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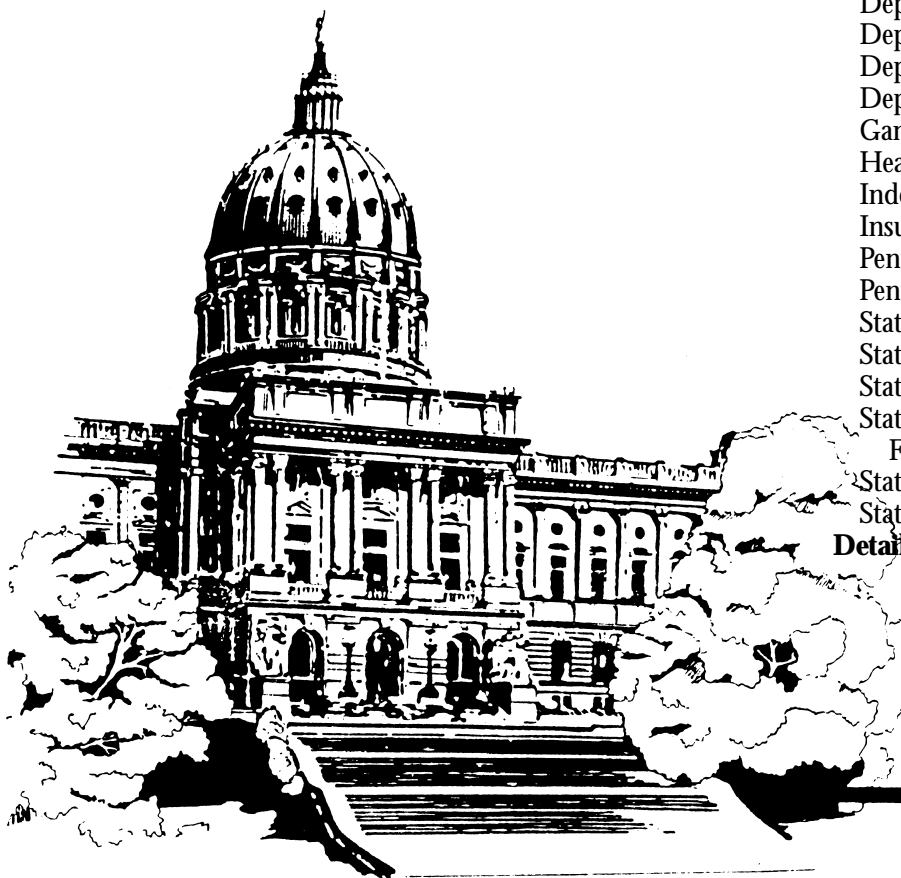
# PENNSYLVANIA BULLETIN

Volume 37  
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State Conservation Commission  
State Employees' Retirement System

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

**No. 394, September 2007**

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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 2007.

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# THE COURTS

## Title 225—RULES OF EVIDENCE

### ARTICLE VI. WITNESSES

[235 PA. CODE ART. VI]

#### Order Approving Amendments to Pennsylvania Rule of Evidence 606; No. 424; Supreme Court Rules; Doc. No. 1

#### Order

*Per Curiam:*

Now, this 17th day of September 2007, upon the recommendation of the Committee on Rules of Evidence,

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.R.E. 606 is hereby revised in the following form.

This *Order* shall be processed immediately in accordance with Pa.R.J.A. 103(b), and shall be effective October 17, 2007.

#### Annex

#### TITLE 225. RULES OF EVIDENCE

#### PART VI. WITNESSES

#### Rule 606. Competency of Juror as Witness.

(a) *At the [ Trial ] trial.* A member of the jury may not testify as a witness before that jury in the trial of the case in which the juror is sitting. If the juror is called so to testify, the opposing party shall be afforded an opportunity to object out of the presence of the jury.

(b) *Inquiry into [ Validity of Verdict ] validity of verdict.* Upon an inquiry into the validity of a verdict, including a sentencing verdict pursuant to 42 Pa.C.S.A. § 9711 (relating to capital sentencing proceedings), a juror may not testify as to any matter or statement occurring during the course of the jury's deliberations or to the effect of anything upon that or any other juror's mind or emotions in reaching a decision upon the verdict or concerning the juror's mental processes in connection therewith, and a juror's affidavit or evidence of any statement by the juror about any of these subjects may not be received. However, a juror may testify concerning whether prejudicial facts not of record, and beyond common knowledge and experience, were improperly brought to the jury's attention or whether any outside influence was improperly brought to bear upon any juror.

#### Comment

\* \* \* \* \*

Note that section (a) bars a jury member from testifying "before that jury in the trial of the case in which the juror is sitting." The phrase "before that jury" did not appear in the preliminary draft of F.R.E. 606(a); its addition leads to the conclusion that a juror may testify outside the presence of the rest of the jury on matters occurring during the course of the trial. 3 Weinstein & Berger, *Evidence* ¶ 606[02], at 606-18; see also *United States v. Robinson*, 645 F.2d 616 (8th Cir. 1981) (holding

that on motion for mistrial, F.R.E. 606 did not bar juror from testifying, out of presence of other jurors, concerning his observation of accused being escorted from court house under guard); *United States v. Day*, 830 F.2d 1099 (10th Cir. 1987) (stating that during course of trial, juror could have been called to testify regarding whether bias arose from remarks between juror and investigating F.B.I. agent). Current Pennsylvania law is in accord. See *Commonwealth v. Santiago*, 456 Pa. 265, 318 A.2d 737 (1974) (jurors permitted to testify at hearing in chambers during trial on question of whether they received improper prejudicial information).

\* \* \* \* \*

Pennsylvania cases have also recognized the **first** two exceptions to juror incompetency set forth in the second sentence of Pa.R.E. 606(b). [ *Carter v. U.S. Steel Corp.*, 529 Pa. 409, 604 A.2d 1010 (1992). ] *Pratt v. St. Christopher's Hospital*, 866 A.2d 313 (Pa. 2005); *Commonwealth v. Williams*, *supra*; *Welshire v. Bruaw*, 331 Pa. 392, 200 A.2d 67 (1938). Note that when jurors are permitted to testify about facts not of record and outside influences, they may not be questioned about the effect upon them of what was improperly brought to their attention. See [ *Carter*, *supra*; ] 3 Weinstein & Berger, *Evidence* ¶ 606[5] at pp. 606-53—606-55. **Pa.R.E. 606(b) does not recognize the third exception to juror incompetency that appears in F.R.E. 606(b)—permitting juror testimony about whether there was a mistake in entering the verdict onto the verdict form. Pennsylvania law deals with possible mistakes in the verdict form by permitting the polling of the jury prior to the recording of the verdict. If there is no concurrence, the jury is directed to retire for further deliberations. See Pa.R.Crim.P. 648(G); *City of Pittsburgh v. DiNardo*, 410 Pa. 376, 189 A. 2d 886 (1963); *Barefoot v. Penn Central Transportation Co.*, 226 Pa. Super. 558, 323 A.2d 271 (1974).** Pa.R.E. 606(b) does not purport to set forth the substantive grounds for setting aside verdicts because of an irregularity.

#### FINAL REPORT

#### *Rule 606(b): Competency of Juror as Witness*

#### Revision of Comment

The Committee continues to examine the federal rules of evidence and rules from other states to determine whether our rules of evidence should be changed. Realizing that the profession is aware that our rules are modeled on the federal rules, changes in those rules may mislead some to assume that such changes apply to our rules as well. Hence, when F.R.E. 606(b) was amended recently to permit the Court to hear testimony of a juror regarding a mistake in entering the verdict in the verdict form, the Committee seeks to clarify that our rule contains no such change.

[Pa.B. Doc. No. 07-1785. Filed for public inspection September 28, 2007, 9:00 a.m.]

# Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL

[ 231 PA. CODE CH. 1000 ]

### Proposed Amendment of Rules 1042.1 et seq. Governing the Certificate of Merit in Professional Liability Actions; Proposed Recommendation No. 227

The Civil Procedural Rules Committee is proposing that Rule of Civil Procedure 1042.1 governing the certificate of merit in professional liability actions be amended as set forth in the attached recommendation. The recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than November 8, 2007 to:

Harold K. Don, Jr.,  
Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055

or E-Mail to  
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

### Annex

## TITLE 231. RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### CHAPTER 1000. ACTIONS

#### PROFESSIONAL LIABILITY ACTIONS

#### Rule 1042.1. Professional Liability Actions. Scope. Definition.

(a) The rules of this chapter govern a civil action in which a professional liability claim is asserted against

- (1) a licensed professional, and
- (2) a partnership, unincorporated association, corporation or similar entity where the entity is responsible for a licensed professional who deviated from an acceptable professional standard.

\* \* \* \* \*

(c) As used in this chapter, "professional liability claim" when asserted against a licensed professional who is a health care provider under subdivision (b)(1)(i) of this rule includes a claim for lack of informed consent.

#### Rule 1042.2. Complaint.

\* \* \* \* \*

(b) A defendant may raise by preliminary objections the failure of the complaint to comply with subdivision (a) of this rule.

**Official Note:** [ The filing of preliminary objections raising failure of a pleading to conform to rule of court is the procedure for bringing before the court the issue whether the complaint is asserting a professional liability claim. ] The filing of preliminary objections pursuant to Rule 1042.2(b) is not a prerequisite to the filing of a praecipe for judgment of non pros for failure to file a certificate of merit.

#### Rule 1042.3. Certificate of Merit

(a) In any action against a licensed professional or an entity responsible for a licensed professional based upon an allegation that [ a ] the licensed professional deviated from an acceptable professional standard, the attorney for the plaintiff, or the plaintiff if not represented, shall file with the complaint or within sixty days after the filing of the complaint, a certificate of merit signed by the attorney or party that either

\* \* \* \* \*

(d) The court, upon good cause shown, shall extend the time for filing a certificate of merit for a period not to exceed sixty days. [ A ] The motion to extend the time for filing a certificate of merit must be filed [ on or before the filing date that the plaintiff seeks to extend ] by the thirtieth day after the filing of a notice of intention to enter judgment of non pros on a professional liability claim under Rule 1042.6(a) or on or before the expiration of the extended time where a court has granted a motion to extend the time to file a certificate of merit, whichever is greater. The filing of a motion to extend tolls the time period within which a certificate of merit must be filed until the court rules upon the motion.

\* \* \* \* \*

#### Rule 1042.6. Notice of Intent to Enter Judgment of Non Pros for Failure to File Certificate of Merit. Motion to Determine Necessity to File Certificate. Form of Notice.

(a) Except as provided by subdivision (b), a defendant seeking to enter a judgment of non pros under Rule 1042.7(a) shall file a written notice of intention to file the praecipe and serve it on the party's attorney of record or on the party if unrepresented, no sooner than the thirty-first day after the filing of the complaint.

(b) A judgment of non pros may be entered as provided by Rule 1042.7(a) without notice if

- (1) the court has granted a motion to extend the time to file the certificate and the plaintiff has failed to file it within the extended time, or
- (2) the court has denied the motion to extend the time.

(c) Upon the filing of a notice under subdivision (a) of this rule, a plaintiff may file a motion seeking a determination by the court as to the necessity of filing of a certificate of merit. The filing of the motion tolls the time period within which a certificate of merit must be filed until the court rules upon the motion.

**Official Note:** The motion may be filed at any time prior to the entry of a judgment of non pros.

Once the judgment of non pros is entered, a party cannot raise the claim that the filing of a certificate of merit was not required.

(d) The notice required by subdivision (a) of this rule shall be substantially in the following form:

(CAPTION)  
NOTICE OF INTENTION TO ENTER  
JUDGMENT OF NON PROS  
ON PROFESSIONAL LIABILITY CLAIM

To: \_\_\_\_\_  
(Identify Party)

Pursuant to Pennsylvania Rule of Civil Procedure 1042.7, I intend to enter a judgment of non pros against you after thirty (30) days of the date of the filing of this notice if a certificate of merit is not filed as required by Rule 1042.3.

I am serving this notice on behalf of \_\_\_\_\_  
(Name of party)

The judgment of non pros will be entered as to the following claims: \_\_\_\_\_

(State if a judgment is to be entered as to all claims. Otherwise, identify claims set forth in the complaint as to which a judgment of non pros will be entered.)

\_\_\_\_\_  
(Attorney)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)

Rule [ 1042.6 ] 1042.7. Entry of Judgment of Non Pros for Failure to File Certification. **Form of Praecepte.**

(a) The prothonotary, on praecipe of the defendant, shall enter a judgment of non pros against the plaintiff for failure to file a certificate of merit within the required time provided that

(1) there is **no pending motion for determination that the filing of a certificate is not required or no pending timely filed motion seeking to extend the time to file the certificate**[ . ],

(2) **no certificate of merit has been filed,**

(3) **except as provided by Rule 1042.6(b), the defendant has attached to the praecipe a certificate of service of the notice of intention to enter the judgment of non pros, and**

(4) **the praecipe is filed no less than thirty days after the date of the filing of the notice of intention to enter the judgment of non pros.**

**Official Note:** The prothonotary may not enter judgment if the certificate of merit has been filed prior to the filing of the praecipe.

Rule 237.1 does not apply to a judgment of non pros entered under this rule.

**See Rule 208.2(a)(4) for the content of the certificate of service.**

(b) The praecipe for the entry of a judgment of non pros shall be substantially in the following form:

(Caption)

**Praecipe for Entry of Judgment of Non Pros**

**Pursuant to Rule 1042.6**

To the Prothonotary:

[ Enter judgment of non pros against \_\_\_\_\_  
Plaintiff  
in the Professional liability claim against \_\_\_\_\_  
Defendant  
in the above captioned matter. ]

Enter judgment of non pros in the above captioned matter against \_\_\_\_\_ as to  
Identify Party

(1) all claims against \_\_\_\_\_  
Identify Party

OR

(2) only the following claims against \_\_\_\_\_:  
Identify Party

\_\_\_\_\_  
Identify Claims  
\_\_\_\_\_

[ I, the undersigned, certify that the plaintiff named above has asserted a professional liability claim against the defendant named above who is a licensed professional, that no certificate of merit has been filed within the time required by Pa.R.C.P. 1042.3 and that there is no motion to extend the time for filing the certificate pending before the court. ]

Date: \_\_\_\_\_

\_\_\_\_\_  
[ Defendant or ] Attorney for [ Defendant ]  
\_\_\_\_\_ (Identify Party)

**Official Note:** Where applicable, a certificate of service of the notice of intention to enter judgment of non pros shall be attached to the praecipe.

Rule [ 1042.7 ] 1042.8. Sanctions.

\* \* \* \* \*

Rule [ 1042.8 ] 1042.9. Certificate of Merit. Form.

\* \* \* \* \*

**Explanatory Comment**

Rules of Civil Procedure 1042.1 et seq., governing the certificate of merit in professional liability actions were promulgated in 2003. The Civil Procedural Rules Committee has reviewed the operation of the rules over the past four years and is proposing amendments to supply certain omissions in the present rules and provide additional notice to the parties. The proposed amendments do not alter the requirements of the existing rules governing the certificate of merit or expand the time period for filing the certificate.

It is proposed that Rules 1042.6, 1042.7 and 1042.8 be renumbered as Rules 1042.7, 1042.8 and 1042.9, respectively, and that new Rule 1042.6 be promulgated to govern notice of intent to enter a judgment of non pros for failure to file a certificate of merit.

The highlights of the amendments are as follows:

1. It is proposed that present Rule 1042.1 governing the scope of the rules be amended in two respects. First, subdivision (a) is revised to make clear that present Rule 1042.1 et seq. includes professional liability actions

against a partnership, an unincorporated association, a corporation or a similar entity where the entity "is responsible for a licensed professional who deviated from an acceptable professional standard." A conforming amendment to refer to these entities is to be made to Rule 1042.3(a).

Second, new subdivision (c) is added to Rule 1042.1 to make clear that a professional liability action against a health care provider may include a claim for lack of informed consent.

2. Rule 1042.2(b) provides that "[a] defendant may raise by preliminary objections the failure of the complaint to comply with subdivision (a) of this rule." However, courts have not construed the rule as requiring preliminary objections as a prerequisite to the filing of a praecipe for a judgment of non pros for failure to file a certificate of merit. Therefore, the Committee is proposing that the note to Rule 1042.2(b) be amended to reflect the case law.

3. New Rules 1042.6 and 1042.7 address concerns that the present rules (1) permit the entry of a judgment of non pros where a plaintiff may believe that the rules governing certificates of merit do not apply and (2) provide for the entry of a judgment of non pros where there has been no notice of intent to enter such a judgment.

Several revisions are proposed to remedy this situation. First, new Rule 1042.6(a) requires a defendant to give a thirty-day notice of intention to file a praecipe for a judgment of non pros for failure to file a certificate of merit. Subdivision (d) provides a form of notice. The new rule retains the basic sixty-day period for the filing of a certificate of merit under present practice since the notice may be filed no earlier than the thirty-first day after the filing of the complaint and the judgment may not be filed earlier than thirty days after the filing of the notice.

Subdivision (b) sets forth two exceptions to the notice requirement where the court (1) has granted an extension of time to file a certificate of merit and the plaintiff has failed to do so or (2) has denied a motion to extend the time for filing a certificate.

Second, new Rule 1042.6(c) provides that once a notice of intention to seek a judgment of non pros has been filed, the plaintiff may file a motion to seek "a determination by the court that the filing of a certificate of merit is not required." As in the case of a motion to extend the time for filing a certificate under Rule 1042.3(d), the "filing of the motion tolls the time period within which a certificate of merit must be filed until the court rules upon the motion."

Third, present Rule 1042.6 is to be renumbered as Rule 1042.7 and revised. As revised, subdivision (a) of the rule has been expanded to set forth four conditions for the entry of a judgment of non pros. The form of praecipe to enter the judgment in subdivision (b) has been revised to conform to the new procedure.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 07-1786. Filed for public inspection September 28, 2007, 9:00 a.m.]

## PART I. GENERAL

### [ 231 PA. CODE CH. 1311 ]

#### Amendment of Rule 1311.1 Governing an Appeal from the Award of Arbitrators in Compulsory Arbitration; Proposed Recommendation No. 229

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 1311.1 governing the admission of documentary evidence upon an appeal from the award of arbitrators in compulsory arbitration be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than November 8, 2007 to:

Harold K. Don, Jr.,  
Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055

or E-Mail to  
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1311. ARBITRATION

#### Rule 1311.1. Procedure on Appeal. Admission of Documentary Evidence.

(a) The plaintiff may stipulate to \$25,000.00 as the maximum amount of damages recoverable upon the trial of an appeal from the award of arbitrators. The stipulation shall be filed and served upon every other party [ **at least thirty days from the date the appeal is first listed for trial** ] within thirty days after the appeal is filed.

\* \* \* \* \*

#### Explanatory Comment

Rule of Civil Procedure 1311.1 presently provides that the time period for filing and serving a stipulation as to the maximum amount of damages recoverable upon the trial of an appeal from an award of arbitrators is thirty days from the date after the appeal is first listed for trial. However, this method of calculating the time period has been found to be unclear, resulting in the rule being construed in a variety of ways.

The Civil Procedural Rules Committee is proposing that the time period for filing and serving the stipulation be revised to thirty days after the appeal is filed. This

formulation provides a known event, i.e., the filing of the appeal, from which the thirty-day period may be calculated.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 07-1787. Filed for public inspection September 28, 2007. 9:00 a.m.]

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**PART I. GENERAL**  
**[ 231 PA. CODE CH. 1910 ]**

**Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 90**

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth as follows. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, January 25, 2008 to

Patricia A. Miles, Esquire  
Counsel, Domestic Relations Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055  
FAX (717) 795-2175  
E-mail: patricia.miles@pacourts.us

*By the Domestic Relations  
Procedural Rules Committee*

NANCY P. WALLITSCH, Esq.  
*Chair*

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 1910. ACTIONS FOR SUPPORT**

**Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation. Allocation of Additional Expenses.**

Additional expenses permitted pursuant to this Rule 1910.16-6 may be allocated between the parties even if the parties' incomes do not justify an order of basic support.

\* \* \* \* \*

(b) *Health Insurance Premiums.*

(1) A party's payment of a premium to provide health insurance coverage on behalf of the other party and/or the children shall be allocated between the parties in proportion to their net incomes, including the portion of

the premium attributable to the party who is paying it, as long as a statutory duty of support is owed to the party who is paying the premium. If the obligor is paying the premium, then the obligee's share is deducted from the obligor's basic support obligation. If the obligee is paying the premium, then the obligor's share is added to his or her basic support obligation. **If health insurance coverage for a child who is the subject of the support proceeding is being provided and paid for by the child's stepparent, the trier of fact may, as justice and fairness require, deduct all or a portion of the cost of the child's coverage from the net income of the party whose spouse is providing the coverage.** Employer-paid premiums are not subject to allocation.

\* \* \* \* \*

(3) Pursuant to 23 Pa.C.S.A. § 4326(a), [the non-custodial parent bears the initial responsibility of providing health care coverage for the children if it is available at a reasonable cost on an employment-related or other group basis.] in every support proceeding, the court must ascertain each parent's ability to provide health care coverage for the parties' children and the support order must "provide health care coverage for each child as appropriate."

(i) The non-custodial parent bears the initial responsibility of providing health care coverage for the children if it is available at a reasonable cost on an employment-related or other group basis. "Reasonable cost" to an obligor shall be defined as an amount that does not exceed 5% of the obligor's net monthly income and, when added to the amount of cash support the obligor is ordered pay, does not exceed 50% of the obligor's net monthly income.

(ii) Unless health care coverage for the parties' children is provided by the obligee or the obligee's spouse, the court shall issue the National Medical Support Notice required by 23 Pa.C.S.A. § 4326(d.1) to the obligor's employer in response to notification that the obligor is employed. The notice shall direct the employer to enroll the children of the obligor who are the subject of the support proceeding if the coverage is available at a reasonable cost to the obligor. Concurrently, the court shall provide notice to the obligor setting forth the process to object to the enrollment based upon unreasonable cost, mistake of fact or availability of alternative health care coverage for the children. If there is more than one employer-provided health care coverage option, the obligor shall select the plan, subject to the obligee's right to seek a court order designating a different option.

(iii) Absent the availability of health care coverage to the obligor for the parties' children at a reasonable cost, the court shall order the obligee to provide health care coverage for the children if it is available at a reasonable cost on an employment-related or other group basis. "Reasonable cost" to the obligee shall be defined as an amount not to exceed 5% of the obligee's net monthly income.

(iv) If health care coverage is not available to either party at a reasonable cost on an employment-related or other group basis, the court shall order either parent or both parents to obtain reasonable cost health insurance for the parties' children. The court also may order the custodial parent to apply for government-sponsored cover-



age, such as the Children’s Health Insurance Program (“CHIP”), with any co-premium or other cost apportioned between the parties in proportion to their respective net monthly incomes.

(v) The court shall give preference to health care coverage that is readily accessible to the child, as defined by geographic coverage area, access to local treatment providers or other relevant factors.

*Official Note:* The maximum amount of any attachment for child and medical support is set forth by the federal Consumer Credit Protection Act (Public Law 90-321, Section 303(b); 15 U.S.C. 1601 et seq.). Pursuant to Rule 1910.16-7(d), priority of payment under any order for support shall be for cash support followed by medical support, which includes health insurance and related costs, capped at the maximum amount permitted by federal withholding law.

\* \* \* \* \*

**Explanatory Comment—2007**

Federal and state statutes require clarification to subdivision (b) to ensure that all court orders for support address the children’s ongoing need for medical care. In those instances where the children’s health care needs are paid by the state’s medical assistance program, and eligibility for the Children’s Health Insurance Program (“CHIP”) is denied due to the minimal income of the custodial parent, the obligor remains required to enroll the parties’ children in health insurance that is, or may become, available on an employment-related or other group basis that is reasonable in cost.

Government-sponsored health care plans represent a viable alternative to the often prohibitive cost of health insurance obtainable by a parent. Except for very low income children, every child is eligible for CHIP, for which the parent with primary physical custody must apply and which is based on that parent’s income. A custodial parent may apply for CHIP by telephone or on the Internet. While co-premiums or co-pays increase as the custodial parent’s income increases, such costs are generally modest and may be apportioned between the parties or assigned to the obligor. Moreover, health care coverage obtained by the custodial parent generally yields more practical results, as the custodial parent resides in the geographic coverage area, enrollment cards are issued directly to the custodial parent, and claims may be submitted directly by the custodial parent.

\* \* \* \* \*

**Rule 1910.16-7 Support Guidelines. Awards of Child Support When There are Multiple Families.**

\* \* \* \* \*

(d) When an obligor is subject to more than one order for child support, spousal support and/or alimony pendente lite, the priority for distribution of payments and/or collections for the obligor, without regard to the source of the funds or method of collection, are as follows unless the court specifically orders a different distribution priority:

- (1) current child support.
- (2) medical, child care or other court-ordered child support-related expenses.

(3) [ current spousal support or alimony pendente lite ] child support arrears.

(4) [ child support arrears ] current spousal support or alimony pendente elite.

(5) spousal support or alimony pendente lite arrears.

(6) court costs and fees.

**Explanatory Comment—2007**

The order of priority of the distribution of payments is revised to reflect changes in federal law which presume that cash and medical-related child support are established and paid in that sequence, and that obligations to children take priority over spousal-only obligations. An unallocated order for child and spousal support has the same priority as a child support order.

\* \* \* \* \*

**Rule 1910.21. Support Order. Enforcement. Withholding of Income.**

\* \* \* \* \*

(g) *Priority of Income Withholding.* If there are multiple support obligations in effect against the income of the obligor, the court shall allocate among the obligees the amount of income available for withholding, giving priority to current child support, **child support-related expenses and child support arrears** to the limit provided by law and stating the priority of payment to the obligee.

\* \* \* \* \*

[Pa.B. Doc. No. 07-1788. Filed for public inspection September 28, 2007, 9:00 a.m.]

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**PART I. GENERAL**

**[ 231 PA. CODE CH. 400 ]**

**Amendment of Rules 4003.1 and 4005 Governing Written Interrogatories to a Party; Proposed Recommendation No. 228**

The Civil Procedural Rules Committee is proposing that Rules of Civil Procedure 4003.1 and 4005 governing written interrogatories be amended as set forth in the attached recommendation. The recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than November 8, 2007 to:

Harold K. Don, Jr.,  
Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055

or E-Mail to  
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 4000. DEPOSITIONS AND DISCOVERY

Rule 4003.1. Scope of Discovery. Generally. Opinions and Contentions.

\* \* \* \* \*

(c) Except as otherwise provided by these rules, it is not ground for objection that the information sought involves an opinion or contention that relates to a fact or the application of law to fact.

**Official Note:** Interrogatories that generally require the responding party to state the basis of particular claims, defenses or contentions made in pleadings or other documents should be used sparingly and, if used, should be designed to target claims, defenses or contentions that the propounding attorney reasonably suspects may be the proper subjects of early dismissal or resolution or, alternatively, to identify and to narrow the scope of claims, defenses and contentions made where the scope is unclear.

\* \* \* \* \*

Rule 4005. Written Interrogatories to a Party.

(a) Subject to the limitations provided by Rule 4011, any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or similar entity or a partnership or association, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may be served upon any party at the time of service of the original process or at any time thereafter. Interrogatories which are to be served prior to service of the complaint shall be limited to the purpose of preparing a complaint and shall contain a brief statement of the nature of the cause of action. Interrogatories shall be prepared in such fashion that sufficient space is provided immediately after each interrogatory or subsection thereof for insertion of the answer or objection.

**Official Note:** Rule 440 requires the party serving interrogatories upon any other party to serve a copy upon every party to the action.

**Interrogatories that generally require the responding party to state the basis of particular claims, defenses or contentions made in pleadings or other documents should be used sparingly and, if used, should be designed to target claims, defenses or contentions that the propounding attorney reasonably suspects may be the proper subjects of early dismissal or resolution or, alternatively, to identify and to narrow the scope of claims, defenses and contentions made where the scope is unclear.**

\* \* \* \* \*

Explanatory Comment

Civil Discovery Standard No. 8 of the American Bar Association (2004) establishes a guideline for the use of contention interrogatories. The Civil Procedural Rules Committee is proposing that Civil Discovery Standard No. 8 be added as a note to Rule 4003.1(c) governing discovery of contention and opinions and as the second paragraph to the present note to Rule 4005(a) governing written interrogatories to a party.

The rationale for the proposal is succinctly set forth in the Comment to Civil Discovery Standard No. 8:

\* \* \* Contention interrogatories, like all forms of discovery, can be susceptible to abuse. Among other things, they can be used as an attempt to tie up the opposing party rather than to obtain discovery. The legitimate purpose of contention interrogatories is to narrow the issues for trial, not to force the opposing side to marshal all its evidence on paper. \* \* \*

The potential for overreaching is particularly present when interrogatories seeking the detailed underpinnings of the opposing party's allegations are served early in the case. Although, when used with discretion, interrogatories served near the outset of the case can be useful in narrowing the issues to define the scope of necessary discovery, contention interrogatories ordinarily are more appropriate after the bulk of discovery has already taken place. At that point, the party on whom the interrogatories are served should have the information necessary to give specific, useful responses. [Citations omitted.]

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,  
Chair

[Pa.B. Doc. No. 07-1789. Filed for public inspection September 28, 2007, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LEBANON COUNTY

Rule 52-1362: Board of Viewers

A. Composition and Appointment of Board of Viewers Pursuant to Eminent Domain Code

(1) The Board of Viewers shall consist of not less than nine members, all of whom shall be adult residents of Lebanon County. At least one-third of the members of the entire board shall be members of the Bar Association of Lebanon County.

(2) Board members shall be appointed for a term of three years by the President Judge of the Court of Common Pleas of Lebanon County. Sitting board members may be re-appointed for an additional term or terms of three years upon expiration of their term. Vacancies in any unexpired term of a board member shall be filled by the President Judge. The Court retains the authority and power to remove a board member at will.

(3) No member of the Board of View shall, during his/her term, appear as counsel or as a witness in any hearing or proceeding before any Board of Viewers.

B. Proceedings Before the Board of Viewers

(1) Each individual Board of Viewers shall consist of a panel of three members of the County Board of Viewers selected by the Court of Common Pleas, one of whom shall be a member of the Bar Association of Lebanon County.

(2) It shall be the duty of the law member of each Board of Viewers to cause said viewers to proceed without undue delay in the execution of its duties. Any hearing in

connection with the duties of the Board of Viewers shall be held in a place designated by the Court Administrator's Office.

(3) The report of each Board of Viewer shall be filed within 90 days of their appointment unless an extension for the filing of said report is granted by the Court upon cause shown.

#### **C. Compensation of Viewers**

(1) Compensation of viewers shall be in an amount fixed by Administrative Order of this Court.

(2) A Petition for Compensation shall be filed with the Court and directed to the President Judge at the time of the filing of the report of the Board of Viewers. A copy of the Petition for Compensation shall be served upon all parties, or their attorneys of record, at the time the Board transmits a copy of its report.

(3) Compensation approved by the President Judge pursuant to a Petition for Compensation shall be paid to the viewers by the County of Lebanon, taxed as costs against the condemnor and recoverable as such by the County of Lebanon at any time after the date of approval by the President Judge.

(4) Prior to the view, the chairman of the Board of Viewers at his/her discretion shall have the authority to require that the condemnor escrow an amount reasonably likely to cover the fees and costs of the Board of Viewers. Any such sum deposited in escrow shall be held by counsel for the condemnor or by the Prothonotary as the chairman shall direct. Failure to deposit said funds may result in imposition of sanctions as the Court deems appropriate.

#### **D. Rules Applicability to Additional Proceedings**

(1) In addition to proceedings under the Eminent Domain Code, except as otherwise provided by statute, these rules shall also apply to actions wherein a Board of Viewers is court-appointed and utilized in the disposition of a civil matter.

This rule shall become effective January 1, 2008.

ROBERT J. EBY,  
*President Judge*

[Pa.B. Doc. No. 07-1790. Filed for public inspection September 28, 2007, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION

[ 58 PA. CODE CH. 141 ]

#### Hunting and Trapping; Firearms

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 26, 2007, meeting, amended § 141.15 (relating to loaded firearm) to extend the application of section 2503 (relating to loaded firearms in vehicles) to prohibit "loaded" crossbows or muzzleloaders in, on or against any conveyance propelled by mechanical power.

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 2837 (June 23, 2007).

#### 1. Purpose and Authority

Section 2503 of the code (relating to loaded firearms in vehicles) generally prohibits persons, not otherwise authorized, from having a loaded firearm of any kind in, on or against any conveyance propelled by mechanical power. This prohibition is intended primarily to protect the safety of persons traveling within the conveyances as well as others who may be in the vicinity of the same. Similar to the hazards associated with more traditional firearms, loaded crossbows and muzzleloaders also have the potential of causing serious injury or death to persons inside a conveyance propelled by mechanical power, as well as others who may be in the vicinity of the same, if either an intended or unintended discharge occurs. In an effort to limit the various and potential harms associated with this type of conduct, the Commission amended § 141.15 to extend the application of section 2503 of the code to prohibit "loaded" crossbows or muzzleloaders in, on or against any conveyance propelled by mechanical power.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 141.15 was adopted under this authority.

#### 2. Regulatory Requirements

The final-form rulemaking amended § 141.15 to extend the application of section 2503 of the code to prohibit "loaded" crossbows or muzzleloaders in, on or against any conveyance propelled by mechanical power.

#### 3. Persons Affected

Persons possessing loaded crossbows or muzzleloaders in, on or against any conveyance propelled by mechanical power will be affected by the final rulemaking.

#### 4. Comment and Response Summary

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

#### 5. Cost and Paperwork Requirements

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

#### 6. Effective Date

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

#### 7. Contact Person

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

#### Findings

The Commission finds that:

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

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

#### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.15 to read as set forth at 37 Pa.B. 2837.

(b) The Executive Director of the Commission shall certify this order, 37 Pa.B. 2837 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

CARL G. ROE,  
Executive Director

**Fiscal Note:** Fiscal Note 48-253 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 07-1791. Filed for public inspection September 28, 2007, 9:00 a.m.]

### GAME COMMISSION

[ 58 PA. CODE CH. 147 ]

#### Special Permits; Deer Control

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 26, 2007, meeting, amended § 147.553 (relating to permit) to standardize the agricultural deer control permit closure period to May 16 through June 30 for both vegetable and general crop farmers.

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

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

Notice of proposed rulemaking was published at 37 Pa.B. 2695 (June 16, 2007).

#### 1. Purpose and Authority

Each year the Commission issues agricultural deer control permits (red tags) to farmers who are suffering agricultural damage from white-tailed deer. Generally speaking, the permits are valid from February 1 through September 28 annually, except for a brief period of time during the peak of the fawning season when they are temporarily invalidated. Traditionally, the invalidated periods ran from May 16 through July 31 for general crop farmers and from May 16 through June 30 for vegetable farmers. However, after further review prompted by public inquiry, the Commission determined that it was necessary to standardize the closure period between the two agricultural classes to provide enhanced consistency in the regulations as well as provide additional deer control opportunities for general crop farmers without putting an unjustified additional demand on deer during the fawning season. Therefore, the Commission adopted the amendment to § 147.553 in an effort to standardize the agricultural deer control permit closure period to May 16 through June 30 for both vegetable and general crop farmers.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 147.553 was adopted under to this authority.

#### 2. Regulatory Requirements

The final-form rulemaking amended § 147.553 to standardize the agricultural deer control permit closure period to May 16 through June 30 for both vegetable and general crop farmers.

#### 3. Persons Affected

Persons wishing to exercise the privileges of an agricultural deer control permit may be affected by the final-form rulemaking.

#### 4. Comment and Response Summary

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

#### 5. Cost and Paperwork Requirements

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

#### 6. Effective Date

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

#### 7. Contact Person

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

#### Findings

The Commission finds that:

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

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

#### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.553 to read as set forth at 37 Pa.B. 2695.

(b) The Executive Director of the Commission shall certify this order and 37 Pa.B. 2695 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

CARL G. ROE,  
Executive Director

**Fiscal Note:** Fiscal Note 48-252 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 07-1792. Filed for public inspection September 28, 2007, 9:00 a.m.]

# PROPOSED RULEMAKING

## STATE BOARD OF FUNERAL DIRECTORS

[ 49 PA. CODE CH. 13 ]

### Preneed Activities of Unlicensed Employee

The State Board of Funeral Directors (Board) proposes to amend § 13.1 (relating to definitions) and to add § 13.206a (relating to utilization of unlicensed employees by a funeral entity), to read as set forth in Annex A.

#### *Effective date*

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.  
*Statutory Authority*

The amendments are authorized under sections 11, 13, 15 and 16(a) of the Funeral Director Law (act) (63 P. S. §§ 479.11, 479.13, 479.15 and 479.16(a)).

#### *Background and Need for the Amendment*

Section 13(c) of the act (63 P. S. § 479.13(c)) provides, "No person other than a licensed funeral director shall, directly or indirectly, or through an agent, offer to or enter into a contract with a living person to render funeral services to such person when needed." In *Ferguson v. State Bd. of Funeral Directors*, 768 A.2d 393, 400 (Pa. Cmwlth. 2001), appeal denied, 566 Pa. 670, 782 A.2d 549, the court affirmed the Board's conclusion that an insurance agent who identified herself as working with a funeral director and, equipped with the funeral director's price lists and other literature, counseled the preneed selection of funeral goods and services, even though the funeral director later met with each customer and had the customer sign a statement of funeral goods and services prepared by the funeral director on the basis of the insurance agent's worksheets, offered to enter into a contract with the insured for funeral goods and services when needed without being licensed to practice funeral directing (in violation of section 13(c) of the act). The court also held that by doing so the insurance agent made arrangements for funeral services and sold funeral merchandise to the public incidental to the funeral services and therefore engaged in the practice of funeral directing without a license (in violation of section 13(a) of the act). Id. at 399-400. By doing that and entering into a life insurance contract to fund the preneed arrangements, which the funeral director had already agreed to accept as payment in full, the insurance agent also made financial arrangements for the rendering of funeral services and sale of merchandise incidental to the services and therefore engaged in the practice of funeral directing without a license (in violation of section 13(a) of the act). Id. However, in *Walker v. Flitton*, 364 F.Supp.2d 503 (U.S.D.C. M.D. Pa. 2005), a case involving commercial free speech rights under the First Amendment of the Federal constitution, the court ordered that the Board "shall not prohibit agents or employees of specific licensed funeral directors from providing accurate information to consumers regarding the sale of preneed funeral plans and services. This interaction shall include, but shall not necessarily be limited to, the distribution of accurate price lists to consumers, but under no circumstances may unlicensed individuals contract with consumers for the sale of preneed funerals, nor may they act as a 'funeral director' as defined in [the act]." The court indicated that

it did not intend to alter the Pennsylvania substantive law set forth in *Ferguson*. Id. at 513.

The Board has determined that its regulations need to address what unlicensed employees of a funeral establishment may do concerning preneed sales. See, *Walker* at 525-26 ("as a result of the [Board's] considered failure to enact a clarification of [its] interpretation of [the act], both consumers and the funeral industry in Pennsylvania have been forced to speculate as to precisely what conduct by unlicensed individuals is permissible"). The court "strongly urge[d] the Board members to fulfill their mandate by giving prompt attention to the goal of resolving all of the unclarity which has attended the sale and marketing of preneed funerals and life insurance policies to fund them in Pennsylvania." Id. at 529. The Board intends in this proposed rulemaking to be responsive to the court's mandate while remaining true to the act as previously construed.

This proposed rulemaking addresses only preneed activities and not actions after a death has occurred. In the event the licensed funeral director is temporarily absent, an unlicensed member of the funeral home staff may make tentative funeral arrangements after a death has occurred. See section 13(d) of the act (63 P. S. § 479.13(d)). Making tentative arrangements does not include offering to enter into a contract with a living person to render funeral services to the person when needed, and does not include making arrangements for funeral services and selling merchandise incidental to the service and does not include making financial arrangements for the rendering of funeral services and sale of merchandise incidental to the services. See 49 Pa. Code § 13.205 (relating to tentative agreements) tentative arrangements means contacting a licensed funeral director for the embalming operation, obtaining and placing obituary notices, setting a service time with the clergyperson and cemetery official and making an appointment for the family with a licensed funeral director for the selection of merchandise.

#### *Description of the Proposed Amendments*

In § 13.1 (relating to definitions), the term "preneed activity" would be defined as activity concerning the provision of funeral merchandise and services upon the death of a specifically identified person living at the time of the activity, and the term "preneed funeral contract" would be defined as an agreement under which a funeral entity promises or agrees to provide funeral merchandise and render services upon the death of a person living at the time the contract is made. These definitions are consistent with section 13(c) of the act.

Proposed § 13.206a would address the use of unlicensed employees of the funeral entity concerning preneed activity. Proposed § 13.206a(a) would set forth standards for the relationship between the funeral director or entity and the unlicensed employee. Proposed § 13.206a(a)(1) would make clear that the funeral director and funeral entity are professionally responsible for the actions of the unlicensed employee. See, *Walker* at 515 (funeral director is exposed to sanction by Board for improper action of unlicensed employee). Proposed § 13.206a(a)(2) would require the funeral director to closely supervise the unlicensed employee. See, *Walker* at 527 (Board may require close supervision by funeral director of unlicensed employees interacting with customers concerning preneed sales). Proposed § 13.206a(a)(3)

would prohibit the funeral director from paying any commission to the unlicensed employee for soliciting business. See, section 11(a)(8) of the act (63 P.S. § 479.11(a)(8)) (Board may take disciplinary action against a funeral director who "solicit[s] patronage . . . by paying a commission or agreeing to pay a commission to any person or persons for soliciting or for business secured, or paying any gratuity to any person with the intent to have such person aid in securing business"). By prohibiting the unlicensed employee from being paid based upon how much preneed business the employee brings into the funeral home, this provision is intended to reduce the employee's incentive to persuade a customer to select funeral services and merchandise whether or not that selection would be in the customer's interest. Proposed § 13.206a(a)(4) would require the funeral director to meet face-to-face with the customer before entering into the contract, and proposed § 13.206a(a)(5) would require that any document presented to a customer by the unlicensed employee must include a notice that the document will not be binding and that a licensed funeral director must meet with the customer before entering into any contract. See, *Walker* at 527 (unlicensed individual may not contract with customer, and Board may require licensed funeral director to consult face-to-face with preneed customer before the customer's proposed contract is signed by the funeral director).

In *Walker*, supra, at pages 526-27, the court noted the responsibility of the Board to delineate with precision what conduct by unlicensed persons is permissible. Proposed § 13.206a(b) and (c) would set forth those actions of unlicensed employees that would be permitted or prohibited, respectively. Proposed § 13.206a(b)(1) would specifically authorize an unlicensed employee to distribute general price lists of the employing funeral entity, and proposed § 13.206a(b)(2) would authorize an unlicensed employee to provide general assistance to the employing funeral entity by engaging in activities not otherwise prohibited. These provisions are intended to allow funeral entities enough latitude to be responsive in allowing unlicensed employees to communicate with consumers with regard to preneed activity without violating the act, while being responsive to the mandate of the court in *Walker*.

Proposed § 13.206a(c) would prohibit an unlicensed employee from engaging in certain actions concerning preneed activities. Proposed § 13.206a(c)(1) would prohibit an unlicensed employee from being associated with any other funeral entity. See, *Walker* at 506, n. 17 at 520 (court need not address unlicensed person not trained by and acting on behalf of specified funeral director, because plaintiffs are fulltime employees of funeral home trained and supervised by licensed funeral director). Being restricted to a single funeral entity, the unlicensed employee would be acting only on behalf of the funeral director and funeral entity responsible for the unlicensed employee's actions who also have presumably trained the unlicensed employee. Additionally, if an unlicensed employee were to work for more than one funeral entity, the various funeral directors may be less likely to closely supervise the unlicensed employee, because each funeral director might tacitly assume that all work away from that funeral entity would be supervised by the funeral directors at other funeral entities, and the unlicensed employee might not be closely supervised at all.

Because the Board cannot authorize unlicensed employees of a funeral entity to practice funeral directing, proposed § 13.206a(c)(2) and (3) would prohibit an unlicensed employee from preparing worksheets, proposals or

other presentations for funeral services or to engage in discussions or other communications with customers regarding the actual selection of funeral services and merchandise incidental to those services. See, *Ferguson* at 400 (counseling selection of preneed funeral services is making arrangements for funeral service and selling funeral merchandise incidental to the services and is therefore engaging in the practice of funeral directing). Similarly, proposed § 13.206a(c)(4) would prohibit an unlicensed employee from making financial arrangements for the rendering of funeral services and merchandise incidental to such services. See, *Walker* at 527 (under no circumstances may unlicensed individual act as a funeral director as defined in section 2(1) of the act); section 2(1) of the act (term "funeral director" includes "a person who makes arrangements for funeral service and who sells funeral merchandise to the public incidental to such service or who makes financial arrangements for the rendering of such services and the sale of such merchandise"); see also, *Ferguson* at 400 (entering into contract for life insurance to fund funeral and effectuating the assignment of the policy to the funeral director as previously agreed constitutes making financial arrangements for funeral services and merchandise). Because these actions by the unlicensed person constituted the unlicensed practice of funeral directing in *Ferguson*, the Board must make clear that an unlicensed person cannot practice funeral directing by engaging in these actions.

Proposed § 13.206a(c)(5) would prohibit an unlicensed employee from offering to or entering into a preneed funeral contract with any customer on behalf of the funeral entity. See, *Walker* at 527 (under no circumstances may unlicensed individual contract with consumer for sale of preneed funeral). Section 13(c) of the act, as construed in *Ferguson*, makes it clear that only a licensed funeral director may enter into a preneed contract. This proposed provision is necessary to maintain that limitation. Proposed § 13.206a(c)(6) and (7) would prohibit an unlicensed employee from engaging in any activity that would cause a customer to believe that the unlicensed employee is skilled in the knowledge, science or practice of funeral directing or to engage in any activity that constitutes the practice of funeral directing under the act. See, *Walker* at 527 (under no circumstances may unlicensed individuals act as a funeral director as defined in section 2(1) of the act); section 15(1) of the act (person is deemed to be practicing as a funeral director under the act if he "holds himself out to the public in any manner as one who is skilled in the knowledge, science and practice of funeral directing, embalming or undertaking"). These prohibitions of proposed § 13.206a(c) are intended to protect the public by clearly defining what an unlicensed employee of a funeral entity may not do in regard to preneed activity consistent with the act as construed in *Ferguson* and in accordance with the judicial mandate in *Walker*.

Finally, proposed § 13.206a(d) would make clear that the Board's rulemaking is not intended to affect the scope of practice of insurance agents licensed by the Insurance Department.

In November, 2005, the Board solicited input from and provided an exposure draft of this proposed rulemaking to funeral directors and organizations as required. The Board held a public hearing on the exposure draft on December 12, 2005. At a public meeting in March 2006, a committee of the Board discussed the various comments and prepared a revised draft of this proposed rulemaking, which the Board subsequently approved. The Board prepared an alternate version of this proposed rulemaking,

which would permit unlicensed employees to engage in a greater range of activities. In January 2007, the Board provided to interested parties this alternative exposure draft and solicited comments. In response to extensive comments from the regulated community, the Board determined that it should proceed with the proposed rulemaking in substantially the same form as previously approved. In addition, the Board considered the impact the rulemaking would have on the regulated community and on public health, safety and welfare.

*Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The rulemaking will impose no additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

*Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 19, 2007, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

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

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Michelle T. Smey, Administrative Officer, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference No. 16A-4816 (Preneed activities of unlicensed employees), when submitting comments.

ANTHONY SCARANTINO,  
*Chairperson*

**Fiscal Note:** 16A-4816. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS**

**GENERAL PROVISIONS**

**§ 13.1. Definitions.**

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

\* \* \* \* \*

**Preneed activity**—Any activity on behalf of a funeral entity concerning the provision of funeral service or merchandise upon the death of a specifically identified person living at the time of the activity.

**Preneed funeral contract**—An agreement under which a funeral entity promises or agrees to provide funeral merchandise or render services upon the death of a person living at the time the contract is made, whether or not the funeral entity receives preneed funeral funds.

\* \* \* \* \*

**§ 13.206a. Utilization of unlicensed employees by a funeral entity.**

(a) A licensed funeral director or funeral entity may permit an unlicensed employee of the funeral entity to interact with customers concerning preneed activity in accordance with this section.

(1) The funeral director or funeral entity utilizing an unlicensed employee shall be professionally responsible for the actions of the unlicensed employee.

(2) The unlicensed employee shall operate only under the close supervision of a licensed funeral director.

(3) The funeral director or funeral entity may not pay or agree to pay a commission to the unlicensed employee for soliciting business or for business secured by the unlicensed employee.

(4) A licensed funeral director of the funeral entity employing an unlicensed employee in this capacity shall consult face-to-face with each customer before entering into or offering to enter into a preneed funeral contract.

(5) Any document presented by the unlicensed employee to the customer for signature or acknowledgment must bear in 20-point or larger print the following notice completed with the name of the funeral entity:

THIS DOCUMENT DOES NOT CONSTITUTE A CONTRACT OR AN OFFER TO CONTRACT. THIS DOCUMENT IS NOT BINDING ON YOU (THE CUSTOMER) OR [name of funeral entity], BUT IS MERELY FOR INFORMATION PURPOSES TO INFORM YOU OF THE SERVICES AND MERCHANDISE AVAILABLE AND THE COST THEREOF, AS WELL AS FUNDING OPTIONS. ANY NEGOTIATIONS WITH A VIEW TO ENTERING INTO A CONTRACT WITH [name of funeral entity] MUST TAKE PLACE IN A FACE-TO-FACE MEETING WITH A LICENSED FUNERAL DIRECTOR OF [name of funeral entity].

(b) An employee not licensed under the act acting in accordance with this section may:

(1) Distribute general price lists of the employing funeral entity only.

(2) Provide general assistance to the employing funeral entity by engaging in activities, including communications with customers, not otherwise prohibited by the act or this chapter.

(c) An employee not licensed under the act who engages in the activity described in this section may not:

(1) Be associated with any other funeral entity.



(2) Prepare worksheets, proposals or other presentations for funeral services.

(3) Engage in discussions or other communications with customers regarding the actual selection of funeral services and merchandise incidental to the services.

(4) Make financial arrangements for the rendering of funeral services and merchandise incidental to the services.

(5) Offer to or enter into a preneed funeral contract with any customer on behalf of the funeral director or funeral entity.

(6) Engage in any activity that would cause a customer to believe that the unlicensed employee is skilled in the knowledge, science or practice of funeral directing.

(7) Engage in any activity that constitutes the practice of funeral directing under the act.

(d) Nothing in this section shall be construed to alter the scope of practice of a licensed insurance agent acting under licensure from the Insurance Department, so long as the insurance agent is not acting as a funeral director or practicing funeral directing.

[Pa.B. Doc. No. 07-1793. Filed for public inspection September 28, 2007, 9:00 a.m.]

## STATE BOARD OF PHARMACY

[ 49 PA. CODE CH. 27 ]

### Revisions Regarding Current Pharmacy Practice

The State Board of Pharmacy (Board) proposes to amend §§ 27.1, 27.2, 27.12, 27.17—27.19, 27.21, 27.25 and 27.31 and to delete § 27.3 to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

The proposed rulemaking is authorized under sections 4(j), 6(k)(1) and (9) of the Pharmacy Act (act) (63 P. S. §§ 390-4(j), 390-6(k)(1) and (9)).

#### *Background and Need for Amendment*

The Board undertook a wholesale review of its regulations to determine what provisions were outdated. Through careful review and with input from stakeholders, the Board decided to delete certain regulations and to update others to reflect current pharmacy practice.

#### *Description of Proposed Amendments*

##### *General Changes*

In § 27.1 (relating to definitions), the Board proposes to update the definition of "ACPE" to reflect the organization's current name—the Accreditation Council for Pharmacy Education. The Board also proposes to define "licensed person" to clarify that as used throughout Chapter 27, the term refers only to persons licensed by the Board and not to persons licensed by other boards under the Bureau of Professional and Occupational Affairs.

The Board proposes to amend § 27.2 (relating to other definitions) to replace the outdated acronym "BNDD," which previously stood for Bureau of Narcotics and Dangerous Drugs, with the defined term "DEA," which is the Federal agency responsible for enforcing the Federal drug laws. The Board also proposes to delete § 27.3 (relating to location of office), because the address provided has been long outdated. The Board chose not to replace it because the Board's current address is subject to change and is readily available on the Board's website.

#### *§ 27.12 (relating to practice of pharmacy and delegation of duties)*

The Board proposes to amend § 27.12 to delete the prohibition on pharmacy interns accepting and transcribing oral orders and telephone prescriptions. The purpose of a pharmacy internship is to prepare a pharmacy student to function as a pharmacist. One of the pharmacist's duties is to receive telephone prescriptions and other oral orders. Pharmacy interns are well prepared to assume this responsibility and, with direct supervision by a pharmacist required for all pharmacy interns, there is no increased risk to the public.

#### *§ 27.17 (relating to security for Schedule II controlled substances)*

The Board proposes to amend § 27.17 to remove the requirement that Schedule II controlled substances be stored in a separate, secure area in the pharmacy. The Board had previously amended § 27.16(b)(3) (relating to construction and equipment requirements) to conform to Department of Health regulations in 28 Pa. Code § 25.63 (relating to security controls for practitioners and research personnel), to allow controlled substances to be dispersed throughout the stock of the pharmacy in a manner that obstructs theft or diversion of controlled substances. Section 27.17, however, was not amended and has resulted in confusion over how Schedule II controlled substances must be stored. With the proposed revision, § 27.17 will be consistent with the Department of Health regulations and with previously amended regulations of the Board.

#### *§ 27.18 (relating to standards of practice)*

The Board proposes to amend § 27.18(b)(4) to clarify that readily retrievable images of prescriptions may serve as the original prescriptions. This change was already effected by amendments to §§ 27.14 and 27.201 (relating to supplies; and electronically transmitted prescriptions). The proposed change merely serves to conform this section to those recent amendments. The Board also proposes to add § 27.18(i) to codify the standard practice that prescriptions may be refilled for a period up to 1 year from the date of the prescription.

In addition, the Board proposes to amend § 27.18(j) to prohibit the filling of Schedule II prescriptions after 6 months have passed from the date of the prescription. Currently, there is no time limit as to how long a prescription for a Schedule II controlled substance is valid. The Board believes there should be a limit and proposes 6 months as a reasonable time during which a Schedule II controlled substance prescription may be filled. The Board believes that this requirement will bring the time restriction in line with the restriction for filling of Schedule III, IV and V substances.

The Board also proposes to amend § 27.18(l)(3) to allow mailing of prescriptions subject to significant deterioration of the original content due to heat, cold fermentation or prolonged agitation, if the shipping is done in a manner that would preserve the integrity of the drug.

Shipping is now possible in insulated containers with temperature control devices and other sensors that would alert the patient if the integrity of the drug were compromised.

The Board proposes to amend § 27.18(n) and (o) to conform with the proposed amendments to § 27.12, to allow pharmacy interns to accept and transcribe oral or telephone prescriptions or orders. The Board also proposes to amend § 27.18(r)(2) to extend the current prohibition of advertising the sale of Schedule II controlled substances to all controlled substances.

The Board further proposes to amend § 27.18(r)(5) to remove an outdated requirement that the price of the smallest salable quantity be shown in close proximity to an advertisement for a commercially reasonable quantity. This language can cause advertisements to be misleading when the smallest salable quantity, usually one tablet or salable capsule, is used. In addition, the Board is proposing to amend § 27.18(r)(6) to clarify and correct the word choice in the existing regulation. Finally, the Board proposes to amend § 27.18(t) to replace the term "renew" with the more widely used term "refill" when referring to prescriptions.

*§ 27.19 (relating to prospective drug review and patient counseling)*

The Board proposes to amend § 27.19 to require pharmacists to perform a prospective drug review (PDR) prior to dispensing any prescription or drug order, except when a physician dispenses a drug to a patient being treated in the emergency room. The Board would expand the PDR to drug orders in institutions because the Board believes it is in the interest of public protection to check for drug interactions for both prescriptions and drug orders. Many institutions commonly perform a PDR for drug orders, even though it is not currently mandated.

*§ 27.21 (relating to application for examination and licensure)*

The Board proposes to amend § 27.21 to reflect the current practice of the Board. With the advent of computerized testing, the applicant now schedules the exam and there are no longer only one or two exam dates per year. Therefore, it is no longer feasible to allow applicants to submit internship affidavits up to the exam date because the Board does not know the date the applicant took the exam until the score is forwarded to the Board. The proposed rulemaking will require all internship affidavits to be submitted to the Board before the applicant is authorized to take the exam.

*§ 27.25 (relating to licensure by reciprocity)*

The Board proposes to revise this section to reflect the fact that the Multistate Pharmacy Jurisprudence Examination (MPJE) is now the law exam administered to applicants applying by reciprocity. On January 26, 1983, the Federal Drug Law Examination (FDLE) became a requirement for licensure in this Commonwealth; however, that exam has since been replaced by the MPJE. Section 27.24 (relating to examinations and passing scores) was previously amended to reflect this change, but § 27.25 was not. The revised § 27.25 will recognize that some applicants for licensure by reciprocity can demonstrate they took the FDLE, while other applicants can demonstrate that they took the MPJE.

*§ 27.31 (relating to biennial renewal)*

The Board proposes to amend this section to reflect the current practice of mailing a reminder card about the upcoming renewal. The card encourages renewal of the

license online, however pharmacists may request that the hard-copy form be mailed to them. For the 2006 renewal, 88% of pharmacists renewed online.

*Fiscal Impact*

The proposed rulemaking will not impose any adverse fiscal impact on the Commonwealth, its political subdivisions, the public or the regulated community.

*Paperwork Requirements*

The proposed rulemaking will not impose any additional paperwork requirements on the Commonwealth or the regulated community.

*Sunset Date*

The Board reviews the effectiveness of its regulations on an ongoing basis. Therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 19, 2007, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or 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 that 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 and objections raised.

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Melanie Zimmerman, Executive Secretary, State Board of Pharmacy, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

EDWARD J. BECHTEL, R. Ph.  
*Chairperson*

**Fiscal Note:** 16A-5416. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 27. STATE BOARD OF PHARMACY  
GENERAL PROVISIONS**

**§ 27.1. Definitions.**

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

ACPE—The [ American Council of Pharmaceuti-  
cal ] Accreditation Council for Pharmacy Education.

\* \* \* \* \*

Licensed person—A person holding a license is-  
sued by the Board.

\* \* \* \* \*

§ 27.2. Other definitions.

The definitions contained in the act and also in The  
Controlled Substance, Drug, Device and Cosmetic Act (35  
P. S. §§ 780-101—780-144), including the term “controlled  
substances” and the schedules thereof, apply to this  
chapter. A requirement contained in this chapter for a  
controlled substance applies to the lowest schedule of a  
controlled substance now or subsequently classified as a  
controlled substance by either [ BNDD ] the Drug En-  
forcement Administration (DEA) or the Secretary of  
the Department of Health.

§ 27.3. [ Location of office ] (Reserved).

[ The principal office of the Board is located at  
617 Transportation and Safety Building, Harris-  
burg, Pennsylvania 17120. ]

STANDARDS

§ 27.12. Practice of pharmacy and delegation of  
duties.

\* \* \* \* \*

(c) Pharmacy interns.

\* \* \* \* \*

(2) [ A pharmacy intern may neither accept nor  
transcribe an oral order or telephone prescription.

(3) [ A pharmacy intern may neither enter nor be in a  
pharmacy if a pharmacist is not on duty.

[ (4) ] (3) A pharmacy intern working under the direct,  
immediate, personal supervision of a pharmacist may  
perform procedures which require professional skill and  
training. Examples of these procedures include: verifying  
ingredients, weighing ingredients, compounding ingredi-  
ents and other similar processing of ingredients.

\* \* \* \* \*

§ 27.17. Security for Schedule II controlled sub-  
stances.

(a) [ From the time that a Schedule II controlled  
substance is received for storage in the prescrip-  
tion area until the time that controlled substance  
has been prepared and compounded into an indi-  
vidual prescription, no person except a licensed  
pharmacist or a licensed pharmacist intern or, in  
an institution, a licensed physician or registered  
nurse, may have access to the controlled substances  
or work in an area where open containers of the  
controlled substances are shelved or stored. The  
Board will consider the following measures as ad-  
equately controlling access to the controlled sub-  
stances:

(1) A safe, vault or other storage facility in com-  
pliance with storage requirements for BNDD  
Schedule II drugs.

(2) A chest or cabinet of sound construction se-  
cured to a wall or floor and able to be securely  
locked.

(3) A wire cage with a door able to be securely  
locked.

(b) The Board may approve alternative security  
measures proposed by an applicant upon a showing  
that a degree of security would be provided equal  
to or greater than that set forth in subsection (a).  
Schedule II controlled substances shall be stored in  
securely locked, substantially constructed cabinets.  
However, Schedule II controlled substances may be  
dispersed throughout the stock of noncontrolled  
substances in a manner that obstructs the theft or  
diversion of the controlled substances.

[ (c) ] (b) The occasional entry of other persons into  
an area where the controlled substances are accessible  
[ in order ] to clean, deliver or perform other necessary  
functions shall be allowed only when a licensed person is  
present and supervising.

[ (d) ] (c) The pharmacist manager shall be respon-  
sible for assuring that licensed persons, [ employes ]  
employees and others who enter the prescription area  
know and abide by the standards of security and that the  
other measures are taken as may be necessary to insure  
their enforcement.

§ 27.18. Standards of practice.

\* \* \* \* \*

(b) Prescriptions kept on file in the pharmacy [ shall ]  
must meet the following requirements:

\* \* \* \* \*

(4) Original prescriptions or readily retrievable im-  
ages of the original prescriptions shall be kept for 2  
years from the date of the most recent filling.

\* \* \* \* \*

(i) [ [ Reserved ] ] Prescriptions for nonpropri-  
etary drugs may be refilled for a period of 1 year  
from the date of the prescription if refills have  
been authorized by the prescriber. A nonpropri-  
etary drug which is refillable by statute on the  
basis of designation, such as ad lib, PRN or similar  
instruction, may be refilled for a period of 1 year  
from the date of the prescription.

(j) Prescriptions for Schedule II controlled sub-  
stances may not be filled more than 6 months from  
the date of the prescription. Prescriptions for Schedule  
II controlled substances may not be refilled. No controlled  
substance in Schedule III, IV or V may be filled or refilled  
more than five times in the 6-month period from the date  
of the prescription. [ Other nonproprietary drugs  
which may be renewed for a longer period of time  
or for a greater number of refills shall be in specific  
numbers, such as, “may be renewed ten times” and  
shall be in the original handwriting of the pre-  
scriber. A nonproprietary drug which is refillable  
by statute may not be refilled on the basis of  
preprinted designations or “ad lib,” P.R.N., or simi-  
lar instructions more than five times in the  
6-month period from the date of the prescription. ]

\* \* \* \* \*

(l) Prescriptions sent through the mail to a pharmacy  
shall be compounded and dispensed in the following  
manner:

\* \* \* \* \*

(3) The mailing of a medication or prescription drug or device generally accepted and recognized to be subject to significant deterioration of the original content due to heat, cold, fermentation or prolonged agitation is [ **prohibited** ] permissible if it is shipped in a manner which would preserve the integrity of the drug.

\* \* \* \* \*

(n) A prescription by means of an oral order, telephone or otherwise, shall be received and transcribed [ **only** ] by either a registered pharmacist or a pharmacy intern under the direct supervision of a pharmacist.

(o) Except as provided under the definition of order, an oral prescription shall be reduced to writing immediately by the pharmacist or pharmacy intern and shall be filled by, or under the direction of the pharmacist. An order entered on the chart or medical record of a patient in an institution for the diagnostic care and treatment of a patient on an overnight basis, or on the chart or medical record of a patient under emergency treatment in an institution by or on the order of a practitioner authorized by statute to prescribe drugs or devices, shall be considered to be a prescription if the medication is to be furnished directly to the patient for self-administration. It is the responsibility of the prescriber to see that the chart or medical record contains the information required for a prescription and that it is signed by the prescriber himself at the time the drug is given or if he is not present, then on his next visit to the institution. [ **No** ] A registered pharmacist may not compound, prepare, dispense, fill, sell or give away a drug or device on the basis of a prescription or order in an institution or hospital unless the prescription or order is an original prescription or order or direct copy thereof issued by the authorized prescriber or practitioner who may be using electronic or computerized equipment.

\* \* \* \* \*

(r) The following provisions [ **are applicable** ] apply to the advertisement and sale of drugs:

\* \* \* \* \*

(2) No person may promote to the public the sale of [ **Schedule II** ] any controlled substances [ **or barbiturates and their compounds** ].

\* \* \* \* \*

(5) An advertisement of a prescription shall be for a commercially reasonable quantity. [ **If the price of a quantity of a prescription drug is advertised, the price of one dosage unit or of the smallest saleable quantity shall be shown in close proximity thereto.** ]

(6) [ **A pharmacist or pharmacy** ] Any person advertising special prices for prescriptions, dangerous drugs [ **, proprietary** ] or nonproprietary drugs, preparations or products, devices and appliances, if using a [ **percentile** ] percentage number such as 10% off, 20% off, and the like, as to selected items, shall state or publish a price list from which the [ **percentile** ] percentage prices are derived, so the consumer or patient knows exactly what the [ **cost** ] retail price is.

\* \* \* \* \*

(t) A pharmacist may only [ **renew** ] refill a prescription at a reasonable time prior to the time when the contents of the prescription shall be consumed according to prescriber's directions.

\* \* \* \* \*

§ 27.19. Prospective drug review and patient counseling.

\* \* \* \* \*

(b) *General.* This section requires a pharmacist to perform a PDR before filling, delivering or sending a new [ **retail or outpatient** ] prescription or drug order, except when a physician dispenses a drug to a patient being treated in the emergency room. The PDR requires that the pharmacist review a profile of the patient maintained in the pharmacy in accordance with subsection (g) prior to dispensing the medication to the patient or caregiver [ **and the pharmacist or designee of the pharmacist make an offer to counsel the patient or caregiver** ].

\* \* \* \* \*

(d) *Scope.*

(1) The PDR is required for [ **retail or outpatient** ] prescriptions and drug orders. The PDR does not extend to the following:

(i) [ **An order for a drug for an inpatient of an institution, as the term "institution" is defined in this chapter.**

(ii) ] A drug dispensed in an emergency room.

[ (iii) ] (ii) A drug dispensed by a medical practitioner.

[ (iv) ] (iii) A drug dispensed by a pharmacist to a medical practitioner which the practitioner will administer to a patient.

(2) The following are examples of situations in which a PDR is required:

\* \* \* \* \*

(v) A pharmacist fills a prescription for a patient in a nursing home.

(vi) A pharmacist in a hospital dispenses a drug which will be administered to a patient in the hospital.

(3) The following are examples of situations in which a PDR is not required:

(i) [ **A pharmacist fills a prescription for a patient in a nursing home.**

(ii) A pharmacist in a hospital dispenses a drug which will be administered to a patient in the hospital.

(iii) ] A physician dispenses a drug to a patient being treated in the emergency room.

[ (iv) ] (ii) A pharmacist dispenses a radiopharmaceutical to a physician who will administer it to a patient.

\* \* \* \* \*

PHARMACISTS

§ 27.21. Application for examination and licensure.

\* \* \* \* \*

(c) The applicant shall also complete and submit [ **to the Board with the completed application** ] the

examination fees and examination registration forms [ provided by ] to the test administrator.

(d) Affidavits of internship experience [ gained after the filing of the application shall be filed before the examination date ] shall be filed before authorization to take the exam is given.

§ 27.25. Licensure by reciprocity.

\* \* \* \* \*

(b) [ An ] Except as provided in subsection (c), an applicant for licensure by reciprocity who received a license to practice pharmacy in any other state, territory or possession of the United States, after January 26, 1983, shall be required to demonstrate that [ he ] the applicant passed the FDLE.

(c) If an applicant licensed after January 26, 1983, cannot demonstrate that the applicant passed the FDLE, the applicant shall be required to demonstrate that the applicant passed the Pennsylvania MPJE.

RENEWAL OF PHARMACIST LICENSE AND PHARMACY PERMIT

§ 27.31. Biennial renewal.

\* \* \* \* \*

(b) A licensed pharmacist shall renew the license every 2 years, in even-numbered years. Renewal requires completion of a form mailed to the pharmacist by the Board in advance of the renewal period or completion of an online electronic form, and payment of the specified fee. [ Beginning with 1988 renewals, a ] A pharmacist shall also submit proof of compliance with the continuing education requirements of § 27.32 (relating to continuing education).

\* \* \* \* \*

[Pa.B. Doc. No. 07-1794. Filed for public inspection September 28, 2007, 9:00 a.m.]

STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

[ 49 PA. CODE CH. 47 ]

Biennial Renewal Fees

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to amend § 47.4 (relating to licensure fees), to read as set forth in Annex A. The proposed rulemaking would increase the biennial license renewal fee for licensed social workers, clinical social workers, marriage and family therapists and professional counselors from \$45 to \$75.

Effective Date

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

The increased fees will be effective for the biennial renewal period beginning March 1, 2009.

Statutory Authority

Section 18(c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P. S. § 1918(c)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet Board expenditures.

Background and Purpose

The Board's current biennial license renewal fees for licensed social workers were established on December 1, 1990. (See 20 Pa.B. 5937 (December 1, 1990).) The Board's current biennial license renewal fees for the newer licensee classifications of licensed clinical social workers, marriage and family therapists and professional counselors were originally established at 32 Pa.B. 5885 (November 27, 2002) and were set at that time at the same level as those in effect for licensed social workers (\$45). Under section 18(c) of the act (63 P. S. § 1918(c)), the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises virtually all of its revenue through biennial renewal fees.

At its Board meeting on February 13, 2007, the Department of State's Offices of Revenue and Budget presented a summary of the Board's revenue and expenses for Fiscal Years (FY) 2004-2005 and 2005-2006 and projected revenue and expenses through 2016-2017. The Offices of Revenue and Budget project a deficit of \$67,350.37 in FY 2008-2009, a deficit of \$416,350.37 in FY 2010-2011, a deficit of \$338,350.37 in FY 2011-2012, a deficit of \$841,350.37 in FY 2012-2013, a deficit of \$827,350.37 in FY 2013-2014, a deficit of \$1,397,350.37 in FY 2014-2015, a deficit of \$1,453,350.37 in FY 2015-2016 and a deficit of \$2,097,350.37 in FY 2016-2017. The major reason for the projected deficits is that the renewal fees for social workers have not been increased since 1990 and the renewal fees for licensed clinical social workers, marriage and family therapists and professional counselors have not been increased since their inception in 2002. Those fees have carried the Board for almost 17 years for social workers and 5 years for the other newer licensee categories. As a result of the projected deficits, the Offices of Revenue and Budget recommended that the Board raise fees to meet or exceed projected expenditures, in compliance with section 18(c) of the act. The Budget Office anticipates that the proposed new biennial renewal fees will enable the Board to meet its estimated expenditures for at least 9 years.

Although the \$30 fee increase is significant, it is not surprising. As already stated, the fees for licensed social workers have not been increased since 1990 and the fees for licensed clinical social workers, marriage and family therapists and professional counselors have not been increased since they were originally established in 2002. Also, in spite of the proposed increase, the Board's new renewal fee of \$75 every 2 years will still be lower than a majority of the surrounding States. For example, in New York, social workers and clinical social workers pay \$155 every 3 years. In New Jersey, social workers pay \$120 every 2 years and clinical social workers pay \$160 every 2 years. In Delaware, clinical social workers pay \$102 every 2 years. In Ohio, social workers pay \$60 every 2 years. In

West Virginia, social workers and clinical social workers pay \$65 every 2 years. Finally, in Maryland, social workers and clinical social workers pay \$200 every 2 years. None of the surrounding states have separate licensee categories for marriage and family therapists or professional counselors.

*Description of Proposed Amendments*

Based upon the expense and revenue estimates provided to the Board, the Board proposes to amend § 47.4 to increase the fee for biennial renewal of licensed social workers, clinical social workers, marriage and family therapists and professional counselors from \$45 to \$75.

*Fiscal Impact*

The proposed amendment will increase the biennial renewal fee for licensed social workers, clinical social workers, marriage and family therapists and professional counselors. The proposed amendment should have no other fiscal impact on the private sector, the general public or political subdivisions.

*Paperwork Requirements*

The proposed amendment will require the Board to alter some of its forms to reflect the new biennial renewal fees; however, the proposed amendment should not create additional paperwork for the private sector.

*Sunset Date*

The act requires that the Board monitor its revenue and costs on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 19, 2007, the Board submitted a copy of this proposed amendment and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. Comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory

Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly, and the Governor of comments, recommendations or objections raised.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Beth Michlovitz, Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference No. 16A-6915, Biennial Renewal Fees, when submitting comments.

MICHAEL J. DESTEFANO,  
*Chairperson*

**Fiscal Note:** 16A-6915. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS**

**GENERAL PROVISIONS**

**§ 47.4. Licensure fees.**

(a) The fee schedule for licensure as a licensed social worker, provisional license, licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor shall be as follows:

\* \* \* \* \*

(2) Biennial renewal for a licensed social worker, clinical social worker, marriage and family therapist or professional counselor .....\$[ 45 ] 75

\* \* \* \* \*

[Pa.B. Doc. No. 07-1795. Filed for public inspection September 28, 2007, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 123]

#### Community Revitalization Program

The Department of Community and Economic Development (Department) amends 12 Pa. Code Chapter 123 (relating to community revitalization program—statement of policy) as set forth in Annex A. The statement of policy is amended under the authority of section 1719-B of The Fiscal Code (code) (72 P. S. § 1719-B).

#### Background

Section 1719-B of the code requires the Department to publish Community Revitalization Program (CRP) guidelines in the *Pennsylvania Bulletin* prior to the spending of moneys designated for the Community Revitalization Program (Program). This amended statement of policy updates the existing Program guidelines published in 2006.

The Program provides grants to eligible organizations consistent with Act 8A of 2007, which allocates money for grants for community revitalization and improvement projects which in the judgment of the Department will improve the stability of the community; promote economic development; improve existing and develop new civic, cultural, recreational, industrial and other facilities; assist in business retention, expansion, stimulation and attraction; promote the creation of jobs and employment opportunities; or enhance the health, welfare and quality of life of the citizens of this Commonwealth.

#### Amendments

Section 123.1 (relating to introduction) is amended to update the reference to the Appropriation Act and to the current fiscal year.

Section 123.3 (relating to eligibility) is amended to update the reference to the Appropriation Act and to the current fiscal year and to add a provision restricting the funding of grantee indebtedness to repayment of debt incurred as the direct result of a project.

Section 123.4 (relating to program requirements and instructions) is amended to update the application submission deadline.

Section 123.5 (relating to application submission and approval procedure) is amended to update the reference to the current fiscal year, the grant award cycles, and the proposed award dates, as well as to clarify that unsuccessful applicants must submit a new application to be considered for funding in the following fiscal year.

Section 123.8 (relating to contact information) is amended to update the phone number and email address to which inquiries may be made.

#### Fiscal Impact

The amended statement of policy has no fiscal impact on the Commonwealth, political subdivisions or the public.

#### Paperwork Requirements

Additional paperwork requirements are not imposed as a result of the amended statement of policy.

#### Contact Person

For further information regarding the amended statement of policy, contact Jill Busch, Deputy Chief Counsel, Office of Chief Counsel, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, Fourth Floor, Harrisburg, PA 17120-0225, (717) 783-8452.

#### Findings

The Department finds that:

(1) Delay in implementing the statement of policy will have a serious adverse impact on the public interest.

#### Order

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

(1) Title 12 of the *Pennsylvania Code* Chapter 123 is amended by amending §§ 123.1, 123.3—123.5 and 123.8 to read as set forth in Annex A.

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

(3) The Secretary of Community and Economic Development shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

DENNIS YABLONSKY,  
*Secretary*

**Fiscal Note:** 4-88. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

#### PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

#### CHAPTER 123. COMMUNITY REVITALIZATION PROGRAM—STATEMENT OF POLICY

#### § 123.1 Introduction.

(a) The CRP provides grants for community revitalization and improvement projects throughout this Commonwealth. CRP funds may be used for projects consistent with Act 8A of 2007. Eligible projects are defined in § 123.3(b) (relating to eligibility).

(b) Assistance from the CRP is in the form of grants from the Commonwealth to eligible applicants for projects which, in the judgment of the Department, comply with Act 8A of 2007, are in accordance with the program guidelines in this chapter and meet the requirements of the Department Single Application for Assistance.

(c) Applicants should be aware that applications for other Department programs may also be considered for applications submitted under the CRP.

(d) Care in preparation of the application will assist the Department in its processing.

### § 123.3 Eligibility.

(a) *Eligible applicants.* The following are eligible for CRP grants:

(1) Local governments, including, but not limited to, counties, cities, boroughs, townships and home rule municipalities.

(2) Municipal and redevelopment authorities and agencies.

(3) Industrial development authorities and agencies.

(4) Nonprofit organizations incorporated under the laws of the Commonwealth.

(5) Community organizations engaged in activities consistent with the program guidelines as determined by the Department.

(b) *Eligibility of projects.* CRP funds may be used for community revitalization and improvement projects consistent with Act 8A of 2007.

(1) Eligible projects must meet one or more of the following criteria:

(i) Improve the stability of the community.

(ii) Promote economic development, community development or both.

(iii) Improve existing or develop new, or both, civic, cultural, recreational, industrial and other facilities or activities.

(iv) Assist in business retention, expansion, creation or attraction.

(v) Promote the creation of jobs and employment opportunities.

(vi) Enhance the health, welfare and quality of life of citizens of this Commonwealth.

(2) Projects for the sole benefit of a for-profit entity are not eligible for program funding.

(3) Grants may not be used to fund revolving loan programs.

(4) Repayment of debt not incurred as the direct result of the project is an ineligible use. Indebtedness incurred prior to July 1 of the fiscal year in which the grant is approved will be presumed to not be indebtedness incurred as the direct result of the project and therefore will be an ineligible use.

(c) *Conditions on certain applicants.*

(1) *Private clubs and organizations (Rotary, Elks, and the like).* The following conditions apply:

(i) A private club or organization must be a not-for-profit organization.

(ii) A private club or organization may not discriminate on the basis of race, creed, color, place of national origin or sexual preference in accepting members or selecting participants, but may establish appropriate qualifications for program participation and benefits such as age or income level.

(iii) A private club or organization may apply for grant funds for the following projects:

(A) Equipment, supplies, food and other operational expenses for use in community activities such as parades, tournaments, and the like.

(B) Program expenses for community service programs, including parades, tournaments, educational, social and cultural projects, and the like.

(C) Erection and maintenance of public memorials in public places.

(D) Construction or renovations, or both, to a club facility, provided the private club or organization can demonstrate that one of the following applies:

(I) A significant number of community events are held at its facility and these events are open to the public with no entry fee or with a nominal fee.

(II) Its facility is made available to community groups for their programs free of charge or at a discounted rate.

(2) *Religious organizations (churches, schools, and the like).* The following conditions apply:

(i) Funds may not be used for religious purposes, including, religious observances or tuition, scholarships or other financial assistance, administrative expenses to parochial schools including charters schools that advance religious education, except as otherwise permitted in this section.

(ii) A religious organization may apply for grant funds for the following projects:

(A) Equipment, supplies (for example, playground and sports equipment, supplies or other consumables) and community outreach programs with no religious component.

(B) Construction or renovations to a facility owned or leased by a religious organization provided the facility is to be used exclusively for nonreligious activities for the "useful life" of the construction or renovations.

(C) Capital improvements to the exterior of church-owned buildings provided the buildings have been determined eligible for listing or are already listed in the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C.A. §§ 470—470x-6).

(3) *Fiduciary organizations.* A fiduciary organization exists when all or a portion of the requested funds are to be used by any organization other than the applicant. In these cases, the following conditions apply:

(i) The fiduciary organization shall demonstrate non-profit status for itself and its proposed subgrantees or provide assurances that any subgrantee qualifies as a not-for-profit organization.

(ii) The fiduciary organization shall provide a grant narrative and budget covering funds to be expended by the fiduciary organization and all subgrantees. Alternatively, the fiduciary organization may provide in the narrative and budget for the fiduciary organization the guidelines, uses and budgets under which subgrants will made and utilized.

(iii) Subgrantees and projects to be undertaken by subgrantees must be eligible under the guidelines contained in this chapter.



(iv) For subgrants of \$5,000 or more, the fiduciary organization shall provide the Department with a copy of a written subgrant agreement, as well as proof of the subgrantee's eligibility, including its nonprofit status, prior to disbursing grant funds to subgrantees.

(v) A fiduciary organization shall complete and submit to the Department a closeout report for both itself and each of its subgrantees. This requirement is in addition to any audits which shall be completed when the total grant (including all subgrants) totals more than \$100,000. Failure to do so will make the fiduciary organization and any subgrantee or grantees who have not filed the appropriate closeout documentation or audit report, or both, ineligible for further financial assistance from the Department. A subgrantee may submit its own closeout or audit report to avoid ineligibility.

(vi) A fiduciary organization is responsible for ensuring that grant funds granted to subgrantees are used for the purposes and in accordance with the budgets as approved by the Department. Fiduciary organizations may not receive administrative or management fees from grant proceeds.

(vii) A fiduciary organization shall establish and utilize guidelines that evaluate a subgrantee's eligibility for financial assistance. The guidelines must include, at a minimum, the following:

(A) The subgrantees benefit demographics. (for example, age group, special needs or economic status)

(B) The subgrantees credit history, including financial statements and tax returns, if available.

(C) The subgrantees' program goals.

(D) A budget outlining the use of the grant funds and the sources of any additional funding utilized by the subgrantee.

(viii) An organization that has chapters, offices or other entities which operate under the general direction of the parent organization (for example, Boys and Girls Clubs, YMCA's and Special Olympics) will not be considered a "fiduciary organization" hereunder and may submit a single comprehensive program and budget narrative and close out report or audit. The Office of Chief Counsel of the Department will make final determination of an organization's eligibility and capacity to serve as a fiduciary organization under this section.

#### **§ 123.4 Program requirements and instructions.**

The following requirements apply to CRP:

(1) Project applications shall be submitted using the Department's Electronic Single Application for Assistance by means of [www.NewPa.com/programFinder.aspx](http://www.NewPa.com/programFinder.aspx) or [www.NewPa.com](http://www.NewPa.com). Paper applications are no longer acceptable. Electronic applications will be accepted throughout the fiscal year up to the March 28, 2008, submission deadline.

(2) The Department reserves the right to request additional information.

(3) Incomplete applications may be rejected. An applicant shall follow the detailed instructions for completing the Department's Single Application for Assistance. The narrative must include:

(i) A description of the applicant, including a general purpose or mission statement.

(ii) Identification of the need for CRP assistance and the applicant's project goals.

(iii) Identification of the measurable outcomes, including jobs created or retained, number of people trained, land or buildings acquired and or renovated, and the like.

(iv) A project schedule with key milestones and dates.

(v) Documentation to support projected budget costs.

(vi) Documentation of matching dollars, such as commitment letters, receipts, and the like.

(vii) A religious disclaimer assuring that the grant funds will not be used for religious purposes.

(4) Applications will be accepted throughout the fiscal year, subject to § 123.5 (relating to application submission and approval procedure).

#### **§ 123.5 Application submission and approval procedure.**

(a) The application is available at the Department's web site [www.newpa.com/programfinder.aspx](http://www.newpa.com/programfinder.aspx). Applications will be accepted throughout the fiscal year up to the March 28, 2008, submission deadline. Applications will be subject to § 123.7 (relating to limitations and penalties).

(b) CRP grant awards will be made in three funding rounds during the fiscal year. The Department will grant approximately 33% of the program appropriation in each round.

(c) Grant applications not funded in a particular round will be rolled over to the next round in the same fiscal year.

(d) Application deadline and tentative announcement dates for each round are as follows.

<i>Funding Round</i>	<i>Application Deadline Date</i>	<i>Target Announcement Date</i>
Round 1	October 19, 2007	November 2007
Round 2	December 28, 2007	February 2008
Round 3	March 28, 2008	May 2008

(1) The first round consideration will include all applications received between July 1, 2007, and October 19, 2007.

(2) The second round will include applications received by December 28, 2007, and applications not approved in the first round.

(3) The third round will include applications received by March 30, 2008, and applications not approved in the first and second rounds.

(4) Targeted grant announcement dates are subject to change without notice at the discretion of the Department.

(e) Any CRP funds remaining after the third round may be awarded by the Department up to the lapsing date of funds for the 2007-2008 Fiscal Year appropriation.

(f) Letters will not be sent to applicants after each funding round advising applicants that they have not been funded.

(g) Applicants that do not receive funding during any of the three rounds will be notified to reapply during the following fiscal year. Unsuccessful applicants shall submit a new application to be considered for funding the following fiscal year.

(h) Information on the status of submitted grant applications may be obtained by contacting the DCED Customer Service Center. The "assignment of account manager" letter constitutes confirmation of receipt of the application.

**§ 123.8 Contact information.**

(a) Inquiries should be directed to:

Pennsylvania Department of Community and  
Economic Development  
Customer Service Center  
Commonwealth Keystone Building  
400 North Street, Fourth Floor  
Harrisburg, Pennsylvania 17120-0225, (866) 466-3972  
e-mail: ra-dcedcs@state.pa.us.

(b) Applicants receiving a funding notice from the Department should direct inquiries to the account manager identified in the notice. The applicant should have the assigned application number available when contacting the account manager.

[Pa.B. Doc. No. 07-1796. Filed for public inspection September 28, 2007, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Dog Control Facility Bill Reimbursement Grant Program

The Department of Agriculture (Department) hereby gives notice that it intends to award up to \$750,000 in grants under its Year 2008 Dog Control Facility Bill Reimbursement Program (Program). The Program will award bill reimbursement grants of up to \$15,000-per-recipient to humane societies or associations for the prevention of cruelty to animals that meet the guidelines and conditions of this Program. The Program will be funded from the Dog Law Restricted Account, from funds which are hereby declared to be "surplus" funds for the limited purposes set forth in the Dog Law (3 P. S. § 459-1002(b)).

A proposed version of these guidelines and conditions was published at 37 Pa.B. 29 (July 21, 2007). The Department invited public and legislative review of these proposed guidelines and conditions in accordance with 7 Pa. Code § 23.4 (relating to guidelines and conditions).

The Department received two comments on the proposed guidelines and conditions suggesting that the eligibility criteria be based on factors other than the operating budget of the facility, including the number of animals handled. While the Department declines to implement this suggestion, it will reconsider its eligibility guidelines for subsequent years.

The guidelines and conditions for the Program are set forth below.

#### **Guidelines and Conditions for the Year 2008 Dog Control Facility Bill Reimbursement Grant Program**

##### 1. *Definitions.*

The following words and terms, when used in these guidelines and conditions, have the following meanings:

*Department*—The Department of Agriculture.

*Dog control*—The apprehending, holding and disposing of stray or unwanted dogs, or as otherwise defined in the Dog Law (3 P. S. § 459-102).

*Eligible Bill*—A document seeking payment for materials, services or utilities from a grant recipient, setting forth the following:

- i. The date the document is issued.
- ii. The name and address of the humane society or association for the prevention of cruelty to animals to which the bill is issued.
- iii. If for materials, a description of the materials and the date of delivery. Invoices and/or receipts for materials must set forth or be accompanied by a written description of the intended use of the material and the date the material is used. Materials may not include computers, computer equipment or software. Examples of eligible materials include the following:
  - Cleaning supplies;
  - Office supplies—typical supplies used to carry on daily office duties;

- Materials for building and repair projects; and
- Purchases of medication, needles, etc.

iv. If for services, a description of the nature of the services and the dates upon which the services were rendered. Examples of services include the following:

- Labor charges with respect to which the invoice details the exact service performed and the date of performance;

- Veterinarian services with respect to which the invoice identifies the dog treated and the reason for the treatment. Veterinarian Services may not include spay/neuter services; and

- Cremation services with respect to which the invoice either verifies that only dogs were cremated or—in the event that animals other than dogs were cremated—separates the dogs from those other animals and identifies a charge attributable to only the cremation of the dogs.

v. If for utilities (such as electricity, water, sewer, waste disposal and similar purposes), a statement of the period for which the utility, for which payment is sought, was provided.

vi. The name, address and telephone number of the entity issuing the invoice or receipt.

*Humane society or association for the prevention of cruelty to animals (SPCA)*—A nonprofit society or association duly incorporated under 15 Pa.C.S. Chapter 53, Subchapter A (relating to incorporation generally) for the purpose of prevention of cruelty to animals, or as otherwise defined in the Dog Law (3 P. S. § 459-102).

*Program*—The Year 2008 Dog Control Facility Bill Reimbursement Program.

##### 2. *Eligibility.*

A humane society or association for the prevention of cruelty to animals is eligible to apply to receive a grant under the Program if that humane society or association for the prevention of cruelty to animals:

- a. Has been in operation for at least 1 year immediately preceding the application date.

- b. Has performed dog control functions for at least 1 year immediately preceding the application date.

- c. Has, in the performance of its dog control functions, accepted at least 100 stray or unwanted dogs into its facility within the year immediately preceding the application date.

- d. Is not a party to a contract with the Department pursuant to which the Department pays that humane society or association for the prevention of cruelty to animals for dog control activities performed in the year 2008.

- e. Agrees—as a condition of receiving any grant money under the Program—to continue to perform dog control activities, and to accept stray or unwanted dogs from PDA State Dog Wardens performing dog control functions, through the year 2008.

- f. Has a valid Pennsylvania 2008 "Non-Profit" kennel license, and operates only a non-profit kennel at the facility for which grant reimbursement is requested. Facilities which house kennel operations other than a

non-profit facility (that is, boarding kennel and/or commercial kennel) at the same location are not eligible to participate in this program.

g. If the Humane Society/SPCA has a total operating budget of \$350,000 or less for the 2008 calendar year or, if its budget is on a basis other than calendar year, has a total operating budget of \$350,000 or less for each fiscal year comprising any portion of calendar year 2008, the maximum grant amount will not exceed \$15,000.

h. If the Humane Society/SPCA has a total operating budget exceeding \$350,000 for the 2008 calendar year or, if its budget is on a basis of other than calendar year, has a total operating budget over \$350,000 for each fiscal year comprising any portion of calendar year 2008, the maximum grant amount will not exceed \$10,000.

### 3. Use of Grant Funds.

The Department will allocate a specific maximum grant amount to a successful grant applicant through a written grant agreement. This maximum grant amount will be specified in the grant agreement, and will not exceed \$15,000 with respect to any application.

The maximum grant amount will be retained by the Department and used to reimburse the grant recipient for eligible bills the grant recipient has paid with respect to materials, services or utilities provided to the grant recipient from January 1, 2008 through December 31, 2008. The total reimbursement the Department will pay a grant recipient will not exceed the maximum grant amount. Any money remaining in a grant allocation beyond the termination date of the grant agreement will lapse into the Dog Law Restricted Account. If a bill covers materials, services or utilities provided, in whole or in part, before January 1, 2008, or after December 31, 2008, that bill is not an eligible bill and will not be reimbursed by the Department under the Program. The sole exception to the prohibition set forth in the preceding sentence is as follows: If a bill covers materials, services or utilities provided in part in 2007 and in part in 2008, and the grant recipient was also a grant recipient under the Year 2007 Dog Control Facility Bill Reimbursement Program, the Department may, at its discretion, consider the bill an eligible bill.

### 4. Application Process.

a. *Application required.* A humane society or association for the prevention of cruelty to animals seeking a grant under the Program must complete a written application form and deliver it to the Department no later than 30 days from the date this notice is published in the *Pennsylvania Bulletin*. Applications received by the Department beyond that date will not be considered.

b. *Obtaining an application form.* The Department will provide grant application forms upon request. Requests for application forms should be directed to Mary Bender, Director, Bureau of Dog Law Enforcement, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4833, fax (717) 772-4352.

c. *Contents of grant application form.* A grant application form shall require the following information:

- i. The name and address of the applicant.
- ii. Information to verify that the applicant is a humane society or association for the prevention of cruelty to animals and otherwise meets the eligibility requirements set forth in paragraph 2.
- iii. The maximum grant amount sought by the applicant—not to exceed \$15,000.

iv. A description of the eligible bills for which the grant applicant intends to seek reimbursement, including a description (and copies, if available) of bills received by the applicant in 2007 for the same type of materials, services or utilities for which reimbursement will be sought under the grant agreement.

v. Verification that, in the event a grant is awarded, the applicant will continue to perform dog control activities, and to accept stray or unwanted dogs from Department's State Dog Wardens performing dog control functions, through the year 2008.

vi. Other information as the Department might reasonably require.

### 5. Review and approval of grant application.

a. *Review and notification.* The Department will review each timely grant application and provide the applicant written notification of whether the Department awards the grant, denies the grant or awards a grant in some amount less than the applicant sought. This written notification will be mailed no later than 60 days from the date the Bureau of Dog Law Enforcement receives the grant application, to the address provided by the applicant on the grant application form. If an application is incomplete or the Department requires additional information or documentation in order to evaluate the grant request, it will so advise the applicant within 60 days from the date it receives the grant application.

b. *Review criteria.* The Department will consider the following, among other factors, in determining whether to award a grant application:

- i. The number of applications received and the availability of funds for the grants sought.
- ii. The relative contribution of the applicant to dog control activities in the area it serves.
- iii. The relative contribution of the applicant to dog control as compared to the relative contribution of other applicants.
- iv. The relative importance of the grant to the continued operation of the applicant's dog control facility.
- v. The expense or logistical difficulty the Department would encounter if the applicant's dog control facility was no longer in operation.

vi. The relative contribution of the applicant in terms of the number of stay or unwanted dogs it accepts from PDA State Dog Wardens performing dog control functions.

### 6. Grant agreement.

a. *Grant agreement required.* A successful grant applicant must execute a grant agreement with the Department, setting forth the terms and conditions pursuant to which the grant money will be used by the Department to reimburse the grant recipient for payment of eligible bills.

b. *Reimbursement requests.* The grant agreement will set forth the exact procedure by which a grant recipient shall seek reimbursement from the Department for payment of eligible bills. The basic reimbursement request procedure will be as follows:

By May 15, 2008, the grant recipient will: (1) deliver copies of the eligible bills it has paid between January 1 and April 30, 2008; (2) verify that these bills have been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

By September 15, 2008, the grant recipient will: (1) deliver copies of the eligible bills it has paid between May 1 and August 31, 2008; (2) verify that these bills have been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

By January 15, 2009, the grant recipient will: (1) deliver copies of the eligible bills it has paid between September 1 and December 31, 2008; (2) verify that these bills have been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 4-month period.

*c. Payment by the Department.* The Department will reimburse a grant recipient for eligible bills within 90 days of receiving a complete and timely reimbursement request.

*d. Termination.* The Department may terminate a grant agreement at any time by providing the grant recipient written notice of termination at the address set forth on the grant application.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 07-1797. Filed for public inspection September 28, 2007, 9:00 a.m.]

### Pennsylvania Approved Dairy Laboratories

The Department of Agriculture (Department) gives notice of the laboratories that are currently designated "Pennsylvania Approved Dairy Laboratories" under the act of July 2, 1935 (P. L. 589, No. 210) (31 P. S. §§ 645—660g), known as the Milk Sanitation Law.

The Milk Sanitation Law requires that this office approve laboratories that can engage in analysis of milk for purposes of that statute. The attendant regulation at 7 Pa. Code § 59.1 (relating to definitions) defines these approved laboratories "Pennsylvania Approved Dairy Laboratories."

The following are laboratories that are currently Pennsylvania Approved Dairy Laboratories, that have been so approved at all times in 2007, and that shall remain so approved until/unless approval is revoked or suspended by this office:

#### Milk Industry Laboratories

**Berkey Creamery**, 119 Food Science Building, University Park, PA 16802, (814) 865-5526

**Bongrain Cheese USA**, 400 South Custer Avenue, New Holland, PA 17557, (717) 355-8599

**Dairy Farmers of America**, t/a Farmers' Cheese, R. D. 1, Box 198, New Wilmington, PA 16142, (724) 946-8729, Ext. 6

**Dean Dairy Products Company Laboratory**, Seneca Drive, P. O. Box 69, Sharpsville, PA 16150, (724) 962-7801, Ext. 8520

**Fairmont Dairy, LLC**, 15 Kishacoquillas Street, Box 977, Belleville, PA 17004-0977, (800) 525-9338

**United Dairy—Fike Division**, P. O. Box 1247, Uniontown, PA 15401-1247, (724) 438-8581, Ext. 157

**Galliker's Dairy**, 143 Donald Lane, P. O. Box 159, Johnstown, PA 15904, (800) 477-6455

**Harrisburg Dairies Inc. Laboratory**, 20th and Herr Streets, Harrisburg, PA 17103-1624, (717) 901-4578

**Hershey Creamery Company**, 301 South Cameron Street, Harrisburg, PA 17105, (717) 238-8134

**Land O'Lakes**, 405 Park Drive, Carlisle, PA 17013, (800) 645-6455

**Meadow Brook Dairy Laboratory**, 2365 Buffalo Road, P. O. Box 7219, Erie, PA 16510, (814) 899-3191

**Rutter Brothers Dairy Laboratory**, 2100 North George Street, York, PA 17404, (717) 848-9827

**Schneider Valley Farms Dairy**, 1860 East Third Street, Williamsport, PA 17701, (570) 326-2021

**Swiss Premium Dairy**, 2401 Walnut Street, Lebanon, PA 17042, (717) 273-2658

**Tuscan-Lehigh Dairies LP**, 880 Allentown Road, Lansdale, PA 19446, (215) 855-8205

**Tuscan-Lehigh Dairies**, 110 Manheim Road, Schuylkill Haven, PA 17972, (570) 385-1884

#### Commercial Laboratories

**Benchmark Analytics**, Center Valley Division, 4777 Saucon Creek Road, Center Valley, PA 18034, (610) 974-8100

**Biotec, Inc.**, West Main Street, P. O. Box 283, Hillsville, PA 16132, (724) 667-1211

**Dairy One, Inc.**, Orchard Road—Apple Lane, University Park, PA 16802, (800) 344-2697

**Eastern Laboratory Services, LTD**, 387 Fulton Street, South Waverly, PA 18840, (800) 533-9972

**Free-Col Laboratories, Inc.**, 11618 Cotton Road, Meadville, PA 16335, (814) 724-6242

**Kennet Laboratories, Inc.**, 209 Maple Street, P. O. Box 162, Kennett Square, PA 19348, (610) 444-3900

**Kirby Health Care Center Laboratory**, 71 North Franklin Street, Wilkes-Barre, PA 18701, (570) 822-4278

**Lancaster DHIA Micro Laboratory**, 1592 Old Line Road, Manheim, PA 17545, (717) 665-1459

**M. J. Reider Associates Inc.**, 107 Angelica Street, Reading, PA 19611, (610) 372-6688

**Microbac Laboratories, Inc.**, Camp Hill Division, 209 Senate Avenue, Camp Hill, PA 17011, (717) 763-0582

**Microbac Laboratories, Inc.**, Erie Testing Division, 1962 Wagner Road, Erie, PA 16509, (814) 825-8533

**Microbac Laboratories, Inc.**, New Castle Testing Division, R. D. 8, Box 626, New Castle, PA 16160, (724) 654-4212

**Microbac Laboratories, Inc.**, 100 Marshall Drive, Warrendale, PA 15086, (724) 772-0610

**NORAC Laboratory, Inc.**, 622 Central Avenue, Johnstown, PA 15902, (814) 536-8506

**Prosser Laboratories**, P. O. Box 118, Effort, PA 18330, (570) 629-2981

**QC Inc.**, 1205 Industrial Highway, Box 514, Southampton, PA 18966, (800) 289-8378

**Seewald Laboratories**, 1403 West Fourth Street, Williamsport, PA 17701, (570) 326-4001

**Summit Technical Laboratory**, P. O. Box 147, Meyersdale, PA 15552, (814) 634-0485

**Teaco Laboratories, Inc.**, P. O. Box 612, Leechburg, PA 15656, (724) 845-6648

**US Food and Dairy Laboratories**, 600 C Noble Street, P. O. Box 242, Kutztown, PA 19550, (610) 683-8822

#### Further Information.

Further information regarding Pennsylvania Approved Dairy Laboratories may be accessed on the Department's website [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us) or by contacting Michael F. Hydock, Chief, Laboratory Division, Bureau of Food Safety and Laboratory Services, (717) 787-4315.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 07-1798. Filed for public inspection September 28, 2007, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions 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 September 18, 2007.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
9-10-07	First Keystone Corporation, Berwick, to acquire 100% of Pocono Community Bank, Stroudsburg, which will be merged with and into First Keystone National Bank, Berwick (a wholly-owned subsidiary of First Keystone Corporation).	Berwick	Filed
9-17-07	The PNC Financial Services Group, Inc., Pittsburgh, to acquire 100% of Sterling Financial Corporation, Lancaster, and thereby indirectly acquire BLC Bank, N.A., Strasburg, and Sterling Financial Trust Company, Lancaster.	Pittsburgh	Approved

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-7-07	Brentwood Bank Bethel Park Allegheny County	Bethel Park	Effective
	Purchase of assets/assumption of liabilities of one branch office of Community Bank, Carmichaels, located at:	3730 Brownsville Road Pittsburgh Allegheny County	

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-24-07	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	31 West Ridge Pike Royersford Montgomery County	Opened
9-4-07	Fulton Bank Lancaster Lancaster County	515 Hershey Avenue Lancaster Lancaster County	Opened

## NOTICES

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-5-07	Mifflinburg Bank and Trust Company Mifflinburg Union County	214 Vine Street New Berlin Union County	Filed
9-10-07	Republic First Bank Philadelphia Philadelphia County	833 Chestnut Street Philadelphia Philadelphia County	Opened
9-10-07	Susquehanna Bank PA Lititz Lancaster County	100 Sterling Parkway Suite 100 Mechanicsburg Cumberland County (Limited Service Facility)	Opened
9-13-07	Mercer County State Bank Sandy Lake Mercer County	712 West Main Street Grove City Mercer County	Approved
9-17-07	Community State Bank or Orbisonia Orbisonia Huntingdon	354 Buchanan Trail McConnellsburg Fulton County	Authorization Surrendered

**Branch Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-6-07	S & T Bank Indiana Indiana County	<i>Into:</i> 3884 Route 30E Latrobe Westmoreland County  <i>From:</i> 100 Colony Lane Latrobe Westmoreland County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-6-07	S & T Bank Indiana Indiana County	Delmont Wal-Mart 6700 Hollywood Boulevard Delmont Westmoreland County	Filed
9-10-07	Stonebridge Bank West Chester Chester County	1212 Churchville Road Bel Air Harford County, MD	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
8-28-07	First Credit Union of Scranton, Scranton and McKinney-Scranton Federal Credit Union, Scranton  Surviving Institution— First Credit Union of Scranton, Scranton	Scranton	Filed

The Department's website at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

STEVEN KAPLAN,  
*Secretary*

# DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

## 2008 Action Plan

The Department of Community and Economic Development (Department) proposes to adopt the Commonwealth's Action Plan for Federal Fiscal Year (FFY) 2008 and the Program Year that starts on January 1, 2008. The 2008 Action Plan is an update of the Commonwealth's Consolidated Plan for FFY 2004-2008. The Action Plan discussed as follows is the annual update of the Consolidated Plan for FFY 2004-2008 submitted by the Commonwealth.

The 2008 Action Plan updates documents previously submitted to the United States Department of Housing and Urban Development (HUD). These documents include the nonhousing community development plan and any changes that Department may have implemented concerning the four programs administered by the Commonwealth. The programs administered by the Department are the Community Development Block Grant, the Home Investment Partnerships (HOME) and the Emergency Shelter Grant programs. The Department of Health administers the Housing Opportunities for Persons with AIDS program.

This summary is designed to provide an opportunity for citizens, local governmental officials and interested organizations of this Commonwealth to comment about the Plan. Written comments should be submitted to Karen Overly Smith, Center for Community Development, Department of Community and Economic Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225. Written comments must be received by October 31, 2007, to be included as testimony in the Plan.

### *Public Hearing*

Two public hearings are scheduled. The first public hearing will be conducted electronically by means of the Internet. The format will be more accessible in that persons who wish to make a comment or discuss policy may participate on October 31, 2007, directly from their personal computer or from any computer location that has Internet access, such as their public library. Access to the public hearing by means of the Internet will occur between 9 a.m. and 11 a.m.

Individuals or organizations may give testimony or comments by means of the Internet. Comments will be accepted about topics related to community development, housing, the content of the Commonwealth's draft Action Plan for FFY 2008 and the process by which the public input is gathered. The Commonwealth encourages public participation in this process.

Persons who want to participate must register in advance online by means of the Internet. Contact Karen Overly Smith at (717) 214-5340 to receive registration instructions for the Internet meeting at least 24 hours prior to the meeting date. During the hearing, if support is required, call (717) 214-5340.

An additional, an in-person public hearing has been scheduled from 9 a.m. to 11 a.m. on November 5, 2007, in the Pennsylvania Public Utility Commission Hearing Room 5, Commonwealth Keystone Building, Plaza Level, 400 North Street, Harrisburg, PA 17120-0225.

*Note:* The public hearing may be shortened if there is minimal response.

Persons who want to speak must call to schedule a time to give oral testimony at the hearing. The hearing will be shortened if there is no one to testify or if there is minimal response. Contact Karen Overly Smith at (717) 214-5340 to schedule your oral testimony after October 26, 2007, and no later than November 2, 2007.

Individuals who have a disability and wish to attend the public hearing should contact Karen Overly Smith, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225 or (717) 214-5340 to discuss how the Department can accommodate their needs. Text telephone calls can be placed through the Pennsylvania Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed previously.

### *Purpose*

The Commonwealth's 2008 Action Plan is the annual update to the 5-Year Consolidated Plan for FFY 2004-2008. This Plan will describe how the programs will be administered in 2008. HUD must approve this Plan in order for the Commonwealth and organizations within the State to receive funding under most HUD housing and community development programs. Applicants for funding from Federal housing programs must obtain certification that their proposed use of HUD assistance will be consistent with the applicable Plan for the area. The Consolidated Plan creates a unified strategy for housing and community development programs, as well as the necessary linkages for building successful neighborhoods and communities.

The Action Plan will have a major impact on the type, location and number of affordable housing units generated and preserved in this Commonwealth, as well as the infrastructure and public facilities, services and other economic and community development initiatives that communities in this Commonwealth will undertake.

### *Content*

The Consolidated Plan for FFY 2004-2008 will be updated by means of this document. The most significant change is the implementation of HUD's new performance measures system. Updates also include a proposal to use HOME funds.

### *Public Review*

The Consolidated Plan is available on the Internet or in hardcopy for public comment October 7, 2007, through November 7, 2007, at the following locations:

1. County Offices, Department Regional Offices and the Commonwealth's 27 District Libraries: call (717) 214-5340 for the locations.
2. Audio Cassette copies of the Consolidated Plan can be obtained by contacting the Tri-County Branch of the Pennsylvania Association of the Blind: Patricia Summers, Coordinator, Harrisburg Area Radio Reading Services, 1800 North Second Street, Harrisburg, PA 17102; Telephone (717) 238-2531.
3. The Draft Plan 2008 can be viewed on the Internet at [www.newPA.com](http://www.newPA.com). The final plan will be made available again at these same locations following HUD approval.

DENNIS YABLONSKY,  
*Secretary*

[Pa.B. Doc. No. 07-1800. Filed for public inspection September 28, 2007, 9:00 a.m.]



# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

<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>
PA0052744	Concordville Hotel, Inc. 780 Baltimore Pike P. O. Box 607 Concordville, PA 19331-0607	Delaware County Concord Township	UNT West Branch of Chester Creek	Y

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

<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>
PA0060461	Silver Lake Township Municipal Authority P. O. Box 1975 Brackney, PA 18812	Silver Lake Township Susquehanna County	Laurel Lake Creek 4E CWF	Y

Chesapeake Bay Nutrient Reduction Strategy monitoring for Ammonia (N), Kjeldahl (N), Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus was added to the permit.

*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>
PA0081833 (Sew)	SK Part II, Ltd. Peach Bottom Inn 6085 Delta Road Delta, PA 17314	York County Peach Bottom Township	Scott Creek 7-I	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>
PA0028207	Reynoldsville Sewage Authority 400 North Fifth Street Reynoldsville, PA 15851	Reynoldsville Borough Jefferson County	Sandy Lick Creek (Outfalls 001, 002, 004 and 005) Soldier Run (Outfall 003) Pitchpine Run (Outfalls 007 and 008) 17-C	Y

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

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

**PA0064173**, Sewage, **Heisler's Cloverleaf Dairy, Inc.**, 743 Catawissa Road, Tamaqua, PA 18252. This proposed facility is located in Walker Township, **Schuylkill County**.

Description of Proposed Activity: Renewal/Issuance of NPDES Permit.

The receiving stream, Beaver Creek, is in the State Water Plan Watershed No. 3A and is classified for: CWF.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0056 mgd.

<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>	25		50
Total Suspended Solids	30		60
Oil and Grease	15		30
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Mean		
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean		
pH	6.0 to 9.0 Standard Units at all times.		
Total Residual Chlorine	1.2		2.8
Ammonia Nitrogen	Monitor and Report		
Kjeldahl Nitrogen	Monitor and Report		
Nitrite-Nitrate as N	Monitor and Report		
Total Nitrogen	Monitor and Report		
Total Phosphorus	Monitor and Report		

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

1. Chesapeake Bay Nutrient Requirements.

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

**Application No. PA0088561, CAFO, Evergreen Farms, Inc.,** 3102 Evergreen Lane, Spruce Creek, PA 16683.

Evergreen Farms, Inc. has submitted an NPDES permit application for Evergreen Farms, an existing dairy operation located in Franklin Township, **Huntingdon County**. The CAFO is situated near Spruce Creek (Watershed 11-A), which is classified as a HQ-CWF. The CAFO has a target animal population of approximately 4,427 animal equivalent units consisting of 2,498 adult cows, 938 heifers and 894 calves.

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

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

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

**Application No. PA0261003, CAFO, Jay Hess,** 151 Pequea Creek Road, Conestoga, PA 17516.

Jay Hess has submitted an NPDES permit application for Bacon Acres Farm, an existing swine, beef and poultry operation in Conestoga Township, **Lancaster County**. The CAFO is situated near a UNT of Pequea Creek, which is classified as a WWF. The CAFO has a target animal population of approximately 459 animal equivalent units consisting of 3,200 finishing swine, 28 beef cows and calves and 5,000 broilers.

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

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

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

**Application No. PA0052485, SIC Code 6515, Sewage, Mountain Springs Camping Resort, Inc.,** P. O. Box 365, Shartlesville, PA 19554. This facility is located in Upper Bern Township, **Berks County**.

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

The receiving stream, a UNT to Mill Creek, is in Watershed 3-C, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Borough of Pottstown Water and Sewer Authority is located on the Schuylkill River, approximately 44 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 0.035 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		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	8		16
(11-1 to 4-30)	20		40
Total Residual Chlorine	0.5		1.64
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)		8,600/100 ml as a Geometric Average	

The proposed Final effluent limits for Outfall 001 for a design flow of 0.035 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		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	8		16
(11-1 to 4-30)	20		40
Total Residual Chlorine	0.5		1.64

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen			Minimum of 5.0 at all times
pH			From 6.0 to 9.0 inclusive
Fecal Coliform			
(5-1 to 9-30)			200/100 ml as a Geometric Average
(10-1 to 4-30)			2,000/100 ml as a Geometric Average

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

The EPA waiver is not in effect.

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

**PA0008419**, Industrial Waste, SIC 2833, **Merck & Company, Inc.**, P. O. Box 600, Danville, PA 17821-0600. This existing facility is located in Riverside Borough, **Northumberland County**.

Description of Proposed Activity: This proposed action is for amendment of an NPDES permit for an existing discharge of treated industrial wastewater.

The receiving stream, Susquehanna River, is in the State Water Plan Watershed 5E and classified for: WWF. The nearest downstream public water supply intake for Sunbury Municipal Water is located on Susquehanna River is 12 miles below the point of discharge.

The proposed effluent limits for Internal Outfall 101 based on a design flow of 2.08 mgd.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
BOD <sub>5</sub>	7,688	15,376			1,330
COD	14,849	29,057			2,140
TSS	13,070	26,140			2,260
BOD <sub>5</sub> Influent	Report	Report			
COD Influent	Report	Report			
TSS Influent	Report	Report			
Ammonia (as N)	510	1459			
1-2-Dichloroethane	1.7	6.9			
Acetone	3.5	8.7			
Chloroform	0.23	0.35			
Methylene chloride	5.2	16			
Tetrahydrofuran	45	146			
Acetonitrile	177	434			
Benzene	0.35	0.87			
Dimethyl Sulfoxide	651	1,587			
Ethanol	71	173			
Ethyl acetate	8.7	23			
Isopropanol	28	68			
Isopropyl acetate	8.7	23			
Methanol	71	173			
Methyl formate	8.7	23			
n-Butyl acetate	8.7	23			
n-Hexane	0.35	0.52			
Phenol	0.35	0.87			
Toluene	0.35	1			
Triethyl Amine	1,769	4,337			
n-Heptane	0.35	0.87			
4-Methyl-2-pentanone (MIBK)				Report	
Amyl alcohol				Report	
Chlorobenzene				Report	
Diethyl amine				Report	
Isobutyraldehyde				Report	
Isopropyl ether				Report	
Methyl Cellosolve				Report	
n-Amyl acetate				Report	
o-Dichlorobenzene				Report	
Xylenes				Report	

**PA0008443**, Industrial Waste, SIC 4911, **PPL Montour, LLC**, Two North Ninth Street, Allentown, PA 18101-1179. This existing facility is located in Derry and Deleware Townships, **Montour and Northumberland Counties**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial waste, cooling tower blow down, boiler blow down and stormwaters.

The receiving stream, Chillisquaque Creek and West Branch Susquehanna River, is in the State Water Plan Watershed 10D and classified for: WWF. The nearest downstream public water supply intake for PA American Water Company is located on West Branch Susquehanna River is 4 miles below the point of discharge.

The proposed effluent limits for Outfall 050 based on a design flow of 7.87 mgd.

<i>Parameter</i>	<i>Mass Units (lbs/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH			6.0			9.0
TSS				30	100	125
Oil and Grease				15	20	30
Temperature				Report	Report	
Total Chlorine				0.08		0.25
Total PCBs				Nondetect		
Total Aluminum				0.56	1.1	1.4
Total Iron				1.7	3.4	4.3
Clam-trol-1				Nondetect		
Clam-trol-2				Nondetect		

<i>Parameter</i>	<i>Annual Load Pound</i>			<i>Concentration (mg/l)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Ammonia-N	Report	Report		Report		
Kjeldahl-N	Report			Report		
Nitrite/Nitrate-N	Report			Report		
Total Nitrogen-N	Report	Report		Report		
Total Phosphorus-P	Report	Report		Report		

The proposed effluent limits for Outfall 052 based on a design flow of 0.61 mgd.

<i>Parameter</i>	<i>Mass Units lbs/day</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH			6.0			9.0
TSS				30	100	125
Oil and Grease				15	20	30
Total PCBs				Nondetect		
Total Aluminum				1.1	2.2	2.8
Total Iron				Report	Report	
Arsenic				Report	Report	
Boron				Report	Report	
Calcium				Report	Report	
Lithium				Report	Report	
Magnesium				Report	Report	
Strontium				Report	Report	
Sulfates				Report	Report	
Specific Conductivity				Report	Report	

The proposed effluent limits for Outfall 053 based on a design flow of 0.3 mgd.

<i>Parameter</i>	<i>Mass Units lbs/day</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH			6.0			9.0
TSS				10	20	30
Oil and Grease				15	20	30
Total Iron				5.0	7.5	10
Total Cadmium				0.24	0.37	
Total Mercury				0.027	0.043	
Total Selenium				3.4	5.3	
Chlorides				Report		
Chromium VI				Report		
Total Antimony				Report		
Total Lead				Report		

Parameter	Mass Units lbs/day			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Silver				Report		
Total Thallium				Report		
Parameter	Annual Load Pound			Concentration (mg/l)		
	Monthly	Annual	Minimum	Average Monthly	Maximum Daily	Instantaneous Maximum
Ammonia-N	Report	Report		Report		
Kjeldahl-N	Report			Report		
Nitrite/Nitrate-N	Report			Report		
Total Nitrogen-N	Report	Report		Report		
Total Phosphorus-P	Report	Report		Report		

The proposed effluent limits for Outfall 150 based on a design flow of n/a mgd.

Parameter	Mass Units lbs/day			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Chromium				0.2	0.2	
Total Zinc				1.0	1.0	

The proposed effluent limits for Outfall 151 based on a design flow of n/a mgd.

Parameter	Mass Units lbs/day			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Maximum Daily	Instantaneous Maximum
Free Available Chlorine					0.2	0.5
Total Chromium				0.2	0.2	
Total Zinc				1.0	1.0	

The proposed effluent limits for Outfall 152 based on a design flow of n/a mgd.

Parameter	Mass Units lbs/day			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Maximum Daily	Instantaneous Maximum
Free Available Chlorine					0.2	0.5
Total Chromium				0.2	0.2	
Total Zinc				1.0	1.0	

The proposed effluent limits for Outfall 153 based on a design flow of 0.02 mgd.

Parameter	Mass Units lbs/day			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Maximum Daily	Instantaneous Maximum
pH			6.0			9.0
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)				200 Geometric Mean 2,000 Geometric Mean		
CBOD <sub>5</sub>				25		50
TSS				30		60
Total Chlorine				Report		
Parameter	Annual Load Pound			Concentration (mg/l)		
	Monthly	Annual	Minimum	Average Monthly	Maximum Daily	Instantaneous Maximum
Ammonia-N	Report	Report		Report		
Kjeldahl-N	Report			Report		
Nitrite/Nitrate-N	Report			Report		
Total Nitrogen-N	Report	Report		Report		
Total Phosphorus	Report	Report		Report		

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

**PA0027481-A1**, Industrial Waste, SIC 4911, **Pennsylvania Power Company**, P. O. Box 128, Shippingport, PA 15077. This application is for renewal of an NPDES permit to discharge treated process water, sewage and stormwater from the Bruce Mansfield Plant in Shippingport Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River and Little Blue Run, classified as a WWF and TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Midland Borough Water Authority, located at Midland, 6.3 miles below the discharge point.

*Outfall 307, 407 and 507:* existing discharge, design flows of 2.5 mgd, 3.3 mgd and 2.9 mgd respectively (Interim limits for 2 years).

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Flow (mgd)	Monitor and Report				
Free Available Chlorine				0.2	0.5
Total Residual Chlorine			Monitor and Report		
Temperature				110° F	
pH	not less than 6.0 nor greater than 9.0				

*Outfalls 307, 407 and 507:* existing discharge, design flows of 2.5 mgd, 3.3 mgd and 2.9 mgd respectively. (Final limits)

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Flow (mgd)	Monitor and Report				
Free Available Chlorine				0.2	0.5
Total Residual Chlorine			0.5	1.0	
Temperature				110° F	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is not in effect.

**PA0001775**, Sewage, **McFadden Machine Company, Inc.**, 160 Hill Road, Blairsville, PA 15717. This application is for renewal of an NPDES permit to discharge treated sewage from McFadden Machine Company STP in Blacklick Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as a UNT of Muddy Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority.

*Outfall 002:* existing discharge, design flow of 0.0015 mgd.

Parameter	Concentration (mg/l)		
	Average Monthly	Average Weekly	Maximum Daily
CBOD <sub>5</sub>	25		50
Suspended Solids	30		60
Ammonia Nitrogen			
(5-1 to 10-31)	6.4		12.8
(11-1 to 4-30)	19.2		38.4
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Mean		
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean		
Total Residual Chlorine	1.4		3.3
Dissolved Oxygen	not less than 4.0 mg/l		
pH	not less than 6.0 nor greater than 9.0		

The EPA waiver is in effect.

**PA0025003**, Sewage, **United States Army Corps of Engineers, Pittsburgh District**, 1000 Liberty Avenue, Pittsburgh, PA 15222-4168. This application is for renewal of an NPDES permit to discharge treated sewage from Tub Run Recreation Area STP in Henry Clay Township, **Fayette County**.

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

*Outfall 001:* existing discharge, design flow of 0.025 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0027669**, Sewage, **McCandless Township Municipal Authority**, 418 Arcadia Drive, Pittsburgh, PA 15237. This application is for renewal of an NPDES permit to discharge treated sewage from Pine Creek Sewage Treatment Plant in Hampton Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pine Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Millvale Municipal Water Works.

*Outfall 001*: existing discharge, design flow of 6.0 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub> (5-1 to 10-31)	10	15		20
(11-1 to 4-30)	20	30		40
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	1.5	2.3		3.0
(11-1 to 4-30)	4.0	6.0		8.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.3			1.0
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

*Other Conditions*: The applicant will be allowed to discharge uncontaminated stormwater from the STP site through Outfall SW1.

The EPA waiver is not in effect.

**PA0031844**, Sewage, **Kiski Area School District**, 200 Poplar Street, Vandergrift, PA 15690. This application is for renewal of an NPDES permit to discharge treated sewage from North Washington Elementary School STP in Washington Township, **Westmoreland County**.

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

*Outfall 001*: existing discharge, design flow of 0.0058 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.4			8.8
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.2			0.5
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.



**PA0041238**, Sewage, **Meyersdale-Summit Park Recreation Commission**, P. O. Box 194, Meyersdale, PA 15552-0194. This application is for renewal of an NPDES permit to discharge treated sewage from Maple Valley Sewage Treatment Plant in Summit Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Blue Lick Creek, which is classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohio State Park Water Authority located on the Youghiogheny River.

*Outfall 001*: existing discharge, design flow of 0.004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean			
(10-1 to 4-30)				
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0090786**, Sewage, **Hempfield Township Supervisors**, 1132 Woodward Drive, Suite A, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from Hempfield Park STP in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as a UNT to Brush Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Co.—Becks Run Intake.

*Outfall 001*: existing discharge, design flow of 0.005 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen	200/100 ml as a Geometric Mean			
(5-1 to 10-31)	4.0			8.0
(11-1 to 4-30)	12.0			24.0
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean			
(10-1 to 4-30)				
Total Residual Chlorine	.7			1.7
Dissolved Oxygen	not less than 4 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 0907409**, Sewerage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Action/Activity: Existing pump station upgrade.

**WQM Permit No. 1507412**, Sewerage, **London Britian Township**, P. O. Box 215, Kemblesville, PA 19347-0215. This proposed facility is located in London Britian Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater treatment plant utilizing onsite drip dispersal system.

**WQM Permit No. 2307403**, Sewerage, **Haverford Township**, 2325 Darby Road, Havertown, PA 19083. This proposed facility is located in Haverford Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a wastewater pump station.

**WQM Permit No. 1507413**, Sewerage, **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sanitary pump station and force main.

**WQM Permit No. 1507414**, Sewerage, **East Fallowfield Township**, 2264 Strasburg Road, East Fallowfield, PA 19320. This proposed facility is located in East Fallowfield Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater pump station to serve 25 units of a proposed subdivision.

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

**WQM Permit No. 0107202**, CAFO, **Hillandale Gettysburg, LP**, 370 Spicer Road, Gettysburg, PA 17325. This proposed facility is located in Tyrone Township, **Adams County**.

Description of Proposed Action/Activity: Requesting approval to expand layer operation and egg processing facility.

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

**WQM Permit No. 0807401**, Sewerage 4952, **South Creek Township**, P. O. Box 60, Gillett, PA 16925-0060. This proposed facility is located in South Creek Township, **Bradford County**.

Description of Proposed Action/Activity: The applicant is proposing to construct sewerage facilities to serve the Villages of Gillett and Fassett. The proposed facilities will consists of sewer lines and appurtenances, 29 grinder pumps, a sewage pump station and a 75,000 gpd extended aeration package wastewater treatment plant that incorporates nutrient removal. The proposed discharge will be to South Creek, which is classified as a CWF.

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

**WQM Permit No. WQG016151**, Sewerage, **Lloyd I. Paynter**, 778 Oakwood Drive, New Florence, PA 15944. This proposed facility is located in West Wheatfield Township, **Indiana County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single residence sewage treatment plant.

**WQM Permit No. WQG016355**, Sewerage, **Timothy Stives**, 954 Harbour Bay Drive, Tampa, FL 33602. This proposed facility is located in Marion Township, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single residence sewage treatment plant.

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

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

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

*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>
PAI011507039	The Church of Jesus Christ of Latter Day Saints c/o NYNY Project Management Office P. O. Box 318 Ramsey, NJ 07446-0318	Chester	West Bradford Township	Broad Run EV
PAI011505058A1	LTK Associates, LP 55 Country Club Drive Suite 200 Downingtown, PA 19335	Chester	Uwchlan Township	Shamona Creek HQ-TSF-MF

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

*Lehigh County Conservation District: Lehigh Agricultural Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907022	Sal Lapio Upper Macungie Group 104 Old Mill Road Sellersville, PA 18960	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024507008	Pocono Township Supervisors P. O. Box 197 Tannersville, PA 18372	Monroe	Pocono Township	Pocono Creek HQ-CWF Scotrun Creek HQ-CWF Transue Run HQ-CWF Swiftwater Creek HQ-CWF UNT Scotrun Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030707004	Leonard S. Fiore, Inc. 5506 Sixth Avenue, Rear Altoona, PA 16602	Blair	Antis Township	UNT to Sandy Run HQ-CWF
PAI033607009	Vernon Fisher 5691 Umbletown Road Gap, PA 17527	Lancaster	Salisbury Township	UNT to Pequea Creek HQ-CWF
PAI033607008	Department of Transportation Engineering District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Lancaster	West Sadsbury Township	Pine Creek—Pine Creek Watershed TSF-MF
PAI030707002	Department of Transportation Engineering District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Blair	Logan Township	Brush Run WWF

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

*Washington County Conservation District: 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056307003	Kamwood Realty, LP 1806 Frick Building 437 Grant Street Pittsburgh, PA 15219	Washington	Peters Township	Little Chartiers Creek HQ-WWF

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

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

## **PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

of comments received during the 30-day public comment period.

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

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

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

**Application No. 4807507**, Public Water Supply.

**Applicant** **Walnutport Authority**  
Lehigh Township  
**Northampton County**

**Responsible Official** Dennis Green, Chairperson  
Walnutport Authority  
417 Lincoln Avenue  
Walnutport, PA 18088

**Type of Facility** Community Water System

**Consulting Engineer** Amy L. Kunkel, P. E.  
Spotts, Stevens & McCoy, Inc.  
2005 City Line Road  
Suite 300  
Bethlehem, PA 18017  
(610) 849-9700

**Application Received Date** August 28, 2007

**Description of Action** Application for construction of a 293,000 gallon elevated water storage tank, a booster pump station with disinfection facilities and extension of the distribution system to serve the 108 proposed dwellings at the Hills at Greenock subdivision.

**Application No. 6607503**, Public Water Supply.

**Applicant** **May Associates, LLC**  
Tunkhannock Township  
**Wyoming County**

**Responsible Official** Eric May  
640 Main Road  
Dallas, PA 18612  
(570) 675-5731

**Type of Facility** Public Water Supply

**Consulting Engineer** Joseph S. Durkin, P. E.  
Reilly Associates  
49 South Main Street  
Suite 200  
Pittston, PA 18640  
(570) 654-2473

**Application Received Date** September 4, 2007

**Description of Action** Application for arsenic removal for Well No. 1 source water serving Penn Mart and Dunkin Donuts.

**Application No. 4007507**, Public Water Supply.

**Applicant** **Aqua Pennsylvania Inc.**  
Black Creek Township  
**Luzerne County**

**Responsible Official** Patrick R. Burke, Regional Manager  
Aqua Pennsylvania Inc.  
Eagle Rock System  
50 East Woodhaven Drive  
White Haven, PA

**Type of Facility** Public Water System

**Consulting Engineer** CET Engineering Services  
1240 North Mountain Road  
Harrisburg, PA

**Application Received Date** August 28, 2007

**Description of Action** The construction of a new well house for the treatment equipment serving well H.

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

**Permit No. 6707511**, Public Water Supply.

**Applicant** **Delta Borough**

**Municipality** Delta Borough

**County** **York**

**Responsible Official** Delta Borough, Borough Council President  
101 College Avenue  
P. O. Box 278  
Delta, PA 17314

**Type of Facility** Public Water Supply

**Consulting Engineer** Charles A. Kehew II, P. E.  
James R. Holley & Assoc., Inc.  
18 South George Street  
York, PA 17401

**Application Received:** September 11, 2007

**Description of Action** Corrosion control.

#### MINOR AMENDMENT

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

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

**Application No. 4006501MA**, Minor Amendment, Public Water Supply.

**Applicant** **Conyngham Borough Authority**  
Conyngham Borough  
**Luzerne County**

**Responsible Official** Benjamin Spangenburg  
Conyngham Borough Authority  
90 Butler Avenue  
P. O. Box 469  
Conyngham, PA 18219

**Type of Facility** PWS

**Consulting Engineer** Jeffery E. Searfoss, P. E.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603

**Application Received Date** September 5, 2007

Description of Action Application proposes the installation of a pitless adapter at Well No. 7. The discharge piping from the well will be connected to a new well house containing sodium hypochlorite disinfection facilities, caustic soda for pH adjustment, and all necessary appurtenances.

## 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 Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Bartorillo Residence**, Rice Township, **Luzerne County**. James Sposito, James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407 has submitted a Notice of Intent to Remediate (on behalf of his client, Patrick Bartorillo, 260 Lakeview Drive, Mountaintop, PA 19707), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of an accidental release. The applicant proposes to meet the Residential Statewide Health Standard. The future use of the property will remain residential. 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.

**Richard McGarr Residence**, Bethlehem City, **Northampton County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002 has submitted a Notice of Intent to Remediate (on behalf of his client, Richard McGarr, 617 Elmhurst Avenue, Bethlehem, PA 18017), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of a leaking underground storage tank that had corrosive holes in it. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future use of the property will be residential. A summary of the Notice of Intent to Remediate was published in *The Express Times* on July 2, 2007. A Final Report was simultaneously submitted.

**Bendobrook Trust**, Paradise Township, **Monroe County**. Gregg Walters, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Notice of Intent to Remediate (on behalf of his client, Bendobrook Trust, 1400 Waverly Road, B-226, Gladwyne, PA 19035), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of an act of vandalism to a 275-gallon AST. The applicant proposes to remediate the site to meet the Statewide Health Standard. The future use of the property will remain recreational (residential). 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.

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

**Metzger Estate**, Muncy Township, **Lycoming County**. Chambers Environmental Group, Inc., 620 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of Andrea Bower, Attorney for Metzger Estate, 426 Broad Street, Montoursville, PA 17754 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with petroleum. The applicant proposes to remediate the site to meet the Statewide Health Standard.

**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.*

**ERC-06-05007E: Carpenter Technology Corp.** (P. O. Box 14662, Reading, PA 19612-4662) for transfer of

Emission Reduction Credits to the proposed modifications at the Reading Plant in the City of Reading and Muhlenberg Township, **Berks County**.

**36-05001F: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547) for moving a tenoner to another building in East Donegal Township, **Lancaster County**.

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

**17-00005A: Glen-Gery Corp.** (SR 970, Bigler, PA 16825) for construction of a clay/shale crusher in Bradford Township, **Clearfield County**.

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

**62-017Q: United Refining Co.** (15 Bradley Street, Warren, PA 16365), to allow combusting fuel oil in emergency situations and correcting the firing rate of the burners for the FCC Charge Heater installed under a previous plan approval in City of Warren, **Warren County**. This is a Title V facility.

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**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.**

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

**09-0021B: MRI Flexible Packaging Co., LP** (122 Penns Trail, Newtown, PA 18940) for installation of a new flexographic printing press in Newtown Township, **Bucks County**. This facility is a minor facility. This installation will result in VOC emission increase of 5 tpy. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**46-0200A: John Middleton, Inc.** (418 West Church Road, King of Prussia, PA 19406-3134) for the installation of a new 350 hp boiler to replace two existing boilers (200 hp and 60 hp) that are being removed in Upper Merion Township, **Montgomery County**. The new boiler's burner design will include Flue Gas Recirculation to minimize emissions of NOx. NOx emissions shall be limited to 30 ppmv at 3% O<sub>2</sub> when firing natural gas and 90 ppmv at 3% O<sub>2</sub> when firing No. 2 fuel oil. John Middleton, Inc. will record the boiler's fuel usage. The company shall comply with good air pollution control practices, monitoring and recordkeeping procedures.

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

**28-05004C: Grove US, LLC** (1565 Buchanan Trail East, Shady Grove, PA 17256) for installation of a paint spray booth at their Shady Grove plant in Antrim Township, **Franklin County**. VOC emissions from surface coating will not be affected by the new booth's installation. Work will simply shift from other existing booths. The plan approval and subsequent Title V permit amendment will include emission limits along with monitoring,

recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**38-03039B: Martin's Wood Products, LLC** (650 Houtztown Road, Myerstown, PA 17067) for installation of a paint spray booth for furniture finishing at their plant in Jackson Township, **Lebanon County**. VOC emissions from the plant will continue to be limited to 45 tons annually. The plan approval and subsequent State-only operating permit administrative amendment will include emissions restrictions along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

**17-00017B: Rescar, Inc.** (450 Osborn Avenue, DuBois, PA 15801) for construction of a railcar refurbishing facility in the City of DuBois, **Clearfield County**. The proposed facility will replace the former facility nearly completely destroyed by fire. Newly constructed operations will include rail car cleaning, abrasive blasting, interior and exterior surface coating operations and minor combustion sources for general purpose heating and curing of surface coatings.

Rail car cleaning operations emissions will be controlled by combustion in a flare, by carbon adsorption or by caustic scrubbing. Emissions from the flare system are not expected to exceed 3.98 tpy of VOC, including HAP not expected to exceed 2.40 tpy. Emissions from the carbon filtration system are not expected to exceed 0.11 tpy of VOC, including HAP not expected to exceed 0.07 tpy. Emissions from the scrubber system are not expected to exceed 4.81 tpy of hydrogen chloride. In the cleaning operation some rail cars will be vented directly to the atmosphere, with total VOC not expected to exceed 1.48 tpy, including HAP not expected to exceed 0.07 tpy. Abrasive blasting emissions will be controlled by cartridge collectors, with expected emissions not to exceed 13.71 tpy of PM/PM10. Interior and exterior coating operations emissions are not expected to exceed 41.65 tpy (total) of VOC, including 14.62 tpy of HAP. Interior and exterior coating operations will be controlled with overspray filters, with expected emissions not to exceed 14.25 tpy (total) of PM/PM10. All combustion sources are natural gas-fired. The total expected emissions from all of these sources (including new and existing sources) is not expected to exceed 11.93 tpy of NO<sub>x</sub>, 10.02 tpy of CO, 0.66 tpy of VOC, 0.07 tpy of SO<sub>2</sub> and 0.91 tpy of PM/PM10.

The reconstructed rail car refurbishing facility will not be a major (Title V) facility for any air contaminant.

The Department of Environmental Protection's (Department) review of the information submitted by Rescar, Inc. indicated that the proposed rail car refurbishing facility should comply with all applicable regulatory requirements pertaining to air contamination sources and the emissions of air contaminants, including the BAT requirement of 25 Pa. Code §§ 127.1, 127.12 and 129.52 requirements regarding VOC content of surface coatings. Based on this finding, the Department proposes to issue plan approval for construction of the proposed rail car refurbishing facility.

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

1. The storage tanks incorporated in the general purpose car cleaning operation shall not be used to store liquids which have a vapor pressure greater than 1.5 pounds per square inch under actual storage conditions.

2. The VOC/volatile HAP emissions from the four 14,000 gallon storage tanks incorporated in the general purpose car cleaning operation shall be controlled by carbon adsorption canisters.

3. The steam condensate tanks incorporated in the general purpose car cleaning operation shall be partially filled with water or caustic solution whenever steam/condensate is vented to the tanks.

4. The recirculation flow rate of the packed bed scrubber shall be maintained at or above 25 gpm and the pH of the scrubbing solution shall be maintained at a minimum of 11.0 whenever railcars are being vented to the scrubber.

5. The scrubber shall be equipped with instrumentation to continuously monitor the recirculation flow rate, the scrubbing solution pH and the differential pressure across the scrubber.

6. The number of railcars vented to the scrubber which contained chlorine shall not exceed 350 railcars in any 12-consecutive month period and the number of railcars vented to the scrubber which contained hydrogen chloride shall not exceed 500 railcars in any 12-consecutive month period.

7. The emission of HAPs from railcars being vented to the scrubber shall not exceed 4.81 tons in any 12-consecutive month period.

8. The carbon adsorption canisters shall be equipped with breakthrough indicator tubes which indicate when the activated carbon is expended. The carbon canister shall be replaced with a fresh canister when the breakthrough indicator tube shows the activated carbon is expended.

9. The number of railcars vented to the carbon adsorption canisters which contained trichloroethylene or diisobutylene shall not exceed 500 railcars in any 12-consecutive month period and the total combined number of railcars vented to the carbon adsorption canisters shall not exceed 3,000 in any 12-consecutive month period.

10. The emission of VOC from railcars being vented to the carbon adsorption canisters shall not exceed 0.11 ton in any 12-consecutive month period and the emission of volatile HAP shall not exceed 0.07 ton in any 12-consecutive month period.

11. The number of railcars vented to the flare which contained ethylene or propylene oxide shall not exceed 100 railcars in any 12-consecutive month period and the total combined number of railcars vented to the flare shall not exceed 1,400 in any 12-consecutive month period.

12. The emission of VOC from railcars being vented to the flare shall not exceed 3.98 tons in any 12-consecutive month period and the emission of volatile HAP shall not exceed 2.40 tons in any 12-consecutive month period.

13. There shall be no visible emissions at any time from the flare.

14. The number of railcars vented directly to atmosphere which contained lube oil, mineral oil, peanut oil, vegetable oil, cottonseed oil or polypropylene glycol shall not exceed 700 railcars in any 12-consecutive month period and the total combined number of railcars vented directly to atmosphere shall not exceed 3,200 in any

12-consecutive month period. This limitation does not apply to railcars carrying commodities which are not volatile.

15. The emission of VOC from railcars being vented directly to atmosphere shall not exceed 1.48 tons in any 12-consecutive month period and the emission of volatile HAP shall not exceed 0.07 tons in any 12-consecutive month period.

16. Commodities which have a vapor pressure that is greater than 0.05 pounds per square inch atmosphere shall not be vented directly to atmosphere.

17. The total combined emission of VOC from the railcar cleaning operation shall not exceed 5.58 tons in any 12-consecutive month period.

18. Only those commodities which have been identified in the application and approved by the Department shall be vented to the abatement systems incorporated in the railcar cleaning operation or vented directly to atmosphere. Additionally, railcars which carried insecticides, herbicides or pesticides shall not be vented to the abatement systems incorporated in the railcar cleaning operation or directly to atmosphere without prior approval from the Department.

19. The emission of PM from the interior and exterior abrasive blasting booths shall not exceed 0.005 gpd standard cubic foot of effluent gas volume. Additionally, the emission of PM/PM10 from the interior and exterior abrasive blasting booths shall not exceed 9.02 tons and 4.69 tons in any 12-consecutive month period, respectively.

20. The fabric collectors controlling the PM emissions from the interior and exterior abrasive blasting booths shall be equipped with instrumentation to continuously monitor the differential pressure across the respective collector.

21. The compressed air systems associated with the fabric collectors controlling the PM emissions from the interior and exterior abrasive blasting booths shall be equipped with an air dryers and oil traps.

22. The emission of PM from the interior and exterior coating operations shall not exceed 0.002 gpd standard cubic foot of effluent gas volume. Additionally, the emission of PM/PM10 from the interior and exterior coating operations shall not exceed 2.25 tons and 12.00 tons in any 12-consecutive month period, respectively.

23. The overspray filters controlling the PM emissions from the interior surface coating operation shall be equipped with instrumentation to continuously monitor the differential pressure across the respective filters.

24. The booths incorporated in the exterior surface coating operation shall be equipped with instrumentation to continuously monitor the differential pressure across the overspray filters.

25. Only airless or plural-component spray technology shall be used to apply surface coatings in the interior and exterior coating operations.

26. Spray equipment, lines, and the like, incorporated in the interior and exterior coating operations shall be cleaned either by flushing/spraying into appropriate recovery receptacles or soaking equipment in closed containers. The use of solvent laden rags to wipe down equipment is acceptable as long as the rags are stored in closed containers after use until properly disposed of. Solvent laden rags shall not be treated by allowing solvents to evaporate to atmosphere.

27. Methyl ethyl ketone is the only solvent that may be used for surface coating equipment cleanup in the interior and exterior coating operations.

28. No more than 1.89 tons of methyl ethyl ketone in any 12-consecutive month period may be used for surface coating equipment cleanup in the interior and exterior coating operations.

29. The VOC content of the surface coatings used in the interior and exterior coating operations shall not exceed 3.50 pounds per gallon of coating (minus water and exempt solvents), as applied. The volatile HAP content of the surface coatings used in the interior and exterior coating operations shall not exceed 2.64 pounds per gallon of coating, as applied.

30. The surface coatings used in the interior and exterior coating operations shall comply with all VOC limitations specified in 25 Pa. Code § 129.52.

31. Only those surface coatings and thinners which have been identified in the application and approved by the Department shall be used in the interior and exterior coating operations. Additionally, the surface coatings shall only be thinned by those thinners which have been identified as compatible in the application and approved by the Department. Unless otherwise specified in the plan approval, no more than 10% thinner shall ever be added to any coating. Ten percent shall be interpreted to be 1 gallon thinner for every 10 gallons coating.

32. The surface coating listed below shall not be thinned more than the ratios specified:

Product No. 520-000750 shall be thinned no more than 1%.

Product No. 520-000800 shall be thinned no more than 5%.

Product No. 520-000956 shall be thinned no more than 9%.

Product No. 520-003800 shall be thinned no more than 5%.

Product No. 540-000430 shall be thinned no more than 7%.

Product No. 505-003162 shall be thinned no more than 3%.

Product No. 505-003500 shall be thinned no more than 5%.

Additionally, the surface coatings shall only be thinned by those thinners which have been identified as compatible in the application and approved by the Department. Five percent shall be interpreted to be five tenths of a gallon thinner for every 10 gallons coating and likewise for other thinning ratios.

33. The emission of VOC from the interior and exterior surface coating operations shall not exceed 41.65 tons in any 12-consecutive month period and the emission of volatile HAP shall not exceed 14.62 tons in any 12-consecutive month period.

34. The combustion units at this facility shall be fired on natural gas only.

35. The combustion units shall not fire more than 238.63 million cubic feet of natural gas in any 12-consecutive month period.

36. The total combined facility-wide emission of VOC shall not exceed 49.78 tons in any 12-consecutive month period.



37. The total combined facility-wide emission of any single HAP shall not exceed 9.93 tons in any 12-consecutive month period. The total combined facility-wide emission of all HAPs shall not exceed 21.98 tons in any 12-consecutive month period.

A copy of the plan approval application is available for public inspection during normal business hours at the address listed. Persons interested in inspecting this material must schedule an appointment in advance.

Persons wishing to protest the issuance of plan approval or provide the Department with additional information which he/she believes should be considered in the Department's review of the respective plan approval application may do so by submitting the protest or information in writing to the Department at the address listed. Protests or comments must be received by the Department within 30 days of the last date of publication of this notice in order to be considered. Each protest or comment should include the name, address and telephone number of the person submitting the protest or comment and a concise statement explaining the relevancy of the protest or comment being presented to the Department.

A public hearing may be held if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons protesting the issuance of plan approval, submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper of general circulation in the City of DuBois, Clearfield County area or by letter or telephone if the Department feels that such notification is sufficient.

Written comments, protests or requests for a public hearing or for additional information should be directed to David W. Aldenderfer, Environmental Program Manager, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

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

**20-123B: Lord Corp.—Cambridge Springs** (124 Grant Street, Cambridge Springs, PA 16403) for construction of a preheat oven/automated spray booth in Cambridge Springs Borough, **Crawford County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- Subject to 25 Pa. Code § 123.13
- The total VOC emissions from the Adhesive Dip Line (I.D. 102), the 14' Hand Spray Booth (I.D. 103), the No. 3 Binks Spray Line (I.D. 104), No. 4 Binks Spray Line (I.D. 105), Semi-auto Spray Line (I.D. 107), the PATS Spray Line (I.D. 119) and the Automated Spray Booth (I.D. 108) shall not exceed 127 tons in any consecutive 12 month period or 32 tons in any consecutive 3 month period.
- The permittee shall maintain a record of all preventative maintenance inspections of the source and control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the

actions taken to correct the problem or defects and any routine maintenance performed.

- The permittee shall maintain records of the following from the operational inspection:
    - Pressure drop across the control device.
    - On a monthly basis, the permittee shall calculate the three month rolling total and twelve month rolling total of VOC emissions from the Adhesive Dip Line (I.D. 102), the 14' Hand Spray Booth (I.D. 103), the No. 3 Binks Spray Line (I.D. 104), No. 4 Binks Spray Line (I.D. 105), Semi-auto Spray Line (I.D. 107), the PATS Spray Line (I.D. 119) and the Automated Spray Booth (I.D. 108).
  - The facility shall maintain daily records of the following:
    - The following parameters for each coating, thinner and other component as supplied:
      - The coating, thinner or component name and identification number.
      - The volume used.
      - The mix ratio.
      - The density or specific gravity.
      - The weight percent of total volatiles, water, solids and exempt solvents.
      - The volume percent of solids.
      - The VOC content of each coating, thinner and other component as supplied.
      - The VOC content of each as applied coating.
    - The permittee shall perform a daily operational inspection of the control device.
    - The permittee shall maintain a manometer or similar device to measure the pressure drop across the control device. All gauges employed shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within plus or minus 2% (+/-2%) of full scale reading.
  - The permittee shall operate the control device at all times that the source is in operation.
  - This spray booth shall utilize HVLP guns or equivalent in all spray applications except for Lance spray guns used to apply material to the inside of the tube form parts.
  - The source and control device shall be maintained and operated in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
  - The source is subject to 40 CFR 63 Subpart M and P.
- 25-1006B: Lake Erie Biofuels, LLC** (1001 State Street, Erie, PA 16501-1814) for modification of the two previously permitted boilers in the City of Erie, **Erie County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:
- The steam boilers shall comply with the following:

- Subject to 40 CFR 60 Subpart Dc and with 25 Pa Code §§ 123.11 and 123.22 for PM and Sulfur Emissions.

- Shall be capable of reducing NOx and CO emissions to or below:

- 30 ppm<sub>dv</sub> NOx at 3% O<sub>2</sub> when firing gas;
- 90 ppm<sub>dv</sub> NOx at 3% O<sub>2</sub> when firing No. 2 fuel oil; and

- 300 ppm<sub>dv</sub> CO at 3% O<sub>2</sub>.

- The facility shall only use the following as fuels for the boilers:

- Natural gas
- No. 2 Fuel Oil
- No. 4 Fuel Oil
- No. 5 Fuel Oil
- No. 6 Fuel Oil
- Reprocessed/Recycled Fuel
- Biodiesel Fuel Oil
- Triglyceride based fuels

- Specifications for Reprocessed/Recycled Fuel Oil or Blend of Fuel Oil containing Reprocessed/Recycled Fuel Oil:

- SULFUR < 0.5% by weight (Atomic Absorption)
- BTU < 130,000 Btu/gal (Bomb Calorimeter)
- FLASHPOINT < 140° F (EPA Method 1010 or ASTM 93-80)

- TOTAL HALOGENS (TOX): ORGANIC AND INORGANIC < 1000 PPM (ASTM D-808-81)

- LEAD < 100 PPM (Atomic Absorption)
- ARSENIC < 5 PPM (Atomic Absorption)
- CADMIUM < 2 PPM (Atomic Absorption)
- CHROMIUM < 10 PPM (Atomic Absorption)
- PCB's < 2 PPM (H<sub>2</sub>SO<sub>4</sub> Extraction/GC w/ electron capture)

- Compliance with the previously listed limits shall be determined using appropriate methods from the Environmental Protection Agency's SW-846 or other methods approved in writing by the Department of Environmental Protection (Department).

- Shall stack test for NOx and CO.

- The company shall perform an analysis of the reprocessed/recycled fuel oil prior to burning to ensure it meets the specifications listed in this plan approval for this source.

- The permittee shall, upon request of the Department, provide fuel analyses or fuel samples of the fuel used in the combustion unit.

- The company shall not accept shipment of reprocessed/recycled fuel oil or use reprocessed/recycled fuel oil alone or in combination with any other fuel unless one of the following is done:

- Each shipment of reprocessed/recycled fuel oil is accompanied by a fuel certification sheet showing compliance with the specifications in the Fuel Restrictions.

- Each batch of reprocessed/recycled fuel oil generated in-house or each shipment received is analyzed prior to burning in a boiler to show compliance with the specifications stated in the Fuel Restrictions.

- Shall be maintained and operated in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

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

**AMS 06144: Sunoco, Inc.—R & M** (3144 Passyunk Avenue, Philadelphia, PA 19145) for re-activation of the 859 Unit, installation of a 98 mmBtu/hr process heater, and modification of the 867 Sulfur Recovery Unit in the City of Philadelphia, **Philadelphia County**. The 859 Unit will be able to process up to 60,000 barrels per day of distillate components and to be able to produce Ultra Low Sulfur Diesel fuel. The 867 SRU capacity will increase from 65 to 80 Long Ton Per Day. A new Tail Gas Combustion Unit will be installed on the 867 SRU. Allowable emissions increases from the project will be 88.03 tpy for NOx, 87.68 tpy for CO, 14.33 tpy for VOC, 23.49 tpy for SO<sub>2</sub> and 7.50 tpy for PM.

If requested, the Philadelphia Department of Public Health, Air Management Services will conduct a public hearing on November 8, 2007, at the Lena Maloney CDC/Eastwick at the Meadows, 6630 Lindbergh Boulevard (at Eastwick Avenue) beginning promptly at 7 p.m. and continuing till conclusion of testimony to receive comments on the preliminary determination to approve the application. Free parking is available on the premises. The area is serviced by SEPTA Route 37 (direct) or Routes 52 and 36 (requires transfer).

Copies of all documents and information concerning this permit are available for review in the office of AMS, Room 218, 321 University Avenue, Philadelphia, PA 19104-4543, during normal business hours. Copies will also be available in the community information files at the Thomas F. Donatucci, Sr. Branch (1935 Shunk Street, (215) 685-1755) and the Eastwick Branch (2851 Island Avenue, (215) 685-4170) of the Free Library of Philadelphia. Persons wishing to review these documents or to submit written comments should contact Karol Bowman (215) 685-7572 at the AMS address previously listed. All written comments must be received October 30, 2007. Comments received by facsimile will not be considered.

Air Management Services proposes to place in the plan approval the following conditions to ensure compliance with all applicable regulatory requirements:

1. The 859 Unit, 859 Heater, 867 SRU and associated equipment shall be operated in accordance with the specifications in the application (as approved herein).

2. Sunoco, Inc. (R & M) (Sunoco) shall operate the 859 Unit, 859 Process Heater 1H-5 and 867 SRU, and associated equipment in accordance with 40 CFR 60 Subparts A, J, Kb, GGG, 40 CFR 63 Subparts A, CC, DDDDD, 25 Pa. Code §§ 127.1, 123.11, 123.13, 123.22, 123.41, 129.55, 129.58 and Air Management Regulation II, III and V whichever is more restrictive.

3. This plan approval may be terminated, suspended or revoked and reissued in accordance with 25 Pa. Code § 127.13a. If AMS or EPA determines that the owner or operator of Sunoco is liable for violations of the New Source Review or Prevention of Significant Deterioration Requirements, Sunoco shall submit an application to amend this plan approval and or any subsequently amended operating permit.

4. Upon notification, Sunoco shall remodel for SO<sub>2</sub> to demonstrate compliance with National Ambient Air Qual-

ity Standards (NAAQS) when AMS has cause to believe that the attainment or maintenance of the NAAQS is in jeopardy.

5. The allowable emissions for the 859 Heater shall not exceed the following limits:

POLLUTANTS	EMISSION LIMITS	
	Concentration (lbs/mmBtu)	Tons/year
Total PM/PM10	0.00745	3.2
SO <sub>2</sub>	0.033	5.2
CO	0.0824	35.4
NOx	0.02	8.6
VOC	0.0539	2.3

Notes:

a. Compliance with lbs/mmBtu emission limits shall be based on three one-hour stack tests for NOx and, if required by AMS, for the other pollutants.

b. Tons per year emission limits are on a rolling 365-day basis. Compliance with these limits shall be based on stack test data (if required) or AP-42 emission factors, daily fuel usage and fuel Btu content for all pollutants.

c. Total PM/PM10 emission limits include filterable particulate, as measured by Method 5 and condensable particulate, as measured by Method 202.

d. PM, CO and SO<sub>2</sub> concentration limits assure compliance with 25 Pa. Code §§ 123.11 and 123.22, AMR II § VII, AMR VIII § II and 40 CFR 63, Subpart DDDDD Table 1.

6. Emissions of SO<sub>2</sub> from the 867 SRU shall not exceed a concentration of 250 ppm SO<sub>2</sub> by volume on a dry basis at zero percent excess air. (40 CFR 60.104(a)(2)(i) and 40 CFR 63.1568)

7. The combined SO<sub>2</sub> emission rate from the SRU shall not exceed 31.72 lbs/hr. (SO<sub>2</sub> Operating Permit No. SO<sub>2</sub>-95-039. This streamlined permit condition assures compliance with 25 Pa. Code § 129.13)

8. The SO<sub>2</sub> emission rate from the North SRU shall not exceed 15.36 lbs/hr or 67 tons per rolling 12-month period. (Installation Permit No. 90006 and AMS Permit Approval Condition Letter dated January 31, 1991)

9. Hydrogen Sulfide (H<sub>2</sub>S) emissions from the TGCU shall not exceed 10 ppmv.

10. Sunoco may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following: 25 Pa. Code § 123.41.

a. Equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any 1 hour.

b. Equal to or greater than 60% at any time.

11. Sunoco shall not permit at any time the emission into the outdoor atmosphere of any malodorous air contaminants, in such a manner that malodors are detectable outside its boundary. (25 Pa. Code § 123.31(b))

12. Under the New Source Review provisions of 25 Pa. Code §§ 127.201—127.217, prior to startup, Sunoco shall be in possession of 142.7 tons of NOx emission reduction credits (ERCs) and 35.8 tons of VOC ERCs.

13. The 859 Unit throughput rate shall be limited to 60,000 barrels per day calculated on a rolling 365-day average.

14. The 859 Heater shall operate with ultra low-NOx burners and with a heat input limit of 98 mmBtu/hr on a daily basis.

15. The 859 Heater shall burn only refinery fuel gas or natural gas as fuel.

16. The 859 Heater shall burn only fuel gas with a concentration of H<sub>2</sub>S that does not exceed 60 ppmv on a rolling 365-day average or 0.1 gr/dscf. (Application and 40 CFR 60.104(a)(1))

17. The 867 SRU combined (North and South) sulfur production rate shall be limited to 80 Long Ton Per Day averaged over a rolling 12-month period.

18. Sunoco shall meet the requirements of 40 CFR 60 Subpart GGG (references VV) for fugitives associated with the 859 Unit. For equipment in organic HAP service, Sunoco shall comply with the requirements for fugitives in 40 CFR 63 Subpart CC (references 40 CFR 60 Subpart VV).

19. In accordance with 25 Pa. Code § 129.55(d), the purging of VOCs during a unit turnaround shall be performed in a manner as to direct the volatile organic vapors to a fuel gas system, flare or vapor recovery system until the initial pressure in such equipment reaches 19.7 psia.

20. The new or refurbished Petroleum Products Storage Tank shall meet the requirements of 40 CFR 60 Subpart Kb (also referenced by 40 CFR 63.640(n)).

21. Sunoco shall conduct a performance test on the 859 Heater within 90 days of start-up to determine compliance with the NOx emission limit in Condition 5. Testing shall meet the requirements of 25 Pa. Code § 139 and the Pennsylvania Source Testing Manual. A test protocol shall be submitted to AMS for approval at least 30 days prior to testing. A test report shall be submitted to AMS within 60 days after completion of testing.

22. If at any time AMS has cause to believe that air contaminant emissions from the 859 Heater may be in excess of the limitations specified in Condition 5, Sunoco shall be required to conduct whatever test, are deemed necessary by AMS to determine the actual emission rate.

23. Sunoco shall record the 859 Unit throughput rate daily and on a 365-day rolling average, calculated daily.

24. Sunoco shall record the 859 Heater operating rate in mmBtu/hr hourly and on a daily basis, and the daily fuel usage.

25. Sunoco shall continuously monitor and record the concentration of H<sub>2</sub>S in the fuel gas burned by the 859 Heater. The continuous H<sub>2</sub>S monitor must meet the requirements of 25 Pa. Code Chapter 139 and the *Pennsylvania Continuous Source Monitoring Manual*, Revision 7. (40 CFR 60.105(a)(4))

26. The SRU shall be equipped with continuous monitors and recorders for SO<sub>2</sub> and O<sub>2</sub>. The continuous monitors and recorders shall meet the requirements of 40 CFR 60 Subpart J and Appendix B, 40 CFR 63, Subpart UUU and 25 Pa. Code Chapter 139.

27. Sunoco shall record the SRU sulfur recovery rate daily for each unit and averaged over a rolling 12-month period on a monthly basis for the combined units.

28. Sunoco shall submit CEM reports to Air Management Services on a quarterly basis. CEM reports must meet the requirements of the PA CSMM and, for the H<sub>2</sub>S

monitor, 40 CFR 60.105(e). SO<sub>2</sub> CEM reports for the SRU shall include hourly, rolling 24-hour, and rolling 365-day data.

29. Any notifications required, as a result of any condition herein should be directed to Chief of Source Registration, Air Management Services, 321 University Avenue, Philadelphia, PA 19104.

### 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.

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

**21-05003: Carlisle Tire & Wheel Co.** (612 North College Street, Carlisle, PA 17013) for operation of their specialty tire manufacturing facility in Carlisle Borough, **Cumberland County**. The facility has the potential to emit more than 50 tons of VOC annually. This is a renewal of the previous Title V operating permit and will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**28-05012: Volvo Road Machinery, Inc.** (312 Ingersoll Drive, Shippensburg, PA 17257) for operation of their road machinery equipment plant in Shippensburg Borough, **Franklin County**. This action is a renewal of the Title V operating permit issued in 2002. This facility is a Title V facility due to its potential to emit VOC's from its finishing operations. The Title V operating permit contains restrictions, monitoring, testing, work practice standards, recordkeeping and reporting conditions designed to keep the facility operating within all applicable air quality requirements.

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

**63-00070: Dyno Nobel, Inc.** (1320 Galiffa Drive, Donora, PA 15033) Operating Permit renewal for the facility's major sources of emissions which include a nitric acid plant, which emits major quantities of NOx at their Donora Plant, in Donora Borough, **Washington County**.

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

**20-00035: Molded Fiber Glass Companies—Tray Co.** (6175 US Highway 6, Linesville, PA 16424) for a Title V Operating Permit Renewal to operate a Reinforced Plastic Manufacturing Facility, in Linesville Borough, **Crawford County**.

**25-00035: Molded Fiber Glass Companies—Union City Plant** (55 Fourth Avenue, Union City, PA 16438) for a Title V Operating Permit Renewal to operate a reinforced plastic manufacturing facility in Union City Borough, **Erie County**. The facility is a major source due to their emissions of styrene.

**25-00783: Haysite Reinforced Plastics** (5599 Perry Highway, Erie, PA 16509-3562) for re-issuance of a Title V Operating Permit to operate a facility producing laminated sheets, custom molded parts, pultruded shapes and molding compound in the City of Erie, **Erie County**. The primary emission sources include a flat sheet molding line, a BMC-SMC Molding line, a SMC machine, an

injection molding line, a pultrusion molding line, a mix room, two natural gas fired boilers and miscellaneous natural gas heating units.

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

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

**15-00108: Refractory Minerals Co., Inc.** (150 South Jennersville Road, West Grove, PA 19390-9430) for operation of an alumina processing facility in Penn Township, **Chester County**. The renewal permit is for a non-Title V (State-only) facility and no changes have taken place since the permit was last issued on October 22, 2002. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility 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.*

**01-05031: Metropolitan Edison Co.** (P. O. Box 16001, Reading, PA 19612) for operation of their Germantown Substation in Mount Joy Township, **Adams County**. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

**05-03003: Chestnut Ridge School District** (3281 Valley Road, Fishertown, PA 15539) for operation of the boiler plant at the middle school in East Saint Clair Township, **Bedford County**. This is a renewal of the school's State-only operating permit issued in 2002.

**05-03004: Chestnut Ridge School District** (3281 Valley Road, Fishertown, PA 15539) for operation of the boiler plant at the central elementary and high school campus in East Saint Clair Township, **Bedford County**. This is a renewal of the school's State-only operating permit issued in 2002.

**07-03014: New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664-0077) for operation of a stationary limestone crushing plant, three portable limestone crushing plants and a concrete plant in Taylor Township, **Blair County**. The State-only facility-wide operating permit will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements. A portion of the limestone crushing equipment is subject to 40 CFR Part 60, Subpart 000—Standards of Performance for Nonmetallic Mineral Processing Plants.

**07-05032: New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664-0077) for operation of an asphalt plant and associated equipment in Taylor Township, **Blair County**. Facility emissions of VOC will be limited to less than 50 tpy and HAP emissions are limited to less than 10 tpy for any single HAP or 25 tpy for any combination of HAPs. The State-only facility-wide operating permit will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements. The asphalt plant and associated equipment is subject to 40 CFR Part 60,

Subpart I-Standards of Performance for Hot Mix Asphalt Facilities and Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**67-05086: Metropolitan Edison Co.** (P. O. Box 16001, Reading, PA 19612) for operation of their Hill Substation in Shrewsbury Township, **York County**. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

**67-05087: Metropolitan Edison Company** (P. O. Box 16001, Reading, PA 19612) for operation of their Pleasureville Substation in Springettsbury Township, **York County**. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

**67-05088: Metropolitan Edison Co.** (P. O. Box 16001, Reading, PA 19612) for operation of their Roundtop Substation in Warrington Township, **York County**. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

**67-05089: Metropolitan Edison Co.** (P. O. Box 16001, Reading, PA 19612) for operation of their Westgate Substation in York City, **York County**. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

**67-05090: Metropolitan Edison Co.** (P. O. Box 16001, Reading, PA 19612) for operation of their Yoe Substation in Windsor Township, **York County**. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

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

**04-00713: US Natural Resources, Inc.** (212 State Street, Belle Vernon, PA 15012) for a drying and bagging operation at their Ambridge Plant in Harmony Township, **Beaver County**. This is a State-only Operating Permit Renewal.

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

**20-00256: Weyerhaeuser Choicewood** (1117 Skyline Drive, Titusville, PA 16354-1375) for re-issuance of a natural minor permit to operate a hardwood dimension and flooring Mill in Oil Creek Township, **Crawford County**. The significant sources included miscellaneous natural gas combustion, miscellaneous woodworking operations, a spray booth, loading trailer with sawdust and degreaser unit.

**37-00218: Young Galvanizing, Inc.** (8281 Mercer Street, Pulaski, PA 16150) a natural minor operating permit for operation of the facility's air contamination sources consisting of two zinc kettles for the process of galvanizing steel in Pulaski Township, **Lawrence County**.

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

**S03-004: Smith-Edwards-Dunlap Co.** (2867 East Allegheny Avenue, Philadelphia, PA 19134) for operation of an offset lithographic printing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include eight non-heatset lithographic printing presses, one 150 HP No. 2 oil-fired boiler and one 18 HP No. 2 oil-fired boiler.

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 previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any 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 application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

#### *Coal Applications Received*

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

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

<sup>1</sup>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.*

**Permit Number: 24991301 and NPDES Permit No. PA0235466, Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, to renew the permit for the Little Toby Mine in Horton Township, **Elk County** and related NPDES permit. No additional discharges. Application received August 17, 2007.

**Permit Number: 33971301 and NPDES Permit No. PA0215031, AMFIRE Mining Company**, One Energy Place, Latrobe, PA 15650, to renew the permit the Dora No. 8 Mine in Perry Township, **Jefferson County** and North Mahoning Township, **Indiana County** and related NPDES permit. No additional discharges. Application received July 27, 2007.

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

**56020105 and NPDES No. PA0249262. Black Resources, Inc.**, 162 Cumberland Street, Berlin, PA 15530, transfer of an existing bituminous surface auger mine from Alverda Enterprises, Inc., P. O. Box 87, Alverda, PA 15710, located in Brothersvalley Township, **Somerset County**, affecting 87.7 acres. Receiving streams: UNTs of Millers Run and Sandy Hollow classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 7, 2007.

**32020103 and NPDES No. PA0249211. AMFIRE Mining Company, LLC**, One Energy Place, Latrobe, PA 15650, permit renewal for the continued operation and restoration of a bituminous surface auger mine in Cheryhill Township, **Indiana County**, affecting 138.0 acres. Receiving streams: UNTs to Two Lick Creek and Two Lick Reservoir classified for the following uses: CWF, TSF. The first downstream potable water supply intake from the point of discharge is PA American Water Company, Two Lick Creek SWI. Application received September 12, 2007.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**26050104 and NPDES Permit No. PA0250724. Amerikohl Mining, Inc.**, 1384 SR 711, Stahlstown, PA 15687-1301. Revision application to add acres and a road variance to SR 3006 for the existing bituminous surface mine, located in Nicholson Township, **Fayette County**, affecting 209.7 acres. Receiving streams: UNTs to Jacobs and Georges Creeks, classified for the following use: WWF. The potable water supplies with intakes within 10 miles downstream from the point of discharge: Masontown Water Works and Carmichaels Municipal Authority. Revision application received September 11, 2007.

**03020104 and NPDES Permit No. PA0250091. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001. Renewal application for reclamation only to an existing bituminous surface mine, located in Valley and Kittanning Townships, **Butler County**, affecting 261.5 acres. Receiving stream: UNT to Cowanshannock Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received September 12, 2007.

*Noncoal Applications Received*

*Effluent Limits*—The following noncoal mining applications that include an NPDES permit application will be

subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

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

\* The parameter is applicable at all times.

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

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

**32992801, John P. Shawley**, 4348 Elders Ridge Road, Saltsburg, PA 15681, bond release on a small noncoal (industrial minerals) operation in Conemaugh Township, **Indiana County**, affecting 5.0 acres. Receiving streams: UNT to Big Run. Application received September 10, 2007.

**4274SM11 and NPDES No. PA0212512. New Enterprise Stone & Lime Company, Inc.**, P. O. Box 77, New Enterprise, PA 16664, revision of an existing limestone and dolomite quarry to allow the deepening of mining for 13.3 acres on Phase 2A from the current 1,050' elevation to 850' elevation. A request is also made to add 37.1 acres to the northeast side of the SMP for the purpose of support only. A variance is requested to disturb within 100 feet of Halter Creek. The variance begins 1,300 feet downstream from Halter Creek's uppermost crossing of SR 0036, and extends for 700 feet on the east side of the stream. The mining activity will consist of mineral removal to within 50 feet of the stream in Taylor Township, **Blair County**, affecting 467.1 acres. Receiving streams: Halter Run and Plum Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 23, 2007. This is a correction to a notice that appeared on September 15, 2007, and incorrectly identified the site as a bituminous coal operation.

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

**64910303C and NPDES Permit No. PA0595462. Reading Materials, Inc.**, P. O. Box 1467, Skippack, PA 19474, renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Palmyra Township, **Wayne County**, receiving stream: UNT to Lake Wallenpaupack, classified for the following use: HQ-CWF. Application received September 4, 2007.

**8274SM6A2C6 and NPDES Permit No. PA0595349. Binkley & Ober, Inc.**, P. O. Box 7, East Petersburg, PA 17520, renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Hempfield Township, **Lancaster County**, receiving stream: UNT to Little Conestoga Creek, classified for the following use: TSF. Application received September 6, 2007.

**40042801. Dotzel Trucking**, 1898 Slocum Road, Mountaintop, PA 18707, Stage I and II bond release for a

quarry operation in Salem Township, **Luzerne County** affecting 5.0 acres on property owned by Norbet and Joanne Dotzel. Application received September 10, 2007.

**64860803. Joseph M. Fox**, 105 O'Connell Road, Waymart, PA 18472, Stage I and II bond release for a quarry operation in Canaan Township, **Wayne County** affecting 1.0 acre on property owned by Ed Millon. Application received September 11, 2007.

**64062803. Keystone Bluestone, Inc.**, 214 Exchange Street, Susquehanna, PA 18847, Stage I and II bond release for a quarry operation in Starrucca Township, **Wayne County** affecting 2.0 acres, on property owned by David Soden. Application received September 12, 2007.

**7876SM1C5 and PA0595721. ESSROC Cement Corp.**, Route 248 and Easton Road, Nazareth, PA 18064, renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Whitehall Township, **Lehigh County**, receiving stream: Coplay Creek, classified for the following use: CWF. Application received September 10, 2007.

**40870301C7 and NPDES Permit No. PA0593818. Pennsy Supply, Inc.**, P. O. Box 3331, Harrisburg, PA 17105, renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Dorrance Township, **Luzerne County**, receiving streams: Balliet Run and UNT to Wapwallopen Creek, classified for the following use: CWF. Application received September 10, 2007.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the 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**

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

**E50-243: James Adams**, 37 Clouser Road, Mechanicsburg, PA 17055, Saville Township, **Perry County**, ACOE Baltimore District

To construct a 0.25-acre pond on an existing residential property located adjacent to Little Buffalo Creek (HQ-CWF) at 526 Dietz Road just west of Route 74 (Ickesburg, PA Quadrangle N: 6.8 inches; W: 2.8 inches, Latitude 40° 25' 17" N; Longitude 77° 20' 47" W) in Saville Township, Perry County. Applicant also proposes to place fill material in 0.02-acre of jurisdictional wetland.

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

**E17-435. Boggs Township**, P. O. Box 69, West Decatur, PA 16878. Emigh Run Headwaters Acid Mine Drainage Treatment Project in Boggs Township, **Clearfield County**, ACOE Baltimore District (Wallaceton, PA Quadrangle Latitude: 40° 57' 12"; Longitude: 78° 16' 29").

The applicant proposes to realign 611-feet of Emigh Run and construct, operate and maintain a: (1) passive treatment acid mine drainage treatment system; (2) dam for flow diversion; (3) two road crossings; and (4) three rock outlet aprons in Emigh Run (CWF) and associated wetlands for acid mine drainage abatement. The earthen dam constructed for flow diversion shall not exceed a maximum height of 2.0-feet and top width of 6.0-feet. Construction of the acid mine drainage treatment system and its appurtenances result in 0.15-acre of permanent wetland impact and 611 linear feet of permanent stream impact. The Emigh Run Headwaters Acid Mine Drainage Treatment Project permanently impacts 0.15-acre of wetland, for which the permittee as agreed to construct of 0.17-acre of replacement wetland to mitigate the 0.15-acre of impact. Construction of the 0.17-acre replacement wetland shall commence prior to the construction activities authorized by this permit. For mitigation of the stream impacts, the applicant has proposed operation and maintenance of the acid mine treatment system that will

provide for significant water quality improvement Emigh Run downstream of the project. The project is located along the southern right-of-way of Clearfield Street approximately 0.86-mile east of T-674 and Clearfield Street intersection in Wallaceton Borough.

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

**E11-330. Department of Transportation, District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648. To replace the existing bridge in Johnstown and West Taylor Townships, **Cambria County**, Pittsburgh ACOE District (Johnstown, PA Quadrangle N: 18.0 inches; W: 9.1 inches, Latitude: 39° 51' 44"; Longitude: 79° 93' 29"). The applicant proposes to remove the existing SR 0403, two lane, 50 ft. wide, three span, bridge having a total length of 270 ft., and having maximum underclearance of 31 ft., and to construct and maintain 110 ft. upstream and to the south a 55 ft. total width, two lane, three span, replacement bridge having a sidewalk, a total length of 273 ft. and maximum underclearance of 31 ft. over the Conemaugh River (WWF). In addition, construct and maintain a 368 ft. total length 20 ft. wide by 8.3 ft. underclearance arch culvert replacement and extension to the existing 165 ft. long, 14 ft. by 9 ft. limiting dimension culvert on the adjoining St. Clair Run (CWF) to accommodate the relocation of the western approach road; for construction of the replacement bridge and removal of the existing bridge install a temporary causeway; and construct and maintain associated replacement stormwater outfalls to the Conemaugh River (WWF). The bridge improvement and relocation project is located between the northern side of Johnstown and West Taylor Township and is within the Johnstown Flood Control Project.

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

**E20-562, D & L Energy, Inc.**, 2761 Salt Springs Road, Youngstown, OH 44509. Shartle Road to First Church of God Pipeline in West Mead Township, **Crawford County**, ACOE Pittsburgh District (Blooming Valley, PA Quadrangle N: 5.0 inches; W: 14.9 inches).

The applicant proposes to construct a 5,935-foot long steel natural gas pipeline approximately 0.4 mile SE of the intersection of SR 77 and Leslie Road involving: 1) to construct and maintain crossings of three wetlands by trenching having lengths of 19 feet (Wetland A—1 crossing), 645 feet (Wetland B—12 crossings) and 755 feet (Wetland C—5 crossings); and 2) to construct a maintain stream crossing of a UNT to Mill Run. Mill Run is a perennial stream classified as a WWF.

**E42-335, Allegheny Bradford Corporation**, 1522 South Avenue, Lewis Run, PA 16738. Top Line Development, in Lewis Run Borough, **McKean County**, ACOE Pittsburgh District (Lewis Run, PA Quadrangle N: 41° 52' 14"; W: 78° 39' 46").

To fill a total of 0.29 acre of wetland for expansion of the existing Top Line Process Equipment Company manufacturing facility between Lincoln and Valley Hunt Drives. Onsite creation of 0.3 acre of replacement wetland is proposed.

**ENVIRONMENTAL ASSESSMENTS**

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

**EA33 07 601, Headwaters**, 478 Jeffers Street, Building 3, Suite D, DuBois, PA 15801, Filson 7 Mine Drainage Treatment System, in Union Township, **Jefferson**



**County**, ACOE Pittsburgh District (Corsica, PA Quad-range N: 41° 12' 16"; W: 79° 10' 16" inches).

To construct a passive treatment system to remediate abandoned mine drainage of the Filson 7 pond discharge and the Filson 7 well discharge approximately 1.8 miles north of Interstate 80 on the east side of SR 949. The

Filson 7 pond discharge will be treated and discharged to Little Mill Creek. The Filson 7 well discharge will be treated with an anoxic limestone drain and discharged into existing wetland onsite. Abandoned berms will be heightened to increase retention time within the treatment area.

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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.

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#### I. NPDES Renewal Permit Actions

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

<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>
PA0032166	Delaware Valley School District 236 Route 6 and 209 Milford, PA 18337	Westfall Township Pike County	Delaware River 1D	Y

## NOTICES

5301

<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>
PA0062570	Covington Township Sewer Authority Box 266 Moscow, PA 18444	Lackawanna County Covington Township	Roaring Brook 5A	Y
PA0062065	USF Holland 10990 Roe Avenue Overland Park, KS 66211	Dorrance Township Luzerne County	Balliet Run 5B	Y
PA0062863	Pike County Commissioners Administrative Offices 506 Broad Street Milford, PA 18337	Blooming Grove Township Pike County	Billings Creek 1D	Y
PA0060976	Moyer's Campground 309 Moyers Grove Road Wapwallopen, PA 18660	Hollenback Township Luzerne County	Balliet Creek CWF 5B	Y
PA0070084 (Minor Industrial Waste)	Buckeye Terminals, LLC Macungie Terminal 5002 Buckeye Road P. O. Box 368 Emmaus, PA 18049	Lower Macungie Township Lehigh County	UNT to Swabia Creek	Y
PA0062910 (Minor Sewage)	Borough of Bowmanstown P. O. Box 127 490 Ore Street Bowmanstown, PA 18030	Bowmanstown Borough Carbon County	Lehigh River 02B	Y

*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>
PA0246425 (SEW)	Dublin Township Supervisors 29195 Great Cove Road Fort Littleton, PA 17223	Fulton County Dublin Township	Little Aughwick Creek 12-C	Y

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

<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>
PA0114111 (Nonmunicipal)	South Shore Recreation Area 710 Ives Run Lane Tioga, PA 16949	Lawrence Township Tioga County	Cowanesque Lake 04A	Y
PA0046094 (Nonmunicipal)	Ives Run Recreation Area 710 Ives Run Lane Tioga, PA 16949	Tioga Township Tioga County	Hammond Reservoir Crooked Creek 04A	Y

*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>
PA0003603 Industrial Waste	Universal Stainless and Alloy Products, Inc. 600 Mayer Street Bridgeville, PA 15017	Allegheny County Collier Township	Chartiers Creek	N
PA0034819 Industrial Waste	Ametek, Inc. Route 519 Eighty-Four, PA 15330	Washington County North Strabane Township	Little Chartiers Creek	Y
PA0204153 Industrial Waste	Cambria Cogen Company 243 Rubisch Road Ebensburg, PA 15931	Cambria County Cambria Township	Little Conemaugh River (Outfall 001) North Branch of Little Conemaugh River (Outfall 002) UNT to North Branch of Little Conemaugh River (Outfall 003)	Y

<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>
PA0096130 Sewage	Nemacolin, Inc. 379 Grant Avenue Nemacolin, PA 15351-0484	Greene County Cumberland Township	Monongahela River	Y
PA0205681 Sewage	Somerset Township Municipal Authority 2209 North Center Avenue P. O. Box 247 Somerset, PA 15501-0247	Somerset County Black Township	UNT of Laurel Run	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>
PA0104035	Daily Bread Cafe 2906 Route 155 Port Allegany, PA 16743	Port Allegany Borough McKean County	Allegheny River	Y

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

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

**NPDES Permit No. PA0244350**, Sewage, **Judy Schimpf**, 1650 Fels Road, Pennsburg, PA 18073-2423. This proposed facility is located in Milford Township, **Bucks County**.

Description of Proposed Action/Activity: Approval to discharge from the residence into a UNT to Hazelbach Creek in Watershed 3E.

**NPDES Permit No. PA0023256 Amendment No. 1**, Sewage, **Upper Gwynedd Township**, P. O. Box 1, West Point, PA 19486. This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the amendment to discharge treated wastewater from a POTW located at Township Line Road the discharge will be to the Wissahickon Creek in Watershed 3F—Wissahickon.

**NPDES Permit No. PA0043966**, Sewage, **Valley Forge Group Limited Partnership, d.b.a. Valley Forge Crossing**, 31200 Northwestern Highway, Farmington Hills, MI 48334. This proposed facility is located in Lower Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility to a UNT to the Schuylkill River in Watershed 3F.

**NPDES Permit No. PA0244121**, Sewage, **Michael and Heather Longo**, 131 Shea Lane, Glenmoore, PA 19343. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Approval to discharge into a UNT to Black Horse Creek in Watershed 3H.

**NPDES Permit No. PA00305071**, Sewage, **New Life Youth and Family Services**, 585 Freeman School Road, Schwenksville, PA 19473. This proposed facility is located in Lower Salford Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility to a UNT to East Branch Perkiomen Creek in Watershed 3E.

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

**NPDES Permit No. PA0043567**, Sewage, **York Springs Municipal Authority**, 311 Main Street, York Springs, PA 17372. This proposed facility is located in Huntington Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Gardner Run in Watershed 7-F.

**NPDES Permit No. PA0080349**, Sewage, **Chesapeake Estates of Thomasville**, 585 Martin Road, Gettysburg, PA 17325. This proposed facility is located in Jackson Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to the Little Conewago Creek in Watershed 7-F.

**NPDES Permit No. PA0082538**, Industrial Waste, **Altoona City Authority, Horseshoe Curve WTP**, 20 Greenwood Road, Altoona, PA 16602-7114. This proposed facility is located in Logan Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to Lake Altoona in Watershed 11-A.

**NPDES Permit No. PA0248380**, CAFO, **Timothy Goss, Goss Family Farm CAFO**, 123 Decatur Road, McClure, PA 17841. This proposed facility is located in Decatur Township, **Mifflin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 628-AEU swine and beef operation located in Watershed 12-A.

**NPDES Permit No. PA0065161**, CAFO, **Stoltzfus Duck Farm**, 166 Rock Road, Pine Grove, PA 17963. This proposed facility is located in Washington Township, **Schuylkill County**.

Description of Proposed Action/Activity: Authorization to operate a proposed CAFO that will consist of 37,600 grower ducks (130 AEUs), in Watershed 7-D. The Department is also providing notice that the farm's Nutrient Management Plan

was accepted on September 14, 2007, as meeting nutrient management planning requirements by the State Conservation Commission through the Schuylkill County Conservation District.

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

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

**WQM Permit No. 4607201**, Industrial, **Realen Valley Forge Greenes Associates**, 1000 Chesterbrook Boulevard, Suite 100, Bewyn, PA 19312. This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Action/Activity: Discharge of stormwater to groundwater.

**WQM Permit No. WQG02230723**, Sewerage, **Middletown Township Sewer Authority**, 27 North Pennell Road, Lima, PA 19063. This proposed facility is located in Middletown Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a low pressure individual pump stations and sewer extension.

**WQM Permit No. 1507202**, Sewerage, **Matthew Walton**, 42 Walton Road, Cochranville, PA 19330. This proposed facility is located in West Fallowfield Township, **Chester County**.

Description of Action/Activity: Construction and operation of a manure storage facility.

**WQM Permit No. WQG01-0019**, Sewerage, **Michael and Janet Trampe**, 223 Mill Road, Hatfield, PA 19446. This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a small single residence sewage treatment plant.

**WQM Permit No. 1500421-I**, Amendment, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Park, Chester Springs, PA 19425. This proposed facility is located in West Vincent Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sanitary pump station and all associated appurtenances and two additional sprayfields.

**WQM Permit No. 0906412**, Sewerage, **Wrightstown Township**, 738 Penns Park Road, Wrightstown, PA 18940. This proposed facility is located in Wrightstown Township, **Bucks County**.

Description of Action/Activity: Construction and operation of gravity collection sewers, effluent storage and disposal utilizing drip irrigation.

**WQM Permit No. 1507411**, Sewerage, **East Marlborough Township**, 721 Unionville Road, Kennett Square, PA 19348. This proposed facility is located in East Marlborough Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage collection system to serve existing residence with falling septic system.

**WQM Permit No. WQG02090722**, Sewerage, **Bucks County Community College**, 275 Swamp Road, Newtown, PA 18940. This proposed facility is located in Bristol Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a pump station.

**WQM Permit No. 4600420**, Sewerage, Transfer, **North Wales Water Authority**, 200 West Walnut Street, P. O. Box 1339, North Wales, PA 19454. This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Action/Activity: Permit transfer includes all previous approved collection and treatment systems related to North Wales Borough STP.

**WQM Permit No. 0907409**, Sewerage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Action/Activity: Upgrades and modifications to an existing pump station.

**WQM Permit No. 0907407**, Sewerage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Bensalem Township, **Bucks County**.

Description of Action/Activity: Rehabilitation of existing pump station.

**WQM Permit No. WQG010007**, Sewerage, **Michael and Heather Longo**, 131 Shea Lane, Glenmoore, PA 19343. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Action/Activity: Construction and operation of a small flow treatment facility.

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

**WQM Permit No. 2105402, Amendment 07-1**, Sewage, **Shippensburg Borough Authority**, 111 North Fayette Street, P. O. Box 129, Shippensburg, PA 17257-0129. This proposed facility is located in Shippensburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction/modification/operation of sewerage facilities consisting of increased organic loading of the treatment plant by increasing blower capacity and number of diffusers. Addition of BNR by converting the nitrification tanks and building new tanks using a five-stage BNR process with D.O. control, a ferric chloride system and a system with a supplemental carbon feed system using MicroCare installed. The primary clarifiers, final clarifiers, thickener, aerobic digestors and belt presses are unchanged. The trickling filters, lime system components and secondary clarifiers and abandoned.

**WQM Permit No. 2105403, Amendment 07-1, Sewerage, Department of Conservation and Natural Resources,** 435 State Park Road, Schellsburg, PA 15559-7308. This proposed facility is located in Cooke Township, **Cumberland County.**

Description of Proposed Action/Activity: Permit approval for the construction/modification/operation of sewerage facilities consisting of a drip irrigation subsurface disposal system serving the YMCA camp area at Pine Grove Furnace State Park.

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

**WQM Permit No. 1407201, Sewerage 4952, Fish and Boat Commission,** 450 Robinson Lane, Bellefonte, PA 16823. This facility is located in Benner Township, **Centre County.**

Description of Action/Activity: The applicant is approved to upgrade flow and process metering systems, concrete repair, repair of groundwater pumping systems, improvements to the collection of spring water, the addition of partial recirculation of process water and installation of ultraviolet disinfection. The applicant is also approved for the construction and operation of a new settling tank and effluent disc filters.

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

**WQM Permit No. 0405403, Sewerage, Ardex, LP, d/b/a Ardex Engineered Cements,** 400 Ardex Park Drive, Aliquippa, PA 15001. This proposed facility is located in Center Township, **Beaver County.**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of small flow sewage treatment facility.

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

**WQM Permit No. WQG018545, Sewerage, Tami J. and Victor A. Cawthorne,** 22 Fair Lane, Transfer, PA 16154. This proposed facility is located in Delaware Township, **Mercer County.**

Description of Proposed Action/Activity: A Single Residence Sewerage 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>
PAI011506081	Robert Bruce Homes, Inc. 1223 West Chester Pike West Chester, PA 19382	Chester	East Brandywine Township	UNT East Branch Brandywine Creek HW-TSF-MF
PAI011507012	Chester County Fund, Inc. 611 Willowbrook Lane West Chester, PA 19382-5578	Chester	East Whiteland Township	Valley Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505025(1)	Mount Airy No. 1, LLC 44 Woodland Road Mount Pocono, PA 18344-9703	Monroe	Paradise Township	Paradise Creek HQ-CWF

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

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

#### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application

PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

*General Permit Type—PAG-02*

<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>
Bedminster Township Bucks County	PAG2000907075	Mary Sauls 45 Daulton Way Holland, PA 18966	Deer Run Tohickon Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plumstead Township Bucks County	PAG2000907071	David Shapowal 3961 Stump Road Doylestown, PA 18902	Tributary Geedes Run Tohickon Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG2000907079	Amin Frost 4 Devonshire Drive New Hope, PA 18938-0329	Neshaminy Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Northampton Township Bucks County	PAG2000907043	Council Rock School District 30 North Chancellor Street Newtown, PA 18940	UNT Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Dublin Borough Hilltown Township Bucks County	PAG2000907094	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Morris Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Doylestown Township Bucks County	PAG2000907093	Pine Run Community 777 Ferry Road Doylestown, PA 18901-2190	North Branch Neshaminy Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Kennett Township Chester County	PAG2001506075	Kennett Land Development, LLC 3 Mill Road Suite 200 Wilmington, DE 19806	UNT Each Branch Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franklin Township Chester County	PAG2001507044	Bernie D. Abel P. O. Box 190 Kemblesville, PA 19347	West Branch White Clay Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Caln Township Chester County	PAG2001507024	Locker Room Self Storage, Inc. 230 Bala Avenue P. O. Box 935 Bala Cynwyd, PA 19004	UNT East Branch Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Caln Township Chester County	PAG2001507022	DiStefano Landscape Services 1535 Poorhouse Road Downingtown, PA 19335	East Branch Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franklin Township Chester County	PAG2001507029	Hillside Realty P. O. Box 738 Middletown, DE 19709	White Clay 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>
West Nottingham Township Chester County	PAG2001507023	Sylonar Products P. O. Box 296 Oxford, PA 19363	UNT Northeast Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chester Heights Borough Delaware County	PAG2002307018	Netherbrook Mills, Inc. P. O. Box 1934 Boothwyn, PA 19061	Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Gwynedd Township Montgomery County	PAG2004607078	Charles Haugh 1509 Township Line Road Gwynedd Valley, PA 19437	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Worcester Township Montgomery County	PAG2004607103	Pat McGinnis 691 Cross Lane Blue Bell, PA 19422	UNT Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG20046005201	Paul W. Moyer & Sons, Inc. 2412 Swamp Pike Gilbertsville, PA 19525	Swamp Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Horsham Township Montgomery County	PAG2004607122	Liberty Property Limited Partnership 5 Walnut Grove Drive Suite 200 Horsham, PA 19044	Pennypack Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pottstown Borough Montgomery County	PAG2004607071	Pottstown Borough Recreation and Parks Department P. O. Box 779 Pottstown, PA 19464	Manatawny Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Towamencin Township Montgomery County	PAG2004605124	Towamencin Development Group 240 Farmview Drive Harleysville, PA 19438	UNT Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hazle Township Luzerne County	PAG2004007016	Equilibrium Equities, Inc. John Morris 15 South Franklin Street Suite 210 Wilkes-Barre, PA 18701	Black Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Hazle Township Luzerne County	PAG2004006054	Hazleton Tree Top, LLC David Prizer 929 Cherry Hill Lane Pottstown, PA 19465	Hazle Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Nescopeck Township Luzerne County	PAG2004007013	Dylan Briggs 73 Old Berwick Highway Nescopeck, PA 18635	Wapwallopen Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
West Hazleton Borough Luzerne County	PAG2004007010	John Ferry Bradley International, LLC 200 Kiwanis Boulevard West Hazleton, PA 18202-1168	Black Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Steelton Borough Swatara and Lower Swatara Townships Dauphin County	PAG2002207033	Steelton Terminals Corp. P. O. Box 2621 Harrisburg, PA 17105	Laurel Run WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

## 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>
Springettsbury Township York County	PAR10Y618R	Robert Brasler York Butterfly, LLC 4122 Apalogen Road Philadelphia, PA 19144	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Silver Spring Township Cumberland County	PAG2002106013	Team Rahal of Mechanicsburg 6305 Carlisle Pike Mechanicsburg, PA 17050	Hogestown Run CWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Granville Township Mifflin County	PAG2004407002	Lou Reichart First Quality Nonwovens Inc. Humboldt Industrial Park 101 Green Mountain Road Hazleton, PA 18202	Juniata River WWF	Mifflin County Conservation District 20 Windmill Hill No. 4 Burnham, PA 17009 (717) 248-4695
Lower Paxton Township Dauphin County	PAG2002207039	Michael J. True 166 Campbell Court Harrisburg, PA 17112	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Middle Paxton Township Dauphin County	PAG2002207037	Rusty Rusbatch 233 Erie Street Dauphin, PA 17018	Stony Creek CWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Susquehanna Township Dauphin County	PAG2002207031	Rick Szeles Szeles Building and Leasing, LP 945 East Park Drive Suite 201 Harrisburg, PA 17111	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Susquehanna Township Dauphin County	PAG2002207040	Drew Williams AP Williams, Inc. 3035 North Progress Avenue Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
West Providence Township Bedford County	PAG2000507008	Geisel Funeral Home 330 East Pitt Street Bedford, PA 15522	Raystown Branch Juniata River TSF	Bedford County Conservation District 702 West Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 (814) 623-8099
Clearfield County Lawrence Township	PAG2001707007	Clearfield Municipal Authority 107 East Market Street Clearfield, PA 16830	Moose Creek CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Clearfield County Clearfield Borough	PAG2001707013	Bionol Clearfield, LLC 99 Longwater Circle Suite 201 Norwell, MA 02061	West Branch of Susquehanna River WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Union County Buffalo Township	PAG2006007004	John Griffith 51 Walnut Street Mifflinburg, PA 17844	Buffalo Creek CWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860



<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>
Armstrong Kiski Township	PAG2000307005	Roaring Run Watershed P. O. Box 333 Apollo, PA 15613	Allegheny River WWF	Armstrong County CD (724) 548-3425
Washington Peters Township	PAG2006307036	Great Meadows LP 420 Venetia Road P. O. Box 57 Venetia, PA 15367	UNT to Peters Creek TSF	Washington County CD (724) 228-6774
Butler County Butler Township	PAR10E191R	Gary Pinkerton Butler County Department of Parks and Recreation 184 Alameda Park Road Butler, PA 16001	Sullivan Run WWF	Butler Conservation District (724) 284-5270

*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>
Lancaster County Mount Joy Borough	PAR203587	Donsco, Inc. P. O. Box 2001 Wrightsville, PA 17368	Little Chickies Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Manchester Township	PAR233541	SPX Cooling Technologies, Inc. 7401 West 129th Street Overland Park, KS 66213	Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Manchester Township	PAR803618	ConWay Freight, Inc. 110 Parkland Plaza Ann Arbor, MI 48103	UNT Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin Township Synder County	PAR214824 (Stormwater)	Architectural Precast, LLC 3369 Paxtonville Road Middleburg, PA 17842	UNT to Middle Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</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	PAG040077	Brad A. Kardux P. O. Box 304 Wycombe, PA 18980-0304	Mill Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Center Township Beaver County	PAG046352	Ardex, LP d/b/a Ardex Engineered Cements 400 Ardex Park Drive Aliquippa, PA 15001	Raccoon Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Indiana Township Allegheny County	PAG046153	Peter K. Blume 405 Church Lane Allison Park, PA 15101	Shaffer Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Delaware Township Mercer County	PAG049341	Tami J. and Victor A. Cawthorne 22 Fair Lane Transfer, PA 16154	UNT to Shenango Reservoir 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG049368	Gary Groce 898 Vernon Road Greenville, PA 16125	UNT to Booth Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8 (SSN)*

<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>
Center Township Indiana County		Redevelopment Authority of the City of Johnstown 241 Asphalt Road Johnstown, PA 15902	Fabin Farm	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-12*

<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>
Perry County North East Madison Township	PAG123569	Jack Huber 22 West Mill Port Road Lititz, PA 17543	Bixler Run CWF	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. 2580023, Operations Permit, Public Water Supply.**

Applicant	<b>Pennsylvania American Water</b> 800 West Hersheypark Drive Hershey, PA 17033 Bridgewater Township
County	<b>Susquehanna</b>
Type of Facility	PWS
Consulting Engineer	Scott M. Thomas, P. E. Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 18847
Permit to Operate Issued	September 5, 2007

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

**Permit No. 0707502 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Altoona City Authority</b>
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Municipality Logan Township  
 County **Blair**  
 Type of Facility Renovation of the existing filters. This will include new underdrains and media.  
 Consulting Engineer Michael V. Sinisi, P. E.  
 Altoona City Authority  
 20 Greenwood Road  
 Altoona, PA 16602  
 Permit to Construct August 24, 2007  
 Issued

**Permit No. 3606502**, Public Water Supply.  
 Applicant **City of Lancaster—Conestoga Water Treatment Plant**  
 Municipality Lancaster  
 County **Lancaster**  
 Type of Facility Installation of a membrane filtration system to replace the existing filtration plant.  
 Consulting Engineer Jason D. Wert, P. E.  
 Herbert Rowland & Grubic, Inc.  
 474 Windmere Drive  
 State College, PA 16801  
 Permit to Construct August 28, 2007  
 Issued

**Permit No. 3607501**, Public Water Supply.  
 Applicant **East Cocalico Township Authority**  
 Municipality East Cocalico Township  
 County **Lancaster**  
 Type of Facility The addition of Wells F and M at 800-gpm and 960-gpm, respectively, to augment the existing system. Treatment to consists of nanofiltration, nitrate removal and disinfection.  
 Consulting Engineer George H. Wagner Jr., P. E.  
 Camp Dresser & McKee, Inc.  
 205 Granite Run Drive  
 Lancaster, PA 17601  
 Permit to Construct September 12, 2007  
 Issued

**Permit No. 3607509**, Public Water Supply.  
 Applicant **Elizabethtown Area Water Authority**  
 Municipality West Donegal Township  
 County **Lancaster**  
 Type of Facility Construction of a new 250,000 gallon storage tank and installation of approximately 2,000-feet of water line.  
 Consulting Engineer Peter Lusardi, P. E.  
 CET Engineering Services  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 Permit to Construct August 20, 2007  
 Issued

**Operations Permit** issued to **Custer Homes, Inc.**, 7220070, Susquahanna Township, Dauphin County on September 11, 2007, for the operation of facilities approved under Construction Permit No. 2205505.

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

**Permit No. M.A.—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.  
 Larson Design Group  
 34 Denison Parkway West  
 Corning, NY 14830  
 Permit Application September 12, 2007  
 Date  
 Description of Action The glass lined, bolted steel finished water storage tank has been reviewed and approved.

**Permit No. 4707501—Construction**, Public Water Supply.

Applicant **Mahoning Township Authority**  
 Township or Borough Mahoning Township  
 County **Montour**  
 Responsible Official Thomas N. Mertz, Chairperson  
 Mahoning Township Authority  
 1101 Bloom Street  
 Danville, PA 17821  
 Type of Facility Public Water Supply—Construction  
 Consulting Engineer Thomas Schreffler, P. E.  
 Light-Heigel & Assoc. Inc.  
 430 East Main Street  
 Lebanon, PA 17078  
 Permit Application September 17, 2007  
 Date  
 Description of Action Construction of a booster pump station, storage tank and distribution line extension.

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

Applicant **Kipps Run Mobile Home Park**  
 Township or Borough Riverside Borough  
 County **Northumberland**  
 Responsible Official Karl Drescher  
 46 Stacey Drive  
 Barto, PA 19504

Type of Facility Public Water Supply—Construction  
 Consulting Engineer Michael Shrader, P. E.  
 Hanover Engineering Associates, Inc.  
 20-C Snyder Lane  
 Ephrata, PA 17522  
 Permit Application Date September 17, 2007  
 Description of Action Remove the existing greensand filters and add AquaMag. Convert existing backwash tank to a finished water storage tank. Disinfection of the tank will take place before the tank is put on line.

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

**Permit No. 6207502**, Public Water Supply.  
 Applicant **Pennsylvania American Water Company**  
 Borough or Township City of Warren  
 County **Warren County**  
 Type of Facility PWS  
 Consulting Engineer William H. Lage, Project Manager  
 PA American Water  
 2736 Ellwood Road  
 New Castle, PA 16101  
 Permit to Construct Issued September 18, 2007

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Middle Smithfield Township	25 Municipal Drive East Stroudsburg, PA 18301	Monroe

*Plan Description:* The approved Act 537 Plan Special Study for Middle Smithfield Township (MST) provides for:

1. Modification of the service area of the MST Wastewater Treatment Facility (WWTF).
2. Expansion of the MST WWTF from 1.0 mgd to 2.0 mgd.
3. A Study Area that includes five subareas: Hollow Road, 209 Extension, Kahkhout Mountain, Price Tract and the 209 Corridor/Big Ridge.
4. A Connection Determination Plan, which provides a basis for determining under which conditions a property owner proposing a new, additional or increased wastewater discharge will be permitted to connect to the MST WWTF and under which conditions a property owner will be required to dispose of wastewater by means of a

land-based or onsite wastewater treatment system. Planning modules will need to be completed and approved.

The Department of Environmental Protection's review of the Special Study has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
York Township	190 Oak Road Dallastown, PA 17313	York County

*Plan Description:* Leaders Heights Phase 2/3, A3-67971-565-3m: The approved plan provides for a public sewer extension to serve approximately 140 customers in the Susquehanna Heights, Lentzlyn and surrounding areas within the Leaders Heights area of York Township, York County. Total estimated sewage flows are 50,750 gpd and they will be tributary to the York Township collection/conveyance system and ultimately the York City Wastewater Treatment Plant. The project also includes a proposal for a new pump station to be located at the end of Lentzlyn Drive. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Hempfield Township	3401 Marietta Avenue Lancaster, PA 17601	Lancaster County

*Plan Description:* The approved plan provides for extension of sewer service to: 1) the Ironville needs area to flow by gravity to the Columbia Borough sewer system; 2) a new pump station to serve the Raintree Road needs area to convey sewage to the Farmdale pump station and the Lancaster Area Sewer Authority (LASA) system; 3) the Klinessville needs area with discharge to the Columbia Borough system. Once the Hempfield Hill Estates development and interceptor is constructed along Hempfield Hill Road, it will discharge wastewater from the Grubb Lake area to the LASA system. The Township has enacted an onlot management program and will begin implementation of the program starting in 2008. Hydrogeologic studies will be required for all new developments proposing use of onlot sewage disposal. The plan also supports improvements to the LASA conveyance system, including improvements to the Manheim Township system, Armstrong Interceptor, Miller Run Interceptor, Little Conestoga Interceptor and Mountville Interceptor as described in Ph II-10 and Table 27 of the Plan. The Department of Environmental Protection's review of the sewage facilities plan update has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## 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:

*Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Richard McGarr Residence, Bethlehem City, Northampton County.** Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002 has submitted a Final Report (on behalf of his client, Richard McGarr, 617 Elmhurst Avenue, Bethlehem, PA 18017), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of a leaking underground storage tank that had corrosive holes in it. The report was submitted in order to document attainment of the Statewide Health Standard. A public notice regarding the submittal of the final report was published in *The Express Times* on July 2, 2007. A Notice of Intent to Remediate was simultaneously submitted.

**Bethlehem Apparatus, Inc.,** Hellertown Borough, **Northampton County.** Vincent Carbone, HDR Associates, Inc., 609 Hamilton Mall, The Sovereign Building, Allentown, PA 18101, has submitted a Final Report (on behalf of his client, Bethlehem Apparatus, Inc., 890 Front Street, Hellertown, PA 18055), concerning the remediation of soils found to have been impacted with mercury as a result of historic fill materials located on the property. The report was submitted in order to document attainment of the Statewide Health Standard for soils. The proposed future use of the property will be residential. The public notice regarding the submittal of the Final Report was published in *The Express-Times* on August 9, 2007.

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

**Former Sell's Garage, Arendtsville Borough, Adams County.** Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Arendtsville Borough, P. O. Box 508, Arendtsville, PA 17303-0508, submitted a Baseline Environmental Report concerning remediation of site soils and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to the special industrial area standard.

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

**Sheetz Store #280—Mill Hall, Bald Eagle Township, Clinton County,** Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Sheetz, Inc., 5700 6th Avenue, Altoona, PA 16602 has submitted a combined Remedial Investigation Report/Final report concerning remediation of site soil and groundwater contaminated with 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzene, toluene, ethylbenzene, xylene, naphthalene, cumene and lead; groundwater is also contaminated with MTBE. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Rosemeier Property—Former Drive Plus Site, City of Lock Haven, Clinton County,** Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Robert Rosemeier, Drive Plus, 241 South Hanna Street, Lock Haven, PA 17745 has submitted a Final Report concerning remediation of site soil contaminated with benzene, toluene, ethylbenzene, xylenes, naphthalene, isopropyl benzene, benzo(b) fluoranthene, phenanthrene, pyrene and lead and groundwater contaminated with benzene, toluene, ethylbenzene, xylene, naphthalene, isopropyl benzene and lead. The report is intended to document remediation of the site to meet Statewide Health Standard.

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

**Universal Motor Sales of Butler, Butler Township, Butler County.** Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Jean Wiles, c/o Louis A. Naugle, Esquire, Reed Smith LLP, 435 Sixth Avenue, Pittsburgh, PA 15219 has submitted a Final Report concerning remediation of site groundwater contaminated with 1,3,5-trimethylbenzene. The report 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 Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Ameri-Gas Property-Scot Lubricants**, City of Allentown, **Lehigh County**. Jeremy Boly, Patriot Environ-

mental Management, LLC, P. O. Box 629, Douglassville, PA 19518 submitted a Final Report (on behalf of his client, Tim Fritz, Scot Lubricants of PA, Inc., P. O. Box 326, Allentown, PA 18105-0326 1801), concerning the remediation of soils found to have been impacted by base lubricating oil as a result of an accidental release. The report documented attainment of the Statewide Health Standard and was approved on September 10, 2007. Public notification wasn't required since the Final Report was submitted within 90 days of the release. Future use of the property will remain nonresidential.

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

**DAC Realty/Former Cincinnati Milacron**, North Middleton Township, **Cumberland County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of DAC Realty, 590 Rutter Avenue, Kingston, PA 18704-4719, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with VOCs, petroleum compounds and chlorinated solvents. The final report demonstrated attainment of the Nonresidential Statewide Health Standard and was approved by the Department of Environmental Protection on September 13, 2007.

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

**Riteway Express Inc. Rt. 15 Truck Accident**, Cogan House Township, **Lycoming County**, Northridge Group, 1172 Ridge Road, Northumberland, PA 17857 on behalf of Riteway Express Inc, P. O. Box 1806, Etowah, NC 28729 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on September 11, 2007.

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

**Trinity Industries, Inc.**, City of Butler, **Butler County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Community Development Corporation of Butler, 112 Woody Drive, Butler, PA 16001 has submitted a Cleanup Plan for Soil—Revision 2 concerning the remediation of site soil contaminated with arsenic, iron, barium, lead, thallium, benzo(a)pyrene, antimony, methylene chloride, nickel, aroclor 1260, aroclor 1248 and pentachlorophenol. The Cleanup Plan was approved by the Department of Environmental Protection on September 5, 2007.

### RESIDUAL WASTE GENERAL PERMITS

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Application No. WMGR038-NWD02. Allegany Tire Chipping Corp.**, 175 Crestview Drive Extension, Greenville PA 16125, Pymatuning Township, **Mercer County**. The application is for determination of applicability for processing, reuse and beneficial use of waste tires, tire derived material and tire derived

fuel for use as fuel in boilers or other combustion units, civil engineering practices, recapping and as an ingredient in or as a commercial product. The permit was issued by the Northwest Regional Office on September 10, 2007.

Persons interested in reviewing the general permit should contact Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6848. TDD users should contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**Permits Revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGR090R007. HRI, Inc.,** 1750 West College Avenue, State College, PA 16801.

General Permit Number WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement (RAP) materials as a roadway construction material. The permittee requested the general permit be revoked due to the utilization of the RAP materials under an industry-wide co-product determination. Central Office revoked this general permit on September 13, 2007.

## 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.**

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

**09-329-007GP: ML 35 LLC** (35 Runway Road, Levittown, PA 19057) on September 13, 2007, to operate a generator for an emergency backup in Bristol Township, **Bucks County**.

**09-323-009GP: Nytef Plastics, LTD** (633 Dunks Ferry Road, Bensalem, PA 19020) on September 17, 2007, to operate a burn off oven in Bensalem Township, **Bucks County**.

**46-329-020GP: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on September 17, 2007, to operate portal diesel pumps in Marlborough Township, **Montgomery County**.

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

**GP5-32-00325A. Power Gas Marketing & Transmission, Inc.** (33 North Wickliffe Circle, Youngstown, OH 44515) on September 14, 2007, to install and operate one 384 bhp Ajax Natural Gas-Fired Compressor Engine, Model No. DPC 2802 LE and continue operation of one 220 bhp Caterpillar Rich Burn Natural Gas-Fired Compressor Engine, Model No. G342NA and one 0.175 mmBtu/hr Natco Natural Gas Glycol Dehydrator, Model

No. A76344 at their Wandin Compressor Station in Greene Township, **Indiana County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**09-0028D: FiberMark North Amer, Inc.** (45 North 4th Street, Quakertown, PA 18951) on September 17, 2007, to operate a No. 9 saturator in Quakertown Borough, **Bucks County**.

**09-0126C: Air Liquide Electronics U.S., LP** (19 Steel Road W, Morrisville, PA 19067) on September 17, 2007, to operate a new scrubber (S-4) in Falls Township, **Bucks County**.

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

**06-05069L: East Penn Manufacturing Co., Inc.** (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on September 7, 2007, to install a carbon absorption control system on the existing small parts coating operation at their facility in Richmond Township, **Berks County**.

**06-05114A: Birchcraft Kitchens, Inc.** (1612 Thorn Street, Reading, PA 19601-1430) on September 11, 2007, to install finishing operations at their assembly facility at 1900 Madison Avenue in the City of Reading, **Berks 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.**

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

**36-05129A: Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on September 5, 2007, to use alternative fuel sources for their existing Silver Hill Quarry batch asphalt plant in Brecknock Township, **Lancaster County**. This plan approval was extended.

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

**60-00001A: Bucknell University** (701 Moore Avenue, Lewisburg, PA 17837) on September 11, 2007, to operate a 5.5 megawatt natural gas/No. 2 fuel oil-fired turbine on a temporary basis until January 9, 2008, in East Buffalo Township, **Union County**. The plan approval has been extended.

**17-302-024: Clearfield Area School District** (438 River Road, Clearfield, PA 16830) on September 13, 2007, to perform particulate stack testing on a 10 million Btu/hr wood-fired boiler to January 30, and to operate the respective boiler on a temporary basis until January 11, 2008, in Lawrence Township, **Clearfield County**. The plan approval has been extended.

**59-304-008G: ACP Manufacturing Co., LLC** (P. O. Box 68, Blossburg, PA 16912) on September 13, 2007, to operate a dip coat tank on a temporary basis until January 11, 2008, in Lawrence Township, **Tioga County**. The plan approval has been extended.

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

**30-00099F: Allegheny Energy Supply Co., LLC** (800 Cabin Hill Drive, Greensburg, PA 15601) on September 14, 2007, to modify PA-30-00099F to allow installation of three No. 2 diesel fired emergency quench pumps and to include the emissions from the fiberglass stack liner installation at their Hatfield's Ferry Power Station in Monongahela Township, **Greene County**.

**65-302-071: Koppers Industries, Inc.** (436 Seventh Avenue, Pittsburgh, PA 15219) on September 17, 2007, for additional time to demonstrate compliance with Plan approval conditions and amend the pending Operating Permit application for two coke gas-fired boilers at the Monessen Coke Works Station in Monessen Township, **Westmoreland County**. This plan approval was extended.

**32-00040B: Reliant Energy Seward, LLC** (121 Champion Way, Canonsburg, PA 15317) on September 17, 2007, to allow completion of construction of the Ash Handling System at the Seward Power Station in East Wheatfield Township, **Indiana County**. This plan approval was extended.

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

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**36-05079: Chester County Solid Waste Authority** (P. O. Box 476, Honey Brook, PA 19344-0476) on September 10, 2007, to operate a municipal waste landfill in Caernarvon Township, **Lancaster County**. This Title V Operating Permit was administratively amended to correct a typographical error made to the expiration date under Revision No. 1 of the facility's Title V permit renewal. This is Revision No. 2.

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

**61-00198: Handsome Lake Energy, LLC** (173 Cornplanter Lane, Kennerdell, PA 16374) on September 12, 2007, to reissue a Title V Operating Permit to operate an electric energy generating facility in Rockland Township, **Venango County**. The facility's major sources of emissions include 10 Combustion Turbine Engines and a fuel heater. The source is major due to its being subject to the Acid Rain Program.

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**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.**

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

**09-00091: Columbia Lighting, Inc.** (1119 Beaver Street, Bristol, PA 19007) on September 17, 2007, for

renewal of a State-only, Natural Minor Operating Permit in Bristol Borough, **Bucks County**. The facility manufactures, powder coats and assembles commercial lighting fixtures. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**36-05023: F & M Hat Co., Inc.** (103 Walnut Street, Denver, PA 17517-1605) on September 13, 2007, to operate the company's hat manufacturing facility in Denver Borough, **Lancaster County**. This is a renewal of the State-only operating permit.

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**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.**

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

**15-00090. National Envelope Corp.** (303 Eagleview Boulevard, Exton, PA 19341) on September 18, 2007, to amend a non-Title V facility in Uwchlan Township, **Chester County**. The Synthetic Minor Operating Permit, 15-00090, is issued instead of natural minor operating permit, which was issued on February 22, 2007, as the facility has taken a facility-wide emission limit for VOCs of 24.66 tpy; and a facility-wide emission limit for HAPs of 12.62 tpy. The expiration date has been revised to February 22, 2012.

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

**04-00497: Tegrant Diversified Brands, Inc.** (800 Fifth Avenue, P. O. Box 448, New Brighton, PA 15066) on August 21, 2007, for an administrative amendment to their Title V Operating Permit for their expandable polystyrene facility in New Brighton Borough, **Beaver County**. The amendment changes the company name from SCA Packaging North America, Inc. to Tegrant Diversified Brands, Inc. This amendment was reissued to correct a typographical error. The responsible official and the permit contact's title were updated. The revision date remained the same.

**65-00860: Hydro Carbide, Inc.** (4439 Route 982, Latrobe, PA 15650) on August 27, 2007, for an administrative amendment for their facility in Latrobe, PA, **Westmoreland County**. The owner/operator requested a change in operator, responsible official and permit contact person.

**11-00062: Quaker Sales Corp.—North Cambria Facility** (P. O. Box 880, Johnstown, PA 15907) on August 28, 2007, a Minor Operating Permit Modification to their State-only Operating Permit for an extension on the date of stack testing on equipment at this facility located Susquehanna Township, **Cambria County**.

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

**42-00009: Pittsburgh Corning Corp.** (701 North Main Street, Port Allegany, PA 16743-0039) on September 10, 2007, to issue an amendment of a Title V Permit to



change the name of permit contact and responsible official. The facility is in Port Allegany Borough, **McKean 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

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

**Permit Number 03871303 and NPDES Permit No. PA0213667, TJS Mining, Inc.,** 2340 Smith Road, Shelocta, PA 15774, to renew the permit for the Darmac No. 2 Deep Mine in Plumcreek Township, **Armstrong County** and Armstrong Township, **Indiana County** and related NPDES permit. No additional discharges. Application received April 23, 2007. Permit issued September 12, 2007.

**Permit Number 26961602 and NPDES Permit No. PA0214892, Bullsken Tipple Company,** 200 College Drive, Suite 300, Lemont Furnace, PA 15456, to renew the permit for the Bullsken Tipple in Connellsville Township, **Fayette County** and related NPDES permit. No additional discharges. Application received January 10, 2007. Permit issued September 12, 2007.

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

**11970104 and NPDES No. PA0234486. M. B. Energy, Inc.,** 175 McKnight Road, Blairsville, PA 15717, permit renewal for reclamation only of a bituminous surface auger mine in Blacklick Township, **Cambria County**, affecting 449.6 acres. Receiving streams: UNTs to/and South Branch Blacklick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 17, 2007. Permit issued September 12, 2007.

**11070102 and NPDES No. PA0262293. C.M.T. Energy, Inc.,** 108 South Twigg Street, Box 23, Smokerun, PA 16681, revision of an existing bituminous surface auger mine to change the land use from forestland to pastureland or lands occasionally cut for hay in Chest Township, **Cambria County**, affecting 15.2 acres. Receiving streams: unnamed streams No. 1—4 to Chest Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 18, 2007. Permit issued September 13, 2007.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**03990107 and NPDES Permit No. PA0202622. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Permit revision for a gasline and road variance to continue operation and reclamation of an existing bituminous surface mine, located in East Franklin Township, **Armstrong County**, affecting 263.8 acres. Receiving streams: UNTs to Limestone Run. Application received June 4, 2007. Revision permit issued September 11, 2007.

**03900112 and NPDES Permit No. PA0003191. Canterbury Coal Company,** 25 Old Farm Road, Pittsburgh, PA 15239. Renewal permit for reclamation only of an existing bituminous surface mine, located in Kiskiminetas Township, **Armstrong County**, affecting 81.2 acres. Receiving stream: UNT to Long Run. Renewal application received July 2, 2007. Renewal permit issued September 13, 2007.

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

**24010102 and NPDES Permit No. PA0242080. P. and N. Coal Co., Inc.,** P. O. Box 332, Punxsutawney, PA 15767. Renewal of an existing bituminous strip and coal ash placement operation in Benezette Township, **Elk County** affecting 118.9 acres. Receiving streams: UNTs to Porcupine Hollow Run; UNT to Chase Hollow. Application received May 21, 2007. Permit issued August 31, 2007.

**16060109 and NPDES Permit No. PA0258245. Amerikohl Mining, Inc.,** 202 Sunset Drive, Butler, PA 16001. Commencement, operation or restoration of a bituminous strip operation in Monroe Township, **Clarion County** affecting 44.0 acres. Receiving streams: UNTs to Piney Creek. Application received December 28, 2006. Permit issued September 10, 2007.

**1475-16060109-E-1. Amerikohl Mining, Inc.,** 202 Sunset Drive, Butler, PA 16001. Application for a stream encroachment to conduct mining activities within 100 feet of UNT No. 3 to Piney Creek in Monroe Township, **Clarion County**. Receiving streams: UNTs to Piney Creek. Application received December 28, 2006. Permit issued September 10, 2007.

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

**17910125 and NPDES No. PA0206733. AMFIRE Mining Co., LLC,** One Energy Place, Latrobe, PA 15650, permit renewal for the continued operation and restoration of a bituminous surface, auger mine, in Lawrence Township, **Clearfield County**, affecting 112.6 acres. Receiving streams: UNTs to Wallace Run; Wallace Run and Mitchell Run to Little Clearfield Creek to Clearfield Creek, classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 15, 2007. Permit issued September 4, 2007.

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

**40970201R2. Silverbrook Anthracite, Inc.,** 1 Market Street, Laflin, PA 18702, renewal of an existing coal refuse reprocessing operation in Plymouth Borough and Plymouth Township, **Luzerne County** affecting 16.0 acres, receiving stream: none. Application received December 22, 2006. Renewal issued September 12, 2007.

**54-305-003GP12. Park Mine Coal Company,** 5 Radio Station Road, Shenandoah, PA 17976, general permit to

operate a coal preparation plant (on SMP No. 54050101) in Mahanoy Township, **Schuylkill County**. Application received July 23, 2007. Permit issued September 12, 2007.

*Noncoal Applications Returned*

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

**21070801. John W. Gleim, Jr., Inc.**, 625 Hamilton Street, Carlisle, PA 17013 commencement, operation and restoration of a small noncoal (industrial minerals) operation in Middlesex Township, **Cumberland County**, affecting 7.0 acres, receiving streams: UNT to Conodoguinet Creek. Application received May 23, 2007. Permit withdrawn September 10, 2007.

*Noncoal Permits Actions*

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

**56970301 and NPDES Permit No. PA0234362. Garrett Limestone Company, Inc.**, 451 Stoystown Road, Suite 104, Somerset, PA 15501, renewal of NPDES Permit, Black and Summit Townships, **Somerset County**. Receiving stream: Casselman River classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 13, 2007. Permit issued September 11, 2007.

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

**3077SM9. Terra Resources, Inc.**, 267 Gilmore Road, Enon Valley, PA 16120. Transfer of an existing sand and gravel operation from J. Taylor Sand & Gravel in Jefferson Township, **Mercer County** affecting 11.0 acres. Receiving streams: Lackawannock Creek and UNT to Shenango River. Application received July 10, 2007. Permit issued September 4, 2007.

**37062806. Mayberry Sand & Gravel, Inc.**, 442 18 South, New Castle, PA 16102. Commencement, operation and restoration of a small noncoal sand and gravel operation in North Beaver Township, **Lawrence County** affecting 5.0 acres. Receiving stream: Beaver River. Application received November 27, 2006. Permit issued September 6, 2007.

**42060805. Ron F. Onufry, Jr.**, P. O. Box 312, Roulette, PA 16746. Commencement, operation and restoration of a small noncoal bluestone operation in Annin Township, **McKean County** affecting 5.0 acres. Receiving stream: Two Mile Creek. Application received August 4, 2006. Permit issued September 6, 2007.

**37060305. Neshannock Sand & Gravel, Inc.**, 3340 US Route 422, New Castle, PA 16101. Commencement, operation and restoration of a sand and gravel operation in Scott Township, **Lawrence County** affecting 40.7 acres. Receiving streams: UNTs to Slippery Rock Creek. Application received September 27, 2006. Permit issued September 11, 2007.

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

**58070814. Stephen Whitmore**, R. R. 2, Box 2180, Brackney, PA 18812, commencement, operation and restoration of a quarry operation in Silver Lake Township, **Susquehanna County** affecting 2.0 acres, receiving stream: none. Application received February 12, 2007. Permit issued September 11, 2007.

**58070818. Larry A. Lee**, R. R. 2, Box 2642, Nicholson, PA 18446, commencement, operation and restoration of a

quarry operation in Auburn Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received March 6, 2007. Permit issued September 11, 2007.

**39970301C4 and NPDES Permit No. PA0223786. Lafarge North America, Inc.**, 5160 Main Street, Whitehall, PA 18052, renewal of NPDES Permit for discharge of treated mine drainage in Whitehall Township, **Lehigh County**, receiving stream: Coplay Creek. Application received July 25, 2007. Renewal issued September 11, 2007.

**8274SM4C2A8. Rohrer's Quarry, Inc.**, 70 Lititz Road, Lititz, PA 17543, incidental boundary correction to add 2.4 acres for support for a total of 171.8 acres to an existing quarry operation in Penn and Warwick Townships, **Lancaster County**, receiving stream: UNT to Little Conestoga Creek. Application received July 17, 2007. Correction issued September 11, 2007.

**66070801. Danny S. LaBour**, R. R. 2, Box 2096, Nicholson, PA 18446, commencement, operation and restoration of a quarry operation in Nicholson Township, **Wyoming County** affecting 1.0 acre, receiving stream: none. Application received March 9, 2007. Permit issued September 11, 2007.

**58070828. Kenneth W. Stanley**, 320 Glendale Drive, Endicott, NY 13760, commencement, operation and restoration of a quarry operation in Apolacon Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received April 12, 2007. Permit issued September 11, 2007.

**64070815. Ken Coutts Excavating**, HC #1, Box 14B, Paupack, PA 18451, commencement, operation and restoration of a quarry operation in Paupack Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received April 16, 2007. Permit issued September 12, 2007.

**58070832. Lynn R. Powell**, R. R. 3, Box 304, Montrose, PA 18801, commencement, operation and restoration of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received May 3, 2007. Permit issued September 12, 2007.

**66070802. Meshoppen Stone, Inc.**, P. O. Box 127, Meshoppen, PA 18630, commencement, operation and restoration of a quarry operation in Meshoppen Township, **Wyoming County** affecting 5.0 acres, receiving stream: none. Application received April 13, 2007. Permit issued September 13, 2007.

**58072804. Douglas G. Kilmer**, R. R. 1, Box 85 K, Union Dale, PA 18470, commencement, operation and restoration of a quarry operation in Harford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received May 14, 2007. Permit issued September 13, 2007.

**58070841. Thomas R. Honeyford**, R. R. 3, Box 81 A, Montrose, PA 18801, commencement, operation and restoration of a quarry operation in Franklin Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received July 2, 2007. Permit issued September 13, 2007.

**58070847. Victor R. Stanley**, R. R. 5, Box 199, Montrose, PA 18801, commencement, operation and restoration of a quarry operation in Rush Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received August 1, 2007. Permit issued September 13, 2007.

**ACTIONS ON BLASTING ACTIVITY  
APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

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

**01074114. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for utility development in Tyron Township, **Adams County**. Blasting activity permit end date is September 6, 2008. Permit issued September 7, 2007.

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

**10074002. Trumbull Corporation**, P. O. Box 98100, Pittsburgh, PA 15227. Blasting activity permit for site development in Cranberry Township, **Butler County**. This blasting activity permit will expire on September 13, 2008. Application received September 12, 2007. Permit issued September 13, 2007.

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

**41074001. Great Lakes Geophysical, Inc.**, P. O. Box 127, Williamsburg, MI 49690, GLEP-397 seismic survey, shot-hole blasting located in Anthony and Cogan House Townships, **Lycoming County**. Permit issued September 6, 2007. Permit expires March 6, 2008.

**14074016. Douglas Explosives, Inc.**, P. O. Box 77, Philipsburg, PA 16866, construction blasting for Burnham Farms Estates, Lot 11 located in Spring Township, **Centre County**. Permit issued September 13, 2007. Permit expires October 15, 2007.

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

**36074193. J. Roy's, Inc.**, Box 125, Bowmansville, PA 17507, construction blasting for Featherton Development in Mt. Joy Township, **Lancaster County** with an expiration date of September 4, 2008. Permit issued September 10, 2007.

**36074194. Keystone Blasting Service**, 381 Reifsnnyder Road, Lititz, PA 17543, construction blasting for a single dwelling in West Cocalico Township, **Lancaster County** with an expiration date of December 30, 2007. Permit issued September 10, 2007.

**36074195. Warren's Excavating & Drilling, Inc.**, P. O. Box 1022, Honey Brook, PA 19344, construction blasting for a single dwelling in Strasburg Township, **Lancaster County** with an expiration date of September 1, 2008. Permit issued September 10, 2007.

**67074142. Warren's Excavating & Drilling, Inc.**, P. O. Box 1022, Honey Brook, PA 19344, construction blasting for a single dwelling in Springettsbury Township, **York County** with an expiration date of September 1, 2008. Permit issued September 10, 2007.

**35074126. DC Guelich Explosives, Inc.**, R. R. 3, Box 125A, Clearfield, PA 16830, construction blasting for the Dolf Refuse Mine Fire in Olyphant Borough,

**Lackawanna County** with an expiration date of August 1, 2008. Permit issued September 11, 2007.

**36074196. Keystone Blasting Service**, 381 Reifsnnyder Road, Lititz, PA 17543, construction blasting for a single dwelling in Elizabeth Township, **Lancaster County** with an expiration date of December 30, 2007. Permit issued September 11, 2007.

**38074120. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241, construction blasting for Annville Cleona High School in South Annville and Annville Townships, **Lebanon County** with an expiration date of September 10, 2008. Permit issued September 11, 2007.

**40074131. Austin Powder Company**, 25800 Science Park Drive, Cleveland, OH 44122, construction blasting for Pittston Storage Area in Jenkins Township, **Luzerne County** with an expiration date of September 5, 2008. Permit issued September 11, 2007.

**23074002. Explo-Craft, Inc.**, P. O. Box 1332, West Chester, PA 19308, construction blasting at 1500 Zebley Road for Sanitary, Storm and Waterlines in Bethel Township, **Delaware County** with an expiration date of December 31, 2007. Permit issued September 13, 2007.

**35074127. Austin Powder Company**, 25800 Science Park Drive, Cleveland, OH 44122, construction blasting for Falling Spring Development in Ransom Township, **Lackawanna County** with an expiration date of September 12, 2008. Permit issued September 13, 2007.

**40074132. Austin Powder Company**, 25800 Science Park Drive, Cleveland, OH 44122, construction blasting for Centerpoint East Phases I and II in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of October 1, 2008. Permit issued September 13, 2007.

**15074117. Allan A. Myers, Inc. d/b/a Independence Construction Materials**, P. O. Box 98, Worcester, PA 19490, construction blasting for Worthington in East Whiteland Township, **Chester County** with an expiration date of September 1, 2008. Permit issued September 14, 2007.

**36074197. Warren's Excavating & Drilling, Inc.**, P. O. Box 1022, Honey Brook, PA 19344, construction blasting for Winterberry Court in Manheim Township, **Lancaster County** with an expiration date of September 1, 2008. Permit issued September 14, 2007.

**36074198. Warren's Excavating & Drilling, Inc.**, P. O. Box 1022, Honey Brook, PA 19344, construction blasting for Stone Mill Acres in West Donegal Township, **Lancaster County** with an expiration date of September 1, 2008. Permit issued September 14, 2007.

**36074199. Warren's Excavating & Drilling, Inc.**, P. O. Box 1022, Honey Brook, PA 19344, construction blasting for Willowene Farms in Pequea Township, **Lancaster County** with an expiration date of September 1, 2008. Permit issued September 14, 2007.

**FEDERAL WATER POLLUTION  
CONTROL ACT SECTION 401**

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E35-369. JSB Enterprises**, R. R. 7, Box 7260, Moscow, PA 18444-8709. Springbrook Township, **Lackawanna County**, United States Army Corps of Engineers Baltimore District.

To maintain a road crossing consisting of a 33-foot long, 24-inch diameter culvert in a tributary to Rattlesnake Creek (HQ-CWF) and to modify and maintain a 30-foot wide by 270-foot long road crossing through 0.18 acre of EV wetlands within the Rattlesnake Creek Watershed with modifications consisting of constructing 12-inch diameter cross pipes spaced a maximum of 10 feet apart along the length of the crossing. The purpose of the crossing is to provide access to a residential subdivision. The permittee is required to provide 0.37 acre of replacement wetlands. The project is located on the east side of Maple Lake Road approximately 0.2 mile north of Route 690 (Moscow, PA Quadrangle N: 14.0 inches; W: 10.5 inches). (Subbasin: 05A)

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

**E21-395. William Grace**, 1705 Edgar Lane, Camp Hill, PA 17011, Upper Allen Township, **Cumberland County**, ACOE Baltimore District

To construct and maintain a 16.0-foot wide single span bridge having a span of 12.0 feet with an underclearance of 3.0 feet across a UNT to Yellow Breeches Creek (Spring Run) (CWF) in order to provide access to the Grace's home located 1,300 feet west of the Hertzler and Arcona Roads intersection (Lemoyne, PA Quadrangle N: 10.3 inches; W: 10.5 inches, Latitude: 40° 10' 54"; Longitude: 76° 57' 01") in Upper Allen Township, Cumberland County.

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

**E14-502. Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16830. Application for SR 0144 at Segment 0384 Offset 0438, Parallel Ditch Channel Cleaning Project. Boggs Township, **Centre County**, ACOE Susquehanna River Basin District (Bellefonte, PA Quadrangle N: 12.0 inches; W: 6.75 inches).

To remove accumulated debris, sediment and dense vegetation along a UNT to Bald Eagle Creek in order to alleviate flooding that affects adjacent private property owners in Boggs Township, Centre County. The proposed work will include excavating the channel in order to reestablish the original cross section and profile as constructed as part of the original four-lane highway construction. This project will allow positive flow within the channel and reduce the likelihood of overbank flow and adjacent property flooding. The project will involve approximately 250 linear feet of channel length within the legal Department of Transportation right-of-way. This project proposes minimal impact to the UNT to Bald Eagle Creek (CWF) and Bald Eagle Creek (WWF) and does not propose to impact any jurisdictional wetlands. This permit also includes 401 Water Quality Certification.

**E41-578. Grizzly Industrial, Inc.**, 1815 West Battlefield Street, Springfield, MO 65807. Distribution center construction in Muncy Township, **Lycoming County**, Baltimore USACE District (Muncy, PA Quadrangle N: 20.70 inches; W: 11.60 inches).

As part of the construction of a distribution center, the applicant proposes to permanently impact 0.15 acre of Palustrine Emergent (PEM) wetlands. To meet the wetland replacement requirement, the permit applicant has proposed to make a monetary contribution to the Pennsylvania Wetland Replacement Project Fund.

The project site is located in the Turkey Run Watershed, State Water Plan Subbasin 10D, approximately 2 miles west of the village of Pennsdale.

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

**E63-599. Coal Center Borough**, 132 Water Street, Coal Center, PA 15432. To construct and maintain a riverfront park in Coal Center Borough, **Washington County**, Pittsburgh ACOE District (California, PA Quadrangle N: 12.8 inches; W: 3.5 inches, Latitude: 40° 04' 14.8"; Longitude: 79° 53' 58.8"). To construct and maintain a River-Front Park Improvement Project including

the addition of walkways, benches, tables and lighting located in the floodplain of Monongahela River (WWF) along Water Street.

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

**E25-711, Washington Township**, 11800 Edinboro Road, Edinboro, PA 16412. Perry Lane Bridge, in Washington Township, **Erie County**, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle N: 19.4 inches; W: 15.4 inches).

The applicant proposes to remove the existing structure and to construct and maintain a prestressed concrete box beam structure bridge having a clear span of 71.0 feet and an underclearance of approximately 7.0 feet on a 90° skew across Conneauttee Creek on Perry Lane (Cambridge Springs, PA Quadrangle N: 19.4 inches; W: 15.4 inches) approximately 1,000 feet NE of the intersection of Perry Lane and SR 99. Project includes a de minimis wetland impact of 0.005 acre of PEM wetlands. Conneauttee Creek is a perennial stream classified as a TSF. The project proposes to directly impact approximately 75 feet of stream.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA59-001. US fish and Wildlife Service**, 315 South Allen Street, Suite 322, State College, PA 16801. Roaring Branch Stream Restoration Project, Union Township, **Tioga County**, Baltimore ACOE District (Ralston, PA Quadrangle N: 10.0 inches; W: 12.3 inches). The applicant proposes to restore and stabilize a 2,100-foot portion of Roaring Branch. The project will utilize the implementation of Natural Stream Channel Design protocols and structures. The project has been specifically designed to address erosion and sedimentation problems and improve aquatic habitat. Four rock straight vanes, a mudd sill and five log vanes are all parts of this project. No wetlands will be disturbed during project construction.

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

**EA63-005. Department of Transportation, District 12-0**, 400 North Street, 7th Floor, Harrisburg, PA 17105-2957. To construct a barrier cutoff wall in Canton Township, **Washington County**, Pittsburgh ACOE District (Washington West, PA Quadrangle N: 7.8 inches; W: 3.6 inches, Latitude: 40° 10' 07"; Longitude: 80° 16' 33"). Request for a permit waiver in accordance with 25 Pa. Code § 105.12(a)(16) and 401 Water Quality Certification in Canton Township. To construct and maintain a jet grout environmental barrier cutoff wall and a sheet pile wall for stability associated with preventing tar migration from under I-70 onto adjacent Molycorp property and into Chartiers Creek (WWF). The project will affect 0.19 acre of wetlands (PEM). The applicant contributed \$1,000 to the PA Wetland Replacement Fund as a form of mitigation for their 0.19 acre of wetland impact. The project is located in the vicinity of Caldwell Avenue, near the Jessop exit from I-70.

[Pa.B. Doc. No. 07-1801. Filed for public inspection September 28, 2007, 9:00 a.m.]

#### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2007.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

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

#### *Changes to Technical Guidance Documents*

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

#### *Final Technical Guidance*

DEP ID: 012-5500-001. Title: 2008 Environmental Education Grants Program Manual and Forms. Description: The 2008 Environmental Education Grants Program Manual and Forms is a guide for eligible organizations interested in applying for the Department's Environmental Education (EE) grants program. The manual provides information on program eligibility, including instructions for how to apply for a grant and details on the requirements and procedures that must be followed if a grant is awarded. The Pennsylvania Environmental Education Act (act) (35 P.S. §§ 7521—7528) was signed into law on June 22, 1993. The act established a policy that EE is critically important to all citizens in this Commonwealth; created an EE Fund from 5% of the Department's pollution fine moneys; and created the EE grants program for the distribution of the EE fund money. Substantive changes were made to the manual from its 2007 version, including increasing the Mini-Grant Track allocation awards to \$3,000 each; adding School Outdoor Learning Resources as a new Mini-Grant Track category; and including teacher preparation programs that meet the Academic Standards for Environment and Ecology and Science and Technology as an eligible activity that colleges and universities may apply for funding under the Conservation and Education Organizations and Institutions Open Track. A notice requesting public comment on the draft version of the manual, including the substantive changes, was published at 37 Pa.B. 4142 (July 28, 2007). A 30-day public comment period was provided on the draft manual that concluded on August 27, 2007. No public comments were received on the draft guidance document. Contact: Lisa Zell, Department of Environmental Protection, Environmental Education and Information Center, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 705-4086 or [lzell@state.pa.us](mailto:lzell@state.pa.us). Effective Date: October 1, 2007.

*Notice to Rescind Technical Guidance*

DEP ID: 400-5900-115. Title: Confined Space Safety. Description: This guidance document was formerly issued in 1997 by the Department to provide personnel with the appropriate procedures for conducting job duties involving work near confined space openings. In 2004, the Department's Office of Administration finalized policy for Department employees that provides additional specificity concerning the performance of duties in or near confined spaces. The more recent policy supercedes the former guidelines issued in 1997, which are now rescinded, as they do not provide current Department protocol and policy. Contact: Questions concerning the rescission of technical guidance document No. 400-5900-115 can be directed to Kristine Smith, Department of Environmental Protection, Office of Field Operations, Rachel Carson State Office Building, 16th Floor, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-9240, kristismit@state.pa.us. Effective Date: September 29, 2007.

KATHLEEN A. MCGINTY,  
Secretary

[Pa.B. Doc. No. 07-1802. Filed for public inspection September 28, 2007, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale Lehigh County

The Department of General Services (Department) has State-owned real estate for sale in the City of Allentown, Lehigh County, PA. The Department through its broker, Studley, Inc., will accept bids for the purchase of 4.2471 gross acres +/- of improved land zoned B-3 Highway Business District located at 1713 Lehigh Street in the City of Allentown. Bids are due October 25, 2007. Interested parties wishing to receive a copy of Solicitation No. 94148 should call Bradford Mills, Studley, Inc. at (267) 256-7575 or bmills@studley.com.

JAMES P. CREEDON,  
Secretary

[Pa.B. Doc. No. 07-1803. Filed for public inspection September 28, 2007, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of DSI of Bucks County for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DSI of Bucks County has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 8.2.2.3 and Chapters 18.2.2.2.9 and 7.2.1.14 of the NFPA 101 Life Safety Code (relating to horizontal sliding doors).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and 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 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 07-1804. Filed for public inspection September 28, 2007, 9:00 a.m.]

### Application of Doylestown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Doylestown Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 07-1805. Filed for public inspection September 28, 2007, 9:00 a.m.]

### Application of SmartHealth Norwin Hills Outpatient Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that SmartHealth Norwin Hills Outpatient Center

has requested an exception to the requirements of 28 Pa. Code §§ 553.4(a), 557.3(f), 563.2(a) and 567.2(1)(i).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-1806. Filed for public inspection September 28, 2007, 9:00 a.m.]

### **Application of The Reading Hospital SurgiCenter at Spring Ridge for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Reading Hospital SurgiCenter at Spring Ridge has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-1807. Filed for public inspection September 28, 2007, 9:00 a.m.]

### **Application of Surgery Center at Brinton Lake for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that Surgery Center at Brinton Lake has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-1808. Filed for public inspection September 28, 2007, 9:00 a.m.]

### **Chronic Renal Disease Advisory Committee Meeting**

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 14) (35 P. S. § 6204), will hold a public meeting on Friday, October 26, 2007, from 10 a.m. to 12 p.m. The meeting will be held in the Recital Room, Richards Hall, Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Carolyn S. Cass, Director, Division of Child and Adult Health Services, Department of Health, Health and Welfare Building, Seventh Floor, East Wing, Seventh and Forster Streets, Harrisburg, PA 17120, (717) 772-2762 or for alternative formats, audiotape, Braille or TDD contact V/TT at (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. 07-1809. Filed for public inspection September 28, 2007, 9:00 a.m.]

### **Preventive Health and Health Services Block Grant Advisory Committee Meeting**

The Preventive Health and Health Services Block Grant Advisory Committee will hold a public meeting on Monday, October 22, 2007, from 10 a.m. to 2 p.m. The meeting will be held at the Dixon University Center, Administrative Building, Conference Room C, 2986 North Second Street, Harrisburg, PA 17110.

For additional information contact Terry L. Walker, Administrative Officer or Leslie A. Best, Director, Bureau

of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-6214.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Terry L. Walker, Administrative Officer at (717) 787-6214 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.

This meeting is subject to cancellation without notice.  
CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-1810. Filed for public inspection September 28, 2007, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Pennsylvania Conservation Corps; Grants for Projects

Grants for projects related to conservation, recreation, historical preservation, graffiti removal and the repair of institutional vandalism will be available under the Pennsylvania Conservation Corps (PCC) program.

Agencies eligible to apply for PCC projects are:

- The Departments of Labor and Industry, Conservation and Natural Resources, Public Welfare, Corrections, Military and Veterans Affairs, Aging, Education and Community and Economic Development.
- The Game, Fish and Boat and Historical and Museum Commissions.
- The Pennsylvania Emergency Management Agency.
- Political subdivisions.
- Nonprofit agencies in cities of the first class (for projects involving the removal of graffiti and the repair of institutional vandalism only).

The PCC program is designed to provide work experience and educational opportunities to unemployed young adults as they undertake needed projects on this Commonwealth's public lands. Funds available through the PCC program may be used to purchase approved construction materials and contracted services (political subdivisions must provide a 25% cash match). The wages of corpsmembers and crewleaders are paid directly by the Department of Labor and Industry.

Applications for PCC projects will be accepted from political subdivisions and eligible nonprofits through Friday, January 4, 2008. State agency applications will be accepted through Monday, February 4, 2008.

For more information or to obtain a grant application packet, contact the Pennsylvania Conservation Corps, 1304 Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA 17121, (717) 783-6385. E-mail

inquiries may be directed to pcc@state.pa.us. Grant application materials are also available for download from the PA PowerPort: www.state.pa.us (PA Keyword PCC).

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 07-1811. Filed for public inspection September 28, 2007, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Payments to County Nursing Facilities; Final Rates for State Fiscal Year 2006-2007

#### *Purpose of Notice*

The purpose of this notice is to announce the Department of Public Welfare's (Department) final annual rates for State Fiscal Year (FY) 2006-2007, for county nursing facilities that participate in the Medical Assistance (MA) Program.

The rates are calculated in accordance with 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting). As stated at 55 Pa. Code § 1189.91(a) (relating to per diem rates for county nursing facilities), the per diem rate paid to a county nursing facility for a rate year will be the facility's April 1, 2006, case-mix per diem rate as calculated under 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) multiplied by a budget adjustment factor (BAF). The per diem rates for the quarter that began on April 1, 2006, were previously announced at 36 Pa.B. 1300 (March 18, 2006).

As required by 55 Pa. Code § 1189.91(d), the Department followed the formula set forth in the Commonwealth's approved State Plan to determine that the BAF for FY 2006-2007 for county nursing facilities is 1.04.

In September 2006, the Department submitted a proposed State Plan Amendment (SPA 06-09) to the Federal Centers for Medicare and Medicaid Services (CMS) that contained a multistep formula for computing the BAF for both FY 2006-2007 and FY 2007-2008. CMS expressed concern that the SPA did not identify a particular numeric BAF for FY 2007-2008. To address CMS's concerns and to avoid further delay in the approval of the SPA and the issuance of nursing facility payment rates for FY 2006-2007, the Department revised the multistep formula in the SPA to apply only to FY 2006-2007 and simplified the formula to the following equation:  $BAF=X$ , where X is a numerical value. The Department also limited the current BAF to affect only the rate setting year July 1, 2006, through June 30, 2007. CMS approved SPA 06-09 with the modified formula and the FY 2006-2007 BAF effective July 1, 2006.

Subsequent to CMS's approval of the modified formula, the General Assembly enacted the act of June 30, 2007 (P. L. 49, No. 16) (Act 16). Among other things, Act 16 amended section 443.1 of the Public Welfare Code (code) (62 P. S. § 443.1). As amended, section 443.1(5) of the code now provides: "After June 30, 2004 and before June 30, 2007, payments to county and non-public nursing facilities enrolled in the medical assistance program as providers of nursing facility services shall be calculated and made as specified in the department's regulations in effect on July 1, 2003, except that if the Commonwealth's



approved Title XIX State Plan for nursing facility services in effect for the period of July 1, 2004, through June 30, 2007, specifies a methodology for calculating county and non-public nursing facility payment rates that is different than the department's regulations in effect on July 1, 2003, the department shall follow the methodology in the Federally-approved Title XIX State Plan." See 62 P. S. § 443.1(5). As set forth previously, the Commonwealth's approved Title XIX State Plan in effect for the 2006-2007 rate year requires that a BAF will be used in the process of computing per diem rates for that rate year, and specifies that the BAF for county nursing facilities for the 2006-2007 rate year will be 1.04. That BAF was used to compute the per diem rates announced herein, and those rates were computed in accordance with the State Plan and Act 16.

The final per diem rates for FY 2006-2007 are available on the website for the Office of Medical Assistance Programs (OMAP) at [www.dpw.state.pa.us/omap](http://www.dpw.state.pa.us/omap) and at local county assistance offices throughout the Commonwealth or by contacting Tom Jayson, Policy Unit, Bureau of Long-Term Care Programs at (717) 705-3705.

#### *Public Process*

The Department engaged in an extensive public process prior to July 1, 2006, to solicit input from interested parties on a variety of proposed changes, including the use of a BAF in the rate-setting process. In addition to publication of a detailed public notice in the *Pennsylvania Bulletin* announcing that it intended to implement the Chapter 1189 regulations and the State Plan to, among other things, "apply a budget adjustment factor (BAF) based on the funding that is appropriated for nursing facility services in the General Appropriations Act, the public process included discussions with the Long-Term Care Subcommittee of the Medical Assistance Advisory Committee, multiple meetings with representatives of the four nursing home associations, and a series of public hearings throughout this Commonwealth at which the Department discussed and solicited public comment on its proposed changes, including the BAF. As a result of this process, the Department received thoughtful, substantive comments and recommendations from interested parties, including numerous comments relating to the BAF. See 36 Pa.B. 3209-3210; Chapters 1187 and 1189 Comment/Response Document, [www.dpw.state.pa.us/omap/provin/lc/nsgfregcomresp.pdf](http://www.dpw.state.pa.us/omap/provin/lc/nsgfregcomresp.pdf).

After consideration of the public input received both at the public hearings and in response to its notice, the Department ultimately determined to proceed with more limited reforms. After sharing advance copies with both the nursing facility associations and legislative staff, the Department published final rules under the act of July 7, 2005 (P. L. 177, No. 42) implementing Chapter 1189 (relating to county nursing facility services). See 36 Pa.B. 3207 (June 24, 2006). Among other things, the regulation provided for a BAF in FY 2006-2007 and FY 2007-2008. The Department stated that the BAF would be "based on the funding that is appropriated for nursing facility services in the General Appropriations Act and determined in accordance with the formula specified in the Commonwealth's approved State Plan." *Id.*, at 3208. Subsequently, and after additional discussions and exchange of advance copies with the associations, the Department submitted two State Plan Amendments (SPA 06-08 and SPA 06-09) to incorporate corresponding changes to the Commonwealth's approved Title XIX State Plan and the BAF formula. After some modifications, CMS approved both SPAs, and in doing so, effectively

determined that that the Department complied with all applicable Federal requirements. See *Presbyterian Medical Center of Oakmont v. Department of Public Welfare*, 792 A.2d 23 (Pa. Cmwlth. 2002) and *Centennial Spring Health Care Center v. Department of Public Welfare*, 541 A.2d 806 (Pa. Cmwlth. 1988) (giving great deference to Federal approval in determining that State Plan provisions comply with applicable Federal law).

#### *Appeals*

Following publication of this notice, the Department will send rate letters to each county MA nursing facility to notify the facilities of their final rates for FY 2006-2007. The rate letter will also advise the facility that it may file an administrative appeal if the facility believes that the Department made any errors or otherwise disagrees with its final rates for FY 2006-2007. A provider's appeal must be in writing and filed with the Department's Bureau of Hearings and Appeals, P. O. Box 2675, Harrisburg, PA 17105, within 33 days of the date of the Department's letter notifying the facility of its final rates. Facilities should refer to 67 Pa.C.S. Chapter 11 (relating to Medical Assistance hearings and appeals) and 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures), for more detail regarding their appeal rights and the requirements related to their written appeals.

#### *Fiscal Impact*

The change in county nursing facility payment rates, effective July 1, 2006, was estimated to cost the Department \$23.704 million (\$10.772 million in State funds) in FY 2006-2007.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the final rates for FY 2006-2007 to the Department at the following address: Department of Public Welfare, Bureau of Long-Term Living Support, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-525. (1) General Fund; (2) Implementing Year 2007-08 is \$10,772,000; (2) 1st Succeeding Year 2008-09 is \$11,752,000; 2nd Succeeding Year is \$11,752,000; 3rd Succeeding Year 2010-11 is \$ 11,752,000; 4th Succeeding Year 2011-12 is \$11,752,000; 5th Succeeding Year 2012-13 is \$11,752,000; (3) 2006-07 Program—\$817,890,000; 2005-06 Program—\$476,116,000; 2004-05 Program—\$588,528,000; (7) Medical Assistance—Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 07-1812. Filed for public inspection September 28, 2007, 9:00 a.m.]

## Payments to Nonpublic Nursing Facilities; Final Rates for State Fiscal Year 2006-2007

### *Purpose of Notice*

The purpose of this notice is to announce the Department of Public Welfare's (Department) final annual case-mix per diem payment rates for State Fiscal Year (FY) 2006-2007 for nonpublic nursing facilities that participate in the Medical Assistance (MA) Program.

As required by the case-mix payment methodology set forth in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting), as amended at 36 Pa. B. 3207 (June 24, 2006), the Department annually sets a new MA per diem rate for each nonpublic nursing facility. Each facility's annual per diem rate is comprised of four components: resident care; other resident related; administrative; and capital.

Section 1187.96 (relating to price- and rate-setting computations) states that the sum of the rate components will be multiplied by a budget adjustment factor (BAF). The BAF is based on the funding that is appropriated for nursing facility services in the General Appropriations Act and "will be determined in accordance with a formula specified in the Commonwealth's approved State Plan." See 36 Pa.B 3207 and 55 Pa. Code § 1187.96(e)(iv).

In September 2006, the Department submitted a proposed State Plan Amendment (SPA 06-08) to the Federal Centers for Medicare and Medicaid Services (CMS) that contained a multistep formula for computing the BAF for both FY 2006-2007 and FY 2007-2008 and that specified a BAF of 0.93755 for FY 2006-2007. CMS expressed concern that the SPA did not identify a particular numeric BAF for FY 2007-2008. To address CMS's concerns and to avoid further delay in the approval of the SPA and the issuance of nursing facility payment rates for FY 2006-2007, the Department revised the multistep formula in the SPA to apply only to FY 2006-2007 and simplified the formula to the following equation: (total appropriated funds allocated to nonpublic nursing facilities plus the estimated annual patient pay) divided by the estimated acuity adjusted annual payments of \$3,048,667,339. These changes did not affect the BAF for FY 2006-2007 contained in the SPA; it remained as proposed: 0.93755. CMS approved SPA 06-08 with the modified formula and the FY 2006-2007 BAF effective July 1, 2006.

Subsequent to CMS's approval of the modified formula, the General Assembly enacted the act of June 30, 2007, P. L. 49, No. 16 (Act 16). Among other things, Act 16 amended section 443.1 of the Public Welfare Code (62 P. S. § 443.1). As amended, section 443.1(5) now provides: "After June 30, 2004 and before June 30, 2007, payments to county and non-public nursing facilities enrolled in the medical assistance program as providers of nursing facility services shall be calculated and made as specified in the department's regulations in effect on July 1, 2003, except that if the Commonwealth's approved Title XIX State Plan for nursing facility services in effect for the period of July 1, 2004, through June 30, 2007, specifies a methodology for calculating county and non-public nursing facility payment rates that is different than the department's regulations in effect on July 1, 2003, the department shall follow the methodology in the Federally-approved Title XIX State Plan." See 62 P. S. § 443.1(5). As set forth previously, the Commonwealth's approved Title XIX State Plan in effect for the 2006-2007 rate year requires that a BAF will be used in the process of computing per diem rates for that rate year, and specifies

that the BAF for nonpublic nursing facilities for the 2006-2007 rate year will be 0.93755. That BAF was used to compute the per diem rates announced herein, and those rates were computed in accordance with the State Plan and Act 16.

The final FY 2006-2007 annual per diem rates are available on the Office of Medical Assistance Programs' (OMAP) website at [www.dpw.state.pa.us/omap](http://www.dpw.state.pa.us/omap). As they become available, the adjusted quarterly rates for the October, January and April quarters of FY 2006-2007 will be accessible on the OMAP website, at local county assistance offices throughout this Commonwealth or by contacting Tom Jayson, Policy Unit, Bureau of Long-Term Care Programs at (717) 705-3705.

The data that the Department used to calculate the rates is available on the OMAP's website. Because some of the audited costs used in the database are taken from audit reports for fiscal periods beginning prior to January 1, 2001, the Department revised the audited costs in the database in accordance with 55 Pa. Code § 1187.91 (1)(iv)(D) (relating to database) to disregard certain audit adjustments disallowing minor movable property or linen costs. The criteria that the Department used to make these revisions are available on the OMAP's website or by contacting Tom Jayson.

### *Public Process*

The Department engaged in an extensive public process prior to July 1, 2006, to solicit input from interested parties on a variety of proposed changes to the case mix payment methodology, including the use of a BAF in the rate-setting process. In addition to publication of a detailed public notice in the *Pennsylvania Bulletin* announcing that it intended to amend its regulations and the State Plan to, among other things, "apply a budget adjustment factor (BAF) based on the funding that is appropriated for nursing facility services in the General Appropriations Act . . . each quarter to the nursing facility's quarterly case-mix per diem rate,"<sup>1</sup> the public process included discussions with the Long-Term Care subcommittee of the Medical Assistance Advisory Committee, multiple meetings with representatives of the four nursing home associations, and a series of public hearings throughout the Commonwealth at which the Department discussed and solicited public comment on its proposed changes, including the BAF. As a result of this process, the Department received thoughtful, substantive comments and recommendations from interested parties, including numerous comments relating to the BAF. See 36 Pa. B. 3209—3210; Chapters 1187 and 1189 Comment/Response Document, [www.dpw.state.pa.us/omap/provinf/ltc/nsgfregcomresp.pdf](http://www.dpw.state.pa.us/omap/provinf/ltc/nsgfregcomresp.pdf).

After consideration of the public input received both at the public hearings and in response to its notice, the Department ultimately determined to proceed with more limited reforms. After sharing advance copies with both the nursing facility associations and legislative staff, the Department published final rules pursuant to Act 42-2005 amending its case-mix regulations on June 24, 2006. See 36 Pa.B. 3207—3220 (June 24, 2006). Among other things, the amendments provided for a BAF in FY 2006-2007 and FY 2007-2008. In explaining these amendments, the Department reiterated that the BAF would be "based on the funding that is appropriated for nursing facility services in the General Appropriations Act and . . . determined in accordance with the formula specified in the Commonwealth's approved State Plan." *Id.*, at

<sup>1</sup>36 Pa.B. 1807 (April 15, 2006).

3208. Subsequently, and after additional discussions and exchange of advance copies with the associations, the Department submitted two State Plan Amendments (SPA 06-08 and SPA 06-09) to incorporate corresponding changes to the Commonwealth's approved Title XIX State Plan and the BAF formula. After some modifications, CMS approved both SPAs, and in doing so, effectively determined that the Department complied with all applicable Federal requirements. See *Presbyterian Medical Center of Oakmont v. Department of Public Welfare*, 792 A.2d 23 (Pa. Cmwlth. 2002) and *Centennial Spring Health Care Center v. Department of Public Welfare*, 541 A.2d 806 (Pa. Cmwlth. 1988) (giving great deference to Federal approval in determining that State Plan provisions comply with applicable Federal law).

The Department published a notice announcing its proposed case-mix per diem payment rates for FY 2006-2007 at 36 Pa.B. 6474 (October 21, 2006) and again invited interested persons to submit comments. One commentator submitted a response to the notice. For the most part, the response reiterated the same concerns and objections that had been raised by the commentator and others during the extensive public process relating to the June 2006 rulemaking process.

In adopting the BAF and setting the final rates for FY 2006-2007, the Department considered all of the comments and input it received.

#### *Appeals*

Following publication of this notice, the Department will send rate letters to each MA nursing facility to notify the facilities of their final rates for FY 2006-2007. The rate letter will also advise each facility that it may file an administrative appeal if the facility believes that the Department made any errors or otherwise disagrees with its final rates for FY 2006-2007. A provider's appeal must be in writing and filed with the Department's Bureau of Hearings and Appeals, P. O. Box 2675, Harrisburg, PA 17105, within 33 days of the date of the Department's letter notifying the facility of its final rates. Facilities should refer to 67 Pa.C.S. Chapter 11 (relating to Medical Assistance hearings and appeals), and to the Department's regulations at 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures), for more detail regarding their appeal rights and the requirements related to their written appeals.

#### *Fiscal Impact*

The change in payment rates, effective July 1, 2006, and the quarterly case-mix adjustments were estimated to cost the Department \$103.782 million (\$47.164 million in State funds) in FY 2006-2007.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Bureau of Long-Term Care Programs, Attention Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-526. (1) General Fund; (2) Implementing Year 2007-08 is \$47,164,000; (3) 1st Succeeding Year 2008-09 is \$54,452,000; 2nd Succeeding Year 2009-10 is \$54,452,000; 3rd Succeeding Year 2010-11 is \$54,452,000; 4th Succeeding Year 2011-12 is \$54,452,000; 5th Succeeding Year 2012-13 is \$54,452,000; (4) 2006-07 Program—\$817,890,000; 2005-06 Program—\$476,116,000; 2004-05 Program—\$588,528,000; (7) Medical Assistance—Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 07-1813. Filed for public inspection September 28, 2007, 9:00 a.m.]

### **Payment for Nursing Facility Services Provided by County Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates**

#### *Purpose of Notice*

The purpose of this announcement is to provide advance notice that the Department of Public Welfare (Department) intends to make changes in its methods and standards for payment of Medical Assistance (MA) nursing facility services for qualified county nursing facilities for Fiscal Years (FYs) 2007-2008 and 2008-2009.

For FY 2006-2007, the Department implemented pay for performance incentive payments to qualified county nursing facilities. The qualifying criteria and formula used to determine those payments is set forth in the Commonwealth's approved State Plan.

The Department intends to continue the pay for performance incentive payments to qualifying county nursing facilities for FYs 2007-2008 and 2008-2009. To qualify for these payments a county nursing facility must be a county nursing facility at the time of payment and its MA case mix index (CMI) for the picture date within the pay for performance payment period must be higher than its facility MA CMI for the previous picture date. To determine the payments, the Department will ascertain the total quarterly funds available for the performance incentive payments and divide that amount by the total MA days for all county nursing facilities meeting the qualifying criteria. The MA days used for each county nursing facility will be the paid MA days identified on the most recent PROMISE data file used to determine eligibility for disproportionate share payments.

To authorize the continuation of the payments for FYs 2007-2008 and 2008-2009, the Department will submit a State Plan Amendment (SPA) to the Federal Centers for Medicare and Medicaid Services (CMS).

Contingent upon the approval by CMS of the SPA, the Department will continue pay for performance incentive payments to qualified county nursing facilities for FYs 2007-2008 and 2008-2009. The first payment for 2007-2008 will not be made prior to the second quarter of FY 2007-2008. The payments will be made quarterly to qualified county nursing facilities according to the criteria and formula set forth in the Commonwealth's approved State Plan.

*Fiscal Impact*

The change in payment rates, effective FY 2007-2008, is estimated to cost the Department \$6.500 million (\$2.980 million in State funds) in FY 07-08 and \$6.500 million (\$2.991 million in State funds) in FY 08-09.

*Public Comment*

Interested persons are invited to submit written comments to the Department of Public Welfare, Bureau of Long-Term Living Support, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-523. (1) General Fund; (2) Implementing Year 2007-08 is \$2,980,000; (3) 1st Succeeding Year 2008-09 is \$2,991,000; 2nd Succeeding Year 2009-10 is \$0; 3rd Succeeding Year 2010-11 is \$0; 4th Succeeding Year 2011-12 is \$0; 5th Succeeding Year 2012-13 is \$0; (4) 2006-07 Program—\$695,279,000; 2005-06 Program—\$817,890,000; 2004-05 Program—\$476,116,000; (7) Medical Assistance—Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 07-1814. Filed for public inspection September 28, 2007, 9:00 a.m.]

**Peer Groups, Peer Group Medians and Peer Group Prices for General Nursing Facilities, County Nursing Facilities, Hospital-Based Nursing Facilities and Special Rehabilitation Facilities**

*Purpose of Notice*

The purpose of this notice is to announce the Department of Public Welfare's (Department) peer groups, peer group medians and peer group prices for general nursing facilities, county nursing facilities, hospital-based nursing facilities and special rehabilitation facilities under 55 Pa. Code § 1187.95(a)(4) (relating to general principles for rate and price setting). The Department used the peer groups, peer group medians and peer group prices to determine case-mix rates for nonpublic nursing facilities for the State Fiscal Year (FY) July 1, 2006 through June 30, 2007 (FY 2006-2007). The Department calculated the peer groups, peer group medians and peer group prices announced in this notice in accordance with 55 Pa. Code Chapter 1187 (relating to nursing facility services) as amended at 35 Pa.B. 4612 (August 13, 2005). The data that the Department used to determine the peer group medians and prices is available on the Office of Medical Assistance Programs' website at [www.dpw.state.pa.us/omap](http://www.dpw.state.pa.us/omap).

To establish the database for the calculation of peer group medians and prices, the Department used each facility's three most recent audited cost reports that were

issued by the Department on or before March 31, 2006, and indexed the costs for each report forward to the common date of December 31, 2006, using the CMS Nursing Home Without Capital Market Basket Index.

The following is a listing, by group, of the number of facilities with a particular year-end, and the inflation factor used to roll the costs of each facility forward to the common date of December 31, 2006.

**GENERAL AND COUNTY NURSING FACILITIES**

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 1998	1	1.3527
December 31, 1998	1	1.3314
June 30, 2000	2	1.2516
December 31, 2000	10	1.2174
June 30, 2001	14	1.1921
December 31, 2001	306	1.1773
June 30, 2002	233	1.1595
December 31, 2002	359	1.1309
June 30, 2003	238	1.1160
December 31, 2003	353	1.1022
June 30, 2004	238	1.0851
December 31, 2004	50	1.0685

**HOSPITAL-BASED NURSING FACILITIES**

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
June 30, 2000	1	1.2516
June 30, 2001	2	1.1921
June 30, 2002	17	1.1595
June 30, 2003	17	1.1160
June 30, 2004	17	1.0851

**SPECIAL REHABILITATION FACILITIES**

<i>Facility Year End</i>	<i>Number of Facilities*</i>	<i>Inflation Factor</i>
December 31, 2001	1	1.1773
June 30, 2002	4	1.1595
December 31, 2002	2	1.1309
June 30, 2003	4	1.1160
December 31, 2003	2	1.1022
June 30, 2004	4	1.0851

\*As a result of using the three most recent audited cost reports, the "Number of Facilities" column reflects a number in excess of actual enrolled nursing facilities.

After the database was inflated using the inflation values, the Department grouped the facilities in the correct geographic and bed size groupings. In accordance with 55 Pa. Code § 1187.94 (relating to peer grouping for price setting), to establish peer groups, the Department used the Metropolitan Statistical Areas (MSA) group classification published in the Federal Office of Management and Budget Bulletin No. 99-04 (relating to revised statistical definitions of Metropolitan Areas and guidance on uses of Metropolitan Area definitions) to classify each nursing facility into one of three MSA groups or one

non-MSA group. The Department then used the bed complement of the nursing facility on the final day of the reporting period of the most recent audited MA-11 used in the Nursing Information System database to classify nursing facilities into one of three bed complement groups. These groups are 3 to 119 beds, 120 to 269 and 270 and over. Peer groups 7 and 10 have been collapsed in accordance with § 1187.94(1)(iv). Peer group 13 is designated for special rehabilitation facilities only and peer group 14 is designated for hospital-based nursing facilities only, regardless of geographic location or bed-size.

After the database was established and the peer groups determined, the Department then calculated the medians and prices for each peer group. To calculate the resident care cost medians, the Department divided the audited allowable resident care costs for each cost report by the total facility case-mix index from the available February 1 picture date closest to the midpoint of the cost report period to obtain case-mix neutral total resident care cost for the cost report year. The Department then divided the case-mix neutral total resident care cost for each cost report by the total audited actual resident days for the cost report year to obtain the case-mix neutral resident care cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the case-mix neutral resident care cost per diem for each nursing facility to obtain the average case-mix neutral resident care cost per diem of each nursing facility. The Department arrayed the average case-mix neutral resident care cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the other resident care cost medians, the Department first divided the audited allowable other resident care costs for each cost report by the total audited actual resident days for the cost report year to obtain the other resident related cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the other resident related cost for each nursing facility to obtain the average other resident related cost per diem of each nursing facility. The Department arrayed the average other resident related cost per diem for each nursing facility within the respective peer groups and determined a median for each peer group.

To calculate the administrative cost medians, the Department adjusted, as appropriate, the total audited actual resident days for each cost report to a minimum 90% occupancy in accordance with 55 Pa. Code § 1187.23 (relating to nursing facility incentives and adjustments). The Department then divided the audited allowable administrative cost for each cost report by the total audited actual resident days, adjusted to 90% occupancy, if applicable, to obtain the administrative cost per diem for the cost report year. The Department calculated the 3-year arithmetic mean of the administrative cost for each nursing facility to obtain the average administrative cost per diem of each nursing facility. The Department arrayed the average administrative cost per diem for each nursing facility within the respective peer groups to determine a median for each peer group.

After the medians were determined for each peer group, the Department set prices using the medians. To set peer group prices, the Department multiplied the resident care cost median of each peer group by 1.17 to obtain the resident care cost peer group price; multiplied the other resident related cost median of each peer group by 1.12 to obtain the other resident related peer group price; and, multiplied the administrative cost median of each peer group by 1.04 to obtain the administrative cost peer group price.

The peer groups, peer group medians and peer group prices of general and county nursing facilities, hospital-based and special rehabilitation nursing facilities for year 12 are listed in Annex A.

A Medical Assistance nursing facility provider may file an administrative appeal if the provider believes that the Department made any errors, or the provider otherwise disagrees with the Year 12 peer group prices that the Department established for its peer group. A provider's appeal must be in sent in writing to the Department's Bureau of Hearings and Appeals, P. O. Box 2675, Harrisburg, PA 17102, and received by the Bureau of Hearings and Appeals within 30 days of the date of this notice. If a provider chooses to appeal, the provider will be afforded the opportunity for a de novo hearing before the Bureau of Hearings and Appeals. The peer group prices applied in setting the provider's rates may be changed as a result of the final adjudication of the provider's peer group price appeal. Providers should refer to 67 Pa.C.S.A Chapter 11 (relating to medical assistance hearings and appeals), and to the Department's regulations at 55 Pa. Code Chapter 41 (relating to Medical Assistance provider appeal procedures), for more detail regarding their appeal rights and the requirements related to their written appeals.

#### *Fiscal Impact*

The fiscal impact associated with this change is estimated to be \$29.847 million (\$13.564 million in State funds) for FY 2006-2007.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Bureau of Long-Term Living Support, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105.

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-524. (1) General Fund; (2) Implementing Year 2007-08 is \$13,654,000; (3) 1st Succeeding Year 2008-09 is \$14,797,000; 2nd Succeeding Year 2009-10 is \$14,797,000; 3rd Succeeding Year 2010-11 is \$14,797,000; 4th Succeeding Year 2011-12 is \$14,797,000; 5th Succeeding Year 2012-13 is \$14,797,000; (4) 2006-07 Program—\$817,890,000; 2005-06 Program—\$476,116,000; 2004-05 Program—\$588,528,000; (7) Medical Assistance—Long-Term Care; (8) recommends adoption.

**Annex A**  
**TITLE 55. PUBLIC WELFARE**  
**PART III. MEDICAL ASSISTANCE MANUAL**  
**CHAPTER 1187. NURSING FACILITY SERVICES**

**Subchapter G. RATE SETTING**

*Appendix B*

*Medians and Prices for 2006-2007*

File Date: 10/30/2006

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
1	BROOMALL REHAB AND NURSING CENTER	12/31/2002	12/31/2001	12/31/2000
1	CARE PAVILION OF WALNUT PARK, INC	06/30/2004	06/30/2003	06/30/2002
1	FAIR ACRES GERIATRIC CENTER	12/31/2003	12/31/2002	12/31/2001
1	FRIENDSHIP RIDGE	12/31/2003	12/31/2002	12/31/2001
1	IMMACULATE MARY HOME	06/30/2004	06/30/2003	06/30/2002
1	JOHN J KANE REGIONAL CENTER-GLEN HAZEL	12/31/2003	12/31/2002	12/31/2001
1	JOHN J KANE REGIONAL CENTER-MCKEESPORT	12/31/2003	12/31/2002	12/31/2001
1	JOHN J KANE REGIONAL CENTER-ROSS TOWNSHP	12/31/2003	12/31/2002	12/31/2001
1	JOHN J KANE REGIONAL CENTER-SCOTT TWNSHP	12/31/2003	12/31/2002	12/31/2001
1	MADLYN AND LEONARD ABRAMSON CENTER	06/30/2004	06/30/2003	
1	NESHAMINY MANOR HOME	12/31/2004	12/31/2003	12/31/2002
1	PARKHOUSE, PROVIDENCE POINTE	12/31/2003	12/31/2002	12/31/2001
1	PHILADELPHIA NURSING HOME	12/31/2003	12/31/2002	12/31/2001
1	POCOPSON HOME	12/31/2003	12/31/2002	12/31/2001
1	SAINT FRANCIS COUNTRY HOUSE	06/30/2004	06/30/2003	06/30/2002
1	SAINT JOSEPH'S MANOR	06/30/2004	06/30/2003	06/30/2002
1	ST JOHN SPECIALTY CARE CENTER	06/30/2004	06/30/2003	06/30/2002
1	WASHINGTON COUNTY HEALTH CENTER	12/31/2003	12/31/2002	12/31/2001
1	WESTMORELAND MANOR	12/31/2003	12/31/2002	12/31/2001
PG1	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$108.91	\$53.04		\$20.20
PG1	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$127.42	\$59.40		\$21.01
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	ANDORRA WOODS HEALTHCARE CENTER	12/31/2003	12/31/2002	12/31/2001
2	ASBURY HEALTH CENTER	12/31/2003	12/31/2002	12/31/2001
2	ASHTON HALL NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
2	ATTLEBORO NURSING AND REHAB CENTER	12/31/2003	12/31/2002	12/31/2001
2	BALA NURSING AND RETIREMENT CENTER	06/30/2004	06/30/2003	06/30/2002
2	BALDOCK HEALTH CARE CENTER	06/30/2004	06/30/2003	06/30/2002
2	BALDWIN HEALTH CENTER	06/30/2004	06/30/2003	06/30/2002
2	BAPTIST HOMES NURSING CENTER	06/30/2004	06/30/2003	06/30/2002

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	BEAVER VALLEY NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
2	BRANDYWINE HALL	06/30/2004	06/30/2003	06/30/2002
2	BRIARCLIFF PAVILION FOR SPECIALIZED CARE	12/31/2003	12/31/2002	12/31/2001
2	BRIARLEAF NURSING AND CONVAL CENTER	06/30/2004	06/30/2003	06/30/2002
2	BRIGHTEN AT BROOMALL	12/31/2003	12/31/2002	12/31/2001
2	BRIGHTEN AT BRYN MAWR	12/31/2003	12/31/2002	12/31/2000
2	BROOKSIDE HEALTHCARE AND REHAB CENTER	12/31/2002	06/30/2000	06/30/1998
2	BROOMALL PRESBYTERIAN VILLAGE	12/31/2003	12/31/2002	12/31/2001
2	BUCKINGHAM VALLEY REHAB AND NURSING CTR	06/30/2004	06/30/2003	06/30/2002
2	CATHEDRAL VILLAGE	06/30/2004	06/30/2003	06/30/2002
2	CENTENNIAL VILLAGE	12/31/2003	12/31/2001	06/30/2000
2	CHAPEL MANOR	06/30/2004	12/31/2002	12/31/2001
2	CHARLES M. MORRIS NURSING AND REHAB CTR	06/30/2004	06/30/2003	06/30/2002
2	CHATHAM ACRES NURSING CENTER, INC	06/30/2004	06/30/2003	06/30/2002
2	CHELTENHAM NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
2	CHELTENHAM YORK ROAD NSG & REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
2	CHERRY TREE NURSING CENTER	12/31/2003	12/31/2002	12/31/2001
2	CHESTNUT HILL LODGE HEALTH AND REHAB CTR	12/31/2003	12/31/2002	12/31/2001
2	CLIVEDEN CONVALESCENT CENTER	06/30/2004	06/30/2003	06/30/2002
2	COMMONS AT SQUIRREL HILL	12/31/2004	12/31/2003	12/31/2002
2	CONCORDIA LUTHERAN HEALTH AND HUMAN CARE	06/30/2004	06/30/2003	06/30/2002
2	COUNTRY MEADOWS OF SOUTH HILLS	12/31/2003	12/31/2002	12/31/2001
2	CRANBERRY PLACE	06/30/2004	06/30/2002	06/30/2001
2	CRESTVIEW CENTER	06/30/2004	06/30/2003	06/30/2002
2	DEER MEADOWS RETIREMENT COMMUNITY	06/30/2004	06/30/2003	06/30/2002
2	ELKINS CREST HEALTH AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
2	EVANGELICAL MANOR	12/31/2003	12/31/2002	12/31/2001
2	FAIRVIEW CARE CENTER OF BETHLEHEM PIKE	06/30/2004	06/30/2003	06/30/2002
2	FAIRVIEW CARE CENTER OF PAPERMILL ROAD	06/30/2004	06/30/2003	06/30/2002
2	FORBES ROAD NURSING AND REHAB CENTER	12/31/2003	12/31/2002	06/30/2001
2	GARDEN SPRING CENTER	06/30/2004	06/30/2003	06/30/2002
2	GERMANTOWN HOME	06/30/2004	06/30/2003	06/30/2002
2	GOLDEN LIVINGCENTER-DOYLESTOWN	12/31/2003	12/31/2002	12/31/2001
2	GOLDEN LIVINGCENTER-LANSDALE	12/31/2003	12/31/2002	12/31/2001
2	GOLDEN LIVINGCENTER-MONROEVILLE	12/31/2003	12/31/2002	12/31/2001
2	GOLDEN LIVINGCENTER-MT LEBANON	12/31/2003	12/31/2002	12/31/2001
2	GOLDEN LIVINGCENTER-MURRYSVILLE	12/31/2003	12/31/2002	12/31/2001
2	GOLDEN LIVINGCENTER-PHOENIXVILLE	12/31/2003	12/31/2002	12/31/2001
2	GOLDEN LIVINGCENTER-UNIONTOWN	12/31/2003	12/31/2002	12/31/2001
2	GOLDEN SLIPPER HEALTH AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
2	GREEN ACRES-IVY HILL NURSING HOME	06/30/2004	06/30/2003	06/30/2002

## NOTICES

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<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	GREENERY SPECIALTY CARE CENTER	06/30/2003	06/30/2002	06/30/2001
2	GREENLEAF NURSING HOME AND CONVAL CENTER	06/30/2004	06/30/2003	06/30/2002
2	GREENSBURG CARE CENTER	12/31/2003	12/31/2002	12/31/2001
2	GWYNEDD SQUARE CTR FOR NSG & CONVAL CARE	06/30/2004	06/30/2003	06/30/2002
2	HARMAR VILLAGE CARE CENTER	12/31/2003	12/31/2002	12/31/2001
2	HARSTON HALL	06/30/2004	12/31/2002	12/31/2001
2	HEARTLAND HEALTH CARE CENTER	06/30/2004	06/30/2003	06/30/2002
2	HEMPFIELD MANOR	12/31/2004	12/31/2003	12/31/2002
2	HERITAGE SHADYSIDE, THE	06/30/2004	06/30/2003	06/30/2002
2	HIGHLAND PARK CARE CENTER	12/31/2003	12/31/2002	06/30/2001
2	HILLCREST CENTER	06/30/2004	06/30/2003	06/30/2002
2	HUMBERT LANE NURSING AND REHAB CENTRE	06/30/2004	06/30/2003	06/30/2002
2	IHS OF GREATER PITTSBURGH	12/31/2003	12/31/2002	12/31/2001
2	LAFAYETTE REDEEMER, THE	06/30/2004	06/30/2003	06/30/2002
2	LANGHORNE GARDENS REHAB AND NURSING CTR	06/30/2004	06/30/2003	06/30/2002
2	LGAR HEALTH AND REHABILITATION CENTER	12/31/2003	12/31/2002	12/31/2001
2	LIBERTY COURT, GENESIS ELDERCARE NETWORK	06/30/2004	06/30/2003	06/30/2002
2	LIFEQUEST NURSING CENTER	06/30/2004	06/30/2003	06/30/2002
2	LITTLE FLOWER MANOR	06/30/2004	06/30/2003	06/30/2002
2	LUTHER WOODS CONVALESCENT CENTER	12/31/2003	12/31/2002	12/31/2001
2	MAIN LINE NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
2	MAJESTIC OAKS	06/30/2004	06/30/2003	06/30/2002
2	MANATAWNY MANOR INC	06/30/2004	06/30/2003	06/30/2002
2	MANORCARE HEALTH SVCS-BETHEL PARK	12/31/2003	12/31/2002	12/31/2001
2	MANORCARE HEALTH SVCS-GREEN TREE	12/31/2004	12/31/2003	12/31/2002
2	MANORCARE HEALTH SVCS-HUNTINGDON VALLEY	12/31/2004	12/31/2003	12/31/2002
2	MANORCARE HEALTH SVCS-KING OF PRUSSIA	12/31/2003	12/31/2002	12/31/2001
2	MANORCARE HEALTH SVCS-LANSDALE	12/31/2004	12/31/2003	12/31/2002
2	MANORCARE HEALTH SVCS-MCMURRAY	12/31/2003	12/31/2002	12/31/2001
2	MANORCARE HEALTH SVCS-MERCY FITZGERALD	06/30/2004	06/30/2003	06/30/2002
2	MANORCARE HEALTH SVCS-MONROEVILLE	12/31/2004	12/31/2003	12/31/2002
2	MANORCARE HEALTH SVCS-NORTH HILLS	12/31/2004	12/31/2003	12/31/2002
2	MANORCARE HEALTH SVCS-POTTSTOWN	12/31/2003	12/31/2002	12/31/2001
2	MANORCARE HEALTH SVCS-WHITEHALL BOROUGH	12/31/2003	12/31/2002	12/31/2001
2	MANORCARE HEALTH SVCS-YARDLEY	12/31/2004	12/31/2003	12/31/2002
2	MANORCARE HEALTH SVCS-YEADON	12/31/2003	12/31/2002	12/31/2001
2	MAPLEWOOD MANOR CENTER	06/30/2004	06/30/2003	06/30/2002
2	MARIAN MANOR CORPORATION	06/30/2004	06/30/2003	06/30/2002
2	MASONIC VILLAGE AT SEWICKLEY	12/31/2003	12/31/2002	12/31/2001



<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	MEADOW SPRINGS CENTER FOR REHABILITATION	12/31/2003	12/31/2002	12/31/2000
2	MOUNT MACRINA MANOR NURSING HOME	06/30/2004	06/30/2003	06/30/2002
2	MOUNTAINVIEW SPECIALTY CARE CENTER	12/31/2002	12/31/2001	12/31/2000
2	OXFORD HEALTH CENTER	12/31/2003	12/31/2002	12/31/2001
2	PARK PLEASANT HEALTH CARE FACILITY	06/30/2004	06/30/2003	06/30/2002
2	PASSAVANT RETIREMENT AND HEALTH CENTER	06/30/2004	06/30/2003	06/30/2002
2	PAUL'S RUN	12/31/2003	12/31/2002	12/31/2001
2	PEMBROOKE HEALTH AND REHAB RESIDENCE	06/30/2004	06/30/2003	06/30/2002
2	PENN CENTER FOR REHABILITATION AND CARE	06/30/2004	06/30/2003	06/30/2002
2	PENNSBURG MANOR	06/30/2004	12/31/2002	12/31/2001
2	PHILADELPHIA PROTESTANT HOME	12/31/2003	12/31/2002	12/31/2001
2	PHOEBE RICHLAND HCC	06/30/2004	06/30/2003	06/30/2002
2	PINE RUN HEALTH CENTER	06/30/2004	06/30/2003	06/30/2002
2	PROSPECT PARK HEALTH AND REHAB RESIDENCE	06/30/2004	06/30/2003	06/30/2002
2	PROVIDENCE CARE CENTER	12/31/2003	12/31/2002	12/31/2001
2	QUAKERTOWN CENTER	12/31/2004	12/31/2003	12/31/2002
2	REGINA COMMUNITY NURSING CENTER	06/30/2004	06/30/2003	06/30/2002
2	RIDGE CREST NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
2	RITTENHOUSE PINE CENTER	06/30/2004	06/30/2003	06/30/2002
2	RIVER'S EDGE NURSING AND REHAB CENTER	12/31/2003	12/31/2002	12/31/2001
2	RIVERSIDE CARE CENTER	12/31/2003	12/31/2002	12/31/2001
2	ROCHESTER MANOR	12/31/2003	12/31/2002	12/31/2001
2	RYDAL PARK OF PHILADELPHIA PRSBYTR HOMES	12/31/2003	12/31/2002	12/31/2001
2	SACRED HEART MANOR	06/30/2004	06/30/2003	06/30/2002
2	SAINT ANNE HOME	06/30/2004	06/30/2003	06/30/2002
2	SAINT IGNATIUS NURSING HOME	06/30/2004	06/30/2003	06/30/2002
2	SAINT JOHN NEUMANN NURSING HOME	06/30/2004	06/30/2003	06/30/2002
2	SAINT MARTHA MANOR	06/30/2004	06/30/2003	06/30/2002
2	SAINT MARY'S MANOR	06/30/2004	06/30/2003	06/30/2002
2	SANATOGA CENTER	06/30/2004	06/30/2003	06/30/2002
2	SAUNDERS HOUSE	06/30/2004	06/30/2003	06/30/2002
2	SENECA PLACE	06/30/2004	06/30/2003	06/30/2002
2	SHADYSIDE NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
2	SILVER LAKE CENTER	06/30/2004	06/30/2003	06/30/2002
2	SILVER STREAM CENTER	06/30/2004	06/30/2003	06/30/2002
2	SIMPSON HOUSE, INC	12/31/2003	12/31/2002	12/31/2001
2	SOMERTON CENTER	06/30/2004	06/30/2003	06/30/2002
2	SOUTHMONT OF PRESBYTERIAN SENIORCARE	12/31/2004	12/31/2003	12/31/2002
2	SPRINGS AT THE WATERMARK, THE	06/30/2004	06/30/2003	06/30/2002
2	ST. BARNABAS NURSING HOME	06/30/2004	06/30/2003	06/30/2002
2	ST. MONICA MANOR	06/30/2004	06/30/2003	06/30/2002
2	STAPELEY IN GERMANTOWN	06/30/2004	06/30/2003	06/30/2002

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
2	STERLING HEALTH CARE AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
2	SUBURBAN WOODS HEALTH AND REHAB CENTER	12/31/2003	12/31/2002	12/31/2001
2	SUNNYVIEW HOME-BUTLER COUNTY HOME	12/31/2003	12/31/2002	12/31/2001
2	SYCAMORE CREEK NURSING CENTER	06/30/2004	06/30/2003	06/30/2002
2	TANDEM HEALTH CARE OF CHESWICK	06/30/2004	06/30/2003	06/30/2002
2	TEL HAI RETIREMENT COMMUNITY	06/30/2004	06/30/2003	06/30/2002
2	THE BELVEDERE CENTER, GENESIS HEALTHCARE	06/30/2004	12/31/2002	12/31/2001
2	TOWNE MANOR EAST	12/31/2003	12/31/2002	12/31/2001
2	TUCKER HOUSE	06/30/2004	06/30/2003	06/30/2002
2	VALLEY MANOR NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
2	VILLA SAINT JOSEPH OF BADEN INC.	06/30/2004	06/30/2003	06/30/2002
2	VINCENTIAN HOME	06/30/2004	06/30/2003	06/30/2002
2	VINCENTIAN REGENCY	06/30/2004	06/30/2003	06/30/2002
2	WALLINGFORD NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
2	WEST HAVEN NURSING HOME	06/30/2004	06/30/2003	06/30/2002
2	WEST HILLS HEALTH AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
2	WESTWOOD NURSING AND REHAB CENTER	12/31/2003	12/31/2002	12/31/2001
2	WEXFORD HOUSE NURSING CENTER	06/30/2004	06/30/2003	06/30/2002
2	WILLOW RIDGE CENTER	12/31/2004	12/31/2003	12/31/2002
2	WILLOW TERRACE	06/30/2004	06/30/2003	06/30/2002
2	WILLOWS OF PRESBYTERIAN SENIORCARE, THE	12/31/2004	12/31/2003	12/31/2002
2	WOODHAVEN CARE CENTER	12/31/2003	12/31/2002	12/31/2001
PG2	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$88.34	\$34.95		\$18.83
PG2	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$103.36	\$39.14		\$19.58
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
3	58TH STREET PRESBYTERIAN HOME, THE	12/31/2003	12/31/2002	12/31/2001
3	ARTMAN LUTHERAN HOME	06/30/2004	06/30/2003	06/30/2002
3	AUTUMN GROVE CARE CENTER	06/30/2004	06/30/2003	06/30/2002
3	BARCLAY FRIENDS	12/31/2003	12/31/2002	12/31/2001
3	BEAVER ELDER CARE AND REHAB CENTER	12/31/2003	12/31/2002	06/30/2001
3	BELAIR HEALTH AND REHABILITATION CENTER	06/30/2004	06/30/2003	06/30/2002
3	BELLE HAVEN	12/31/2003	12/31/2002	12/31/2001
3	BETHLEN HM OF THE HUNGARIAN RFRMD FED	12/31/2003	12/31/2002	12/31/2001
3	BRIGHTEN AT AMBLER	06/30/2004	06/30/2003	06/30/2002
3	BRINTON MANOR	12/31/2004	12/31/2003	12/31/2002
3	CANTERBURY PLACE	12/31/2003	12/31/2002	12/31/2001
3	CEDARS OF MONROEVILLE, THE	12/31/2003	12/31/2002	12/31/2001

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
3	CHANDLER HALL HEALTH SERVICES INC	12/31/2002	12/31/2001	12/31/2000
3	CHICORA MEDICAL CENTER	06/30/2004	06/30/2003	06/30/2002
3	CHRIST'S HOME RETIREMENT CENTER	06/30/2004	06/30/2003	06/30/2002
3	COLLINS HEALTH CENTER	12/31/2003	12/31/2002	12/31/2001
3	CONNER-WILLIAMS NURSING HOME	06/30/2004	06/30/2003	06/30/2002
3	COVENTRY MANOR NURSING HOME	12/31/2003	12/31/2002	12/31/2001
3	DOCK TERRACE	06/30/2004	06/30/2003	06/30/2002
3	DRESHER HILL HEALTH AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
3	EDGEHILL NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
3	ELDERCREST NURSING CENTER	06/30/2004	06/30/2003	06/30/2001
3	ELM TERRACE GARDENS	06/30/2004	06/30/2003	06/30/2002
3	EVERGREEN NURSING CENTER	12/31/2003	12/31/2002	12/31/2001
3	FAIR WINDS MANOR	06/30/2004	06/30/2003	06/30/2002
3	FREDERICK MENNONITE COMMUNITY	12/31/2003	12/31/2002	12/31/2001
3	FRIENDSHIP VILLAGE OF SOUTH HILLS	12/31/2003	12/31/2002	12/31/2001
3	GOLDEN LIVINGCENTER-OAKMONT	12/31/2003	12/31/2002	12/31/2001
3	GOLDEN LIVINGCENTER-ROSEMONT	12/31/2003	12/31/2002	12/31/2001
3	GOLDEN LIVINGCENTER-SOUTH HILLS	12/31/2003	12/31/2002	12/31/2001
3	GOLDEN LIVINGCENTER-STENTON	12/31/2003	12/31/2002	12/31/2001
3	HARMON HOUSE CARE CENTER	12/31/2003	12/31/2002	12/31/2001
3	HAVENCREST NURSING CENTER	06/30/2004	06/30/2003	06/30/2001
3	HAVERFORD NURSING & REHABILITATION CTR	06/30/2004	06/30/2003	06/30/2002
3	HENRY CLAY VILLA	12/31/2004	12/31/2003	12/31/2002
3	HERITAGE TOWERS	12/31/2003	12/31/2002	12/31/2001
3	HICKORY HOUSE NURSING HOME	12/31/2003	12/31/2002	12/31/2001
3	HIGHLAND CENTER, GENESIS ELDERCARE NTWRK	06/30/2004	06/30/2003	06/30/2002
3	HOLY FAMILY HOME	12/31/2003	12/31/2002	12/31/2001
3	HOPKINS CENTER	12/31/2004	12/31/2003	12/31/2002
3	HORIZON SENIOR CARE	06/30/2004	06/30/2003	06/30/2002
3	JEFFERSON HILLS MANOR	12/31/2003	12/31/2002	12/31/2001
3	KADE NURSING HOME	12/31/2003	12/31/2002	12/31/2001
3	KEARSLEY LONG TERM CARE CENTER	06/30/2004	06/30/2003	06/30/2002
3	LAFAYETTE MANOR, INC	12/31/2003	12/31/2002	12/31/2001
3	LATROBE REGIONAL HEALTH AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2001
3	LAUREL RIDGE CENTER	06/30/2004	06/30/2003	06/30/2002
3	LAWSON NURSING HOME, INC.	12/31/2003	12/31/2002	12/31/2001
3	LITTLE SISTERS OF THE POOR	12/31/2003	12/31/2002	12/31/2001
3	LOYALHANNA CARE CENTER	12/31/2003	12/31/2002	12/31/2001
3	LUTHERAN COMM AT TELFORD HLTHCRE CTR INC	06/30/2004	06/30/2003	06/30/2002
3	MARWOOD REST HOME, INC	06/30/2004	06/30/2003	06/30/2002
3	MARY J DREXEL HOME	12/31/2003	12/31/2002	12/31/2001
3	MASONIC VILLAGE AT LAFAYETTE HILL	12/31/2003	12/31/2002	12/31/2001
3	MASONIC VILLAGE AT WARMINSTER	12/31/2003	12/31/2002	12/31/2001
3	MCMURRAY HILLS MANOR	06/30/2004	06/30/2003	06/30/2002

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<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
3	MEADOWCREST NURSING CENTER	06/30/2004	06/30/2003	06/30/2001
3	MEADOWS AT MARTINS RUN, THE	12/31/2003	12/31/2002	12/31/2001
3	NAAMANS CREEK COUNTRY MANOR	06/30/2004	06/30/2003	06/30/2002
3	NORTH HILLS HEALTH AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
3	OAK HILL NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2001
3	PENNYPACK CENTER	12/31/2004	12/31/2003	12/31/2002
3	PETER BECKER COMMUNITY	06/30/2004	06/30/2003	06/30/2002
3	PICKERING MANOR HOME	06/30/2004	06/30/2003	06/30/2002
3	REDSTONE HIGHLANDS HEALTH CARE CENTER	06/30/2004	06/30/2003	06/30/2002
3	REFORMED PRESBYTERIAN HOME	12/31/2003	12/31/2002	12/31/2001
3	RICHBORO CARE CENTER	06/30/2004	06/30/2003	06/30/2002
3	ROCKHILL MENNONITE COMMUNITY	06/30/2004	06/30/2003	06/30/2002
3	SAINT JOSEPH VILLA	06/30/2004	06/30/2003	06/30/2002
3	SAXONY HEALTH CENTER	12/31/2002	12/31/2001	12/31/2000
3	SCOTTDAL E MANOR REHABILITATION CENTER	12/31/2003	12/31/2002	12/31/2001
3	SHERWOOD OAKS	06/30/2004	06/30/2003	06/30/2002
3	SKY VUE TERRACE	06/30/2004	06/30/2003	06/30/2002
3	SOUDERTON MENNONITE HOMES	06/30/2004	06/30/2003	06/30/2002
3	SOUTH FAYETTE NURSING CENTER	06/30/2004	06/30/2003	06/30/2002
3	SOUTHWESTERN NURSING CENTER	06/30/2004	06/30/2003	06/30/2002
3	STATESMAN HEALTH AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
3	TANDEM HEALTH CARE OF NORTH STRABANE	12/31/2003	12/31/2002	
3	TOWNE MANOR WEST	12/31/2003	12/31/2002	12/31/2001
3	UNITARIAN UNIVERSALIST HOUSE	12/31/2003	12/31/2002	12/31/2001
3	VALENCIA WOODS AT ST BARNABAS	06/30/2004	06/30/2003	06/30/2002
3	VINCENTIAN DE MARILLAC	06/30/2004	06/30/2003	06/30/2002
3	WAYNE CENTER	06/30/2004	06/30/2003	06/30/2002
3	WILLIAM PENN CARE CENTER	12/31/2003	12/31/2002	12/31/2001
3	WILLOWBROOKE COURT AT BRITTANY POINTE	12/31/2003	12/31/2002	12/31/2001
3	WYNCOTE CHURCH HOME	06/30/2004	06/30/2003	06/30/2002
PG3	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$86.73	\$37.19		\$19.08
PG3	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$101.47	\$41.65		\$19.84
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
4	ALLIED SERVICES SKILLED NURSING CENTER	06/30/2004	06/30/2003	06/30/2002
4	BERKS HEIM	12/31/2003	12/31/2002	12/31/2001
4	CAMBRIA COUNTY HOME-LAUREL CREST REHAB	12/31/2003	12/31/2002	12/31/2001
4	CEDAR HAVEN	12/31/2003	12/31/2002	12/31/2001
4	CEDARBROOK NURSING HOMES	12/31/2003	12/31/2002	12/31/2001
4	CLAREMONT NRC OF CUMBERLAND COUNTY	12/31/2003	12/31/2002	12/31/2001

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
4	COLONIAL MANOR NURSING HOME	12/31/2003	12/31/2002	12/31/2001
4	CONESTOGA VIEW	12/31/2003	12/31/2002	12/31/2001
4	CROSS KEYS VILLAGE-BRETHREN HM COMM, THE	06/30/2004	06/30/2003	06/30/2002
4	GOLDEN LIVINGCENTER-WEST SHORE	12/31/2003	12/31/2002	12/31/2001
4	GRACEDALE-NORTHAMPTON COUNTY HOME	12/31/2003	12/31/2002	12/31/2001
4	LACKAWANNA COUNTY HEALTH CARE CENTER	12/31/2003	12/31/2002	12/31/2001
4	MASONIC VILLAGE AT ELIZABETHTOWN	12/31/2003	12/31/2002	12/31/2001
4	MOUNTAIN CITY NURSING AND REHAB CENTER	12/31/2003	12/31/2002	12/31/2001
4	MOUNTAIN VIEW MANOR NRSG AND REHAB CTR	12/31/2003	12/31/2002	12/31/2001
4	PHOEBE HOME, INC	06/30/2004	06/30/2003	06/30/2002
4	PLEASANT ACRES NURSING AND REHAB CENTER	12/31/2003	12/31/2002	12/31/2001
4	PLEASANT RIDGE MANOR EAST/WEST	12/31/2003	12/31/2002	12/31/2001
4	SPRING CREEK REHAB AND HEALTH CARE CTR	12/31/2003	12/31/2002	12/31/2001
4	VALLEY CREST NURSING AND REHAB CENTER	12/31/2003	12/31/2002	12/31/2001
PG4	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$106.93	\$49.23		\$18.34
PG4	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$125.11	\$55.14		\$19.07
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
5	ABINGTON MANOR	12/31/2004	12/31/2003	12/31/2002
5	BERKSHIRE CENTER	06/30/2004	06/30/2003	06/30/2002
5	BERWICK RETIREMENT VILLAGE NRSNG CTR II	06/30/2004	06/30/2003	06/30/2002
5	BIRCHWOOD NURSING AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
5	BLOOMSBURG HEALTH CARE CENTER	06/30/2004	06/30/2003	06/30/2002
5	BRETHREN VILLAGE	06/30/2004	06/30/2003	06/30/2002
5	COLONIAL PARK CARE CENTER	12/31/2003	12/31/2002	12/31/2001
5	CORNWALL MANOR	12/31/2003	12/31/2002	12/31/2001
5	CORRY MANOR	12/31/2004	12/31/2003	12/31/2002
5	EASTON NURSING CENTER	12/31/2003	12/31/2002	12/31/2001
5	ECC RETIREMENT VILLAGE-ALBRIGHT CAMPUS	12/31/2003	12/31/2002	12/31/2001
5	EDINBORO MANOR	12/31/2004	12/31/2003	12/31/2002
5	EPHRATA MANOR	12/31/2003	12/31/2002	12/31/2001
5	FAIRMOUNT HOMES	06/30/2004	06/30/2003	06/30/2002
5	FAIRVIEW MANOR	12/31/2004	12/31/2003	12/31/2002
5	FELLOWSHIP MANOR	06/30/2004	06/30/2003	06/30/2002
5	FREY VILLAGE	12/31/2003	12/31/2002	12/31/2001
5	GOLDEN LIVINGCENTER-EAST MOUNTAIN	12/31/2003	12/31/2002	12/31/2001
5	GOLDEN LIVINGCENTER-LANCASTER	12/31/2003	12/31/2002	12/31/2001
5	GOLDEN LIVINGCENTER-READING	12/31/2003	12/31/2002	12/31/2001

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<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
5	GOLDEN LIVINGCENTER-SCRANTON	12/31/2003	12/31/2002	12/31/2001
5	GOLDEN LIVINGCENTER-SUMMIT	12/31/2003	12/31/2002	12/31/2001
5	GOLDEN LIVINGCENTER-TUNKHANNOCK	12/31/2003	12/31/2002	12/31/2001
5	GOLDEN LIVINGCENTER-WESTERN RESERVE	12/31/2003	12/31/2002	12/31/2001
5	HANOVER HALL	12/31/2003	12/31/2002	12/31/2001
5	HARRISON SENIOR LIVING OF CHRISTIANA	12/31/2004	12/31/2003	12/31/2002
5	HIGHLAND MANOR NURSING AND CONVAL CENTER	06/30/2004	06/30/2003	06/30/2002
5	HOLY FAMILY MANOR	12/31/2003	12/31/2002	12/31/2001
5	HOMEWOOD AT PLUM CREEK	12/31/2003	12/31/2002	12/31/2001
5	IHS OF ERIE AT BAYSIDE	12/31/2003	12/31/2002	12/31/2001
5	JEWISH HOME OF EASTERN PENNSYLVANIA	12/31/2003	12/31/2002	12/31/2001
5	JEWISH HOME OF GREATER HARRISBURG	06/30/2004	06/30/2003	06/30/2002
5	KINGSTON COMMONS	12/31/2003	12/31/2002	12/31/2001
5	KUTZTOWN MANOR	06/30/2004	06/30/2003	06/30/2002
5	LANCASHIRE HALL	12/31/2003	12/31/2002	12/31/2001
5	LAUREL CENTER	12/31/2004	12/31/2003	12/31/2002
5	LEBANON VALLEY BRETHREN HOME	12/31/2003	12/31/2002	12/31/2001
5	LEHIGH CENTER	06/30/2004	06/30/2003	06/30/2002
5	LIBERTY NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
5	LITTLE FLOWER MANOR OF DIOCESE SCRANTON	12/31/2003	12/31/2002	12/31/2001
5	LUTHERAN HOME AT TOPTON	12/31/2003	12/31/2002	12/31/2001
5	MAHONING VALLEY NURSING AND REHAB CENTER	12/31/2003	12/31/2002	12/31/2001
5	MANORCARE HEALTH SVCS-ALLENTOWN	12/31/2003	12/31/2002	12/31/2001
5	MANORCARE HEALTH SVCS-BETHLEHEM I	12/31/2004	12/31/2003	12/31/2002
5	MANORCARE HEALTH SVCS-BETHLEHEM II	12/31/2003	12/31/2002	12/31/2001
5	MANORCARE HEALTH SVCS-CAMP HILL	12/31/2003	12/31/2002	12/31/2001
5	MANORCARE HEALTH SVCS-CARLISLE	12/31/2004	12/31/2003	12/31/2002
5	MANORCARE HEALTH SVCS-DALLASTOWN	12/31/2004	12/31/2003	12/31/2002
5	MANORCARE HEALTH SVCS-EASTON	12/31/2004	12/31/2003	12/31/2002
5	MANORCARE HEALTH SVCS-KINGSTON	12/31/2004	12/31/2003	12/31/2002
5	MANORCARE HEALTH SVCS-KINGSTON COURT	06/30/2004	06/30/2003	06/30/2002
5	MANORCARE HEALTH SVCS-LANCASTER	12/31/2004	12/31/2003	12/31/2002
5	MANORCARE HEALTH SVCS-LAURELDALE	12/31/2003	12/31/2002	12/31/2001
5	MANORCARE HEALTH SVCS-LEBANON	12/31/2003	12/31/2002	12/31/2001
5	MANORCARE HEALTH SVCS-SINKING SPRING	12/31/2003	12/31/2002	12/31/2001
5	MANORCARE HEALTH SVCS-WEST READING NORTH	12/31/2003	12/31/2002	12/31/2001
5	MANORCARE HEALTH SVCS-YORK NORTH	06/30/2004	06/30/2003	06/30/2002
5	MANORCARE HEALTH SVCS-YORK SOUTH	06/30/2004	06/30/2003	06/30/2002
5	MAPLE FARM NURSING CENTER	06/30/2004	06/30/2003	06/30/2002
5	MEADOWS NURSING CENTER	06/30/2004	06/30/2003	06/30/2002
5	MENNONITE HOME, THE	06/30/2004	06/30/2003	06/30/2002
5	MESSIAH VILLAGE	06/30/2004	06/30/2003	06/30/2002
5	MIFFLIN CENTER	12/31/2004	12/31/2003	12/31/2002

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
5	MORAVIAN MANOR	12/31/2003	12/31/2002	12/31/2001
5	MOUNTAIN VIEW CARE CENTER	06/30/2004	06/30/2003	06/30/2002
5	OLD ORCHARD HEALTH CARE CENTER	12/31/2003	12/31/2002	
5	ORANGEVILLE NURSING AND REHAB CENTER	12/31/2003	12/31/2002	12/31/2001
5	PHOEBE BERKS HEALTH CARE CENTER, INC	06/30/2004	06/30/2003	06/30/2002
5	PLEASANT VIEW RETIREMENT COMMUNITY	12/31/2003	12/31/2002	12/31/2001
5	QUARRYVILLE PRESBYTERIAN RETIRMENT COMM	06/30/2004	06/30/2003	06/30/2002
5	REST HAVEN-YORK	06/30/2004	06/30/2003	06/30/2002
5	RIVERSTREET MANOR	12/31/2004	12/31/2003	12/31/2002
5	SAINT ANNE'S RETIREMENT COMMUNITY	06/30/2004	06/30/2003	06/30/2002
5	SAINT MARY'S EAST	12/31/2003	12/31/2002	12/31/2001
5	SHIPPENSBURG HEALTH CARE CENTER	12/31/2003	12/31/2002	12/31/2001
5	SLATE BELT NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
5	SPRUCE MANOR NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
5	SUSQUEHANNA VALLEY NURSING AND REHAB CTR	12/31/2003	12/31/2002	12/31/2001
5	TAYLOR NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
5	THE MANOR AT PERRY VILLAGE	12/31/2003	12/31/2002	12/31/2001
5	THE MANOR AT SUSQUEHANNA VILLAGE	12/31/2003	12/31/2002	12/31/2001
5	THE PAVILION AT ST LUKE VILLAGE	12/31/2003	12/31/2002	12/31/2001
5	TWINBROOK MEDICAL CENTER	06/30/2004	06/30/2003	06/30/2002
5	WEATHERWOOD-CARBON COUNTY NH & REHAB CTR	12/31/2003	12/31/2002	12/31/2001
5	WESLEY VILLAGE	12/31/2003	12/31/2002	12/31/2001
PG5	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$81.20	\$32.01		\$17.32
PG5	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$95.00	\$35.85		\$18.01
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
6	ABINGTON CREST NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
6	AUDUBON VILLA	12/31/2003	12/31/2002	12/31/2001
6	BALANCED CARE BLOOMSBURG	06/30/2004	06/30/2003	06/30/2002
6	BALL PAVILION, THE	06/30/2004	06/30/2003	06/30/2002
6	BARBARA J. EGAN NURSING AND REHAB CENTER	12/31/2003	12/31/2002	12/31/2001
6	BELLE REVE HEALTH CARE CENTER	12/31/2003		
6	BETHANY VILLAGE RETIREMENT CENTER	12/31/2003	12/31/2002	12/31/2001
6	BONHAM NURSING CENTER	12/31/2003	12/31/2002	12/31/2001
6	BUTLER VALLEY MANOR	12/31/2003	12/31/2002	12/31/2001
6	CALVARY FELLOWSHIP HOMES, INC	06/30/2004	06/30/2003	06/30/2002
6	CARBONDALE NURSING HOME	12/31/2003	12/31/2002	12/31/2001
6	CHAPEL POINTE AT CARLISLE	12/31/2003	12/31/2002	12/31/2001

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
6	CHURCH OF GOD HOME, INC	12/31/2003	12/31/2002	12/31/2001
6	COUNTRY MEADOWS NURSING CENTER-BETHLEHEM	12/31/2003	12/31/2002	12/31/2001
6	COUNTRYSIDE CHRISTIAN COMMUNITY	12/31/2003	12/31/2002	12/31/2001
6	CUMBERLAND CROSSINGS RETIREMENT COMM	06/30/2003	06/30/2002	06/30/2001
6	DAVIS MANOR	06/30/2004	06/30/2003	06/30/2002
6	DENVER NURSING HOME	12/31/2003	12/31/2002	12/31/2001
6	DUNMORE HEALTH CARE CENTER	06/30/2004	06/30/2003	06/30/2002
6	ECC RETIREMENT VILLAGE-STONERIDGE CAMPUS	12/31/2003	12/31/2002	12/31/2001
6	FOREST PARK HEALTH CENTER	12/31/2003	12/31/2002	12/31/2001
6	FOREST VIEW	06/30/2004	06/30/2003	06/30/2002
6	GOLDEN LIVINGCENTER-BLUE RIDGE MOUNTAIN	12/31/2003	12/31/2002	12/31/2001
6	GOLDEN LIVINGCENTER-CAMP HILL	12/31/2003	12/31/2002	12/31/2001
6	GOLDEN LIVINGCENTER-ERIE	12/31/2003	12/31/2002	12/31/2001
6	GREEN RIDGE HEALTH CARE CENTER, LLC	12/31/2003	12/31/2002	12/31/2001
6	GUARDIAN ELDER CARE CENTER	12/31/2002	12/31/2001	12/31/2000
6	HAMILTON ARMS CENTER	06/30/2004	06/30/2003	06/30/2002
6	HAMPTON HOUSE	06/30/2004	06/30/2003	06/30/2002
6	HERITAGE HOUSE	06/30/2004	06/30/2003	06/30/2002
6	HOLY FAMILY RESIDENCE	12/31/2003	12/31/2002	12/31/2001
6	HOMELAND CENTER	06/30/2004	06/30/2003	06/30/2002
6	HOMESTEAD VILLAGE, INC	06/30/2004	06/30/2003	06/30/2002
6	KEPLER HOME, INC, THE	12/31/2003	12/31/2002	12/31/2001
6	KINKORA PYTHIAN HOME	06/30/2004	06/30/2003	06/30/2002
6	LAKESIDE NURSING CENTER	12/31/2003	12/31/2002	12/31/2001
6	LANDIS HOMES	06/30/2004	06/30/2003	06/30/2002
6	LAURELS HEALTH AND REHAB AT KINGSTON	06/30/2003	06/30/2002	06/30/2001
6	LAURELS HEALTH AND REHAB AT MID VALLEY	06/30/2003	06/30/2002	06/30/2001
6	LEBANON VALLEY HOME THE	12/31/2003	12/31/2002	12/31/2001
6	LUTHER ACRES MANOR	12/31/2003	12/31/2002	12/31/2001
6	LUTHER CREST NURSING FACILITY	12/31/2003	12/31/2002	12/31/2001
6	LUTHERAN NRSG AND REHAB CTR-SPRENKLE DR	12/31/2003	12/31/2002	12/31/2001
6	MANCHESTER PRESBYTERIAN LODGE	12/31/2003	12/31/2002	12/31/2001
6	MANORCARE HEALTH SVCS-ELIZABETHTOWN	12/31/2004	12/31/2003	12/31/2002
6	MARY ELLEN CONVALESCENT HOME, INC	06/30/2004	06/30/2003	06/30/2002
6	MERCY CENTER NURSING UNIT, INC	12/31/2003	12/31/2002	12/31/2001
6	MIDDLETOWN HOME, THE	12/31/2003	12/31/2002	12/31/2001
6	MILFORD SENIOR CARE AND REHAB CENTER	12/31/2003	12/31/2002	12/31/2001
6	MILLCREEK MANOR	06/30/2004	06/30/2003	06/30/2002
6	MILLVILLE HEALTH CENTER	12/31/2003	12/31/2002	12/31/2001
6	MISERICORDIA CONVALESCENT HOME	12/31/2003	12/31/2002	12/31/2001
6	MORAVIAN SPRINGS HEALTH CENTER	06/30/2004	06/30/2003	06/30/2002
6	MOSSER NURSING HOME	06/30/2004	06/30/2003	06/30/2002



<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
6	MOUNT HOPE DUNKARD BRETHERN CHURCH HOME	06/30/2004	06/30/2003	06/30/2002
6	MOUNTAIN REST NURSING HOME	06/30/2004	06/30/2003	06/30/2002
6	NIPPLE CONVALESCENT HOME	12/31/2003	12/31/2002	12/31/2001
6	NORMANDIE RIDGE	12/31/2003	12/31/2002	12/31/2001
6	OSPREY RIDGE HEALTHCARE AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
6	PALMYRA NURSING HOME	12/31/2003	12/31/2002	12/31/2001
6	PRAXIS ALZHEIMER'S FACILITY	12/31/2003	12/31/2002	12/31/2001
6	PRESBYTERIAN LODGE	12/31/2003	12/31/2002	12/31/2001
6	RHEEMS NURSING AND REHABILITATION CENTER	12/31/2003	12/31/2002	12/31/2001
6	SAINT MARY'S AT ASBURY RIDGE	12/31/2003		
6	SAINT MARY'S VILLA NURSING HOME, INC	12/31/2003	12/31/2002	12/31/2001
6	SARAH A REED RETIREMENT CENTER, THE	06/30/2004	06/30/2003	06/30/2002
6	SARAH A TODD MEMORIAL HOME	12/31/2003	12/31/2002	12/31/2001
6	SMITH HEALTH CARE, LTD	06/30/2004	06/30/2003	06/30/2002
6	SPANG CREST MANOR	12/31/2003	12/31/2002	12/31/2001
6	STONEBRIDGE HEALTH AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2001
6	SWAIM HEALTH CENTER	12/31/2003	12/31/2002	12/31/2001
6	THE MANOR AT ST LUKE VILLAGE	12/31/2003	12/31/2002	12/31/2001
6	THORNWALD HOME	12/31/2003	12/31/2002	12/31/2001
6	TWIN OAKS NURSING HOME	12/31/2003	12/31/2002	12/31/2001
6	UNITED ZION RETIREMENT COMMUNITY	12/31/2003	12/31/2002	12/31/2001
6	VILLAGE AT LUTHER SQUARE	12/31/2003	12/31/2002	12/31/2001
6	VILLAGE VISTA MANOR	12/31/2001	12/31/2000	12/31/1998
6	WESTMINSTER VILLAGE	12/31/2003	12/31/2002	12/31/2001
6	WYOMISSING NURSING AND REHAB CENTER	12/31/2003	12/31/2002	12/31/2001
6	ZERBE SISTERS NURSING CENTER, INC.	06/30/2004	06/30/2003	06/30/2002
PG6	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$86.13	\$36.51		\$18.43
PG6	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$100.77	\$40.89		\$19.17
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
8	ALTOONA CENTER FOR NURSING CARE	12/31/2003	12/31/2002	12/31/2001
8	ARBUTUS PARK MANOR	06/30/2004	06/30/2003	06/30/2002
8	CENTRE CREST HOME	12/31/2003	12/31/2002	12/31/2001
8	CHURCH OF THE BRETHERN HOME	06/30/2004	06/30/2003	06/30/2002
8	GARVEY MANOR	12/31/2003	12/31/2002	12/31/2001
8	GOLDEN LIVINGCENTER-HILLVIEW	12/31/2003	12/31/2002	12/31/2001
8	HOMEWOOD AT MARTINSBURG PA INC	12/31/2003	12/31/2002	12/31/2001
8	LAUREL WOOD CARE CENTER	12/31/2003	12/31/2002	12/31/2001
8	MANORCARE HEALTH SVCS-JERSEY SHORE	12/31/2003	12/31/2002	12/31/2001

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
8	MANORCARE HEALTH SVCS-WILLIAMSPORT NORTH	12/31/2003	12/31/2002	12/31/2001
8	MEADOW VIEW NURSING CENTER	06/30/2004	06/30/2003	06/30/2002
8	MORRISONS COVE HOME	12/31/2003	12/31/2002	12/31/2001
8	ORCHARD MANOR, INC	06/30/2004	06/30/2003	06/30/2002
8	ROSE VIEW CENTER	06/30/2004	06/30/2003	06/30/2002
8	SAINT PAUL HOMES	12/31/2003	12/31/2002	12/31/2001
8	SIEMONS' LAKEVIEW MANOR ESTATE	06/30/2004	06/30/2003	06/30/2002
8	SYCAMORE MANOR HEALTH CENTER	12/31/2003	12/31/2002	12/31/2001
8	THE HEARTHESIDE, A NURSING AND REHAB	12/31/2004	12/31/2003	12/31/2002
8	VALLEY VIEW HOME	12/31/2003	12/31/2002	12/31/2001
8	VALLEY VIEW NURSING CENTER	12/31/2003	12/31/2002	12/31/2001
8	WHITE CLIFF NURSING HOME	12/31/2003	12/31/2002	12/31/2001
8	WILLIAMSPORT HOME, THE	12/31/2003	12/31/2002	12/31/2001
8	WINDY HILL VILLAGE OF PRESBYTERIAN HOMES	12/31/2003	12/31/2002	12/31/2001
8	WOODLAND PLACE	12/31/2003	12/31/2002	12/31/2001
PG8	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$82.78	\$36.79		\$15.01
PG8	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$96.85	\$41.20		\$15.61
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
9	CLEPPER MANOR	12/31/2003	12/31/2002	12/31/2001
9	COUNTRYSIDE CONVAL HOME LTD PARTNERSHIP	06/30/2004	06/30/2003	06/30/2002
9	EPWORTH MANOR	12/31/2003	12/31/2002	12/31/2001
9	GOLDEN LIVINGCENTER-HAIDA	12/31/2003	12/31/2002	12/31/2001
9	GOLDEN LIVINGCENTER-MEYERSDALE	12/31/2003	12/31/2002	12/31/2001
9	GOLDEN LIVINGCENTER-RICHLAND	12/31/2003	12/31/2002	12/31/2001
9	GOOD SAMARITAN NSG CARE CTR-JOHNSTOWN	06/30/2004	06/30/2003	06/30/2002
9	GROVE MANOR	06/30/2004	06/30/2003	06/30/2002
9	HOSPITALITY CARE CENTER OF HERMITAGE INC	12/31/2003	12/31/2002	12/31/2001
9	JOHN XXIII HOME	12/31/2004	12/31/2003	12/31/2002
9	LAUREL VIEW VILLAGE	06/30/2004	06/30/2003	06/30/2002
9	LUTHERAN HOME AT HOLLIDAYSBURG, THE	12/31/2003	12/31/2002	12/31/2001
9	LUTHERAN HOME AT JOHNSTOWN, THE	12/31/2003	12/31/2002	12/31/2001
9	MANORCARE HEALTH SVCS-WILLIAMSPORT SOUTH	12/31/2004	12/31/2003	12/31/2002
9	MORAN'S HOME, INC	12/31/2003	12/31/2002	12/31/2001
9	NUGENT CONVALESCENT HOME	12/31/2003	12/31/2002	12/31/2001
9	PRESBYTERIAN HOME OF GREATER JOHNSTOWN	12/31/2003	12/31/2002	12/31/2001

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
9	PRESBYTERIAN HOMES-PRESBYTERY-HUNTINGDON	12/31/2003	12/31/2002	12/31/2001
9	THE PATRIOT, A CHOICE COMMUNITY	12/31/2003	12/31/2002	12/31/2001
9	TRINITY LIVING CENTER	06/30/2004	06/30/2003	06/30/2002
PG9	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$69.31	\$33.61		\$14.75
PG9	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$81.09	\$37.64		\$15.34
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
11	ARMSTRONG COUNTY HEALTH CENTER	12/31/2003	12/31/2002	12/31/2001
11	ASHTON HEALTHCARE	06/30/2004	06/30/2003	06/30/2002
11	BEACON RIDGE, A CHOICE COMMUNITY	12/31/2003	12/31/2002	12/31/2001
11	BRADFORD COUNTY MANOR	12/31/2003	12/31/2002	12/31/2001
11	BRADFORD MANOR	12/31/2004	12/31/2003	12/31/2002
11	BRIGHTEN AT JULIA RIBAUDO	12/31/2003	12/31/2002	12/31/2001
11	BROAD ACRES HEALTH AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
11	BROAD MOUNTAIN NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
11	CHRIST THE KING MANOR	06/30/2004	06/30/2003	06/30/2002
11	CLARVIEW NURSING AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
11	COMMUNITIES AT INDIAN HAVEN	12/31/2003	12/31/2002	12/31/2001
11	CRAWFORD COUNTY CARE CENTER	12/31/2003	12/31/2002	12/31/2001
11	DUBOIS NURSING HOME	06/30/2004	06/30/2003	06/30/2002
11	ELK HAVEN NURSING HOME	06/30/2004	06/30/2003	06/30/2002
11	ELLEN MEMORIAL HEALTH CARE CENTER	06/30/2004	06/30/2003	06/30/2002
11	FALLING SPRING NURSING AND REHAB CENTER	12/31/2003	12/31/2002	12/31/2001
11	FOREST CITY NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
11	GOLDEN HILL NURSING HOME, INC	06/30/2004	06/30/2003	06/30/2002
11	GOLDEN LIVINGCENTER-SHIPPENVILLE	12/31/2003	12/31/2002	12/31/2001
11	GOLDEN LIVINGCENTER-STROUD	12/31/2003	12/31/2002	12/31/2001
11	GOLDEN LIVINGCENTER-WILLIAM PENN	12/31/2003	12/31/2002	12/31/2001
11	GRANDVIEW HEALTH HOMES, INC	06/30/2004	06/30/2003	06/30/2002
11	GREEN ACRES-ADAMS COUNTY NSG & REHAB CTR	12/31/2003	12/31/2002	12/31/2001
11	GREEN HOME, INC, THE	06/30/2004	06/30/2003	06/30/2002
11	HIGHLANDS CARE CENTER, THE	12/31/2003	12/31/2002	12/31/2001
11	HOMETOWN NURSING AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
11	JEFFERSON MANOR HEALTH CENTER	06/30/2004	06/30/2003	06/30/2002
11	JULIA POUND CARE CENTER	12/31/2003	12/31/2002	12/31/2001
11	KITTANNING CARE CENTER	12/31/2003	12/31/2002	12/31/2001
11	KRAMM HEALTHCARE CENTER, INC	06/30/2004	06/30/2003	06/30/2002
11	KRAMM NURSING HOME, INC	06/30/2004	06/30/2003	06/30/2002

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
11	MANORCARE HEALTH SVCS-CHAMBERSBURG	12/31/2004	12/31/2003	12/31/2002
11	MANORCARE HEALTH SVCS-POTTSVILLE	12/31/2004	12/31/2003	12/31/2002
11	MANORCARE HEALTH SVCS-SUNBURY	12/31/2004	12/31/2003	12/31/2002
11	MENNO-HAVEN, INC.	12/31/2003	12/31/2002	12/31/2001
11	MOUNT CARMEL NURSING AND REHAB CENTER	12/31/2004	12/31/2003	12/31/2002
11	MOUNTAIN LAUREL NRC	06/30/2004	06/30/2003	06/30/2002
11	NOTTINGHAM VILLAGE	12/31/2002	12/31/2001	12/31/2000
11	OHESSON MANOR	12/31/2003	12/31/2002	12/31/2001
11	OIL CITY PRESBYTERIAN HOME	12/31/2003	12/31/2002	12/31/2001
11	ORWIGSBURG CENTER	06/30/2004	06/30/2003	06/30/2002
11	PENNKNOOLL VILLAGE	12/31/2003	12/31/2002	12/31/2001
11	PLEASANT VALLEY MANOR, INC	12/31/2003	12/31/2002	12/31/2001
11	QUINCY UNITED METHODIST HOME	12/31/2003	12/31/2002	12/31/2001
11	REST HAVEN	12/31/2003	12/31/2002	12/31/2001
11	RIDGEVIEW ELDER CARE REHAB CENTER	12/31/2003	12/31/2002	12/31/2001
11	RIVERWOODS	12/31/2003	12/31/2002	12/31/2001
11	ROLLING FIELDS, INC	12/31/2003	12/31/2002	12/31/2001
11	ROLLING MEADOWS	06/30/2004	06/30/2003	06/30/2002
11	ROUSE WARREN COUNTY HOME	12/31/2003	12/31/2002	12/31/2001
11	SCHUYLKILL CENTER	06/30/2004	06/30/2003	06/30/2002
11	SENA-KEAN MANOR	12/31/2004	12/31/2003	12/31/2002
11	SETON MANOR INC	06/30/2004	06/30/2003	06/30/2002
11	SHENANDOAH MANOR NURSING CENTER	12/31/2004	12/31/2003	12/31/2002
11	SUGAR CREEK STATION SKILLED NSG & REHAB	12/31/2003	12/31/2002	12/31/2001
11	SUSQUE VIEW HOME, INC	12/31/2003	12/31/2002	12/31/2001
11	SWEDEN VALLEY MANOR	12/31/2004	12/31/2003	12/31/2002
11	THE MANOR AT PENN VILLAGE	12/31/2003	12/31/2002	12/31/2001
11	TREMONT HEALTH AND REHABILITATION CENTER	06/30/2004	06/30/2003	06/30/2002
11	VALLEY VIEW HAVEN, INC	12/31/2003	12/31/2002	12/31/2001
11	WARREN MANOR	12/31/2004	12/31/2003	12/31/2002
11	WAYNE WOODLANDS MANOR	06/30/2004	06/30/2003	06/30/2002
11	WESBURY UNITED METHODIST COMMUNITY	12/31/2003	12/31/2002	12/31/2001
11	WOODLAND RETIREMENT CENTER	12/31/2003	12/31/2002	12/31/2001
PG11	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$74.06	\$33.01		\$15.12
PG11	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$86.65	\$36.97		\$15.72
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
12	AVALON NURSING CENTER	06/30/2004	06/30/2003	06/30/2002
12	BEVERLY HEALTHCARE-MOUNTAIN VIEW	12/31/2003	12/31/2002	12/31/2001
12	BRADFORD ECUMENICAL HOME, INC	12/31/2003	12/31/2002	12/31/2001

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
12	BROOKLINE MANOR AND REHABILITATIVE SRVCS	12/31/2003	12/31/2002	12/31/2001
12	BROOKMONT HEALTHCARE CENTER LLC	06/30/2003	06/30/2002	06/30/2001
12	BUFFALO VALLEY LUTHERAN VILLAGE	12/31/2003	12/31/2002	12/31/2001
12	CARING PLACE, THE	06/30/2004	06/30/2003	06/30/2002
12	CARLETON SENIOR CARE AND REHAB CENTER	12/31/2003	12/31/2002	12/31/2001
12	DARWAY ELDER CARE REHABILITATION CENTER	06/30/2004	06/30/2003	06/30/2002
12	DONAHOE MANOR	06/30/2004	06/30/2003	06/30/2002
12	DR ARTHUR CLIFTON MCKINLEY HEALTH CENTER	06/30/2004	06/30/2003	06/30/2002
12	EDISON MANOR NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
12	EMMANUEL CENTER FOR NURSING AND REHAB	12/31/2003	12/31/2002	12/31/2001
12	FRIENDLY NURSING HOME-PITMAN	06/30/2004	06/30/2003	06/30/2002
12	GETTYSBURG LUTHERAN NURSING REHAB	12/31/2003	12/31/2002	12/31/2001
12	GOLDEN LIVINGCENTER-CAMBRIDGE SPRINGS	12/31/2003	12/31/2002	12/31/2001
12	GOLDEN LIVINGCENTER-CENTRAL	12/31/2003	12/31/2002	12/31/2001
12	GOLDEN LIVINGCENTER-CLARION	12/31/2003	12/31/2002	12/31/2001
12	GOLDEN LIVINGCENTER-GETTYSBURG	12/31/2003	12/31/2002	12/31/2001
12	GOLDEN LIVINGCENTER-KINZUA	12/31/2003	12/31/2002	12/31/2001
12	GOLDEN LIVINGCENTER-MANSION	12/31/2003	12/31/2002	12/31/2001
12	GOLDEN LIVINGCENTER-MEADVILLE	12/31/2003	12/31/2002	12/31/2001
12	GOLDEN LIVINGCENTER-OIL CITY	12/31/2003	12/31/2002	12/31/2001
12	GOLDEN LIVINGCENTER-TITUSVILLE	12/31/2003	12/31/2002	12/31/2001
12	GOLDEN LIVINGCENTER-WAYNESBURG	12/31/2003	12/31/2002	12/31/2001
12	GOLDEN LIVINGCENTER-YORK TERRACE	12/31/2003	12/31/2002	12/31/2001
12	GUY AND MARY FELT MANOR, INC	06/30/2004	06/30/2003	06/30/2002
12	HAVEN CONVALESCENT HOME, INC	12/31/2003	12/31/2002	12/31/2001
12	HIGHLAND VIEW	06/30/2004	06/30/2003	06/30/2002
12	HUNTINGDON NURSING AND REHAB CENTER	06/30/2004	06/30/2003	06/30/2002
12	JAMESON CARE CENTER	12/31/2003	12/31/2002	12/31/2001
12	LAKEVIEW SENIOR CARE AND LIVING CENTER	12/31/2003	12/31/2002	12/31/2001
12	LAUREL CARE NURSING AND REHAB CENTER	12/31/2003	12/31/2002	12/31/2001
12	LOCUST GROVE RETIREMENT VILLAGE	12/31/2003	12/31/2002	12/31/2001
12	LUTHERAN HOME AT KANE, THE	12/31/2003	12/31/2002	12/31/2001
12	MALTA HOME	12/31/2003	12/31/2002	12/31/2001
12	MEADOW VIEW SENIOR LIVING CENTER	12/31/2003	12/31/2002	12/31/2001
12	MEDA NIPPLE CONVALESCENT HOME	12/31/2003	12/31/2002	12/31/2001
12	MENNO-HAVEN PENN HALL, INC	12/31/2003	12/31/2002	12/31/2001
12	MULBERRY SQUARE	12/31/2003	12/31/2002	12/31/2001
12	OVERLOOK MEDICAL CLINIC INC	12/31/2003	12/31/2002	12/31/2001
12	PAVILION AT BRMC	06/30/2004	06/30/2003	06/30/2002
12	ROLLING HILLS MANOR	06/30/2004	06/30/2003	06/30/2002
12	SAYRE HOUSE, INC	06/30/2004	06/30/2003	06/30/2002
12	SCENERY HILL MANOR	12/31/2003	12/31/2002	12/31/2001
12	SHENANGO PRESBYTERIAN HOME	12/31/2004	12/31/2003	12/31/2002

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
12	SHEPHERD'S CHOICE OF GETTYSBURG, THE	12/31/2003	12/31/2002	12/31/2001
12	SHOOK HOME, THE	12/31/2003	12/31/2002	12/31/2001
12	SILVER OAKS NURSING CENTER	12/31/2003	12/31/2002	12/31/2001
12	SNYDER MEMORIAL HEALTH CARE CENTER	12/31/2003	12/31/2002	12/31/2001
12	SUGAR CREEK REST	06/30/2004	06/30/2003	06/30/2002
12	TRINITY MISSION HEALTH AND REHAB	12/31/2003	12/31/2001	12/31/2000
12	WESTMINSTER WOODS AT HUNTINGDON	12/31/2003	12/31/2002	12/31/2001
12	ZENDT HOME, THE	06/30/2004	06/30/2003	06/30/2002
PG12	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$70.37	\$32.24		\$14.87
PG12	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$82.33	\$36.11		\$15.46
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
13	FOX SUBACUTE AT CLARA BURKE	12/31/2003	12/31/2002	
13	FOX SUBACUTE CENTER	12/31/2003	12/31/2002	12/31/2001
13	GOOD SHEPHERD HOME LTC FACILITY, INC	06/30/2004	06/30/2003	06/30/2002
13	GOOD SHEPHERD HOME-BETHLEHEM	06/30/2004	06/30/2003	06/30/2002
13	INGLIS HOUSE	06/30/2004	06/30/2003	06/30/2002
13	MARGARET E. MOUL HOME	06/30/2004	06/30/2003	06/30/2002
PG13	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$147.37	\$70.57		\$46.22
PG13	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$172.42	\$79.04		\$48.07
<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
14	BARNES-KASSON COUNTY HOSPITAL SNF	06/30/2004	06/30/2003	06/30/2002
14	BERWICK RETIREMENT VILLAGE NRSNG CTR I	06/30/2004	06/30/2003	06/30/2002
14	BUCKTAIL MEDICAL CENTER	06/30/2004	06/30/2003	06/30/2002
14	CHARLES COLE MEMORIAL HOSPITAL ECF	06/30/2004	06/30/2003	06/30/2002
14	FULTON COUNTY MEDICAL CENTER LTCU	06/30/2004	06/30/2003	06/30/2002
14	LOCK HAVEN HOSPITAL E.C.U.	06/30/2002	06/30/2001	06/30/2000
14	MEMORIAL HOSPITAL INC SNU	06/30/2004	06/30/2003	06/30/2002
14	MOSES TAYLOR HOSPITAL S.N.F.	06/30/2004	06/30/2003	06/30/2002
14	MUNCY VALLEY HOSPITAL SNU	06/30/2004	06/30/2003	06/30/2002
14	PINECREST MANOR	06/30/2004	06/30/2003	06/30/2002
14	PINNACLE HEALTH ECF HB	06/30/2004	06/30/2003	06/30/2002
14	PINNACLE HEALTH SNU-SEIDLE	06/30/2004	06/30/2003	06/30/2002
14	SAINT CATHERINE HEALTHCARE CENTER	06/30/2004	06/30/2003	06/30/2001
14	SOMERSET HOSPITAL CENTER FOR HEALTH	06/30/2004	06/30/2003	06/30/2002
14	ST LUKE'S MINERS MEMORIAL GERIATRIC CTR	06/30/2004	06/30/2003	06/30/2002

<i>Median Peer Group</i>	<i>Provider Name</i>	<i>Most Recent Cost Report End Date</i>	<i>Second Most Recent Cost Report End Date</i>	<i>Third Most Recent Cost Report End Date</i>
14	SUMMIT AT BLUE MOUNTAIN NURSING & REHAB	06/30/2004	06/30/2003	06/30/2002
14	SUNBURY COMMUNITY HOSPITAL SNF	06/30/2004	06/30/2003	06/30/2002
14	WILLOWCREST	06/30/2004	06/30/2003	06/30/2002
PG14	Resident Care Median	Other Resident Rltd Median		Administrative Median
	\$92.99	\$52.15		\$22.07
PG14	Resident Care Price	Other Resident Rltd Price		Administrative Price
	\$108.80	\$58.41		\$22.95

[Pa.B. Doc. No. 07-1815. Filed for public inspection September 28, 2007, 9:00 a.m.]

### Supplemental Payments for Burn Center Services

#### *Purpose of Notice*

The purpose of this notice is to provide notice of the Department of Public Welfare's (Department) intent to allocate funding for Fiscal Year 2007-2008 for Disproportionate Share Hospital (DSH) payments for certain qualifying Medical Assistance (MA) enrolled acute care general hospital burn centers. There will be no change in the current qualifying criteria or methodology for determining eligibility for these payments.

In making these payments, the Department will ensure that no acute care general hospital will receive any DSH payment that is in excess of its hospital-specific DSH upper payment limit and the Commonwealth will not exceed its aggregate annual DSH allotment.

#### *Fiscal Impact*

For Fiscal Year 2007-2008, the fiscal impact as a result of this additional class of DSH payments is \$10,888,502 million in total funds (\$5 million in State General funds and \$5,888,502 million in Federal funds).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Individuals 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-522. (1) General Fund; (2) Implementing Year 2007-08 is \$5,000,000; (3) 1st Succeeding Year 2008-09 is \$0; 2nd Succeeding Year 2009-10 is \$0; 3rd Succeeding Year 2010-11 is \$0; 4th Succeeding Year

2011-12 is \$0; 5th Succeeding Year 2012-13 is \$0; (4) 2006-07 Program—\$5,000,000; 2005-06 Program—\$0; 2004-05 Program—\$0; (7) Hospital Based Burn Centers; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 07-1816. Filed for public inspection September 28, 2007, 9:00 a.m.]

### 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 increase Disproportionate Share Hospital (DSH) payments for certain qualifying Academic Medical Centers by 0.5%, provided that the Centers for Medicare and Medicaid Services approves the Department's State Plan Amendment for the same. Specifically, the Department intends to increase the amount paid per Medical Assistance day to qualifying hospitals as well as the maximum amount available for the payments by 0.5%. There will be no change in the current qualifying criteria or methodology for determining eligibility for these payments.

#### *Fiscal Impact*

For Fiscal Year 2007-2008, the fiscal impact as a result of this 0.5% increase for this additional class of disproportionate share payments will be \$0.233 million in total funds (\$0.107 million in State General funds and \$0.126 million in Federal funds).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to 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.

Individuals with a disability who require an auxiliary aid or service should 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-521. (1) General Fund; (2) Implementing Year 2007-08 is \$107,000; (3) 1st Succeeding Year 2008-09 is \$107,000; 2nd Succeeding Year 2009-10 is \$107,000; 3rd Succeeding Year 2010-11 is \$107,000; 4th Succeeding Year 2011-12 is \$107,000; 5th Succeeding Year 2012-13 is \$107,000; (4) 2006-07 Program—\$20,591,000; 2005-06 Program—\$21,299,000; 2004-05 Program—\$0; (7) Medical Assistance-Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 07-1817. Filed for public inspection September 28, 2007, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Public Utility Realty Tax Act (PURTA) Surcharge Rate Notice for the Tax Year Beginning January 1, 2008

72 P. S. § 8111-A(d) requires the Secretary of Revenue to publish the rate of the Public Utility Realty Tax Act (PURTA) surcharge in the form of a notice in the *Pennsylvania Bulletin* by October 1, 2003, and by each October 1 thereafter. The tax rate established in 72 P. S. § 8111-A(d) shall be imposed upon gross receipts taxes as provided in 72 P. S. § 8111-A(d) for the period beginning the next January 1.

The result of the PURTA surcharge calculation provided in 72 P. S. § 8111-A for the tax year beginning January 1, 2008, is 2.8 mills (0.0028). Therefore, a surcharge pursuant to 72 P. S. § 8111-A(d) will be imposed for the taxable period beginning January 1, 2008. The additional 2.8 mills (0.0028) shall be paid upon each dollar of gross receipts reported and settled in accordance with 72 P. S. § 8101, except gross receipts from providing mobile telecommunication services and telegraph or telephone messages transmitted in interstate commerce.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 07-1818. Filed for public inspection September 28, 2007, 9:00 a.m.]

## DEPARTMENT OF STATE

### Bid Opportunities

The Department of State issued IFB No. 6100001072 to obtain the services of a contractor to: (1) audit campaign finance statements and reports submitted by selected candidates for public office and by political committees authorized to receive funds on behalf of those candidates;

and (2) prepare written reports on the contractor's findings, compliance findings and opinions. The IFB and bid form are available on the Department of General Service website at [www.dgs.state.pa.us](http://www.dgs.state.pa.us). The deadline to submit bids to the Department of State Bureau of Finance and Operations is October 11, 2007, at 2 p.m.

PEDRO A. CORTÉS,  
*Secretary of the Commonwealth*

[Pa.B. Doc. No. 07-1819. Filed for public inspection September 28, 2007, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Mandated Benefits

Section 9 of the act 14 of July 17, 2003 (P. L. 31, No. 14) (Act 14) requires that the Health Care Cost Containment Council (Council) review proposed mandated health benefits on request of the executive and legislative branches of government. Representative Anthony DeLuca, Chairperson of the House Insurance Committee, has requested that the Council review House Bill 317, Printer's Number 358 (O'Neill). House Bill 317 would require health insurance policies to provide coverage for prosthetic devices and components if prescribed by a health care professional legally authorized to prescribe the items under law. The coverage would include the fitting, repair or replacement of a prosthetic device if determined to be medically necessary.

Initial notification of request for information and documentation was published in 37 Pa.B. 3340 (July 14, 2007), with documentation due to the Council by September 14, 2007.

Following is a list of the documentation received. This information is available for public review and comment at the Council offices during regular business hours (8:30 a.m. to 5 p.m.) until October 30, 2007. Additional comments on this information must be received by this time. Council offices are located at 225 Market Street, Suite 400, Harrisburg, PA 17101. Send comments to Flossie Wolf at previous address.

#### Submissions for House Bill 317

1. American Orthotic and Prosthetic Association
  - Letter and comments in support of House Bill 317.
2. Amputee Coalition of America
  - Letter and comments in support of House Bill 317.
  - Statement addressing Section 9 requirements.
  - Attachments addressing limb loss, the economic and social benefits of prosthetic coverage, current coverage restrictions and mandated benefits.
  - News articles and letters to the editor in support of House Bill 317.
  - Letters from other advocates in support of House Bill 317.



3. Benchmark Medical, Inc.
  - Letter and comments in support of House Bill 317.
4. Blue Cross of Northeastern Pennsylvania
  - Statement addressing Section 9 requirements.
5. Capital BlueCross
  - Letter and comments in opposition to House Bill 317.
6. Highmark
  - Statement addressing Section 9 requirements.
  - Attachments addressing limb loss, prosthetic devices and mandated benefits.
7. Independence Blue Cross
  - Letter in opposition to legislated mandates.
8. The Insurance Federation of Pennsylvania
  - Statement addressing Section 9 requirements and opposing House Bill 317.
  - News article which discusses the issue of parity (referenced in previous statement).
9. Pennsylvania Chamber of Business and Industry
  - Letter and comments in opposition to mandated benefits.
10. Pennsylvania Council on Independent Living
  - Letter and comments in support of House Bill 317.

- Attachments on the economic and social benefits of prosthetic coverage.

#### 11. Pennsylvania Orthotic and Prosthetic Society

- Letter in support of House Bill 317.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 07-1820. Filed for public inspection September 28, 2007, 9:00 a.m.]

### Meetings Scheduled

The following meetings of the Health Care Cost Containment Council have been scheduled: Tuesday, October 2, 2007, Technical Advisory Group Meeting—10 a.m.; Wednesday, October 3, 2007, Executive Committee Meeting—10 a.m., Council Meeting—11 a.m. and Payment Data Advisory Group—1 p.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodations due to a disability and want to attend the meetings, contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101 or call (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 07-1821. Filed for public inspection September 28, 2007, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
54-63	Pennsylvania Liquor Control Board License Application and Management Contracts 37 Pa.B. 3418 (July 21, 2007)	8/20/07	9/19/07
3-43	Department of Banking Proper Conduct of Lending and Brokering in the Mortgage Loan Business 37 Pa.B. 3416 (July 21, 2007)	8/20/07	9/19/07
43-10	Public School Employees' Retirement Board Formalization and Clarification of Current Practices 37 Pa.B. 3423 (July 21, 2007)	8/20/07	9/19/07

—  
**Pennsylvania Liquor Control Board**  
**Regulation #54-63 (IRRC #2613)**

**License Application and Management Contracts**

**September 19, 2007**

We submit for your consideration the following comments on the proposed rulemaking published in the July 21, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Liquor Control Board (Board) to respond to all comments received from us or any other source.

**1. Determining whether the regulation is in the public interest.**

Section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide in the regulatory analysis form (RAF) pursuant to § 745.5(a) of the RRA.

The explanation of the regulation in the Preamble and the information contained in the RAF is not sufficient to allow this Commission to determine if the regulation is in the public interest. More specifically, there is no detailed fiscal impact and cost benefit analysis in the RAF. Without this information, we cannot determine what fiscal impact this proposal will have on the regulated community and whether the regulation is in the public interest. In the Preamble and RAF submitted with the final-form rulemaking, the Board should provide more detailed information as required under § 745.5(a) of the RRA.

**2. Section 1.1. Definitions.—Clarity.**

*Merchant*

The definition of “merchant” includes terms that are not defined in statute or regulation. The terms include: importer; brewery; vendor and spirits. We recommend that these terms be defined. Also, a comma should be added between the terms “limited winery” and “brewery.”

*Pecuniary Interest*

The definition of “pecuniary interest” includes the phrase “the capability of a person.” This term is vague, and clarification is necessary in the final-form regulation. The definition also states that there is a rebuttable presumption of a pecuniary interest “when a person controls a **substantial portion** of the proceeds of the licensed business.” (Emphasis added.) The Board needs to specify what constitutes a “substantial portion.”

*Applicant*

The term “applicant” is used in Sections 3.8(a) and (b), 3.142(a) and (b), and 11.143(c) and (d); however, it is not defined. The Board should add a definition for this term to this section.

**3. Section 1.5. Reputation: Use of criminal and citation history.—Implementation procedures; Clarity.**

Subsection (b) states that the Board “may” consider the reputation of stockholders, directors, officers, managers or

members when considering the reputation of a corporation, partnership, limited liability company or other business entity. The term “may” connotes that the Board can consider these factors “at its discretion.” However, the regulation does not include the circumstances under which the Board would not consider the reputation of the stockholders, directors, officers, managers or members. The Board should either specify when it would consider the reputations of the parties listed or change “may” to “will.”

**4. Section 3.8. Certificate of completion; letter of authority.—Clarity.**

Subsection (a) describes the documentation issued and resulting operating authority when the Board approves an application for new license, transfer of a license or extension of premises. We raise two concerns.

First, with respect to the type of documentation, the phrase “certificate of approval” has been changed to “letter of operating authority.” Why was the terminology changed and what is the difference between a certificate of approval and a letter of operating authority? How will this change impact the regulated community?

Second, the subsection also states that the letter of operating authority “may list conditions the applicant shall complete before a license is issued.” The final-form rulemaking should specify what these “conditions” are.

**5. Section 3.141. Management contracts.—Clarity.**

The phrases “management contract” and “management services” are used throughout Subchapter M of Chapter 3. The final-form rulemaking should include definitions for these terms.

**6. Section 3.142. Reporting.—Consistency with the Statute; Implementation procedures; Reasonableness; Need; Clarity.**

*Subsection (a)*

This subsection describes the information that “licensees or applicants for licenses that have management contracts shall file . . . .” We have two concerns.

First, in addition to licensees or applicants for licenses that have management contracts, it is unclear from the existing language whether licensees that *currently* have management contracts must file the necessary information as well. The regulation should provide further clarification of the appropriate persons required to file.

Second, the regulation does not specify *with whom* these persons are required *to* file. Would this information be included on the forms to be filed? The final-form regulation should direct to whom filing is necessary.

*Subsection (a)(2)*

Subsection (a)(2) requires the filing of tax certification and clearance statements for the person providing management services. We have two questions. First, the subsection of the Liquor Code (Code) to which this subsection refers (47 P. S. § 4-477(g)) states that: “[t]his section (§ 4-477) shall also be applicable to any management company utilized by the **applicant**.” (Emphasis added.) Furthermore, this entire section of the Code refers only to the filing of various information by an “**applicant** for the grant, renewal, or transfer of any license.” (Emphasis added.) As mentioned above, we question whether the proposed Subsection (a) applies to existing licensees that *currently* have management contracts. If the section does apply, what is the Board’s statutory authority for requiring a licensee to file tax certification and clearance statements on behalf of the

management company, since the Code only permits *applicants, and management companies utilized by the applicant* to file such statements? See 47 P. S. § 4-477 (a).

Subsection (a)(2) also mentions forms “supplied by the **Departments of Revenue and Labor and Industry.**” (Emphasis added.) However, § 4-477(a) of the Code only mentions “forms approved by the Department of Revenue.” Furthermore, this section of the Code requires various types of information to be supplied not only from the Departments of Revenue and Labor and Industry (Departments), but also from the Office of the Attorney General. Why is the regulation inconsistent with the Code, both in the type of forms to be used and the agencies from which information is needed?

*Subsection (c)*

Subsection (c) requires “licensees filing notice of the establishment or modification of a management contract to pay a fee of \$350.” We have four questions. First, what is the Board’s statutory authority for prescribing such a fee? Second, what is the basis for the fee of \$350? Third, to whom must the fee be paid? Fourth, what is meant by “modification of a management contract?” Since there are varying degrees of “modification” (for example, something as simple as changing an address versus a more substantive modification, such as changing the work required), the regulation should specify the type of contract modification necessary before a licensee must pay a fee.

**7. Section 3.143. Board approval and licensee responsibility.—Statutory authority; Implementation procedures; Clarity.**

*Subsection (a)*

This subsection discusses when the Board can refuse involvement of a person providing management services. However, it does not explain the review and approval process for management service providers. We have five questions. First, what is the Board’s statutory authority for requiring licensees or applicants for licenses to obtain Board approval for management contracts? Second, can a licensee enter into a management contract before Board approval is granted? Third, how and when will a licensee be notified of the decision of the Board? Fourth, can the Board deny or disapprove a management contract? Finally, if a management contract is not approved, will a licensee have appeal rights?

*Subsection (a)(2)*

Subsection (a)(2) refers to “facts upon which the Board could refuse a person’s involvement in the license.” The final-form regulation should include the specific criteria that the Board will consider when reviewing a management contract.

*Subsection (b)*

This subsection provides that “the licensee’s use of a management company will not affect the licensee’s responsibility for violations of the Liquor Code or this title.” The intent of this subsection is unclear. Do licensees act in a supervisory role and are therefore liable for violations of the Code or this title by the management company?

**8. Section 5.51. Cleaning of malt or brewed beverage dispensing systems.—Clarity.**

*Malt or brewed beverage dispensing system*

The term “malt or brewed beverage dispensing system” is used in Sections 5.51(a), (b), and (c), but it is not

defined. This term is also used in Sections 5.52, 5.53 and 5.54. The Board should define this term in Subchapter D of Chapter 5.

*Subsection (b)*

Subsection (b) requires that the method of cleaning must leave the entire malt or brewed beverage dispensing system in a “clean and sanitary condition.” However, the regulation does not indicate when a system is determined to be in a “clean and sanitary condition.” The Board should define this term. Furthermore, is the Board the appropriate agency to develop this standard, or should it be created in conjunction with another agency, such as the Department of Health?

**9. Section 5.53. Pressure maintenance.—Clarity.**

This Section refers to the introduction of “contaminants” to the malt or brewed beverage dispensing system. What would be considered a “contaminant”?

**10. Section 5.54. Responsibility for condition of equipment.—Clarity.**

As with the phrase “clean and sanitary condition” in Section 5.51 (b), the proposed regulation does not indicate what constitutes “unsanitary conditions” for a malt or brewed beverage dispensing system, as mentioned in Section 5.54. The Board should also define this term.

**11. Section 11.143. Merchant tax responsibility.—Statutory authority; Clarity.**

According to the RAF (Number (11)), the intent of this Section is to extend the Commonwealth’s Contractor Responsibility Program to “merchants that sell liquor and liquor accessories to the Board.” However, this entire section contains language similar to that in § 4-477 of the Code, which relates to “**applicants for the grant, renewal or transfer of any license,**” not tax liability (Emphasis added.) What is the Board’s statutory authority for applying these provisions to merchants? Do these provisions apply to currently licensed merchants or just “applicants?” How do these provisions relate to the concept of “merchant tax responsibility?” The term “merchant tax responsibility” should also be defined in the regulation.

*Subsection (a)*

Subsection (a) refers to information that must be filed by a “merchant not already licensed by the Board.” Does this mean that licensed merchants do not have to file such information? Does the Board have this information on file for all currently licensed merchants? This should be clarified in the final-form regulation.

*Subsection (b)*

Under this subsection, a merchant will be required to “waive any confidentiality with respect to tax information . . . in the possession of the Department of Revenue, Office of the Attorney General, or the Department of Labor and Industry . . . .” Can the Board require a merchant to waive confidentiality requirements of information that is controlled by and in the possession of other agencies? Does the Board have the authority to request tax information regarding merchants from other agencies?

*Subsection (c)*

Under this subsection, the Board will request tax information regarding the applicant from the Departments, as well as the Office of the Attorney General. What statutory authority does the Board have to require these agencies to comply with its request for information?

*Subsection (e)*

While subsection (c) states that the Board will “review” the tax status of the applicant, subsection (e) states that the Departments will notify the Board if an applicant is not in compliance “with the provisions in this section.” Who ultimately makes the decision regarding compliance? Also, it is unclear which “provisions” must specifically be complied with. These issues should both be clarified in the final-form regulation.

*Consistency of Terms*

The entire section uses the term “merchant” and “applicant” interchangeably. For consistency, the Board should use the same word throughout.

**12. Section 13.201. Definitions.—Clarity.***Sponsor*

The definition of “sponsor” includes terms that are not defined in statute or regulation. The terms include: importer and vendor. We recommend that these terms be defined.

**13. Section 13.228. Disposal and storage of partially-used liquor and empty containers.—Reasonableness.**

Subsection (a) states that partially-consumed liquor containers may not be placed in storage at a store for more than 15 days. What is the basis for the 15-day storage limit?

**14. Section 17.5. Subpoenas.—Implementation procedures; Clarity.***Subsection (a)*

The proposed regulation addresses the process for issuance of subpoenas “except for subpoenas issued upon the Board’s own motion.” When would a subpoena be issued on the Board’s own motion, and what is the process for such issuance?

Department of Banking  
Regulation #3-43 (IRRC #2620)

**Proper Conduct of Lending and  
Brokering in the Mortgage Loan Business  
September 19, 2007**

We submit for your consideration the following comments on the proposed rulemaking published in the July 21, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Banking (Department) to respond to all comments received from us or any other source.

**1. General.—Consistency with federal case law; Reasonableness.***Watters v. Wachovia*

Commentators have questioned whether this regulation includes wholly owned operating subsidiaries of national banks under the definitions of “Licensee.” They cite the *Watters v. Wachovia* United States Supreme Court case (—U. S.—, 127 S. Ct. 1559, 167 L.Ed.2d 389 (2007)) to support the position that these entities should not be included.

The Department has acknowledged that these entities fall under the proposed definition of “Licensee.” However, it has also acknowledged that there are circumstances where regulation of wholly owned operating subsidiaries

of national banks is preempted by federal law, as discussed in the *Watters* decision. Therefore, it does not intend to enforce the regulations against entities that demonstrate they are wholly owned subsidiaries of national banks.

In light of the *Watters* decision and to avoid any potential confusion by licensees, the Department should add a provision to the definition of “Licensee” that specifically exempts wholly owned operating subsidiaries of national banks.

*Applicants with limited English proficiency*

The Preamble of this regulation states that because of the “complexity and competitiveness” of the mortgage industry, “borrowers may not understand the loan products offered to them or the process of obtaining a loan.” However, “complexity and competitiveness” of the loan industry may not be the only barrier to applicants understanding loans and loan products.

Several commentators have asserted that this proposed regulation could be strengthened by adding provisions to give certain rights to applicants that have a limited proficiency in the English language. Therefore, the Department should consider adding provisions to ensure that applicants with limited English proficiency can obtain documents in a language that they can read and comprehend.

**2. Section 46.1. Definitions.—Reasonableness; Clarity.**

The definition of “Application” contains an inaccurate citation. The correct citation is 24 CFR 3500.2(b).

Also, commentators have made various suggestions about the types of loans that should be included under the definition of “Loan.” How did the Department determine which kinds of loans would be included under this definition in the proposed regulation? Why did it not choose to include “covered” loans under that definition?

**3. Section 46.2. Proper conduct of lending and brokering in the mortgage loan business.—Fiscal Impact; Reasonableness; Clarity.***Subsection (b)*

Under this subsection, a licensee that has contact with the applicant must disclose certain information to the applicant within 3 business days. If both the lender and the broker are licensees, which one is required to issue the disclosure? Also, the language in this subsection is not clear as to when the 3-day period begins. The final-form regulation should be amended to clarify these points.

*Subsections (e) and (f)*

Numerous commentators have expressed concern that certain provisions in these subsections will eliminate their ability to offer “stated income,” “no-doc,” “low-doc,” “reverse,” and “balloon” mortgages. These commentators claim that certain applicants, such as senior citizens or self-employed individuals who cannot provide a W-2 to prove income, could be severely restricted or even prohibited from obtaining a mortgage. One commentator further asserts that Pennsylvania licensees will be put at a distinct disadvantage because national banks could continue to offer these products to consumers because they are not covered by the Department’s regulations.

The Department has indicated that it does, indeed, intend for the provisions of this regulation to eliminate any mortgage that does not verify the income and fixed expenses of the applicant.

We have several questions. How will people who do not have traditional methods for proving income obtain mortgages? How will Pennsylvania licensees be able to remain competitive with national banks that could continue to offer these products? Should a qualified consumer be prohibited from using a "low-doc" or "no-doc" loan if they choose these products based upon convenience? The Department should further explain the impact of eliminating these types of loan products.

Further, the Department has also indicated that it does not intend to prohibit "reverse mortgages." Therefore, the final-form regulation should be amended to clearly state the Department's intent with regard to these types of mortgages.

*Subsection (e)(1)*

Commentators assert that this subsection should prohibit a licensee from offering a loan without determining that the applicant will have the ability to repay the loan, including taxes and insurance, based on the **maximum** possible rate and payment which could apply under the terms of the loan. We agree. The Department should consider amending this section to ensure that the maximum possible payment is considered when doing the ability to repay assessment.

*Subsection (e)(2) and (3)*

The term "fixed expenses" is found in these subsections, but it is not defined in the regulation. What constitutes a "fixed expense"?

*Subsection (e)(3)*

This subsection allows a licensee to "consider and document information in addition to verified income and fixed expenses" when determining the applicant's ability to repay the loan. What additional information might be considered?

*Subsection (e)(6)*

This subsection states that the licensee must "not ignore facts or circumstances that it knows or reasonably should know which would indicate that an applicant does not have the ability to repay the offered loan." After considering the applicant's income and fixed expenses, what other "facts or circumstances" should be considered? These should be contained in the final-form regulation.

*Subsection (e)(7)*

In determining whether an applicant has the ability to repay a loan, a licensee is required to give "great weight and due consideration" to the Department's guidance document, entitled "Guidance on Nontraditional Mortgage Products Risks." This requirement is vague because it is unclear what qualifies as "great weight and due consideration." Furthermore, given that guidance documents are nonbinding, what will be the ramifications if the Department determines that a licensee failed to meet the standards described in "Guidance on Nontraditional Mortgage Products Risks"?

*Subsection (f)(6)*

Under this subsection, who decides whether the execution of a document is "improper" and when? What recourse does the licensee have if it is determined that execution of the document is "improper"?

*Subsection (g)*

A commentator suggested that this subsection should be amended to permit a lender to delay or refuse to fund a loan where fraud or other misrepresentation by the applicant is discovered after the closing but prior to

funding. Has the Department considered what could be done by a lender or broker if fraud is discovered in that time frame?

**Public School Employees' Retirement Board  
Regulation #43-10 (IRRC #2621)**

**Formalization and Clarification of Current  
Practices**

**September 19, 2007**

We submit for your consideration the following comments on the proposed rulemaking published in the July 21, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Public School Employees' Retirement Board (Board) to respond to all comments received from us or any other source.

**CHAPTER 201. PRACTICE AND PROCEDURE.**

**1. Section 201.2a. Definitions.—Clarity.**

The definition of "nonadjudicatory benefit appeal" states in part, "[t]he action of the ESRC will be deemed final unless a claimant files a timely adjudicatory benefit appeal from that action and seeks an administrative hearing." This portion of the definition is substantive. Substantive provisions in definitional sections are unenforceable. Moreover, this substantive rule is also expressed in section 201.4a(c). In the final-form regulation, the Board should strike the last sentence from this definition.

**2. Section 201.3a. Nonadjudicatory benefit appeal.—Reasonableness; Clarity.**

Subsection (e) provides that the Executive Staff Review Committee (ESRC) will meet "as necessary to review and decide" appeals under this section; the claimant will be notified if the appeal is granted; and the claimant will be notified via a denial letter if the appeal is denied. The provision is vague and, consequently, fails to impart useful information to members of the regulated community or their representatives. What is the allowable time period for the ESRC to make a determination regarding an appeal and notify the claimant? If the appeal is granted, how will the claimant be notified? Also, must the claimant exercise his right to appeal within 30 days of the denial letter being written, or within 30 days of the denial letter being postmarked? We recommend that the Board amend this provision for clarity.

**3. Section 201.4a. Adjudicatory benefit appeal and request for administrative hearing.—Clarity.**

Subsection (a) requires that the Board must receive an appeal and request for administrative hearing under this section "within 30 days after the date of the ESRC denial letter." The regulation should specify whether the 30-day time period for appeal begins on the date noted on the letter, or the date the letter is postmarked.

**4. Section 201.7. Service and return of subpoenas.—Reasonableness; Clarity.**

Subsection (a) requires a subpoenaing party to "furnish the fees promptly upon the written request of the witness after service of the subpoena." We have three concerns. First, the term "promptly" is vague. In the final-form regulation, the Board should provide a specific time period for response.

Second, the final-form regulation should address how a witness will be notified of his obligation to request fees in

writing. Will the subpoenaing party be required to alert the witness to the requirement?

Third, the final sentence of subsection (a) is a run-on sentence and is unclear. The Board should revise it in the final-form regulation.

**5. Section 201.11. Proposed opinion and recommendation.—Clarity.**

Subsection (c) stated, “[w]hen exceptions are filed, the Board will rule on the exceptions.” This is the sole mention of exceptions in this chapter. With which entity should exceptions be filed, and within what time limitations? What information and documentation must be included with the exceptions? How long does the Board have to rule on exceptions? The final-form regulation should provide clear guidance on the substance and procedure of the exceptions process. It should also provide a definition of “exceptions” in the definitional section or a cross-reference to a definition located elsewhere.

**6. Section 201.12. Oral argument before the Board.—Clarity.**

Subsection (a) states, “[t]he right to oral argument will be discretionary with the Board.” This provision is vague and therefore provides insufficient guidance to the regulated community. The final-form regulation should include criteria the Board will consider in determining whether oral argument is necessary or appropriate in a given case.

Subsection (b) requires a party requesting oral argument in a case where exceptions have been filed to file the request for oral argument “with the exceptions.” As noted in Comment 5 above, the Board should provide further detail concerning the exceptions process.

Subsection (e) provides that, following oral argument, the Board “may table the case for further consideration at its next meeting.” If the Board does choose to table a case, must it decide the case at the next meeting? In other words, may the Board table the case for multiple meetings, or does it have a finite time period during which it must act?

Subsection (f) requires that, in accordance with the Board’s decision in a case, the “Board’s counsel will draft a proposed adjudication” that “will be presented for the Board’s approval” at the Board meeting immediately following the meeting in which the Board made its determination in the case. Must the Board vote on the proposed adjudication in the meeting when it is presented, or may it table the matter for one or more meetings? Is there a time period during which the Board is required to act?

**CHAPTER 211. PRELIMINARY PROVISIONS.**

**7. Section 211.2. Definitions.—Clarity.**

*Certified members*

The final sentence of the definition of this term states, “[a]ll other members are noncertified members.” The definition of “nonprofessional members” also refers to the meaning of “noncertified members” found in this definition. The final-form regulation should strike the final sentence from this definition and provide for a separate and distinct definition of “noncertified members.”

*Nonprofessional members*

The Board should clarify the purpose and meaning of the final sentence of this definition. It is unclear whether the Board intends “noncertified members” to be included

in the definition of “nonprofessional members,” or whether the Board intends the terms to have the same meaning.

*Pickup contributions*

The Board proposes to delete the definition of “pickup contributions” currently included in this section. However, this term is used in the definition of “inactive member.” The final-form regulation should either maintain this definition, provide a cross-reference to where an applicable definition of the term is found elsewhere, or delete the use of the term in the definition of “inactive member.”

*Professional members*

The Board should clarify the purpose and meaning of the final sentence of this definition. It is unclear whether the Board intends “certified” member to be included in the definition of “professional members,” or whether the Board intends the terms to have the same meaning.

*School year*

The final sentence of this definition is substantive. Substantive provisions in definitional sections are unenforceable. The Board should strike this sentence from the definition and relocate it to a substantive section of the final-form regulation.

**CHAPTER 213: CONTRIBUTIONS AND BENEFITS.**

**8. Section 213.1. Mandatory and optional membership.—Clarity.**

Subparagraph (b)(2) requires that the remittance of certain contributions or the reinstatement of former credited service “shall be made in accordance with the applicable provisions of the Retirement Code.” The final-form regulation should specify the applicable Retirement Code provisions.

**9. Section 213.3a. Waiver of adjustments.—Clarity; Protection of the public welfare.**

Subsection (a) provides the standard for determining whether an adjustment meets the undue hardship test under section 8303.1(a)(1) of the Retirement Code. Under Paragraph (a)(1), the undue hardship test is met if the “adjustment causes a reduction in excess of 5% of the monthly annuity or other relevant amount.” How and why did the Board determine that a 5% reduction was the appropriate benchmark for “undue hardship”? What effect, if any, will this provision have on members who have already experienced an adjustment under section 8534(b) of the Retirement Code leading to a 5% reduction in monthly benefit?

Additionally, we have a clarity concern. Paragraph (a)(1) references a reduction of the monthly annuity “or other relevant amount.” The final-form regulation should clarify whether “other relevant amount” modifies 5%, or whether it modifies “monthly annuity.” At a minimum, the final-form regulation should provide criteria to assist the regulated community in ascertaining what might be a “relevant amount.”

**10. Section 213.25. Incomplete payments.—Clarity; Protection of the public welfare.**

Subsection (c) provides that if a member applies for the purchase of service and dies prior to certification by the Board, “purchase of service shall be completed . . . by reducing the annuity benefit by the actuarial equivalent of the debt . . . provided, in the case of nonschool service, the purchase does not negatively impact the present value.” We have two concerns.

First, the regulation currently states that if a member dies after applying for the purchase of service but before certification by the Board, “the member’s legally constituted representative *may* purchase the service by payment of a lump sum” or by reducing the annuity benefit. (Emphasis added.) Will the change from permissive to mandatory language prevent a deceased member’s legally constituted representative from opting out of the transaction?

Second, while section 213.24 allows members to purchase creditable school service as well as nonschool service, this amendment only protects against a purchase of nonschool service that would negatively impact the present value. Why does the final clause not address the purchase creditable school service that would negatively affect the present value?

The preamble does not provide a clear explanation of the reason for either of these changes. In the submittal of the final-form regulation, the Board should further explain the amendments to this section.

**11. Section 213.27. Payments by employers.—Clarity; Reasonableness.**

This section reduces the time period for employers to file reports with the Board and to pay the amount billed by the Board. The preamble does not provide a clear explanation of the reason for the reduction of the time period or whether the time period is reasonable. In the submittal of the final-form regulation, the Board should further explain the amendments to this section.

**12. Section 213.46. Termination of annuities.—Clarity.**

Subsection (d) includes a definition of “extracurricular position.” We recommend that the Board move this definition from this section to section 211.2. Moreover, the definition of “extracurricular position” references an “established academic course structure.” The final-form regulation should specify criteria for what the “established academic course structure” includes. For instance, does it include fine arts electives?

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-1822. Filed for public inspection September 28, 2007, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, in Harrisburg at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, IRRC will provide a copy.

This schedule is tentative. Please contact the Commission at (717) 783-5417 or check our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us) for updates.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-64	Pennsylvania Gaming Control Board Manufacturer Designees; Principal Licenses; Employees; Vendor Certification and Registration; Slot Machine Licenses	9/12/07	10/18/07
47-12	Milk Marketing Board Refrigeration Equipment; Records and Reports	9/14/07	10/18/07
10-182	Department of Health Sexual Assault Victim Emergency Services	9/17/07	10/18/07

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-1823. Filed for public inspection September 28, 2007, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**List of Approved Guide Source Method Vendors;  
Notice No. 2007-04**

Under the authority of the Motor Vehicle Physical Damage Appraisers Act (63 P. S. §§ 851—863), the Insurance Commissioner hereby lists guide source providers approved to calculate the replacement value of total loss or unrecovered vehicles under the Motor Vehicle Physical Damage Appraisers regulation, 31 Pa. Code § 62.3(e)(1)(i) (relating to applicable standards for appraisal).

A listing of approved guide source method providers will be published annually in the *Pennsylvania Bulletin*. In the interim, an updated listing may be obtained by contacting the Insurance Department, Bureau of Consumer Services, 1209 Strawberry Square, Harrisburg, PA 17120. Requests for this information may also be submitted to [ra-in-consumer@state.pa.us](mailto:ra-in-consumer@state.pa.us) or telephone toll free (877) 881-6388 or faxed to (717) 787-8585.

**Approved Guide Source Vendors**

Automobile Red Book (including the Older Used Car Publication),  
formerly Automobile Blue Book

Primedia Price Digests  
P. O. Box 12901  
Overland Park, KS 66282-2901  
(800) 654-6776  
www.pricedigests.com

CCC Information Services, Inc.  
444 Merchandise Mart  
Chicago, IL 60654-1005  
(800) 621-8070  
www.cccis.com

NADA Official Used Car Guide (including the Older Used  
Car Publication)  
8400 Westpark Drive  
McLean, VA 22102  
(800) 544-6232  
www.nada.com/b2b

Audatex  
formerly ADP Claims Solution Group, Inc.  
6111 Bollinger Canyon Road  
Suite 200  
San Ramon, CA 94583  
(925) 866-1100  
www.audatex.com

Autobid, Inc.  
8900 Indian Creek Parkway  
Shawnee Mission, KS 66210  
(800) 875-2217  
www.autobid.com

Mitchell International, Inc.  
9889 Willow Creek Road  
San Diego, CA 92131  
(800) 854-7030  
www.mitchell.com

This document supersedes the notices published at 36 Pa.B. 6914 (November 11, 2006) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

(*Editor's Note:* For a final rulemaking affecting this notice, see 29 Pa.B. 5511 (October 23, 1999).)

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1824. Filed for public inspection September 28, 2007, 9:00 a.m.]

## PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

### Board Meeting

A meeting of the Pennsylvania Energy Development Authority (PEDA) Board is scheduled for Monday, October 15, 2007, at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the meeting agenda can be directed to Jeanne Dworetzky, PEDA, Executive Director at (717) 783-8411 or jdworetzky@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Jackie Fitzgerald at (717) 772-8909 or the Penn-

sylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 07-1825. Filed for public inspection September 28, 2007, 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 22, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-00123864. (Corrected) Sharon A. Larosa** (P. O. Box 154, 4835 Long Run Road, Loganton, Clinton County, PA 17747)—persons in paratransit service, limited to those persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Clinton County, to points in Pennsylvania, and return.

**A-00124006. Bucks Cab Co.** (405 Gravel Hill Station, Southampton, Bucks County, PA 18966)—a limited liability company of the Commonwealth—persons in call or demand service, between points within the boundaries starting at the intersection of Countyline Road and PA Route 532 extending Northward bound on PA Route 532 to Eastward bound on the Newtown Bypass to North on Lindenhurst Road to Eastbound on Stoopville Road to Northward bound PA Route 413 merging onto Northward bound PA Route 232 merging onto Northward bound PA Route 32 to Southward bound on US Route 202 to Northwestern bound on PA Route 313 to Southward bound on PA Route 611 to Countyline Road heading East ending at the intersection of Countyline Road and PA Route 532.

**A-00124090. Majesty Coach and Tours, Inc.** (P. O. Box 4579, Reading, Berks County, PA 19606), a corporation of the Commonwealth—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Bucks and Montgomery, to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.



**Application of the following for the approval of the transfer of stock as described under the application.**

**A-00108950, Folder 5000. Lazer Limousine Services, Inc.** (P. O. Box 5100, Limerick, Montgomery County, PA 19468)—a corporation of the Commonwealth—for the approval of the transfer of 2,000 shares of issued and outstanding stock held by Mark J. Chest, President (1,000 shares) and Candice S. Walck, Secretary/Treasurer (1,000 shares) to Michael McLaughlin (500 shares), David Morgan (500 shares) and Robert White (500 shares) with the remaining 500 shares being retained by the corporation. *Attorney:* Thomas Keenan, 376 East Main Street, Collegetown, PA 19426.

**Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-00121274. Mehat Corp.** (130 Chatham Road, Upper Darby, PA 19082)—upon call or demand, persons and their baggage; and parcels, packages and property, at the same basic metered rates; the area bounded by a line beginning on the north of the Delaware River at the Philadelphia County Line, thence northwardly, westwardly and southwestwardly along the Philadelphia County Line to Philmont Avenue, thence southwestwardly along Philmont Avenue, Welsh Road, Valley Road, Washington Lane, Township Line to Glenside Avenue (excluding any portion of the Borough of Jenkintown), Easton, Church and Paper Mill Roads to the Philadelphia County Line (Stenton Avenue), thence westwardly along the Philadelphia County Line and Blue Bell to Joshua Road, thence southwestwardly along Joshua Road to Cedar Grove Road, thence southeastwardly along Cedar Grove Road and the Schuylkill River joining the Philadelphia County Line and continuing to Port Royal Avenue, thence across the Schuylkill River to Mill Creek Road, Montgomery County, thence southwestwardly along Mill Creek Road, Lancaster Avenue, Ardmore Avenue into Delaware County, and continuing along Ardmore Avenue, Ellis Road, Lawrence Road and Darby Creek Road to Darby Creek; thence southwardly along Darby Creek to State Road, thence southwardly along State Road, Springfield, Saxer, Baltimore, Woodland and Kedron Avenues to MacDade Boulevard, thence northeastwardly along MacDade Boulevard to Winona Avenue continuing in a straight line to the Delaware River, and thence northwardly along the Delaware River to the place of beginning and persons upon call or demand in the Boroughs of Norwood, Prospect Park, Ridley Park and Rose Valley, the Townships of Ridley, Tinicum, Nether Providence, the Village of Moylan and including Lester and Essington, all in Delaware County; and said area to point in Pennsylvania, and from points in Pennsylvania to said area, if the request for such service is received by call to its radio dispatch; limited to the use of one vehicle;

Subject to the following conditions:

1. That the passenger service provided is subject to the passenger regulations and that the parcel, package and property service provided is subject to the property regulations.
2. That the transportation of parcels and packages is limited to vehicles used in the certificateholder's normal call or demand service.
3. That, whenever any vehicle is occupied by the shipment or shipments of a rate paying customer, no

passenger or other shipment shall be permitted to occupy that vehicle, unless the consent of the customer be first obtained.

4. That no charge shall be made for the carriage of hand luggage carried by a fare-paying passenger.

5. That the vehicle shall be number P-00604, said number to be displayed on the side of each front quarter panel and the right rear trunk lid. Each digit of the number shall be not less than 1/2" in width and 4" in height and the number shall be painted in a color contrasting to the color of the vehicle. This condition supersedes the marking regulations listed at 52 Pa. Code §§ 29.71(c) and 30.31(11) (relating to marking of vehicles; and vehicle equipment requirements).

6. That the vehicle authorized herein shall be equipped with a two-way radio and linked to a central dispatching system.

**A-00122169. J. Sagan Amish Shuttle Service, LLC** (23742 Sterling Road, Cambridge Springs, PA 16403)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Crawford to points in Pennsylvania, and return.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Glen & Laurie, LLC; Doc. No. A-00118865C*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Glen & Laurie, LLC t/a Glen's Taxi, respondent, maintains his principal place of business at 1610 Olympic Way, Effort, PA 18330.

2. That respondent was issued a certificate of public convenience by this Commission on June 23, 2003, at Application Docket No. A-00118865.

3. That respondent abandoned or discontinued service without having first filed an application with this Commission for abandonment or discontinuance of service. Upon attempting to schedule respondent's random taxi inspection, it was determined that the respondent no longer operates the business and has not done so since his voluntary suspension ended on July 17, 2006.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient, and safe service and reasonable facilities, violated 66 Pa.C.S. § 1501.

*Wherefore*, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00118865.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Raymond Frank Wertz; Doc. No. C20077639*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are

prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Raymond Frank Wertz, Respondent, resides at 226 East Fayette Street, Uniontown, PA 15401.

2. That Respondent was previously employed as a professional taxi cab operator and on the date of the violation alleged in this Complaint, Respondent did not hold a Certificate of Public Convenience issued by this Commission.

3. That Respondent, on December 12, 2006, at approximately 10:30 a.m., at the Amtrak station, Pittsburgh, Allegheny County, Pennsylvania, purported himself to be a "car service." Respondent offered to provide transportation to Pittsburgh District Office Manager Denise H. Cohen while driving a 1992 Chevy Van bearing Pennsylvania License No. GHB0007, Vehicle Identification No. 2GBEG25K6N4132072.

4. That Respondent, in performing the act described in Paragraph 3 of this Complaint, violated the Public Utility Code, 66 Pa.C.S. § 1101, in that Respondent held himself out to transport persons for compensation between points in the Commonwealth of Pennsylvania while not then holding a Certificate of Public Convenience issued by this Commission. The penalty is \$1,000.00. Future violations may result in possible criminal prosecution with penalties up to \$10,000.00 and one year in prison.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Raymond Frank Wertz the sum of One Thousand Dollars (\$1,000.00) for the illegal activity described in this Complaint and Order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and Notice, 52 Pa. Code § 1.56(a).

An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the

reference number of this complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

James J. McNulty, Secretary  
 Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265.

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the Complaint proceeding shall be closed. In such case, to prevent the suspension of your vehicle registration(s), you must file an Affidavit with the Bureau of Transportation and Safety, P. O. Box 3265, Harrisburg, PA 17105-3265, stating that you understand the rules and regulations of the Commission and that you will no longer provide transportation between points in the Commonwealth of PA without filing a new application together with the appropriate filing fee to obtain a Certificate of Public Convenience issued by this Commission. If no Affidavit is received within the twenty (20) day time period, the Bureau of Transportation will proceed with the request for suspension of your vehicle registration(s). Your response should be directed to the Compliance Office, Bureau of Transportation and Safety, P. O. Box 3265, Harrisburg, PA 17105-3265.

D. If you file an Answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Michael Paul Macdonald; Doc. No. A-00123576C0701*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Michael Paul MacDonald, t/a A MacDonald Towing, respondent, maintains his principal place of business at 1397 Kerr Avenue, Emlenton, PA 16373.

2. That on November 4, 2006, the respondent was warned by this Commission to cease and desist from transporting property for compensation, between points in Pennsylvania while not holding a certificate of public convenience. The respondent did not hold a certificate of public convenience issued by this Commission on the date of the violation alleged in this complaint.

3. That respondent, on February 21, 2007, at approximately 3:00 PM, at, Route 62, Conewago Township, Warren County, PA, permitted a certain 2005 Chevrolet Truck, bearing Pennsylvania License No. RT48634, Vehicle Identification No. 1GBE5C1225F19536, to be operated. At that time, Enforcement Officer Gregory English, a duly authorized officer of this Commission, found said vehicle to be transporting property from Warren, Warren County, to Ellwood City, Lawrence County, PA, for compensation.

4. That respondent, on March 22, 2007, filed an application for a certificate of public convenience at A-00123576. The application was dismissed for non-compliance on May 26, 2007.

5. That respondent, in performing the act described in Paragraph 3 of this complaint, violated the Public Utility Code, 66 Pa.C.S. § 1101, in that respondent transported property for compensation between points in the Commonwealth of Pennsylvania while not then holding a certificate of public convenience issued by this Commission. The penalty is \$1,000.00. Future violations may result in possible criminal prosecution with penalties up to \$10,000.00 and one year in prison.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Michael Paul MacDonald, t/a A MacDonald Towing the sum of one thousand dollars (\$1,000.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services & Enforcement Division  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel

#### NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the out

come. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed. In such case, to prevent the suspension of your vehicle registration(s), you must file an Application with the Bureau of Transportation and Safety, P. O. Box 3265, Harrisburg, PA 17105-3265. If no Application is received within the twenty (20) day time period, the Bureau of Transportation will proceed with the request for suspension of your vehicle registration(s). Your response should be directed to the Compliance Office, Bureau of Transportation and Safety, P. O. Box 3265, Harrisburg, PA 17105-3265.

D. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1826. Filed for public inspection September 28, 2007, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v.  
 Dorothea A. Smaller, t/d/b/a Tana'D Hair Studio,  
 Doc. No. 2104-45-2006

On August 8, 2007, Dorothea A. Smaller, t/d/b/a Tana'D Hair Studio, of Philadelphia, Philadelphia County, was assessed a civil penalty of \$1,000, based on her operating a salon on a lapsed license.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board 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 their 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. 07-1827. Filed for public inspection September 28, 2007, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Approval of Interim Guidelines for Facility Odor Management

On September 13, 2007, the State Conservation Commission (SCC), under 3 Pa.C.S. § 504(2) (relating to powers and duties of commission), approved Interim Guidelines for Facility Odor Management for use by agricultural operations voluntarily developing odor management plans in the Commonwealth. The SCC established these guidelines as the preferred methodology for development of odor management plans until the proposed facility odor management regulations (see 37 Pa.B. 4780) are promulgated under 3 Pa.C.S. § 504(1.1).

Copies of the Interim Guidelines for Facility Odor Management can be obtained from the SCC website at [www.agriculture.state.pa.us/agriculture/site/default.asp](http://www.agriculture.state.pa.us/agriculture/site/default.asp) or by contacting Karl Dymond, SCC Odor Management Program Coordinator, (570) 836-2181, [kdymond@state.pa.us](mailto:kdymond@state.pa.us).

DENNIS C WOLFF,  
*Chairperson*

[Pa.B. Doc. No. 07-1828. Filed for public inspection September 28, 2007, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT SYSTEM

### Deferred Compensation Program; Plan Administration Services for the State Employees' Retirement System

The State Employees' Retirement System (SERS), an independent administrative board of the Commonwealth, is issuing a Request for Proposal (RFP) for any or all of the following services for the State Employees' Retirement System: Plan Administration and Managed Accounts.

Proposals must be submitted as one original and seven copies to Anthony J. Hines, Office of Finance and Administration, SERS, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716. The deadline to submit proposals is stated in the RFP package.

A preproposal conference will be held for the RFP (date provided in the RFP). Prospective bidders are invited to attend this meeting before developing proposals. The conference will be held at the SERS offices on the 5th Floor, 30 North Third Street, Harrisburg, PA at 9:30 a.m. Because of limited facilities, only two representatives per vendor will be permitted to attend this conference.

The purpose of the preproposal conference is to clarify any points which may not have been understood in the RFP. Please submit any pertinent questions in written form 2 days prior to the preproposal conference. Subse-

quent to the conference, the issuing officer shall post the answers to the questions on the Department of General Services website by the date stated on the Calendar of Events.

Interested parties may write to Anthony J. Hines, Office of Finance and Administration at the previously referenced address or fax your request to (717) 783-1708 to obtain a copy of this RFP. Late proposals will not be considered regardless of the reason.

LEONARD KNEPP,  
*Acting Executive Director*

[Pa.B. Doc. No. 07-1829. Filed for public inspection September 28, 2007, 9:00 a.m.]



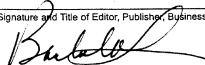








**Statement of Ownership, Management, and Circulation**  
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Editor (Name and complete mailing address) Barbara Furjanic Pennsylvania Bulletin (same as above)				
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10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)				
Full Name		Complete Mailing Address		
Commonwealth of Pennsylvania		Commonwealth of Pennsylvania		
Legislative Reference Bureau		Legislative Reference Bureau		
641 Main Capitol Building		641 Main Capitol Building		
Harrisburg, PA 17120-0033		Harrisburg, PA 17120-0033		
11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box <input checked="" type="checkbox"/> None				
Full Name		Complete Mailing Address		
12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one) The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes: <input checked="" type="checkbox"/> Has Not Changed During Preceding 12 Months <input type="checkbox"/> Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)				
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	(2) Mailed In-County Paid Subscriptions Stated on PS Form 3541 (include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	0	0	
	(3) Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS®	0	0	
	(4) Paid Distribution by Other Classes of Mail Through the USPS (e.g. First-Class Mail®)	0	0	
c. Total Paid Distribution (Sum of 15b (1), (2), (3), and (4))		5712	5569	
d. Free or Nominal Rate Distribution (By Mail and Outside the Mail)	(1) Free or Nominal Rate Outside-County Copies Included on PS Form 3541	0	0	
	(2) Free or Nominal Rate In-County Copies Included on PS Form 3541	0	0	
	(3) Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g. First-Class Mail)	0	0	
	(4) Free or Nominal Rate Distribution Outside the Mail (Carriers or other means)	0	0	
e. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4))		0	0	
f. Total Distribution (Sum of 15c and 15e)		5712	5569	
g. Copies not Distributed (See Instructions to Publishers #4 (page #3))		282	282	
h. Total (Sum of 15f and g)		5994	5851	
i. Percent Paid (15c divided by 15f times 100)		100	100	
16. Publication of Statement of Ownership <input checked="" type="checkbox"/> If the publication is a general publication, publication of this statement is required. Will be printed in the <b>September 29, 2007</b> issue of this publication. <input type="checkbox"/> Publication not required.				
17. Signature and Title of Editor, Publisher, Business Manager, or Owner  Editor				Date Sept 25, 2007