the cost equally, in accordance with procedures established by the Court. The mediation shall be conducted in accordance with the provisions of Pa.R.C.P. § 1940.1—1940.8.

E. In the event the parties reach an agreement, the Mediator shall, within fourteen (14) days, prepare a Memorandum of Understanding (MOU), pursuant to the provisions of Pa.R.C.P. § 1940(b). The Mediator shall then provide the parties, and/or their attorneys, the opportunity to meet with the Mediator to finalize the

terms of the Memorandum of Understanding. In the event the parties, and/or their attorneys, agree that the MOU can be submitted to the Court, the Mediator will do so and an Order approving the MOU will be entered. In the event the parties, and/or their attorneys, desire to prepare a more formal Settlement Agreement, it must be submitted to the Mediator, signed by each of the parties, within fourteen (14) days of the final mediation session with the parties, and/or their attorney. The Mediator shall then submit the Settlement Agreement to the Court with a recommendation. If a Settlement Agreement is not submitted within fourteen (14) days as aforesaid, and neither of the parties, and/or their attorneys, have objected to the terms of the MOU, said MOU will be submitted by the Mediator to the Court, with a recommendation that it be approved and made an Order of the Court.

In the event the parties, and/or their attorneys, before holding the final mediation session as set forth above, either submit a signed Settlement Agreement, or agree to the terms of the MOU, and agree that it can be submitted to the Court for approval, then the Mediator shall determine whether or not a final mediation session need be held.

F. In the event no agreement is reached at the mediation, the Court shall appoint a Hearing Officer to conduct a hearing, which shall be recorded. The Hearing Officer shall file a Report and Recommendation and proposed Order with fifteen (15) days upon which the trial is concluded, unless extended by Court Order, for good cause shown. The Hearing Officer shall send a copy of the Report and Recommendation and proposed Order to each party or their counsel. If no Exceptions are filed within ten (10) days of the filing of the report, the Prothonotary shall transmit the file for Court approval.

G. Exceptions to the Hearing Officer’s Report and Recommendation, and proposed Order, shall be in writing, and shall be filed with the Prothonotary, within ten (10) days of the date of the Hearing Officer’s Report. Upon the filing of Exceptions, the Prothonotary shall schedule the matter for argument on the next available argument date. A copy of the Exceptions shall be delivered to the Hearing Officer, and opposing counsel. All costs associated with the filing of Exceptions, including transcription costs, shall be borne by the party filing same.

H. Upon certification from the Hearing Officer that the matter relates to Primary Custody and is outside the Hearing Officer’s authority, pursuant to Pennsylvania Rule of Civil Procedure 1915.4-1A, a status conference in preparation for a De Novo Custody Trial, shall be scheduled before the Trial Judge within sixty (60) days of the receipt of the Hearing Officer’s Report and Recommendation.

A Status Conference/Pre-Trial Memo, in the attached format, shall be submitted by each party to the Trial Judge, and opposing counsel, at least five (5) days prior to a scheduled status conference. The Status Conference Memo shall be for the exclusive use of the Trial Judge, and shall not be made part of the record.

[Pa.B. Doc. No. 06-1748. Filed for public inspection September 8, 2006, 9:00 a.m.]

# DISCIPLINARY BOARD OF THE SUPREME COURT

## Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania issued August 22, 2006, Nathaniel M. Davis is suspended from the practice of law for a period of one year and one day, to be effective September 21, 2006. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 06-1749. Filed for public inspection September 8, 2006, 9:00 a.m.]

## Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated July 26, 2006, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective August 25, 2006 for Compliance Group 3 due December 31, 2005.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Ahmad, Sarah  
Washington, DC  
Allen III, Frederick H.  
Somerville, NJ  
Batts, Norliza  
Fort Lauderdale, FL  
Belli Jr., Richard Charles  
Marlton, NJ  
Benson, Stacy I.  
Martinsville, NJ  
Borock, Jacqueline  
Kingston, NY  
Buckman IV, John B.  
Morristown, NJ  
Chase-Walters, Victoria Lynne  
Camden, NJ  
Ciocca, Stephen Charles  
Buffalo, NY  
Curley, Brian Francis  
Morristown, NJ  
Currier, Romin N.  
West Palm Beach, FL  
Edgerton, Adele Pleasance  
New Haven, CT

Fernando-Santana, G. Alain  
Santa Clara, CA  
Goodman, Steven Jeffery  
Ventnor, NJ  
Gorski, Gary William  
Fair Oaks, CA  
Hager, Christopher W.  
Morristown, NJ  
Henderson, Renee Lynette  
Cherry Hill, NJ  
Hunter, Maureen E.  
Holden, MA  
Klima, William Leonard  
Stafford, VA  
Kotchick, Gregory Francis  
West Caldwell, NJ  
Levin, Meredith Rae  
La Jolla, CA  
Luthra, Dipika J.  
New York, NY  
Marchioni, Elizabeth Watson  
Wilmington, DE  
Mastrodomenico, Nicholas M.  
Montville, NJ  
McGuigan, Epiphany  
Atlantic City, NJ  
Motta, Alison H.  
Aurora, IL  
Nicodemo III, Robert Rocco  
Cherry Hill, NJ  
Penberthy III, John C.  
Marlton, NJ  
Peterson, Mark Douglas Starr  
Washington, DC  
Pinto, Earl Gregory  
Silver Spring, MD  
Santangini, Paul David  
Mullica Hill, NJ  
Serata, Daniel Edward  
Union City, NJ  
Sudol, Ted Joseph  
Harrisonburg, VA  
Tarrantor, Cheryl Leslie  
Richmond, VA  
Uhlig, Calvin D.  
Kaneohe, HI  
Wallen, John David  
Wilmington, DE  
Weinberg, Marc David  
Wilmington, DE  
White, Reginald F.  
Sicklerville, NJ

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

[Pa.B. Doc. No. 06-1750. Filed for public inspection September 8, 2006, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 143]

#### Manufactured Housing

The Department of Community and Economic Development (Department), under the authority of section 6 of the Manufactured Housing Construction and Safety Standards Authorization Act (act) (35 P. S. § 1656.6), amends Chapter 143 (relating to manufactured housing). The purpose of this final-form rulemaking is to establish fees charged to manufacturers and retailers to cover the costs of extraordinary/follow-up monitoring and inspections incurred by the Department beyond those covered by fees authorized by the United States Department of Housing and Urban Development (HUD) and to update the existing regulations with the term "housing standards division."

#### *Introduction*

Under the act, HUD funds the Department with a monitoring inspection fee in an amount authorized by HUD under the Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5424). When the Department is required to perform additional monitoring because the manufacturer or retailer fails to take appropriate corrective measures, the funds received from HUD are insufficient to cover the costs of the same. Under section 6 of the act, this final-form rulemaking establishes fees to cover the costs of extraordinary/follow-up monitoring beyond that which is presently funded.

The Department received comments from the Independent Regulatory Review Commission (IRRC), voicing two concerns. Both concerns involved new § 143.15 (relating to fees), which allows the Department to charge manufacturers or retailers fees to cover the costs of extraordinary/follow-up monitoring and inspection incurred by the Department beyond those covered by fees authorized by HUD. The first concern involved a perceived failure on the part of the Department to clarify which of the included daily or hourly fees the manufacturer or retailer would be charged for "follow-up inspection or monitoring services" and "administrative services associated with follow-up inspection or monitoring services." In response to this concern, the Department has added the language suggested by the Commission, "whichever is less," to the fees under both categories. The second concern involved the addition of a cross reference to when the manufacturer or retailer can find the current rates for "travel and per diem expenses." In response, the Department added the language that the manufacturer or retailer may contact the Department for this information, since no cross reference was located.

#### *Analysis*

Sections 143.4, 143.12 and 143.13 (relating to responsibility of the Department; consumer complaints; and investigations) are amended to delete the term "division of

manufactured housing" and replace it with the updated term "housing standards division."

Section 143.14 (relating to hearing) is amended to delete the word "held."

New § 143.15 allows the Department to charge manufacturers or retailers fees to cover the costs of extraordinary/follow-up monitoring and inspection incurred by the Department beyond those covered by fees authorized by HUD.

#### *Fiscal Impact*

*Commonwealth.* The additional fees allowed under this final-form rulemaking will enable the Department to recover the costs associated with extraordinary/follow-up monitoring when it is determined that either a manufactured home manufacturer or retailer fails to remediate failures to comply with applicable standards or regulations.

*Political subdivisions.* There will be no fiscal impact on political subdivisions.

*Public.* Only manufacturers and retailers of manufactured homes that fail to take corrective steps after they have been informed of failures to comply with applicable standards or regulations will incur the additional fees allowed under this final-form rulemaking.

#### *Paperwork*

The final-form rulemaking will not change existing paperwork requirements.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 23, 2006, the Department submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 559 (February 4, 2006), to IRRC and the Chairperson of the House Commerce Committee, and the Chairperson of the Senate Community and Economic Development Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on August 9, 2006, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 10, 2006, and approved the final-form rulemaking.

#### *Effective Date/Sunset Date*

This final-form rulemaking will become effective November 8, 2006. The regulations will be monitored on an annual basis and updated as needed.

#### *Contact Person*

For an explanation of this final-form rulemaking, contact Lisa Maiorana, Assistant Counsel, Office of Chief Counsel, Department of Community and Economic Development, Commonwealth Keystone Building, 4th Floor, 400 North Street, Harrisburg, PA 17120, (717) 720-7330.

*Findings*

The Department finds that:

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

(2) The final-form rulemaking is necessary and appropriate.

*Order*

The Department, acting under the authorizing statute, orders that:

(a) The regulations of Department, 12 Pa. Code Chapter 143, are amended by amending §§ 143.4 and 143.12—143.14 to read as set forth at 36 Pa.B. 559 and by adding § 143.15 to read as set forth in Annex A.

(b) The Department shall submit this order, 36 Pa.B. 559 and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to legality as required by law.

(c) The Secretary shall certify this order, 36 Pa.B. 559 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect November 8, 2006.

DENNIS YABLONSKY,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 4801 (August 26, 2006).)*

**Fiscal Note:** Fiscal Note 4-84 remains valid for the final adoption of the subject regulations.

**Annex A****TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT****PART V. COMMUNITY AND ECONOMIC DEVELOPMENT****Subpart C. COMMUNITY DEVELOPMENT AND HOUSING****CHAPTER 143. MANUFACTURED HOUSING****§ 143.15. Fees.**

To offset the costs of follow-up monitoring or inspections incurred by the Department beyond those provided for in the monitoring inspection fees authorized by the United States Department of Housing and Urban Development, the Department may charge the manufacturer or retailer the following fees:

Follow-up inspection or monitoring services	\$400 per day or \$60 per hour, whichever is less.
Administrative services associated with follow-up inspection or monitoring services	\$175 per day or \$25 per hour, whichever is less.
Travel and per diem expenses	Current Commonwealth travel and per diem expenses. (The manufacturer or retailer may contact the Department for this information.)

[Pa.B. Doc. No. 06-1751. Filed for public inspection September 8, 2006, 9:00 a.m.]

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[58 PA. CODE CH. 69]

### Fishing in Lake Erie and Boundary Lakes

The Fish and Boat Commission (Commission) proposes to amend Chapter 69 (relating to fishing in Lake Erie and boundary lakes). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. Effective Date

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

#### B. Contact Person

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

#### C. Statutory Authority

The proposed amendment to § 69.21 is published under the statutory authority of section 2903 of the code (relating to boat and net licenses for boundary lakes).

#### D. Purpose and Background

The proposed rulemaking is designed to update, modify and improve the Commission's regulations regarding the use and number of seine nets for fishing on Lake Erie. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

#### E. Summary of the Proposal

The Commission received a request to increase the authorized number of seine licenses issued under § 69.21 from individuals interested in obtaining a license but finding that none are available due to past licensees holding them. Staff from the Commission's Bureau of Fisheries and Bureau of Law Enforcement reviewed the request and agree that an increase in seine licenses to a total of 15 will support the fishery interests on Lake Erie. They also agree that a maximum of two licenses per individual is appropriate.

The Commission therefore proposes to increase the number of available seine licenses from 10 to 15 and to limit the number of licenses that an individual may hold to 2, provided that the individual who currently possesses three seine licenses be grandfathered in the future. Accordingly, the Commission proposes to amend § 69.21 to read as set forth in Annex A.

#### F. Paperwork

The proposed rulemaking will create no new paperwork requirements because the Commission's current regulations allow for seine licenses. Paperwork may increase slightly because the Commission will issue five additional seine licenses.

#### G. Fiscal Impact

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

private sector or the general public. The current fees for seine licenses in section 2903 of the code will remain unchanged.

#### H. Public Comments

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

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

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

**Fiscal Note:** 48A-185. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart B. FISHING

#### CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

#### Subchapter C. COMMERCIAL FISHING LICENSES

#### § 69.21. Limitations on number and types of licenses.

(a) The number and types of commercial fishing licenses for fishing in Lake Erie shall be limited as follows:

\* \* \* \* \*

(3) Seines: **[ten] 15 licenses; no more than 2 licenses per individual. Individuals who hold more than two licenses as of December 31, 2006, shall be limited to the number of licenses that they hold as of that date.**

\* \* \* \* \*

[Pa.B. Doc. No. 06-1752. Filed for public inspection September 8, 2006, 9:00 a.m.]

## PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 481]

### Diversity

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(14) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1212 and 1325(b) and (c) (relating to diversity goals of board; and license or permit issuance), proposes to adopt Chapter 481 (relating to diversity) to read as set forth in Annex A.



*Purpose of the Proposed Rulemaking*

Under the authority granted to the Board under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board initially adopted temporary regulations in Chapter 481 at 35 Pa.B. 4045 (June 16, 2005). Under 4 Pa.C.S. Part II (relating to gaming), the temporary regulations expire on July 5, 2007.

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

*Explanation of Chapter 481*

This chapter contains diversity participation and reporting provisions that apply to entities that are licensed or certified by the Board. These regulations encompass both contracting with and employment at the entities.

Amendments to the temporary regulations in this proposed rulemaking include a large number of editorial changes that improve the clarity of the language in the temporary regulations. In § 481.2 (relating to definitions), registered vendors has been deleted from the list of entities that are subject to the diversity participation and reporting requirements. Temporary § 481.3(a) (relating to diversity participation) has been deleted to eliminate duplication of efforts by the Board and the Department of General Services in posting a list of certified minority and women's business enterprises. In § 481.5 (relating to report of participation), subsection (b) has been added to require slot machine, manufacturer and supplier licensees to produce quarterly reports in addition to annual reports. Subsection (c) has been added to allow management companies to file a consolidated report with the slot machine licensee with whom they have a management contract to prevent a duplication of efforts on behalf of the licensed facility and the management company. Temporary § 481.4(c) (relating to establishment of diversity plan required) has been relocated to § 481.6 (relating to diversity audits).

*Affected Parties*

This proposed rulemaking imposes requirements on entities that are licensed or certified by the Board.

*Fiscal Impact*

Under 4 Pa.C.S. §§ 1401 and 1402 (relating to slot machine licensee deposits; and gross terminal revenue deductions), the costs and expenses of the Board, the Pennsylvania State Police, the Office of Attorney General and the Department of Revenue incurred in carrying out the responsibilities imposed by 4 Pa.C.S. Part II will be recovered from the slot machine licensees. Accordingly, the costs identified will be borne by the slot machine licensees, not the General Fund.

*Commonwealth*

This proposed rulemaking will have no significant fiscal impact on the Commonwealth.

*Political Subdivisions*

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

*Private Sector*

Licensed or certified entities will experience some costs to comply with the diversity participation reporting requirements.

*General Public*

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

*Paperwork Requirements*

This proposed rulemaking does not impose new reporting or paperwork requirements on the affected parties under the Board's jurisdiction. This proposed rulemaking clarifies the type of information that should be contained in the report that is currently required to be submitted to the Board.

*Effective Date*

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

*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Paul Resch, Secretary, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-47.

*Contact Person*

The contact persons for questions about this proposed rulemaking are Richard Sandusky, Director of Regulatory Review, (717) 214-8111, and Michelle Afragola, Deputy Director of Regulatory Review, (610) 943-1338.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 28, 2006, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Tourism and Recreational Development Committee and the Senate Committee on Rules and Executive Nominations. A copy of this material is available to the public upon request.

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

THOMAS A. DECKER,  
*Chairperson*

**Fiscal Note:** 125-47. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 58. RECREATION****PART VII. GAMING CONTROL BOARD****Subpart G. MINORITY AND WOMEN'S BUSINESS ENTERPRISES****CHAPTER 481. DIVERSITY**

Sec.	
481.1.	Statement of purpose, policy and applicability.
481.2.	Definitions.
481.3.	Diversity participation.
481.4.	Establishment of diversity plan required.
481.5.	Report of participation.
481.6.	Diversity audits.

**§ 481.1. Statement of purpose, policy and applicability.**

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

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

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

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

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

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

**§ 481.2. Definitions.**

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

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

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

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

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

- (i) Slot machine license.
- (ii) Manufacturer license.
- (iii) Supplier license.
- (iv) Vendor certification.
- (v) Junket license.
- (vi) Management company license.

**§ 481.3. Diversity participation.**

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

**§ 481.4. Establishment of diversity plan required.**

(a) Each regulated entity shall include in its application for licensure or certification a diversity plan that

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

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

(1) Contracting or transacting directly with minority and women's business enterprises.

(2) Contracting with a nonminority business enterprise under terms and conditions that establish a participation plan.

**§ 481.5. Report of participation.**

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

(1) Employment data, including information on the following:

(i) Minority and women representation in the regulated entity's workforce in all job classifications.

(ii) Salary information.

(iii) Recruitment and training information, including executive and managerial level recruitment and training.

(iv) Retention and outreach efforts.

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

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

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

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

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

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

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

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

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

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

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

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

#### § 481.6. Diversity audits.

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

[Pa.B. Doc. No. 06-1753. Filed for public inspection September 8, 2006, 9:00 a.m.]

### [58 PA. CODE CHS. 401, 403, 405 AND 407]

#### General and Operative Provisions; Board Procedures

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(14) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 1202(a) and 4 Pa.C.S. §§ 1201(f) and (b)(17) and 1206 (relating to Pennsylvania Gaming Control Board established; and board minutes and records), proposes to adopt Chapters 401, 403, 405 and 407 to read as set forth in Annex A.

##### *Purpose of the Proposed Rulemaking*

Under the authority granted to the Board under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board initially adopted temporary regulations in Chapters 401, 403 and 407 (relating to preliminary provisions; Board operations and organization; and public access to Board files) at 35 Pa.B. 4045 (June 16, 2005) and temporary regulations in Chapter 405 (relating to Bureau of Investigations and Enforcement) at 35 Pa.B. 6407 (September 28, 2005). Under 4 Pa.C.S. Part II (relating to gaming), the temporary regulations expire on July 5, 2007.

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

##### *Explanation of Chapters 401, 403, 405 and 407*

Chapter 401 contains preliminary provisions which address the purpose of the Board's regulations, the scope of the regulations, construction, definitions of terms and the Board's jurisdiction.

Amendments to the temporary regulations in this proposed rulemaking include a large number of editorial changes intended to improve the clarity of the language in the temporary regulations. Temporary § 401.2 has been deleted because it is not necessary. A number of definitions in § 401.3 (relating to definitions) have been amended to improve clarity and remove substantive provisions. Additionally, several definitions have been deleted because the terms are not used in this subpart or they will be moved to the definition section of a specific subpart or chapter.

Chapter 403 addresses areas of Board operations including participation in, voting at and the conduct of Board meetings, the Board's hours of operation and requests for information.

The Board has made a number of amendments to the temporary regulations to more closely reflect the statutory requirements on voting and to more accurately reflect the practices of the Board based on its operating experience.

Chapter 405 outlines the general duties and powers of the Bureau of Investigations and Enforcement (Bureau), responsibilities of applicants and those regulated by the Board to provide information to the Bureau, the powers, duties and role of the Office of Enforcement Counsel and conduct during enforcement proceedings.

Amendments to the temporary regulations in this proposed rulemaking add clarifying language to a number of sections and delete provisions that deal with Board internal procedures.

Chapter 407 specifies how the Board's record files are organized and how requests for access to material in these files will be processed. It also requires that the minutes of Board meetings and annual reports be available for public inspection and copying.

Several editorial changes were made to the temporary regulations, including clarification of how Board files are organized, how the public may review and obtain copies of the Board's minutes and annual reports and how confidential material is treated. Many of the provisions that were included in the definition of "confidential information" have been moved to this chapter.

##### *Affected Parties*

This proposed rulemaking imposes requirements on the Board and to a limited extent applicants for and holders of a license, permit, registration or certification.

##### *Fiscal Impact*

Under 4 Pa.C.S. §§ 1401 and 1402 (relating to slot machine licensee deposits; and gross terminal revenue deductions), the costs and expenses of the Board, the Pennsylvania State Police, the Office of Attorney General and the Department of Revenue incurred in carrying out the responsibilities imposed by 4 Pa.C.S. Part II will be recovered from the slot machine licensees. Accordingly, the costs identified will be borne by the slot machine licensees, not the General Fund.

##### *Commonwealth*

The Pennsylvania State Police, the Office of Attorney General, the Department of Revenue or other executive agencies may experience some cost to comply with requests for information and documents from the Bureau.

They also reflect the Board requirement for preparation of verbatim transcripts of its public meetings and the duties and powers of the Bureau and Office of Enforcement Counsel.

##### *Political Subdivisions*

This proposed rulemaking will have no significant fiscal impact on political subdivisions of the Commonwealth. Local law enforcement agencies may experience some costs to comply with requests for information and documents from the Bureau.

##### *Private Sector*

Applicants for or holders of a license, permit, registration or certification will experience some costs to comply with requests for information and documents from the Bureau.

*General Public*

Other than requiring payment of fees for copying costs, this proposed rulemaking will have no fiscal impact on the general public.

*Paperwork Requirements*

This proposed rulemaking does not impose new reporting or paperwork requirements on the Board or affected parties under the Board's jurisdiction. This proposed rulemaking does clarify how the Board will maintain formal records and how individuals can request access to these records.

*Effective Date*

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

*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Paul Resch, Secretary, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-45.

*Contact Person*

The contact persons for questions about this proposed rulemaking are Richard Sandusky, Director of Regulatory Review, (717) 214-8111, and Michelle Afragola, Deputy Director of Regulatory Review, (610) 943-1338.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 28, 2006, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Tourism and Recreational Development Committee and the Senate Committee on Rules and Executive Nominations. A copy of this material is available to the public upon request.

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

THOMAS A. DECKER,  
*Chairperson*

**Fiscal Note:** 125-45. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 401. PRELIMINARY PROVISIONS**

Sec.	
401.1.	Purpose.
401.2.	Construction.
401.3.	Definitions.
401.4.	Jurisdiction.

**§ 401.1. Purpose.**

The purpose of this part is to facilitate the implementation of the act.

**§ 401.2. Construction.**

(a) This part shall be liberally construed to secure the just, speedy and efficient determination of every action, proceeding or issue presented to which it is applicable. The Board at any stage of an action, proceeding or issue presented may disregard an error or defect of procedure which does not affect the substantive rights of the participants.

(b) The Board at any stage of an action, proceeding or issue presented may permit deviations from a requirement of this part when necessary or appropriate, if the deviation does not adversely affect a substantive right of a participant as determined by the Board.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 31.2 (relating to liberal construction).

**§ 401.3. Definitions.**

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

*Act*—The Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S. §§ 1101—1904).

*Affiliate or affiliated company*—A person that directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with a specified person.

*Applicant*—A person who is applying for permission to engage in an act or activity which is regulated under the act or this part.

*Application*—A written request for permission to engage in an act or activity which is regulated under the act or this part.

*Approved, approval or approve*—The date that an application to the Board is granted regardless of the pendency of administrative or judicial appeals or other legal action challenging the decision of the Board.

*Associated equipment*—Equipment or mechanical, electromechanical or electronic contrivance, component or machine used in connection with gaming, including the following:

- (i) Linking devices which connect to progressive slot machines or slot machines.
- (ii) Replacement parts needed to conduct slot machine gaming.
- (iii) Equipment which affects the proper reporting of gross revenue.
- (iv) Computerized systems for controlling and monitoring slot machines, including, the central control computer and devices for weighing or counting money.

*Background investigation*—A security, criminal, credit and suitability investigation of a person as provided for in the act. The investigation must include the status of taxes owed to the United States and to the Commonwealth and its political subdivisions.

*Backside area*—

(i) Those areas of the racetrack facility that are not generally accessible to the public and which include facilities commonly referred to as barns, track kitchens, recreation halls, backside employee quarters and training tracks, and roadways providing access thereto.

(ii) The term does not include those areas of the racetrack facility which are generally accessible to the public, including the various buildings commonly referred to as the grandstand or the racing surfaces, paddock enclosures and walking rings.

*Board*—The Pennsylvania Gaming Control Board.

*Bureau*—The Bureau of Investigations and Enforcement of the Board.

*Central control computer*—A central site computer controlled by the Department and accessible by the Board to which all slot machines communicate for the purpose of auditing capacity, real-time information retrieval of the details of a financial event that occurs in the operation of a slot machine, including, coin in, coin out, ticket in, ticket out, jackpots, machine door openings and power failure, and remote machine activation and disabling of slot machines.

*Certified vendor*—A vendor that holds a vendor certification.

*Cheat*—

(i) To alter without authorization the elements of chance, method of selection or criteria which determine:

- (A) The result of a slot machine game.
- (B) The amount or frequency of payment in a slot machine game.
- (C) The value of a wagering instrument.
- (D) The value of a wagering credit.

(ii) The term does not include altering for required maintenance and repair.

*Clerk*—The Clerk to the Board's Office of Hearings and Appeals.

*Collateral agreement*—Any contract between a management company or its affiliates, intermediaries, subsidiaries or holding companies and a slot machine licensee or its affiliates, intermediaries, subsidiaries or holding companies that is related either directly or indirectly to a management contract or to any rights, duties, or obligations created between a management company and a slot machine licensee.

*Commission or Commissions*—The State Horse Racing Commission or the State Harness Racing Commission, or both, as the context may require.

*Confidential information*—Materials that are not generally available to the public.

*Controlling interest*—

(i) A person shall be deemed to have the ability to control a publicly traded entity, or to elect one or more of the members of its board of directors, if the holder owns or beneficially holds 5% or more of the securities of the publicly traded domestic or foreign corporation, partnership, limited liability company or other form of legal entity, unless the presumption of control or ability to elect is rebutted by clear and convincing evidence.

(ii) A person who owns or beneficially holds securities of a privately held domestic or foreign corporation, partnership, limited liability company or other form of legal entity shall be deemed to possess a controlling interest unless the presumption of control is rebutted by clear and convincing evidence.

(iii) A person who owns or beneficially holds less than 5% of the securities of a privately held domestic or foreign corporation, partnership, limited liability company or

other form of legal entity shall be deemed as having rebutted the presumption of control by clear and convincing evidence.

*Conviction*—

(i) A finding of guilt or a plea of guilty or nolo contendere, whether or not a judgment of sentence has been imposed as determined by the law of the jurisdiction in which the prosecution was held.

(ii) The term does not include a conviction that has been expunged or overturned or for which an individual has been pardoned or an order of Accelerated Rehabilitative Disposition has been entered.

*Credential*—A form of identification approved and issued by the Board.

*Department*—The Department of Revenue of the Commonwealth.

*Federal tax identification number*—The Social Security number of an individual or the Employer Identification Number of a business entity, fiduciary or other person.

*Final order*—One of the following:

(i) An action by the Board which approves, issues, renews, revokes, suspends, conditions, denies issuance or renewal of a license, permit, certification or registration.

(ii) An action by the Board which affects personal or property rights, privileges, immunities, duties, liabilities or obligations and disposes of all claims by or against parties before the Board.

(iii) An action by the Board which is designated by the Board as final.

*Financial backer*—An investor, mortgagee, bondholder, note holder or other source of equity or capital provided to an applicant or licensed entity.

*Formal record*—The pleadings in a matter or proceeding, a notice or Board order initiating the matter or proceeding, and if a hearing is held: the transcript of a hearing, exhibits received in evidence, offers of proof, motions, stipulations, subpoenas, proofs of service, determinations made by the Board thereon and certifications to the Board.

*Gaming area or gaming floor*—Any portion of a licensed facility where slot machines have been installed for use or play.

*Gaming employee*—

(i) An employee of a slot machine licensee, including:

- (A) Cashiers.
- (B) Change personnel.
- (C) Counting room personnel.
- (D) Slot attendants.
- (E) Hosts or other persons authorized to extend complimentary services.
- (F) Machine mechanics or computer machine technicians.
- (G) Security personnel.
- (H) Surveillance personnel.
- (I) Supervisors and managers.
- (J) Personnel with SLOTS Link security administrator access and responsibilities.

(ii) Employees of a licensed supplier or manufacturer whose duties are directly involved with the repair, service

or distribution of slot machines and associated equipment sold or provided to a licensed facility within this Commonwealth.

(iii) Employees of a manufacturer licensee whose duties meet one or more of the following criteria:

(A) The employee's duties are directly involved with slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems approved and installed for use or play in this Commonwealth.

(B) The employee's presence may be required from time to time in restricted areas of a licensed facility.

(iv) Other employees as determined by the Board.

*Gross terminal revenue*—The total of wagers received by a slot machine minus the total of:

(i) Cash or cash equivalents paid out to patrons as a result of playing a slot machine which are paid to patrons either manually or paid out by the slot machine.

(ii) Cash paid to purchase annuities to fund prizes payable to patrons over a period of time as a result of playing a slot machine.

(iii) Any personal property distributed to a patron as the result of playing a slot machine. This does not include travel expenses, food, refreshments, lodging or services.

(iv) The term does not include counterfeit money or tokens, coins or currency of other countries which are received in slot machines (except to the extent that they are readily convertible to United States currency), cash taken in fraudulent acts perpetrated against a slot machine licensee for which the licensee is not reimbursed or cash received as entry fees for contests or tournaments in which the patrons compete for prizes.

*IRS*—The Internal Revenue Service of the United States.

*Institutional investor*—A retirement fund administered by a public agency for the exclusive benefit of Federal, State or local public employees, investment company registered under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64), collective investment trust organized by banks under Part Nine of the Rules of the Comptroller of the Currency, closed end investment trust, chartered or licensed life insurance company or property and casualty insurance company, banking and other chartered or licensed lending institution, investment advisor registered under the Investment Advisors Act of 1940 (15 U.S.C.A. §§ 80b-1—80b-21), and other persons registered in any foreign jurisdiction and regulated pursuant to a statute of any foreign jurisdiction that the Board determines to be substantially similar to either or both of the aforementioned statutes.

*Issued, issuance or issue*—The date when a determination by the Board approving an application becomes final, binding and nonappealable and is not subject to a pending legal challenge.

*Key employee*—An individual who is:

(i) Employed in a director or department head capacity and who is empowered to make discretionary decisions that regulate slot machine operations in this Commonwealth, including the general manager and assistant manager of the licensed facility, director of slot operations, director of cage operations, director of surveillance, director of marketing, director of management information systems, director of security, director of human resources, comptroller and any employee who supervises

the operations of these departments or to whom these department directors or department heads report.

(ii) Employed by a slot machine licensee, manufacturer licensee, or supplier licensee, whose duties affect or require contact with slot machines, slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems for use or play in this Commonwealth, whether or not the individual is assigned to gaming operations in this Commonwealth.

(iii) Employed in other positions which the Board will determine based on detailed analyses of the employee's duties or the job descriptions as provided in one of the following clauses:

(A) In the internal controls of the applicant or licensee as approved by the Board under section 1322(c) of the act (relating to slot machine accounting controls and audits).

(B) By the applicant or holder of a license, certification or registration.

*Key employee qualifier*—Officers; directors; persons who directly or indirectly hold any beneficial interest in or ownership of an amount equal to 5% or more of an equity interest of an applicant or licensee; a person who has the ability to control the applicant or licensee, has a controlling interest in the applicant or licensee, elects a majority of the board of directors of the applicant or licensee, or otherwise has the ability to control the applicant or licensee; a lender, other than a bank or regulated lending institution which makes a loan or holds a mortgage or other lien acquired in the ordinary course of business; an underwriter, other than an underwriter who will hold a security for less than 90 days; a financial backer whose holdings are valued at an amount equal to 5% or more of an equity interest in the applicant or licensee including holders of convertible bonds, the conversion of which would or does result in the owner holding 5% or more of an equity interest in the applicant or licensee; employees of a slot machine applicant or licensee, manufacturer applicant or licensee or supplier applicant or licensee required to be licensed by the Board as a key employee qualifier; and any other person required to be licensed by the Board as a key employee qualifier.

*License fee*—The amount of money required to be paid for the issuance or renewal of any type of license required by the act or as established by the Board.

*Licensed entity*—A person, other than a natural person, licensed by the Board under this part.

*Licensed facility*—The physical land-based location and associated areas at which a licensed gaming entity is authorized to place and operate slot machines.

*Licensed gaming entity*—A person that holds a slot machine license.

*Licensed racetrack or racetrack*—The physical facility and grounds where a person has obtained a license from either the State Horse Racing Commission or the State Harness Racing Commission to conduct live thoroughbred or harness race meetings respectively with pari-mutuel wagering. The term "racetrack" or "its racetrack" means the physical land-based location at which live horse racing is conducted even if not owned by the person.

*Licensed racing entity*—A legal entity that has obtained a license to conduct live thoroughbred or harness horse race meetings respectively with parimutuel wagering from either the State Horse Racing Commission or the State Harness Racing Commission under the Race Horse Industry Reform Act.

*Management company*—A person or legal entity which, through a Board-approved management contract with a slot machine licensee, is responsible for the management of all or part of the operation of a licensed facility.

*Management contract*—A contract, subcontract or collateral agreement between a management company and a slot machine licensee if the contract provides for the management of all or part of a licensed facility.

*Manufacturer*—A person who manufactures, builds, re-builds, fabricates, assembles, produces, programs, designs or otherwise makes modifications to slot machines or associated equipment for use or play of slot machines in this Commonwealth for gaming purposes.

*Manufacturer license*—A license issued by the Board authorizing a manufacturer to manufacture or produce slot machines or associated equipment for use in this Commonwealth for gaming purposes.

*Manufacturer licensee*—A person that holds a manufacturer license.

*Manufacturer's serial number*—The unique number permanently assigned to a slot machine by a manufacturer for identification and control purposes, which number shall be affixed to the outside of the slot machine cabinet in a location approved by the Board.

*Municipality*—A city, borough, incorporated town or township.

*Net terminal revenue*—The net amount of the gross terminal revenue less the tax and assessments imposed by sections 1402, 1403, 1405 and 1407 of the act.

*Nongaming employee*—An employee of a slot machine licensee or certified vendor whose duties are required to be performed in a gaming area or restricted area but who is not included within the definition of "key employee qualifier," "key employee" or "gaming employee," including the following positions, regardless of job title:

- (i) Bartender.
- (ii) Cocktail server.
- (iii) Persons solely engaged in preparing or serving food or beverages.
- (iv) Clerical or secretarial personnel.
- (v) Janitorial personnel.
- (vi) Stage, sound and light technicians.
- (vii) Other positions which the Board will determine based on detailed analyses by the Board of job descriptions as provided in the internal controls of the slot machine licensees as approved by the Board or provided in the slot machine licensee's verification of the location of vendor services included with the vendor certification application.

*Nonprimary location*—A facility in which pari-mutuel wagering is conducted by a licensed racing entity other than the racetrack where live racing is conducted.

*Occupation permit*—A permit issued by the Board authorizing an individual to be employed or work as a gaming employee.

*Permit fee*—The amount of money required to be paid for issuance or renewal of any type of permit required by the Board.

*Permittee*—A holder of a permit issued under this part.

*Person*—A natural person, corporation, foundation, organization, business trust, estate, limited liability com-

pany, licensed corporation, trust, partnership, limited liability partnership, association or other form of legal business entity.

*Publicly traded*—An entity that meets one or more of the following criteria:

(i) The entity has a class or series of securities registered under the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78a—78nn).

(ii) The entity is a registered management company under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64).

(iii) The entity is subject to the reporting obligations imposed by section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. § 78o) by reason of having filed a registration statement which has become effective under the Securities Act of 1933 (15 U.S.C.A. §§ 77a—77aa).

(iv) The entity has one or more classes of securities traded in any open market in any foreign jurisdiction or regulated pursuant to a statute of any foreign jurisdiction that the Board determines to be substantially similar to either or both of the statutes referred to in subparagraphs (ii) and (iii).

*Race Horse Industry Reform Act*—4 P. S. §§ 325.101—325.402.

*Registered vendor*—A vendor that is registered with the Board.

*Regular or continuing basis*—A vendor will be deemed to conduct business on a regular or continuing basis if:

- (i) The total dollar amount of transactions with a single slot machine licensee or applicant is or will be greater than \$200,000 within any consecutive 12 month period.
- (ii) The total dollar amount of transactions with slot machine licensees or applicants is or will be greater than \$500,000 within any consecutive 12 month period.

*Restricted area*—An area where access is limited and is specifically designated by the Board as restricted, including:

- (i) The cashiers' cage.
- (ii) The soft count room.
- (iii) The surveillance monitoring room.
- (iv) The slot machine storage and repair rooms.
- (v) The progressive controller room.
- (vi) The central control computer room.
- (vii) The information technology department.
- (viii) Any additional area that the slot machine licensee designates as restricted in its Board-approved internal controls.

*Revenue-or tourism-enhanced location*—A location within this Commonwealth determined by the Board, which will maximize net revenue to the Commonwealth or enhance year-round recreational tourism within this Commonwealth, in comparison to other proposed facilities and is otherwise consistent with the act and its declared public policy purposes.

*SEC*—The Securities and Exchange Commission of the United States.

*Secretary*—Secretary to the Board.

*Securities*—As defined in the Pennsylvania Securities Act of 1972 (70 P. S. §§ 1-101—1-703).

*Slot machine—*

(i) A mechanical or electrical contrivance, terminal, machine or other device approved by the Board which, upon insertion of a coin, bill, token, gaming voucher, coupon or similar object therein or upon payment of any consideration, including the use of electronic payment system except a credit card or debit card, is available to play or operate, the play or operation of which, whether by reason of skill or application of the element of chance, or both, may deliver or entitle the person playing or operating the contrivance, terminal, machine or other device to receive cash, billets, tokens, gaming vouchers or electronic credits to be exchanged for cash or to receive merchandise or anything of value, whether the payoff is made automatically from the machine or manually. A slot machine:

(A) May utilize spinning reels or video displays, or both.

(B) May or may not dispense coins, vouchers or tokens to winning patrons.

(C) May use an electronic credit system for receiving wagers and making payouts.

(ii) The term includes associated equipment necessary to conduct the operation of the contrivance, terminal, machine or other device.

*Slot machine license—*A license issued by the Board authorizing a person to place and operate slot machines under the act.

*Slot machine licensee—*A person that holds a slot machine license.

*State gaming receipts—*Revenues and receipts required by the act to be paid into the State Gaming Fund, the Pennsylvania Race Horse Development Fund and the Pennsylvania Gaming Economic Development and Tourism Fund, and all rights, existing on July 5, 2004, or coming into existence after July 5, 2004, to receive any of those revenues and receipts.

*State Treasurer—*The State Treasurer of the Commonwealth.

*Statement of Investigation—*An order of the Board in response to a petition for an order regarding inquiry and investigation of a purchase of an eligible applicant or licensee which specifies the particular criterion satisfied by the purchaser, provides for the continuing obligation of the purchaser to provide information to the Board, is applicable only as to the purchase of a specific eligible applicant or licensee, and provides an expiration date not to exceed 6 months from the date of issuance unless otherwise extended by the Board.

*Supplier—*A person that sells, leases, offers or otherwise provides, distributes or services slot machines or associated equipment for use or play of slot machines in this Commonwealth at a licensed gaming facility.

*Supplier license—*A license issued by the Board authorizing a supplier to provide products or services related to slot machines or associated equipment to licensed gaming entities.

*Supplier licensee—*A person that holds a supplier license.

*Trade secret—*A private formula, pattern, device, cost study or compilation of information which is used in a business and which, if disclosed could negate an advantage over competitors who do not know or use it.

*Vendor—*A person who provides goods or services to a slot machine licensee or applicant, but who is not required to be licensed as a manufacturer, supplier, management company or junket enterprise. The term includes:

(i) Suppliers of alcoholic beverages (if not otherwise regulated by the Pennsylvania Liquor Control Board), food and nonalcoholic beverages.

(ii) Refuse handlers.

(iii) Vending machine providers and service personnel.

(iv) Linen and uniform suppliers.

(v) Janitorial and maintenance companies, not relating to the repair of slot machines or associated equipment.

(vi) Tenant businesses or franchises located within licensed facilities.

(vii) Providers of transportation services.

(viii) Companies, subcontractors and professionals involved in the construction of a facility for a slot machine licensee or applicant.

(ix) Lessors of real property or goods.

(x) Other entities which the Board will determine based on detailed analyses by the Board of vendor contracts.

*Vendor certification—*A certification issued by the Board authorizing a vendor to provide goods or services to a slot machine licensee or applicant.

*Vendor registration—*A registration issued by the Board authorizing a vendor to provide goods or services to a slot machine licensee or applicant.

**§ 401.4. Jurisdiction.**

(a) The Board will have exclusive jurisdiction over all matters within the scope of its powers under the act.

(b) Nothing contained in this part shall be construed to limit the powers and duties of the Board as provided in the act.

**CHAPTER 403. BOARD OPERATIONS AND ORGANIZATION**

- Sec.
- 403.1. Participation at meetings and voting.
- 403.2. Meetings.
- 403.3. Board office hours.
- 403.4. Public communication.
- 403.5. Delegation of powers.
- 403.6. Temporary emergency orders.

**§ 403.1. Participation at meetings and voting.**

(a) *Qualified majority vote.* An action by the Board, except as set forth in subsections (b) and (c), including the approval, issuance, denial or conditioning of a license or the making of an order or the ratification of a permissible act done or order made by one or more of the members of the Board will require a qualified majority vote consisting of at least one gubernatorial appointee and the four legislative appointees.

(b) *Majority vote.* An action by the Board to suspend, revoke, not renew, void or require forfeiture of a license, permit, certification or registration previously issued by the Board, to impose an administrative fine or penalty or to issue cease and desist will require a majority vote of all the Board members.

(c) *Disqualifying interest.* If a Board member has a disqualifying interest in a voting matter, the member shall disclose the nature of the disqualifying interest, disqualify himself and abstain from voting in a proceed-



ing in which his impartiality may be reasonably questioned, including instances where he knows that he possesses a substantial financial interest in the subject matter of the proceeding or an interest that could be substantially affected by the outcome of the proceeding. If it is a legislative appointee member that has disqualified himself, the qualified majority will consist of the remaining three legislative appointees and at least two gubernatorial appointees.

(d) *Member abstention.* When a member has disqualified himself, the member's abstention from voting will apply only to the singular voting matter that led to the disqualification and not apply to other matters under consideration by the Board for which the member is otherwise qualified.

#### § 403.2. Meetings.

(a) *Public sessions.* The proceedings of all public sessions will be conducted in accordance with 65 Pa.C.S. Chapter 7 (relating to the Sunshine Act).

(b) *Regularly scheduled meetings.* The Board will meet once a month, and on other dates as the Board determines.

(c) *Participation by means of telephone or video teleconference.* A Board member may participate in a meeting by means of telephone or video teleconference when it is impractical for the Board member to attend the meeting in person.

(d) *Record of proceedings.* The Board will keep a record of all proceedings held at public meetings of the Board. A verbatim transcript of those proceedings will be prepared by the Board and will be available for inspection at the Board's office during normal business hours.

#### § 403.3. Board office hours.

Board offices will be open from 8:30 a.m. to 5:00 p.m. on business days except Saturdays, Sundays, legal holidays, and Commonwealth office closures declared by the Governor, unless otherwise directed by the Board.

#### § 403.4. Public communication.

Requests for information regarding the Board may be directed to:

Office of Communications  
 Pennsylvania Gaming Control Board  
 P. O. Box 69060  
 Harrisburg, Pennsylvania 17106-9060

#### § 403.5. Delegation of powers.

(a) The Board may, consistent with the act and this part, delegate its authority to perform any of its functions to a Board member or member of the Board's staff.

(b) A delegation of Board authority will be effected by promulgation of a regulation or the adoption of a formal resolution at a public meeting of the Board. The regulation or resolution will specify:

- (1) The specific authority delegated.
- (2) The Board member or Board staff members to whom the authority is delegated.
- (3) Limitations or conditions imposed on the authority delegated.

(c) Delegations of authority made under this section will remain in effect indefinitely unless otherwise specified in the implementing regulation or resolution.

(d) A delegation of authority adopted by the Board may be modified or rescinded by the Board through promulga-

tion of a regulation or the adoption of a subsequent formal resolution at a public meeting of the Board.

(e) Notwithstanding any other provision of this section, a matter that has been delegated to the Board staff may alternatively be presented to and determined by the Board on its own motion, at the discretion of the Chairperson or at the request of the Board staff.

#### § 403.6. Temporary emergency orders.

(a) Upon request of the Office of Enforcement Counsel in accordance with subsection (d), a temporary emergency order may be issued by, or on behalf of, the Executive Director of the Board. A temporary emergency order may be issued without a hearing and without advanced notice and will notify the person to whom the temporary emergency order is issued that he may request a hearing to be held by the Executive Director within 72 hours of the request being filed with the Board.

(b) A temporary emergency order may be issued to suspend a license, certification, permit or registration or to direct that a person refrain from engaging in, or cease and desist engaging in, specific conduct.

(c) A temporary emergency order may be issued if there is insufficient time to provide notice and hearing prior to the issuance of the order; the order is necessary to preserve the public health, welfare, or safety or the integrity of gaming in the Commonwealth; and determination of one of the following has occurred:

(1) A person holding a license, certification, permit or registration issued by the Board has been charged with or convicted of a felony, a criminal gaming offense, or crime of dishonesty or false statement or other disqualifying offense.

(2) A licensee has failed to pay required assessments or to satisfy its tax obligations under the act.

(3) The action is necessary to prevent or cure a violation of the act, this part or other Federal or State laws or regulations.

(d) If the Office of Enforcement Counsel determines that circumstances exist which require that immediate action be taken on behalf of the Board, it may submit a request for a temporary emergency order. The request will include:

(1) The circumstances upon which the determination to request the order was made.

(2) The grounds upon which the order is being requested.

(3) The specific relief sought in the order.

(e) A temporary emergency order will be issued in writing and filed, together with the request for a temporary emergency order required by subsection (d), with the Clerk no later than the close of the next business day following its issuance.

(f) A temporary emergency order must specify that the person subject to the temporary emergency order may request an informal hearing before the Executive Director within 72 hours of filing the request with the Clerk.

(g) The Bureau will cause the temporary emergency order and the request for a temporary emergency order required by subsection (d) to be served upon the person named in the temporary emergency order. Service required by this subsection will be made as expeditiously as practicable following the issuance of the order and the request. Service will be made in the manner prescribed by § 491.3 (relating to service by the Board).

(h) Within 72 hours of the filing a request for an informal hearing with the Board, an informal hearing before the Executive Director will be held at the Board headquarters.

(i) The Executive Director or a designee may sign subpoenas to secure the attendance of witnesses and the production of documents.

(j) The procedure for the informal hearing will be as follows:

(1) The Executive Director or a designee will call the hearing to order and present the request for a temporary emergency order filed by the Office of Enforcement Counsel pursuant to subsection (d).

(2) The person named in the temporary emergency order may respond by submitting evidence and witnesses supporting the position that the temporary emergency order should be dissolved or modified.

(3) The Executive Director or a designee may require that witnesses testify under oath. All relevant evidence is admissible. The Executive Director or a designee may question witnesses.

(4) The licensee may make a concluding argument as to why the temporary emergency order should be dissolved or modified.

(5) Upon receiving all evidence presented by the person named in the order and hearing the person's final argument, the Executive Director or a designee will render a decision as to whether or not the temporary emergency order will continue, be modified or dissolved. Unless the Executive Director dissolves the temporary emergency order, the matter will be scheduled for a hearing before the Board as provided in subsection (k).

(k) Once a temporary emergency order has been issued under this section, unless it has been subsequently dissolved by the Executive Director, the temporary emergency order will be presented to the Board at its next meeting or within 10 business days, whichever is longer at which time the Board may do one of the following:

(1) Conduct a hearing to determine the validity of the issuance of the order.

(2) Refer the matter to the Office of Hearings and Appeals under § 492.6 (relating to hearings generally) and direct that a hearing be conducted by a hearing officer and a report submitted to the Board.

(l) In all hearings relating to the disposition of a temporary emergency order, whether the hearing is conducted by the Board or by a hearing officer, the following procedure will occur:

(1) The temporary emergency order, the request for the temporary order and any modifications to the temporary order will be made a part of the evidentiary record of the proceeding.

(2) The Office of Enforcement Counsel will present evidence to the Board or the hearing officer in support of the temporary emergency order.

(3) The person named in the order shall have the burden of rebutting the evidence presented by the Office of Enforcement Counsel.

(m) If the hearing is conducted by the Board, the Board may take one of the following actions upon conclusion of oral arguments and evidentiary presentations:

(1) If the Board finds that the un rebutted facts and circumstances presented are sufficient to support the

issuance of the temporary emergency order, that dissolution of the temporary emergency order would pose an immediate threat to the public health, safety or welfare, or the public's interest in the effective regulation of gaming demands the action, it may adopt a resolution ratifying or modifying the temporary emergency order.

(2) If the Board finds that there is insufficient cause to continue the temporary emergency order, it may adopt a resolution dissolving the emergency order and the privileges of the person named in the order will be reinstated.

(3) If the Board finds that further hearing is necessary, it may refer the matter to the Office of Hearings and Appeals for additional presentation of evidence and testimony of witnesses. If the matter is referred to the Office of Hearings and Appeals, the temporary emergency order will remain in effect, with or without modification as the Board deems appropriate.

(n) If the Board adopts a resolution, the resolution may establish the length of term for the order by establishing an expiration date, dependent on the completion of specified remedial actions or dependent on the filing of, or final resolution of, a complaint alleging the person violated a provision of the act or this part. If the expiration date is dependent upon specific remedial actions, the Board will provide a detailed description of the remedies in the resolution and will establish procedures whereby the person can demonstrate that it has complied with the required remedies.

(o) Any resolution adopted is a final order of the Board for purposes of appeal.

(p) Resolutions ratifying or dissolving temporary emergency orders adopted by the Board under this section will have no effect upon the power and duty of the Office of Enforcement Counsel to initiate, in its sole discretion, proceedings for violations of the act or this part or upon the outcome of any proceeding so initiated.

(q) Copies of the Board's final order will be served on the person named in the order by certified or overnight express mail, postage prepaid; or by personal delivery in accordance with § 491.3.

(r) If the Board refers the matter to the Office of Hearings and Appeals, the hearing will be subject to the following requirements:

(1) The Chairperson will designate a presiding officer to direct the hearing and rule on evidentiary matters.

(2) The hearing before the presiding officer will occur no more than 10 business days after the Board refers the matter to the Office of Hearings and Appeals, unless a delay is requested by the person named in the temporary emergency order.

(3) Within 10 days following the conclusion of hearing, the presiding officer will forward a recommendation for action on the temporary emergency order to the Board. A copy of the recommendation will be served on the person named in the temporary order by certified or overnight express mail or by personal delivery in accordance with § 491.3.

**CHAPTER 405. BUREAU OF INVESTIGATIONS AND ENFORCEMENT**

Sec.	
405.1.	General duties and powers.
405.2.	Information.
405.3.	Office of Enforcement Counsel.
405.4.	Conduct.
405.5.	Investigatory subpoena.
405.6.	Enforcement action.

**§ 405.1. General duties and powers.**

The Bureau has the powers and duties set forth in section 1517 of the act (relating to enforcement) including:

- (1) The investigation and review of all applicants seeking a license, permit, certification or registration.
- (2) The investigation of licensees, permittees, registrants, certified vendors and other persons for potential violations of the act, including potential violations referred to the Bureau by the Board or other persons.
- (3) The monitoring of slot machine operations to ensure compliance with the act, this part and the integrity of gaming, including internal controls, exclusion list enforcement, underage gaming and drinking, individual complaints, information systems, integrity and security issues.
- (4) The inspection and examination of all premises where slot machine operations are conducted, gaming devices or equipment are manufactured, sold, distributed or serviced or where records of these activities are prepared or maintained as provided in section 1517(e) of the act. Inspections may include the review and reproduction of any document or record.
- (5) The conduct of audits of slot machine operations as necessary to ensure compliance with the act and this part. An audit may include the review of accounting, administrative and financial records, management control systems, procedures and other records utilized by a licensed facility.
- (6) The referral of possible criminal violations under the act to the Pennsylvania State Police.

**§ 405.2. Information.**

- (a) An applicant for or holder of a license, permit, certification or registration shall provide all information, data and documents requested by the Bureau under section 1517(a) of the act (relating to enforcement).
- (b) The Director of the Bureau, the Chief Enforcement Counsel, and their designees, will have the power and authority to administer oaths and affirmations for the purpose of obtaining voluntary sworn statements with regard to any matter or thing which may properly fall within the jurisdiction of the Board. Any person so designated will have the power and authority to obtain by subpoena the sworn statement of a person deemed to have information relevant to an investigation that the Board is authorized to conduct. Designation pursuant to this section will be made in writing, filed with the Clerk, and remain in effect until revoked.
- (c) A State or local law enforcement agency, including the Pennsylvania State Police and the Office of Attorney General, the Department or other executive agency shall provide information, data and documents requested by the Bureau relating to an applicant for or holder of a license, permit, certification or registration.
- (d) The Bureau may, upon request, provide pertinent information relating to an applicant for or holder of a license, permit, certification or registration to law enforcement agencies, including the Federal Bureau of Investigation or other domestic or foreign agencies or jurisdictions.
- (e) Information under this section may be provided or received by electronic distribution.

(a) A State or local law enforcement agency, including the Pennsylvania State Police and the Office of Attorney General, the Department or other executive agency shall provide information, data and documents requested by the Bureau relating to an applicant for or holder of a license, permit, certification or registration.

(d) The Bureau may, upon request, provide pertinent information relating to an applicant for or holder of a license, permit, certification or registration to law enforcement agencies, including the Federal Bureau of Investigation or other domestic or foreign agencies or jurisdictions.

(e) Information under this section may be provided or received by electronic distribution.

**§ 405.3. Office of Enforcement Counsel.**

(a) The Office of Enforcement Counsel within the Bureau has the following powers and duties:

(1) Advise the Bureau on all matters, including the granting of licenses, permits, certifications or registrations, the conduct of background investigations, audits and inspections and the investigation of potential violations of the act or this part.

(2) Make recommendations and objections relating to the issuance of licenses, permits, certifications and registrations.

(3) Initiate, in its sole discretion, proceedings for violations of the act or this part by filing a complaint or other pleading with the Board seeking civil fines or penalties, the imposition of conditions on a license, permit, certification or registration, or the suspension or revocation of a license, permit, certification or registration.

(4) Act as the prosecutor in all enforcement actions under the act.

(5) Seek a settlement that may include fines, penalties or other actions subject to approval by the Board.

(6) Appear at administrative hearings and other proceedings before the Board.

(b) The Director of the Office of Enforcement Counsel will report to the Executive Director of the Board on administrative and operational matters.

(c) The Director of the Office of Enforcement Counsel may be removed by the Board only for good cause shown.

**§ 405.4. Conduct.**

(a) An attorney representing the Office of Enforcement Counsel, or an employee involved in the hearing process, may not discuss the case *ex parte* with a presiding officer assigned to the case, an attorney assigned to the case from the Office of Chief Counsel or a Board member.

(b) A presiding officer, an attorney assigned to the case from the Office of Chief Counsel or a Board member may not discuss or exercise any supervisory responsibility over any employee with respect to an enforcement hearing with which the employee is involved.

(c) If it becomes necessary for an attorney from the Office of Chief Counsel or a Board member to become involved on behalf of the Board in any enforcement proceeding, the attorney from the Office of Chief Counsel or the Board member involved shall be prohibited from participating in the adjudication of that matter.

**§ 405.5. Investigatory subpoena.**

(a) The Director of the Office of Enforcement Counsel is authorized to require the attendance and testimony of witnesses and the production of any books, accounts, papers, records, documents, files, computer files and photographs in original or electronic format necessary for all action within the authority of the Bureau under the act or this part.

(b) The Director of the Office of Enforcement Counsel or his representative may issue subpoenas.

(c) In case of disobedience of any subpoena or the contumacy of any witness appearing before the Director of the Office of Enforcement Counsel or a representative, the Director of the Office of Enforcement Counsel or a representative may invoke the aid of the Commonwealth Court or any court of record of the Commonwealth to require the person subpoenaed to obey the subpoena or to give evidence or to produce books, accounts, papers, records, documents, files, computer files and photographs in original or electronic format relative to the matter in question.

(d) The issuance of a subpoena under this section will not be required to secure the cooperation of a person who is an applicant for, or the holder of, a license, permit, certification or registration issued by the Board, or to secure the voluntary cooperation of any person.

**§ 405.6. Enforcement action.**

(a) Upon a determination by the Office of Enforcement Counsel that sufficient facts exist to support enforcement action against a person holding a license, permit, certification or registration issued by the Board, the Office of Enforcement Counsel will serve the person with a notice of enforcement action in accordance with § 491.3 (relating to service by the board), including a proposed order for enforcement action.

(b) The proposed order for enforcement action will include a statement of the facts supporting the proposed enforcement action, the statute, regulation or statement of conditions that the person is being charged with violating and the proposed penalty. The proposed order will be accompanied by a certificate of service demonstrating the date of service.

(c) Within 15 days from the date of service of the proposed order for enforcement action, the person may file a request for a hearing with the Clerk and serve a copy of the request on the Office of Enforcement Counsel. Failure to request a hearing within 15 days will be deemed:

- (1) A waiver by the person of any right to an administrative hearing before the Board.
- (2) An admission by the person of all matters and facts alleged in the proposed order for enforcement action.
- (3) Consent by the person to the entry of a final order by the Board disposing of the enforcement matter.
- (d) Upon the person's failure to request a hearing within the prescribed 15 days, the matters and facts deemed admitted by the person and the proposed enforcement order shall be presented to the Board. The Board may, by resolution, adopt the proposed enforcement order.

(e) The Clerk will notify the person of the Board's final order by certified mail.

**CHAPTER 407. PUBLIC ACCESS TO BOARD FILES**

Sec.	
407.1.	Case files.
407.2.	Minutes of public meeting and annual report.
407.3.	Confidential information.

**§ 407.1. Case files.**

(a) *Formal records.* The Board will maintain a nonconfidential file and a confidential file for all formal records.

(b) *Access.* Access to formal records will be governed by the following:

- (1) Nonconfidential files will be available for inspection during normal Board business hours.
- (2) Upon receipt of a request for access to confidential files, the Board or the Bureau will review the request and provide its determination as to whether the material may be released for inspection within 30 days of the request.
- (3) For good cause, the Board may extend the time limits applicable to requests for access to confidential files.

(c) The Board may issue protective orders or establish standards governing the protection of proprietary or confidential documents for a given proceeding or a given

type of proceeding. All parties to a proceeding shall submit, classify and mark documents in accordance with the directives of the Board or its designee. In the absence of any protective order or standard, parties shall clearly mark documents that are deemed to be proprietary or confidential. The documents will be treated as marked by the Board.

(d) Any party or member of the public may dispute the designation of a document as submitted by filing a notice of dispute with the Board. The Board will determine the proper classification of documents subject to a notice of dispute as soon as administratively possible.

**§ 407.2. Minutes of public meeting and annual report.**

Minutes of the public meeting and annual reports will be available for public inspection upon request to the Secretary during normal Board business hours. Copies will be provided upon request and payment of the cost for copying as the Board may establish through a schedule published in the *Pennsylvania Bulletin*.

**§ 407.3. Confidential information.**

(a) Confidential information may include background investigation information, including information provided under section 1310(a) of the act (relating to slot machine license application character requirements), submitted in connection with an application required for the issuance of any license, permit, certification or registration under this part, discovery procedures, or cross-examination or that is provided as a courtesy to a party in a formal proceeding received by the Board or the Department as well as records obtained or developed by the Board or the Department as part of an investigation related to an applicant or holder of a license, permit, certification or registration containing any of the following:

(1) Personal information, including home addresses, telephone numbers, Social Security numbers, educational records, memberships, medical records, tax returns and declarations, actual or proposed compensation, financial account records, credit-worthiness, or financial condition relating to an applicant, licensee or permittee or the immediate family thereof.

(2) Documents and information relating to proprietary information, trade secrets, patents or exclusive licenses, architectural and engineering plans and information relating to competitive marketing materials and strategies which may include customer-identifying information or customer prospects for services subject to competition.

(3) Security information including risk prevention plans, detection and countermeasures, emergency management plans, security and surveillance plans, equipment and usage protocols, and theft and fraud prevention plans and countermeasures.

(4) Information with respect to which there is a reasonable possibility that public release or inspection of the information would constitute an unwarranted invasion into personal privacy as determined by the Board.

(5) Records or information that is designated confidential by statute or the Board.

(6) Records of an applicant or licensee not required to be filed with the SEC by issuers that either have securities registered under section 12 of the Securities and Exchange Act of 1934 (15 U.S.C.A. § 781) or are required to file reports under section 15(d) of that act (15 U.S.C.A. § 78o).

(7) Records considered nonpublic matters or information by the SEC as provided by 17 CFR 200.80 (relating to commission records information).

(b) Confidential information may be released by the Board under the following circumstances:

(1) To State or Federal law enforcement agencies or entities upon approval of the Attorney General or pursuant to a lawful order issued by court of competent jurisdiction.

(2) To the public, in whole or in part, if one of the following occurs:

(i) Upon written request from the applicant or holder of a license, permit, registration or certification, to the extent that the information does not contain otherwise confidential information about another person.

(ii) If the information subsequently becomes a part of the public domain by an action by the applicant or holder of a license, permit, certification or registration.

(3) To a person with the written consent of the applicant or holder of a license, permit, certification or registration.

[Pa.B. Doc. No. 06-1754. Filed for public inspection September 8, 2006, 9:00 a.m.]

## [58 PA. CODE CHS. 451 AND 471] Recordkeeping and Fees

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(14) and the specific authority in 4 Pa.C.S. §§ 1207(3), 1208, 1209(d), 1308 and 1322, proposes to adopt Chapters 451 and 471 (relating to recordkeeping requirements; and filing fees) to read as set forth in Annex A.

### *Purpose of the Proposed Rulemaking*

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

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

### *Explanation of Chapters 451 and 471*

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

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

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

Amendments to the temporary regulations in this proposed rulemaking are primarily editorial and are in-

tended to improve the clarity of the regulations. The proposed rulemaking also expands the applicability of the temporary regulations to include other regulated entities that were not covered in the temporary regulations. Some of the language in § 471.3 (relating to adjustment of fees) has been moved to § 471.1 (relating to fees generally) for clarity purposes. Temporary § 471.2 has been deleted as it is duplicative of other provisions.

### *Affected Parties*

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

### *Fiscal Impact*

Under 4 Pa.C.S. §§ 1401 and 1402 (relating to slot machine licensee deposits; and gross terminal revenue deductions), the costs and expenses of the Board, the Pennsylvania State Police, the Office of Attorney General and the Department of Revenue incurred in carrying out the responsibilities imposed by 4 Pa.C.S. Part II will be recovered from the slot machine licensees. Accordingly, the costs identified will be borne by the slot machine licensees, not the General Fund.

### *Commonwealth*

This proposed rulemaking will have no significant fiscal impact on the Commonwealth.

### *Political Subdivisions*

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

### *Private Sector*

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

### *General Public*

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

### *Paperwork Requirements*

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

### *Effective Date*

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

### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Paul Resch, Secretary, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-46.

*Contact Person*

The contact persons for questions about this proposed rulemaking are Richard Sandusky, Director of Regulatory Review, (717) 214-8111, and Michelle Afragola, Deputy Director of Regulatory Review, (610) 943-1338.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 28, 2006, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Tourism and Recreational Development Committee and the Senate Committee on Rules and Executive Nominations. A copy of this material is available to the public upon request.

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

THOMAS A. DECKER,  
*Chairperson*

**Fiscal Note:** 125-46. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart D. RECORDKEEPING**

**CHAPTER 451. RECORDKEEPING REQUIREMENTS**

Sec.  
451.1. Recordkeeping generally.

**§ 451.1. Recordkeeping generally.**

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

(1) Correspondence with the Board and other local, Commonwealth and Federal governmental agencies.

(2) Correspondence concerning gaming equipment with a manufacturer, supplier, management company or slot machine licensee.

(3) Copies of all promotional material and advertising.

(4) A personnel file on each current and former employee.

(5) Financial records of all transactions concerning slot machines and associated equipment with a manufacturer, supplier, management company or slot machine licensee.

(6) Copies of all tax returns, reports and other tax documents filed with a taxing entity of the Federal government, the Commonwealth or local taxing entity within this Commonwealth for 7 years or a longer period as prescribed by the taxing entity.

(7) Copies of all general accounting records.

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

**Subpart F. FEES**

**CHAPTER 471. FILING FEES**

Sec.  
471.1. Fees generally.  
471.2. Schedules of fees.  
471.3. Adjustment of fees.

**§ 471.1. Fees generally.**

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

(b) The fees collected by the Board will be deposited into the State Gaming Fund as established in section 1403 of the act (relating to establishment of State Gaming Fund and net slot machine revenue distribution).

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

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

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

**§ 471.2. Schedules of fees.**

Fee schedules established by the Board will be published in the *Pennsylvania Bulletin* and will be available on the Board's website.

**§ 471.3. Adjustment of fees.**

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

[Pa.B. Doc. No. 06-1755. Filed for public inspection September 8, 2006, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking (Department), 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 August 29, 2006.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
8-28-06	First Commonwealth Financial Corporation, Indiana, to acquire 100% of the voting shares of Laurel Capital Group, Inc., Allison Park	Indiana	Effective

##### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-25-06	MileStone Bank Doylestown Bucks County  <i>Correspondent:</i> Gregory E. Grim, Esq. Grim, Biehn & Thatcher P. O. Box 215 Perkasie, PA 18944-0215	Doylestown	Filed

##### Interim Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-25-06	Centra Bank-Smithfield Smithfield Fayette County  Represents formation of interim charter solely to facilitate the acquisition of Smithfield State Bank of Smithfield, PA, by Centra Financial Holding, Inc., Morgantown, West Virginia.	Smithfield	Effective

#### CONSOLIDATIONS, MERGERS AND ABSORPTIONS

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-21-06	Orrstown Bank Shippensburg Cumberland County  Purchase of assets/assumption of liabilities of one branch office of Omega Bank, State College  Located at: 1110 East Simpson Street Mechanicsburg Cumberland County	Shippensburg	Filed
8-25-06	Smithfield State Bank of Smithfield, Pa., and Centra Bank-Smithfield, Smithfield Surviving Institution— Smithfield State Bank of Smithfield, Pa.	Smithfield	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	The subject merger will result in the acquisition of Smithfield State Bank of Smithfield, Pa., Smithfield, PA by CENTRA FINANCIAL HOLDINGS, INC., Morgantown, WV, a West Virginia corporation and parent company of Centra Bank, Morgantown, WV.		
8-28-06	First Commonwealth Bank, Indiana and Laurel Savings Bank, Allison Park Surviving Institution— First Commonwealth Bank, Indiana	Indiana	Effective
	As a result of the merger, all branch offices of Laurel Savings Bank will become branch offices of First Commonwealth Bank, including the former main office located at: 2724 Harts Run Road Allison Park Allegheny County		

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-27-06	Northwest Savings Bank Warren Warren County	2600 Old Washington Road Upper St. Clair Township Allegheny County	Opened
8-21-06	Stonebridge Bank Exton Chester County	319 East Street Road Warminster Bucks County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-23-06	Northwest Savings Bank Warren Warren County	<i>To:</i> 535 Smithfield Street Pittsburgh Allegheny County  <i>From:</i> 300 Sixth Avenue Pittsburgh Allegheny County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-21-06	Stonebridge Bank Exton Chester County	408 Lakeside Drive Southampton Bucks County	Filed

**SAVINGS INSTITUTIONS****Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
8-23-06	ESSA Bank & Trust Stroudsburg Monroe County	Tannersville Plaza Route 611 Tannersville Pocono Township Monroe County	Approved

**CREDIT UNIONS.**

No activity.

The Department's website at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 06-1756. Filed for public inspection September 8, 2006, 2006, 9:00 a.m.]



# DEPARTMENT OF EDUCATION

## Distinguished Educator

Under section 2.2 of the act of July 11, 2006 (P. L. 1092, No. 114) the Department of Education will compensate individuals serving as Distinguished Educators during the 2006-07 school year consistent with the following formula:

$[\$400.00 \times \text{service days}] + \text{approved expenses} = \text{Distinguished Educator compensation}$

GERALD L. ZAHORCHAK, D.Ed.,  
Secretary

[Pa.B. Doc. No. 06-1757. Filed for public inspection September 8, 2006, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

**I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0051683 (IW)	Titanium Hearth Technologies, Inc. d/b/a Timet 900 Hemlock Road Morgantown, PA 19543	Berks County Caernarvon Township	UNT Conestoga River 7-J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0005053	Reliant Energy, Inc.—Warren Generating Station 121 Champion Way Canonsburg, PA 15317-5817	Conewango Township Warren County	Allegheny River and UNT to Allegheny River 16-B	Y
PA0238538	Patricia and Robert Tuznik SFTF 9028 South Creek Road Girard, PA 16417	Girard Township Erie County	UNT to Elk Creek 15-EC	Y
PA0036064	Washington Township Sewer Authority—Angling Road Sewage Treatment Plant 11800 Edinboro Road Edinboro, PA 16412	Washington Township Erie County	Interim Limits—UNT to Edinboro Lake Final Limits—UNT to Conneauttee Creek 16-A	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.*

**PA0033880**, Sewage, SIC 4952, **Boyertown Area School District—New Hanover-Upper Frederick Elementary School Sewage Treatment Plant (STP)**, 911 Montgomery Avenue, Boyertown, PA 19512. STP is located at 2547 Big Road, Frederick, PA 19436, New Hanover Township.

Description of Activity: This application is for an existing sewage treatment facility serving New Hanover-Upper Frederick Elementary School STP with discharge of sanitary effluent to a UNT to Swamp Creek.

The receiving waters, Swamp Creek, is in the State Water Plan Watershed 3E-Perkiomen and is classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water intake/supply is Pennsylvania American Water Company and is approximately 18 miles downstream on Perkiomen Creek.

The effluent limits for Outfall 001 are based on a design flow of 10,000 gallons per day (gpd).

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	
Flow					
CBOD <sub>5</sub>			10.0		20.0
Total Suspended Solids			10.0		20.0
Fecal Coliform			200/100 ml		Monitor and Report
Dissolved Oxygen			5.0		
pH (Standard Unit)			6.0 (Min)		9.0
Ammonia as N			3.0		6.0
Phosphorus as P			1.5		3.0
Total Residual Chlorine			0.5		1.0

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

1. Discharge must not cause nuisance or health hazard.
2. Sludge disposal according to State and Federal regulations.

The EPA waiver is in effect.

**PA0057690**, Industrial Waste, SIC 3731, **Aker Philadelphia Shipyard, Inc.**, 2100 Kitty Hawk Avenue, Philadelphia, PA 19112. This proposed facility is located in the City of Philadelphia, **Philadelphia County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge stormwater, groundwater and river return water.

The receiving streams, Schuylkill River and Delaware River, are in the State Water Plan Watershed-3F named as Delaware River Estuary Zone-4 and are classified for WWF.

The proposed effluent limits for Outfall 012 are based on stormwater, groundwater, and river water discharge to Delaware River as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	within limits of 6.0 to 9.0 Standard Units at all times		
Total Suspended Solids	100	200	250
Oil and Grease	15		30
Iron, Total	Monitor and Report	Monitor and Report	
Copper, Total	Monitor and Report	Monitor and Report	
Lead, Total	Monitor and Report	Monitor and Report	
Zinc, Total	Monitor and Report	Monitor and Report	
1,2 Dichloroethane	Monitor and Report		
Tetrachloroethylene	Monitor and Report		
Trichloroethylene	Monitor and Report		

The proposed effluent limits for Outfalls 019, 021—024, 026, 027, 029, 030, 032 and 047 are based on discharge of stormwater associated with industrial activities to the Delaware River and Schuylkill River as follows.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			Monitor and Report
COD			Monitor and Report
Oil and Grease			Monitor and Report
pH			Monitor and Report
Total Suspended Solids			Monitor and Report
Total Kjeldahl Nitrogen			Monitor and Report
Total Phosphorus			Monitor and Report
Iron (Dissolved)			Monitor and Report

The Outfalls 017, 018, 020, 025, 028, 031 and 033—046 are not required to be monitored at this time.

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

1. PCB Requirements.
2. Stormwater Discharges.
3. TSS Percent Removal.

The EPA waiver is in effect.

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

**Application No. PA 0028592**, Sewage, **Bonneauville Borough**, 46 East Hanover Street, Bonneauville, PA 17325. This facility is located in Bonneauville Borough, **Adams County**.

Description of activity: The application is for renewal of an NPDES permit for an existing with expansion discharge of treated sewage.

The receiving stream, Chicken Run, is in Watershed 13-D and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the City of Frederick is located on the Monocacy River, approximately 42 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.331 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.8		3.6
(11-1 to 4-30)	5.4		10.8
Total Phosphorus	2.0		4.0
Total Residual Chlorine	0.15		0.5
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,500/100 ml as a geometric average	

The proposed final effluent limits for Outfall 001 for a design flow of 0.550 mgd are:

<i>Parameter</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 <sub>5</sub>		25	40	50
Total Suspended Solids		30	45	60
NH <sub>3</sub> -N				
(5-1 to 10-31)		1.2		2.4
(11-1 to 4-30)		3.6		7.2
Total Phosphorus	1,218	2.0		4.0
Total Nitrogen	9,741			
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)		2,300/100 ml as a geometric average		
(10-1 to 4-30)				

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

The EPA waiver is not in effect.

**Application No. PA 0034754**, Sewage, **GSP Management Company (Alex Acres MHP)**, P. O. Box 677, Morgantown, PA 19543. This facility is located in Halifax Township, **Dauphin County**.

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

The receiving stream, Gurdy Run, is in Watershed 6-C and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for United Water is located on the Susquehanna River, approximately 17 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.012 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
Total Phosphorus	1.5	2.5
Total Residual Chlorine	from 6.0 to 9.0 inclusive	
pH		
Fecal Coliform	200/100 ml as a geometric average	
(5-1 to 9-30)	77,000/100 ml as a geometric average	
(10-1 to 4-30)		

The proposed final effluent limits for Outfall 001 for a design flow of 0.040 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 9-30)	20	40
(10-1 to 4-30)	Monitor and Report	
Total Phosphorus		
Total Residual Chlorine	0.5	1.6
pH	from 6.0 to 9.0 inclusive	
Fecal Coliform	200/100 ml as a geometric average	
(5-1 to 9-30)	24,000/100 ml as a geometric average	
(10-1 to 4-30)		

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

The EPA waiver is in effect.

**Application No. PA 0080756**, Sewage, **Hershey Farm, Inc.**, P. O. Box 157, Strasburg, PA17579. This facility is located in Strasburg Township, **Lancaster County**.

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

The receiving stream, Pequea Creek, is in Watershed 7-K and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Holtwood Power Plant is located on the Susquehanna River, approximately 31 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.14 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	15		30
Oil and Grease	15		30
Total Phosphorus	2		4
Total Nitrogen		852 lbs/year as total annual	
TKN		Monitor lbs/year as total annual	
NO <sub>2</sub> + NO <sub>3</sub> as N		Monitor	
Total Residual Chlorine	0.5		1.6
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		4,500/100 ml as a geometric average	
pH		6.0 to 9.0 (Standard Unit)	
Dissolved Oxygen		minimum of 5.0 at all times	

The Pequea Creek TMDL, originally approved by USEPA in April 2001, has been revised to reflect observed water quality data showing phosphorus as the limiting nutrient. Nitrogen was addressed in the original TMDL based on inconclusive limiting nutrient model results; however, measured water quality was deemed to be more reflective of actual conditions.

The data and all supporting documentation used to develop the revised TMDLs are available from the Department. To request a copy of the revised TMDL, contact Bill Brown, Chief, TMDL Development Section, Watershed Protection Division, Department of Environmental Protection, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-2951, Willbrown@state.pa.us

The TMDLs can be accessed through the Department of Environmental Protection's (Department) website [www.dep.state.pa.us](http://www.dep.state.pa.us) by clicking on the Water Topics Link, then the TMDL link. Please note that attachments and appendices must be requested through paper mail. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed.

Written and e-mail comments will be accepted at the addresses and must be received within 30 days from the date of this public notice. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the revised TMDL, which will be submitted to the Environmental Protection Agency (EPA) for approval.

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

The EPA waiver is not in effect.

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

**PA0216763**, Industrial Waste, SIC 4941, **Somerset Borough—Coxes Creek Water Treatment Plant**, 340 West Union Street, Somerset, PA 15501.

This application is for renewal of an NPDES permit to discharge treated process water and untreated drain water from the Somerset Borough—Coxes Creek Water Treatment Plant in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT to West Branch of Coxes Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Ohiopyle Borough Municipal Water Works, located at Ohiopyle, over 40 miles below the discharge point.

*Outfalls 001 and 002:* existing discharge, design flow of 0.0336 (001) mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Iron (total)			2.0		4.0
Aluminum			1.3		2.6
Manganese			1.0		2.0
Total Residual Chlorine			0.5		1.17
Zinc			0.22		0.44
Fluoride			4.0		8.0
pH (Standard Unit)	not less than 6.0 nor greater than 9.0				

*Other Conditions:* Residual Solids Control, floating solids control, chemical additive requirements, Total Residual Chlorine conditions, effluent concentration conditions and requirement to sample Outfall 002.

The EPA waiver is in effect.

**PA0218871**, Industrial Waste, SIC, 4941, **Ernest Borough Water Treatment Plant**, P. O. Box 119, Ernest, PA 15739. This application is for issuance of an NPDES permit to discharge backwash water from Ernest Water Treatment Plant in Ernest, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, McKee Run, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Buffalo Township Municipal Authority, located at Freeport on Allegheny River, less than 50 miles below the discharge point.

*Outfall 001*: new discharge, design flow of 0.0073 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			30		60
Total Iron			2		4
Aluminum (T)			4		8
Manganese (T)			1		2
Total Residual Chlorine			0.5		1
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0096512**, Sewage, **Mt. Morris Water and Sewage Authority**, P. O. Box 340, Mt. Morris, PA 15349. This application is for renewal of an NPDES permit to discharge treated sewage from Mt. Morris Wastewater Treatment Plant in Perry Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dunkard 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 Dunkard Valley Joint Municipal Authority.

*Outfall 001*: existing discharge, design flow of 0.1 mgd.

<i>Parameter</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
	CBOD <sub>5</sub>	25	38	
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	7.0	10.5		14.0
(11-1 to 4-30)	21.0	31.5		42.0
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	1.4			3.3
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.*

**PA0238538**, Sewage, **Patricia and Robert Tuznik**, 9028 South Creek Road, Girard, PA 16417. This existing facility is located in Girard Township, **Erie County**.

Description of Proposed Activity: This application is for renewal of an NDPEs permit for the discharge of treated sewage from a nonmunicipal treatment plant serving a single residence and a kennel.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, there is no potable water supply to consider between the point of discharge and Lake Erie, approximately 9.37 miles below the point of discharge.

The receiving stream, UNT to Elk Creek, is in Watershed 15-EC and classified for CWF and migratory fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0008 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report		
* CBOD <sub>5</sub>	25		50
* Total Suspended Solids	30		60
* NH <sub>3</sub> -N	30		60

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Phosphorus as "P"	1.0		
Total Residual Chlorine	1.4		
Fecal Coliform			200/100 ml as a geometric average
* pH			6.0 to 9.0 standard units at all times

\* The applicant shall report effluent test results only as requested.

The EPA waiver is in effect.

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### III. WQM Industrial Waste and Sewerage Applications Under the Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

**WQM Permit No. 3906403**, Sewerage, **Upper Macungie Township Authority**, 8330 Schantz Road, Breinigsville, PA 18031. This proposed facility is located in Upper Macungie Township, **Lehigh County**, PA.

Description of Proposed Action/Activity: This project consists of construction of a sanitary pump station with an average flow of 20,350 gpd to serve the Silver Shadows Subdivision on Twin Ponds Road in Upper Macungie Township, Lehigh County.

**WQM Permit No. 4506410**, Sewerage, **Mount Airy No. 1, LLC**, 299 Main Street—Sturges, Olyphant, PA 18447-2319. This proposed facility is located in Paradise Township, **Monroe County**, PA.

Description of Proposed Action/Activity: This project consists of additions and modifications to existing wastewater treatment facility and golf irrigation system to treat flows from construction of a new hotel and casino. Improvements include new screening, new aeration blowers and diffusers, chemical feed systems, new disinfection and new sludge storage tank. Golf course irrigation system improvements include new water storage tank, pumping and irrigation distribution system.

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

**WQM Permit No. 3006201**, Industrial Waste, **Allegheny Energy Supply Company, LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601. This proposed facility is located in Monongahela Township, **Greene County**.

Description of Proposed Action/Activity: Application for the construction and operation of an industrial waste treatment facility to serve the Hatfield Power Station CCB Landfill facility.

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

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

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

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

#### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI011506057	Marco Equipment Sales, LLC 472 North Shirk Road New Holland, PA 17557	Chester	Honey Brook Township	West Branch Brandywine Creek (HQ)
PAI011506058	The Hankin Group 707 Eagleview Boulevard Exton, PA 19341	Chester	Wallace Township	Brandywine Creek (HQ-TSF-MF)
PAI011506059	Harlan Corporation 214 Pond View Drive Chadds Ford, PA 19317	Chester	East Goshen Township	UNT Ridley Creek (HQ-TSF)
PAI011506060	Springs Development, LLC 215 South Brad Street 10th Floor Philadelphia, PA 19107	Chester	Charlestown Township	UNT Pickering Creek (HQ-TSF)
PAI011506061	Wooldridge Construction Co. of PA, Inc. 1389 Boot Road West Chester, PA 19380	Chester	East Goshen Township	Tributary Ridley Creek (HQ)

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

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI033606007	Leslie and Carol Landis 1225 May Post Office Road Quarryville, PA 17566	Lancaster	Eden Township	Bowery Run HQ-CWF Big Beaver Creek TSF

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

*Lycoming County Conservation District: 542 County Farm Road, Suite 202, Montoursville, PA 17754, (570) 433-3003.*

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI044106001	Woolrich Inc. Mill Street Woolrich, PA 17777	Lycoming	Porter Township	UNT to Pine Creek HQ-CWF

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

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

### CAFO Notices of Intent Received

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401, (484) 250-5970.*

**Application No. PAI120502**, Concentrated Animal Feeding Operation (CAFO), **John D. St. John, Thunder Valley Farms**, 1141 State Road, Lincoln University, PA 19352.

John D. St. John has submitted an application for an Individual NPDES permit for an existing CAFO known as Thunder Valley Farms, located at 1141 State Road in New London Township, **Chester County**.

The CAFO is situated near Big Elk Creek in Watershed 3I, which is classified for HQ-TSF. The CAFO is designed to maintain an animal population of approximately 1,174 animal equivalent units consisting of 585 holsteins, 213 heifers and 210 calves. The animals will be housed in a freestall barn and other existing barns. Manure from milking cows is collected and stored under the free stall barn. Manure from dry cows and bred heifers is collected in the barnyard and channeled to a storage lagoon. The total capacity of the manure storage facilities is 4.1 million gallons. 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 Southeast Regional Office of the Department. Persons may make an appointment to review the files by calling the file review coordinator at (484) 250-5010.

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 determi-

nation 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.

### 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

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

**Permit No. 0206508**, Public Water Supply.

Applicant	<b>Municipal Authority of the Borough of West View</b> 210 Perry Highway Pittsburgh, PA 15229
Township or Borough	Stowe Township
Responsible Official	Daniel Daugherty, Executive Director Municipal Authority of the Borough of West View 210 Perry Highway Pittsburgh, PA 15229
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	June 28, 2006
Description of Action	The construction of a sodium hypochlorite feed system at the Kennedy Pump Station.

**Permit No. 0206509**, Public Water Supply.

Applicant	Pittsburgh Water & Sewer Authority 441 Smithfield Street Pittsburgh, PA 15222
Township or Borough	City of Pittsburgh
Responsible Official	Andrew Maul, Environmental Compliance Coordinator Pittsburgh Water & Sewer Authority 441 Smithfield Street Pittsburgh, PA 15222
Type of Facility	Water storage tanks
Consulting Engineer	
Application Received Date	July 26, 2006
Description of Action	Installation of chlorine booster stations at Squirrel Hill, Allentown and Lincoln water storage tank facilities.

### MINOR AMENDMENT

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

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

**Application No. Minor Amendment**, Public Water Supply.

Applicant	<b>PA-AM Water Co.</b> Coolbaugh Township <b>Monroe County</b>
Responsible Official	Paul A. Zielinski Dir. Environment Mgmt. & Comp. PA AM Water Co. 800 West Hersheypark Drive Hershey, PA 17033 (717) 533-5000
Type of Facility	Community Water System
Consulting Engineer	NA
Application Received Date	August 21, 2006
Description of Action	Application for transfer of the PWS operation permit (No. 2450085, issued January 4, 1995) from Lexington Woods Corp. to PA-AM Water Co.

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

**Application No. 0206510MA**, Minor Amendment.

Applicant	Richland Township Municipal Authority 2012 Kramer Road Gibsonia, PA 15044
Township or Borough	Richland Township
Responsible Official	George Kane, Chairperson Richland Township Municipal Authority, 2012 Kramer Road Gibsonia, PA 15044
Type of Facility	Water storage tank
Consulting Engineer	KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205
Application Received Date	August 25, 2006
Description of Action	Construction of the Eden Hall (Ridge Road) 500,000 gallon elevated, steel water storage tank.

## 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:

*Northeast Regional Field Office: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790 (570) 826-2511.*

**Rosahn Residence (125 Frenchtown Road)**, Shohola Township, **Pike County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Notice of Intent to Remediate (on behalf of their client, Eve Rosahn, West 22nd Street, New York, NY) concerning the remediation of soils and/or groundwater found or suspected to have been contaminated with No. 2 fuel oil constituents as the result of an accidental release during delivery. 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 serving the general area sometime in the near future. The proposed future use of the property is continuation as a private residence.

**Slate Bowl**, Washington Township, **Lehigh County**. Chris Kotch, P. G., Barry Isett & Associates, 85 South Route 100 and Kressler Lane, P. O. Box 147, Trexlertown, PA 18087 has submitted a Notice of Intent to Remediate (on behalf of Harleysville National Bank and Trust, c/o Ed Cressman, P. O. Box 195, Harleysville, PA 19438) concerning the remediation of soil and groundwater found or suspected to be contaminated with constituents related to heating oil petroleum products. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on July 25, 2006. The continued future use of the site is expected to remain as a bowling alley.

**Spring Hill Road Site (291 Spring Hill Road)**, Allen Township, **Northampton County**. Philip S. Getty, Boucher & James, Inc., Fountainville Professional Building, 1456 Ferry Road, Building 500, Doylestown, PA 18901 has submitted a Notice of Intent to Remediate (on behalf of T.H. Properties, 345 Main Street, Harleysville, PA 19438 concerning the remediation of soil and groundwater found or suspected to be contaminated with constituents related to unleaded gasoline, including MTBE. The applicant proposes to meet the site-specific 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 for residential purposes.

**ConAgra Foods/Saputo Cheese**, Whitehall Township, **Lehigh County**. Marjorie Rinaldo-Lee, President, GeoLogic NY, Inc., P. O. Box 350, Homer, NY 13077 has submitted a revised Notice of Intent to Remediate (on behalf of ConAgra Foods, Inc., Five ConAgra Drive, Omaha, NE 68102 and Saputo Cheese, 25 Tri State International Office Center, Suite 250, Lincolnshire, IL 60069) concerning the remediation of soil and groundwater found or suspected to be contaminated with constituents related to fuel oil Nos. 2, 4 and 6. The applicant proposes to meet a combination of the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reportedly published in *The Morning Call* on September 15, 2006. The proposed future use of the property is expected to be for the continued use as a food manufacturing facility.

**Pipeline Petroleum—Macungie Storage Terminal**, Lower Macungie Township, **Lehigh County**. Karl Pfizenmayer, Project Manager, Storb Environmental, 410 North Easton Road, Willow Grove, PA 19090 has submitted a Notice of Intent to Remediate (on behalf of Pipeline Petroleum, Shippers Lane, P. O. Box 159, Macungie, PA 18062) concerning the remediation of groundwater found or suspected to be contaminated with unleaded gasoline constituents. The applicant proposes to meet the background standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper in the near future. The proposed future use of the property will be for continued use as a facility for storing, transporting and distribution of petroleum products.

**Former Exide Battery Facility**, City of Allentown, **Lehigh County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 has submitted a Notice of Intent to Remediate (on behalf of Jerc Partners II, LLC, 171 Route 173, Suite 201, Asbury, NJ 08802) for the proposed characterization and remediation of site soils found or suspected to have been contaminated with PCBs, VOCs, lead and polycyclic aromatic hydrocarbons and groundwater found or suspected to have been contaminated with VOCs and lead as the result of historic manufacturing

operations. The applicant proposes to meet the Site-Specific Standard through pathway elimination under Act 2. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper in the near future. The proposed future use of the site will be non-residential for retail purposes.

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

**Jeff Steinbach Property**, Derry Township, **Mifflin County**. Blazosky Associates, Inc., 2525 Green Tech Drive, Suite D, State College, PA 16803, on behalf of Jeff Steinbach, 26 North Mann Avenue, Yeagertown, PA 17099, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 heating oil discharged from an improperly plumbed heating oil tank. The applicant seeks to remediate the property to the Statewide Health Standard. The property is residential and will remain residential in the future.

**Gettysburg College**, Borough of Gettysburg, **Adams County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17103, on behalf of Gettysburg College, 300 North Washington Street, Campus Box 392, Gettysburg, PA 17325, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents. The applicant seeks to remediate the property to both the Statewide Health and Site-Specific Standards. The property is used as maintenance facility and will remain so in the future.

**Kauffman's Mini Market**, Upper Bern Township, **Berks County**. Onesky Engineering, Inc., 444 Creamery Way, Suite 300, Exton, PA 19341, on behalf of Love's Travel Stops and Country Stores, Inc., 10601 N. Pennsylvania Avenue, Oklahoma City, OK 73120 and Linda Kauffman, 108 North Fourth Street, Shartlesville, PA 19554, submitted a Notice of Intent to Remediate groundwater contaminated with No. 2 heating oil. The applicant seeks to remediate to the site-specific standard. The property is commercial and the proposed future use is commercial.

#### **DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

**Applications received for Determination of Applicability 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 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**

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

**General Permit Application No. WMGR038SW008. Recovery Technologies Pennsylvania, Inc.**, 100 Talbot Avenue, Braddock, PA 15104. Braddock Tire Processing Facility, 100 Talbot Avenue, Braddock, PA 15104. A application for a general permit renewal for processing and beneficial use of waste tires, tire derived material and tire derived fuel, was received in the Regional Office August 18, 2006.

**General Permit Application No. WMGR038SW010. Tire Visions, Inc.**, 938 Mine Road, Northern Cambria, PA 15716. Former Greenwich Collieries Facility, 938 Mine Road, Northern Cambria, PA 15716. A application for a

general permit renewal for processing and beneficial use of waste tires, tire derived material and tire derived fuel, was received in the Regional Office August 22, 2006.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Application received, under the Solid Waste Management Act (35 P. S. §§ 6018.1—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.300369. Allegheny Energy Supply Company, LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601. Armstrong Power Station-Active CCB Landfill, SR 4006 (near Reesedale, PA), Kittanning, PA 16201. An application for revisions to an approved closure plan, in Washington Township, **Armstrong County**, was received in the Regional Office on July 11, 2006.

**Permit ID No.101120. Solid Waste Disposal, Inc.**, 211 Brunner Road, Zelienople, PA 16063. Application for the bond reduction of a "closed" municipal waste landfill in Brighton Township, **Beaver County**, was received in the Regional Office on August 22, 2006.

**Application deemed complete 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.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit Application No. 301197. Reliant Energy Northeast Management Company**, P. O. Box F, Routes 879 and 970, Shawville, PA 16873 located in Bradford, Goshen Township, **Clearfield County**. This application for a permit renewal was deemed complete by the Williamsport Regional Office on August 25, 2006.

Comments concerning the application should be directed to David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (570) 327-3653. TDD users may contact the Department 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.

## **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.*

**36-05115A: MGS, Inc.** (178 Muddy Creek Church Road, Denver, PA 17517) for construction of an in-line surface coating and curing system in East Cocalico Township, **Lancaster County**.

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

**17-00017A: Rescar, Inc.** (450 Osborn Street, Dubois, PA 15801) for installation of a cartridge collector on a railcar abrasive blasting operation in the City of Dubois, **Clearfield County**.

**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.*

**40-399-38D: Fairchild Semiconductor Corp.** (125 Crestwood Drive, Mountaintop, PA 18707) for installation and operation of air cleaning devices to control emissions from the FAB 8 production lines at their facility in Wright Township, **Luzerne County**. The company has proposed to installed up to 12 point of use scrubber, six burn box and four coalescing filters to control emissions from the wafer manufacturing processes. These control equipment will be exhausted to the existing acid scrubber. Installation of these devices will reduce emissions from the plant. No emission increases are anticipated by this modification. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**39-318-115: Apollo Metals, LTD** (1001 Fourteenth Avenue, Bethlehem, PA 18018) for installation and operation of an air cleaning device to capture emissions from an existing chromium electroplating operation at their facility in the City of Bethlehem, **Lehigh County**. The facility is a non-Title V facility. PM emissions from the air-cleaning device will be less than 0.02 grain/dscf. The permittee shall comply with all applicable requirements of 40 CFR Part 63, Subpart N for the existing chromium electroplating operation. The plan approval will include emission restrictions, testing, monitoring, reporting, work practices and recordkeeping requirements designed to keep the source operating within all applicable air quality requirements.

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

**36-05082C: Clark Filter, Inc.** (3649 Hempland Road, Lancaster, PA 17601) for installation of a catalytic oxidizer to control emissions of HAPs from the facility's paper coating line in the City of Lancaster, **Lancaster County**. This modification will increase the collection and control efficiency on the paper coating line, which will reduce the facility's overall emissions of HAPs. This facility is subject to 40 CFR Part 63, Subpart JJJJ—National Emission Standards for Hazardous Air Pollutants for Paper and Other Web Coating. The plan approval will include emission restrictions, work practice standards testing and monitoring requirements, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements. In accordance with 25 Pa. Code § 127.450 the plan approval will be incorporated into the facility's Title V operating permit No. 36-05082.

**67-05069G: Old Castle Retail, Inc.** (550 South Biesecker Road, Thomasville, PA 17364) for construction of a new building that will house new dump hoppers at their Thomasville facility in Jackson Township, **York County**. The dump hoppers will be controlled by an existing collector. The maximum PM and PM10 emissions

are not expected to exceed 0.30 and 0.15 ton per year, respectively. The plan approval and operating permit shall contain additional recordkeeping and operating restrictions 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.*

**49-00007D: Merck and Co., Inc.** (P. O. Box 600, Danville, PA 17821) for modification of VOC emission limits for the wastewater treatment plant and sludge dryer at the Cherokee plant located in Riverside Borough, **Northumberland County**. The modification includes the removal of two sub-sets of VOC emission limits for certain wastewater treatment plant equipment and the establishment of a VOC emission limit for the sludge dryer and associated dried sludge handling equipment. The overall wastewater treatment plant VOC emission limitation of 15 tons in any 12-consecutive month period will remain intact. The respective facility is a major facility for which a Title V operating permit (49-00007) has been issued. The Department of Environmental Protection (Department) intends to issue a plan approval to authorize the applicant to operate the sources under the modified VOC emission limits. VOC emissions are not expected to increase because of the proposed modification.

The Department's review of the information contained in the application indicates that the proposed modification will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including 40 CFR Part 63, Subpart GGG—National Emission Standards for Pharmaceuticals Production (Pharmaceutical MACT Rule) and the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department intends to issue a plan approval for the proposed modification. Additionally, if the Department determines that the sources are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into the operating permit by means of an administrative amendment under 25 Pa. Code § 127.450.

The Department proposes to place in the plan approval the following conditions to ensure compliance with all applicable regulatory requirements:

1. This condition supersedes conditions nos. 001—003 of Source ID 101 of Title V operating permit 49-00007.

Compliance with this permit condition assures compliance with the 146-ton VOC emission limitation in any 12-consecutive month period under Reasonably Available Control Technology derived from 25 Pa. Code §§ 129.91—129.95.

Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the VOC emissions from the wastewater treatment plant (Source ID 101) shall not exceed 15 tons in any 12-consecutive month period.

2. This condition supersedes condition no. 002 of Source ID 102 of Title V operating permit 49-00007.

Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, the total combined VOC emissions from the following sources of Source ID 102 shall not exceed 0.5 ton in any 12-consecutive month period: Koline Sanderson #NPD-13W-1960 wastewater treatment sludge paddle dryer DR-530, sludge hopper TA-536B, solids transport vessel TA-536C and dried sludge receiver TA-532.

3. Conditions contained in Title V operating permit 49-00007 remain in effect unless superseded or amended by conditions contained in this plan approval. If there is a conflict between a condition or requirement contained in this plan approval and a condition or requirement contained in Title V operating permit 49-00007, the permittee shall comply with the condition or requirement contained in this plan approval rather than the conflicting condition or requirement contained in Title V operating permit 49-00007.

Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

Copies of the application and the Department's review of the application are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693.

**41-00005E: Lycoming Engines** (652 Oliver Street, Williamsport, PA 17701) for construction and operation of a solvent-based perchloroethylene degreaser (Source ID P236) equipped with sub-zero and above-zero chillers (IDs C236A and C236B) to control the perchloroethylene emissions from the degreaser at their facility in Williamsport, **Lycoming County**. The respective facility is a major facility for which a Title V operating permit 41-00005 has been issued.

The Department's review of the information contained in the application indicates that the proposed degreaser with sub-zero and above-zero chillers will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. The proposed degreaser will be subject to the Federal regulatory requirements, Subpart T of the National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Part 63, 63.460—63.470 and will comply with all applicable regulatory requirements of this subpart. Based on these findings, the Department intends to issue a plan approval for the construction and operation of the degreaser with chillers. Additionally, if the Department determines that the degreaser with chillers is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit No. 41-00005 by means of an administrative amendment under 25 Pa. Code § 127.450.

The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, this plan approval is issued for the construction and operation of a Farr Manufacturing Model VS-361830-EW perchloroethylene degreaser (Source ID P236) with a solvent to air interface of 7 Ft<sup>2</sup>. Source ID P236 shall be equipped with Farr Manufacturing Sub-zero chiller (ID C236A), Above-zero chiller (ID C236B) and a "Hot Shot Heating System" to control the perchloroethylene emissions.

2. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P236 shall not use more than 623 gallons of perchloroethylene in any 12-consecutive month period. Mixtures of perchloroethylene, sludge, and the like, may not be excluded or subtracted unless the perchloroethylene content of each container has been determined by analysis and then only the perchloroethylene portion of the mixture may be excluded.

3. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the perchloroethylene emissions from Source ID P236 shall not exceed 4.12 tons in any 12-consecutive month period.

4. The permittee shall keep records of the following information for Source ID P236:

a. The amount of perchloroethylene added and the amount of used perchloroethylene shipped offsite in liquid form on a monthly basis and the supporting calculations used to verify compliance with the perchloroethylene throughput limitation in any 12-consecutive month period.

b. The emissions of perchloroethylene on a monthly basis and the supporting calculations used to verify compliance with the perchloroethylene emissions limitation in any 12-consecutive month period.

c. The temperature at the center of the chilled air blanket at least once per day, to verify compliance with the air blanket temperature requirement.

d. The inlet temperature of each freeboard chiller compressor of IDs C236A and C236B, at least once per day to verify compliance with the inlet temperature requirement.

e. The inlet pressure of each freeboard chiller compressor of IDs C236A and C236B, at least once per day to verify compliance with the inlet pressure requirement.

f. The Material Safety Data Sheets (MSDS) of the perchloroethylene used in the degreaser.

These records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

5. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the freeboard ratio of Source ID P236 shall not be less than 1.2.

6. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P236 shall not be operated without the simultaneous operation of IDs C236A and C236B.

7. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR Part 63 Subpart T, 63.463(e)(2)(i), the temperature at the center of the chilled air blanket in Source ID P236 shall be no greater than 75°F at any time.

8. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the inlet temperature to each freeboard chiller compressor of IDs C236A and C236B shall not exceed 85°F at any time.

9. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the inlet pressure to each freeboard chiller compressor of IDs C236A and C236B shall not drop below 35 pounds per square inch (psi) at any time.

10. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, IDs C236A and C236B shall be equipped with instrumentation to monitor the inlet temperature and pressure of each freeboard chiller compressor on a continuous basis.

11. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR Part 63 Subpart T, 63.463(d)(1)(i), The degreaser opening shall be fully covered during all times of operation except to add or remove parts.

12. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR Part 63, Subpart T, 63.463(d)(2), the parts basket or parts being cleaned in Source ID P236 shall not occupy more than 50% of the solvent/air interface at any time.

13. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR Part 63 Subpart T, 63.463(a)(5), Source ID P236 shall be equipped with instrumentation that shuts off the sump heat: if the vapor level in the degreaser rises above the height of ID C236A, if the solvent level lowers to the sump heater coils in Source ID P236, if a low flow condition in the refrigerant coils of either IDs C236A or C236B, if the cooling water temperature exceeds 85°F at the inlet of the freeboard chiller compressor of IDs C236A and C236B.

14. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, frost shall not accumulate on the refrigerant coils of IDs C236A and C236B. In the event that frost does accumulate, the permittee shall cease operation of Source ID P236.

15. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only spray parts with the spray lance of Source ID P236 within the vapor zone of the degreaser. At no time shall the permittee spray parts within the freeboard area of the Source ID P236.

16. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR Part 63 Subpart T, 63.463(d)(4), parts that are cleaned in Source ID P236 shall be oriented so that the solvent drains from them freely. Parts having cavities or blind holes shall be tipped or rotated before being removed from Source ID P236.

17. Under 40 CFR Part 63 Subpart T—National Emission Standards for Hazardous Air Pollutants for Halogenated Solvent Cleaning, 63.460—63.470, Source ID P236 is subject to the requirements of 40 CFR Part 63 Subpart T, 63.460—63.470. The permittee shall comply with all applicable requirements of 40 CFR Part 63 Subpart T, 63.460—63.470.

Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

Copies of the application and the Department's review of the application are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693.

## OPERATING PERMITS

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

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.*

**19-00006: Del Monte Corp.** (6670 Low Street, Bloomsburg, PA 17815) for renewal of a Title V Operating Permit for their pet food manufacturing facility in South Centre Township, **Columbia County**.

The facility incorporates two 26.6 mmBtu per hour natural gas/No. 6 fuel oil-fired boilers, two 50.3 mmBtu per hour natural gas/No. 2 fuel oil-fired boilers, a meat scrap storage operation, a gravy mixing operation, two meat mixers, 20 small natural gas-fired combustion units (space heaters, water heaters, and the like) five solvent parts washers, a 75 horsepower propane-fired emergency generator, two propane-fired welders, a wastewater treatment plant and a 12,000 gallon aboveground fuel oil storage tank.

The PM emissions from the gravy mixing operation and the two meat mixers are controlled by two wet centrifugal collectors. The malodorous air contaminant emissions from the meat scrap storage operation and the wastewater treatment plant are controlled by three scrubbers.

The air contaminant emissions from the facility are not expected to exceed 254.95 tons of SO<sub>x</sub>, 90.78 tons of NO<sub>x</sub>, 37.05 tons of CO, 25.37 tons of PM including PM<sub>10</sub>, 3.23 tons of VOCs and 2.04 tons of HAPs per year.

The Department of Environmental Protection (Department) proposes to renew Title V Operating Permit 19-00006. The Department intends to incorporate into this renewal all conditions currently contained in Title V Operating Permit 19-00006 with these exceptions, changes and/or additions:

1. Conditions requiring weekly "walk around" inspections of the facility and the maintenance of records of these inspections have been removed as the respective conditions infer that facility personnel need monitor the facility's air contamination sources only once per week. The monitoring of sources should be an integral part of normal source operation and should therefore occur on a more-or-less continuous basis.

2. Ten small natural gas-fired combustion units (space heaters, and the like) previously included in the permit (as part of Source 039) have been removed as they no longer exist and 11 new small natural gas-fired combustion units have been added (as Source 040).

3. A condition requiring the maintenance of records of the amount of natural gas used per month in the small combustion units comprising Source 039 as well as records of the number of hours these units operate each month has been removed from the permit as the intent of these records had been to demonstrate compliance with VOC emission limitations which the combustion units, in aggregate, are incapable of exceeding even if fired at maximum capacity around the clock. As there is no question of compliance with the respective limitations, there is no need to maintain the previously-required records.

4. Five remote reservoir solvent parts washers previously included in the permit (as Source P205) have been removed as they no longer exist and five new remote reservoir solvent parts washers have been added (as Source P206). Additionally, the applicable regulatory requirements for the new parts washers, as specified in 25 Pa. Code § 129.63, have been added to the permit.

5. A number of propane-fired sources (forklifts, and the like) previously included in the permit (as part of Source

P209) have been removed as they are mobile air contamination sources, rather than stationary air contamination sources, and, as such, should not be included in the permit. Two propane-fired sources (two welders) have however been added to the permit (Source P209).

6. Conditions requiring the use of a specific reagent, "Redox 60," in the scrubbing solution used in the three odor scrubbers (C002—C004) associated with the meat scrap storage operation (Source P211) and wastewater treatment plant (Source P213) have been modified to allow the use of alternate reagents provided that the resultant scrubbing solution contains the same concentration of the same active ingredient, peroxyacetic acid.

7. A condition requiring the maintenance of records of the vapor pressure of the material stored in the 12,000 gallon No. 2 fuel oil storage tank (Source P215) has been replaced with a condition requiring the maintenance of records of the identity of the material stored in the respective tank. A condition has also been added restricting the respective tank to the storage of No. 2 fuel oil.

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

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

**22-03022: Wenger's Feed Mill, Inc.** (101 West Harrisburg Avenue, Rheems, PA 17570-0026) for renewal to the State-only Operating Permit for operation of an animal feed mill in Lykens Township, **Dauphin County**. The renewal operating permit shall contain the same sources and requirements as the original operating permit designed to keep the facility operating within all applicable air quality requirements.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Brawn, Chief, (215) 685-9476.*

**S06-003: Commander Navy Region Mid-Atlantic** (700 Robbins Avenue, Philadelphia, PA 19111) for operation of their office building in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 40 mmBtu/hr boiler, one 36 mmBtu/hr boiler, one 29.3 mmBtu/hr boiler, two 1.3 mmBtu/hr boilers, one 0.75 mmBtu/hr boiler, 15 boilers and water heaters less than 0.25 mmBtu/hr, 10 emergency generators, a fire pump, a carpentry shop, a paint booth and a gasoline storage and dispersion tank.

**S06-008: Philadelphia Baking** (2550 Grant Avenue Central Avenue, Philadelphia, PA 19114) for operation of a bakery in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 5.46 mmBtu/hr with catalytic oxidizer, one 8.3 mmBtu/hr Boiler, one 5.0 mmBtu/hr boiler, one 370,000 Btu/hr vaporizer, and two 3 mmBtu/hr air and heating units.

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 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.

**COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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

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

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an applica-

tion 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*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

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

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

**03060701 and NPDES Permit No. NA. McVile Mining Company** (301 Market Street, Kittanning, PA 16201). To operate the McVile Refuse Disposal Area No. 2 in South Buffalo Township, **Armstrong County** a new refuse disposal site and related NPDES permit. CRDP

Refuse Disposal Acres Proposed 120.3. Receiving stream is UNT to Allegheny River, classified for the following use: CWF. Application received: July 18, 2006.

**03061301 and NPDES Permit No. NA. TJS Mining, Inc.** (2340 Smith Road, Shelocta, PA 15774). To operate the TJS No. 6 Deep Mine in Plumcreek Township, **Armstrong County** a new underground mine and related NPDES permit. Surface Acres Proposed 25.5, Underground Acres Proposed 1,530.5, SCP Acres Proposed 1502.8. Receiving stream: Plum Creek, classified for the following use: TSF. Application received: August 7, 2006.

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

**56990105 and NPDES No. PA0235202. Marquise Mining Corporation** (3889 Menoher Boulevard, Johnstown, PA 15905). Permit renewal for the continued opera-



tion and restoration of a bituminous surface-auger mine in Quemahoning Township, **Somerset County**, affecting 168.5 acres. Receiving streams: UNTs to the Stonycreek River and Stonycreek River classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Border Dam SWI. Application received: August 18, 2006.

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

<sup>1</sup> 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.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**37000302. IA Construction Corporation** (158 Lindsay Road, Zelienople, PA 16063). Renewal of NPDES Permit No. PA 0241831. Wayne Township, **Lawrence County**. Receiving streams: UNT to Duck Run, Duck Run and UNT to Connoquenessing Creek, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES renewal application received: August 21, 2006.

## 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

### *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:

available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-859. New Hanover Township Authority**, 2943 N. Charlotte Street, Gilbertsville, PA 19525, New Hanover Township, **Montgomery County**, ACOE Philadelphia District.

To reissue and amend permit E46-859 to include modifying and extending proposed fill within the 100-year floodplain of Swamp Creek (TSF) and West Branch of Swamp Creek. This work is associated with the expansion of the existing New Hanover Township Wastewater Treatment Facility to a capacity of 1.925 mgd. This site is located approximately 1,000 feet southeast from intersection of Feglesville Road and Evans Road, near the confluence of Swamp Creek and West Branch of Swamp Creek (Sassamansville, PA USGS Quadrangle N: 5.5 inches; W: 7.4 inches).

**E46-995. Robert Adams, Director of Stewardship (WVWA)**, 12 Morris Road, Ambler, PA 19002, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a new pedestrian bridge across Wissahickon Creek (TSF). The proposed bridge, measuring 100-foot long by 8-foot wide, is part of the trail system through open space located above 100-year flood plain.

The site is located approximately 250 feet southeast of intersection of Butler Pike and Morris Road (Ambler-PA USGS Quadrangle N: 4.47 inches W: 14.26 inches) in Upper Dublin Township, Montgomery County.

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

**E39-468. Upper Saucon Township**, 5500 Camp Meeting Road, Center Valley, PA 18034, in Upper Saucon Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 12-inch diameter DIP waterline crossing of a tributary to Saucon Creek (CWF) and adjacent EV PSS Wetlands. The project is located between the Curly Horse Road culdesac and Hopewell Road. (Allentown West, PA Quadrangle N: 6.0 inches; W: 8.5 inches).

**E39-469. Upper Saucon Township**, 5500 Camp Meeting Road, Center Valley, PA 18034, in Upper Saucon Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 12-inch diameter DIP waterline crossing of two tributaries to Saucon Creek (CWF) and adjacent EV PSS wetlands. The project is located along Liberty Road (T-415), North Main Street (SR 2045) and Passer Road (SR 2028) (Allentown East, PA Quadrangle N: 4.4 inches; W: 2.2 inches).

**E39-466. Whitehall Township**, 3219 MacArthur Road, Whitehall, PA 18052, in Whitehall Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a prestressed concrete adjacent box beam bridge across Coplay Creek (HQ-CWF), having an 80-foot span and a 7.4-foot underclearance. The project is located on Chestnut Street immediately east of its intersection with Church Street. (Cementon, PA Quadrangle N: 8.88 inches; W: 3.44 inches).

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

**E50-233. Robert H. Snyder**, R. D. 4, Box 4267, Duncannon, PA 17020 in Watts Township, **Perry County**, ACOE Baltimore District.

To operate and maintain an existing 0.5-acre pond on aa UNT to Susquehanna River (WWF) (Duncannon, PA Quadrangle; Latitude: 40° 27' 0", Longitude: 77° 0' 0"; North: 13.75", West: 0") in Watts Township, Perry County. The pond was constructed for the purpose of recreation, irrigation and fire protection. Construction of the pond resulted in the permanent impact of approximately 300 linear feet of intermittent stream channel and approximately 0.10 acre of PEM/PSS wetland complex.

To compensate for the wetland impacts, the applicant is proposing to create 0.20 acre of replacement PEM/PSS wetlands onsite.

**E21-390. Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699 in Lower Allen Township, **Cumberland County**, ACOE Baltimore District.

To extend the downstream side of a 10-foot wide by 6-foot high box culvert by 28.25-feet to have a total length of 75.75-feet within a UNT to Cedar Run (CWF) located approximately 125-feet east of the intersection of Hartzdale Drive and SR 2025 (Slate Hill Road) on Hartzdale Drive (Lemoyne, PA Quadrangle, Latitude: 40° 12' 43" Longitude: 76° 56' 40" North: 15.8 inches; West: 9.8 inches) in Lower Allen Township, Cumberland County.

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

**E14-492. Resource Recovery, LLC**, 3925 Columbia Avenue P. O. Box 476, Mountville, PA 17554-0476. Resource Recovery Municipal Waste Landfill, Rush Township, **Centre County**. ACOE Baltimore District.

The project is located on a 5,758-acre parcel located in Rush and Snowshoe Townships, Centre County. The proposed project is located in Rush Township to the west of the Peale and Gorton Road Intersection and to the north of I-80 approximately 7 miles west of the I-80 Snowshoe Exit. Black Moshannon PA Quadrangle (latitude 40° 58' 25" longitude 78° 04' 37"). The purpose of the project is to construct a municipal waste landfill and associated facilities. The project boundary is approximately 533 acres with approximately 274 lined acres. A total of 10.6 acres of permanent fill is proposed in 12 wetlands classified in 25 Pa. Code § 105.17 as other wetlands. Wetland impacts include fill in 5.67 acres of Palustrine Forested/Palustrine Emergent wetlands (PFO/PEM), 0.69 acre of Palustrine Scrub Shrub/Palustrine Emergent wetlands (PSS/PEM) and 4.22 acres of PEM wetlands. An additional 0.71 acre of PEM wetlands for construction of an I-80 interchange to access the site will also be evaluated as a secondary impact to the project. Proposed wetland replacement is a 1:1 ratio.

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

**E02-1542. Foltz Development Company**, P. O. Box 401, Bridgeville, PA 15071. To place fill in wetlands in Moon Township, **Allegheny County**, Pittsburgh ACOE District. (Aliquippa, PA Quadrangle N: 8.32 inches; W: 1.16 inches and Latitude: 40° 32' 45"—Longitude: 80° 15' 30"). The applicant proposes to place and maintain fill in 0.12 acre of wetlands and 455.0 linear feet of UNTs to Boggs Run (WWF) for the purpose of constructing the proposed 80 lot Pine Run Residential Development. The project is located on the north side of Boggs Hollow Road, approximately 2,000 feet northwest from the intersection of Boggs Hollow Road and Spring Run Road and will impact 0.12 acre of wetlands and 455.0 linear feet of stream channel.

**E63-588. Canonsburg Borough, 68 East Pike Street, Canonsburg, PA 15317**. To place bank stabilization in Canonsburg Borough, Washington County, Pittsburgh ACOE District. (Canonsburg PA Quadrangle N: 1.41 inches; W: 10.39 inches and Latitude 40° 15' 28"—Longitude 80° 11' 58"). The applicant proposes to place and maintain approximately 500 feet of bank stabilization and to construct approximately 660' of gravel access road for the purpose of flood control and bank stabilization. The project is located approximately 600' east of the intersection of West Pike and Strabane Avenue.

#### ENVIRONMENTAL ASSESSMENTS

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**EA1009-006. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards**, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in West Liberty Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 600 linear feet of danger-

ous highwall. The project will include the backfilling of 0.01 acre of PEM wetland and 0.7 acre of open water that have developed within the open surface mine pits. (Prospect Quadrangle N: 22.22 inches, W: 6.0 inches).

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**EA51-022. Fairmont Park Commission, City of Philadelphia**, 4231 North Concourse Drive, Memorial Hall West Park, Philadelphia, PA 19131-3719. City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To breach and remove the Rhawn Street Dam across Pennypack Creek (TSF, MF) for the purpose of restoring the stream to a free flowing condition. The activity will improve migratory fish habitat by removing an impediment to upstream and downstream migratory routes. The dam is located approximately 500 feet south (500 feet upstream) of the Rhawn Street Bridge across Pennypack Creek in the City of Philadelphia, Philadelphia County. (Frankford, PA Quadrangle; 40.05 N,—75.03 W).

**D62-004EA. Patricia McSparran, Bureau Director, Bureau of Waterways Engineering**, P. O. Box 8460, Harrisburg, PA 17105-8460. Borough of Warren, **Warren County**, ACOE Pittsburgh District.

Project proposes to breach and remove Conewango Dam (Carters Dam) across Conewango Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 3,100 feet of stream channel. The dam is located approximately 1,300 feet east of the intersection of US 62 and West Pennsylvania Avenue (US 6 Business) (Warren, PA Quadrangle N: 17.2 inches; W: 2.05 inches).

**EA47-001CO. Brian Kile**, 50 Spike Blue Road, Danville, PA 17821, Valley Township, **Montour County**, ACOE Baltimore District.

Project proposes to modify an existing non-jurisdictional dam adjacent to a tributary to Mahoning Creek (CWF) for recreation. The dam is located approximately 2300 feet west-northwest of the intersection of Spike Blue Hollow Road (T399) and Hess Hill Road (T377) (Millville, PA Quadrangle; N: 3.0", W: 16.5").

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## ACTIONS

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### 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0002984 Industrial Waste	Pittsburgh Terminals Corp. P. O. Box 2621 Harrisburg, PA 17105	Allegheny County Moon Township	Thorn Run	Y
PA0096474 Industrial Waste	Buckeye Pipe Line Co., LP Coraopolis Station 3324 University Blvd., Suite 4 Moon Township, PA 15108	Allegheny County Coraopolis Borough	Ohio River	Y
PA0216011 Industrial Waste	Luther P. Miller, Inc. Segwood Avenue P. O. Box 714 Somerset, PA 15501	Somerset County Confluence Borough	Casselman River	Y
PA0093611 Sewage	ST Development Co., LLC 2611 Memorial Blvd. Connellsville, PA 15425	Fayette County Bullskin Township	Drainage Swale to Irish Run	Y
PA0093718 Sewage	Karns City School District 1446 Kittanning Pike Karns City, PA 16041	Armstrong County Sugarcreek Township	UNT to Huling Run	Y
PA0095524 Sewage	Tri-Community Water & Sewer Authority P. O. Box 86 Bolivar, PA 15923	Indiana County West Wheatfield Township	Conemaugh River	Y
PA0203777 Sewage	Ductmate Industries 1502 Industrial Drive Monongahela, PA 15063-9700	Allegheny County Forward Township	Monongahela River	Y
PA0216941 Sewage	Forest Hills Muni. Auth. 507 Maple Street P. O. Box 111 South Fork, PA 15956	Cambria County Conemaugh Township	Little Conemaugh River	N
PA0218391 Sewage	Georges Creek Muni. Auth. P. O. Box 338 Smithfield, PA 15478	Fayette County Georges Township	Georges Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0222020	Kuhl Road Property Owner's Association 5775 Kuhl Road Erie, PA 16510	Harborcreek Township Erie County	UNT to Four Mile Creek 15-FM	Y
PA0036994	Pleasantville Borough 114 West State Street P. O. Box 150 Pleasantville, PA 16341-9741	Pleasantville Borough Venango County	West Pithole Creek 16-E	Y
PA0030104 Amendment No. 1	Frenchcreek Township Wastewater Treatment Plant 4507 Georgetown Road Franklin, PA 16323	Polk Borough Venango County	Little Sandy Creek 16-G	Y
PA0093378	Associated Ceramics & Technology, Inc. 400 North Pike Road Sarver, PA 16055-8634	Winfield Township Butler County	UNT to Sarver Run 18-F	Y
PA0221988	North Memorial Animal Hospital 143 State Route 18 New Wilmington, PA 16142	Wilmington Township Lawrence County	UNT to Shenango River 20A	Y

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


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

**NPDES Permit No. PA0248193**, Sewage, **Albert C. Kuhn**, P. O. Box 121, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to the Conodoguinet Creek in Watershed 7-B.

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

**NPDES Permit No. PA0253235**. Industrial Waste. **Tarentum Housing Limited Partnership**, 4415 Fifth Avenue, Pittsburgh, PA 15213. This proposed facility is located in Tarentum Borough and Brackenridge Borough, **Allegheny County**.

Description of Proposed Action/Activity: Issuance of Permit for construction and operation of a geothermal heating/cooling system.

**NPDES Permit No. PA0253251**. Industrial Waste. **CNX Gas Company, LLC**, 4000 Brownsville Road, South Park, PA 15129. This proposed facility is located in Elco Borough, **Washington County**.

Description of Proposed Action/Activity: Issuance of Permit to discharge industrial wastewater.

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

**NPDES Permit No. PA0239810**, Sewage, **Charles Callahan**, 6767 Station Road, Erie, PA 16510. This proposed facility is located in Harborcreek, **Erie County**.

Description of Proposed Action/Activity: This is a single residence sewage treatment plant discharging to a UNT to Six Mile Creek in Watershed 15-6M.

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


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

**WQM Permit No. 5206403**, Sewerage, **Westfall Township Municipal Authority**, 1082 Delaware Drive, P. O. Box 235, Matamoras, PA 18336. This proposed facility is located in Westfall Township, **Pike County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

**WQM Permit No. 3906402**, Sewerage, **Upper Macungie Township Sewer Authority**, 8330 Schantz Road, Breinigsville, PA 18031. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for construction and operation of a pump station to service the Estates at Coldwater Crossings.

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

**WQM Permit No. 2106401**, Sewerage, **Albert C. Kuhn**, P. O. Box 121, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of a septic tank, STB-650 Ecoflo peat filter, tablet chlorinator, and chlorine contact tank.

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

**WQM Permit No. 0272419-A4**, Sewerage, **McCandless Township Sanitary Authority**, 418 West Arcadia Drive, Pittsburgh, PA 15237. This proposed facility is located in McCandless Township, **Allegheny County**.

Description of Proposed Action/Activity: Issuance of Permit to replace two existing comminutors with one mechanical bar screen.

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

**WQM Permit No. WQG018472**, Sewerage, **John M. Touchton**, 306 Lower Portage Road, Port Allegany, PA 16743. This proposed facility is located in Liberty Township, **McKean County**.

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

**WQM Permit No. WQG018481**, Sewerage, **Tim Hagberg**, 644 Hatch Run Road, Warren, PA 16365. This proposed facility is located in Glade Township, **Warren County**.

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

**WQM Permit No. 2506406**, Sewerage, **Charles Callahan**, 6767 Station Road, Erie, PA 16510. This proposed facility is located in Harborcreek Township, **Erie County**.

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

**WQM Permit No. 2504403**, Sewerage, **Stephen G. Hess**, 1718 Biebel Avenue, Erie, PA 16509. This proposed facility is located in Franklin Township, **Erie 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10G420R	Toll Brothers, Inc. 250 Gibraltar Road Horsham, PA 19044	Chester	Upper Uwchlan Township	March Creek (HQ)
PAI011505048	Beth Chaim Reform Congregation P. O. Box 3093 West Chester, PA 19381	Chester	East Whiteland Township	UNT Valley Creek (EV)
PAI011504064	Thomas and Michelle O'Donnell 3362 Conestoga Pike Glenmoore, PA 19343	Chester	East Nantmeal Township	Black horse Creek and Beaver Run (HQ)
PAI011506023	Liberty Property Limited Partnership 500 Chesterfield Parkway Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek (EV)
PAI012304005	Tinicum Industrial Partners, LP 230 Bala Avenue Bala Cynwyd, PA 19004	Delaware	Tinicum Township	Delaware River (WWF)

**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 &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
New Britain Township Bucks County	PAG2000906120	Mike Moody 201 Sellersville Road Chalfont, PA 18914-1323	UNT Neshaminy Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Buckingham Township Bucks County	PAG2000905040	David Gash 5647 Stony Hill Road New Hope, PA 18938-5430	Pidcock Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Springfield Township Bucks County	PAG2000906112	Solteck Equities, LLC 703 West Market Street Perkasie, PA 18944	Saucon Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG2000906102	National Shrine of Our Lady of Czestochowa 654 Ferry Road Doylestown, PA 18901	UNT Lake Galena (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Sadsbury Township Chester County	PAG2001506015	Arcadia Associates, LP 100 West Lancaster Avenue Suite 102 Wayne, PA 19087	Buck Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Garden Township Chester County	PAG2001506044	Sumerset Lake Service Corporation P. O. Box 7368 Wilmington, DE 19803	White Clay Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Fallowfield Township Chester County	PAG2001506047	Weaver Mulch 3190 Strasbury Road East Fallowfield, PA 19320	Buck Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Goshen Township Chester County	PAG2001506017	Jerrehain PA Group 101 West Washington Street Conshohocken, PA 19428	Taylor Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Darby Township Delaware County	PAG2002306030	Rite Air Upper Darby Landlord, LP 1055 Westlakes Drive, Suite 170 Berwyn, PA 19312	Darby and Cobbs Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitpain Township Montgomery County	PAG2004606040	Gambone Brothers Construction 1030 West Germantown Pike Fairview Village, PA 19409	Sawmill Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Towamencin Township Montgomery County	PAG2004606076	Towamencin Town Center Assoc 1690 Sumneytown Pike, Suite 190 Lansdale, PA 19446	Tributary Towamencin Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Horsham Township Montgomery County	PAG2004606042	Brandywine Operating Partnership, LP 401 Plymouth Road, Suite 500 Plymouth Meeting, PA 19462	Park Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG2004605212	FMS Realty Corporation 696 Bethlehem Pike, P. O. Box 297 Colmar, PA 18915	UNT Neshaminy Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Salford Township Montgomery County	PAG2004606034	Whitehall Homes P. O. Box 1198, 1620 Bustard Road Kulpsville, PA 19443	Tributary to Park Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Moreland Township Montgomery County	PAG2004606028	K Hovanian Companies 1170 Wheeler Way, Suite 200 Langhorne, PA 19047	Huntingdon Valley Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Horsham Township Montgomery County	PAG2004606042	Brandywine Operating Partnership, LP 555 East Lancaster Avenue, Suite 100 Radnor, PA 19087	Park Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG2004605036	TH Properties 345 Main Street Harleysville, PA 19438	UNT Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Conshohocken Borough Montgomery County	PAG2004606021	Montgomery County Planning Comm P. O. Box 311 One Montgomery Plaza Norristown, PA 19404	Plymouth Creek (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitemarsh Township Montgomery County	PAG2004606069	St. Philip Neri Church 437 Ridge Pike Lafayette Hill, PA 19444	Schuylkill River (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pennsburg Township Montgomery County	PAG2004606065	Tri Country Area Federick Credit Union 1550 Medical Drive Pottstown, PA 19464	Perkiomen Creek (MF, WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Frederick Township Montgomery County	PAG2004606090	Jim Hollenback 166 Holly Drive P. O. Box 507 Boyertown, PA 19512	Perkiomen Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitpain Township Montgomery County	PAG2004606088	Montgomery County Community College 340 DeKalb Pike Blue Bell, PA 19422	Stony Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106026	Westrum Development Company 370 Commerce Drive Fort Washington, PA 19034	Schuylkill River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106046	Yum! Brands, Inc. 900 Northbrook Drive, Suite 310 Trevose, PA 19053	Schuylkill river (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Carbondale Lackawanna County	PAG2003506024	Dominick Famularo Carbondale Area School District Business Route 6 101 Brooklyn St. Carbondale, PA 18407	Tributary to Lackawanna River CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Old Forge Borough Lackawanna County	PAG2003506025	William Rinaldi 705 School St. Moosic, PA 18507	Lackawanna River CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
Hazle Township Luzerne County	PAG2004006017	Eagle Rock Resort Co. 1031 Valley of Lakes Hazleton, PA 18201	Black Creek CWF Stony Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Hazle Township Luzerne County	PAG2004006025	Gonnella Frozen Products, Inc. 1117 E. Wiley Road Schaumburg, IL 60173	Stony Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991



<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Swatara Township Dauphin County	PAG2002206035	Harrisburg-Falls Creek Developers, LLC 30195 Chagrin Blvd., Suite 100 Pepper Pike, OH 44124	Spring Creek CWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018
Swatara Township Dauphin County	PAR10I285R	The McNaughton Co. 4400 Deer Path Rd. Suite 201 Harrisburg, PA 17111	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018
Lower Paxton Township Dauphin County	PAG2002206038	Lower Paxton Township Authority 425 Prince St. Harrisburg, PA 17109	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018
West Hanover Township Dauphin County	PAG2002206046	Lezzer Lumber, Inc. P. O. Box 217 Curwensville, PA 16833	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018
Amity Township Berks County	PAG2000606065	Steve Johnston Community Banks 1060 Main Street P. O. Box 580 Blue Ball, PA 17506	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 (610) 372-4657, ext. 201
Caernarvon Township Berks County	PAG2000606042	Dave Groh Living Rock Bible Church 2412 Ridge Road Elverson, PA 19520	East Branch Conestoga River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-0520 (610) 372-4657, ext. 201
Ontelaunee Township Berks County	PAG2000606054	Richard Keffer Hayes Construction 2610 Westview Drive Wyomissing, PA 19610	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-0520 (610) 372-4657, ext. 201
Borough of Strausstown Berks County	PAG2000606064	Borough of Strausstown P. O. Box 2269 Strausstown, PA 19559	Little Northkill & Jackson Creeks CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-0520 (610) 372-4657, ext. 201
Tulpehocken Township Berks County	PAG2000606057	Edward Wilde 443 Congo Road Gilbertsville, PA 19525	Trib. to Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-0520 (610) 372-4657, ext. 201
Centre Township Perry County	PAG2035006003	Lester Garman 1330 Clouser Hollow Rd. New Bloomfield, PA 17068	Trout Run CWF	Evan Ticehurst Perry County Conservation District 31 West Main Street P. O. Box 36 New Bloomfield, PA, 17068 (717) 582-5119

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Mechanicsburg Borough Cumberland County	PAG2002106021	Mechanicsburg Borough Compost Facility 36 West Allen Street Mechanicsburg, PA 17055	Trindle Spring Run CWF	Cumberland County Conservation District 43 Brookwood Ave, Suite 4 Carlisle PA 17015
Tioga County Lawrence and Tioga Townships Lawrence Borough	PAG2005904003-3	Department of Transportation District 3-0 P. O. Box 218 715 Jordan Avenue Montoursville, PA 17754-0218	Tioga and Cowanesque Rivers WWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Hazle Township Luzerne County	PAG2114006001	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18711-0790	Stoney Creek (CWA)	Department of Environmental Protection Bureau of Abandoned Mine Reclamation 2 Public Square, Fifth Floor Wilkes-Barre, PA 18711-0790 (570) 826-2371

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Adams County Oxford Township	PAR203503	R & R Byproducts, Inc. P. O. Box 291 York, PA 17405	UNT to Pine Run TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Spring Garden Township	PAR603593	First Capital Fibers, Inc. (State Street Facility) P. O. Box 867 York, PA 17045	UNT Codorus Creek WWF/7-H	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bedford County Bedford Township	PAG043683	Seth Stoltzfus 1212 Briar Valley Road Bedford, PA 15522	UNT to Dunning Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County West St. Clair Township	PAG043533	Jeffrey L. Crist 191 Deer Run Lane Alum Bank, PA 15521	Unt to Georges Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County North Middleton Township	PAG043556	Adrian Oliver 2110 Long Gap Road Carlisle, PA 17013	Swale to Meeting House Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Reading Township	PAF043531	Carol Myers 775 Lake Meade Road York Springs, PA 17372	UNT to Mud Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Liberty Township McKean County	PAG049262	John M. Touchton 306 Lower Portage Road Port Allegany, PA 16743	Allegheny Portage Creek 16-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Glade Township Warren County	PAG049273	Tim Hagberg 644 Hatch Run Road Warren, PA 16365	UNT to Hatch Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Cumberland County Hopewell Township	PAG083598	Newburg-Hopewell Joint Authority P. O. Box 128 Newburg, PA 17240		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
East Brunswick Township Schuylkill County and Lynn, Lowhill and Weisenburg Township Lehigh County	PAG08-2201 PAG08-3565/ 07-3508 PAG08-2203 PAG08-3522 PAG08-0008 PAG08-0003 PAG08-3502 PAG08-0002 PAG08-3542 PAG08-3547 PAG08-3551 PAG08-3518 PAG08-3540 PAG08-9903 PAG08-3556 PAG08-3596 PAG08-0018 PAG08-3567 PAG08-3506 PAG07-0003 PAG07-0005 PAG08-3515 PAG08-3501 PAG08-3825 PAG08-9905 PAG08-3535 PAG08-004 PAG08-0006 PAG08-3517 PAG08-9904 PAGBIG-9903 PAG08-3517 PAG08-3567	Synagro 1605 Dooley Rd. P. O. Box B Whiteford, MD 21160	Jeffrey C. Hill Farm Rauschs Rd. East Brunswick Township Schuylkill County - and - Susan Smith Farm River Rd. East Brunswick Township Schuylkill County - and - Mangold Farm Oswald Rd. Lynn Township Lehigh County Lowhill Church Rd. Lowhill Township and Weisenburg Township Lehigh County	NERO 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Eldred Township Monroe County	PAG09-2207	J. R. Borger, Inc. R. R. 1, Box 1473 Saylorsburg, PA 18353-9743	Larry D. Borger Farm R. D. 2, Box 347 Christman Rd. Kunkletown, PA 18058	NERO 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

*General Permit Type—PAG-10*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County New Holland Borough	PAG103528	Richland Partners, LLC d/b/a Leffler Energy, Inc. P. O. Box 659 Douglassville, PA 19518	Mill Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

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

**Permit No. 3390802**, Public Water Supply.

Applicant	<b>Neffs Hotel</b> North Whitehall Township <b>Lehigh County</b>
Responsible Official	Zane J. Schaffer, Sr. P. O. Box 234 5635 Route 873 Neffs, PA 18065 (610) 767-8545
Type of Facility	Transient Noncommunity Water System
Permit Issuance Date	August 22, 2006
Description of Action	PWS operation permit issued for nitrate removal treatment of the water supply for Neffs Hotel.

**Wellhead Protection Program Approval** issued to the **Municipal Authority of the Borough of Milford**, 120 Pear Alley, P. O. Box 459, Milford, PA 18337, PWS ID 2520046, Milford Borough, **Pike County** on June 30, 2006.

**Wellhead Protection Program Approval** issued to **Emmaus Borough Public Water**, 28 South 4th Street,

Emmaus, PA 18049, PWS ID 3390032, Emmaus Borough, **Lehigh County**, on June 26, 2006.

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

**Operations Permit** issued to **Adams County Facility Center**, 7010056, Straban Township, **Adams County** on 8/15/2006 for the operation of facilities approved under Construction Permit No. 0105510.

**Operations Permit** issued to **Mount Gretna Authority**, 7380024, West Cornwall Township, **Lebanon County** on 8/15/2006 for the operation of facilities approved under Construction Permit No. 3805509.

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

**Permit No. M.A.—Operation** Public Water Supply.

Applicant	<b>United Water Pennsylvania</b>
Township or Borough	Bloomsburg
County	<b>Columbia</b>
Responsible Official	Thomas Schink United Water Pennsylvania 4211 East Park Circle Harrisburg, PA 17111
Type of Facility	Public Water Supply—Operation
Consulting Engineer	N/A
Permit Issued Date	August 22, 2006
Description of Action	Operation of the Bloomsburg University 800,000 gallon storage tank.

**Permit No. 4105502—Construction** Public Water Supply.

Applicant	<b>Williamsport Municipal Water Authority</b>
Township or Borough	City of Williamsport
County	<b>Lycoming</b>
Responsible Official	LaRue S. VanZile Director of Engineering Williamsport Municipal Water Authority 253 West Fourth Street Williamsport, PA 17701
Type of Facility	Public Water Supply—Construction
Consulting Engineer	John R. Amend, P. E. Malcolm Pirnie, Inc. 40 Centre Drive Orchard Park, NY 14127
Permit Issued Date	August 24, 2006
Description of Action	Construction of a transmission line from the wellfield to the Mosquito Valley filter plant.

**Permit No. 5904502—Operation** Public Water Supply.

Applicant	<b>George Dear Mobile Home Park</b>
Township or Borough	Lawrence Township
County	<b>Tioga</b>

Responsible Official George Dear, Owner  
George Dear Mobile Home Park  
R. R. 2, Box 174  
Tioga, PA 16946

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued Date August 24, 2006

Description of Action Operation of the ion exchange units and a hydropneumatic tank.

**Permit No. 1906501—Construction** Public Water Supply.

Applicant **Millville Borough Municipal Authority**

Township or Borough Millville Borough  
County **Columbia**

Responsible Official Sue Myers, Secretary  
Millville Borough Municipal Authority  
P. O. Box 284  
Millville, PA 17846-0284

Type of Facility Public Water Supply—Construction

Consulting Engineer Shannon Williams  
HRG, Inc.  
369 East Park Drive  
Harrisburg, PA 17111

Permit Issued Date August 28, 2006

Description of Action Innovative Public Water Supply Construction permit approves a Pall Aria AP-3 membrane microfiltration plant, disinfection, Aqua-Mag and caustic soda chemical feeds.

**Permit No. 5906501—Construction** Public Water Supply.

Applicant **Osceola Township Municipal Authority**

Township or Borough Osceola Township  
County **Tioga**

Responsible Official Jon Seely  
Osceola Township Municipal Authority  
P. O. Box 115  
Osceola, PA 16942

Type of Facility Public Water Supply—Construction

Consulting Engineer Gregory Cummings, P. E.  
P. O. Box 100  
34 Denison Parkway West  
Corning, NY 14830-01000

Permit Issued Date August 29, 2006

Description of Action Rehabilitation to the Renkin and Schoolhouse wells, new distribution lines, transmission lines, tank, three individual booster pumps, sequestration and disinfection.

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

**Operations Permit** issued to: **Pittsburgh Water & Sewer Authority**, 441 Smithfield Street, Pittsburgh, PA 15222, (PWS ID 5020038) City of Pittsburgh, **Allegheny County** on August 14, 2006, for a tracer study.

**Source Water Protection Program Approval** issued to **Ligonier Township Municipal Authority**, 1 Municipal Park Drive, PWS IDs 5650080 and 5650037, Ligonier Township, **Westmoreland County** on June 28, 2006.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals 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, (717) 705-4707.*

*Plan Location:* 575 Kohler School Road, Mt. Pleasant Township, Adams County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Mt. Pleasant Township	1035 Beck Road Gettysburg, PA 17325	Adams

*Plan Description:* The approved plan provides for the addition of 119 units to an existing mobile home park and includes a change in the method of sewage disposal from land disposal to stream discharge. Total wastewater flows are estimated at 62,328 gpd. The name of the project is Chesapeake Estates Mobile Home Park and the Department code number is A3-01925-214-3. 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, authority or owner as appropriate.

*Plan Location:* 9 Mathias Road, Germany Township, Adams County

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Germany Township	P. O. Box 121 Littlestown, PA 17340	Adams

*Plan Description:* The approved plan provides for the repair of an existing malfunction with a small flow treatment facility. The name of the project is Toby Boyd and the Department code number is A3-01916-159-3S. 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, authority or owner as appropriate.

*Plan Location:* Seitzland Road, Shrewsbury Township, York County

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Shrewsbury Township	12341 Susquehanna Trail South Glen Rock, PA 17327	York

*Plan Description:* The approved exemption provides for eight residential lots on 17.29 acres utilizing onsite sewage disposal and generating an estimated 3,200 gpd of

wastewater. The name of the project is Myers and Oneill II LP and the Department code number is A3-67955-218-2E.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Centre Township	P. O. Box 727 New Bloomfield, PA 17068	Perry

*Plan Description:* The approved plan revision provides for a new private sewage treatment plant with a treated discharge of 90,000 gpd (225 EDUs) to a UNT of the Little Buffalo Creek. The proposed facility will serve the Airy View Heights Project, a new residential/commercial/retail subdivision of 150 acres to consist of approximately 200 residential lots and several commercial/retail sites. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Upper Mifflin Township	550 Middle Road Carlisle, PA 17241	Cumberland

*Plan Description:* The approved plan provides for a Small Flow Treatment Facility (SFTF) of 400 gpd to serve the proposed new residence on the existing Steven Nye property at 32 Harmon Road, Newburg. The proposed SFTF will discharge to a UNT of Three Square Hollow Run. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property

and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Patrick Klose Property**, Londonderry Township, **Dauphin County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Patrick Klose, 2892 Foxianna Road, Middletown, PA 17057 and Peggy's Fuel Oil, 590 Hershey Road, Hummelstown, PA 17036, submitted a Final Report concerning remediation of site soils contaminated with No. 2 heating oil. The report is intended to document remediation of the site to the Statewide Health Standard.

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

**Atlantic Star Trucking Fuel Spill**, Wysox Township, **Bradford County**. Teeter Environmental Services Inc., R. R. 1, Box 124B, Sayre, PA 18840 on behalf of Atlantic Star Trucking, 436 Doremus Ave., Newark, NJ 07105 has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the

act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

*Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**F. L. Smidth Property**, Catasauqua Borough, **Lehigh County**. Mark Fortna Sr. Environmental Scientist, DelVal Soils and Environmental Consultants, Inc. Sky Run II, Suite A1, 4050 Skyron Drive, Doylestown, PA 18901 submitted a combined Remedial Investigation/Final Report (on behalf of his client Kane Core, Inc., 4365 Skippack Pike, P. O. Box 1301, Skippack, Pa 19474-1301) concerning the characterization and remediation of soils impacted with metals and polycyclic aromatic hydrocarbons as the result of historic site operations. The report demonstrated attainment of the site-specific standard under Act 2 through pathway elimination and was approved on August 25, 2006.

**Holy Family Manor Property—Bethlehem**, City of Bethlehem, **Lehigh County**. Thomas Martinelli, Environmental Scientist, JMT Environmental Technologies, 3353-C Gun Club Road, Nazareth, PA 18064 submitted a Final Report (on behalf of his client, The Diocese of Allentown, P. O. Box F, 1729 Turner Street, Allentown, PA 18105) concerning the remediation of a soils found or suspected to have been impacted by No. 2 home heating oil related to a former underground storage tank. The report was submitted demonstrated attainment of the residential Statewide Health Standard and was approved on August 22, 2006.

**Lehigh Valley Industrial Park VII—Brandenburg Industrial Services Property (part of the Bethlehem Commerce Center)**, City of Bethlehem, **Northampton County**. Lehigh Valley Industrial Park, Inc., c/o Kerry

Wrobel, 1805 East 4th Street, Bethlehem, PA 18015 submitted a Remedial Investigation Report and Cleanup Plan concerning the characterization and remediation of soils and groundwater found or suspected to have been contaminated as a result of the property's former use as the Bethlehem Steel facility. The reports were submitted in partial fulfillment of the Site-Specific Standard under Act 2 and were approved on June 23, 2005.

**Neal Residence (Lake Roy Circle)**, Franklin Township, **Susquehanna County**. Kevin Van Kuren, P. G., Hydrocon Services, Inc., P. O. Box 565, Emmaus, PA 18049 submitted a Final Report (on behalf of his clients, Betty and Armstrong Neal, Homosassa Springs, FL) concerning the remediation of soils and/or groundwater impacted by an accidental release of No. 2 fuel oil from an above-ground heating oil tank. The report demonstrated attainment of the residential Statewide Health Standard and was approved on August 11, 2006.

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

**Dillon Floral Corporation**, Scott Township, **Columbia County**. EarthRes Group, Inc., P. O. Box 468, Pipersville, PA 18947 on behalf of Dillon Floral Corporation, 933 Columbia Blvd., Bloomsburg, PA 17815 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with residual pesticides. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on July 19, 2006.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Hazardous Waste Transporter License Renewed*

**U S Environmental, Inc.** 409 Boot Rd, Downingtown, PA 19335; License No. PA-AH 00675; Effective 8/23/06.

**Laidlaw Carriers Van GP Inc.**, 1179 Ridgeway Rd., Woodstock ON N4S 8P6; License No. PA-AH 0714; Effective 8/18/06

**Hydrochem Industrial Services, Inc.**, 900 Georgia Ave., Deer Park, TX 77536; License No. PA-AH 0694; Effective 8/16/06.

**Cousins Waste Control Corp.**, 1701 East Matzinger Rd., Toledo, OH 43612; License No. PA-AH 0344; Effective 8/15/06.

**Consolidated Transportation, Inc.**, 23 Perrine St., Auburn, NY 13021; License No. PA-AH 0059; Effective 8/15/06.

*Hazardous Waste Transporter License Expired*

**Midwest Environmental Services, Inc.**, P. O. Box 218, Brownstown, IN 47220; License No. PA-AH 0661; Expired 6/30/06.

*Hazardous Waste Transporter License Voluntarily Terminated*

**Terris, LLC**, 1737 East Denni St., Wilmington, CA 90744; License No. PA-AH 0690; Voluntarily Terminated 8/18/06.

**Chemclene Corp.**, 258 N. Phoenixville Pike, Malvern, PA 19355; License No. PA-AH 0150; Voluntarily Terminated 8/7/06.

**OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Permit approved under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 301292. Craftmaster Manufacturing Inc.**, Shiner Road, P. O. Box 311, Towanda, PA 18848-0311 located in Wysox Township, **Bradford County**. The permit renewal application was approved by the Williamsport Regional Office on July 3, 2006.

Persons interested in reviewing the permit may contact David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**39-302-183GP1: Dan Schantz Farm and Greenhouses, LLC** (8025 Spinnersville Road, Zionsville, PA 18092) on August 23, 2006, to construct and operate Boiler No. 1 at their facility in Lower Milford Township, **Lehigh County**.

**39-302-184GP1: Dan Schantz Farm and Greenhouses, LLC** (8025 Spinnersville Road, Zionsville, PA 18092) on August 23, 2006, to construct and operate Boiler No. 2 at their facility in Lower Milford Township, **Lehigh County**.

**39-302-185GP1: Dan Schantz Farm and Greenhouses, LLC** (8025 Spinnersville Road, Zionsville, PA 18092) on August 23, 2006, to construct and operate Boiler No. 3 at their facility in Lower Milford Township, **Lehigh County**.

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

**GP3-22-03069: Eastern Industries, Inc.** (P. O. Box 177, Winfield, PA 17889) on August 21, 2006, for Portable Nonmetallic Mineral Processing Plants under GP 3 in Washington Township, **Dauphin County**.

**GP4-05-03017: Morton Metalcraft** (1021 West Birchwood, Morton, IL 61550) on August 23, 2006, for Burn Off Ovens under GP4 in Bedford Township, **Bedford County**.

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

**GP3-56-00025C: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on August 16, 2006, to operate a portable crusher at their Bakersville Quarry in Jefferson Township, **Somerset 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.*

**09-0127A: Bracalente Manufacturing Company, Inc.** (20 West Creamery Road, Trumbauersville, PA 18970) on August 22, 2006, to operate eight degreasers in Trumbauersville Borough, **Bucks County**.

**46-0005M: Merck and Co., Inc.** (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on August 23, 2006, to operate a natural gas-fired combustion turbin in Upper Gwynedd Township, **Montgomery County**.

**15-0039: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on August 24, 2006, to operate a fuel sulfur content in East Caln Township, **Chester County**.

**46-0069B: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on August 24, 2006, to operate a dryer burner in Whitemarsh Township, **Montgomery County**.

**15-0054A: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on August 24, 2006, to operate a dryer burner in East Whiteland Township, **Chester County**.

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

**36-05009A: J. L. Clark, Inc.** (303 North Plum Street, Lancaster, PA 17602) on August 24, 2006, to install a Regenerative Thermal Oxidizer in the City of Lancaster, **Lancaster County**. This plan approval was extended.

**67-03041D: County Line Quarry, Inc.** (P. O. Box 99, Wrightsville, PA 17368) on June 12, 2006, to replace the Midwest 5-deck, 5 by 7 screen with a Telsmith 3-deck, 5 by 16 screen in Wrightsville Borough, **York 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.*

**36-05019: Anvil International, Inc.** (1411 Lancaster Avenue, Columbia, PA 18512-1939) on August 21, 2006, for an iron foundry in Columbia Borough, **Lancaster County**. This operating permit was administratively amended to incorporate Plan Approval 36-05019F. This is revision No. 1.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.*

**08-00003: CraftMaster Manufacturing, Inc.** (Shiner Road, P. O. Box 311, Towanda, PA 18848) on July 27,



2006, to issue a revised operating permit for their wood products manufacturing facility in Wysox Township, **Bradford County**. The revision of this permit is to incorporate the conditions of the following plan approvals: 08-302-039, 08-00004A, 08-316-014, 08-318-024A and 08-316-013A. This revision also incorporates the following small sources exempted from the Department's plan approval requirements: two-side sander, trim surface coating brush machine and associated fabric collector, a die form coating wetting booth, an A-1 tool machine and associated brush machine. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**09-00075: Dunmore Corp.** (145 Wharton Road, Bristol, PA 19007) on August 23, 2006, to operate a plastic film and coating facility of a Synthetic Minor Operating Permit in Bristol Township, **Bucks County**.

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

**30-00087: Emerald Coal Resources, LP** (P. O. Box 1020, Waynesburg, PA 15370) on August 23, 2006, for a State-only operating permit to operate the Emerald Mine Coal Preparation Plant in Waynesburg Borough, **Greene County**.

**65-00602: Derry Construction Co., Inc.** (527 Route 217, Latrobe, PA 15650) to operate a Batch Process, Hot Mix Asphalt Concrete Plant at their Torrance Facility in Derry Township in **Westmoreland County**. This is a State-only Operating Permit.

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

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

**09-00021: MRI Flexible Packaging, Inc.** (122 Penns Trail, Newtown, PA 18940) on August 23, 2006, for an administrative amendment to the issued State-only Operating Permit for their facility in Newtown Township, **Bucks County**. This operating permit is being amended to allow the use of Photo Ionization Detection or Flame Ionization Detection testing as compliant test methods for the destruction efficiency of the Catalytic Oxidizers at the facility. Conditions Nos. 002 and 015 for Sources 106, 107, 108 and 201 will be amended to include the term "or other method as approved by the Department."

**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.**

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

**15-00024: Sonoco Products Co.** (1 North Second Street, MC A55, Hartsville, SC 29550) on August 8, 2006, the Department revoked this Title V Operating Permit, because the facility was shutdown in 2005, for the operation of facility sources in Downingtown Borough, **Chester 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*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**10040103. Annandale Quarries, Inc.** (219 Goff Station Road, Boyers, PA 16020). Revision to add coal ash in Venango Township, **Butler County**. Receiving streams: Seaton Creek. Application received: November 15, 2005. Permit Returned: August 21, 2006.

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

**03831305 and NPDES Permit No. PA0002283, Keystone Coal Mining Corporation** (P. O. Box 219, Shelocta, PA 15774). To renew the permit for the Jane Mine in Plumcreek Township, **Armstrong County** and related NPDES permit. No additional discharges. Permit issued: August 24, 2006.

**32901301 and NPDES Permit No. PA0213586, Millcreek Processing** (P. O. Box 435, Seward, PA 15954). To renew the permit for the Challenger Coal Yard in East Whitfield Township, **Indiana County** and related NPDES permit. No additional discharges. Permit issued: August 24, 2006.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**16060104 and NPDES Permit No. PA0258156. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous strip operation in Monroe Township, **Clarion County** affecting 16.0 acres. Receiving streams: UNTs to Piney Creek. Application received: May 11, 2006. Permit issued: July 18, 2006.

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

**17990107 and NPDES No. PA0238309. River Hill Coal Company** (P. O. Box 141, Kylertown, PA 16847). Permit renewal for the continued operation and restoration of a bituminous surface mine in Bigler Township,

**Clearfield County**, affecting 234.5 acres. Receiving streams: Pine Run to Clearfield Creek to the West Branch of the Susquehanna River. Application received: April 21, 2006. Renewal issued: July 5, 2006.

*Government Financed Construction Contract*

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

**Sky Haven Coal, Inc., GFCC No. 17-05-09**, Bradford Township, **Clearfield County** (Long Run and Roaring Run—Upper West Branch Watershed): A Government-Financed Construction Contract (GFCC) has been awarded to Sky Haven Coal, Inc., that will result in the reclamation of 2,300 feet of abandoned highwall, two water filled pits and 15.7 acres of abandoned mine lands located in Bradford Township, Clearfield County. The site will be reclaimed and regraded to approximate original contour. The operator will incorporate alkaline material into the coal extraction areas at a rate of 361 tons per acre. The reclamation activities are expected to be completed in 2 years. The value of this reclamation is estimated at \$109,200 (Contact: John Varner; (814) 342-8200, Moshannon)

*Noncoal Permits Actions*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**10930310. Atlantic States Materials of PA, Inc.** (c/o Ennstone, Inc., P. O. Box 6090, Falmouth, VA 22403). Revision to an existing sand and gravel operation to change the postmining land use from unmanaged natural habitat to recreational on the Benvue Farms, Inc. property in Worth Township, **Butler County**. Receiving streams: Slippery Rock Creek and UNTs to Slippery Rock Creek. Application received: June 9, 2006. Permit Issued: August 18, 2006.

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

**08060806. Naturestone-Wood Products, LLC** (P. O. Box 243, Wyalusing, PA 18853). Commencement, operation and restoration of a small industrial minerals (bluestone and other stone) surface mine permit in Terry Township, **Bradford County**. Receiving streams: UNT to the Susquehanna River. Application received: April 3, 2006. Permit issued: August 16, 2006.

**18990802. Transfer permit from Charles J. Shaffer to Hufnagle Inc. d/b/a/ Rummings Bluestone** (804 Old Rt. 220 Hwy., Jersey Shore, PA 17740). Commencement, operation and restoration of a small industrial minerals (Mountain Stone) surface mine permit in Wayne Township, **Clinton County**. Receiving streams: UNT to the West Branch of the Susquehanna River. Transfer application received: July 3, 2006. Permit issued August 9, 2006.

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

**58060820. Theodore R. Walworth** (P. O. Box 14, Hallstead, PA 18822). Commencement, operation and restoration of a quarry operation in Gibson and Jackson Townships, **Susquehanna County** affecting 5.0 acres. Receiving stream: none. Application received March 24, 2006. Permit issued: August 23, 2006.

**35060802. Harold Short** (R. R. 1, Box 68A, Forest City, PA 18421). Commencement, operation and restoration of a quarry operation in Greenfield Township, **Lackawanna County** affecting 5.0 acres. Receiving stream: none. Application received: April 11, 2006. Permit issued: August 23, 2006.

## 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.*

**32064002. Great Lakes Geophysical, Inc.** (P. O. Box 127, Williamsburg, MI 49690). Blasting activity issued for oil and gas exploration project located in Center and White Townships, **Indiana County**. Duration of blasting is six months. Permit issued: August 18, 2006.

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

**14064017. Westbriar Inc. and Koltay Homes** (1836 Waddle Road, State College, PA 16803). Construction blasting for Westbriar Koltay Home Project at Fox Hill Road, Patton Township, **Centre County**. Permit issued: August 22, 2006. Permit expires on September 11, 2006.

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

**39054001. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380). Construction blasting for Lehigh Valley Mall Sewer and Water Lines in Whitehall Township, **Lehigh County** with an expiration date of December 31, 2006. Permit issued: August 21, 2006.

**36064010. Abel Construction Company, Inc.** (P. O. Box 476, Mountville, PA 17554). Construction blasting at Village Square Commons at Maytown Phase 3 in East Donegal Township, **Lancaster County** with an expiration date of July 31, 2007. Permit issued: August 21, 2006.

**46064004. Joao & Bradley Construction** (P. O. Box 20345, Lehigh Valley, PA 18002) and AJT Blasting, LLC (P. O. Box 20412, Bethlehem, PA 18002). Construction blasting for McKean Road Water and Sanitary Sewer Extension in Horsham Township, **Montgomery County** with an expiration date of November 28, 2006. Permit issued: August 21, 2006.

**23064003. Knowlton Construction Supplies, Inc.** (450 West Knowlton Road, Media, PA 19063) and Maurer & Scott, Inc., (P. O. Box 20843, Lehigh Valley, PA 18002). Construction blasting at Knowlton Supply for Removal of Dirt and Rock in Aston Township, **Delaware County** with an expiration date of September 14, 2007. Permit issued: August 22, 2006.

**01064118. Newville Construction Service, Inc.** (408 Mohawk Road, Newville, PA 17241-9424). Construction blasting at Applewood Housing Development in Bendersville Borough and Menallen Township, **Adams County** with an expiration date of July 30, 2007. Permit issued: August 21, 2006.

**06064127. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092). Construction blasting at Caramist Village in South Heidelberg Township, **Berks County** with an expiration date of December 30, 2007. Permit issued: August 21, 2006.

**21064165. Newville Construction Service, Inc.** (408 Mohawk Road, Newville, PA 17241-9424). Construction blasting on Strawberry Drive in South Middleton Town-

ship, **Cumberland County** with an expiration date of July 30, 2007. Permit issued: August 21, 2006.

**36064184. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033-9734). Construction blasting at Hartman Station in East Lampeter Township, **Lancaster County** with an expiration date of August 30, 2007. Permit issued: August 21, 2006.

**67064131. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013-0608). Construction blasting at Penns Preserve Development in West Manchester Township, **York County** with an expiration date of August 31, 2007. Permit issued: August 21, 2006.

**22064124. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033-9734). Construction blasting at 2075 Steinruck Road in Londonderry Township, **Dauphin County** with an expiration date of October 31, 2006. Permit issued: August 22, 2006.

**28064165. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201-9655). Construction blasting at Northfield Development in Greene Township, **Franklin County** with an expiration date of August 16, 2007. Permit issued: August 22, 2006.

**35064113. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419). Construction blasting at Big Bass Lake in Clifton Township, **Lackawanna County** with an expiration date of August 31, 2007. Permit issued: August 22, 2006.

**38064124. Keystone Blasting Services** (381 Reifsnyder Road, Lititz, PA 17543). Construction blasting at the Karinch Project in Cornwall Borough, **Lebanon County** with an expiration date of October 30, 2006. Permit issued: August 22, 2006.

**39064110. Austin Powder Company** (25800 Science Park Drive, Properties Department, Cleveland, OH 44122-7311). Construction blasting at Allentown Hart in the City of Allentown, **Lehigh County** with an expiration date of August 15, 2007. Permit issued: August 22, 2006.

**45064154. Holbert Explosives, Inc.** (237 Mast Hope Plank Road, Lackawaxen, PA 18435). Construction blasting at the Henkel & McCoy Pipeline in Middle Smithfield and Stroud Townships, **Monroe County** with an expiration date of August 21, 2007. Permit issued: August 22, 2006.

**45064155. D. C. Guelich Explosives Company** (R. R. 3 Box 125A, Clearfield, PA 16830). Construction blasting at Project Nest in Coolbaugh Township, **Monroe County** with an expiration date of August 30, 2007. Permit issued: August 22, 2006.

**48064123. Austin Powder Company** (25800 Science Park Drive, Properties Department, Cleveland, OH 44122-7311). Construction blasting at Stoneledge in East Allen Township, **Northampton County** with an expiration date of August 21, 2007. Permit issued: August 22, 2006.

**28064166. R & M Excavating** (403 Hilltop Road, Newburg, PA 17240-9202). Construction blasting at West End Development LLC Subdivision in Waynesboro Borough, **Franklin County** with an expiration date of August 28, 2007. Permit issued: August 23, 2006.

**36064185. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543). Construction blasting at Greenleaf Estates in West Lampeter Township, **Lancaster County** with an expiration date of December 30, 2007. Permit issued: August 23, 2006.

## ABANDONED MINE RECLAMATION

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

Primacy Bond	<b>PBF 17810154.1</b>
Forfeiture Contract Awarded	
Location	Morris and Boggs Townships <b>Clearfield County, PA</b>
Description	Act 181 Bond Forfeiture Reclamation Project Thompson Brothers Coal Co. Thompson No. 1 Site
Contractor	Smith Lumber Company 725 Central Avenue Renovo, PA 17764
Amount	\$15,854.30
Date of Award	August 18, 2006

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Regional Office, Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E39-445. Department of Transportation, Engineering District 5-0**, 1713 Lehigh Street, Allentown, PA 18013-4727. North Whitehall Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a 155-foot long stream enclosure consisting of a 14 foot by 8 foot precast box culvert with concrete wingwalls, concrete aprons, fish baffles and a 1-foot depression below streambed elevation in a tributary to Jordan Creek (HQ-CWF); to place fill in 0.23 acre of PEM/PSS wetlands adjacent to the tributary; to construct and maintain a utility line crossing of the tributary consisting of a 30-inch diameter reinforced concrete stormwater pipe; and to construct and maintain two outfall structures with riprap aprons in the floodway of the tributary. The permittee is required to provide 0.23 acre of onsite replacement wetlands and contribute to the Pennsylvania Wetland Replacement Project. The project is located near the intersection of Old Packhouse Road (T-683) and Country Lane (T-578). (Cementon, PA Quadrangle N: 5.0 inches; W: 15.3 inches). (Subbasin: 02C)

**E35-385. City of Carbondale**, One North Main Street, Carbondale, PA 18407. City of Carbondale, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To remove a 4-story building, streambank retaining wall and the existing bridge; to construct and maintain a prestressed adjacent box beam bridge having a 50-foot 3-inch span and an 8-foot 4-inch minimum underclearance across the Lackawanna River (HQ-CWF); and to remove accumulated sediment in and along 100 feet of the Lackawanna River, 50 feet upstream and 50 feet downstream of the bridge. The project is located at the 6th Street Bridge over the Lackawanna River (Carbondale, PA Quadrangle N: 13.05 inches).

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

**E41-566. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. Joint Water Obstruction and Encroachment Permit Issuance for SR 0405 Section 063, Muncy Creek bridge replacement, in Muncy Creek Township, **Lycoming County**, ACOE Susquehanna River Basin District (Muncy, PA Quadrangle N: 15.76 inches; W: 1.06 inches).

To remove an existing three-span concrete encased steel I-beam bridge having a clear span of approximately 132 linear feet and a hydraulic opening of 1,380 square feet and construct and maintain a three-span concrete beam bridge having a clear span of approximately 197 feet and hydraulic opening of 3,385 square feet on a skew of 29° over Muncy Creek located along SR 0405 over Muncy Creek as well as 4,700 cubic yards of fill within the

floodway of Muncy Creek within the vicinity of the proposed bridge abutments as well as construct a temporary steel sheet pile cofferdam along the east and west streambanks in Muncy Creek Township, Lycoming County. This project proposes to have a minimal impact on Muncy Creek, which is, designated a CWF. This project does not propose to impact any jurisdictional wetlands. This permit also includes 401 Water Quality Certification.

**E47-085. Mahoning Creek Watershed Association**, P. O. Box 24, Danville, PA 17821. Mahoning Creek Restoration Project, in Valley Township, **Montour County**, ACOE Baltimore District (Riverside, PA Quadrangle N: 19.62 inches; W: 0.61 inch).

To stabilize the stream channel and to construct, operate and maintain single cross van structure, single straight vane structure and 185 feet of R-7 rock for grade control or stabilization in Mahoning Creek. The channel stabilization project shall be limited to a maximum length of 1,500 feet in Mahoning Creek. Any reconstruction of channel profile, geometry and meander pattern, as well as in-stream structures, shall be done during stream flow conditions ample to determine stream flow centerline. All in-stream structures and rock stabilization shall be constructed and maintained with durable, large and blocky rock. Within 60 days of completing the Mahoning Creek Restoration Project, the permittee shall submit as-built plans of the restored stream reach to the Department. The permittee shall conduct construction and post-construction monitoring for a period of no less than 5 years. This permit does not authorize any temporary or permanent impact to the wetlands adjacent to project area. This permit also authorizes the construction, operation, maintenance and removal of temporary access roads, channel diversions, cofferdams and stockpiles in and along Mahoning Creek. All temporary facilities used for project construction shall be removed from stream and floodplain areas; upon project completion, all areas of disturbance shall be restored and stabilized.

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

**E11-319. Cross Roads Meadows, LLC, c/o The Woda Group**, 2000 West Henderson Road, Suite 350, Columbus, OH 43220. To construct a culvert in the Borough of Ebensburg, **Cambria County**, Pittsburgh ACOE District. (Ebensburg, PA Quadrangle N: 18.46 inches; W: 15.26 inches and Latitude: 40° 28' 36"—Longitude: 78° 44' 05"). To place and maintain fill in 0.02 acre of wetlands (PFO) and to construct and maintain a depressed collection area 93 feet of 15-inch culvert, and a rip rap apron, (approximately 116 feet total impact) of 15-inch in a discontinuous watercourse, which has a drainage area less than 100 acres, in the watershed of an UNT to Howell's Run (CWF), for the purpose of construction of an 8 multiunit residential buildings. The project is located 1/4 mile south of the intersection of Old SR 160 and West High Street.

*Northeast Region: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790, (570) 826-2371.*

**GP03401106001: Bureau of Abandoned Mine Reclamation**, Wilkes-Barre District Office. Humboldt Southwest Project in Hazle Township, **Luzerne County**, ACOE Baltimore District, Conyngham PA Quadrangle N: 9.52 inches; W: 11.11 inches to N: 10.73 inches; W: 8.32 inches.

To perform the following water obstruction and encroachment activities associated with abandoned mine discharge treatment.

A General Permit-03 was issued because of bank rehabilitation that will occur along Stoney Creek. The existing condition has a large pile of coal refuse material as the right bank (south side) for the creek. The project will slope the material away from the creek.

**GP04401106002: Bureau of Abandoned Mine Reclamation,** Wilkes-Barre District Office. Humboldt Southwest Project in Hazle Township, **Luzerne County,** ACOE Baltimore District, Conyngham PA Quadrangle N: 10.73 inches; W: 8.32 inches.

To perform the following water obstruction and encroachment activities associated with abandoned mine discharge treatment.

A General Permit-04 was issued because a rock-lined channel from the project area will be constructed to discharge into Stoney Creek.

*Southeast Region: Waste Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken.*

**Action 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 Federal Water Pollution Control Act (33 U.S.C. § 1341(a)). (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)**

*Permits issued and Actions on 401 Certifications:*

*Certification Request Initiated By: Department of the Army, Philadelphia District, Corps of Engineers,* Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.

*Project Description:* This project involves the discharge of supernatant from the Fort Mifflin dredge disposal area resulting from the dredging of the Philadelphia Naval Business Center Reserve Basin. Approximately 860,000 cubic yards of sediment will be removed and placed in the disposal area located at the confluence of the Schuylkill and Delaware Rivers. Sediments will settle out in the basin and the supernatant will be returned to the Delaware Estuary. The following effluent limits in mg/l apply:

<i>Parameter</i>	<i>Avg. Monthly Limit</i>	<i>Max. Daily Limit</i>	<i>Instan. Max. Limit</i>
Flow Cell B (mgd)	Monitor and Report	Monitor and Report	
Flow Cell C (mgd)	Monitor and Report	Monitor and Report	
Total Suspended Solids	3,000		4,500
PH	6 to 9 units at all times		
Arsenic, Total	0.08	0.12	
Antimony, Total	0.023	0.035	
Cadmium, Total	0.0036	0.0054	
Copper, Total	0.015	0.023	
Chromium, Hexavalent	0.017	0.026	
Lead, Total	0.0041	0.0062	
Zinc, Total	0.198	0.297	
4, 4' DDT	Not Detectable Using EPA Method 608 (GC/ECD)		
4, 4' DDD	Not Detectable Using EPA Method 608 (GC/ECD)		
4, 4' DDE	Not Detectable Using EPA Method 608 (GC/ECD)		
PCBs, Total	Not Detectable Using EPA Method 608 (GC/ECD)		
PCBs—209 Congeners	Monitor/Report Using EPA Method 1668A		

*Final Action on Request:* Certification granted.

*Certification Request Initiated By: Department of the Army, Philadelphia District, Corps of Engineers,* Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390.

This project involves the discharge of supernatant from the Money Island dredge disposal area to the Delaware River. Emergency maintenance dredging is proposed due to deposits from recent flooding at locations within the Shipping Channel between Trenton, NJ and Burlington, NJ, and the Fairless Turning Basin and berthing areas located at the Port of Bucks County in Falls Township. Approximately 745,000 cubic yards of sediment will be removed and placed in the Money Island dredge disposal area (675,000 cubic yards) and the Biles Island dredge disposal area (70,000 cubic yards) both located in Falls Township, Bucks County. Sediments will settle out in the basin and the supernatant will be returned to the Delaware Estuary. The following effluent Limits in mg/l apply:

<i>Parameter</i>	<i>Avg. Monthly limit</i>	<i>Max. Daily Limit</i>	<i>Inst. Max. Limit</i>
Flow (mgd)	Monitor and Report	Monitor and Report	
Total Suspended Solids	3,000		4,500
ph	6 to 9 units at all times		
Arsenic, Total	0.1	0.15	
Antimony, Total	0.028	0.042	

<i>Parameter</i>	<i>Avg. Monthly limit</i>	<i>Max. Daily Limit</i>	<i>Inst. Max. Limit</i>
Cadmium, Total	0.0044	0.0066	
Copper, Total	0.018	0.027	
Chromium, Hexavalent	0.02	0.03	
Lead, Total	0.005	0.0075	
Zinc, Total	0.24	0.36	
PCBs, Total	Not Detectable Using EPA Method 608 (GC/ECD)		
PCBs—209 Congeners	Monitor and Report Using EPA Method 1668A		

*Final Action on Request:* Certification granted.

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
06-28-003	Willard Agri-Service, Inc. 5325 Third Street Marion, PA 17235 Attn: Peter Surgeon	Franklin	Guilford Township	One AST storing ammonium bisulfite	30,000 gallons

### SPECIAL NOTICES

**Notice of Intent to Issue a Hazardous Waste Permit under the Resource Conservation and Recovery Act and the Hazardous and Solid Waste Amendments of 1984 and Opportunity for a Public Hearing**

*Draft Hazardous Waste Permit*

Permittee: Horsehead Corp  
 Permit No.: PAD002395887  
 Facility: Horsehead Corp., Borough of Palmerton,  
 Carbon County

The Department of Environmental Protection (Department) intends to reissue a Solid Waste Management Act Permit to Horsehead Corp. This draft permit is to operate a hazardous waste facility, located in the Borough of Palmerton, Carbon County.

*Public Review and Public Comment; Public Hearing*

Under 25 Pa. Code § 270a.80(2) (relating to public notice and comment requirements) the Department is required to give public notice of a draft permit prepared under 25 Pa. Code § 270a.10(c) (relating to general application requirements).

Under 25 Pa. Code § 270a.80(b) it is required that the public be given 45 days to comment on each draft permit prepared under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003). The comment period will begin on August 26, 2006, and will end on October 9, 2006. Persons interested in commenting on the application or draft permit must do so within this comment period. Copies of the application, draft permit and fact sheet for the hazardous waste facility may be reviewed at the Department of Environmental Protection, Bethlehem District Office, 4530 Bath Pike (Route 512), Bethlehem, PA 18017; at the Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre,

PA 18711; or at the Palmerton Borough Municipal Building, 443 Delaware Ave., Palmerton, PA. Contact Robert C. Wallace at (570) 826-2516 for further information.

*Further Information*

Persons wishing to comment on the permit renewal application should submit comments in writing to the Department of Environmental Protection, Waste Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Attention: William Tomayko, Regional Solid Waste Manager. Comments should include all reasonably available references, factual grounds and supporting materials.

A public hearing is scheduled for Wednesday, September 27, 2006, at 7 p.m. at the Borough of Palmerton Municipal Building, 443 Delaware Avenue, Palmerton, PA. The public hearing will be held on the Draft Permit for Hazardous Waste Storage Operations.

*Final Determination*

When making a determination regarding the issuance of a hazardous waste permit to Horsehead Corp., the Department will consider all written comments received during the comment period, and oral or written statements received during the public hearing, the requirements of the hazardous waste regulations of 25 Pa. Code Chapters 260—270 and the Department of Environmental Protection's permitting policies.

*Facility Description*

The Borough of Palmerton facility of Horsehead Corp. located in Carbon County is a storage facility for electric arc furnace dust. All storage operations take place within the enclosed building.

[Pa.B. Doc. No. 06-1758. Filed for public inspection September 8, 2006, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2006.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

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

#### *Changes to Technical Guidance Documents*

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

#### *Draft Technical Guidance—Substantive Revision*

DEP ID: 383-2300-002. Title: Training Provider Manual for the Pennsylvania Water and Wastewater System Operator Training Program. Description: This guidance provides instructions to private training providers on how to apply to become an approved provider (sponsor) of water and wastewater training in this Commonwealth and how to obtain approval of training courses taught to water and wastewater operators in this Commonwealth. The manual describes sponsor responsibilities, course guidelines and other elements of this Commonwealth's water and wastewater training approval process. Substantive revisions were made to the guidance to update application forms and instructions and to clarify and simplify course and sponsor guidelines, application processing and training sponsor reporting procedures. Other improvements made to the guidance include the addition of a new Conference Notification form to simplify the application and approval process sponsors may follow when applying to have their conferences approved for continuing education credit and the addition of two new Roster Reporting forms to simplify how approved sponsors must report to the Department the attendance at distance education courses and conferences. Other revisions include the addition of an associates degree program in water and/or wastewater as an option an approved sponsor may offer as well as revised guidelines on the use of these degrees to offset precertification operating experience requirements. The glossary of terms was also expanded and the definitions of some terms were clarified. Written Comments: The Department is seeking comments on the substantive revisions to technical guidance 383-2300-002. Interested persons may submit written comments on this draft technical guidance document by October 10, 2006. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address

must be included in each e-mail transmission. Written comments should be submitted to Barry Greenawald, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, P. O. Box 8467, Harrisburg, PA 17105-8467, [rgreenawal@state.pa.us](mailto:rgreenawal@state.pa.us). Contact: Questions regarding the draft technical guidance document should be directed to Barry Greenawald at (717) 787-0130 or [rgreenawal@state.pa.us](mailto:rgreenawal@state.pa.us). Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1759. Filed for public inspection September 8, 2006, 9:00 a.m.]

### Environmental Justice Advisory Board; Change of Meeting Date

The November 2, 2006, meeting of the Environmental Justice Advisory Board has been rescheduled. The meeting will now take place at 9:15 a.m. on October 19, 2006, at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the meeting should be directed to Ayanna A. King at (717) 783-5630 or [ayking@state.pa.us](mailto:ayking@state.pa.us). The agenda and meeting materials for the October 19, 2006, meeting will be available through the Department of Environmental Protection's (Department) website at [www.depweb.state.us](http://www.depweb.state.us) (DEP Keywords: Environmental Justice).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Doan Ginger at (717) 783-5630 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 06-1760. Filed for public inspection September 8, 2006, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of The Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other

accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1761. Filed for public inspection September 8, 2006, 9:00 a.m.]

### **Application of The Endoscopy Center, LLC for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Endoscopy Center, LLC has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1762. Filed for public inspection September 8, 2006, 9:00 a.m.]

### **Application of Geisinger Medical Center Outpatient Surgery Center—Woodbine for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Medical Center Outpatient Surgery Center—Woodbine has requested an exception to the requirements of 28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1763. Filed for public inspection September 8, 2006, 9:00 a.m.]

### **Application of Grand View Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grand View Hospital has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1764. Filed for public inspection September 8, 2006, 9:00 a.m.]

### **Application of Main Line Endoscopy Center, East for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Endoscopy Center, East has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and



Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1765. Filed for public inspection September 8, 2006, 9:00 a.m.]

### **Application of Main Line Endoscopy Center, West for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Endoscopy Center, West has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1766. Filed for public inspection September 8, 2006, 9:00 a.m.]

### **Application of Main Line Spine Surgery Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Spine Surgery Center has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1767. Filed for public inspection September 8, 2006, 9:00 a.m.]

### **Application of Mt. Airy Ambulatory Endoscopy Surgery for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mt. Airy Ambulatory Endoscopy Surgery has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1768. Filed for public inspection September 8, 2006, 9:00 a.m.]

### **Application of Mountain Laurel Surgery Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mountain Laurel Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1769. Filed for public inspection September 8, 2006, 9:00 a.m.]

### Application of Valley Pain Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Valley Pain Center, LLC has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1770. Filed for public inspection September 8, 2006, 9:00 a.m.]

### Health Research Advisory Committee Meeting

The Health Research Advisory Committee of the Department of Health (Department) will hold a public meeting from 9 a.m. to 5:15 p.m. on October 3, 2006, and 8:30 a.m. to 12 p.m. on October 4, 2006, at the Harrisburg Hilton and Towers, Corner of Second and Market Streets, Harrisburg, PA.

There are three primary aims for the meeting: (1) to gather information on research needs related to violence, injury and other health problems; (2) to review the findings of the 2003 nonformula health research projects related to health disparities, lung disease and pregnancy outcomes; and (3) to discuss the health research priorities under the Tobacco Settlement Act (35 P. S. §§ 5701.901—5701.910), Commonwealth Universal Research Enhancement Program, for the State Fiscal Year 2007-08. Current and past State Fiscal Year priorities for both formula funded and nonformula funded health research are posted on the Department's website at [www.health.state.pa.us/cure](http://www.health.state.pa.us/cure).

The meeting is open to the public and no reservations are required to attend the meeting.

For additional information, contact Patricia W. Potrzebowski, Ph.D., Director, Bureau of Health Statistics and Research or Robin C. Cohick, Administrative Officer, Bureau of Health Statistics and Research, 555 Walnut Street, 6th Floor, Harrisburg, PA 17101-1914, (717) 783-2548.

Persons with disabilities who wish to attend the meeting and require an auxiliary aid, service or other accommodation should contact Patricia W. Potrzebowski or Robin Cohick at (717) 783-2548 or for speech and/or hearing impaired persons at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

The meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1771. Filed for public inspection September 8, 2006, 9:00 a.m.]

### Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention, and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, September 27, 2006, from 7:45 a.m. to 1 p.m. at the Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110.

For additional information or persons with a disability who want to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Kathleen A. Zitka, Chief, Department of Health, Cancer Prevention and Control Section, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 787-5251 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1772. Filed for public inspection September 8, 2006, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception for 28 Pa. Code § 201.3 (relating to definitions).

St. Anne's Retirement Community  
3952 Columbia Avenue  
Columbia, PA 17512-9715  
FAC ID 450102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.17 (relating to location).

Parklane At Bellingham, Inc.  
 1615 East Boot Road East Goshen  
 West Chester, PA 19380  
 FAC ID 01150201

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, ra-paexcept@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 wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-1773. Filed for public inspection September 8, 2006, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Supplemental Payments to Certain Academic Medical Centers

The purpose of this notice is to provide notice of the Department of Public Welfare's (Department) intent to revise its payment method for a class of Disproportionate Share (DSH) payments made to qualifying academic medical centers.

On an annual basis, as authorized by the General Assembly through the budget process, the Department proposes to apply an inflationary increase to the payment rate and to the total amount of funds available for DSH payments to certain academic medical centers, provided that the Centers for Medicare and Medicaid Services approves the Medicaid State Plan Amendment for this change. This proposed annual inflationary factor will not exceed 6.5%. For the current fiscal year, the proposed annualized inflationary increase will be 3%. There will be no change in the current qualifying criteria or methodology for determining eligibility for these payments.

#### *Fiscal Impact*

For Fiscal Year 2006-2007, the fiscal impact as a result of this 3% increase for this additional class of disproportionate share payments will be \$1.365 million in total funds (\$0.708 million in State funds).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice at the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attn: Regulations Coordinator,

Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-485. (1) General Fund; (2) Implementing Year 2006-07 is \$708,000; (3) 1st Succeeding Year 2007-08 is \$708,000; 2nd Succeeding Year 2008-09 is \$708,000; 3rd Succeeding Year 2009-10 is \$708,000; 4th Succeeding Year 2010-11 is \$708,000; 5th Succeeding Year 2011-12 is \$708,000; (4) 2005-06 Program—\$20,591,000; 2004-05 Program—\$0; 2003-04 Program—\$0; (7) Medical Assistance—Academic Medical Centers; (8) recommends adoption. Funds have been included in the current budget to cover this increase.

[Pa.B. Doc. No. 06-1774. Filed for public inspection September 8, 2006, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Taxable and Exempt Property

The Department of Revenue is hereby giving notice to the public, in accordance with the provisions of 61 Pa. Code §§ 52.1 and 58.1 (relating to purchases of medicines, medical supplies, medical equipment and prosthetic or therapeutic devices; and publication of the list of taxable and exempt tangible personal property) of additions, deletions and revisions to the list of taxable and exempt property under the sales and use tax provisions of the TRC published at 33 Pa.B. 4634 (September 13, 2003). Under 61 Pa. Code §§ 52.1 and 58.1, this list is required to be published by notice at least once every 3 years. In addition, quarterly the Department will publish notice of any additions, deletions or revisions to the list.

Copies of the Retailers' Information Booklet may be obtained by calling the 24-hour answering service numbers for forms ordering: Nationwide (800) 362-2050; and TT only (800) 447-3020.

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Shoes and Shoe Accessories	(22)
Sporting Equipment, Clothing, Supplies and Recreational Equipment	(23)
Tobacco Products	(24)
Utilities and Fuel	(25)
Tires	(26)
Motor Vehicle, Leases and Rental (PTA Tax)	(26)
Vehicle Rental Tax (VRT)	(27)

**Listing of Taxable and Exempt Property**

**T—TAXABLE  
NT—NONTAXABLE**

(1) *Books and Stationery*

Tax is imposed on books, stationery and stationery supplies, including Bibles and religious publications sold by religious groups.

- T—Bibles
- T—Comic books
- T—Crossword, game books
- T—Dictionaries
- T—Greeting Cards
- T—Instruction books for needle-craft, embroidery, knitting, and the like
- NT—Mail order catalogues
- NT—Newspapers of general circulation qualified to carry a legal advertisement
- T—Periodicals and magazines not purchased by subscription
- NT—Periodicals and magazines purchased by subscription
- T—School supplies, except when sold directly to a school district or nonprofit educational institution
- NT—Textbooks, when sold by a school or an authorized book store

(2) *Business Supplies and Equipment*

Generally, sales of business supplies and equipment used in construction, repair, and the like, of real estate are taxable.

- T—Amusement and record playing devices
- T—Building materials, supplies, and equipment used in construction, repair, and the like, of real estate
- T—Business forms such as invoices, order books, and the like
- T—Cash register receipt paper
- T—Canned computer software and licenses to use, regardless of method of delivery
- NT—Direct mail advertising materials, including calendars, matchbooks, and the like
- T—Display cases and merchandising equipment
- NT—Dry ice, when sold for internal packaging with the sale of property to others

- T—Fans
- T—Signs, circulars, show cards and posters
- T—Vending machines and equipment
- NT—Wrapping supplies used in connection with the sale of products

(3) *Clothing and Accessories*

Generally, clothing is nontaxable except the following: (1) Formal day or evening apparel; (2) Articles made of real, imitation, or synthetic fur, where the fur is more than three times the value of the next most valuable component material; and (3) Sporting goods and clothing normally worn or used when engaged in sports (See Category 23).

- T—Accessories and ornamental wear
- NT—Aprons
- NT—Belts and suspenders
- NT—Boots and shoes, designed for everyday wear
- T—Bridal apparel and accessories
- T—Corsages and boutonnieres
- T—Costumes—Halloween, Christmas, and the like
- NT—Dress shields
- T—Formal clothing, including mother of the bride and flower girl dresses.
- T—Fur, articles made of fur on hide or pelt, or any material imitative of fur, and articles of which fur, real, imitation, or synthetic, is the component material of chief value; and fur trimmed articles, if the value of fur is more than three times the value of the next most valuable component material. Felt, wool or fabric is not taxable unless it resembles fur on the hide.
- NT—Garters and garter belts
- NT—Girdles
- T—Gloves, baseball, golf, racquet, and the like
- NT—Gloves, cloth, leather, kid
- T—Gloves, sheepskin, fur, rubber
- T—Graduation caps and gowns
- NT—Gym suits
- T—Handkerchiefs
- NT—Headwear and millinery, all types
- NT—Hosiery, pantyhose and peds
- NT—Hunting clothing, including camouflage and blaze orange
- NT—Leotards and tights
- NT—Leather wearing apparel
- NT—Lingerie
- NT—Neckwear, ties
- NT—Nightgowns
- T—Prom dresses
- NT—Rainwear
- NT—Receiving blankets
- NT—Repairing of wearing apparel
- T—Safety clothing—(See Category 17)
- NT—Scarves, for headwear and neckwear
- NT—Scout uniforms and camp clothes
- T—Sheepskin coats
- NT—Stockings, including support-hose
- NT—Suspenders
- NT—T-shirts, imprinted
- T—Tuxedos
- T—Umbrellas
- NT—Underclothing
- NT—Work clothes, work uniforms
- NT—Yard goods (to make clothing)

(4) *Cosmetics and Toilet Goods*

- T—After shave creams, lotions, powders
- T—Antiperspirants
- T—Aromatherapy products (Candles, oils, washes, and

- the like)
- T—Atomizers containing perfume and other liquids
  - T—Bath milks, oils, powders, salts, tablets, crystals, and the like
  - T—Bath and shower gels, and body shampoos
  - T—Bleach creams and lotions
  - T—Blush, rouges
  - T—Body lotion and creams
  - T—Breath fresheners and breath sprays
  - T—Bubble bath preparations
  - T—Cocoa butter, if advertised or labeled for toilet purposes
  - T—Colognes
  - T—Compacts containing blush or powder, compact refills
  - T—Cosmetics
  - T—Creams, protective (having cosmetic claims or use as skin creams, antiperspirants)
  - T—Creams, cleansing, beauty or cold
  - T—Cuticle softeners and removers
  - T—Deodorants (even though having a medicinal or curative value, if advertised or labeled for use as a body deodorant)
  - T—Deodorants (for use in closets, bureau drawers, and the like, for imparting fragrance to clothing)
  - NT—Deodorants, colostomy
  - T—Dusting powders
  - T—Essences and extracts, perfume
  - T—Eyebrow pencils
  - T—Eyelash mascara and eyelash and brow dyes
  - T—Eye shadows, eyeliner
  - T—Face lotions, facial oils, face creams
  - T—Face packs
  - T—Face powders, in loose or cake and liquid form
  - T—Floral essences
  - T—Foundation makeup
  - T—Freckle removers, vanishing creams
  - T—Hair conditioners and rinses
  - T—Hairdressings, lotions, tonics and pomades (regardless of whether they are colored or scented)
  - T—Hair dyes, colorings, tints, rinses and bleaches
  - T—Hair gels and mousse
  - T—Hair oils
  - T—Hair removers
  - NT—Hair restorative medications
  - T—Hairsprays
  - T—Hair straighteners
  - T—Hand lotions and creams
  - T—Lip balm and ointments
  - T—Lipsticks, lipstick refills, liquid lip color, lip liner and lip gloss
  - T—Lotions, cleansing and beauty
  - T—Manicure preparations and kits
  - T—Mask preparations
  - T—Massage creams
  - T—Makeup remover
  - T—Mouthwashes
  - T—Mustache wax
  - T—Nail bleaches
  - T—Nail polish removers
  - T—Nail polishes, nail lacquers, nail enamel
  - T—Perfumes and perfume ingredient kits
  - T—Perfume novelties, containing perfume
  - T—Permanent waving creams, lotions, neutralizer and kits
  - T—Powder bases (liquid, cream and pressed)
  - T—Sachets containing powder or aroma producing materials
  - T—Scalp lotions, which are used or intended for use as a treatment for dry or oily hair
  - T—Shampoos
  - T—Shaving preparations, creams, lotions, powders, including medicated preparations
  - T—Skin balms, bleaches, creams, fresheners, lotions, oils tonics, or whiteners
  - T—Sun allergy cream
  - T—Sunburn preventives—suntan creams, lotions, oils, sunblock, and the like
  - NT—Sunburn treatment, lotions or creams
  - T—Talcum powder
  - T—Toothbrush, electric
  - NT—Toothbrush, toothpaste, tooth cleaners, dental floss, and replacement brushes for electric toothbrush
  - T—Water Piks
  - T—Wave set, paste, powder or lotion
  - T—Wrinkle removing and concealing preparations
- (5) *Farming Supplies and Equipment*
- The tax is not imposed upon the sale of property to a farmer to be used or consumed directly in the business of producing agricultural products. Home gardening is not considered farming. See REV-1729, Farming Information, for additional information.
- NT—Artificial breeding equipment and supplies
  - T—Building supplies and materials used to build and repair barns, sheds, coops, and the like
  - NT—Cleaners and disinfectants used in cleaning milking equipment and to sterilize milk cans to prevent spoilage. (Property used for general farm cleaning and maintenance is taxable)
  - NT—Equipment used to extract a product from productive animals or from the soil, such as harvesters, combines, binders, forage blowers, milking equipment, egg collecting equipment, corn shuckers, threshers, manure handling equipment
  - NT—Equipment such as barn shovels, ensilage forks, wheelbarrows and feed carts
  - NT—Farrier services for work horses
  - NT—Feed and feed additives for productive animals
  - NT—Fencing, portable when used directly for farm use
    - T—Fencing, including gates, which become a permanent part of realty
  - NT—Fertilizer and chemical additives to be added to soil
  - T—Fire prevention and safety equipment
  - NT—Fuel for use in heating poultry brooder and greenhouses
  - NT—Fumigation services upon agricultural commodities or containers used for agricultural commodities
    - T—Greenhouses and mushroom houses (if permanently installed to the real estate)
  - NT—Grooming materials, equipment and supplies when necessary for the health of productive animals
  - NT—Harnesses used to control productive animals on the farm
  - NT—Ice
  - NT—Livestock equipment to dispense chemicals, medicines and feed additives
  - NT—Livestock feeding equipment such as tubs, buckets, cans, and the like, feed scoops, and portable watering devices
    - T—Maintenance facilities including tools, machinery and equipment to maintain machinery, equipment or building property, such as chain hoists, tire spreaders, drills, sanders, lumber, nails, wrenches, brooms, welding equipment, paint brushes and sprayers
  - NT—Milk strainers and strainer discs and towels (dispensers to store and dispense the discs are taxable)
    - T—Motor vehicles, if required to be licensed by the Dept. of Transportation

- NT—Pest control services for agricultural purposes
- NT—Property which becomes an ingredient or constituent of a farm product or is consumed by productive animals or plant growth, such as seeds, fertilizer, chemical additives, and the like, and property such as seeders, planters, plows, harrows, cultivators, sprayers, and similar equipment used to till soil, plant, seed, and care for productive plants.
- NT—Property used to handle, store or preserve farm products or productive animals on farm premises such as chemicals, grooming equipment (dehorner, debeakers, hoof trimmers, calf weaners, and the like)
  - T—Property used to transport or convey the farm product after the final farming operation
  - T—Refrigeration or cooling equipment used to store farm products
- NT—Replacement parts such as tires, motors, belts, cutting edges, air filters, gears and similar replacement parts installed on exempt equipment. Motor fuels, lubricants, compressed air, distilled water, abrasives and similar supplies when used in operating exempt machinery are not taxable. Tools and equipment to apply parts and supplies are taxable.
- NT—Seeds
- NT—Silos
  - T—Water heater for cleaning dairy equipment and supplies
- NT—Water pump for farm use
- NT—Wrapping supplies and containers which are non-returnable to deliver self-produced farm products.

(6) *Flowers, Seeds, Fertilizers, and the like*

The tax is imposed upon the sale of property which is purchased by persons not engaged in the business of farming.

- T—Fertilizer, sprays, insecticides
- T—Gardening supplies
- T—Seeds and bulbs
- T—Vegetable plants, flowers and trees
- NT—Vegetable seeds, vegetable plants and fruit trees purchased with Food Stamps

(7) *Food and Beverages Sold From a Caterer or Establishment Serving Ready-to-Eat Food*

Generally, tax is imposed on food and beverages for consumption on or off the premises, or on a take-out or to-go basis, or delivered to the purchaser or consumer, when purchased from a caterer or an eating establishment from which ready-to-eat foods and beverages are sold, such as a restaurant, cafe, lunch counter, private or social club, tavern, dining car, hotel, night club, fast food operation, pizzeria, fair, carnival, lunch cart, ice cream stand, snack bar, lunch truck, cafeteria, employee cafeteria, theatre, stadium, arena, amusement park, juice stand, carryout shop, coffee shop, popcorn stand, and other establishments, whether mobile or immobile.

- NT—Alcohol, malt or brewed beverages, and wines. Tax is paid at time of purchase from a Liquor Control Board store or licensed malt beverage distributor.
- NT—Candy and gum
  - T—All food and beverages, in any quantity, including both food and beverages prepared on the premises, and prepackaged food and beverages.
  - T—Food supplements and substitutes
- NT—Ice
  - T—Nonalcoholic beverages
- NT—Water

(8) *Food and Beverages Sold From Other Than a Caterer or Establishment Selling Ready-to-Eat Food*

- NT—Bitters and grenadine
- NT—Candy apples
- NT—Candy and gum
- NT—Caramel corn
- NT—Coffee, cold bottled and flavored
- NT—Deli items such as meats and cheeses, potato salad, macaroni salad, and the like
- NT—Food, fruit drinks, soft drinks, and sandwiches purchased with Food Stamps
- NT—Food supplements in any form
- NT—Fruit drinks, noncarbonated or reconstituted, containing at least 25% natural fruit juice
  - T—Fruit drinks, noncarbonated or reconstituted, containing less than 25% natural fruit juice
- NT—Ice
  - T—Kettle Korn
  - T—Kool Aid
  - T—Nonalcoholic beverages
- NT—Party trays, vegetable, cheese, seafood, meat
  - T—Pumpkins—for decoration
- NT—Pumpkins—for food
  - T—Soft drinks, bottled and nonbottled (including soft drink mixes and powder, liquid or tablet form)
- NT—Soy milk
  - T—Sports drinks
- NT—Tea, all forms including liquid and powdered tea
- NT—Sweeteners, artificial
- NT—Water, including nonflavored mineral water
  - T—Water, flavored mineral

A vending machine, delicatessen, grocery store, supermarket, farmers market, bakery, donut shop, pastry shop or convenience store selling the following items, whether sold for consumption on or off the premises or on a take-out or to-go basis, or delivered is considered to be an eating establishment with respect to the sale of the following items:

- T—Brewed coffee
- T—Hot beverages
- T—Hot food items
- T—Hot soup
- T—Hot pizza
- T—Ice cream, yogurt and other ice based products when hand dipped or hand served
- T—Meals—not including prepackaged frozen meals
- T—Salad bars, self-service
- T—Sandwiches
- T—Soft drinks

(9) *Hair Goods and Notions*

Generally, hair goods are taxable unless the item qualifies as clothing.

- T—Hair goods and notions, such as barrettes, hair pins, hair nets, curlers, clips, hair bow holders, combs, brushes, chignons, bandeaux
- T—Shower caps
- T—Wigs and toupees (the service of cleaning, styling, and the like, also is taxable)

(10) *Hobby Supplies, Toys, Games, Radios, Records, and the like*

- T—Baseball, football cards, and the like
- T—Bicycles and parts
- T—Boats and equipment
- T—Computer games and equipment
- T—Games
- T—Hobby supplies
- T—Musical instruments and sheet music

- T—Photographic and projection equipment and supplies
- T—Photographic services, film developing, printing, processing, mounting, coloring, and the like
- T—Pocket knives
- T—Radios, TV sets, receiving equipment
- T—Sound players, recorders, components and accessories, records, compact discs
- T—Tape recorders and tapes
- T—Toys
- T—Video cassettes, recorders and cameras

(11) *Home Sewing, Millinery and Craft Supplies*

Goods and items which are to become a component part of clothing are not taxable. Goods and items which become a component of articles other than clothing, such as formal wear and crafts, are taxable. Equipment and supplies used in sewing are taxable. Clothing is defined as articles designed for everyday wear.

- T—Artificial flowers
- NT—Buckles for clothing
  - T—Buckles for articles other than clothing
- NT—Buttons for clothing
  - T—Buttons for articles other than clothing
- T—Dress forms
- NT—Dress patterns
- NT—Fabrics for clothing
  - T—Fabrics for articles other than clothing
- NT—Dye, clothing fabric
- NT—Elastics for clothing
  - T—Elastics for articles other than clothing
- NT—Embroidery of clothing
  - T—Embroidery hoops
  - T—Embroidery of formal wear and other items
- NT—Hooks and eyes for clothing
  - T—Hooks and eyes for articles other than clothing
- NT—Knitting yarn for clothing
  - T—Knitting yarn for articles other than clothing
- NT—Laces, ribbons, edgings, trimmings for clothing
  - T—Laces, ribbons, edgings, trimmings for articles other than clothing
- T—Needle-craft instruction books
- T—Needles
- T—Rug yarns
- T—Scissors
- T—Sewing kits
- NT—Shoulder pads
  - T—Tape measures
- T—Thimbles
- NT—Thread for clothing
  - T—Thread for articles other than clothing
- NT—Yard goods for clothing
  - T—Yard goods for articles other than clothing
- T—Yarn holders
- NT—Zippers for clothing
  - T—Zippers for articles other than clothing

(12) *Household Goods and Supplies*

- T—Air fresheners
- T—Ant traps
- T—Basin stoppers
- T—Batteries
- T—Bedding
- T—Books
- T—Boot caddy
- T—Brooms
- T—Buckets
- T—Candles
- T—Charcoal
- T—Cloth dish towels
- T—Cloth hand and bath towels

- T—Cloth laundry bags
- T—Clothesline
- T—Clothespins
- T—Coat hangers
- T—Cookware, pots and pans
- T—Cutlery
- T—Decorations
- T—Dinnerware
- T—Dishpans
- T—Dispensers
- T—Door mat
- T—Drinking glasses
- T—Easter egg color/paint
- T—Extension cords
- T—Filters, disposable air
- T—Fire extinguishers
- T—Fly swatters
- T—Fly tapes
- T—Furnishings, appliances, fittings, ornaments, furniture, equipment and accessories. Furnishings including bedding, rugs, lamps, hardware, electrical goods, mirrors, pillows, scarves for furniture, bookends, clocks, glassware, crockery, silverware, flatware and other household wares.
- T—Fuses
- T—Glue
- T—Greeting cards
- T—Grill utensils, scrapers
- T—Grill replacement parts
- T—Hardware and tools
- T—Household linens, blankets
- T—Insecticide sprays
- T—Ironing board and covers
- T—Jars for canning and jar lids
- T—Light bulbs
- T—Lubricating oils
- T—Matches
- T—Metal and plastic cooking utensils and flatware
- T—Mops
- T—Moth balls and moth flakes
- T—Mouse traps
- T—Needles
- T—Notebooks
- T—Oilcloth
- T—Paints, brushes and painting equipment
- T—Paint removers
- T—Plants, vegetable and flower (see Category 6)
- T—Playing cards
- T—Polishing cloths
- T—Refrigerator deodorants
- T—Rubber gloves
- T—Rug shampoo applicators
- T—Salt, water softeners
- T—Sandpaper
- T—Scrub brushes
- T—Seeds, vegetable and flower (see Category 6)
- T—Shoe brushes
- T—Sponges
- T—Squeegee scraper
- T—Stationery
- T—Static control spray, sheets
- T—Thermometers
- T—Thimbles
- T—Tie racks
- T—Toothpicks
- T—Turpentine and paint thinner
- T—Vacuum bottles
- T—Vacuum cleaner bags, disposable
- T—Vacuum cleaner parts
- T—Ventilating fans and equipment

T—Water filters, replacement  
 T—Wax applicators  
 T—Wax paraffin

A. *Soaps and Detergents*

T—Bleaches  
 T—Bluing  
 T—Borax  
 T—Cleaner, septic tank, hand, oven, toilet bowl or tile  
 T—Cleansers  
 T—Detergents  
 T—Drain opener  
 T—Dry cleaning kits  
 T—Presoaks  
 T—Rug shampoo  
 T—Soaps, scented and unscented  
 T—Softeners (fabric)  
 T—Spot removers  
 T—Starch  
 T—Whiteners

B. *Cleaning and Polishing Preparations*

T—Car cleaners and waxes  
 T—Glass cleaner  
 T—Polishes, floor, furniture, silver and similar items  
 T—Removers, rust or wax  
 T—Scouring pads  
 T—Steel wool

C. *Paper Goods*

T—Cups, paper, plastic or styrene  
 NT—Disposable diapers and incontinence products  
 T—Drop cloths, paper and plastic  
 T—Facial tissue  
 T—Filters, coffee  
 T—Napkins  
 T—Place mats  
 T—Plates, paper, plastic or styrofoam  
 NT—Sanitary napkins, tampons or similar items used for feminine hygiene  
 T—Shelf paper, liners  
 T—Straws  
 T—Tablecloths  
 NT—Toilet tissue  
 T—Towels  
 NT—Wet-wipes

D. *Wrapping Supplies*

T—Aluminum foil  
 T—Food bags  
 T—Plastic wraps  
 T—Tape, masking, scotch, plastic, freezer, duct  
 T—Trash bags, paper and plastic  
 T—Twine  
 T—Wax paper  
 T—Wrapping paper, including gift wrapping, ribbons, and the like

(13) *Infant Supplies*

T—Accessories, nursing bottles, nipples, teething beads, teethingers  
 NT—Bibs  
 T—Car seats, infant  
 T—Crib blankets  
 T—Diaper bags  
 NT—Diaper pins  
 NT—Diapers, cloth and disposable  
 NT—Diaper Service  
 T—Liners (nursing bottles)  
 NT—Receiving blankets for infants  
 NT—Rubber pants

(14) *Jewelry*

T—Earring backs  
 T—Jewelry, although a religious symbol is incorporated  
 T—Ornaments and pins for hats and dresses

(15) *Luggage, Handbags, Carrying Bags, Wallets, and the like*

T—Bags, carrying, athletic, book, and the like  
 T—Handbags, pocketbooks and purses  
 T—Knitting bags  
 T—Leather goods, except clothing  
 T—Luggage, briefcases  
 T—Wallets and billfolds

(16) *Medicine, Drugs and Medical Supplies; Prosthetic and Therapeutic Devices*

The tax is not imposed on prescription or nonprescription medicines and drugs or medical supplies, crutches and wheelchairs for the use of people with disabilities, artificial limbs, artificial eyes and artificial hearing devices, when designed to be worn on the person of the purchaser or user, false teeth and materials used by a dentist in dental treatment, eyeglasses, when especially designed or prescribed by an ophthalmologist, oculist or optometrist for the personal use of the owner or purchaser and artificial braces and supports designed solely for the use of people with disabilities, or any other therapeutic, prosthetic or artificial device designed for the use of a particular individual to correct or alleviate a physical incapacity, including, but not limited to, hospital beds, iron lungs and kidney machines.

T—Acne cleaners and acne pads  
 NT—Acne treatments, lotions, creams  
 T—Adhesive removers  
 NT—Adhesives used for medical treatment  
 T—Air cleaners and electrostatic machines  
 NT—Alcohol, rubbing, swabs and wipes  
 NT—Analgesics  
 NT—Antacids  
 NT—Antiseptics, for external use only  
 NT—Applicators (See “Cotton applicators”)  
 NT—Arch supports  
 NT—Arm slings  
 NT—Artificial eyes  
 NT—Artificial limbs  
 NT—Aspirin  
 T—Autoclave  
 NT—Automobile accessories, when noted by the Department of Transportation upon the motor vehicle operator’s license of the purchaser that such accessories are necessary, and when charges for accessories are stated separately by the vendor on the sales invoice.  
 NT—Automobile wheelchair lifts  
 T—Baby powder  
 NT—Bandages, dressings, gauze and cotton  
 T—Bath tub and bathroom safety devices  
 T—Batteries, unless purchased from a medical supply house  
 T—Bed boards  
 NT—Bed drain bags  
 NT—Bed pans  
 NT—Bed trapeze bars  
 NT—Benzoin  
 T—Bidet toilet seats  
 T—Blankets  
 T—Blood agar plates  
 NT—Blood glucose monitors used to treat diabetes (therapeutic devices)



- NT—Blood pack units
  - T—Blood pressure testing apparatus
- NT—Bone pins
- NT—Braces and supports worn on the body to correct or alleviate a physical incapacity
- NT—Braille teaching texts
  - T—Breast pumps
- NT—Breathing units, intermittent positive pressure
- NT—Burn ointment and lotion
- NT—Calamine lotion
- NT—Canes
- NT—Cardiac emergency kit
- NT—Cardiac pacemakers and electrodes
- NT—Castor oil
- NT—Catheters and accessories
  - T—Chemical agents and related supplies for analysis of patients' specimens
- NT—Cod liver oil
- NT—Colostomy appliances
- NT—Colostomy deodorants
- NT—Commodes, chair bedside
- NT—Commode seats, elevated for use by incapacitated persons
- NT—Contact lenses and wetting solutions
  - T—Contact lenses cleaning solutions
- NT—Corn pads and plasters for the removal of corns
- NT—Cotton applicators, cotton rolls, cotton balls and cotton swabs
- NT—Cough and cold items, cough drops, cough syrups
- NT—Crutches
- NT—Crutch pads
- NT—Defibrillators
  - T—Dehumidifiers
- NT—Dental floss
- NT—Dental materials used in dental treatment, including X-ray film, cotton, impression and materials
  - T—Dentist chair
- NT—Dentist drills, disposable
- NT—Dentist materials which are transferred to the patient, including dentures, fillings, crowns, inlays, bridges and lingual or palatal bars
  - T—Dentist replacement burs, drills, reusable
- NT—Denture products, including denture cleaners and adhesives
  - T—Deodorants, personal and room
  - T—Diagnostic equipment
  - T—Diagnostic glassware and diagnostic testing materials
- NT—Dialysis machines
- NT—Diathermy machines
- NT—Dietary supplements and substitutes, in any form
- NT—Diet pills
  - T—Disinfectants
- NT—Drapes, paper
  - T—Ear plugs
  - T—EKG mounts and EKG paper
- NT—Elastic bandages and braces
  - T—Electrocardiometer
- NT—Emesis basins or pans
- NT—Epsom salts
  - T—Esophageal dilator
  - T—Eucalyptus oil
- NT—Examining table paper
  - T—Exercise equipment, including exercise bikes and treadmill exercisers
- NT—Eye ointment
- NT—Eye pads
- NT—Eye washes
- NT—Eyeglasses, prescription
- NT—False teeth
- NT—First aid kits
- NT—Fluidic breathing assistor
- NT—Food substitutes
- NT—Foot pads, insoles, all types
- NT—Foot products for treatment of infections
- NT—Gauze
- NT—Gloves, surgical, disposable
- NT—Glucose tablets
- NT—Glycerine
- NT—Gowns, medical
- NT—Hearing aids and batteries
  - T—Heaters, portable, room
- NT—Heating pads
- NT—Hospital beds, having side rails, electric and non-electric with attachments
- NT—Hot water bottles
  - T—Humidifiers
- NT—Hygienic needs, douche powder, vaginal preparations
- NT—Hydrogen peroxide
- NT—Ice bags
- NT—Ileostomy bags
- NT—Incontinence products, including incontinence pants
- NT—Infusion pumps
- NT—Inhalation therapy equipment and equipment used to provide emergency breathing assistance
- NT—Insulin
  - T—Intravenous stand
- NT—IUD devices
  - T—Laboratory testing and analysis equipment and supplies
- NT—Lactose intolerance medication
- NT—Lamps, ultraviolet and infrared
- NT—Lancets
- NT—Laxatives and cathartics
- NT—Lifters, patient
- NT—Lubricating jelly
- NT—Lymphedema pumps
  - T—MRI equipment
  - T—Mattresses, air
- NT—Mattresses, alternating positive pressure
- NT—Mattresses and covers for hospital beds
  - T—Medical alert cards
  - T—Medical alert systems
- NT—Medicated powder
- NT—Medicine cups, disposable
  - T—Microscopes
- NT—Milk of magnesia
  - T—Mouthwashes
- NT—Muscle stimulator, electronic for physical therapy
- NT—Nasal cannula
  - T—Nasal speculum
  - T—Needle holder
- NT—Needles, disposable
  - T—Needles and syringes, reusable
- NT—Orthodontic brackets
  - T—Orthodontic trays
- NT—Orthopedic splints
  - T—Overbed tables
- NT—Oxygen and oxygen equipment, when used for medical treatment
- NT—Pads, moist heat pad, alternating positive pressure pad, flotation pad, lambs wool pad
- NT—Paraffin bath units, standard or portable
  - T—Percussors
- NT—Pet medicines
- NT—Petroleum jelly
- NT—Physical therapy equipment, when designed exclusively for use in correcting or alleviating a physical incapacity
  - T—Plaque remover

T—Pore cleaners, medicated, pore strips  
 NT—Postural drainage boards  
 NT—Postural support chairs  
 NT—Premoistened wipes  
 NT—Prophylactics  
 NT—Prostheses (mammary, malar, chin, urinary, incontinence, and the like)  
 T—Pumice powder  
 NT—Pump, diaphragm, pressure vacuum  
 T—Razor blades  
 NT—Rectal preparations  
 T—Safety grab bars  
 NT—Sanitary napkins, tampons and similar items  
 T—Sanitizer, air  
 T—Sauna baths  
 T—Scissors  
 T—Shaving products  
 T—Sheets, cloth  
 NT—Sheets, disposable  
 NT—Shoe insoles, orthopedically designed  
 NT—Sitz bath  
 NT—Smoking deterrents, gum and patch  
 T—Soaps  
 NT—Specimen containers, disposable  
 T—Sphygmomanometer  
 T—Sphygmostat  
 NT—Stair gliders for persons having a physical disability, installed in the purchaser's home and under a physician's prescription  
 T—Stethoscope  
 NT—Styptic pencils  
 T—Suction machines and pumps  
 NT—Sunburn treatment lotions or creams  
 T—Sunglasses (unless prescription)  
 T—Suntan lotion, sunblock  
 NT—Suppositories  
 T—Surgical instruments  
 NT—Surgical instruments and supplies, single use disposable  
 NT—Surgical masks, disposable  
 NT—Sutures  
 NT—Syringes, disposable  
 T—Syringes, reusable  
 T—Tables, bedside  
 T—Tables, examining  
 T—Talcum powder  
 T—Teeth whitening strips  
 T—Telecaption equipment  
 NT—Test strips used in treatment of diabetes  
 T—Testing kits, pregnancy, UTI  
 T—Thermometer, medical  
 NT—Thermometer covers, disposable  
 NT—Tongue depressor, disposable  
 NT—Toothache drops  
 NT—Toothbrushes  
 NT—Toothpaste  
 NT—Tourniquets  
 NT—Trachea tubes  
 NT—Traction units, including bed stand, anklet, extension, pelvic or cervical units, head holder, fracture unit with trapeze bar set, weights, weight bags, pelvic lacing belt, and over door traction equipment  
 NT—Tubing, intravenous  
 NT—Urine drain bag  
 T—Vacutainers  
 NT—Vaginal diaphragms  
 T—Vapona strips  
 T—Vaporizers  
 NT—Vitamins  
 NT—Walking bars and walkers

NT—Wheelchairs, manual and motorized, scooters, and batteries  
 T—Whirlpool baths and whirlpool pumps  
 T—Wigs  
 T—X-ray equipment and machines  
 T—X-ray film and chemicals not used by dentists

(17) *Miscellaneous*

T—Antiques  
 NT—Bullion, investment metal  
 NT—Body tattooing and piercing  
 NT—Caskets, burial vaults, markers, cremation urns and tombstones for human graves, including foundations  
 T—Christmas trees  
 T—Coin banks and coin holders  
 NT—Coins, investment (numismatic coins and legal tender)  
 T—Compressed air, dispensed  
 T—Corkage fee  
 T—Dry ice, except when sold as an internal packaging material to retailer, manufacturer or processor  
 NT—Safety equipment and devices designed and worn by production personnel employed in manufacturing, processing, mining, public utility, farming and dairying. Examples: asbestos suits, gloves, aprons, boots, masks, helmets, goggles and similar items  
 T—Equipment and devices worn by nonproduction personnel  
 T—Fencing materials  
 NT—Flags of the U. S. and Commonwealth. Bunting and others are taxable.  
 T—Flags kits, that include poles or brackets  
 T—Fuel for motor vehicles, except when subject to Liquid Fuel or Fuel Use Tax  
 T—Global positioning satellite, equipment and service  
 NT—Health club membership fees  
 T—Hot tubs and spas, regardless of physician recommendation  
 T—Lunch kits, vacuum bottles and replacement parts  
 T—Motor vehicle repair services (including labor), accessories, parts, supplies, lubricants, equipment, vehicle and emission inspection  
 T—Paper money, which is not legal tender in U.S.A., is taxable on full purchase price  
 T—Paper money, which is legal tender in U.S.A., is taxable on amount in excess of face value  
 NT—Parking fees  
 T—Party favors  
 NT—Pony rides  
 T—Religious articles  
 T—Scout supplies and training manuals, except when sold to a scout troop  
 T—Souvenirs  
 T—Stamps, uncancelled U.S.A. stamps are taxable on amount in excess of face value  
 T—Stamps, cancelled U.S.A. stamps and all foreign stamps are taxable on the full purchase price  
 NT—Tanning booth fees  
 T—Trading stamp redemption for taxable property  
 NT—Coupon books sold to individual consumers

(18) *Optical Goods*

NT—Contact lenses, and wetting solutions  
 T—Contact lenses cleaning solutions  
 NT—Eyeglasses, prescription  
 T—Magnifying glasses  
 T—Opera glasses and field glasses  
 T—Sunglasses (prescription sunglasses are exempt)

(19) *Pets*

- NT—Boarding, sitting or walking
  - T—Clippers and clipper lubricants
  - T—Equipment (collars, leashes, and the like)
  - T—Farrier services for pet horses
- NT—Flea collars, flea powder, flea and tick soap, and tick sprays
  - T—Food, including food supplements and prescription food
  - T—Grooming
- NT—Medicines and medical supplies
  - T—Pet caskets and urns
- NT—Pet cremation and burial services
  - T—Sale or rental of pets, or adoption from shelters, which includes fees for shots and spaying or neutering
  - T—Shampoo
  - T—Veterinarian equipment
- NT—Veterinarian services
  - T—Vitamins

(20) *Religious Articles*

Bibles, religious publications and religious articles are subject to tax unless purchased by organizations qualifying as institutions of purely public charities which hold an exemption number prefixed by the number 75, and government entities.

- T—Bibles (printed, audio or electronic data)
- T—Candles used in religious worship
- T—Holy water bottles
- T—Clergy vestments and choir and altar server clothing
- T—Nativity scenes
- T—Religious statues, medals and symbols used in religious worship
- T—Religious publications sold by religious groups
- T—Rosaries
- T—Wines used in religious services

(21) *Restaurant Equipment and Supplies*

Equipment, implements and similar property for use in the preparation and service of food is taxable.

- T—Carbonator for soda fountain operation
- NT—Carbon dioxide for soda fountain
- NT—Chef Hats
  - T—Disposable trays
  - T—Equipment used to prepare and serve food and beverages
  - T—Ice making equipment
  - T—Latex gloves
  - T—Napkins, wooden or plastic spoons, forks, straws, and similar articles for use in restaurants, vending machines, and other eating places
  - T—Placemats
  - T—Toothpicks
  - T—Vending machines and equipment
- NT—Work uniforms
- NT—Wrapping supplies, paper or plastic plates, cups, and similar articles for the delivery of food, used by restaurants or in vending machines

(22) *Shoes and Shoe Accessories*

Generally shoes designed for everyday wear are exempt. However, shoes designed for formal wear or sporting activities are taxable.

- T—Bathing (swimming) shoes
- NT—Overshoes
- NT—Safety shoes
  - T—Shoe brushes, applicators and shoe trees

- T—Shoe clips
- NT—Shoe dye
- NT—Shoe laces
- NT—Shoe polish
- NT—Shoe repairs
  - T—Shoes for baseball, bowling, football, golf, soccer, hockey, dance, and the like
  - T—Shoes for formal wear, such as metallic cloth, brocade, satin, or silver leather, primarily for formal wear.
- NT—Slippers
- NT—Shoe soles and heels for shoe repair
- NT—Shower clogs
- NT—Sneakers, jogging, tennis and aerobic shoes

(23) *Sporting Equipment, Clothing, Supplies and Recreational Equipment*

Tax is imposed on sporting and recreational equipment, clothing and supplies which are designed to be worn and are normally worn only when engaged in sports.

- T—Accessories such as ammunition belts, hip waders and fly vests
- NT—Baseball caps and tee shirts
  - T—Bathing caps
  - T—Bathing suits
  - T—Beach coats
  - T—Bicycles, parts, accessories and supplies
  - T—Boats, pleasure boats and equipment and parts
- NT—Bowling shirts
  - T—Bowling shoes, purchase and rental
  - T—Equipment and supplies for baseball, football, hockey, basketball and other sports
  - T—Exercise equipment
  - T—Guns and ammunition
- NT—Gym suits, outfits
  - T—Helmets
  - T—Hunting accessories
- NT—Hunting clothing, including camouflage and blaze orange
  - NT—Jogging outfits, running shoes
    - T—Mats, floor
    - T—Protective equipment, knee pads, elbow pads, forearm pads, and the like
    - T—Sleeping bags
  - NT—Sneakers, jogging, tennis and aerobic shoes, and the like
- NT—Snowmobile suits
  - T—Uniforms, baseball, football, soccer, basketball, hockey and the like
- NT—Warm-up suits, cloth sweat suits
  - T—Weights
  - T—Skates, ice, roller, in-line and sharpening

(24) *Tobacco Products*

- T—Chewing tobacco, snuff
- T—Cigarettes
- T—Smoking accessories
- T—Tobacco, cigars

(25) *Utilities and Fuel*

- NT—Coal
- NT—Coin-operated telephone charges
  - T—Corn pellets
  - T—Firelogs, processed
- NT—Firewood, kindling and wood pellets for residential use
  - NT—Fuel oil, gas, steam or electricity purchased for residential use
    - T—Fuel oil, gas, steam or electricity purchased for commercial use

- T—Interstate and intrastate telephone services for residential or commercial use
- NT—Basic telephone service and subscriber line charges for residential use
- T—Basic telephone service and subscriber line charges for commercial use
- T—Utilities for office or business within home

(26) *Tires and Motor Vehicle Leases and Rentals Subject to Public Transportation Assistance Fund Taxes and Fees (PTA) (61 Pa. Code § 47.19).*

The following items are subject to a Public Transportation Assistance Fund Taxes or Fees as indicated below. The tax or fee is IN ADDITION TO any Sales or Use Tax which may be due. However, the Sales, Use, PTA Taxes or PTA Fees shall not be included within the tax base when imposing such taxes or fees.

<i>Item</i>	<i>PTA Tax/Fee</i>	<i>Exemption</i>
Tires, new tires for highway use (used tires and tires for off highway use are not subject to the fee).	\$1 fee upon the sale of each new tire.	Exempt only if purchased by a government entity.
Rentals of Motor Vehicles (the term rental shall mean the transfer of the possession of a motor vehicle for a period of less than 30 days).	\$2 fee upon each rental day.	Exempt, if lessee qualifies for Sales Tax Exemption.
Leases of Motor Vehicles (the term lease shall mean the transfer of possession of a motor vehicle for a period of 30 or more days).	3% tax upon the total lease payment including down payment and accelerated lease payments.	Exempt, if lessee qualifies for Sales Tax Exemption.

(27) *Vehicle Rental Tax (VRT) (61 Pa. Code § 47.20)*

Rental companies that have available for rental 5 or more motor vehicles designed to carry 15 or less passengers, or a truck, trailer or semitrailer used in the transportation of property, other than commercial freight that is rented without a driver, are responsible for collecting an additional 2% tax. This tax is imposed on the purchase price, as calculated for Sales Tax purposes, of each rental contract for a period of 29-consecutive days or less. The VRT is separate from, and in addition to, any applicable state or local Sales Tax or the \$2 daily PTA fees.

Rental companies may claim a refund up to the amount of tax remitted for licensing and titling fees paid to the Commonwealth during a previous calendar year.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 06-1775. Filed for public inspection September 8, 2006, 9:00 a.m.]

## PENNSYLVANIA GAMING CONTROL BOARD

### Category 1 Conditional License Hearings

The Pennsylvania Gaming Control Board, under 58 Pa. Code § 441.19 (relating to licensing hearings for slot machine licenses), published a schedule for the slot machine licensing hearings for Category 1, 2 and 3 slot machine license applications at 36 Pa.B. 4575 (August 12, 2006).

The September 11th hearings that were originally scheduled to be held in Hearing Room No. 1 of the North Office Building will now take place in the auditorium of the State Museum on Third and North Streets in Harrisburg.

#### Conditional Category 1

Monday, September 11 (State Museum, Harrisburg)

- 9—11 a.m. Washington Trotting Association, Inc.
- 11 a.m.—1 p.m. Presque Isle Downs, Inc.
- 2—4 p.m. Downs Racing, L.P.
- 4—6 p.m. Chester Downs and Marina, LLC

THOMAS A. DECKER,  
*Chairperson*

[Pa.B. Doc. No. 06-1776. Filed for public inspection September 8, 2006, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by October 2, 2006. 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-00123069. Donald E. Young** (666 South 4th Street, Sharpsville, Mercer County, PA 16150)—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Mercer County, to points in Pennsylvania, and return.

**A-00123069, F.2. Donald E. Young** (666 South 4th Street, Sharpsville, Mercer County, PA 16150)—persons in airport transfer service, from points in Mercer County, to airports in Pennsylvania.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1777. Filed for public inspection September 8, 2006, 9:00 a.m.]

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### Telecommunications

**A-310204F7005. North Pittsburgh Telephone Company and Full Service Computing Corporation t/a Full Service Network.** Joint petition of North Pittsburgh Telephone Company and Full Service Computing Corporation t/a Full Service Network for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

North Pittsburgh Telephone Company and Full Service Computing Corporation t/a Full Service Network, by its counsel, filed on August 23, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the North Pittsburgh Telephone Company and Full Service Computing Corporation t/a Full Service Network joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1778. Filed for public inspection September 8, 2006, 9:00 a.m.]

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### Telecommunications

**A-311163F7000. Verizon Pennsylvania Inc. and AT&T Communications of Pennsylvania.** Joint petition of Verizon Pennsylvania Inc. and AT&T Communications of Pennsylvania for approval of amendment no. 3 to the Interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and AT&T Communications of Pennsylvania, by its counsel, filed on August 21, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days

after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and AT&T Communications of Pennsylvania joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1779. Filed for public inspection September 8, 2006, 9:00 a.m.]

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### Telecommunications

**A-310258F7000. Verizon Pennsylvania Inc. and TCG Delaware Valley Inc.** Joint petition of Verizon Pennsylvania Inc. and TCG Delaware Valley Inc. for approval of amendment no. 5 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and TCG Delaware Valley Inc., by its counsel, filed on August 21, 2006, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of amendment no. 5 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and TCG Delaware Valley Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1780. Filed for public inspection September 8, 2006, 9:00 a.m.]

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### Telecommunications

**A-310213F7000. Verizon Pennsylvania Inc. and TCG-Pittsburgh, Inc.** Joint petition of Verizon Pennsylvania Inc. and TCG-Pittsburgh, Inc. for approval of amendment no. 4 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and TCG-Pittsburgh, Inc., by its counsel, filed on August 21, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 4 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days

after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and TCG-Pittsburgh, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1781. Filed for public inspection September 8, 2006, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project 06-094.S, A Port Competitiveness Study (Facility Enhancement Analysis) until 2 p.m. on Thursday, September 28, 2006. The proposal 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 on September 12, 2006. The cost of the proposal document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Offerors must comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 06-1782. Filed for public inspection September 8, 2006, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Michele Elby-Williamson; Doc. No. 1588-45-05

On May 11, 2006, Michele Elby-Williamson, license no. CO230001L, of Hummelstown, Dauphin County, was assessed a civil penalty of \$250 in addition to the previously imposed civil penalty of \$250 for a total civil penalty of \$500 based on her violation of a lawful disciplinary order of the State Board of Cosmetology (Board) by failing to pay a civil penalty.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must

serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 06-1783. Filed for public inspection September 8, 2006, 9:00 a.m.]

### Bureau of Professional and Occupational Affairs v. Mary Gualtieri; Doc. No. 1572-45-05

On May 11, 2006, Mary Gualtieri, license no. CO051063L, of Punxsutawney, Jefferson County, was assessed a civil penalty of \$500 for violating a lawful disciplinary order of the State Board of Cosmetology (Board) by failing to pay a civil penalty.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 06-1784. Filed for public inspection September 8, 2006, 9:00 a.m.]

### Bureau of Professional and Occupational Affairs v. Nicole Hopkins t/d/b/a 100% U, Inc.; Doc. No. 0024-45-06

On July 18, 2006, Nicole Hopkins t/d/b/a 100% U, Inc., unlicensed, of Philadelphia, Philadelphia County, was assessed a civil penalty in the amount of \$500 in addition to the previously imposed civil penalty of \$500, the balance of which is \$475, for a total civil penalty of \$975 for operating a cosmetology shop without a license.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 06-1785. Filed for public inspection September 8, 2006, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Joseph Johnson and Diane Johnson t/d/b/a Eunique Experience; Doc. No. 0234-45-06**

On July 18, 2006, Joseph Johnson and Diane Johnson t/d/b/a Eunique Experience, license no. CB080190L, of Philadelphia, Philadelphia County, was assessed a civil penalty in the amount of \$250 in addition to the previously imposed civil penalty of \$250, for a total civil penalty of \$500 for violating a lawful disciplinary order of the State Board of Cosmetology (Board) by failing to pay a civil penalty.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 06-1786. Filed for public inspection September 8, 2006, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Patricia A. Rocco t/d/b/a Rocco's Club Hair; Doc. No. 1321-45-06**

On August 8, 2006, Patricia A. Rocco t/d/b/a Rocco's Club Hair, license no. CB1170236, of Hermitage, Mercer County, was suspended based on findings she failed to pay a civil penalty imposed by the Board.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 06-1787. Filed for public inspection September 8, 2006, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Rochelle Savage; Doc. No. 1767-45-05**

On May 11, 2006, Rochelle Savage, license no. CO201508L, of Philadelphia, Philadelphia County, was assessed a civil penalty of \$250 for violating a lawful disciplinary order of the State Board of Cosmetology (Board) by failing to pay a civil penalty.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 06-1788. Filed for public inspection September 8, 2006, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Juana Taveras; Doc. No. 0333-45-06**

On July 18, 2006, Juana Taveras, license No. CO253611, of Philadelphia, Philadelphia County, was assessed a civil penalty in the amount of \$500 for practicing cosmetology without a license for approximately 18 months prior to receiving a license from the State Board of Cosmetology (Board).

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 06-1789. Filed for public inspection September 8, 2006, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Lisa Carol Toy; Doc. No. 1327-45-06**

On August 10, 2006, Lisa Carol Toy, license No. CL016894L, of Templeton, Armstrong County, was suspended based on findings she failed to pay a civil penalty imposed by the State Board of Cosmetology (Board).

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 06-1790. Filed for public inspection September 8, 2006, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Hoa Van Le; Doc. No. 0079-45-06**

On July 19, 2006, Hoa Van Le, unlicensed, of Philadelphia, Philadelphia County, was assessed a civil penalty in the amount of \$1,000 for practicing manicuring without a license.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 06-1792. Filed for public inspection September 8, 2006, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
John Uong t/d/b/a California Nails; Doc. No.  
1332-45-06**

On August 10, 2006, John Uong t/d/b/a California Nails, license No. CY192716, of Shippensburg, Cumberland and Franklin Counties, was suspended based on finding he failed to pay a civil penalty imposed by the State Board of Cosmetology (Board).

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 06-1791. Filed for public inspection September 8, 2006, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Victor E. Young t/d/b/a Vixx Styling Salon; Doc.  
No. 1881-45-05**

On July 19, 2006, Victor E. Young t/d/b/a Vixx Styling Salon, license No. CB104463L, of Philadelphia, Philadelphia County, and New Castle, DE, was assessed a civil penalty in the amount of \$1,750 based on findings respondent employed unlicensed employees, failed to have current licenses available on the premises, failed to have the requisite equipment and supplies for a cosmetology shop and operated a cosmetology shop on a lapsed license.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 06-1793. Filed for public inspection September 8, 2006, 9:00 a.m.]



# STATE EMPLOYEES' RETIREMENT BOARD

## Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

October 5, 2006	Caldwell Stokes (D) (Death Benefit)	1 p.m.
October 19, 2006	Raymond L. Billotte (Service Transfer)	1 p.m.
October 26, 2006	Olga S. Stoner (Multiple Service Election)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

ERIC HENRY,  
*Secretary*

[Pa.B. Doc. No. 06-1794. Filed for public inspection September 8, 2006, 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.

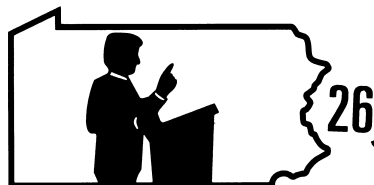
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

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

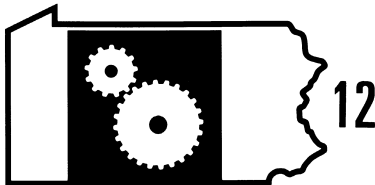
## DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at [www.patreasury.org](http://www.patreasury.org).

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania Treasury Department  
 201 Finance Building  
 Harrisburg, PA 17120  
 Phone: (717) 787-2990 or 1-800-252-4700  
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,  
*State Treasurer*

## SERVICES



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### Drafting and Design Services

**40734** Design of West Chester University Magazine, 2006-07 (two issues).  
**Department:** State System of Higher Education  
**Location:** West Chester University, Purchasing Office, 201 Carter Drive, Suite 200, West Chester, PA 19383  
**Duration:** Bid due 9/8/06 at 2:00 pm.  
**Contact:** Joan Hanby, Purchasing, 610-436-2604

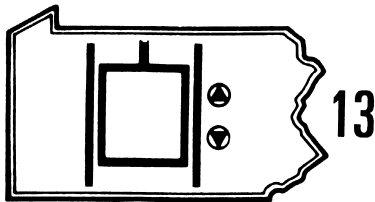


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### Financial and Insurance Consulting

**RFP No. 2006-USTIF-01** Dear Prospective Vendor: You are invited to submit a proposal for consideration to be the vendor for the Office of Underground Storage Tank Indemnification Fund (USTIF), which will provide environmental claims services in both the technical and administrative areas to USTIF in accordance with the Request for Proposal (RFP) number RFP No. 2006-USTIF-01. Complete information including the RFP, critical dates, and instructions for potential bidders can be found at [www.ins.state.pa.us/ustif2006rfp/](http://www.ins.state.pa.us/ustif2006rfp/). The successful bidder must be registered to do business in the Commonwealth and have a SAP Vendor Number. Please write "bid" on package as well as RFP number. All proposals must be received no later than 1:00 p.m. on November 17, 2006 at the Pennsylvania Insurance Department, 1326 Strawberry Square, Harrisburg, Pa 17120 Attention: Rachel Meck.

**Department:** Insurance  
**Duration:** 5 year contract with 5 one year renewals.

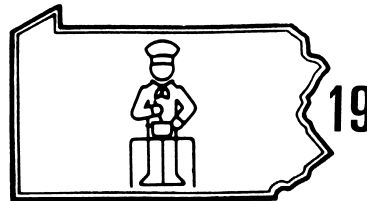


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### Elevator Maintenance

**CN00022644** Department of Public Welfare Embreeville Center (Closed) is seeking bids from all qualified vendors to perform monthly elevator maintenance and periodic inspections as required by the American Society of Mechanical Engineers and the Pennsylvania Department of Labor and Industry. The contract is to support a closed facility located in Coatsville, Pennsylvania. Vendors will need to be registered with the Commonwealth of Pennsylvania Central Vendor Master Unit in order to be awarded a bid. Vendors may register on-line at [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us) or by calling the toll free number 1-866-775-2868. Bids may be requested by e-mailing the Procurement Agent below or by calling 717 783-9281. Please provide the following information when requesting bids: Name of Vendor, Address, Phone Number, Point of Contact (and their phone number) and Vendor Number. All Bids must arrive prior to the Bid opening date and time to be considered, and become property of the Commonwealth once submitted. Vendors are responsible for updating their address with the Central Vendor Master Unit as DPW depends on the accuracy of the Vendor's record when sending out bids. Vendors may update their record by calling the Vendor master at the number above. The Bid Opening Date will be September 19, 2006 all bidders must request a copy of the bid by September 10, 2006 in order for the bid to be processed and a required Proof of Visit to be arranged.

**Department:** Public Welfare  
**Location:** Embreeville Complex, 1822 West Strasburg Rd., Coatsville, PA 19320  
**Duration:** 1 Year with options for 4 (four) 1 Year renewals  
**Contact:** David E. Kern, 717 783-9281



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### Food

**CN00022664** Beef products such as Ground Beef, Beef Round Top etc.

**Department:** Public Welfare  
**Location:** Youth Development Center, 1745 Frew Mill Road, New Castle, PA 16101  
**Duration:** October 1, 2006 through December 31, 2006  
**Contact:** Tami Myers, 717-789-5509

**CN00022723** Bid due date: 9/13/2006 @ 1:00 PM: The State Correctional Institution at Cresson will be soliciting bids for Meat and Meat Products. Listing of specific commodities and estimated quantities can be obtained by contacting the institutional purchasing office. Vendor must be registered with the State of Pennsylvania and have a SAP vendor number to receive bid solicitations.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630  
**Duration:** October 1, 2006 - December 31, 2006  
**Contact:** Barbara A. Lloyd, Pur. Agent, 814-886-8181, X1166

**CN00022692** Miscellaneous such as bagels, biscuits, French toast etc.

**Department:** Public Welfare  
**Location:** Youth Development Center, 1745 Frew Mill Road, New Castle PA 16101  
**Duration:** October 1, 2006 - December 31, 2006  
**Contact:** Tami Myers, 717-789-5509

**CN00022668** The State Correctional Institution at Laurel Highlands will be soliciting bids for Milk Products. The bid due date and time of opening is 9/14/06 at 1:00 PM. Interested vendors must be registered with the Commonwealth of PA to receive bids and purchase orders and should contact the institution directly for a bid package.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, Somerset, PA 15501  
**Duration:** 9/1/06 through 12/31/06  
**Contact:** Jackie Albright, Purchasing Agent, (814) 445-6501 X1334

**CN00022638** Bid Due Date: 9/13/2006 @ 1:00 PM - The State Correctional Institution at Cresson will be soliciting for Milk Products. Price to be consistent with the PA Milk Marketing Board. Delivery will be required twice per week or more often if deemed necessary. Vendor must be registered with the State of PA and have a SAP vendor number to receive bid solicitations.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, Old Route 22, Cresson, PA 16630  
**Duration:** October 1, 2006 - December 31, 2006  
**Contact:** Barbara A. Lloyd, Pur. Agent, 814-886-8181, X1166

**CN00022665** The State Correctional Institution at Laurel Highlands will be soliciting bids for Frozen Vegetables. The bid due date and time of opening is 9/13/06 @ 1:00 PM. Interested vendors must be registered with the Commonwealth of PA to receive bids and purchase orders and should contact the institution directly for a bid package.

**Department:** Corrections  
**Location:** State Correctional Institution, 5706 Glades Pike, Somerset, PA 15501  
**Duration:** 9/1/06 through 12/31/06  
**Contact:** Jackie Albright, Purchasing Agt. 1, (814) 445-6501 X1334

**HOU FRESH EGGS - 4TH QTR.** Vendor shall supply fresh eggs: shell, white, grade A, medium or large, naturals, PA Spec. 3-10, Effective 5/1/74. To be supplied thirty (30) dozen/case. MBE/WBE vendors are encouraged to request bid packets. Vendor must be registered with the state of Pennsylvania and have a valid SAP vendor number to request bid packets. Bid due: September 14, 2006, 1:00 P.M.

**Department:** Aging  
**Location:** State Correctional Institution at Houtzdale, 209 Institution Drive, Houtzdale PA 16698-1000  
**Duration:** October 1, 2006 through December 31, 2006  
**Contact:** Peggy Baughman, PA2, 814-378-1000

**CN00022637** Bid due date: 9/13/2006 @ 1:00 PM. The State Correctional Institution at Cresson will be soliciting bids for Bread and Bread Related Products. Delivery of products specified shall be made approximately once a week or more often if deemed necessary by the institution. Specific commodities and estimated quantities will be specified on Request for Proposal. Vendor must be registered with the State of PA and have a SAP vendor number to receive bid solicitations.

**Department:** Corrections  
**Location:** State Correctional Institution at Cresson, Old Route 22, Cresson, PA 16630  
**Duration:** October 1, 2006 - December 31, 2006  
**Contact:** Barbara A. Lloyd, Pur. Agent, 814-886-8181, X1166

**CN00022661** The State Correctional Institution at Rockview, Bellefonte, PA will be soliciting bids for FRESH SHELL EGGS, shell, white, grade A, Medium, naturals, PA Spec 3-10, Effective 5/1/74. Thirty (30) dozen/case. Issuance of bids will be on a quarterly basis. Vendor must be registered with the State of Pennsylvania and have a valid SAP Vendor number to receive bid solicitations. Bid packages may be requested via fax (814) 355-6026 or via e-mail to dibaney@state.pa.us.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Rt. 26, Bellefonte, PA 16823  
**Duration:** October 1, 2006 through December 31, 2006  
**Contact:** Diane Baney, Pur. Agt. 2, 814-355-4874, ext. 206

**CN00022711** Foodstuffs, including but not limited to meat, fish, poultry, (including turkey products), frozen vegetables, fresh eggs, frozen liquid egg products, cheeses, waffles, frozen novelties, and protein alternative products. Contract Period October 1 to 15, 2006. Bid package available from Purchasing Office at the Institution. Due date September 15, 2006, 2 PM.

**Department:** Corrections  
**Location:** State Correctional Institution - Frackville, 1111 Altamont Boulevard, Frackville, PA 17931  
**Duration:** Contract period October 1 to 15, 2006.  
**Contact:** Mary Lou Neverosky, Purchasing Agent, 570/773-2158, EXT. 419

**CN00022691** Fresh Poultry And Turkey Products For Dietary

**Department:** Public Welfare  
**Location:** Youth Development Center, 1745 Frew Mill Road, New Castle, PA 16101  
**Duration:** October 1, 2006 - December 31, 2006  
**Contact:** Tami Myers, 717-789-5509

**PF 0879-19** This is a consolidated perishable food bid advertisement for five (5) individual food groups. There are separate commodity bid proposals; each bid proposal is to be requested individually by the product and bid number shown in this advertisement. Frozen Fruits/Vegetables, October thru December 2006 - Bid# 9141. Meat/Meat Products, October through December 2006 - Bid # 9142. Poultry and Fish, October thru December 2006 - Bid# 9143. Frozen Juice, October thru December 2006 - Bid# 9144. Miscellaneous Frozen Foods, October thru December 2006 - Bid# 9145. Fax requests for each bid package to 570-372-5675.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, 1000 Route 522, Selinsgrove, PA 17870  
**Duration:** See above  
**Contact:** Patti Kremer, 570-372-5670

**CN00022714** The State Correctional Institution at Somerset will be soliciting bids for Cheese Products. The bid due date and time of opening is 9/12/06 at 1:00 PM. Interested vendors must be registered with the Commonwealth of PA to receive bids and purchase orders and should contact the institution directly for a bid package.

**Department:** Corrections  
**Location:** State Correctional Institution at Somerset, 1590 Walters Mill Road, Somerset, PA 15510-0001  
**Duration:** 9/1/06 through 12/31/06  
**Contact:** Jackie Albright, Purchasing Agent, (814) 445-6501 X1334

**CN00022719** The State Correctional Institution at Laurel Highlands will be soliciting bids for Poultry and Poultry Products. The bid due date and time of opening is 9/12/06 at 1:00 P.M. Interested vendors must be registered with the Commonwealth of PA to receive bids and purchase orders and should contact the institution directly for a bid package.

**Department:** Corrections  
**Location:** State Correctional Institution at Laurel Highlands, 5706 Glades Pike, Somerset, PA 15501  
**Duration:** September 1, 2006 through December 31, 2006  
**Contact:** Connie Crowley, Purchasing Agent I, (814) 445-6501, X1366

**CN00022573** SEAFOOD. The State Correctional Institution at Rockview, Bellefonte, Centre County, will be soliciting bids for Clams, breaded and unbreaded haddock, crab cakes, imitation crab meat and like items. Issuance of bid requests will be made on a quarterly basis. Vendor must be registered with the State of Pennsylvania and have a SAP vendor number to receive bid packages. Bid packages may be requested via fax (814) 355-6026, or via e-mail jcalland@state.pa.us.

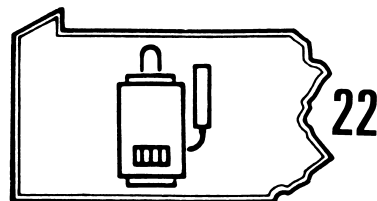
**Department:** Corrections  
**Location:** SCI-Rockview, State Route 26, Box A, Bellefonte, PA 16823  
**Duration:** 10/01/06 - 12/31/06.  
**Contact:** Janine E. Calland, Pur Agt 2, 814-355-4874, ext. 425

**cn00022575** The State Correctional Institution at Rockview, will be soliciting for Poultry Products ie, Turkey roast, whole turkey, chicken leg quarters, boneless/skinless chicken breasts and like products. Issuance of bid requests will be made on a quarterly basis. Vendor must be registered with the State of Pennsylvania and have an active SAP vendor number to receive bid solicitations. Bid packages may be requested via fax (814/355-6026) or via e-mail dibaney@state.pa.us. Bid issuance date is 8-22-06. Bid opening date is 9-6-06.

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Rt. 26, Bellefonte, PA 16823  
**Duration:** 10/1/06 through 12/31/06  
**Contact:** Diane Baney, Pur. Agt. 2, 814-355-4874, Ext. 206

**cn00022574** The State Correctional Institution at Rockview, will be soliciting for Meat Products ie, Unbreaded veal patty, beef cubes, beef round (top inside), beef/soy ground (bulk) pork/soy ground (bulk, pork ham (outside trimmed/tied) and like products. Issuance of bid requests will be made on a quarterly basis. Vendor must be registered with the State of Pennsylvania and have an active SAP vendor number to receive bid solicitations. Bid packages may be requested via fax (814/355-6026) or via e-mail dibaney@state.pa.us

**Department:** Corrections  
**Location:** State Correctional Institution at Rockview, Box A, Rt. 26, Bellefonte, PA 16823  
**Duration:** 10/1/2006 through 12/31/2006  
**Contact:** Diane Baney, Pur. Agt. 2, 814-355-4874, ext. 206



## HVAC Services

**SU-06-03** Horton Hall Air Conditioning: Shippensburg University is seeking companies interested in furnishing and installing a 5 ton split system air conditioning unit and all associated equipment, materials, and labor, in Horton Hall at Shippensburg University. Vendors interested in receiving a Bid Package should fax request to: 717-477-4004, ATTN: Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257or Email request to DKMART@ship.edu.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA 17257  
**Duration:** Work to be completed within 60 days after receipt of order.  
**Contact:** Deborah K. Martin, 717-477-1121

**SSHE 401-BL-807** Work consists of the installation of packaged thru-the wall air conditioners and replacement of hot water heaters, domestic water and natural gas piping including associated masonry and finish patching, chase construction and electrical modifications. Work occurs in six adjacent buildings over two summer time periods, three buildings in 2007 and three buildings in 2008. To obtain a copy of the bid documents submit a \$65.00 (non-refundable) check to STV Architects, Inc., 205 West Welsh Drive, Douglassville, PA 19518, ATTN: Karen Mauger, phone #610-385-8481, fax #610-385-8584. There will be three prime contracts (General - \$1,000,000 to \$1,300,000; Plumbing - \$360,000 to \$400,000; Electrical - \$150,000 to \$175,000). The pre-bid conference will be held on October 6, 2006 at 10:00 am. Bloomsburg University with bids due October 26, 2006 at 1:00 pm, Bloomsburg University.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, 400 E. Second Street, Bloomsburg, PA 17815  
**Duration:** 2 phases May 14, 2007 to August 3, 2007 and May 12, 2008 and August 8, 2008  
**Contact:** Karen Mauger, 610-385-8481



### Janitorial Services

**FM 9062** Furnish all labor, materials and equipment to perform janitorial services two (2) days per week at the PA State Police, Altoona Aviation Patrol Unit. Detailed Work Schedule and Bid must be obtained from the Facility Management Division at 717-705-5951. Bid Due Date/Time: September 13, 2006/2:00 PM.

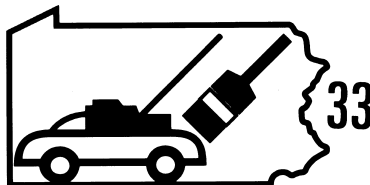
**Department:** State Police  
**Location:** Altoona Aviation Patrol Unit, Altoona/Blair County Airport, 5 Airport Road, Martinsburg, PA 16662, phone # 570-368-5712.  
**Duration:** 10/01/06 to 06/30/09  
**Contact:** Sandy Wolfe, 717-705-5951

**CN00022576** Janitorial Services for PennDOT District 1-0 Office. All interested bidders must be familiar with the building prior to submitting a bid. Fax requests for bid packages to 814-678-7051, include company name, contact and phone/fax number. Bid packages will be mailed the week of 9/4/06.

**Department:** Transportation  
**Location:** 255 Elm Street, Oil City, PA 16301  
**Duration:** One year with renewals for a total of five years  
**Contact:** Amy Judson-Burak, 814-678-7185

**FM 9063** Furnish all labor, materials and equipment for snow removal services from sidewalks, driveways and parking areas at the PA State Police, Erie Headquarters. Totals are based on estimated snow removal and granular deicing material in hours/tons. Detailed Work Schedule and Request for Quote must be obtained from the Facility Management Division at 717-705-5951. Bid Due Date/Time: September 14, 2006/2:00 PM.

**Department:** State Police  
**Location:** Troop E, Erie Headquarters, 4320 Iroquois Avenue, Erie, PA 16511, phone #814-898-1641  
**Duration:** 11/01/06 to 06/30/07  
**Contact:** Sandy Wolfe, 717-705-5951



### Property Maintenance

**W-0502-0504** Renovate steps and landings, Hilltop West, Building No. 6 Clarks Summit State Hospital. To request a bid package, fax your request to: 570-587-7108 on your company letterhead that includes your name, address, telephone and fax numbers, federal ID number, and PA state vendor number. If you do not have a PA State Vendor number, you can obtain one by calling the Central Vendor Master Unit at: 877-775-2868 or register online at: <http://www.vendorregistration.state.pa.us>. Bid packages cannot be faxed.

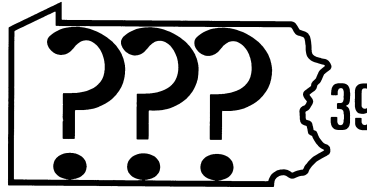
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** October 15, 2006 through June 30, 2007  
**Contact:** Stanley Rygelski, PA, 570-587-7291

**00671-000-06-AS-1** Project Name: Roof Replacement - 1398 Church Street at Old Economy Village. Scope of Work: The project is for an existing two story historic residential building. Work includes removal of the existing wood shingle roof and metal gutter system. Replace with new wood shingle roof and gutter system. A (non mandatory) Pre-bid meeting will be held on Friday, September 15, 2006 at 9:00 am at the Old Economy Village, Visitor Center, First Floor Education Room, Ambridge, PA. for all firms interested in submitting bids for the project. For directions contact the Project Manager, Steve Delp at (717) 787-7788 or the site at (724) 266-4500. All interested bidders should submit a \$25.00 (non-refundable) check made out to PHMC and a request for a bid package in writing to: PA. Historical & Museum Commission, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053 --ATTENTION: Judi Yingling (717) 772-2401 OR - FAX - 717-214-2988 or email: [yingling@state.pa.us](mailto:yingling@state.pa.us) All packages are sent out regular US mail. If you would like it sent overnight, please provide you FedEx or UPS number. All proposals are due on Monday, October 2, 2006 at 1:45 pm. Bid opening will be held in The Commonwealth Keystone Building, Division of Architecture, Room N118, Plaza Level, 400 North Street, Harrisburg, PA 17120-0053.

**Department:** Historical and Museum Commission  
**Location:** Old Economy Village, 270 16th Street, Ambridge, PA 15003  
**Duration:** October 1, 2006 to December 31, 2007  
**Contact:** Judi Yingling, 717-772-2401

**W-0502-0502** Renovate main entrance landings and pavement, Hilltop East, Building No. 5, at Clarks Summit State Hospital. To request a bid package, fax your request to: 570-587-7108 on your company letterhead that includes your address, telephone and fax numbers, federal ID number, and PA State Vendor Number. If you do not have a PA State vendor number, you can obtain one by calling the Central Vendor Master Unit at: 866-775-2868 or register online at: <http://www.vendorregistration.state.pa.us>. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** October 15, 2006 through June 30, 2007  
**Contact:** Stanley Rygelski, PA, 570-587-7291



### Miscellaneous

**26-287-5018** The Department is seeking a contractor to conduct and generate annual operational reviews and management reports on selected Department grant recipients. Deadline October 3, 2006.

**Department:** Community and Economic Development  
**Location:** Statewide  
**Duration:** 5 years  
**Contact:** Irina Khachaturova, 717-720-1435

**0824-06-01** Provide labor - three caulkers and one helper for seventeen calendar days to reef seams and re-caulk portions of the US Brig NIAGARA's hull with cotton and two to three layers of oakum as needed. Approximately 2,300 linear feet of seams to be re-caulked. The contractor must provide their own caulking tools; materials will be provided by the PHMC. Bids are due Tuesday, September 5, 2006 at 2:00 PM at the Issuing Office: PHMC, The State Museum Building, 300 North Street, Room 531, Harrisburg, PA 17120-0024.

**Department:** Historical and Museum Commission  
**Location:** Work to be performed at: Great Lakes Towing Shipyard, 1800 Terminal Tower, 50 Public Square, Cleveland, OH 44113  
**Duration:** PHMC prefers bidders to begin work on September 26, 2006 but will accept start date of October 3, 2006. Contract is for seventeen calendar days  
**Contact:** Suzanne Schmitt, 717-787-9085

**RFP06-BIS-Parenting Skills Program-59** The Department of Corrections seeks to provide inmates the opportunity to address and develop positive parenting skills and an increased awareness of family responsibilities through education, skills training, therapeutic experiences, and individualized plans of reunification. The contractor will provide parenting skills training in the state correctional institutions that house male offenders. When the RFP is released, it will be available to download at [www.dgsweb.state.pa.us/comod/main.asp](http://www.dgsweb.state.pa.us/comod/main.asp) and <http://www.cor.state.pa.us/boa/cwp/view.asp?a=458&q=132912&boaNav=>

**Department:** Corrections  
**Location:** 2520 Lisburn Road, Camp Hill, PA 17011  
**Duration:** one (1) year with two (2) renewal options  
**Contact:** Linda Morrison, 717-975-4931

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