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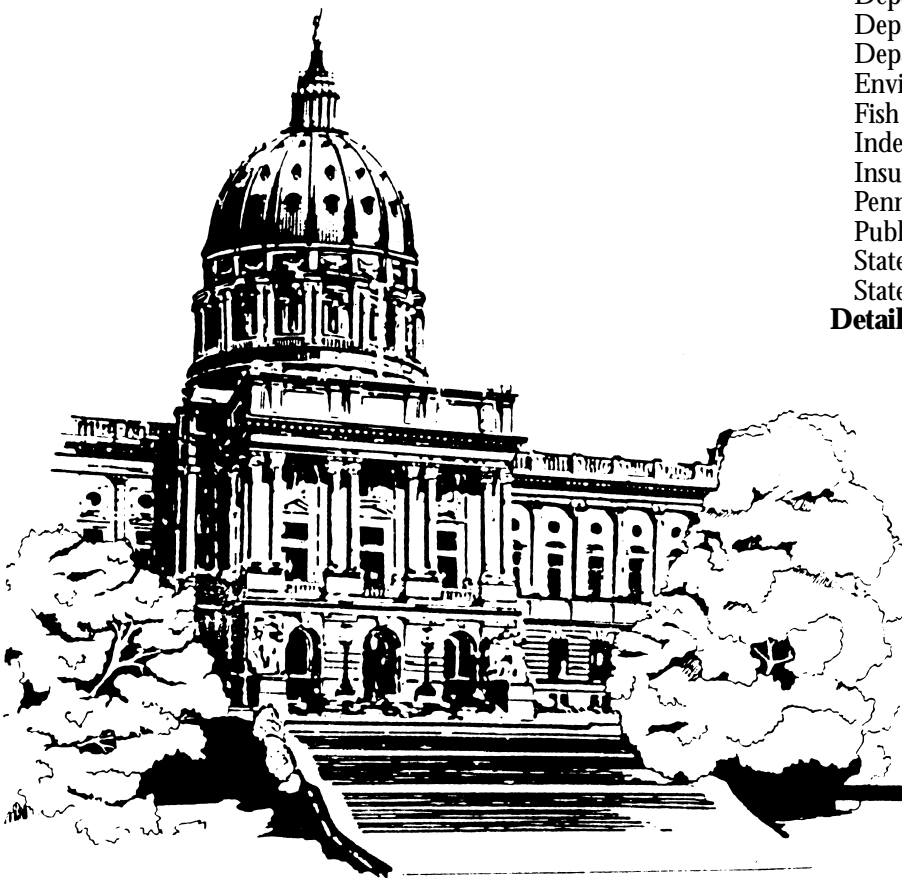
# PENNSYLVANIA BULLETIN

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**Agencies in this issue:**

The Courts  
Bureau of Professional and Occupational Affairs  
Delaware River Basin Commission  
Department of Agriculture  
Department of Banking  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
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Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
Public School Employees' Retirement Board  
State Board of Dentistry  
State Board of Pharmacy

**Detailed list of contents appears inside.**



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**No. 359, October 2004**

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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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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 2004.

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

#### Amendments to the Pennsylvania Rules of Professional Conduct Relating to Duties to Prospective Clients

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it amend the Pennsylvania Rules of Professional Conduct to add a new Rule 1.18, as set forth in Annex A, relating to duties to prospective clients.

The existing Rules of Professional Conduct are essentially silent on whether a lawyer has any professional responsibilities to a person who consults with the lawyer about possible representation in a matter, but no client-lawyer relationship is subsequently formed.

Proposed Rule 1.18 clarifies that a lawyer who consults with a prospective client must treat the information learned during the consultation as confidential information that may not be revealed except as allowed by the exceptions to the lawyer's duty of confidentiality. The proposed Rule essentially codifies existing case law and Section 15 of the American Law Institute's *Restatement of the Law Governing Lawyers* (2000) with respect to the duty of confidentiality owed to prospective clients. Also, the consulted lawyer is disqualified from representing an adverse party if the lawyer received information from the prospective client "that could be significantly harmful to that person" if used to represent the adverse party in the same or a substantially related matter. The proposed Rule essentially treats the discussion with a prospective client for conflict purposes as subject to the conflict of interest provisions of Pa.R.P.C. 1.9(a) and (b) relating to former clients, except that the prohibition against subsequent adverse representation is limited to circumstances where the lawyer received information that would be significantly harmful to the prospective client in the matter. See ABA Ethics Opinion 90-358.

Paragraph (2) of the Comment reflects an amendment proposed by the Committee on Ethics and Professional Responsibility of the Pennsylvania Bar Association. As proposed to be adopted in Pennsylvania, paragraph (2) will explain that a person who communicates information to a lawyer, without any reasonable expectation that a client-lawyer relationship will be formed, is not a "prospective client" under the Rule. By way of example, a person who sends an unsolicited e-mail to numerous lawyers summarizing a case and requesting that the receiving lawyer's firm take over the case would not be entitled to protection of the Rule. Paragraph (2) has also been revised to clarify that a person who participates in an initial consultation or communicates information to a lawyer with the intent to disqualify the lawyer from an adverse representation is not a "prospective client" and is not entitled to the protections under the Rule. Finally, a sentence is proposed to be added to paragraph (2) stating that a person's intent to disqualify a lawyer may be inferred from the circumstances. This language parallels

the language in Pa.R.P.C. 1.0 in the definitions of "belief" or "believes" and "knowingly," "known" or "knows" in paragraphs (a) and (f) under that Rule.

The prohibition on subsequent representation adverse to the prospective client applies not only to the lawyer who was consulted, but is also imputed to the lawyer's law firm, with two exceptions. The first exception allows for a later adverse representation if both the affected client and the prospective client have given "informed consent." The proposed Rule also permits another lawyer in the firm to undertake a later representation adverse to the prospective client so long as the lawyer who was consulted, but not engaged, is screened from any participation in the adverse representation in the same way screening is permitted under Pa.R.P.C. 1.10(b). Screening is permitted to avoid imputation so long as the consulted lawyer took reasonable steps to avoid exposure to more information than was necessary to determine whether to represent the prospective client.

The Board believes that new Rule 1.18 properly imposes a duty of confidentiality to a prospective client. It is in the interest of the prospective client to share enough information with the lawyer to determine whether there is a conflict of interest or simple incompatibility. The lawyer may learn very early in the consultation that the party adverse to the prospective client is already a client of the firm. If the discussion stops before "significantly harmful" information is shared, the lawyer's other client should not be denied counsel of its choice in either that or a substantially related matter. The Board believes that screening should be permitted in this context (as it is allowed in the lateral hire context under Rule 1.10) because imputation of conflicts in this situation would place an undue burden on the interests of clients in retaining counsel of choice, especially when the other client is either a regular client of the firm or already is being represented by the law firm in the matter. Prospective clients are adequately protected by the requirement that the prohibited lawyer must have acted reasonably to limit the lawyer's exposure to confidential information.

Interested persons are invited to submit written comments regarding proposed Pa.R.P.C. 1.18 to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before October 29, 2004.

*By The Disciplinary Board of the  
Supreme Court of Pennsylvania*

ELAINE M. BIXLER,  
*Secretary of the Board*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart A. PROFESSIONAL RESPONSIBILITY

#### CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

##### Subchapter A. RULES OF PROFESSIONAL CONDUCT

#### CLIENT-LAWYER RELATIONSHIP

#### § 81.4. Rules of Professional Conduct.

##### Rule 1.18. Duties to Prospective Clients.

(a) A person who discusses with a lawyer the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.

(b) Even when no client-lawyer relationship ensues, a lawyer who has had discussions with a prospective client shall not use or reveal information which may be significantly harmful to that person learned in the consultation, except as Rule 1.9 would permit with respect to information of a former client.

(c) A lawyer subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the lawyer received information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraph (d). If a lawyer is disqualified from representation under this paragraph, no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).

(d) When a lawyer has received disqualifying information as defined in paragraph (c), representation is permissible if:

(1) both the affected client and the prospective client have given informed consent, or;

(2) all of the following apply:

(i) the disqualified lawyer took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client;

(ii) the disqualified lawyer is screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(iii) written notice is promptly given to the prospective client.

**Comment:**

(1) Prospective clients, like clients, may disclose information to a lawyer, place documents or other property in the lawyer's custody, or rely on the lawyer's advice. A lawyer's discussions with a prospective client usually are limited in time and depth and leave both the prospective client and the lawyer free (and sometimes required) to proceed no further. Hence, prospective clients should receive some but not all of the protection afforded clients.

(2) Not all persons who communicate information to a lawyer are entitled to protection under this Rule. A person who communicates information, such as an unsolicited e-mail or other communication, to a lawyer, without any reasonable expectation that a client-lawyer relationship will be established is not a "prospective client" within the meaning of paragraph (a). A person who participates in an initial consultation, or communicates information, with the intent to disqualify a lawyer from representing a client with materially adverse interests is not entitled to the protections of paragraphs (b) or (c) of this Rule. A person's intent to disqualify may be inferred from the circumstances.

(3) It is often necessary for a prospective client to reveal information to the lawyer during an initial consultation prior to the decision about formation of a client-lawyer relationship. The lawyer often must learn such information to determine whether there is a conflict of

interest with an existing client and whether the matter is one that the lawyer is willing to undertake. Paragraph (b) prohibits the lawyer from using or revealing that information, except as permitted by Rule 1.9, even if the client or lawyer decides not to proceed with the representation. The duty exists regardless of how brief the initial conference may be.

(4) In order to avoid acquiring disqualifying information from a prospective client, a lawyer considering whether or not to undertake a new matter should limit the initial interview to only such information as reasonably appears necessary for that purpose. Where the information indicates that a conflict of interest or other reason for non-representation exists, the lawyer should so inform the prospective client or decline the representation. If the prospective client wishes to retain the lawyer, and if consent is possible under Rule 1.7, then consent from all affected present or former clients must be obtained before accepting the representation.

(5) A lawyer may condition conversations with a prospective client on the person's informed consent that no information disclosed during the consultation will prohibit the lawyer from representing a different client in the matter. See Rule 1.0(e) for the definition of informed consent. If the agreement expressly so provides, the prospective client may also consent to the lawyer's subsequent use of information received from the prospective client.

(6) Even in the absence of an agreement, under paragraph (c) the lawyer is not prohibited from representing a client with interests adverse to those of the prospective client in the same or a substantially related matter unless the lawyer has received from the prospective client information that could be significantly harmful if used in the matter.

(7) Under paragraph (c), the prohibition in this Rule is imputed to other lawyers as provided in Rule 1.10, but, under paragraph (d)(1), imputation may be avoided if the lawyer obtains the informed consent of both the prospective and affected clients. In the alternative, imputation may be avoided if the conditions of paragraph (d)(2) are met and all disqualified lawyers are timely screened and written notice is promptly given to the prospective client. See Rule 1.0(k) (requirements for screening procedures). Paragraph (d)(2)(ii) does not prohibit the screened lawyer from receiving a salary or partnership share established by prior independent agreement, but that lawyer may not receive compensation directly related to the matter in which the lawyer is disqualified.

(8) Notice, including a description of the screened lawyer's prior representation and of the screening procedures employed, generally should be given as soon as practicable after the need for screening becomes apparent.

(9) For the duty of competence of a lawyer who gives assistance on the merits of a matter to a prospective client, see Rule 1.1. For a lawyer's duties when a prospective client entrusts valuables or papers to the lawyer's care, see Rule 1.15.

[Pa.B. Doc. No. 04-1848. Filed for public inspection October 8, 2004, 9:00 a.m.]

# Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL

[231 PA. CODE CH. 2950]

**Amendment of Rule 2959 Governing Confession of Judgment; No. 419 Civil Procedural Rules; Doc. No. 5**

### Order

*Per Curiam:*

*And Now*, this 28th day of September, 2004, Pennsylvania Rule of Civil Procedure 2959 is amended by the promulgation of new subdivision (g) to read as follows.

Whereas prior distribution and publication of this amendment would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

## Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 2950. CONFESSION OF JUDGMENT FOR MONEY

**Rule 2959. Striking Off or Opening Judgment. Pleadings. Procedure.**

\* \* \* \* \*

**(g)(1) A judgment shall not be stricken or opened because of a creditor's failure to provide a debtor with instructions imposed by an existing statute, if any, regarding procedures to follow to strike a judgment or regarding any rights available to an incorrectly identified debtor.**

**(2) Subdivision (g)(1) shall apply to (1) judgments entered prior to the effective date of subdivision (g) which have not been stricken or opened as of the effective date and (2) judgments entered on or after the effective date.**

[Pa.B. Doc. No. 04-1849. Filed for public inspection October 8, 2004, 9:00 a.m.]

# PROPOSED RULEMAKING

## BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

### [49 PA. CODE CH. 43b] Schedule of Civil Penalties

The Commissioner of Professional and Occupational Affairs (Commissioner) proposes to amend Chapter 43b (relating to Commissioner of Professional and Occupational Affairs) to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards and commissions in the Bureau of Professional and Occupational Affairs (Bureau), to promulgate regulations setting forth a schedule of civil penalties, guidelines for their imposition and procedures for appeal for: (1) operating without a current and valid license, registration, certificate or permit; and (2) violating an act or regulation of a licensing board or commission relating to the conduct or operation of a business or facility licensed by the board or commission.

#### *Background and Purpose*

Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, licensees who receive an Act 48 citation retain their due process right of appeal prior to the imposition of discipline. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented, and they have become an important part of the Bureau's enforcement efforts, with approximately 30% of all sanctions imposed by the boards and commissions being accomplished through the Act 48 citation process.

Annex A sets forth amendments to the civil penalty schedules of the State Board of Barber Examiners, the State Real Estate Commission, the State Board of Vehicle Manufacturers, Dealers and Salespersons and the State Architects Licensure Board. The proposed rulemaking was drafted following discussions with a representative of the Commissioner and the respective boards and commission at regularly scheduled public meetings.

#### *Description of the Proposed Rulemaking*

##### *State Board of Barber Examiners*

The proposed rulemaking would amend the schedule of civil penalties of the State Board of Barber Examiners (Barber Board) in § 43b.4 (relating to schedule of civil penalties—barbers and barber shops) by increasing the amount of the civil penalties across the board. The Barber Board has participated in the Act 48 citation program from its inception in 1996 and has not increased the civil

penalties since they were originally promulgated. Currently, the Barber Board has the most lenient civil penalty schedule and the Board feels that it is necessary to increase the civil penalties to improve their deterrent effects. In addition, the proposed rulemaking would increase the civil penalties for continuing violations based on the length of the violation. For example, the penalty for practicing on a lapsed or expired license would increase depending on the length of the lapse. Finally, a technical amendment is proposed to correct an error in the current schedule. The schedule cites section 8 of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 558), known as the Barbers' License Law, as authority for disciplining a licensee for operating a business or facility on a lapsed or expired permit or license. The correct section is section 12(a)(2) of the Barbers' License Law (63 P. S. § 562(a)(2)). The former section relates to individual licenses to practice barbering; the latter section relates to licenses to operate shops and schools.

##### *State Real Estate Commission*

The civil penalty schedule for the State Real Estate Commission (Commission) in § 43b.8 (relating to schedule of civil penalties—real estate and cemetery brokers, real estate schools) would be amended to add increased penalties for second offenses and continuing violations under sections 301, 604(a)(21) and 2205(b)(2) of the Real Estate Licensing and Registration Act (63 P. S. §§ 455.301, 455.604(a)(21) and 2205(b)(2)) and § 35.242(a) (relating to office of broker or cemetery broker). These amendments are also intended to take further advantage of the efficiencies of the Act 48 citation process by making additional violations subject to citations. Specifically, the Commission proposes the addition of civil penalties for violations of §§ 35.286(a)(1), 35.292(a)(6), 35.305(b) and 35.334. Also, the proposed rulemaking would increase certain existing civil penalties to enhance their deterrent effect. Finally, the civil penalty schedule would be amended to make it consistent with recent amendments to §§ 35.304 and 35.305 (relating to disclosure of licensure when advertising own real estate; and business name on advertisements).

##### *State Board of Vehicle Manufacturers, Dealers and Salespersons*

The proposed rulemaking would amend the civil penalty schedule in § 43b.9 (relating to schedule of civil penalties—vehicle manufacturers, dealers and salespersons) to add civil penalties for additional violations of the Board of Vehicles Act (act). Specifically, the proposed rulemaking would add civil penalties to its schedule for unlicensed practice violations by dealers, auctions, manufacturers, distributors, factory representatives and distributor representatives under section 5 of the act (63 P. S. § 818.5). Additionally, owing to an increasing number of complaints involving activities at vehicle auctions in this Commonwealth, the proposed rulemaking seeks to take advantage of the efficiencies of the citation process for violations of section 19(29), (30) and (38) of the act (63 P. S. § 818.19(29), (30) and (38)) regarding vehicle auctions in section.

##### *State Architects Licensure Board*

The civil penalty schedule for the State Architects Licensure Board (Architects Board) in § 43b.11a (relating to schedule of civil penalties—architects) would be amended to provide a new civil penalty for delinquent payment of the renewal fee for registered architecture

firms. This fee was recently promulgated by the Architects Board and is being assessed biennially. The civil penalty schedule also provides for increased penalties based on continuing violations under this provision. Amendments would also be made to the schedule to make it consistent with recent amendments to sections 13 and 18 of the Architects Licensure Law (63 P. S. §§ 34.13 and 34.18) and to provide for increased penalties for practicing without a current license based on the length of the violation.

*Fiscal Impact and Paperwork Requirements*

The proposed rulemaking would have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking would reduce the paperwork requirements of both the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements and adjudications/orders for those violations subject to the Act 48 citation process.

*Sunset Date*

Professional licensure statutes require each board and commission to be self-supporting. Therefore, boards and commissions continually monitor the cost effectiveness of regulations affecting their operations. As a result, 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 29, 2004, the Commissioner 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 which have not been met. The Regulatory

Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commissioner, 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 Basil L. Merenda, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

BASIL L. MERENDA,  
*Commissioner*

**Fiscal Note:** 16-32. 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 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL**

**§ 43b.3. Procedures.**

\* \* \* \* \*

(b) *Citations.*

(1) If an inspection reveals a violation of a statute or a regulation for which a civil penalty has been established under the schedules in [ §§ 43b.4—43b.14a ] **this chapter**, the authorized agent may prepare a citation indicating the violations found and the penalties imposed. A copy of the citation will be provided to the respondent.

\* \* \* \* \*

**§ 43b.4. Schedule of civil penalties—barbers and barber shops.**

**STATE BOARD OF BARBER EXAMINERS**

**Violation under 63 P. S.**

<b>Section</b>	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 551	Practicing without a license	1st offense—\$[ 250 ] 500 2nd offense—Formal action
Section 557	Availability of current license on premises	1st offense—\$[ 50 ] 150 2nd offense—\$[ 250 ] 500
Section 558	Practicing on a lapsed or expired license	1st offense—Up to 90 days—Warning; 90 days [ or more ] to 1 year—\$[ 100 ] 250; <b>1 year to 2 years—\$500; over 2 years—\$1,000</b> 2nd offense—Formal action
Section [ 558 ] 562(a)(2)	Operating a business or facility on a lapsed or expired permit or license	1st offense—Up to 90 days—Warning; 90 days [ or more ] to 1 year—\$250; <b>from 1 year to 2 years—\$500; over 2 years—\$1,000</b> 2nd offense—Formal action
Section 559	Failure to employ licensed persons	1st offense—\$[ 250 ] 500 for each individual unlicensed barber 2nd offense—Formal action

**Violation under 63 P. S.**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 560	Opening shop for business before shop inspected and approved	1st offense—\$[ 100 ] 200 2nd offense—Formal action
Section 560	Failure to file application when taking over as owner of existing shop	1st offense—\$[ 100 ] 500 2nd offense—Formal action
Section 562	Operating an establishment without supervision of manager barber	1st offense—\$[ 100 ] 250 2nd offense—Formal action
Section 563	Operating a business or facility without a permit or license	1st offense—\$[ 250 ] 500 2nd offense—Formal action
Section 563(a)	Licensee practicing in place other than licensed shop	1st offense—\$[ 150 ] 500 2nd offense—Formal action

**Violation Under 49 Pa. Code Chapter 3**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 3.51(a)	Failure to obtain new shop license when shop moves	1st offense—\$[ 100 ] 500 2nd offense—[ \$250 ] Formal action
Section 3.51(b)	Failure to register [ tradename ] trade name	1st offense—\$[ 50 ] 100 2nd offense—Formal action
Section 3.54	Failure to meet minimum equipment requirements	1st offense—\$[ 50 ] 100 2nd offense—Formal action
Section 3.55	Failure to meet minimum maintenance and sanitation requirements	1st offense—\$[ 50 ] 100 2nd offense—Formal action
Section 3.85	School equipment does not meet requirements	1st offense—\$[ 50 ] 100 2nd offense—[ \$250 ] Formal action
Section 3.86	School maintenance and [ sterilization ] sanitation requirements not met	1st offense—\$[ 50 ] 250 2nd offense—[ \$100 per requirement ] Formal action
Section 3.89	School advertising requirements not met	1st offense—\$[ 50 ] 250 2nd offense—[ \$250 ] Formal action

**§ 43b.8. Schedule of civil penalties—real estate and cemetery brokers, real estate schools.**

**STATE REAL ESTATE COMMISSION**

**Violation under 63 P. S.**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 455.301	Acting in capacity of cemetery broker or cemetery salesperson without a license * * * * *	1st offense—\$250 2nd offense—\$500
Section 455.604(a)(8)	Placing a “for sale” or “for rent” sign or advertising property without the written consent of the owner * * * * *	1st offense—\$[ 100 ] 250 2nd offense—\$[ 250 ] 500
Section 455.604(a)(21)	Failure of licensee to have current license when performing licensed activity * * * * *	1st offense—\$250 per month up to \$1,000 2nd offense—Formal action
Section 2205(b)(2)	Aiding and abetting cemetery or real estate sales activities by unlicensed individuals	1st offense—\$250 per individual 2nd offense—\$500 per individual

**Violation Under 49 Pa. Code Chapter 35**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 35.242(a)	Failure of broker or cemetery broker to devote office to transaction of real estate business in privacy	1st offense—\$[ 100 ] 125 2nd offense—\$250
Section 35.242(b)	Failure of broker or cemetery broker to maintain separate entrance to office located in private residence * * * * *	1st offense—\$[ 50 ] 125 2nd offense—\$[ 100 ] 250

**Violation Under 49  
Pa. Code Chapter 35**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 35.245(a)	Failure of broker, cemetery broker or rental listing referral agent to conspicuously display current license at main office * * * * *	1st offense—\$[ 100 ] 125 2nd offense—\$250
Section 35.245(c)	Failure of broker or cemetery broker to conspicuously display current branch office license at branch office	1st offense—\$[ 100 ] 125 2nd offense—\$250
Section 35.245(d)	Failure of broker or cemetery broker to maintain at main office list of licensed [ employes ] employees and branch offices at which [ employes ] employees work * * * * *	1st offense—\$[ 100 ] 125 2nd offense—\$250
<b>Section 35.286(a)</b>	<b>Failure of broker to retain a copy of the written estimate of reasonably foreseeable expenses required under § 35.334 (relating to statements of estimated cost and return)</b>	<b>1st offense—\$250 2nd offense—\$500</b>
<b>Section 35.286(a)(1)</b>	<b>Failure of broker, associate broker or salesperson to retain a copy of the acknowledgement portion of the Consumer Notice</b> * * * * *	<b>1st offense—\$250 2nd offense—\$500</b>
<b>Section 35.292(a)(6)</b>	<b>Failure of broker, associate broker or salesperson to provide a copy of the Consumer Notice as required under 63 P. S. § 455.608 regarding information to be given at initial interview</b> * * * * *	<b>1st offense—\$250 2nd offense—\$500</b>
Section 35.304	Failure of a [ broker ] licensee who sells or leases his own real estate to disclose in ads for the property that he is a [ real estate broker ] licensee * * * * *	1st offense—\$250 2nd offense—\$500
<b>Section 35.305(b)</b>	<b>Advertising or using a nickname that has not been registered with the Commission</b>	<b>1st offense—\$250 2nd offense—\$500</b>
Section 35.305[ (b) ](c)	Failure of [ associate broker, salesperson, associate cemetery broker or cemetery salesperson to include employing broker's name and telephone number on advertisement ] salesperson or associate broker to include the business name and telephone number of the broker in at least equal size on an advertisement	1st offense—\$[ 500 ]250 2nd offense—\$[ 750 ]500
<b>Section 35.334</b>	<b>Failure of broker to provide a written estimate of reasonably foreseeable expenses</b>	<b>1st offense—\$250 2nd offense—\$500</b>
Section 35.361(a)	Failure of real estate school to prominently display certificate of approval at main location and copy at each satellite location * * * * *	1st offense—\$[ 100 ] 125 2nd offense—\$250



**Violation Under 49 Pa. Code Chapter 35**

	<b>Title/Description</b>	<b>Civil Penalty</b>
Section 35.361(c)	Failure of real estate school to prominently display school director's letter of approval at main location and copy at each satellite location	1st offense—\$ [ 100 ] 125 2nd offense—\$250
Section 35.361(d)	Failure of real estate school to prominently display alphabetical list of courses and instructors at each school location	1st offense—\$ [ 100 ] 125 2nd offense—\$250
Section 35.361(e)	Failure of real estate school to prominently display a list of satellite locations at main location	1st offense—\$ [ 100 ] 125 2nd offense—\$250

**§ 43b.9. Schedule of civil penalties—vehicle manufacturers, dealers and salespersons.**

**STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS**

<b>Violation under 63 P. S.</b>	<b>Title/Description</b>	<b>Civil Penalty</b>
<b>Section 818.5(a)</b>	<b>Person or entity engaging in business of vehicle dealer, auction, manufacturer or distributor without license or acting as broker</b>	<b>Each offense—\$1,000</b>
<b>Section 818.5(a)</b>	<b>Person engaging in business as a factory representative or distributor representative without a license</b> * * * * *	<b>1st offense—\$100 2nd offense—\$500 3rd offense—\$1,000</b>
<b>Section 818.5(c)</b>	<b>Licensed salesperson working as salesperson for dealership other than for whom salesperson is licensed</b> * * * * *	<b>1st offense—\$100 2nd offense—\$500 3rd offense—Formal action</b>
<b>Section 818.19(29)</b>	<b>Wholesale auction permitting unlicensed or revoked or currently suspended dealer or vehicle business to buy, sell or represent vehicle at auction</b>	<b>1st offense—\$250 2nd offense—\$500 3rd offense—\$1,000 Subsequent offense— Formal action</b>
<b>Section 818.19(30)</b>	<b>Dealer permitting revoked or currently suspended salesperson to sell, represent or purchase vehicle at auction</b> * * * * *	<b>1st offense—\$500 2nd offense—\$1000 3rd offense— Formal action</b>
<b>Sections 818.5(f)(5) and (g)(1) and 818.19(38)</b>	<b>Person with revoked or currently suspended dealer or salesperson license physically present during auctioning of vehicles</b>	<b>Each offense \$1,000</b>

**§ 43b.11a. Schedule of civil penalties—architects.**

**STATE ARCHITECTS LICENSURE BOARD**

<b>Violation under 63 P. S.</b>	<b>Violation under 49 Pa. Code Chapter 9</b>	<b>Title/Description</b>	<b>Civil Penalty</b>
		* * * * *	
<b>§ 34.13(j)</b>	<b>§ 9.3</b>	<b>Delinquent payment of annual renewal fee for registered architecture firms (\$100 assessed biennially).</b>	<b>1st offense—0 to 2 years—\$500; 2nd offense—2 to 4 years—\$1,000; 3rd offense—over 4 years— Formal action</b>
<b>§ 34.13 [ (h) ](j)</b>	<b>§ 9.163</b>	<b>Engaging in the practice of architecture as a professional association, partnership, professional corporation, limited liability company, limited liability partnership or business corporation without first receiving the written approval of the Board.</b>	<b>1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action</b>

Violation under 63 P. S.	Violation under 49 Pa. Code Chapter 9	Title/Description	Civil Penalty
§ 34.18(a) and (b)	§ 9.171	<b>[ Use of the word “architect” or “architects” in the surname, word or business title implying that an individual or business is engaged in the practice of architecture, without possessing current and proper licensing by the Board. ] An individual or business engaging in the practice of architecture or offering to engage in the practice of architecture in this Commonwealth, or using any title, sign, card or device implying that the individual or business is competent to engage in the practice of architecture during a period when the individual’s or business’s license is not current.</b>	1st offense—[ \$1,000 ] 0 to 2 years—\$500 2nd offense—[ formal action ] 2 to 4 years—\$1,000 3rd offense—over 4 years— Formal action

[Pa.B. Doc. No. 04-1850. Filed for public inspection October 8, 2004, 9:00 a.m.]

## DELAWARE RIVER BASIN COMMISSION

[25 PA CODE CH. 901]

### Amendment of the Water Quality Regulations, Water Code and Comprehensive Plan to Classify the Lower Delaware River as Special Protection Waters

The Delaware River Basin Commission (Commission) will hold a public hearing to receive comments on proposed amendments to the Commission’s *Water Quality Regulations, Water Code* and *Comprehensive Plan* to classify as Special Protection Waters the reach of the main stem Delaware River known as the Lower Delaware. The Lower Delaware extends from the southern boundary of the Delaware Water Gap National Recreation Area at River Mile (RM) 209.5 to the head of tide at Trenton, NJ, RM 133.4.

#### *Supplemental Information*

#### *Background*

The Special Protection Waters regulations, consisting of § 3.10.3.A.1. of the Water Quality Regulations (Regulations), are intended to maintain the quality of interstate waters where existing water quality is better than the established stream quality objectives. The Regulations consist in large part of a series of policies regarding: water quality management (§ 3.10.3.A.2.b.); allowable discharges (§ 3.10.3.A.2.c.); wastewater treatment facilities (§ 3.10.3.A.2.d.); the control of nonpoint sources of pollution (§ 3.10.3.A.2.e.); and intergovernmental responsibilities (§ 3.10.3.A.2.f.). Other sections of the rule include definitions (§ 3.10.3.A.2.a.), a list of waters classified as Special Protection Waters (§ 3.10.3.A.2.g.), a table defining existing water quality with numeric values for a series of different parameters in each of the river sections classified as Special Protection Waters (Table 1) and a table describing the location of the Boundary and Interstate Special Protection Waters Control Points, which are

the locations used to assess water quality for purposes of defining and protecting existing water quality (Table 2).

To be protected as Special Protection Waters, stream reaches must be classified as either Outstanding Basin Waters or Significant Resource Waters. Outstanding Basin Waters are defined as “interstate and contiguous intrastate waters that are contained within the established boundaries of National parks; National wild, scenic and recreational rivers systems; and/or National wildlife refuges that are classified by the Commission under Subsection 2.g.1. [of the Regulations] as having exceptionally high scenic, recreational and ecological values that require special protection” (§ 3.10.3.A.2.a.1.). “Significant Resource Waters” are defined as “interstate waters classified by the Commission under Subsection 2.g.2. [of the Regulations] as having exceptionally high scenic, recreational, ecological, and/or water supply uses that require special protection” (§ 3.10.3.A.2.a.2.).

In accordance with § 3.10.3.A.2. of the Regulations, the Delaware Riverkeeper Network submitted to the Commission in April 2001 a nomination petition requesting that the Commission classify the Lower Delaware River as Special Protection Waters. The Commission initiated a 5-year monitoring program in May 2000 to characterize existing water quality in the Lower Delaware. Four years of data have been collected and analyzed. Data collection and analysis for the 5th year will be completed in 2004.

A series of studies, plans and policies and a Federal designation document the scenic, recreational, ecological and water supply values and uses of the Lower Delaware and support the goal of preserving these qualities. The 4 years of data and findings set forth in the report entitled, *Delaware Eligibility Determination for DRBC Declaration of Special Protection Waters* (DRBC, August 2004) demonstrate that water quality in the Lower Delaware River is better than the water quality criteria. The *Lower Delaware National Wild & Scenic River Study Report* (National Park Service, Northeast Region, 1999) documents that the Lower Delaware River includes islands, wetlands and diverse ecosystems that support rare and endangered plant and animal species and constitute scenic and recreational amenities. The *Lower Delaware River Management Plan* (Lower Delaware River Wild and Scenic

River Study Task Force and Local Government Committee, with assistance from the National Park Service, August 1997) (LDRMP) contains goals regarding water quality, natural resources, historic resources, recreation, economic development and open space preservation for the Lower Delaware River. Goal 1 of the LDRMP calls for maintaining, and when practical, improving existing water quality in the main stem of the Lower Delaware River and its tributaries. On November 1, 2000, the President of the United States signed Pub. L. No. 106-418, designating portions of the Lower Delaware River as part of the National Wild and Scenic Rivers System (system). The system was established by Congress in 1968 to preserve the character of rivers with "outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values" and to ensure that designated rivers remain free-flowing (Pub. L. No. 106-418, 106th Congress). The *Water Resources Plan for the Delaware River Basin* (DRBC Watershed Advisory Committee, September 2004) (Basin Plan), which is supported by each of the Commission's signatories, directs "[w]here water quality meets or is better than standards for the protection of aquatic life and wildlife, implement anti-degradation regulations, policies and/or other mechanisms to maintain or improve existing water quality" (Basin Plan, p. 67).

#### *Proposed Amendments*

The Commission proposes to amend the Special Protection Waters regulations by adding one section of the main stem Delaware River to the list of stream reaches classified as Outstanding Basin Waters (see § 3.10.3.A.2.g.1) and two sections of the main stem Delaware River to the list of stream reaches classified as Significant Resource Waters (see § 3.10.3.A.2.g.2). The section of the main stem proposed to be classified as Outstanding Resource Waters is the reach extending from RM 171.4, a point just south of the Gilbert Generating Station in Holland Township, NJ, to RM 141.8, at Washington Crossing, PA. The sections of the main stem proposed to be classified as Significant Resource Waters extend from RM 209.5, the downstream boundary of the Delaware Water Gap National Recreation Area, to RM 171.4, the location of which is previously noted, and from RM 141.8 at Washington Crossing, PA, to RM 133.4, the location of the head of tide at Trenton, NJ.

The proposed amendments do not at this time include additions to Table 1, defining existing water quality in each classified reach with numeric values for a series of different parameters, or to Table 2, describing the location of the Boundary and Interstate Special Protection Waters Control Points. These amendments will be made at a later date, when analysis of a 5th year of water quality data for the Lower Delaware has been completed. Thus, the Commission proposes to add § 3.10.3.A.2.g.6), providing that the regulations that depend for enforcement upon the use of approved numeric values for existing water quality will not apply, under the proposed amendments, to regulated activities within the drainage area of the Lower Delaware River, and that all other provisions of § 3.10.3.A.2. will apply upon the effective date of the proposed amendments. Provisions of the Special Protection Waters regulations that will apply within the drainage area to the Lower Delaware River include the following: § 3.10.3.A.2.c.1.—3., in part requiring an analysis of alternatives to new or expanded discharges; § 3.10.3.A.2.d.1.—7., setting forth requirements for wastewater treatment facilities; and § 3.10.3.A.2.e.1. and 2., conditioning project approval on the existence of an approved Non-Point Source Pollution Control Plan for the

project area and requiring that approval of a new or expanded withdrawal or wastewater, or both, discharge project be subject to the condition that new connections to the project system be limited to service areas regulated by nonpoint source control plans approved by the Commission.

#### *Dates*

The public hearing will be held on October 27, 2004, at approximately 2 p.m. as part of the Commission's regularly scheduled business meeting. This time is approximate because the Commission will conduct hearings on several dockets (project approvals) beforehand, at approximately 1:30 p.m. The hearing will continue until all those who wish to testify are afforded an opportunity to do so. In the event all those who wish to testify cannot be heard on October 27, 2004, the hearing will be continued at a date, time and location to be announced by the Commission chair that day. Persons wishing to testify at the hearing are asked to register in advance with the Commission Secretary, (609) 883-9500, Ext. 224. Written comments will be accepted through Tuesday, November 30, 2004.

#### *Addresses*

The public hearing will be held in the Kirby Auditorium, National Constitution Center, 525 Arch Street, Independence Mall, Philadelphia, PA. Written comments should be addressed to the Commission Secretary, DRBC, P. O. Box 7360, West Trenton, NJ 08628-0360, fax (609) 883-9522, paula.schmitt@drbc.state.nj.us. Overnight mail should be sent to Commission Secretary, DRBC, 25 State Police Drive, West Trenton, NJ 08628-0360.

#### *Additional Information and Contact Person*

The full text of the draft resolution containing the proposed rule change, a map illustrating the proposed stream classifications, a map illustrating the Wild and Scenic Rivers System designations in the Lower Delaware and reports about the Lower Delaware is at the Commission's website: [www.drbc.net](http://www.drbc.net). The Commission will hold two informational meetings on the proposed rulemaking. One meeting will be held on Thursday, October 14, 2004, from 7 p.m. to 9 p.m. at the Delaware and Raritan Canal Commission Office, Prallsville Mills Complex, 33 Risler Street (Route 29), Stockton, NJ. A meeting will be held on Wednesday, October 20, 2004, from 7 p.m. to 9 p.m. in Room 315, Acopian Engineering Building, Lafayette College, High Street, Easton, PA. Directions to the meeting locations will be posted on the Commission's website in advance of the meeting dates. Contact Pamela Bush, (609) 883-9500 Ext. 203, with questions about the proposed rulemaking or the rulemaking process.

It is proposed to amend the *Water Quality Regulations* and *Water Code* as follows:

Section 3.10.3.A.2.g.1), listing stream reaches classified as Outstanding Basin Waters, is proposed to be amended by the addition of the following:

(e) The Lower Delaware River between River Miles 171.4 and 141.8 (a point just south of the Gilbert Generating Station in Holland Township, NJ to Washington Crossing, PA).

Section 3.10.3.A.2.g.2), listing stream reaches classified as Significant Resource Waters, is proposed to be amended by the addition of the following:

(b) The Lower Delaware River between River Miles 209.5 and 171.4 (the downstream boundary of the

Delaware Water Gap National Recreation Area to a point just south of the Gilbert Generation Station in Holland Township, NJ);

(c) The Lower Delaware River between River Miles 141.8 and 133.4 (Washington Crossing, PA to the Head of Tide at Trenton, NJ).

Section 3.10.3.A.2.g is proposed to be amended by the addition of the following:

6). For the stream reaches listed in Sections 3.10.3.A.2.g.1.(e) and 3.10.3.A.2.g.1.(b) and (c), all provisions of Section 3.10.3.A.2 shall be in effect except those that depend for enforcement upon the use of approved numeric values for existing water quality.

PAMELA M. BUSH,  
*Secretary*

**Fiscal Note:** 68-43. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART V. DELAWARE RIVER BASIN COMMISSION**

**CHAPTER 901. GENERAL PROVISIONS**

**§ 901.2. Comprehensive Plan and water quality.**

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A [ (2001) ] (2004) and the Water Code and Water Quality Standards as set forth in 18 CFR Part 410 [ (2001) ] (2004) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 04-1851. Filed for public inspection October 8, 2004, 9:00 a.m.]

**[25 PA CODE CH. 901]**

**Amendment of the Water Quality Regulations, Water Code and Comprehensive Plan to Establish Pollutant Minimization Plan Requirements for Point and Nonpoint Source Discharges of Toxic Pollutants**

The Delaware River Basin Commission (Commission) will hold a public hearing to receive comments on a proposed amendment to the Commission's Water Quality Regulations, Water Code and Comprehensive Plan to establish pollutant minimization plan requirements for point and nonpoint source discharges of toxic pollutants following issuance of a total maximum daily load (TMDL) under section 303(d) of the Clean Water Act (CWA) (33 U.S.C.A. § 1313(d)) by either a member state or the United States Environmental Protection Agency (EPA) or issuance of an assimilative capacity determination by the Commission.

*Supplemental Information*

A TMDL establishes the maximum loading of a pollutant that a water body can receive without causing an impairment of the water quality standard, which includes designated uses, water quality criteria calculated to protect those uses and antidegradation requirements. When water quality standards are not attained, despite the technology-based control of industrial and municipal wastewater (point sources), the CWA requires that the impaired waters be identified on the state's Section 303(d)

list and that a TMDL be developed for the pollutant or pollutants causing the impairment. A determination of the assimilative capacity of a water body for a given pollutant under § 4.30.7 of the Commission's Water Quality Regulations is similar to the establishment of maximum total loading for a water body in a TMDL. The Commission may issue an assimilative capacity determination whenever a stream quality objective (the Commission's term for a numeric water quality criterion) is not being attained.

A TMDL or assimilative capacity determination does not in and of itself result in any improvement in water quality. Rather, the total loading or assimilative capacity must be allocated among the various sources contributing to the water quality impairment, and each discharger must reduce its discharge to achieve its allocated load. For point source discharges, the individual load allocation typically is converted to an effluent limitation in a National Pollutant Discharge Elimination System (NPDES) permit issued under section 402 of the CWA (33 U.S.C.A. § 1342). For nonpoint sources, the load allocation typically is achieved through Best Management Practices (BMPs).

For certain toxic pollutants in water bodies within the Delaware River Basin, ambient or effluent, or both, monitoring shows that loadings are many times higher than the levels required to ensure that water quality standards are met. Substantial reductions in loadings of pollutants from all point and nonpoint sources are needed to protect the designated uses. However, the process of developing and allocating a total load or determining the assimilative capacity of the water body for the pollutant may take the regulatory agencies many years. As has become apparent in the case of the TMDL for polychlorinated biphenyls (PCBs) in the Delaware Estuary, issued by the EPA on December 15, 2003, on behalf of Delaware, New Jersey and the Commonwealth, it may be many more years before the states are able to incorporate implementing provisions into NPDES permits for point sources and require implementing BMPs for nonpoint sources. For PCBs, and possibly for other persistent bioaccumulative toxic chemicals, still more time, in some cases decades, will be needed before dischargers achieve sufficient load reductions to achieve the water quality standards. The proposed rulemaking is intended to accelerate real improvements in water quality by authorizing the Commission to require point and nonpoint source dischargers to initiate load reduction efforts sooner. No numeric targets are proposed. Rather, the rule is based on concepts of pollution prevention and sustainability and the recognition that dischargers that are familiar with their own operations may be best situated to identify opportunities for achieving prompt loading reductions in a cost-effective manner. To comply with the rule, dischargers must plan and implement measures for achieving the maximum practicable reduction of pollutant discharges to the air, soil and water.

The proposed rulemaking is primarily a gap-filling measure. For point sources, it will cease to apply to any discharge upon the next issuance by the state or the EPA of a NPDES permit or permit renewal with respect to that discharge. For nonpoint discharges, the Commission's intention is to apply the rule only where existing state and Federal programs will not ensure implementation of the TMDL or assimilative capacity determination.

The rule has four principal parts. Section A addresses the scope of the rule, both the pollutants and the entities intended to be regulated. Section B sets forth procedures

for submission, review, implementation and continuation of Pollutant Minimization Plans (plan) required under the rule, including the relationship of the rule to the NPDES permit program. Section C lists the elements required to be included in a plan. Section D sets forth the requirement that dischargers submit a report annually, quantifying changes in pollutant loadings since initiation of the plan and describing measures under way or completed to reduce loadings. Additional sections include a waiver provision and a provision for the development of guidance to assist dischargers in developing plans under the rule.

#### *Scope of the Proposed Rulemaking*

The scope of the proposed rulemaking is limited to toxic chemicals listed in Section A.1 of the rule. The proposed rule lists one pollutant, PCBs, for which the EPA issued a TMDL for the Delaware Estuary on December 15, 2003. Additional pollutants may be added to the rule only through notice and comment rulemaking.

Classes of dischargers or individual dischargers proposed to be subject to the rule may be added by amendment or by a directive of the Commission's Executive Director, upon approval by the Commission. Two classes of PCB dischargers are initially proposed to be included: those listed in Group 1 of Tables 3-2—3-5 of Appendix 3 of the document *U.S. Environmental Protection Agency Regions II and III, Total Maximum Daily Loads for Polychlorinated Biphenyls (PCBs) for Zones 2-5 of the Tidal Delaware River* (December 15, 2003); and those listed in Group 2 of the same tables in the event that the presence of PCB congeners is confirmed through monitoring in accordance with the requirements set forth in Appendix 3 of the same document.

#### *Procedures for Submission, Review, Implementation and Continuation of Plans*

The proposed rulemaking requires dischargers to submit a plan to the Commission and the permitting agency, if any, within 3 months of publication of a final rule or issuance of a directive by the Executive Director. The Commission staff, in consultation with the permitting agency staff (if applicable), will review each plan for completeness, and the Executive Director will issue a completeness determination, either confirming that a plan contains all components required by the rule or identifying deficiencies in the plan. Where a deficiency is identified, a discharger has 30 days to submit a revised plan reflecting a good faith effort to cure the deficiency. The rule sets forth procedures for subsequent revisions if necessary and allows the Executive Director to seek penalties against a discharger for repeated failure to comply, or grant a waiver from a requirement of the rule for good cause shown. The discharger must commence implementation of its plan as submitted within 60 days of receipt of a determination of completeness.

Upon issuance of a final new or renewed NPDES permit by the EPA or a member state after the imposition of a plan requirement under the proposed rulemaking, the permit supersedes any provisions of the plan that relate to the NPDES-permitted discharge.

Plans for point source discharges will receive a thorough substantive review at the time of NPDES permit issuance or reissuance. Due to limited agency resources, earlier substantive review of plans by the Commission or the member states is authorized but not required. The rule provides that if the Commission determines at any time that a plan is not likely to achieve the maximum practicable reduction of pollutant discharges to the air,

soil or water, it may require the discharger to submit a revised plan to more aggressively reduce pollutant loading.

The initial term of the plan is to be 5 years. The term of any plan that is not superseded by an NPDES permit within 5 years may be extended by the Executive Director, following a review by the Commission Staff in consultation with the staff of the appropriate state environmental agency.

#### *Plan Elements*

Interested parties are referred to the text of the rule for the required elements of a plan. Notably, these elements include strategies for tracking down unknown sources of the pollutant, as well as for minimizing releases of the pollutant where sources are found. Plans also must include a description of the procedures to be used to measure, demonstrate and report progress in reducing potential and actual discharges of the pollutant, including annual sampling and analysis of discharges using a prescribed analytical method if one is listed in the rule. In the case of PCBs, dischargers are required to measure loadings annually using EPA Method 1668, Revision A. Dischargers are encouraged to use less complex and expensive analytical methods where possible for purposes of screening or identifying pollutant sources.

#### *Annual Report*

Annual sampling and reporting using a uniform method are required for dischargers and regulators to determine the effectiveness of a plan in reducing pollutant loadings to a waterway.

#### *Dates*

The public hearing will be held on October 27, 2004, at 11 a.m. as part of the Commission's regularly scheduled business meeting. The hearing will end 60 to 90 minutes later, at the discretion of the Commission chair. If necessary, the hearing will be continued at a date and location announced by the Commission chair, until all those who wish to testify are afforded an opportunity to do so. Persons wishing to testify at the hearing are asked to register in advance with the Commission Secretary, (609) 883-9500, Ext. 224. Written comments will be accepted through Friday, November 19, 2004.

#### *Addresses*

The full text of the proposed rulemaking is on the Commission's website: [www.drbc.net](http://www.drbc.net). The public hearing will be held in the Kirby Auditorium, National Constitution Center, 525 Arch Street, Independence Mall, Philadelphia, PA. Written comments should be addressed to the Commission Secretary, DRBC, P. O. Box 7360, West Trenton, NJ 08628-0360, fax (609) 883-9522, [paula.schmitt@drbc.state.nj.us](mailto:paula.schmitt@drbc.state.nj.us). Overnight mail should be sent to Commission Secretary, DRBC, 25 State Police Drive, West Trenton, NJ 08628-0360.

#### *Further Information and Contact Person*

Contact Pamela Bush, (609) 883-9500, Ext. 203, with questions about the proposed rulemaking or the rulemaking process.

It is proposed to amend the Commission's Water Quality Regulations, Water Code and Comprehensive Plan by the addition of the following:

#### **4.30.9 Pollutant Minimization Plans for Toxic Pollutants**

A. *Applicability.* Following a determination of assimilative capacity by the Commission or the issuance of

a TMDL by the U.S. Environmental Protection Agency or a Basin State for a toxic pollutant, the Commission may require, or in accordance with Section 4.30.9.A.2. below, may authorize the Executive Director to require, classes of point or non-point dischargers or individual dischargers to prepare pollutant minimization plans ("PMPs") to reduce or prevent releases of the toxic pollutant to Basin waters.

1. In accordance with Section 5.2 of the *Delaware River Basin Compact*, the Commission has determined that the effectuation of the Comprehensive Plan requires control and abatement of the pollutants listed below, through the PMP requirements set forth herein. Additional toxic pollutants may be added to this section by amendment of this rule.

(a) Polychlorinated Biphenyls (PCBs).

2. The following classes of dischargers shall be subject to the requirements of this rule for the pollutants listed in Section 4.30.9.A.1. Additional classes of dischargers or individual dischargers may be added to this section by amendment of this rule. In addition, the Executive Director, upon approval by the Commission, is authorized to subject additional individual dischargers to this rule based upon a determination in each instance that the discharge has an adverse effect on the water resources of the Basin, subject to the right of the discharger to contest the determination under Article 6 of the *Rules of Practice and Procedure*.

(a) For PCBs:

(i) Dischargers listed in Group 1 of Tables 3-2 through 3-5 of Appendix 3 of the document, *U.S. Environmental Protection Agency Regions II and III, Total Maximum Daily Loads for Polychlorinated Biphenyls (PCBs) for Zones 2-5 of the Tidal Delaware River* (December 15, 2003).

(ii) Dischargers listed in Group 2 of Tables 3-2 through 3-5 of Appendix 3 of the document, *U.S. Environmental Protection Agency Regions II and III, Total Maximum Daily Loads for Polychlorinated Biphenyls (PCBs) for Zones 2-5 of the Tidal Delaware River* (December 15, 2003), in the event that the presence of PCB congeners is confirmed through monitoring in accordance with the requirements set forth in Appendix 3 of the same document.

**B. Procedures for Submission, Review, Implementation and Continuation of PMPs.** The following procedures shall apply to PMPs required under this rule:

1. *Time of Submission.* A discharger shall submit a PMP to the Commission and the permitting agency (if any) simultaneously within three months of publication of a final rule covering the discharger under Section 4.30.9.A.2. or Commission approval of a decision of the Executive Director to require a PMP, under the same section. The Commission shall provide written notice of the rule change or decision to affected dischargers.

2. *Completeness Determination.* The Commission staff, in consultation with permitting agency staff (if applicable), shall review each PMP for completeness, and the Executive Director shall issue a completeness determination to the discharger, copied to the permitting agency, confirming that a PMP is complete or identifying deficiencies in the PMP. The completeness determination shall not be construed as a determina-

tion of the adequacy of the PMP to achieve the maximum practicable reduction of pollutant discharges to the air, soil or water in accordance with Section C.9.

3. *Cure of Deficiency.* Within 30 days of receipt of a completeness determination in accordance with Section 4.30.9.B.2., above, dischargers shall submit a PMP to the Commission and the permitting agency (if applicable) that reflects a good faith effort to cure any deficiency identified in the determination. If the revised PMP is satisfactory, the Executive Director shall issue a second determination of completeness stating that the deficiency has been cured. If the revised PMP is still incomplete, the Executive Director in her discretion may either grant the discharger additional time to cure the deficiency or seek penalties against the discharger, unless for cause shown the Executive Director grants a waiver in accordance with Section 4.30.9.E. The Executive Director may commence an enforcement action and/or seek penalties in accordance with Section 14.17 of the *Compact* and Section 4.30.9.B.9 below in the event of persistent or bad faith failure by the discharger to submit a complete PMP.

4. *Commencement of PMP Implementation.* The discharger shall commence implementation of its PMP as submitted, within 60 days of receipt of a determination of completeness under Section 4.30.9.B.2 or B.3.

5. *Initial Term of PMP.* Each PMP shall be designed for an initial term of five years.

6. *Relationship to NPDES Permit.* Upon issuance of a final new or renewed NPDES permit by the U.S. Environmental Protection Agency or a Basin State after the imposition of a PMP requirement under this rule, the permit shall supersede any provisions of the PMP that relate to NPDES-permitted discharges. An NPDES permit modification shall supersede elements of a PMP relating to NPDES-permitted discharges only if the permit modification expressly so states.

7. *Additional Term of PMP.* For any discharge not controlled under the NPDES permit program, the term of the PMP shall be reviewed by the Commission staff in consultation with the state environmental agency staff, and an additional term shall be determined by the Executive Director.

8. *Plans Deemed Non-Compliant.* If the Commission determines at any time, upon the recommendation of the Executive Director, that a PMP developed under this rule is not likely to achieve the maximum practicable reduction of pollutant discharges to the air, soil and water, then the Commission may require a revised PMP to be submitted to more aggressively reduce pollutant loading. The discharger shall submit a revised PMP responsive to the Commission's request within 60 days of receipt of the request. The provisions of Sections 4.30.9.B.2 through B.4., with respect to curing a deficiency and commencing implementation, shall apply.

9. *Persistent or Bad Faith Failure to Comply.* The Executive Director is authorized to commence an enforcement action against a discharger in accordance with Article 7 of the Commission's *Rules of Practice and Procedure* for persistent or bad faith failure to submit a complete plan, to modify a plan deemed non-compliant, or to implement a plan.

C. *Plan Elements.* A PMP prepared in accordance with these regulations shall contain the following elements:

1. *Good Faith Commitment.* A signed and dated statement by the highest ranking official having day-to-day managerial and operational responsibilities for the facility, expressing the company's good faith commitment to reducing discharges of the target pollutant through the PMP process.

2. *Discharger Contact.* Name and contact information for an individual who will serve as the Commission's contact for information concerning the PMP.

3. *Description and Maps of Facility*

a. For Industrial Facilities:

—company and facility name and address;

—raw materials and industrial processes used, and products generate;

—for facilities accepting non-facility wastes, a description of all such wastes;

—map of all point and nonpoint source discharges from the facility or site and description of the nature of such discharges (i.e., continuous or intermittent, to surface water or groundwater, flow rate);

—all applicable local, state and federal discharge permits and permit numbers for permits that control the pollutant or relate to discharges that contain the pollutant; and

—receiving stream for all discharges, including River Mile in instances where the receiving stream is the main stem Delaware River.

b. For Municipal Wastewater Treatment Plants (WWTPs):

—facility name and address;

—description and map of the facility's service area;

—description and map or schematic diagram of the collection system;

—description of any wastes accepted from outside the collection system (e.g., wastes trucked or transported by rail to the site for treatment);

—map of all point and nonpoint source discharges from the facility or site and description of the nature of such discharges (i.e., continuous or intermittent, to surface or groundwater, flow rate);

—all local, state and federal permits and permit numbers for permits that control the pollutant or relate to discharges that contain the pollutant;

—receiving stream for all discharges, including River Mile in instances where the receiving stream is the main stem Delaware River; and

—a list of all industrial users of the collection system and pretreatment permit numbers if any.

4. *Description and Map of Known Sources*

a. Description of all materials, equipment, processes, soil areas or facilities within a facility, site, or service area, from which the pollutant is released directly or indirectly into a wastewater treatment system, sewage collection system, stormwater collection system, stream or river, including a description of the pathways if known.

b. Site map or service area map showing location of known sources and pathways.

5. *List of Materials, Equipment, Processes, Soil Areas or Facilities Containing or Generating the Pollutant, but Which are Not Known Sources*

a. For industrial dischargers, to the extent practicable, identify any material, equipment, process, soil area or facility on the site known to contain or generate the pollutant, but that is not deemed a source because it is not known to be releasing the pollutant or because no known pathway to surface water or groundwater exists. Identify pollutant concentration if known.

b. For municipal WWTPs, identify any material, equipment, process, soil area or facility that is part of the collection system or that is within the service area and that is known to contain the pollutant but that is not deemed a source because it is not known to be releasing the pollutant or because no known pathway to surface water or groundwater exists. Identify pollutant concentration if known.

6. *Strategy for Identifying Unknown Sources of the Pollutant (Trackdown)*

a. For industrial dischargers, the strategy for identifying pollutant sources may include, without limitation, investigation of an industrial process used by the discharger that is similar to one known to have generated the pollutant elsewhere; investigation of historic activities on the site; or investigation of possible soil or sediment contamination or stormwater management system contamination as a result of historic or ongoing activities.

b. For municipal WWTPs, trackdown strategy may include, without limitation, identification, through screening, of portions of the collection system containing higher concentrations or volumes of the pollutant; identification of industrial users of the collection system that are likely to have used or generated the pollutant in the past; industrial processes known to be in use that could generate the pollutant; sites containing equipment that is likely contaminated with the pollutant, sites that have been used to dispose of the pollutant, etc.

c. Trackdown efforts may rely upon analytical methods other than those required under Section 4.30.9.C.13, below, for purposes of screening or identification of pollutant sources.

7. *Previous, Ongoing or Planned Minimization Activities Undertaken Voluntarily or Required by Other Regulatory Programs.* Previous, ongoing or planned pollutant minimization activities under way or to be undertaken voluntarily or in accordance with a federal or state requirement for the pollutant that is the subject of the PMP, including the level of clean-up attained, level of clean-up targeted, measures completed, measures under way, and the schedule for planned activities.

8. *For Municipal WWTPs Only, Recommendations for Action Under Other Regulatory Programs.* Based on information known at the time of PMP submission or identified during implementation of the PMP, recommendations for remediation activities to be undertaken under the auspices of other agencies or regulatory programs.

9. *Pollutant Minimization Measures.* A description of measures to be taken to achieve the maximum practicable reduction of discharges to the air, soil or water. For known or potential sources, such measures

may include but are not limited to: source removal, changes in raw materials, industrial process modifications, treatment modifications, and elimination of pathways to surface and groundwater.

10. *Ranking.* Ranking of known and potential sources, either individually or in categories, from most to least significant, on the basis of available information. Factors to be considered in ranking known sources should include, without limitation, available information on volume of the discharge, concentration of the pollutant, and likelihood of re-release into Basin waters. Factors to be considered in ranking potential sources may include, without limitation, type of current or past industrial activity, presence and type of PCB containing equipment, waste management activities and overall condition of the site and facilities.

11. *Key Dates.* Date of submission of waste implementation plan; date by which initiation of plan activities is required (i.e., receipt of completeness determination plus 60 days); and schedule for implementation of each of the measures described in Section 4.30.9.C.9. above.

12. *Measurement of Progress.* Description of the procedures to be used to measure, demonstrate and report progress in reducing potential and actual discharges of the pollutant. These procedures shall include at a minimum the following:

- establishing a loading baseline, utilizing methods listed in Section 4.30.9.C.13. below, if applicable;
- annual sampling and analysis of discharges, utilizing methods listed in Section 4.30.9.C.13 below, if applicable

No PMP shall be deemed complete that does not demonstrate that a loading baseline has been or will be established and that changes to mass loadings shall be measured on an annual basis. However, additional measures of progress may be used, including, but not limited to, lists of PCB-containing equipment removed or pathways blocked, or in the case of municipal WWTPs, inventories of PCB-containing equipment initiated or completed; educational programs put in place; areas of the collection system targeted through trackdown; etc.

13. *Sampling and Analytical Methods.* The following sampling and analytical methods shall be used for establishing baseline discharges and for measuring pollutant reductions on an annual basis, unless this requirement is waived by the Executive Director in accordance with Section 4.30.9.E., below.

(a) PCBs—EPA Method 1668, Revision A.

14. *Material Modifications.* Within three months of any material modification to a facility's operations, site boundary, service area, or waste streams, the owner or operator must notify the Commission and make appropriate revisions to its PMP.

D. *Annual Report.* Each year, commencing one year from the date by which initiation of PMP activities is required to begin in accordance with Section 4.30.9.B.4 above, and continuing through the fifth year of the plan, the discharger shall submit to the Commission and the permitting agency (if any) an annual report:

1. demonstrating annual and cumulative changes from the pollutant loading baseline since initiation of the PMP; and

2. describing measures under way and completed to reduce loadings since initiation of the PMP.

E. *Waiver.* The Executive Director may waive any of the requirements set forth in Section 4.30.9., upon a showing that they are inapplicable to or inappropriate for a particular facility or site.

F. *Guidance.* The Commission may develop guidance consistent with the requirements set forth in Section 4.30.9.B and C. to assist the agencies and dischargers in the development of PMPs under this rule.

G. Nothing in this rule shall limit the authority of the Commission or the Executive Director under the *Compact* to control future pollution, abate existing pollution or require review under Section 3.8 of the *Compact*.

PAMELA M. BUSH,  
*Secretary*

**Fiscal Note:** 68-44. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART V. DELAWARE RIVER BASIN COMMISSION  
CHAPTER 901. GENERAL PROVISIONS**

**§ 901.2. Comprehensive Plan and water quality.**

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A [ (2001) ] (2004) and the Water Code and Water Quality Standards as set forth in 18 CFR Part 410 [ (2001) ] (2004) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 04-1852. Filed for public inspection October 8, 2004, 9:00 a.m.]

**DEPARTMENT  
OF REVENUE**

[61 PA. CODE CH. 901]

**Local Option Small Games of Chance**

The Department of Revenue (Department), under section 9 of the Local Option Small Games of Chance Act (act) (10 P. S. § 319), proposes to amend Chapter 901 (relating to small games of chance) to read as set forth in Annex A.

*Purpose of the Proposed Rulemaking*

This proposed rulemaking contains comprehensive amendments to Chapter 901 to incorporate legislative changes made to the act by the act of December 19, 1990 (P. L. 812, No. 195) (Act 195) and the act of October 18, 2000 (P. L. 602, No. 79) (Act 79). This proposed rulemaking also codifies policy and administrative changes regarding games of chance.

*Explanation of Regulatory Requirements*

The Department is proposing numerous global changes to Chapter 901 to reflect changes in terminology, including the deletion of the term "small" in conjunction with the phrase "games of chance." This amendment will make the regulation more consistent with the enabling statute. Examples of other changes include: the replacement of "club" with "eligible organization" to be consistent with



the change made in Act 195; the replacement of "county" with "licensing authority"; the replacement of "registration" with "certificate" and the replacement of "special permit" with "special raffle permit." Numerous minor additions, revisions and deletions are being proposed to sections throughout Chapter 901 for clarity (including changes from passive to active voice) and readability.

#### *Subchapter A. General Provisions*

##### *Definitions*

Numerous revisions to § 901.1 (relating to definitions) are proposed to bring the definitions into conformity with statutory changes and to codify policy and administrative changes. An explanation of each definition addition or change is as follows:

The following definitions are added for clarity: "applicant," "application," "license," "licensee," "manufacturer registration certificate or certificate," "nonoperating day," "Office of Attorney General," "pull-tab game," "punch," "registrant," "registration," "special raffle permit" and "State lottery law."

The following terms are referenced in Act 195 and the definitions are added to the explain terms: "auxiliary group," "normal business or operating site" and "operating day."

"Bona fide member" is amended to delete references to "club" and add references to "eligible organization."

"Civic and service association" is defined in section 3 of Act 195 (10 P. S. § 313) and is added for use in the regulation. Within the definition the term "bona fide" is used. For purposes of these regulations, "bona fide" shall be interpreted according to its common usage: in or with good faith; honestly, openly, and sincerely; without deceit or fraud.

"Club" was amended in section 3 of Act 195.

The following terms are defined in section 3 of Act 195 and are added for use in the regulation: "daily drawing," "dispensing machine," "eligible organization," "fraternal organization" and "passive selection device."

The following definitions amended for clarity: "deal," "flare," "manufacturer," "petition," "petitioner" and "punchboard."

"Distributor" is amended to delete references to "small" and "club" and add reference to "eligible organization."

The following definitions are amended to delete reference to "small": "distributor's representative" and "manufacturer's representative."

"Games of chance" is amended for clarity and because of revisions to section 3 of Act 195 and section 3 of Act 79 (10 P. S. § 313).

The following definitions added for use in the regulation: "hold ticket" and "seal card."

"Legitimate club purposes" is deleted in accordance with amendments to section 3 of Act 195. The term is replaced with "public interest purpose."

Although "licensed premises" was used in the original enabling statute, it was not defined in the original regulations. The term is again used in Act 195 and a definition is added for clarity.

"Limited occasion license" is added to explain a new type of license authorized in section 10(b.3) of Act 195 (10 P. S. § 320(b.3)).

"Lottery" is deleted in accordance with amendments in section 3 of Act 195.

"Operating week" is added for clarity and use in the regulation. The term replaces the phrase "7-day period."

"Public interest purposes" is defined in amendments to section 3 of Act 195. The term replaces "legitimate club purpose" and is added for use in the regulation.

"Pull-tab" and "raffle" are amended because of revisions to section 3 Act 195.

The definition of "responsible person"—is being amended for clarity, to update references from "club" to "eligible organization" and delete references to "small."

"Veterans organization" added because of revisions to section 3 of Act 195.

"Weekly drawing" is added because of revisions to section 3 of Act 79.

##### *General Applicability*

Section 901.21 (relating to applicability) is amended by adding a subsection which provides that to provide uniform practices, procedures and standards, the Department is promulgating certain enumerated regulatory sections for the benefit of and suggested use by the licensing authorities. However, the governing body of each county, on behalf of its licensing authority, must adopt the sections by independent act for the sections to have legal force and effect. With the addition of this language to § 901.21, §§ 901.181 and 901.211 (relating to local rules) are deleted.

Section 901.22 (relating to use of proceeds) is deleted because the subject matter is adequately addressed in § 901.701 (relating to games of chance permitted).

The existing text of § 901.23 (relating to restriction of sales) is deleted and replaced with more explanatory language regarding the restrictions on sales by a registered manufacturer and licensed distributor and the purchase of games of chance by an eligible organization. Subchapter I (relating to enforcement) is proposed and will include all enforcement provisions. Therefore, § 901.24 (relating to enforcement) is deleted.

Section 901.28(a)(2) (relating to inspection of premises) is amended to allow inspection when a reasonable belief exists that a violation of the act or Chapter 901 has occurred, is occurring or will occur. Paragraph (3) is amended to specifically provide that an inspection shall be limited to the inspection of matters, areas and records associated with games of chance to insure compliance with the act and this part. Subsection (b) is amended to allow the licensing authority or their authorized representatives to make annual inspections for compliance purposes.

Section 901.31 (relating to examination of records) is amended to clarify that an examination of records can be made apart from the examination made during an inspection of the premises. Subsections regarding actions by the district attorney and other law enforcement officials are deleted because they are beyond the scope of these regulations.

Section 901.34 (relating to disputes) is amended to clarify that the retention period for records regarding a dispute about whether the play or ticket is a winning play or ticket starts at the date of the dispute rather than the date of resolution.

Section 901.40 (relating to prohibition of gambling facilities) is added in accordance with section 10(b.4) of

Act 195. Section 901.41 (relating to operating days, nonoperating days and operating weeks) is added to provide guidance regarding the concept for purposes of game operations.

#### *Administration*

The introductory language in § 901.51(a) and (b) (relating to power and duties) is amended to clarify that the lists of powers and duties are not all inclusive. In addition, subsections (a)(10) and (b)(7) are added to specifically state that the Department and licensing authority have the power and authority to initiate legal proceedings, in law or equity, before any court or tribunal, for purposes of administering or enforcing the provisions of the act or Chapter 901. Other provisions are amended or added for clarity. Subsection (c) regarding the powers and duties of the district attorney and other law enforcement officials is deleted because it is beyond the scope of these regulations.

#### *Subchapter B. Licensing and Registration*

##### *Manufacturer Registration*

Sections 901.101 and 901.102 (relating to manufacturer registration and game approval required; and registration and game approval forms) are amended by adding language outlining the game approval process.

Section 901.103 (relating to manufacturer registration application form contents) is amended by adding new text to existing paragraph (12) to reflect the Department's current requirement that dispensing machine manufacturers provide the Department with a notarized affidavit indicating that its dispensing machines comply with the act and Chapter 901. Existing paragraph (12) was renumbered accordingly.

New § 901.103a (relating to change of application information) provides that a manufacturer shall report any changes to the information supplied in its application to the Department within 15 days of the change.

Section 901.106 (relating to registration term) is amended to more specifically detail the manufacturer registration term. Section 901.107 (relating to annual applications) is amended to give the Department 60 days to process registration applications prior to the end of the registration term as permitted under § 901.118 (relating to registration decision time limit). With this amendment, a manufacturer that complies should not have a break in its registration coverage.

Section 901.112 (relating to prohibited sales) is deleted because the topic is addressed in proposed § 901.23(a)(2).

Section 901.113(a) (relating to representative of manufacturer) is deleted because the topic is addressed in proposed § 901.23(a)(2). To bring § 901.114 (relating to dissolutions, terminations, mergers and bankruptcies) into conformity with § 901.148 (relating to dissolutions, terminations, mergers and bankruptcies), the section is amended by adding subsection (b) to provide that a notice of the decision to dissolve is required even if filing is not required.

Consistent with amendments to §§ 901.101 and 901.102 regarding game approval, § 901.117(a) (relating to denial, suspension and revocation) is amended by adding to the enumerated acts for which the Department has the authority to deny an application for a certificate, or suspend or revoke a certificate. The act of selling or offering for sale in this Commonwealth a game of chance that has not been approved by the Department. Subsection (b) is added to provide that the Department may

deny an application for a game of chance approval and may suspend or revoke an approved game of chance if the game fails to meet the requirements of the act or Chapter 901. New subsection (c) sets forth the rules governing suspensions and new subsection (d) describes the contents of a written notice of a denial, suspension, lifting of suspension or revocation as well as the procedure by which it will be mailed.

Section 901.117a (relating to registration following revocation) is added to provide guidance on the length of time a manufacturer whose certificate is revoked is ineligible to apply for and receive another certificate for a first, second, third and subsequent revocation.

Section 901.119 (relating to raffle, daily drawing and weekly drawing ticket manufacturers) is amended to clarify that §§ 901.101—901.118 do not apply to the manufacturers who only produce and sell raffle, daily drawing and weekly drawing tickets.

##### *Distributor Licensing*

Section § 901.132 (relating to license application form) is amended to clarify that to obtain a license, a distributor must submit a license application to the Department.

New § 901.133a (relating to change of application information) provides that a distributor shall report changes to the information supplied in its application to the Department within 15 days of the change.

Section 901.136 (relating to license term) is revised to provide a more accurate description of a distributor license term and to create a 60-day gap between the end of the registration term and licensing term to allow the Department adequate processing time. Section 901.137 (relating to annual application) is also completely revised to give the Department 60 days to process license applications prior to the end of the licensing term as permitted under § 901.152 (relating to licensing decision time limits). Thus, a distributor that complies with the licensing terms should not have a break in its licensing coverage.

Section 901.142(a) (relating to distributor's representative) is deleted because the topic is addressed in proposed § 901.23(b)(2). The remaining text is reformatted accordingly.

Section 901.150 (relating to changes in ownership or personnel) is amended by requiring changes in responsible persons to be reported to the Department within 15 days of the deletion or addition. The time period in which to make the report is amended to provide the Department with more current information.

Section 901.151 (relating to denial, suspension and revocation of licenses) is amended by adding clarifying language to new subsection (a) and by adding subsections (b) and (c) regarding suspensions and notice. The suspension and notice provisions are consistent with those added to § 901.117 for manufacturers. Section 901.151a (relating to licensing following revocation) is added to provide guidance on the length of time a distributor whose license is revoked is ineligible to apply for and receive another license for a first, second, third and subsequent revocation.

Section 901.153 (relating to raffle, daily drawing and weekly drawing ticket distributors) is amended to clarify that §§ 901.131—901.152 do not apply to distributors who only sell raffle, daily drawing and weekly drawing tickets.

*Board Procedures*

Sections 901.161, 901.165 and 901.168 (relating to jurisdiction and purpose; board practice and procedure; and stay of appeal) are amended to revise the wording to make it consistent with amendments being made throughout Chapter 901.

*Eligible Organization Licensing*

Section 901.182 (relating to license requirements) is amended to reflect the change in section 10(a) of Act 195 which allows auxiliary groups within an eligible organization to conduct games of chance. Additional amendment to the section provide guidelines for the operation of games of chance by auxiliary groups.

Section 901.183 (relating to filing) is amended to explain the filing requirements for license applications when an eligible organization does and does not own or lease a normal business site. With the addition of limited occasion licenses in Act 195, § 901.184 (relating to license fee) is amended to state the fee for a limited occasion license shall be \$10.

In response to feedback from both the licensing authorities and eligible organizations, the Department amended § 901.185 (relating to license term and annual applications) to provide for a rolling renewal date instead a fixed date.

To bring § 901.186 (relating to display) into conformity with the provisions of Act 195 regarding the playing of games of chance at a location off its premises, the section is amended to provide that a licensed eligible organization shall at all times publicly display its license at the site where it conducts games of chance.

Section 10(b.1), (b.2) and (d)(8) of Act 195 significantly revised the rules for eligible organizations regarding where games of chance can be played. Section 901.188 (relating to location) is amended to address these new rules. Section 901.189 (relating to transfer) is amended to clarify that a licensed eligible organization is prohibited from transferring or assigning its license.

In accordance with the changes in Act 195 regarding auxiliary groups, § 901.190 (relating to joint license prohibition) is amended to indicate that an auxiliary group may operate under its parent organization's license without violating the joint license prohibition. Minor amendments were made to § 901.191 (relating to license application form) to reflect the changes to section 10 of Act 195, including the addition of paragraph (20) requiring a list of the eligible organization's auxiliary groups which may operate games of chance under the eligible organization's license.

The current text of § 901.192 (relating to denial of application, revocation, suspension and refusal to renew club licenses) is deleted and replaced with a more logically organized section regarding denial, suspension and revocation of an eligible organization license. Section 901.194 (relating to change of personnel) is amended by requiring changes in personnel to be reported to the licensing authority within 15 days of the deletion or addition. The time period in which to make the report is amended to provide the licensing authority with more current information.

With the addition of the limited occasion license under section 10(b.3) of Act 195, the Department added § 901.195 (relating to types of licenses) to distinguish between a game of chance and limited occasion license and to clarify that an eligible organization may only hold one type of license at a time. Section 901.196 (relating to

limited occasion license requirements, limits and restrictions) is also added to provide information on the use of a limited occasion license and related restrictions. Section 901.197 (relating to change of application information) is added to provide that an eligible organization shall report any changes to the information supplied on its license application to the licensing authority within 15 days of the change.

*County Licensing Authority Procedures*

In accordance with the amendment to section 10(b) of Act 195, § 901.213 (relating to actions with respect to eligible organization licenses and applications) is amended by revising the time period for a licensing authority to approve or deny a license application in subsection (a) from 60 to 30 days. Also, in accordance with changes in section 10(g) of Act 195, subsection (b)(1) is amended to provide that the licensing authority shall send the license and notice of approval to the applicant along with an up-to-date listing of all municipalities within the licensing county that have approved games of chance by referendum.

Section 901.214 (relating to procedure for denial, suspension or revocation of eligible organization licenses) is amended in a number of areas. Minor wording changes are made to subsection (a) and the existing text of subsections (b), (c) and (e) is deleted because the subject matter is addressed in Subchapter I. Existing subsection (d) is deleted and replaced with subsection (b) that provides that the notice issued by the licensing authority will be dated, explains the action taken by the licensing authority, the reason for the action and the licensee or applicant's appeal rights. The licensing authority will serve the notice by certified or first-class mail. Subsection (c) is added to provide the rules governing suspensions. New subsection (d) describes the effect an appeal of a revocation has on an eligible organization.

*Subchapter C. Local Option**Local Option Requirement and Local Option Reporting*

Consistent with section 10(g) of Act 195, § 901.309 (relating to public information) is amended to acknowledge that information regarding the approval or disapproval of games of chance by local referendum can be obtained from the licensing authority as well as the county board of elections.

*Subchapter D. Recordkeeping**County Records and Reports*

Section 901.21(b) states that to provide uniform practices, procedures and standards, certain enumerated sections are promulgated for the benefit of and suggested use by the licensing authorities. If the governing body of a county, on behalf of its licensing authority, adopts the sections by independent act, those sections will in effect be regulations of the licensing authority. Because of this unique scenario, the Department is deviating from standard drafting rules in §§ 901.401—901.407 in that where "shall" would normally be used, it is instead using "will" since the provisions will be those of the licensing authority and the use of will is appropriate when the licensing authority is pledging to act.

In as much as there are now two types of licenses as a result of the addition of the limited occasion license by Act 195, § 901.401 (relating to application register) is amended so that the register or list will indicate the type of license for which each organization applied. Likewise, § 901.402 (relating to docket) is amended to require the docket to list which type of license was granted to the

organization. Section 901.404 (relating to violation report) is deleted because the subject matter is addressed in the Subchapter I.

To bring § 901.405 (relating to list of licensed eligible organizations) into conformity with the enabling statute, the section is amended to state that the licensing authority will submit, on a semiannual basis, a copy of all information regarding licensees to the Department. The section is further amended to require the information to include the type of license and any special raffle permit serial number.

Although some of these rules are noted elsewhere, new § 901.407 (relating to list of municipalities) provides the licensing authority with a central place to reference the rules regarding the maintenance of a list of municipalities that have approved the referendum question on games of chance.

#### *Licensed Eligible Organization Records*

For consistency with the rules regarding record requirements for raffles and daily drawings, paragraph (9) is added to § 901.464 (relating to punchboard and pull-tab records) requiring a list of winners' names and addresses for prizes in excess of \$100.

The definition of "games of chance" was broadened by section 3 of Act 195 to include daily drawings and by section 3 of Act 79 to include weekly drawings. Section 901.464a (relating to daily and weekly drawing records) is added to provide guidance regarding record keeping requirements for each of these games.

#### *Subchapter E. Prohibited Activities/Penalties*

##### *Prohibited Activities*

In accordance with section 15 of Act 195 (10 P. S. § 325), § 901.501 (relating to advertising) is amended to provide that an eligible organization may advertise prizes and values thereof in periodic publications that are limited in their circulation to members of the eligible organization.

Section 901.502(c) (relating to persons) is amended to reflect changes to section 10(d)(2) of Act 195 regarding conviction of a felony or of a violation of the Bingo Law (10 P. S. §§ 301—308.1).

Act 195 amended section 10(d)(3) by deleting the requirement that the persons conducting the games of chance be bona fide members of the club for at least 1 year. Therefore, § 901.504 (relating to persons who may conduct games) is amended to delete the 1 year requirement.

To be consistent with the prize limitation exceptions for both a daily drawing and weekly drawing in section 5(f) and (g) of Act 195 and section 5(g) and (h) of Act 79 (10 P. S. § 315(f)—(h)), §§ 901.507 and 901.508 (relating to prizes in excess of \$500; and prizes in excess of \$5,000) are amended.

Act 195 amended section 10(d)(7) regarding the use of a licensed eligible organization's premises by another licensed eligible organization. Section 901.510 (relating to use of licensed premises by more than one organization) is amended to incorporate the new statutory guidelines in this area.

Section 901.512 (relating to oral and written leases) is added to address the provisions of section 10(b.1) and (d) (5) of Act 195. Section 901.513 (relating to gambling facilities prohibited) is added to address section 10(b.4) of Act 195.

#### *Penalties*

To be consistent with the amendments to section 17 of Act 195 (10 P. S. § 327) regarding penalties for violations of the provisions of the act by eligible organizations and individuals, §§ 901.531 and 901.532 (relating to eligible organizations; and individuals) are amended.

#### *Subchapter F. Manufacturing Standards*

##### *Pull-Tab Manufacturing Standards*

Section 901.601(a) (relating to uniform minimum quality standards) is amended to correct the reference to the North American Gaming Regulations Association (N. A. G. R. A.) publication regarding manufacturing standards for pull-tab games and to provide clarity with regard to the application of the standards.

Sections 901.602 and 901.621 (relating to flares) are amended to clarify who can make a flare and who can alter a flare. Sections 901.608 and 901.627 (relating to standards for flares) are amended to clarify the rules regarding flares.

##### *Punchboard Manufacturing Standards*

Section 901.622 (relating to standards for construction) is amended by adding paragraph (1) to describe four general construction guidelines regarding the punchboard face sheet, flare, serial numbers and punches. The existing paragraphs are renumbered accordingly.

#### *Subchapter G. Operation of Games*

##### *Eligible Organization Operation of Games*

Section 901.702 (relating to prize limits) is amended to reflect various statutory revisions. The total cash value of prizes that can be awarded under special raffle permits in § 901.702(d) is amended to reflect the statutory change in section 5(d)(4) of Act 79. Subsection (e) is added to explain the prize limit exceptions for daily drawings in section 5(e)—(g) of Act 79. Subsection (f) is added to explain the prize limit exceptions for weekly drawings in section 5(g) and (h) of Act 79.

Section 901.703 (relating to place of conduct) is amended to reflect the statutory changes in section 10(b.1) and (b.2) of Act 195 regarding where games of chance can be conducted. Section 901.704 (relating to licensed premises) is amended to reflect the new statutory provisions regarding the location of games of chance in section 10(b.1) and (d)(5) of Act 195.

Section 901.705 (relating to purchase of games) is amended to incorporate the statutory change in section 10(d)(6) of Act 79 (10 P. S. § 320(d)(6)) regarding the purchase of weekly drawings.

Section 901.706 (relating to persons who may not operate or play games of chance) is amended to reflect the changes in section 10(d)(1) and (2) of Act 195 regarding persons permitted to operate or play games of chance and the conviction of a felony or of a violation of the Bingo Law.

The 1-year membership requirement in § 901.708 (relating to persons who may conduct games of chance) is deleted in accordance with the amendment to section 10(d)(3) of Act 195. Section 901.709 (relating to one eligible organization per premise) is amended to reflect section 10(b.1) of Act 195 regarding the use of a premise by more than one eligible organization. With the deletion of section 11(c) in Act 195 (10 P. S. § 321(c)) regarding the prohibition of use of a licensed premises by more than one licensed club for a special raffle permit in a calendar year, § 901.711 (relating to location for special permit raffles) is deleted.

*Punchboards and Pull-Tab Operation Procedures*

Section 901.731(b) (relating to punchboard and pull-tab operation) is amended by placing the current text in paragraph (1) and adding paragraph (2) to describe under what conditions a licensed eligible organization may alter a flare.

*Raffles*

With the removal of the restriction on sales of raffle tickets in section 10(d)(4) in Act 195, § 901.742 (relating to drawing dates) is amended to provide guidance on the new rules relating to raffle drawing dates consistent with the definition of "raffle" as amended in section 3 of Act 195.

Section 901.743(b) (relating to raffle tickets) provides that generally each part of a raffle ticket shall be imprinted with sequential numbers commencing with the number "1" through the maximum number of tickets to be sold. Subsection (b) is amended to clarify that when a raffle winner is determined by a drawing of the Pennsylvania State Lottery, the universe of eligible ticket numbers shall correspond to the universe of eligible numbers in the State Lottery drawing.

Consistent with the change to the definition of "raffle" in section 3 of Act 195, § 901.745 (relating to printing requirements) is amended to provide that dates, times and locations of the drawings shall be printed on each raffle ticket sold.

Section 901.751 (relating to ticket sales) is amended to incorporate the new rules relating to the sale of raffle tickets in a municipality located in a county other than the county in which the eligible organization is licensed in section 10(d)(8) of Act 195.

In accordance with the provisions in the definitions of "passive selection device" and "raffle" in section 3 of Act 195, § 901.753 (relating to means of determining winning numbers) is added to provide guidance in this area.

*Lotteries*

Because lotteries are no longer considered a separate game of chance but rather a type of raffle under the revisions to the definitions of "games of chance," "lottery" and "raffle" in section 3 of Act 195, §§ 901.761—901.778 are deleted.

*Daily Drawings*

Section 901.781—901.786 are added to provide guidance regarding the rules for daily drawings, which were authorized by Act 195.

*Weekly Drawings*

Sections 901.791—901.796 are added to provide guidance regarding the rules for weekly drawings, which were authorized by Act 79.

*Subchapter H. Special Raffle Permits**Special Raffle Permits*

The heading of § 901.801, currently listed as "(relating to price limit)" is corrected to reference "prize limit" and the section is amended to reflect the amendment to section 5(d)(4) of Act 79 regarding the total cash value permitted for all prizes for the calendar year.

In accordance with the deletion of paragraph (13) in section 12(a) of Act 195 (10 P. S. § 322(a)(13)), § 901.802 (relating to raffle number limit) is amended to delete the second sentence which provided that a club may hold only one raffle per month including a special permit raffle.

Section 5(d)(2) was amended by Act 195 to provide an exception to the general rule that an eligible organization shall be eligible to receive no more than two special

permits in any licensed year for volunteer fire, ambulance and rescue organizations. Section 901.803 (relating to special raffle permit limit) is amended to reflect this change. Section 901.806 (relating to required permit) is amended to clarify the special raffle permit requirements.

In accordance with section 11(a) of Act 195, § 901.807 (relating to fees) is amended to provide that the fee for the issuance of a special raffle permit shall not exceed \$25.

Section 901.811 (relating to location limits) is deleted because of the amendments to section 10(b.1) and (d)(7) of Act 195 regarding the use of a licensed premises by more than one eligible organization.

*Subchapter I. Enforcement*

Sections 901.901—901.908 are added to address specific enforcement issues.

*Affected Parties*

Manufacturers and distributors of games of chance doing business in this Commonwealth, licensing authorities and eligible organizations may be affected by the proposed rulemaking.

*Fiscal Impact*

The Department has determined that the proposed rulemaking, which provide clarification of existing policy, will have no significant fiscal impact on the Commonwealth.

*Paperwork*

The proposed rulemaking will not generate additional paperwork for the public or the Commonwealth.

*Effectiveness/Sunset Date*

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. The regulations are scheduled for review within 5 years of final-form publication. No sunset date has been assigned.

*Contact Person*

Interested persons are invited to submit in writing comments, suggestions or objections regarding the proposed rulemaking to Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061, within 30 days after the date of the publication of this notice in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 29, 2004, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. A copy of this material is available to the public upon request.

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

GREGORY C. FAJT,  
Secretary

**Fiscal Note:** 15-425. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART VII. LOCAL OPTION SMALL GAMES OF CHANCE

CHAPTER 901. LOCAL OPTION SMALL GAMES OF CHANCE

Subchapter A. GENERAL PROVISIONS

DEFINITIONS

§ 901.1. Definitions.

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

\* \* \* \* \*

**Applicant**—A person who prepares and files an application.

**Application**—A form prescribed by the Department that a manufacturer, distributor or eligible organization must complete and file to obtain a license or certificate.

**Auxiliary group**—A subsidiary or affiliated organization of an eligible organization established for the purpose of aiding or assisting the eligible organization and its members in the fulfillment of the eligible organization's purposes.

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**Bona fide [ club ] member**—An individual who holds a [ full ] membership in the [ club ] eligible organization as defined by [ the club's ] that organization's constitution, charter, articles of incorporation or bylaws.

\* \* \* \* \*

**Civic and service association**—

(i) Any Statewide or a branch, lodge or chapter of a nonprofit National or State organization which is authorized by its written constitution, charter, articles of incorporation or bylaws to engage in a civic or service purpose within this Commonwealth, which shall have existed in this Commonwealth for 1 year.

(ii) The term also means a similar local nonprofit organization, not affiliated with a National or State organization, which is recognized by a resolution adopted by the governing body of the municipality in which the organization conducts its principal activities.

(iii) The term includes:

(A) Bona fide sportsmen's and wildlife associations, federations or clubs, Statewide or local in nature.

(B) Volunteer fire companies.

(C) Volunteer rescue squads.

(D) Volunteer ambulance associations.

(E) Bona fide senior citizens organizations.

(F) Nonprofit organizations that are recognized by a resolution adopted by the appropriate governing body and which are established to promote and encourage participation and support for extracurricular activities within the established primary and secondary public, private and parochial school systems.

**Club**—[ An entity which has been in existence and fulfilling its purposes for 2 years prior to the date of application for a license and is one of the following:

(i) An incorporated unit of a national veterans' organization, as defined in section 461.1 of the Liquor Code (47 P. S. § 4-461.1), and licensed to sell liquor at retail under that act.

(ii) A club, as defined in section 102 of the Liquor Code (47 P. S. § 1-102), that qualifies as an exempt organization under section 501(c) or 527 of the Internal Revenue Code (26 U.S.C.A. § 501(c) or § 527), and is licensed to sell liquor at retail and has a charitable, religious or civic purpose or is organized to benefit a political party.

(iii) An organized fraternal society created and carried on for the mutual benefit of its members, not-for-profit and not issuing capital stock, having a limited membership and a representative form of government and licensed to sell liquor at retail under the Liquor Code (47 P. S. §§ 1-101—8-803).

(iv) A not-for-profit religious organization conducting business under the express purpose of a written constitution, charter, articles of incorporation or bylaws.

(v) A charitable organization conducting business under the express purpose of a written constitution, charter, articles of incorporation or bylaws.

(vi) A volunteer fire company.

(vii) A volunteer rescue squad.

(viii) A volunteer ambulance association. ] A club, as defined in section 102 of the Liquor Code (47 P. S. § 1-102), that qualifies as an exempt organization under section 501(c) or 527 of the Internal Revenue Code of 1954 (26 U.S.C.A. § 501(c) or § 527) and is licensed to sell liquor at retail and has a charitable, religious or civic purpose or is organized to benefit a political party.

**Daily drawing**—

(i) A game in which a bona fide member selects or is assigned a number in exchange for consideration for a chance at a prize with the winner determined by a random drawing to take place on the eligible organization's premises during the same operating day that the chances for the drawing are sold.

(ii) The term includes games commonly known as "member sign-in lotteries" and "half-and-half lotteries."

**Deal**—[ Pull-tab tickets of a game bearing the same serial number as well as a flare for the game. ] A set of pull-tabs bearing the same serial number.

\* \* \* \* \*

**Dispensing machine**—

(i) A device designed exclusively for the dispensing of games of chance authorized by the act, including ticket jars, fish bowls and stamp machines.

(ii) The term does not include any device commonly known as a "slot machine" or "video poker."

*Distributor*—A person who purchases or otherwise obtains [ **small** ] games of chance, including [ **lottery tickets,** ] punchboards or pull-tabs, from a manufacturer and sells or otherwise furnishes the [ **small** ] games of chance, with or without merchandise to be awarded as prizes in connection therewith, to another person for the resale, display or operation of the [ **small** ] games of chance by [ **a club** ] a licensed eligible organization.

*Distributor's representative*—

(i) A natural person who represents a distributor in connection with the sale or furnishing of [ **small** ] games of chance for use in authorized activities.

(ii) The term includes the distributor's sales personnel.

(iii) The term does not include warehouse personnel, delivery personnel and other [ **employees** ] employees who only have incidental contact with customers.

*Eligible organization*—An organization that meets all of the following:

(i) Nonprofit.

(ii) Charitable organization, religious organization, fraternal organization, veterans organization, club or civic and service association.

(iii) In existence and fulfilling its purposes for 1 year prior to the date of application for a license.

*Flare*—[ Sets forth the number of tickets and prizes contained in a deal, as well as the winning numbers, colors and symbols. ] A card, graphic, illustration or other document that accompanies a deal or punchboard and satisfies all of the following:

(i) Sets forth the number of pull-tabs or punches in a pull-tab game or punchboard.

(ii) Describes the nature of and rules for conducting a pull-tab game or punchboard.

(iii) Sets forth the winning numbers, colors and symbols and prizes to be won in a pull-tab game or punchboard.

*Fraternal organization*—A branch, lodge or chapter of a National or State nonprofit organization with its branch, lodge or chapter located within this Commonwealth that is created and carried on for the mutual benefit of its members, has a limited membership and representative form of government.

*Games of chance*—[ **Punchboards, lotteries** ]

(i) The following games: punchboards, daily drawings, weekly drawings, raffles and [ **pull-tabs** ] pull-tab games.

(ii) The term includes all of the parts, accessories and items necessary to play the games. The term also includes dispensing machines and passive selection devices.

(iii) The term does not include a game played by or with the assistance of mechanical, electronic or electrical devices or media [ **. The term does not include** ] or a game in which the particular chance taken by a person in the game is made contingent upon another occurrence or the winning of another contest. [ **The term includes a game in which the chance is determined solely at the discretion of the purchaser.** ]

(iv) This paragraph will not be construed to authorize another form of gambling currently prohibited under 18 Pa.C.S. (relating to the Crimes Code).

(v) The term does not include games commonly known, as "slot machines" or "video poker."

*Hold ticket*—A ticket in a subset of pull-tabs in a deal or punches in a punchboard one or more of which are designated in advance as a winning tab or punch for a specific prize. The winning ticket or tickets are revealed after all hold tickets are purchased. Hold tickets are typically used in conjunction with seal cards.

\* \* \* \* \*

[ *Legitimate club purposes*—

(i) One or more of the following:

(A) Benefiting persons by enhancing their opportunity for religious or education advancement, by relieving or protecting them from disease, suffering or distress, by contributing to their physical, emotional or social well-being, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this nation was founded.

(B) Initiating, performing or fostering worthy public works or enabling or furthering the erection or maintenance of public structures.

(C) Lessening the burdens borne by government or voluntarily supporting, augmenting or supplementing services which government would normally render to the people.

(D) Improving, expanding, maintaining or repairing real property owned or leased by a club and used for purposes specified in clauses (A)—(C).

(ii) The term does not include the erection or acquisition of real property, unless the property will be used exclusively for one or more of the purposes specified in this paragraph. ]

*License*—A document issued by:

(i) The Department, upon application, to a distributor authorizing the distributor to purchase games of chance from a registered manufacturer and sell games of chance in this Commonwealth to licensed eligible organizations, also known as a distributor's license.

(ii) A licensing authority, upon application, to an eligible organization authorizing the eligible organization to purchase games of chance from licensed distributors and conduct games of chance in this Commonwealth, also known as a small games of chance or games of chance license.

*Licensed premises*—The specific location upon which a licensed eligible organization is authorized to conduct games of chance.

*Licensee*—A distributor or eligible organization that has been issued a license.

\* \* \* \* \*

*Limited occasion license*—A license issued by a licensing authority to an eligible organization authorizing the organization to conduct games of chance on a limited basis.

**[ Lottery—**A game in which a bona fide club member or guest selects a number for a chance at a prize with the winner determined by a random drawing to take place on the licensed premises. The term includes games commonly known as “member sign-in lotteries” and “half-and-half lotteries.” This part will not be construed to permit lotteries which are conducted at locations other than the licensed premises, nor does the term include a game or contest in which the winning number is determined by another drawing or event, except that winning numbers may be determined by reference to drawings conducted by the Department under the State Lottery Law (72 P. S. §§ 3761-1—3761-15). ]

*Manufacturer—*

(i) A person who assembles from raw materials or subparts a completed [ **small** ] game of chance for use in authorized activities, [ **including punchboards and pull-tabs,** ] and who sells or otherwise furnishes the same to a licensed distributor.

(ii) The term does not include printers of **only raffle, daily drawing or weekly drawing** tickets.

**Manufacturer registration certificate or certificate—**A document issued by the Department, upon application, to a manufacturer authorizing the manufacturer to produce games of chance that have been approved by the Department and to sell those games to licensed distributors.

*Manufacturer's representative—*

(i) A natural person who represents a manufacturer in connection with the sale or furnishing of [ **small** ] games of chance for use in authorized activities.

(ii) The term includes the manufacturer's sales personnel.

(iii) The term does not include warehouse personnel, delivery personnel and other [ **employees** ] employees who only have incidental contact with the customers.

\* \* \* \* \*

**Nonoperating day—**A period of time equivalent to an eligible organization's operating day except that the eligible organization is closed to normal activities or to its members during that period of time.

**Normal business or operating site—**The location at which an eligible organization conducts its activities as permitted and enumerated in its constitution, charter, articles of incorporation, bylaws or other document of formation.

**Office of Attorney General—**The Attorney General of the Commonwealth.

**Operating day—**The period of time during any 24 hour period during which an eligible organization conducts its normal activities or holds itself open to its members.

**Operating week—**Seven consecutive operating days or nonoperating days.

**Passive selection device—**A device that is used to hold or denote all of the possible winning numbers or entrants in a daily drawing, weekly drawing or raffle. The device may not have the capability of being utilized to conduct or aid in unauthorized or illegal forms of gambling.

\* \* \* \* \*

**Petition—**A written statement of facts, under oath, submitted by one of the following:

(i) [ **An initial or renewal applicant for registration or licensure** ] A manufacturer or distributor who disagrees with the Department's decision to deny [ **the** ] or refuse to renew its application.

(ii) A [ **A registrant or licensee** ] registered manufacturer or licensed distributor who disagrees with the Department's decision to revoke his [ **registration** ] certificate or license.

**Petitioner—**[ **An applicant, licensee or registrant** ] A manufacturer or distributor who files a petition.

**Public interest purposes—**

(i) Any of the following:

(A) Benefiting persons by enhancing their opportunity for religious or education advancement, by relieving or protecting them from disease, suffering or distress, by contributing to their physical, emotional or social well-being, by assisting them in establishing themselves in life as worthy and useful citizens or by increasing their comprehension of and devotion to the principles upon which this nation was founded.

(B) Initiating, performing or fostering worthy public works or enabling or furthering the erection or maintenance of public structures.

(C) Lessening the burdens borne by government or voluntarily supporting, augmenting or supplementing services which government would normally render to the people.

(D) Improving, expanding, maintaining or repairing real property owned or leased by an eligible organization and used for purposes specified in clauses (A)—(C).

(ii) The term does not include the erection or acquisition of any real property, unless the property will be used exclusively for one or more of the purposes specified in this definition.

**Pull-tab—**A single folded or banded ticket or a strip ticket or card with a face covered to conceal one or more numbers or symbols, where one or more tickets or cards in each deal has been designated in advance as a winner. [ **The term includes a ticket sold in a device known as a ticket-jar, fish-bowl or stamp machine.** ]

**Pull-tab game—**A deal and its corresponding flare.

**Punch—**A crimped strip of paper or similar material that is enclosed in a punchboard receptacle and contains either a winning or losing number or symbol printed on one side and a serial number printed on the other.

**Punchboard—**A board, placard or other device [ **marked off in a grid or columns, in which each section contains a hidden number or other symbol, which determines the winning chances, if the following exist:**

(i) A specific serial number is assigned to the punchboard and printed on each punch.

(ii) A flare or face sheet covers the receptacles and sets out the winning numbers or symbols and prizes which may be won.



(iii) Upon the payment of consideration, a player may select and remove a punch from a receptacle.

(iv) A prize is awarded if the number or symbol set out on the selected punch matches a predetermined winning symbol on the flare or face sheet. ] comprised of receptacles, usually laid out in a grid or column pattern, that each contain a hidden punch or punches, and its corresponding flare. Upon the payment of consideration, a player may select and remove the punches contained in a receptacle. A prize is awarded to a player who selects a receptacle containing a punch with a predetermined winning number or symbol.

Raffle—

(i) A game in which a participant buys a ticket for a chance at a prize with the winner determined by a random drawing of corresponding ticket stubs to take place at a location and date or dates printed upon each ticket.

(ii) The term includes lotteries but not daily or weekly drawings.

(iii) The term does not include the [ playing ] paying of money or merchandise at roulette wheels, at cards, dice, other tables or another form of gambling not specifically authorized by law.

Registrant—A manufacturer who is issued a manufacturer registration certificate.

Registration—The process of applying to the Department for a manufacturer registration certificate.

\* \* \* \* \*

Responsible person—A person who is connected or associated with [ a club ] an eligible organization, distributor or manufacturer in a manner that meets at least one of the following criteria:

\* \* \* \* \*

(ii) Has the control, receipt, custody or disposal of the [ small ] games of chance proceeds.

(iii) Has the control, receipt, custody and disposal of available cash on hand or other quick or liquid assets or pays the liabilities of the [ club ] eligible organization, manufacturer or distributor.

(iv) Has the duty, power or authority to do one of the following:

\* \* \* \* \*

(D) Direct the payment of the [ entities ] entity's liabilities.

\* \* \* \* \*

(F) Direct the disposition and use of [ small ] games of chance proceeds.

\* \* \* \* \*

(J) Direct the transaction involved with the sale, manufacture or use of [ small ] games of chance.

(v) Is [ a club ] an eligible organization's manager, officer, director or bar personnel involved with the conduct of [ small ] games of chance.

Seal card—A flare for a pull-tab game or punchboard containing hold tickets that designates, among the other winning tickets in the

pull-tab game or punchboard, the winning hold ticket numbers or symbols each of which are concealed by a paper cover typically referred to as a seal.

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Special raffle permit—A document issued by a licensing authority to a licensed eligible organization that authorizes the eligible organization to conduct a raffle with prize limits exceeding the standard prize limits for raffles.

\* \* \* \* \*

State Lottery Law—The State Lottery Law (72 P. S. §§ 3761-101—3761-2102).

Veterans organization—

(i) A Congressionally chartered organization within this Commonwealth, or any branch or lodge or chapter of a nonprofit National or State organization within this Commonwealth, the membership of which consists of individuals who were members of the armed services or armed forces of the United States.

(ii) The term includes home associations.

Weekly drawing—A game in which a bona fide member selects or receives a number or numbers in exchange for consideration during an operating week for a chance at a prize with the winner determined by a random drawing to take place on the eligible organization's premises on the last operating day of the eligible organization's operating week.

GENERAL APPLICABILITY

§ 901.21. Applicability.

(a) This part applies to manufacturers and distributors [ of small ] who sell or intend to sell games of chance in this Commonwealth and to [ clubs ] eligible organizations located in municipalities within this Commonwealth which have adopted the act by an affirmative vote in a municipal referendum under the act.

(b) To provide uniform practices, procedures and standards, the following enumerated sections of this part are promulgated for the benefit of and suggested use by the licensing authorities: §§ 901.28, 901.31, 901.51(b), 901.185(b), 901.192, 901.193, 901.196, 901.212—901.219, 901.401—901.407, 901.467 and 901.807. The governing body of each county, on behalf of its licensing authority, shall adopt the sections by independent act for the sections to have legal force and effect.

§ 901.22. [ Use of proceeds ] (Reserved).

[ The proceeds of small games of chance conducted by a club may not be used for the benefit of a person other than the club conducting the activity. Proceeds may only be used for legitimate club purposes as defined in this part or the act. ]

§ 901.23. Restriction of sales.

(a) [ A person may not sell, offer for sale or furnish games of chance for use in this Commonwealth except to a club or distributor licensed under the act and this part.

(b) Games of chance, other than a raffle conducted with a special permit, sold or offered for sale or furnished for use in this Commonwealth

may not contain, permit, depict or designate a prize having a cash value in excess of \$500. ] *Manufacturers.*

(1) *Registration.* A manufacturer shall register with the Department and obtain a manufacturer registration certificate to sell, offer for sale or furnish games of chance for use in this Commonwealth. This paragraph does not apply to manufacturers that only sell, offer for sale or furnish raffle, daily drawing or weekly drawing tickets for use in this Commonwealth.

(2) *Sales.* A registered manufacturer may only sell, offer for sale or furnish games of chance that have been approved by the Department for sale in this Commonwealth. A registered manufacturer may only sell, offer for sale or furnish approved games of chance for sale in this Commonwealth to a licensed distributor. This paragraph does not apply to the sale of raffle, daily drawing or weekly drawing tickets.

(3) *Sales invoice.* A registered manufacturer selling to a licensed distributor shall indicate on the sales invoice the games of chance that the Department has approved for sale in this Commonwealth.

(b) *Distributors.*

(1) *Licensure.* A distributor shall apply for and obtain a distributor license to sell, offer for sale or furnish games of chance in this Commonwealth. This paragraph does not apply to distributors that only sell, offer for sale or furnish raffle, daily drawing or weekly drawing tickets.

(2) *Sales.* A licensed distributor may only sell, offer for sale or furnish approved games of chance for use within this Commonwealth to another licensed distributor or a licensed eligible organization. This paragraph does not apply to the sale of raffle, daily drawing or weekly drawing tickets.

(3) *Purchase.* A licensed distributor may only purchase approved games of chance for resale in this Commonwealth from a registered manufacturer or licensed distributor. This paragraph does not apply to the purchase of raffle, daily drawing or weekly drawing tickets.

(c) *Eligible organizations.*

(1) *Licensure.* An eligible organization shall apply for and obtain a games of chance license before purchasing games of chance for use in this Commonwealth.

(2) *Purchase.* A licensed eligible organization may not purchase or lease games of chance for use in this Commonwealth except from a licensed distributor. This paragraph does not apply to the purchase of raffle, daily drawing or weekly drawing tickets.

§ 901.24. [ Enforcement ] (Reserved).

[ (a) *District attorney.* The district attorney will investigate alleged violations of the act. If the district attorney finds probable cause that a violation has occurred, he may file a complaint against the alleged violator in the court of common pleas of the county, except in counties of the first class, where the complaint may be filed in the municipal court. The district attorney will prosecute the complaint in the manner provided by law.

(b) *Other law enforcement officials.* The power of State, county or local enforcement officials to conduct an investigation and enforce the act and this part is not restricted. ]

§ 901.25. Vested rights.

[ A license issued by the county or a license or registration issued by the Department will not be construed as granting a vested right in the privileges so conferred. ] A certificate or license confers only a privilege on the holder. A certificate or license confers no vested right in the privilege so conferred.

§ 901.26. Background checks.

(a) As a condition precedent to the issuance of a license or [ registration ] certificate, the licensing authority or Department may require background checks on a person seeking a license or for whom [ registration ] a certificate is sought, or [ employees ] employees thereof, or of a person participating as an [ employe ] employee who will be involved in the operation of [ small ] games of chance or a person with equity ownership of 10% or more.

(b) The applicant or the person for whom a license or [ registration ] certificate is requested shall cooperate with the licensing authority or Department and shall assist in its investigation.

§ 901.28. Inspection of premises.

(a) Licensed premises, or premises relating to or being used for activities conducted under the act and this part by a licensed [ club ] eligible organization, registered manufacturer or licensed distributor shall be open to inspection by the [ county, ] licensing authority and the Department or their authorized representatives [ and other law enforcement officials, ] but the inspection shall:

\* \* \* \* \*

(2) Take place [ at times ] only when a reasonable belief exists that a violation of the act or this part [ exist ] has occurred, is occurring or will occur.

(3) Be limited to the inspection of matters, areas and records associated with games of chance to insure compliance with the act and this part.

(b) The Department [ reserves ] and the licensing authority, or their authorized representatives, reserve the right to enter and make [ the ] annual inspections [ annually ].

§ 901.30. Prohibited practices, contracts, gifts [ , ] and the like.

\* \* \* \* \*

(b) A manufacturer, distributor or representative thereof may not sell to or solicit from a person an order for a [ small ] game of chance contingent upon that person or another purchasing or ordering some other [ small ] game of chance.

(c) [ Prices charged by manufacturers, distributors and clubs for goods and services may not be fixed by agreement. A manufacturer, distributor or club, by express or implied agreement with another manufacturer, distributor or club, may not fix the price at which a small games of chance prize or

another item used in connection with the small games of chance activities shall be sold, or for which services in connection therewith shall be rendered. The price of these items in the competitive market place shall be established by each manufacturer, distributor or club for the products and services offered by each and may not be established, directly or indirectly, in concert with one another. ] A manufacturer, distributor or licensed eligible organization may not fix by express or implied agreement with another manufacturer, distributor, eligible organization or any other person, the prices charged for games of chance or goods, prizes or services sold or rendered in connection with games of chance.

**§ 901.31. Examination of records.**

[ (a) The ] In addition to the examination of records authorized during an inspection of the premises, the Department or [ county ] licensing authority is authorized to examine the reports, books, accounts and records, and the inventory of [ small games of chance of ] a licensed distributor, registered manufacturer, [ their representative or clubs ] licensed eligible organization or their representatives. Every [ person ] manufacturer, distributor or eligible organization is directed and required to give to the Department [ , ] or [ county ] licensing authority, or their authorized representative the means, facilities and opportunity for the examinations.

[ (b) The district attorney may require licensed clubs, manufacturers and distributors or their representatives, to produce the books, accounts and records relating to small games of chance to determine whether a license should be revoked, suspended or renewal thereof be denied.

(c) Licensees and registrants, upon a reasonable request, shall also produce the books, accounts and records relating to small games of chance to other law enforcement officials. ]

**§ 901.32. Ownership of [ small ] games of chance.**

[ A small game of chance play or ticket is owned by the physical possessor of the ticket ] The physical possessor of a game of chance play or ticket is the owner of the play or ticket until a name is imprinted or placed upon [ the play or ticket ] it. When a name is placed upon the play or ticket, the person whose name appears on the play or ticket is the owner and is entitled to a prize attributable to it [ and is the owner of the play or ticket ].

**§ 901.34. Disputes.**

If a dispute occurs about whether [ the ] a play or ticket is a winning play or ticket and the dispute cannot be resolved through normal verification procedures or other appropriate means the [ club ] licensed eligible organization may retain the play or ticket and replace it with an equivalent play or ticket in a like game of chance. This is the exclusive remedy of the owner of the play or ticket. Detailed records regarding the dispute, the reasons for the dispute and the play or ticket shall be maintained by the [ club ] eligible organization for a minimum of 2 years from the date the dispute arose.

**§ 901.35. Termination of [ small ] games of chance.**

[ The club ] A licensed eligible organization may announce a termination date at which point no further plays or tickets may be sold, and a date by which all claims or prizes [ will ] shall be made. This date may not be less than 30 days after the last date for play of the game being terminated.

**§ 901.36. Federal withholding and reporting requirements.**

A licensed [ club ] eligible organization is responsible for complying with Internal Revenue Service rules for reporting and withholding on gambling and lottery winnings.

**§ 901.37. State withholding and reporting requirements.**

A licensed [ club ] eligible organization is responsible for complying with Commonwealth rules for reporting and withholding on gambling and lottery winnings.

**§ 901.38. Commonwealth resident designee.**

A person [ seeking registration or licensing ] applying for a certificate or distributor's license under the act or this part is required to designate a person and location within this Commonwealth for purposes of service of process and the person shall agree to submit to the jurisdiction of the courts of the Commonwealth and law enforcement officials of the Commonwealth and its subdivisions.

**§ 901.40. Prohibition of gambling facilities.**

(a) A person, corporation, association, partnership or other business entity may not offer for rent or offer for use a building or other facility to be used exclusively for conducting games of chance.

(b) A licensed eligible organization may not lease, under any terms, a facility or building which is used exclusively for conducting games of chance.

**§ 901.41. Operating days, nonoperating days and operating weeks.**

(a) An operating day or a nonoperating day may not exceed 24 consecutive hours. An operating day or a nonoperating day may not overlap with any other operating day or nonoperating day.

(b) An operating day may extend from 1 calendar day to another so long as the eligible organization's normal activities or business hours extend from 1 calendar day to another. For example, an eligible organization's operating day may begin at 9 a.m. and end at 3 a.m. the following calendar day (that is, 18 consecutive hours over 2 calendar days).

(c) If an eligible organization operates on a 24 hour-a-day basis, the eligible organization's operating day shall be any consecutive 24-hour period as chosen by the organization. For example, an eligible organization could choose its operating day to be from 9:01 a.m. to 9 a.m. the following calendar day or from 12:01 a.m. to midnight on the same calendar day.

(d) An operating week shall consist of 7 consecutive, reoccurring operating or nonoperating days.

(e) An eligible organization shall choose its operating day and week and report them on its license application.

(f) A licensed eligible organization may change its operating day and week. The eligible organization shall amend its license before the new operating day or week becomes effective.

ADMINISTRATION

§ 901.51. Power and duties.

(a) The Department has the power and authority granted to it by the Legislature under the act, including the power and authority to do the following:

(1) Review the tax status of an applicant for [ registration or licensure by the Department ] a certificate or distributor license.

\* \* \* \* \*

(4) Establish procedures by which manufacturers may apply for a certificate and distributors [ of games of chance ] may apply for [ registration and ] licensure.

\* \* \* \* \*

(6) [ Provide ] Prescribe procedures for the suspension or revocation of [ distributor ] licenses [ or manufacturer ] and certificates for violations of the act or this title.

(7) Prescribe the form to be used by the licensing authority to license [ clubs ] eligible organizations.

(8) Conduct investigations prior to licensure and registration [ and determine that ] to ensure compliance with the requirements and prohibitions of the act and this part [ are being complied with ]. [ Violations are grounds for revocation, suspension and denial of licensure or registration as provided elsewhere in this part. ]

(9) Collect a fee for the issuance of a manufacturer registration certificate or distributor license.

(10) Initiate legal proceedings, in law or equity, before any court or tribunal, for purposes of administering or enforcing the provisions of the act or this part.

(11) Notify the Office of Attorney General of violations of the act and this part and request the Attorney General to initiate legal proceedings, criminal or civil, legal or equitable, to enforce the provisions of the act and this part.

(12) Do other matters necessary or desirable for the efficient operation and administration of [ small ] games of chance and to carry out the act and this part.

(b) [ The ] Although not limited to the following, the licensing authority has the power and duty to [ do the following ]:

(1) Issue special raffle permits.

(2) License [ clubs ] eligible organizations upon application to conduct and operate games of chance after the games have been approved in a municipal referendum.

(3) Send to the Department a [ copy ] list, on a semiannual basis, of the [ names of the licensees to the Department ] eligible organizations licensed to conduct games of chance.

(4) Collect a fee for the issuance of a games of chance license to eligible organizations. Establish and collect a fee not to exceed \$25 for the issuance of special raffle permits.

\* \* \* \* \*

(7) Initiate legal proceedings, in law or equity, before any court or tribunal, for purposes of administering or enforcing the provisions of the act or this part.

[ (c) The district attorney and other law enforcement officials have the power to do the following:

(1) Require licensees to produce books, accounts and records.

(2) Investigate alleged violations of the act or this part.

(3) File complaints against the alleged violator in the appropriate court.

(4) Prosecute complaints in the manner provided by law. ]

§ 901.52. Administrative entity.

The Department will carry out its powers provided in the act or this part through the Bureau of Business Trust Fund Taxes—[ Registration ] Miscellaneous Tax Division. The administrative entity may be changed by notice published in the *Pennsylvania Bulletin*.

Subchapter B. LICENSING AND REGISTRATION  
MANUFACTURER REGISTRATION

§ 901.101. Manufacturer registration and game approval required.

[ A person may not sell or otherwise furnish games of chance to a distributor in this Commonwealth unless that person is currently registered by the Department under this chapter. ]

(a) A person shall be registered with the Department and possess a manufacturer's registration certificate to sell or otherwise furnish games of chance to licensed distributors within this Commonwealth.

(b) A registered manufacturer may not sell a game of chance in this Commonwealth to a licensed distributor until the Department has approved it.

(c) If a registered manufacturer modifies an approved game of chance in any substantial way so that the nature or identity of the game is changed, the rules of the game change or the prizes or payouts change, the game of chance must be considered a new game of chance and be submitted for approval.

§ 901.102. Registration and game approval forms.

(a) A person seeking a manufacturer registration [ as a manufacturer ] certificate shall submit [ one copy of a ] to the Department an application form [ provided ] as prescribed by the Department. [ A registered manufacturer seeking to renew registration shall submit the same form but indicate in the appropriate box that the request is for renewal. The form shall be completed in full and will not be considered to be received until it has been completed in full. ]

(b) A person seeking an approval of a game of chance shall submit its request for approval to the Department on a form prescribed by the Department.

(c) The application forms referenced in subsections (a) and (b) shall be completed in full and will not be considered to be received until completed in full.

§ 901.103. Manufacturer registration application form contents.

An application for registration as a manufacturer of [small] games of chance shall contain at a minimum the following information:

\* \* \* \* \*

(5) A complete list or catalogue of all [small] games of chance to be manufactured.

\* \* \* \* \*

(8) Pennsylvania tax information, [if otherwise required under Pennsylvania law] including:

\* \* \* \* \*

(12) A notarized affidavit for each dispensing machine sold or offered for sale in this Commonwealth indicating that the dispensing machine complies with the act and this part. A form affidavit will be available from the Department.

(13) Other documents as identified in the application materials.

§ 901.103a. Change of application information.

A manufacturer shall report any changes to the information supplied in its application to the Department within 15 days of the change.

§ 901.104. Waiver of confidentiality.

[An applicant] By filing an application for the grant [or renewal] of a manufacturer registration [by the filing of an application insofar as it relates to the Department] certificate, the applicant waives confidentiality with respect to Commonwealth tax information in the possession of the Department, the Office of Attorney General or the Department of Labor and Industry regarding the applicant, regardless of the source of that information, and consents to the provision of that information to the Department by the Office of Attorney General or the Department of Labor and Industry.

§ 901.106. Registration term.

[The registration certificate is valid through the following March 31.] A registration term must begin on April 1 and end on March 31 of the succeeding year. A certificate issued during a registration term is only valid from the date of issuance to the end of the registration term.

§ 901.107. Annual [renewal] applications.

[A registered manufacturer shall renew its registration annually by March 31.] A registered manufacturer should file an application for a certificate 60 days prior to the expiration date of its existing certificate in order to ensure that the manufacturer's registration with the Department is not interrupted.

§ 901.108. Registration number.

[A manufacturer will be assigned an identification number which shall be referred to as a registration number. The name and registration number of the manufacturer shall appear on all orders, documents and other paperwork, and the like, involved with or related to the sale, offer for sale or other provision of small games of chance.] The Department will assign a registration number and issue a certificate to each manufacturer that it approves for registration. The registered manufacturer shall place the registration number on all documents used in any transactions under the act or this part.

§ 901.109. [Registration certificate] Certificate.

The [registration] certificate issued [shall] must be conspicuously displayed on the premises of the manufacturer.

§ 901.110. Duplicate [registration] certificate.

If a [registration] certificate is defaced, destroyed or lost, the Department may issue a duplicate to the holder of the certificate upon submission of a duplicate [registration] application form. A \$100 fee will be charged for the duplicate [registration] certificate.

§ 901.111. Transfer.

[The transfer or assignment of a manufacturer's registration] A manufacturer is prohibited from transferring or assigning its certificate.

§ 901.112. [Prohibited sales] (Reserved).

[Manufacturers of small games of chance are prohibited from selling or otherwise furnishing small games of chance to a person not licensed as a distributor unless the manufacturer is also a licensed distributor in which case the manufacturer may sell or otherwise provide small games of chance to licensed clubs.]

§ 901.113. Representatives of manufacturer.

[ (a) A representative of a small games of chance manufacturer may sell to only a licensed distributor.

(b) ] A representative of a manufacturer acts as an agent of the manufacturer in activities conducted under the manufacturer's registration certificate.

§ 901.114. Dissolutions, terminations, mergers and bankruptcies.

(a) [The] A manufacturer shall notify the Department in writing within 10 days of one or more of the following actions on the part of [a registered] the manufacturer:

\* \* \* \* \*

(2) [A notice of the decision to dissolve is required if filing is not required.

(3) ] The filing of a petition in bankruptcy or receivership by the manufacturer.

[ (4) ] (3) \* \* \*

[ (5) ] (4) \* \* \*

(b) A notice of the decision to dissolve is required even if filing is not required.

§ 901.117. Denial [ of application, revocation, suspension or refusal to renew manufacturer's registration ] suspension and revocation.

(a) *Manufacturer registration certificate.* The Department [ has the power to deny the application or suspend, revoke or refuse to renew the registration of a manufacturer, ] may deny an application for a certificate or suspend or revoke a certificate if the manufacturer or a person required to be identified in the application form commits one or more of the following acts:

\* \* \* \* \*

(2) Has failed to comply with or engaged in an activity prohibited by the act or this part.

\* \* \* \* \*

(4) Has been convicted of, forfeited bond upon a charge of or pleaded guilty or nolo contendere to one of the following:

\* \* \* \* \*

(vi) A crime, whether a felony or a misdemeanor, involving a gambling activity or a felony involving [ , ] moral turpitude.

\* \* \* \* \*

(5) Has refused to permit an inspection of its records or premises under one of the following:

(i) Section 901.28 (relating to inspection of premises) or § 901.31 (relating to examination of records).

\* \* \* \* \*

(9) Sells or offers for sale in this Commonwealth a game of chance that has not been approved by the Department as provided for in this part.

(b) *Game of chance approval.* The Department may deny an application for a game of chance approval and may suspend or revoke an approved game of chance if the game of chance fails to meet the requirements of the act or this part.

(c) *Suspensions.*

(1) A suspension of a certificate or a game of chance approval is issued for violations enumerated in subsection (a) or (b), as applicable, that have not substantially harmed the public and can be timely remedied.

(2) A suspension period may not exceed 30 days, unless the manufacturer requests an extension, in writing, and the Department approves the extension.

(3) The Department will lift a suspension when the manufacturer has demonstrated compliance.

(4) If the Department determines that the manufacturer is still in violation under subsections (a) or (b), as applicable, by the end of the suspension period, the Department will revoke the certificate or game approval as applicable.

(5) There is no right to appeal a suspension.

(d) *Notice.*

(1) The Department will issue a written notice of a denial, suspension, lifting of suspension or revocation. The notice will provide:

- (i) The issue date of the notice.
(ii) The action taken by the Department.
(iii) The reason for the action.
(iv) The manufacturer's appeal rights.

(2) The Department will serve the notice by certified or first-class mail.

(3) The Department will mail the notice to the manufacturer's Commonwealth resident designee.

§ 901.117a. Registration following revocation.

Unless otherwise provided by the act or this part:

(1) A manufacturer whose certificate is revoked is ineligible to apply for and receive another certificate for the remaining registration term or 6 months, whichever is longer.

(2) For a second revocation, the manufacturer is ineligible to apply for and receive another certificate for the remaining registration term as well as the following registration term.

(3) For a third and subsequent revocation, the manufacturer is ineligible to apply for and receive another certificate for 30 months.

§ 901.119. Raffle, daily drawing and weekly drawing ticket manufacturers.

This section [ does ] and §§ 901.101—901.118 do not apply to the manufacturers [ of ] who only produce and sell raffle, daily drawing and weekly drawing tickets.

DISTRIBUTOR LICENSING

§ 901.131. Distributor license requirement.

[ A person may not sell, offer for sale or otherwise furnish small games of chance to licensed clubs in this Commonwealth unless the person is currently licensed by the Department under this section and §§ 901.132—901.153. ] A person shall be licensed by the Department and possess a license to sell, offer for sale or otherwise furnish games of chance to licensed eligible organizations in this Commonwealth.

§ 901.132. License application form.

[ A person seeking licensure as a distributor shall submit one copy of a form prescribed by the Department. A licensed distributor seeking to renew a license shall submit the same form but indicate in the appropriate block that it is a renewal request. ] For a distributor to obtain a license to sell games of chance in this Commonwealth, the distributor shall submit a license application to the Department in the form prescribed by the Department. The application form shall be completed in full and will not be considered to be received until it has been completed in full.

§ 901.133. Distributor license application form contents.

The application form shall include the following:

\* \* \* \* \*

(5) A list of all types of [ small ] games of chance to be distributed.

\* \* \* \* \*

**§ 901.133a. Change of application information.**

A distributor shall report any changes to the information supplied in its application to the Department within 15 days of the change.

**§ 901.136. License term.**

[The distributor license is valid through the following April 30.] A license term must begin on June 1 and end on May 31 of the succeeding year. A license issued during a license term is only valid from the date of issuance to the end of the license term.

**§ 901.137. Annual [renewal] application.**

[A licensed distributor shall renew its license annually by April 30.] A licensed distributor should file an application for a license 60 days prior to the expiration date of its existing license in order to ensure that the distributor's licensure with the Department is not interrupted.

**§ 901.138. License number.**

[Every distributor will be assigned an identification number which shall be referred to as a license number. The name and license number of the distributor shall appear on all orders, documents or other paperwork, and the like, involved with or related to the sale, offer for sale or other provision of small games of chance.] The Department will assign a license number and issue a license to each distributor it approves for licensure. A licensed distributor shall place its business name and license number on all documents used in any transaction under this part.

**§ 901.139. License [certificate].**

The license [certificate shall] must be conspicuously displayed at all times at the place of business of the person licensed.

**§ 901.140. Duplicate license.**

Whenever a license [certificate] is defaced, destroyed or lost, the Department may issue a duplicate to the holder of the license upon submission of a duplicate License Application Form. A \$100 fee will be charged for the duplicate license [certificate].

**§ 901.141. Transfer.**

[The transfer or assignment of a distributor licensed] A licensed distributor is prohibited from transferring or assigning its license.

**§ 901.142. [Representatives of distributors] Distributor's representative.**

[ (a) A representative of a small games of chance distributor shall sell only to licensed clubs.

(b) A distributor's representative [of a distributor] acts as an agent of the licensee in activities conducted under the distributor's license [certificate].

**§ 901.143. Restrictions on distributorship interest.**

(a) [An] A licensed eligible organization [which is licensed to conduct games of chance] may not be a distributor.

(b) A person who is an officer, director, proprietor, consultant, [employee] employee or owner of a dis-

tributorship may not have a pecuniary interest in the operation of [small] games of chance.

(c) A distributor or person who has a financial interest in a distributorship may not be a lessor of premises, directly or indirectly, to a [club] licensed eligible organization.

**§ 901.144. Restrictions of distributor [employees] employees.**

(a) An [employee] employee of a distributorship may not be an [employee] employee, consultant or volunteer of a licensed [club] eligible organization unless the [employee] employee has first made a full written disclosure of the [employee's] employee's distributorship employment to the [club] eligible organization.

\* \* \* \* \*

(c) An [employee] employee of a distributorship may not play games of chance at the site of a [club] licensed eligible organization if that [club] eligible organization is a customer of the distributorship.

(d) A Department [employee] employee assigned to the bureau responsible for administering the act or this part may not have an interest in a distributor licensed under the act or this part.

**§ 901.146. Sales promotion.**

A distributor may not use as a sales promotion a statement, demonstration or implication that a certain portion of a deal [of small games of chance tickets] contains more winners than other portions of the [set] deal or that a [set] game of chance may be played by a [club] licensed eligible organization in a particular manner that would give the organization an advantage in selling more [of the small games of chance] chances before having to pay out winners.

**§ 901.147. Fixed prices.**

A distributor may not enter into an express or implied agreement with another distributor to fix the price at which [small] games of chance may be sold, or for which services in connection therewith may be rendered. The price of these items in the competitive marketplace [shall] must be established by each distributor for the [small] games of chance and services offered by each and may not be directly or indirectly established in concert with one another.

**§ 901.148. Dissolutions, terminations, mergers and bankruptcies.**

(a) [The] A distributor [shall] will notify the Department, in writing, within 10 days of one or more of the following actions on the part of [a registered] the distributor:

\* \* \* \* \*

**§ 901.149. Change of address.**

[The] A distributor will notify the Department, in writing, 10 days prior to a change of address.

**§ 901.150. Changes in ownership or personnel.**

The distributor shall make a written report to the Department of changes of responsible persons engaged in the business of the distributor. This report [shall] must also include a change in the management, ownership,

directorship or equity ownership of 10% or more, or a change in the manufacturer's representatives. The report [ shall ] must be filed [ on October 15 ] within 15 days of the addition or deletion.

§ 901.151. [ Revocation, denial, suspension or rejection of renewal of distributor license ] Denial, suspension and revocation of licenses.

(a) *Distributor license.* The Department [ has the power to deny the application or suspend, revoke or refuse to renew the license of a distributor under the following circumstances ] may deny a license application or suspend or revoke a license if the distributor or a person required to be identified in the application form commits one of the following acts:

\* \* \* \* \*

(2) Has failed to comply with or engaged in an activity prohibited by the act or this part.

\* \* \* \* \*

(5) Has refused to permit an inspection of its records or premises under one of the following:

(i) Section 901.28 (relating to inspection of premises) or § 901.31 (relating to examination of records).

\* \* \* \* \*

(b) *Suspensions.*

(1) A suspension of a license is issued for violations enumerated in subsection (a) that have not substantially harmed the public and can be timely remedied.

(2) A suspension period may not exceed 30 days, unless the distributor requests an extension, in writing, and the Department approves the extension.

(3) The Department will lift a suspension when the distributor has demonstrated compliance.

(4) If the Department determines that the distributor is still in violation under subsection (a) by the end of the suspension period, the Department will revoke the license.

(5) There is no right to appeal a suspension.

(c) *Notice.*

(1) The Department will issue a written notice of a denial, suspension, lifting of suspension or revocation. The notice will provide:

- (i) The issue date of the notice.
- (ii) The action taken by the Department.
- (iii) The reason for the action.
- (iv) The distributor's appeal rights.

(2) The Department will serve the notice by certified or first-class mail.

(3) The Department will mail the notice to the distributor's Commonwealth resident designee.

§ 901.151a. Licensing following revocation.

Unless otherwise provided by the act or this part:

(1) A distributor whose license is revoked is ineligible to apply for and receive another license for the remaining license term or 6 months, whichever is longer.

(2) For a second revocation, the distributor is ineligible to apply for and receive another license for the remaining license term as well as the following license term.

(3) For a third and subsequent revocation, the distributor is ineligible to apply for and receive another license for 30 months.

§ 901.153. Raffle, daily drawing and weekly drawing ticket distributors.

This section and §§ 901.131—901.152 do not apply to [ the distribution of ] distributors who only sell raffle, daily drawing and weekly drawing tickets.

**BOARD PROCEDURES**

§ 901.161. Jurisdiction and purpose.

The Board will receive and review petitions [ to review Department ] challenging the Department's decisions to deny [ an initial or renewal application ] an application for a manufacturer registration [ or licensure ] certificate or game of chance approval or a distributor license. The Board will also receive and review petitions from [ registrants or licensees who have been notified of the Department's intent to revoke registration or licensure ] manufacturers or distributors challenging the Department's revocation of a manufacturer registration certificate, game of chance approval or a distributor license. The Board will provide petitioners with the opportunity for a hearing and will make recommendations to the Secretary regarding petitions.

§ 901.165. Board practice and procedure.

\* \* \* \* \*

(g) *Bond.* [ An applicant, ] A registrant or licensee [ whose application has been denied or ] whose license or registration has been revoked [ , suspended or not renewed ] due to Commonwealth tax liabilities, and who has been notified of the [ denial, nonrenewal or ] revocation, shall file a bond in an amount of 120% of the tax and interest with the Department [ pending the outcome of ] in order for an appeal of [ a decision of the Department with regard to registration or licensing ] the revocation to stay the revocation [ or suspension of the registration or license ].

\* \* \* \* \*

§ 901.168. Stay of appeal.

(a) Actions to [ suspend or ] revoke a registration [ or ], license or game approval will be stayed pending the decision of the Secretary when a petition has been filed with the Board. [ , except when the registration or license is immediately suspended for a period not to exceed 30 days because, in the opinion of the Department, one or more of the following has occurred:

(1) The license or registration has been obtained by fraud, trickery, misrepresentation, concealment or through inadvertence or mistake.

(2) The licensee, registrant or other person required to be identified in the application has engaged in an act or practice that would operate as a fraud or deceit upon a person.



(3) The licensee or registrant has failed to comply with the act or this part, after having been previously notified by the Department or its authorized representatives or law enforcement personnel, that a violation had been or was being committed by the licensee, registrant or other person required to be identified on the application.

(4) The licensee or registrant has been convicted of, forfeited bond upon a charge of or pleaded guilty or nolo contendere to one of the following:

- (i) Forgery.
- (ii) Larceny.
- (iii) Extortion.
- (iv) Conspiracy to defraud.

(v) Willful failure to make required payments or reports to a governmental agency or filing false reports.

(vi) A crime, whether a felony or a misdemeanor, involving a gambling activity or a felony involving moral turpitude.

(vii) Other similar offenses. ]

(b) During the pendency of the appeal, the certificate, game approval or license will be suspended.

#### [ CLUB ] ELIGIBLE ORGANIZATION LICENSING

§ 901.181. [ Local rules ] (Reserved).

[ The licensing authority of the counties of this Commonwealth may adopt local rules regulating club licensing that are not inconsistent with the act. If the licensing authority does not adopt rules, this part is binding. ]

§ 901.182. License requirements.

(a) [ A club ] *Eligible organizations.* An eligible organization may not conduct or operate [ small ] games of chance unless the [ club ] eligible organization obtains and maintains a valid license issued under the act and this part. An eligible organization must be in existence and fulfilling its purposes for 1 year prior to the date of application for a license.

(b) *Auxiliary groups.*

(1) An auxiliary group may conduct or operate games of chance under its parent organization's license. An auxiliary group may not be licensed separately. Any auxiliary group that conducts games of chance must be listed on the parent organization's license application.

(2) An auxiliary group that conducts games of chance under its parent organization's license acts in lieu of the eligible organization and is bound by the restrictions and limitations of the eligible organization and its license under the act and this part. Prizes from games of chance conducted by an auxiliary group must be included in the total prizes paid out by the licensed eligible organization for purposes of determining the licensed eligible organization's adherence to the prize limits under the act and this part.

(3) A licensing authority may not charge an additional licensing fee for an auxiliary group's right to conduct games of chance under its parent eligible organization's license.

§ 901.183. Filing.

License applications shall be filed with the licensing authority in the county where the [ club is physically located ] eligible organization maintains its normal business or operating site that will be used as its licensed premises. When an eligible organization does not own or lease a location to conduct its normal business, the organization shall file its application with the licensing authority in the county where the eligible organization maintains its licensed premises.

§ 901.184. [ Licensee ] License fee.

The annual license fee is \$100. The fee for a limited occasion license is \$10.

§ 901.185. [ Annual renewal ] License term and annual applications.

(a) [ The ] A license is valid [ through the succeeding June 30 ] for 1 year from its date of issuance.

(b) [ Applications for renewal should be received at least ] A licensed eligible organization should apply for a license 30 days prior to the expiration date of [ the ] its existing license to ensure that its licensure will not be interrupted.

§ 901.186. Display.

[ The license issued shall be publicly displayed at all times on the premises of the club. ] The licensed eligible organization shall at all times publicly display its license at the site where it conducts games of chance.

§ 901.188. Location.

(a) A license issued under [ this section and ] §§ 901.181—901.187, this section and [ 901.189—901.194 ] 901.189—901.196 will be valid at [ only one location in the county which issued the license ] and authorize the holder to conduct games of chance on the organization's licensed premises as provided in § 901.704 (relating to licensed premises).

(b) A licensed eligible organization may conduct games of chance at a location off its premises when such games of chance are part of an annual carnival, fair, picnic or banquet held or participated in by that eligible organization on a historical basis. The organization shall notify, in writing, the district attorney and licensing authority of the location, date and times of such events.

(c) A license issued in one county will be valid for purposes of [ conducting a raffle in another county if the transactions occur ] selling raffle tickets in municipalities of another county which have specifically approved [ small ] games of chance [ and other provisions of this part and the act are met ] by an affirmative vote in a municipal referendum. A licensed eligible organization that plans to sell raffle tickets in a municipality located in a county other than the county in which it is licensed shall notify that county's district attorney and licensing authority as to the location and the dates that the organization plans to sell raffle tickets.

§ 901.189. Transfer.

[ The transfer or assignment of licenses between locations and clubs ] A licensed eligible organization is prohibited from transferring or assigning its license.

§ 901.190. Joint license prohibition.

[ A joint license for the holding, operating and conducting of a game of chance will not be issued to two or more clubs. ] A licensing authority may not issue a joint license to two or more eligible organizations. An auxiliary group may operate under its parent organization's license, but may not hold a license of its own.

§ 901.191. License application form.

The license application form shall contain, at a minimum, the following information:

\* \* \* \* \*

(2) The type of [ the ] organization.

\* \* \* \* \*

(5) The name of the municipality where the applicant will maintain its licensed premises.

(6) [ The place of conduct for games of chance. ] The eligible organization's licensed premises.

(7) The [ dates and hours the club normally operates for its members ] eligible organization's operating day and week.

\* \* \* \* \*

(11) The names and addresses of persons who will be responsible for the operation of games of chance, including [ club employees ] eligible organization employees, bar personnel, auxiliary group members and other persons who will obtain the games of chance and coordinate their use.

(12) A statement under oath in the form of an affidavit, affirmed by the executive officer or secretary of the [ club ] eligible organization, stating the following:

(i) A person 17 years of age or younger [ , or in the case of a club holding a liquor license, 20 years of age or younger, ] will not be permitted by the [ club ] eligible organization to operate or play games of chance.

\* \* \* \* \*

(iii) The [ club ] eligible organization is the owner of the premises upon which the games of chance are played or, if it is not, the [ club ] eligible organization is not leasing the premises from the owner thereof under an oral agreement, nor is it leasing the premises from the owner thereof under a written agreement at a rental which is determined by the amount of receipts realized from the playing of games of chance or by the number of people attending, excepting the lease of a facility for a banquet where a per head charge is applied in connection with the serving of a meal.

(13) A copy of a corporate applicant articles of incorporation and bylaws; or, if not a corporation, a copy of bylaws and other documents which set out the organizational [ structural ] structure and purpose [ of the organization ].

(14) A copy of a nonprofit charitable applicant's Internal Revenue Service tax exemption letter if one has been obtained and a copy of other documents indicating the [ club ] eligible organization is a nonprofit charitable organization.

(15) The details and copies of the lease [ or ] , rental or other arrangements[ , ] between the applicant and the owner of the premises upon which the [ gambling activity ] games of chance will be conducted, if the premises are not owned by the [ club ] eligible organization.

(16) The names, addresses, dates of birth and the [ social security ] Social Security numbers of each paid [ employe ] employee, auxiliary group member or agent who will be involved with the activities for which the license is sought.

\* \* \* \* \*

(18) [ A ] The type of license applied for and a list of all types of games of chance to be operated by the [ club ] eligible organization.

(19) A list of distributors of games of chance with whom the [ club ] eligible organization does business.

(20) A list of the eligible organization's auxiliary groups that will operate games of chance under the eligible organization's license.

§ 901.192. Denial [ of application, revocation, suspension and refusal to renew club licenses ] suspension and revocation of an eligible organization license.

[ (a) The licensing authority shall revoke or refuse to renew the license of a club whenever the district attorney finds upon complaint and investigation that one of the following exists:

(1) The funds derived from the operation of games of chance are used for a purpose other than for legitimate club purposes or for the purchase of games of chance.

(2) A person 17 years of age or younger, or in the case of a club holding a liquor license, 20 years of age or younger, is operating or playing games of chance.

(3) The club has permitted a person who has been convicted of a felony or a violation of the Bingo Law, or the act to manage, set up, supervise or participate in the operation of games of chance.

(4) The facility in which the games of chance are played does not have adequate means of ingress and egress and does not have adequate sanitary facilities available in the area.

(5) A person other than a manager, officer, director, bar personnel or a bona fide member of the club has been involved in managing, setting up, operating or running games of chance.

(6) A person has received compensation for conducting games of chance.

(7) A prize has been awarded in excess of the limits prescribed by the act.

(8) The club has violated a condition of a special permit.

(9) The club conducts the games of chance upon premises which it does not own or lease in accordance with the restrictions of the act or this part and is leasing the premises from the owner thereof under one of the following:

(i) An oral agreement.

(ii) A written agreement at a rental which is determined by the amount of receipts realized from the playing of games.

(10) False or erroneous information was provided in the original application.

(11) The club has been convicted of a violation of the act.

(12) The club has permitted another club to use its licensed premises for the conduct of games of chance.

(13) A club has conducted more than one raffle in a calendar month.

(b) The licensing authority shall revoke, or refuse to renew the license of a club whenever the licensing authority, its designee or a law enforcement official finds upon complaint and investigation that:

(1) The funds derived from the operation of games of chance are used for a purpose other than for legitimate club purposes or for the purchase of games of chance as permitted by the act.

(2) A person 17 years of age or younger, or in the case of a club holding a liquor license, a person 20 years of age or younger, is operating or playing games of chance as defined in the act.

(3) The club has permitted a person who has been convicted of a felony or a violation of the Bingo Law or the act to manage, set up, supervise or participate in the operation of games of chance.

(4) The facility in which the games of chance are played does not have adequate means of ingress and egress and does not have adequate sanitary facilities available in the area.

(5) A person other than a manager, officer, director, bar personnel or a bona fide member of the club has been involved in managing, setting up, operating or running games of chance.

(6) A person has received compensation for conducting games of chance.

(7) A prize has been awarded in excess of the limits prescribed by the act.

(8) The club has violated a condition of a special permit.

(9) The club conducts the games of chance upon premises which it does not own or lease in accordance with the restrictions of the act or this part and is leasing the premises from the owner thereof under one of the following:

(i) An oral agreement.

(ii) A written agreement at a rental which is determined by the amount of receipts realized from the playing of games.

(10) False or erroneous information was provided in the original application.

(11) The club has been convicted of a violation of the act.

(12) The club has permitted another club to use its licensed premises for the conducting of games of chance.

(13) A club has conducted more than one raffle in a calendar month.

(c) The licensing authority shall sanction by suspending or revoking a license or refusing to renew the license of a club whenever the licensing authority, its designee or a law enforcement official finds upon complaint and investigation that the club or a party in interest in the license application, or a holder of the license:

(1) Has failed to comply with the act or subsection (a) or (b).

(2) Has obtained a license by fraud, misrepresentation, concealment or through inadvertence or mistake.

(3) Has submitted a license application containing false information.

(4) Has been convicted or, forfeited bond upon a charge of or plead guilty or nolo contendere to one of the following:

(i) Forgery.

(ii) Larceny.

(iii) Extortion.

(iv) Conspiracy to defraud.

(v) Willful failure to make required payments or reports to a governmental agency.

(vi) Filing of false reports.

(vii) A crime, whether a felony or misdemeanor, involving gambling activity or a felony involving moral turpitude.

(viii) Other similar offenses.

(5) Has refused to permit an inspection of its records or premises under one of the following:

(i) Section 901.28 (relating to inspection of premises).

(ii) A search warrant.

(iii) A court order.

(6) Has failed to display its license on the premises where the licensed activity is conducted at all times during the operation of the licensed activity.

(7) Has made a misrepresentation of, or fails to disclose, a material fact to the licensing authority, law enforcement officials or the Department.

(8) Has failed to provide the licensing authority information required under the county's rules within a written request by the county, or within the time specified by the county rule.

(9) Has allowed a person who has been convicted of or forfeited bond upon one or more of the offenses listed in this subsection to participate in the management or operation of an activity regulated by the act or this part without prior written approval of the Department or the licensing authority.

(10) Has purchased games of chance from a distributor who is not currently licensed by the Department.

(d) The licensing authority shall deny the application of a club for licensure whenever the licensing authority, district attorney or other law enforcement official finds upon complaint and investigation that the club, the applicant or a party in interest in a license application, or holder of the license has committed one or more of the offenses described in subsection (a), (b) or (c). ]

(a) *Denial.* A licensing authority may deny an eligible organization's application when the licensing authority determines that the eligible organization has violated the act or this part.

(b) *Suspension.* A licensing authority may suspend an eligible organization's license when the licensing authority determines that the eligible organization has violated the act or this part, the violation has not substantially harmed the public and the violation can be timely remedied.

(c) *Revocation and denial.*

(1) A licensing authority may revoke an eligible organization's license when the licensing authority determines that all of the following have occurred:

- (i) The eligible organization has violated the act or this part.
- (ii) The violation has substantially harmed the public.
- (iii) The violation cannot be remedied by the eligible organization.

(2) A licensing authority shall revoke the license of an eligible organization when the eligible organization has not remedied a violation for which a suspension is issued within the suspension period.

(3) A licensing authority shall revoke or deny the license of an eligible organization when the district attorney finds upon complaint and investigation that:

- (i) The funds derived from the operation of games of chance are used for a purpose other than for public interest purposes or for the purchase of games of chance as permitted by the act.
- (ii) A person 17 years of age or younger is operating or playing games of chance as defined in the act.
- (iii) The eligible organization has permitted a person who has been convicted of a felony in a Federal or State court within the past 5 years or has been convicted in a Federal or State court within the past 10 years of a violation of the Bingo Law or the act, to manage, set up, supervise or participate in the operation of games of chance.
- (iv) The facility in which the games of chance are played does not have adequate means of ingress and egress and does not have adequate sanitary facilities available in the area.
- (v) A person other than a manager, officer, director, bar personnel or a bona fide member of the eligible organization has been involved in managing, setting up, operating or running games of chance.
- (vi) A person has received compensation for conducting games of chance.
- (vii) A prize has been awarded in excess of the limits prescribed by the act.

(viii) The eligible organization has violated a condition of a special raffle permit.

(ix) The eligible organization conducts games of chance on a leased premises under an oral agreement, or on a leased premises under a written agreement at a rental which is determined by the amount of receipts realized from the playing of games.

(x) False or erroneous information was provided in the original application.

(xi) The eligible organization has been convicted of a violation of the act.

(xii) The eligible organization has permitted another eligible organization to conduct games of chance on its licensed premises without suspending its own operation of games of chance during the period that the other licensed eligible organization is conducting games of chance on the premises.

§ 901.194. Change of personnel.

[ Additions ] An eligible organization shall report the addition or [ deletions ] deletion of an [ employe ] employee, officer or other person engaged in the operation of the [ club ] licensed eligible organization or games of chance, or both, or a change in management or directorship, and the like, [ shall be reported in writing ] to the licensing authority [ on November 15 ] within 15 days of the addition or deletion.

§ 901.195. Types of licenses.

Two types of licenses are available. An eligible organization may only hold one type of license at a time. The types of licenses are as follows:

(1) *Games of chance license.* A games of chance license authorizes the licensee to conduct games of chance as prescribed by the act and this part during the eligible organization's licensing term. A licensee is eligible to apply for special raffle permits.

(2) *Limited occasion license.* A limited occasion license authorizes the licensee to conduct games of chance on a limited basis as provided in § 901.196 (relating to limited occasion license requirements, limits and restrictions).

§ 901.196. Limited occasion license requirements, limits and restrictions.

(a) Organizations that do not own or lease a premises or do not have a specific location at which they conduct their normal business are only eligible for a limited occasion license.

(b) Limited occasion licensees are not eligible for the following:

- (1) Special raffle permits.
- (2) A games of chance license.
- (c) Limited occasion licensees may conduct games of chance on no more than three occasions over a period of no more than 7 days during the license term.
- (d) No more than two raffles may be conducted under a limited occasion license.
- (e) The fee for a limited occasion license is \$10.

(f) The licensee shall provide 10 days prior written notice of its intent to conduct games of chance under its license to the licensing authority that issued its license.

**§ 901.197. Change of application information.**

An eligible organization shall report any changes to the information supplied in its license application to the licensing authority within 15 days of the change.

**COUNTY LICENSING AUTHORITY PROCEDURES**

**§ 901.211. [ Local rules ] (Reserved).**

[ The licensing authority of the counties of this Commonwealth may adopt local rules regulating their procedures consistent with the act. If the licensing authority does not adopt rules, this section and §§ 901.212—901.219 are binding. ]

**§ 901.212. General provisions.**

(a) *Scope.* This section and §§ 901.211 and 901.213—901.219 govern practice and procedure before the licensing authority except as otherwise provided in this part. The provisions of 2 Pa.C.S. §§ [ 501—508 and 701—704 ] 551—555 and 751—754 (relating to the [ Administrative Agency Law ] Local Agency Law) do not apply to practice and procedure before the licensing authority to the extent that those provisions are inconsistent with this section and §§ 901.211 and 901.213—901.219.

(b) *Construction of rules.* This section and §§ 901.211 and 901.213—901.219 will be liberally construed to aid the efficient operation of the licensing authority and the orderly administration of the act and this part.

**§ 901.213. Actions with respect to [ club ] eligible organization licenses and applications.**

(a) The licensing authority shall approve or deny license applications within [ 60 ] 30 days of their receipt unless the applicant is notified in writing of the specific reason for the delay. If the applicant requests in writing, the delayed application will be denied and may be immediately appealed. Applications are considered to be received when they arrive at the licensing authority as evidenced by the date stamp placed on the application.

(b) The licensing authority shall determine whether an applicant is eligible for a license under the act and this part and notify the applicant in writing of its determination.

(1) If the application is approved, the licensing authority shall send the license and notice of approval [ shall be sent ] to the applicant along with an up-to-date listing of all municipalities within the licensing county that have approved games of chance by referendum.

(2) If the application is denied, the licensing authority shall give notice, in writing, of the denial as set forth in § 901.214[ (d) ](b) (relating to procedure for denial, suspension[, ] or revocation [ or refusal to renew club ] of eligible organization licenses).

(c) If [ a club ] an eligible organization's license is suspended or revoked by the licensing authority, the licensing authority will give notice to the [ club ] eligible organization in writing of its determination as provided in § 901.214[ (d) ](b).

(d) If an appeal is not taken from a denial or from a revocation within the time prescribed in this chapter, the decision of the licensing authority will become final.

**§ 901.214. Procedure for denial, suspension[, ] or revocation [ or refusal to renew club ] of eligible organization licenses.**

(a) *Commencement of action.* [ An action to suspend or revoke a club license shall be commenced ] A licensing authority may deny an eligible organization's application or suspend or revoke an eligible organization's license following a finding of grounds under § 901.192 (relating to denial of [ application, revocation, suspension and refusal to renew club licenses ], suspension and revocation of eligible organization licenses).

(b) [ Investigations.

(1) The licensing authority, its designee, district attorney or other law enforcement officials shall investigate a complaint against a club.

(2) Complaints may be made by the licensing authority, the Department, district attorney, other law enforcement officials or by any person. If possible, complaints shall be in writing and shall identify the complainant. Evidence supplied by the complainant shall be attached to the written complaint.

(3) The licensing authority may request information on complaints received by the district attorney, other law enforcement officials or the Department involving a club.

(4) With respect to a club, the licensing authority may request information on an ongoing investigation conducted by the district attorney, other law enforcement officials or the Department.

(5) The district attorney, the Department or other law enforcement official will notify timely the licensing authority upon a finding that a violation of the act or this part has occurred and provide the licensing authority with a copy of the findings involving a club.

(6) The Department may request information on complaints prior to conducting an investigation. If a complaint is made to the district attorney, licensing authority or other law enforcement officials concerning misconduct by a manufacturer or distributor, the Department will not interfere with an investigation conducted as a result of these complaints.

(7) The district attorney, licensing authority or other law enforcement officials shall timely notify the Department upon a finding that a violation of the act or this part has occurred, and shall provide the Department with a copy of the findings involving a distributor or manufacturer.

(c) *Licensing authority determination.* The licensing authority shall review the report of each investigation and, based upon the findings, determine whether a club license will be suspended or revoked.

(d) *Notice to licensee:*

(1) Upon the determination of the licensing authority that a club license will be suspended or

revoked, the licensing authority shall notify the club in writing of its determination.

(2) Upon the determination of the licensing authority that a club license application will be denied or not be renewed, the licensing authority shall notify the club in writing of its determination.

(3) The notice will set forth:

(i) The action being taken by the licensing authority.

(ii) The reason for the action.

(iii) A notice to the licensee or applicant of the opportunity to appeal the determination and to have a hearing prior to final action by the licensing authority, except as provided in subsection (e).

(4) Notice shall be received at least 15 days prior to the date the action takes effect except as provided in subsection (e). ]

*Notice.*

(1) A licensing authority shall provide written notice to an eligible organization of its denial of the eligible organization's license application or the suspension or revocation of the eligible organization's license.

(2) The notice must provide:

(i) The date of the notice.

(ii) The action taken by the licensing authority.

(iii) The reason for the action.

(iv) The licensee or applicant's appeal rights.

(3) The licensing authority will serve the notice by certified or first-class mail.

(c) *Suspension.*

(1) A suspension of an eligible organization's license is issued for violations of the act and this part that have not substantially harmed the public and can be timely remedied.

(2) A suspension period may not exceed 30 days, unless the eligible organization requests an extension, in writing, and the licensing authority approves the extension.

(3) The licensing authority will lift a suspension when the eligible organization has demonstrated compliance.

(4) If the licensing authority determines that the eligible organization is still in violation of the act or this part by the end of the suspension period, the licensing authority will revoke the eligible organization's license.

(5) There is no right to appeal a suspension.

[ (e) *Licenses temporarily suspended pending a hearing.* The licensing authority may temporarily suspend a club license issued under this part pending a hearing upon suspension or revocation of the license or a renewal thereof, for a period not to exceed 30 days, when, in the opinion of the licensing authority:

(1) The licensee has obtained the license by fraud, trick, misrepresentation, concealment or through inadvertence or a mistake.

(2) The licensee has engaged in an act, practice or course of operation which would operate as a

fraud or deceit upon a person, or has employed a device, scheme or artifice to defraud a person.

(3) The licensee has failed to comply with the act or this part, after having been previously notified by the licensing authority, its authorized representatives or local law enforcement personnel that a violation of the same or similar provisions had been or were being committed by the licensee.

(4) Immediate cessation of licensed activities by the licensee is necessary for the protection or preservation of the welfare of the community within which these activities are being conducted. ]

(d) *Effect of appeal.* Actions of the licensing authority to revoke an eligible organization's license will be stayed pending the decision of the licensing authority on the appeal. During the pendency of the appeal, the eligible organization's license shall be suspended.

§ 901.215. Appeals.

(a) *Generally.* [ An appeal by an applicant or licensee ] An applicant or licensee's appeal from a licensing authority determination[ , ] shall be addressed to the licensing authority at the office of the licensing authority unless the notice of determination specifically directs otherwise. The person filing the appeal on behalf of the applicant or licensee shall state his name, address and the party he represents.

(b) *Timely appeal required.* An appeal required or permitted to be filed under this part shall be received for filing at the office of the licensing authority within 30 days of receipt of notice by the [ club ] eligible organization. The date of receipt at the office of the licensing authority, and not the date of deposit in the mail, is the filing date for purposes of this section.

(c) *Form and content of appeal.* An appeal shall be in writing, signed by [ a club ] an eligible organization's officer or authorized representative, and shall contain:

\* \* \* \* \*

(2) The name and address of the [ club ] eligible organization's officer or authorized representative, if any.

\* \* \* \* \*

§ 901.216. Representation before licensing authority.

(a) *Representation, generally.* A bona fide member of [ a club ] an eligible organization may represent the applicant or licensee. The licensing authority or its designee may represent the licensing authority in presenting submittal to a licensing authority.

\* \* \* \* \*

(c) *Notice of appearance.*

(1) If an officer or member of an applicant or licensee appears on behalf of the applicant or licensee before a licensing authority in a proceeding involving a hearing or an opportunity for hearing, the officer or member shall file with the licensing authority an address at which a notice or other written communication required to be served upon the [ club ] eligible organization may be sent.

\* \* \* \* \*

§ 901.219. Decisions.

(a) *Review.* Upon the close of a hearing, the licensing authority shall review evidence and testimony presented along with relevant documents and render a written decision. The decision concerning the [ club ] eligible organization's license or application will be served upon the parties in the manner consistent with §§ 901.211—901.218 and this section.

\* \* \* \* \*

Subchapter C. LOCAL OPTION

LOCAL OPTION REQUIREMENT AND LOCAL OPTION REPORTING

§ 901.307. Withdrawal of approval.

The referendum procedures contained in §§ 901.301—901.306, this section, 901.308 and 901.309 shall also be available to withdraw the approval of the issuance of [ club ] eligible organization licenses within the municipality which was granted through a prior referendum.

§ 901.308. Reporting.

A county board of elections shall certify to the Department the question and the results no later than 40 days following the primary election on which a referendum question relating to [ small ] games of chance appears on the ballot.

§ 901.309. Public information.

Information supplied with regard to the approval or disapproval of [ small ] games of chance by local referendum shall be available from the county board of elections and the licensing authority.

Subchapter D. RECORDKEEPING COUNTY RECORDS AND REPORTS

§ 901.401. Application register.

The licensing authority [ shall ] will keep a register or list of [ club ] eligible organization applications filed, containing the following:

\* \* \* \* \*

(11) The type of license for which each organization applied.

§ 901.402. Docket.

The licensing authority [ shall ] will also keep and maintain a docket with a separate sheet for each licensee on which it shall enter the following:

\* \* \* \* \*

(2) The special raffle permit number of special raffle permits issued to each license.

(3) The date on which special raffle permits were issued.

\* \* \* \* \*

(5) The type of license granted.

§ 901.403. Special raffle permit docket.

The licensing authority [ shall ] will keep and maintain a docket in which the following shall be entered:

(1) The serial number of the special raffle permits issued.

(2) The date the special raffle permits were issued.

(3) The dates the special raffle permit is valid.

(4) The name of the [ club ] licensed eligible organization to which the special raffle permit was issued.

(5) The [ small ] games of chance license number of the [ club ] licensed eligible organization being issued the special raffle permit.

(6) [ The date the special permit was returned to the licensing authority.

(7) ] The maximum cash value of prizes to be awarded under each special raffle permit.

§ 901.404. [ Violation report ] (Reserved).

[ The licensing authority shall provide the Department with a list of licensed clubs, distributors, registered manufacturers and other persons who are under investigation, charged with or found guilty of violations of the act, the Bingo Law or other gambling related offenses under 18 Pa.C.S. (relating to the Crimes Code) or other comparable state or Federal law. This list shall be provided in writing on or before November 15 of each year. ]

§ 901.405. List of licensed [ clubs ] eligible organizations.

The licensing authority [ shall ] will send a list of licensees to the Department on or before January 15 and July 15 of each year. Upon request, the licensing authority [ shall ] will provide the Department with a copy of [ the club's ] an eligible organization's license. The list shall identify the [ club ] eligible organization, its full address [ and ], its license number, type of license and any special raffle permit serial number.

§ 901.406. Other records and reports.

[ Other ] The licensing authority will keep and maintain other records and reports the licensing authority deems reasonable and necessary or are required by this part.

§ 901.407. List of municipalities.

(a) The licensing authority will keep and maintain an up-to-date list of those municipalities within the licensing authority's county that permit games of chance.

(b) The licensing authority will give a copy of the list to every eligible organization at the time of licensure.

(c) The licensing authority will make the list available to licensed eligible organizations who provide notice to the licensing authority of raffle sales within the licensing authority's county.

(d) Any time the list is updated, the licensing authority will submit a copy of the list to the Department within 30 days of the update.

MANUFACTURING RECORDS AND REPORTS

§ 901.421. Distributor license copy.

A manufacturer shall maintain a copy of the valid [ small ] games of chance license of each distributor to which it sells or otherwise furnishes games of chance.

§ 901.423. Annual records.

A registered manufacturer shall keep and maintain permanent annual records of the activities related to [ small ] games of chance.

§ 901.425. Records.

A record shall include the following:

(1) Sales invoices. A manufacturer shall record every sale, return or other type of transfer of [small] games of chance by completing a sales invoice or credit memo. An invoice [shall] must be prenumbered at the time of purchase. The numbering [shall] must be consecutive, using [not less than] at least four digits. Manufacturers may use a computer generated numbering system if the same system is used for all sales and specific numbers cannot be input by use of a manual terminal or other device. The invoice [shall] must contain the following information:

\* \* \* \* \*

DISTRIBUTOR RECORDS AND REPORTS

§ 901.441. License of purchaser.

A distributor shall keep a copy of the valid [small] games of chance license of each [club] eligible organization to which it sells or otherwise furnishes games of chance.

§ 901.443. Annual records.

A licensed distributor shall keep and maintain permanent annual records of its activities related to [small] games of chance.

§ 901.445. Records.

A record shall include the following:

(1) Sales invoices. A distributor shall record every sale, return or other type of transfer of [small] games of chance by completing a standard sales invoice or credit memo. An invoice [shall] must be prenumbered at the time of purchase. The numbering [shall] must be consecutive using at least four digits. The invoice [shall] must contain the following information:

\* \* \* \* \*

(iii) The [purchasing club] name, address and license number of the licensed organization.

\* \* \* \* \*

(vi) The gross amount of each sale to each [club] licensed eligible organization, including all discount terms and the total dollar amount of any discount.

\* \* \* \* \*

[ CLUB ] LICENSED ELIGIBLE ORGANIZATION RECORDS

§ 901.461. Annual records.

[A club] An eligible organization licensed to conduct [small] games of chance shall keep and maintain permanent annual records of the activities related to [small] games of chance with separate totals of activity under the license for each [7-day period] operating week.

§ 901.462. General records required.

A record shall include the following:

(1) The gross receipts from the conduct of [small] games of chance.

(2) The full details of the expenses related to the conduct of [small] games of chance.

(3) The total cost of the prizes paid out for [small] games of chance.

(4) The details as to how the proceeds from [small] games of chance were used or disbursed by the [club] eligible organization.

§ 901.464. Punchboard and pull-tab records.

Detailed annual records for the operation of punchboards and pull-tabs, [including] must include the following:

\* \* \* \* \*

(7) The cost to the [club] eligible organization of the prizes paid, including cash and merchandise.

\* \* \* \* \*

(9) A list of winners' names and addresses for prizes in excess of \$100.

§ 901.464a. Daily and weekly drawing records.

A licensed eligible organization shall maintain the following records and information with regard to each daily or weekly drawing:

(1) A type of drawing (daily or weekly).

(2) The operating day or operating week as applicable during which chances were sold and the date of the drawing.

(3) The list of entrants in the drawing.

(4) Each entrant's assigned or chosen number.

(5) The cost per chance.

(6) The proceeds from the sale of chances and the prize payout percentage.

(7) The winner's name.

(8) The prize paid to the winner.

(9) The winner's name and address for a prize over \$100.

(10) The winner's signed acknowledgment for receipt of the prize.

(11) A notation if the drawing is a carryover, and the amount of the jackpot being carried over to the next drawing.

§ 901.465. Cash over and short.

Cash over and short [shall] must be determined by:

(1) Subtracting actual cash from net receipts for [small] games of chance paying cash prizes.

(2) Subtracting actual cash from gross receipts for [small] games of chance which award merchandise prizes.

§ 901.466. Prize records.

A separate annual record shall be kept which may be easily cross-referenced to the other required records and which identifies the following:

\* \* \* \* \*

(2) The total amount of prizes awarded [in each 7-day period] per operating week.

\* \* \* \* \*



**Subchapter E. PROHIBITED  
ACTIVITIES/PENALTIES  
PROHIBITED ACTIVITIES**

**§ 901.501. Advertising.**

[ A club ] An eligible organization or other person may not advertise the prizes or their dollar value to be awarded in games of chance. [ Prizes may be identified on a raffle ticket. ] Raffle tickets may identify the raffle prizes. An eligible organization may advertise prizes and values thereof in periodic publications that are limited in their circulation to members of the eligible organization.

**§ 901.502. Persons.**

(a) A person having a pecuniary interest in a distributor or manufacturer or operator of games of chance may not have been:

\* \* \* \* \*

(b) A person 17 years of age or younger [ , or 20 years of age or younger in the case of a club holding a liquor license, ] may not be permitted to operate or play [ small ] games of chance.

(c) A [ club ] licensed eligible organization may not permit a person who has been convicted of a felony [ or a ] in a Federal or State court within the past 5 years or has been convicted in a Federal or State court of a violation of the Bingo Law or the act within the past 10 years to manage, set up, supervise or participate in the operation of games of chance.

**§ 901.503. Compensation.**

A [ club ] licensed eligible organization may not pay compensation to a person for conducting games of chance.

**§ 901.504. Persons who may conduct games.**

Persons may conduct [ small ] games of chance only if they are [ club ] licensed eligible organization managers, officers, directors, bar personnel or bona fide members [ of the club for at least 1 year ].

**§ 901.505. Promotional use of games of chance.**

[ Small games ] Games of chance may not be used as a part of promotional or advertising methods.

**§ 901.506. Credit play.**

\* \* \* \* \*

(e) A [ club ] licensed eligible organization may not permit the purchase of tickets by means of a deferred payment plan.

(f) [ Clubs ] Licensed eligible organizations may establish their own policies concerning acceptance of checks. A [ club ] licensed eligible organization is not required to accept a check.

(g) A [ club ] licensed eligible organization, manufacturer or distributor may not grant a non [ diminimis ] de minimis loan or gift to a player, a [ club ] licensed eligible organization, distributor or manufacturer.

\* \* \* \* \*

(i) On the specific date on which the check was written, a [ club ] licensed eligible organization may allow a

player to buy back a check with cash or return a player's check to the player as part of a prize payout. [ Clubs ] Licensed eligible organizations may not unnecessarily delay the bank deposit of a check to accommodate either of these activities.

(j) A [ club ] licensed eligible organization may not lend or provide the use of gambling funds to a person as a loan.

**§ 901.507. Prizes in excess of \$500.**

[ An ] A licensed eligible organization may not award an individual prize [ which ] that exceeds \$500 [ may not be awarded ] except under a special raffle permit [ raffle ], a carryover daily drawing as provided in § 901.702(e)(1) (relating to prize limits) or a weekly drawing.

**§ 901.508. Prizes in excess of \$5,000.**

A licensed eligible organization may not award a prize [ which ] that causes the total prizes awarded for [ the 7-day period ] an operating week to exceed \$5,000 [ may not be awarded ] except under a special raffle permit, a carryover daily drawing as provided in § 901.702(e)(1) or (2) (relating to prize limits) or a weekly drawing as provided in § 901.702(f)(2). [ Prizes awarded in raffles are not included in this amount. ]

**§ 901.509. Monthly raffle limit.**

A licensed eligible organization may not award a raffle prize [ which ] that causes the total prizes awarded in raffles to exceed \$5,000 for the month [ may not be awarded ] except under a special raffle permit [ raffle ].

**§ 901.510. [ One club per location ] Use of licensed premises by more than one organization.**

[ A location or licensed premises may not be used by more than one licensed club for the conduct of games of chance. ] A licensed eligible organization may not permit its premises to be used for games of chance by another licensed eligible organization at the same time that it is conducting games of chance on the premises. When a licensed eligible organization permits another licensed eligible organization to use its premises for purposes of games of chance, it shall cease the operation of its own games of chance during the period that the other licensed eligible organization is conducting its games on the premises.

**§ 901.511. Other activities.**

Other activities [ which ] that are grounds for revocation, suspension, denial or termination of a [ registration ] certificate or license are also prohibited.

**§ 901.512. Oral and written leases.**

(a) An eligible organization may only lease a location or premises for the operation of games of chance under a written agreement.

(b) An eligible organization may not lease a location or premises for the operation of games of chance under a written agreement that provides for a rental price determined by the amount of receipts realized from the playing of games of chance or by the number of people attending,

except that an eligible organization may lease a location or premises for a banquet where a per head charge is applied in connection with the serving of a meal.

§ 901.513. Gambling facilities prohibited.

(a) A person, corporation, association, partnership or other business entity may not offer for rent or offer for use a building or facility to be used exclusively for conducting of games of chance.

(b) A licensed eligible organization may not lease under any terms a facility or building that is used exclusively for conducting of games of chance.

PENALTIES

§ 901.531. [ Summary offense ] Eligible organizations.

[ A club ] An eligible organization violating the act is guilty of a summary offense, and upon conviction will be sentenced to pay a fine not exceeding \$1,000[ , ] and shall, for a first offense forfeit [ a ] its license [ and shall be ineligible for any license renewal for 30 months from the date of conviction ] to conduct games of chance for the remainder of the license term or 6 months, whichever is longer; for a second offense, forfeit its license for the remainder of the license term and be ineligible to be licensed for the following license term; for a third or subsequent offense, forfeit its license; and be ineligible for a license renewal for 30 months thereafter.

§ 901.532. [ Misdemeanor ] Individuals.

A person who conducts, or who assists in the conduct of, games of chance in violation of the act is guilty of a summary offense for the first violation, a misdemeanor of the third degree of a second violation and a misdemeanor of the first degree for a third or subsequent violation.

§ 901.533. Distributors and manufacturers.

A person who distributes games of chance without a license or in violation of the act or this part and a manufacturer of games of chance who delivers games of chance for sale or distribution in this Commonwealth who fails to obtain a [ registration ] certificate therefor, is guilty of a misdemeanor of the first degree. A license or [ registration ] certificate is not required for the manufacture or distribution of raffle, daily drawing or weekly drawing tickets.

§ 901.535. Contingent fees.

A person who distributes, manufactures or operates a [ small ] game of chance and who requires a payment equal to a percentage of the total winnings of a game for equipment furnished or to play a game commits a misdemeanor of the first degree.

Subchapter F. MANUFACTURING STANDARDS

PULL-TAB MANUFACTURING STANDARDS

§ 901.601. Uniform minimum quality standards.

(a) [ Pull-tabs ] Pull-tab games manufactured for sale or other distribution in this Commonwealth shall conform to the act, this part and N. A. G. R. A.'s [ "Uniform Minimum Quality Standards For The Manufacture of Charity Game Tickets." ] manufacturing standards for pull-tab games to the extent

consistent with this part. Copies of [ these ] N. A. G. R. A. standards are available from the Department.

\* \* \* \* \*

§ 901.602. [ Substitute flares ] Flares.

[ A flare may not be used on a pull-tab deal except those provided by the manufacturer unless the flare is made by the club and contains the information required under § 901.608 (relating to standards for flares) ]. A flare provided by the manufacturer must accompany every deal. However, a licensed eligible organization may alter a flare as provided in § 901.731(b)(2) (relating to punchboard and pull-tab operation).

§ 901.608. Standards for flares.

[ Except as provided by § 901.602 (relating to substitute flares), the flare identifying prizes available from the operation of a pull-tab deal shall be made only by the manufacturer. Winning numbers or symbols may not be altered by a club or distributor, and shall: ]

(a) A pull-tab game flare must be made only by the manufacturer. Except as provided by § 901.731(b)(2) (relating to punchboard and pull-tab operation), a flare may not be altered after it leaves the manufacturer's possession and control.

(b) Except as otherwise provided in this part, a flare for a pull-tab game must comply with N. A. G. R. A. manufacturing standards for pull-tab game flares.

(c) A pull-tab game flare must:

(1) Be placed only upon the face, or on the top, of a dispenser used to dispense the pull-tabs or must be printed on or made part of each pull-tab in a deal.

\* \* \* \* \*

(d) The flare for any pull-tab game containing hold tickets must provide for a section on the flare, either on the front or back, that contains the hold ticket numbers or symbols and a corresponding space beside each number or symbol upon which the holder of each hold ticket shall sign his name.

PUNCHBOARD MANUFACTURING STANDARDS

§ 901.621. [ Substitute flares ] Flares.

[ Flares may not be used on a punchboard except those provided by the manufacturer unless the flare is made by the club and contains the information required under § 901.627 (relating to standards for flares). ] A flare provided by the manufacturer must accompany every punchboard. However, a licensed eligible organization may alter a flare as provided in § 901.731(b)(2) (relating to punchboard and pull-tab operation).

§ 901.622. Standards for construction.

Punchboards sold for use in this Commonwealth [ shall comply ] must be in compliance with the following standards:

(1) General.

(i) A punchboard must have a face sheet that covers the punchboard receptacles.

(ii) The flare for the punchboard may be manufactured to also serve as the face sheet for the punchboard.

(iii) A punchboard, its punches and its flare must be assigned an identical serial number.

(iv) Each punchboard receptacle must contain an identical number of punches.

(2) Patterns. The punchboard [ shall ] must be manufactured with special care to eliminate patterns between punchboards, or portions of punchboards, from which the location or approximate location of winning punches may be determined. A manufacturer shall employ at least the following steps to ensure that no pattern exists:

(i) The form or permanent number sheets from which the individual punches shall be cut [ shall ] must be mixed prior to cutting.

(ii) After the [ strips—straws— ] punches have been crimped, the [ strips shall ] punches must be thoroughly mixed prior to insertion in punchboards.

\* \* \* \* \*

[ (2) ] (3) \* \* \*

[ (3) ] (4) \* \* \*

[ (4) ] (5) \* \* \*

[ (5) ] (6) \* \* \*

\* \* \* \* \*

§ 901.627. Standards for flares.

[ The flare advertising prizes available from the operation of a punchboard shall be made only by the manufacturer. Winning numbers or symbols may not be altered by a club or distributor, and shall: ]

(a) A punchboard flare must be made only by the manufacturer. Except as provided by § 901.731(b)(2) (relating to punchboard and pull-tab operation), a flare may not be altered after it leaves the manufacturer's possession and control.

(b) A punchboard flare must:

\* \* \* \* \*

(c) The flare for any punchboard containing hold tickets must provide for a section on the flare, either on the front or back, that contains the hold ticket numbers or symbols and a corresponding space beside each number or symbol upon which the holder of each hold ticket shall sign his name.

Subchapter G. OPERATION OF GAMES

[ CLUB ] ELIGIBLE ORGANIZATION OPERATION OF GAMES

§ 901.701. Games of chance permitted.

(a) [ Games ] A licensed eligible organization may conduct games of chance [ may be conducted ] only for the purpose of raising funds for [ legitimate club ] public interest purposes as defined in the act or this part.

(b) [ Proceeds shall be used ] A licensed eligible organization shall use games of chance proceeds

exclusively for [ legitimate club ] public interest purposes or for the purchase of games of chance permitted by the act or this part.

§ 901.702. Prize limits.

\* \* \* \* \*

(b) Weekly limit. No more than \$5,000 in cash or merchandise may be awarded by a [ club in a 7-day period ] licensed eligible organization during an operating week. [ Prizes awarded in a raffle are not included in this amount. ]

(c) Raffle limit. No more than \$5,000 in cash [ for ] or merchandise may be awarded in raffles in a calendar month except under a special raffle permit [ raffle ].

(d) Special raffle permit [ raffles ]. A [ club ] licensed eligible organization may conduct a raffle and award a prize valued in excess of \$500 only if it has obtained a special raffle permit. The total cash value of prizes awarded under [ a ] all special [ permit raffle may be no more than \$25,000 ] raffle permits during a calendar year may be no more than \$100,000.

(e) Prize limit exceptions for daily drawings.

(1) A licensed eligible organization may award a prize in excess of the prize limitations in subsections (a) and (b) if the prize is the result of a carryover of a drawing when the following conditions apply:

(i) The winning number was not held by one of the eligible entrants in the drawing.

(ii) The carryover is not the result of the licensed eligible organization's failure to hold a drawing on an operating day during which chances for a daily drawing were sold.

(iii) The chances for the daily drawing were not sold for an amount in excess of \$1.

(iv) No eligible participant was sold more than one chance.

(2) A licensed eligible organization may award a prize in excess of the prize limitation in subsection (b) if the prize is the result of a daily drawing that is set up to pay out no less than 100% of the gross revenues from such drawing. The prizes are still subject to the prize limitation in subsection (a). The limitation in subsection (b) may be exceeded only by the amount of the daily drawing paying 100% of its gross revenues.

(f) Prize limit exceptions for weekly drawings.

(1) The prize limitation in subsection (a) does not apply to weekly drawings. Weekly drawings are subject to the prize limitations in subsection (b).

(2) A licensed eligible organization may award a prize in excess of the prize limitation in subsection (b) if either:

(i) The prize is the result of a carryover of a drawing when the winning number was not held by one of the eligible entrants in the drawing, and the following conditions apply:

(A) The carryover is not the result of the licensed eligible organization's failure to hold a weekly drawing at the end of the operating week during which chances were sold.

(B) The chances for the weekly drawing were not sold for an amount in excess of \$1.

(ii) The drawing is set up to pay out no less than 100% of the gross revenues from the drawing.

§ 901.703. Place of conduct.

[ Games shall be conducted ] A licensed eligible organization shall conduct games of chance only on the licensed eligible organization's licensed premises or when otherwise provided by the act and this part. [ Raffle tickets may be sold within any county at other locations for drawings to be held once a month but raffle tickets may be sold ] A licensed eligible organization may sell raffle tickets off the licensed premises but only in municipalities [ which ] that have approved games of chance through a valid referendum.

§ 901.704. [ Club ] Licensed premises.

(a) [ The club shall own the premises upon which games of chance are played or shall lease or sublease the premises under a written agreement for a rental which is not determined by either the amount of receipts realized from the playing of games of chance or the number of people attending.

(b) A club may not lease the premises from a person who has been convicted of a felony or a violation of the act or the Bingo Law within 10 years of the date of the lessor's conviction.

(c) A club may not permit another club to use its premises for the conduct of games of chance. ] An eligible organization's licensed premises must be the location or premises owned or leased by the organization for use as its normal business or operating site. When the premises consists of more than one building, the organization shall designate which building will be used as the licensed premises for the operation of games of chance. If the organization wishes to conduct games of chance in a different building on its licensed premises, it shall notify, in writing, the district attorney and the licensing authority of the change in building site and the date and times that will be affected.

(b) If an eligible organization does not own or lease a location or premises for use as its normal business or operating site, the organization may:

(1) With the written consent of another eligible organization, use another eligible organization's licensed premises for purposes of conducting games of chance so long as the use complies with §§ 901.510 and 901.709 (relating to use of licensed premises by more than one organization; and eligible organizations per premises).

(2) Lease a location or premises on which to conduct games of chance as long as the lease does not violate § 901.513 (relating to gambling facilities).

(3) Make other arrangements to acquire a location or premises, consistent with the act and this part, on which to conduct games of chance.

(c) An eligible organization may not lease a location or premises as a licensed premises under an oral agreement. An eligible organization may lease a location or premises under a written agreement. The rental price may not be based on either the

amount of receipts realized from the playing of games of chance or the number of people attending. An eligible organization may lease a facility for a banquet where a per head charge is applied in connection with the serving of a meal.

(d) An eligible organization may not lease a location or premises as a licensed premises from any person who has been convicted of a violation of the act or this part within 10 years of the date of the lessor's conviction.

§ 901.705. Purchase of games.

[ Games ] A licensed eligible organization shall [ be purchased ] purchase games of chance only from a licensed distributor. Raffles, daily drawings and weekly drawings are excluded from this requirement.

§ 901.706. Persons who may not operate or play [ small ] games of chance.

(a) A person 17 years of age or younger[ , or 20 years of age or younger in the case of a club holding a liquor license, ] may not be permitted to operate or play games of chance.

(b) A [ club ] licensed eligible organization may not permit a person who has been convicted of a felony in a State or Federal court within the past 5 years or a violation of the Bingo Law or the act[ , ] in a State or Federal court within the past 10 years to manage, set up, supervise or participate in the operation of games of chance.

§ 901.707. Compensation.

A [ club ] licensed eligible organization may not pay compensation to a person for conducting games of chance.

§ 901.708. Persons who may conduct games of chance.

[ Games of chance may be conducted only by club ] Only licensed eligible organization managers, officers, directors, bar personnel or persons who [ have been ] are bona fide members of the licensed [ club for a least 1 year ] eligible organization may conduct games of chance.

§ 901.709. One [ club ] eligible organization per [ premise ] premises.

[ A location or licensed premises may not be used by more than one licensed club for conducting games of chance. ] Only one licensed eligible organization may use a licensed premise to conduct games of chance. A licensed eligible organization may allow another licensed eligible organization that does not own or lease a normal business premises to conduct games of chance on its premises. When an eligible organization uses the premises of another eligible organization, each eligible organization shall notify its respective licensing authority and district attorney in writing.

§ 901.710. Other standards and requirements.

A [ club ] licensed eligible organization may not provide for play or purchase a [ small ] game of chance [ which ] that violates the act or this part.

§ 901.711. [ Location for special permit raffles ] (Reserved).

[ A location or licensed premises may not be used by more than one licensed club for a special permit raffle in a calendar year. ]

**PUNCHBOARD AND PULL-TAB OPERATION PROCEDURES**

**§ 901.731. Punchboard and pull-tab operation.**

(a) A person 17 years of age and younger[, or 20 years of age or younger in the case of a club holding a liquor license,] or a person visibly intoxicated or visibly under the influence of a [narcotic] controlled substance may not be allowed to play or sell a punchboard or pull-tab. It is the responsibility of the licensee and the responsibility of the person physically selling the punchboard or pull-tab deal to determine that an unauthorized person is not allowed to play or sell.

(b) Limitations on punchboards, pull-tabs and flares are as follows:

(1) A [club] licensed eligible organization may not permit the display or operation of a punchboard or pull-tab which may have been marked, defaced, tampered with or otherwise placed in a condition or operated in a manner which may deceive the public or which affects the chances of winning or losing upon the taking of a chance thereon.

(2) A licensed eligible organization may alter a flare to indicate that merchandise of equivalent value will substitute for a cash prize in a punchboard or pull-tab game.

\* \* \* \* \*

(d) When [clubs] licensed eligible organizations purchase merchandise to be used as prizes on punchboards or pull-tab deals, the following information [shall] must be on the invoice provided by the seller:

\* \* \* \* \*

(e) Limitations on pull-tab dispensers are as follows:

\* \* \* \* \*

(4) A pull-tab deal once placed in or upon a pull-tab container out for play may not be removed from the container until the deal is permanently removed from public play, except as follows:

\* \* \* \* \*

(ii) Pull-tabs removed by representatives of the county, or other law enforcement agency inspecting the [small] games of chance.

\* \* \* \* \*

**§ 901.733. Control of prizes.**

\* \* \* \* \*

(c) The [club] licensed eligible organization shall display prizes so arranged that a customer can easily determine which prizes are available from a particular punchboard or pull-tab deal located upon the premises.

\* \* \* \* \*

(e) A [club] licensed eligible organization may not offer to pay or actually pay cash in lieu of merchandise prizes which may be won.

(f) When a person wins a cash prize of over \$100 or wins a merchandise prize with a cash value of over \$100 from the play of a punchboard or pull-tab deal, the [club] licensed eligible organization shall make a record of the win. The record [shall] must disclose, at a minimum, the following information:

\* \* \* \* \*

(g) A [club] licensed eligible organization shall keep the record of prizes awarded containing the information required in subsection (f), and of winning plays for a minimum of 2 years and shall display the record to a representative of the Department, county licensing authority, district attorney or law enforcement [officials] official upon demand. The [club] licensed eligible organization shall immediately mark or perforate the winning pull-tab or punch so that the play cannot be presented again for payment.

**§ 901.734. Punchboard and pull-tab inventory and retention.**

[ A punchboard and pull-tab deals purchased or otherwise obtained by a club shall be controlled and accounted for ] A licensed eligible organization shall control and account for punchboard and pull-tab games as follows:

(1) A [club] licensed eligible organization shall closely monitor [punchboard] punchboards and pull-tab [deals] games purchased to assure that serial numbers are correctly entered in records and that each [deal] punchboard and pull-tab game purchased is recorded. The following control procedures apply:

(i) At the close of business on December 31 of each year and before operating punchboards and pull-tab [deals] games after that date, the [club] licensed eligible organization shall take a physical inventory of punchboards and pull-tab [deals] games in play and awaiting play and record the following information separately for punchboards and pull-tab [deals] games:

\* \* \* \* \*

(ii) At the time punchboards and pull-tab [deals] games are delivered, a [club] licensed eligible organization shall assure that purchase invoice data is correct by comparing the actual serial numbers on each punchboard or pull-tab [deal] game to the numbers entered on the purchase invoices.

(iii) The purchases of punchboards or pull-tab [deals] games shall be recorded on a standard distributor's invoice, which includes space for the [club] licensed eligible organization to either attach a records entry label or enter the serial number and the date the [deal] punchboard or the pull-tab game was placed out for play. For punchboards or pull-tab [deals] games purchased, the [club] licensed eligible organization shall enter the data and the serial number in the space on the invoice, adjacent to the distributors entry, by either attaching a records entry label or by written entry.

(2) A punchboard or pull-tab [deal] game which is removed from play [together with the flare], unplayed punches or pull-tabs and winning punches or [plays] pull-tabs for prizes in excess of \$100[, ] shall be retained by the [club] licensed eligible organiza-

tion for at least 2 years following the last day of the month in which it was removed from play. The board, unplayed punches or pull-tabs, flare and winning punches or pull-tabs [ shall ] must remain available for inspection on the licensed premises.

(3) A punchboard or pull-tab [ deal ] game which is not placed out for public play or is not returned to the distributor from whom it was originally purchased [ shall ] must be retained on the licensed premises and made available for inspection for at least 2 years.

**RAFFLES**

**§ 901.741. Prize limits.**

A prize awarded may not have a value in excess of \$500 unless the raffle is conducted under a special raffle permit. [ No ] A licensed eligible organization may not award more than \$5,000 in cash or merchandise [ may be awarded ] in raffles in a calendar month [ by a licensee ].

**§ 901.742. [ Raffle number limited ] Drawing dates.**

[ Only one raffle may be held per calendar month including a special permit raffle. ] Raffles may have one or more drawing dates. The drawing dates and times must be printed on the raffle tickets.

**§ 901.743. Raffle tickets.**

\* \* \* \* \*

(b) Tickets for use in a raffle shall have a stub or other detachable section, be consecutively numbered and be accounted for separately through the use of a log book showing to whom the tickets were given to be sold. The ticket stub or other detachable section of the ticket [ shall ] must bear a duplicate number corresponding to the numbers on the ticket and shall contain the purchaser's name, complete address and telephone number. Both parts [ shall ] must be imprinted with sequential numbers commencing with the number "1" through the maximum number of tickets to be sold; or in the case of a raffle where the winner is determined by a drawing of the Pennsylvania State Lottery, the universe of eligible ticket numbers must correspond to the universe of eligible numbers in the State Lottery drawing.

\* \* \* \* \*

(e) A ticket seller shall return the stubs or other detachable section of tickets sold to the [ club ] eligible organization. The [ club ] eligible organization shall then place each stub or other detachable section of ticket sold into a [ receptable ] receptacle out of which the winning tickets are to be drawn. The [ receptable shall ] receptacle must shall be designed so that each ticket placed therein has an equal opportunity with every other ticket to be the one withdrawn.

\* \* \* \* \*

**§ 901.744. Control of raffle prizes.**

A [ club ] licensed eligible organization conducting a raffle in which real or personal property prizes are to be awarded shall have paid for in full or otherwise become the owner, without lien or interest of others, of the real or personal property prior to the drawing at which the winners of the prizes are to be determined.

**§ 901.745. Printing requirements.**

The following information shall be printed upon each raffle ticket sold:

- (1) The [ date ] dates and [ time ] times of the [ drawing ] drawings.
- (2) The location of the [ drawing ] drawings.
- (3) The name of the [ club ] licensed eligible organization conducting the raffle.
- (4) The [ small ] games of chance license number of the [ club ] licensed eligible organization.
- (5) The special raffle permit number, if applicable.

\* \* \* \* \*

**§ 901.746. Prize awarding.**

(a) [ Raffle ] A licensed eligible organization shall award raffle prizes [ shall be awarded ] on the [ date ] dates indicated on the raffle ticket unless the licensed eligible organization approves a different date [ is approved by the club ] and purchasers of tickets are notified in writing. The [ date ] dates of the drawing may be extended only if one of the following occurs:

\* \* \* \* \*

(c) If a raffle prize remains unclaimed by the winner for 90 days following the date of the raffle drawing and the [ club ] licensed eligible organization has made a good faith effort to contact the winner [ via ] by means of telephone and registered mail, for redemption of the prize, the [ club ] licensed eligible organization may retain the prize or award it in another [ small ] game of chance. A record of the attempted contact shall be maintained for a minimum of 2 years.

**§ 901.748. Prohibition of joint raffles held by licensees.**

[ Raffles shall be conducted by individual clubs. Licensees ] A licensed eligible organization may not join together with another [ club ] licensed eligible organization to conduct [ raffles ] a raffle.

**§ 901.749. Open drawing.**

\* \* \* \* \*

(b) [ Stubs or detachable sections drawn shall be immediately exhibited and shall be held open for inspection until the end of the occasion. Stubs or detachable sections shall be retained by the club under this part. ] A licensed eligible organization shall immediately exhibit and hold open for inspection drawn raffle ticket stubs or detachable sections until the end of the raffle. A licensed eligible organization shall retain the stubs or detachable sections as provided under the act or this part.

**§ 901.751. Ticket sales.**

[ Raffle ] A licensed eligible organization may only sell raffle tickets [ may only be sold ] in municipalities [ which ] that have approved the use of [ small ] games of chance [ via ] by means of a valid local referendum in accordance with the act. [ Raffle ] A licensed eligible organization may sell raffle tickets [ may be sold ] at locations other than the [ club ]

licensed eligible organization premises. A licensed eligible organization that plans to sell raffle tickets in a municipality located in a county other than the county in which it is licensed shall notify that county's district attorney and licensing authority in writing of the location and date that the eligible organization plans to sell raffle tickets.

**§ 901.752. Printer requirements.**

An entity providing raffle tickets to a licensed [ clubs ] eligible organization shall attach a copy of the [ club's small ] organization's games of chance license to the raffle ticket purchase invoice or other document evidencing the sale. If the raffle pays a prize or prizes in excess of \$500 each, a copy of the [ club's ] licensed eligible organization's special raffle permit shall also be attached.

**§ 901.753. Means of determining winning numbers.**

A licensed eligible organization may use the following means to determine the winners in a raffle:

(1) A random drawing of ticket stubs.

(2) By reference to a specified drawing of the Pennsylvania State Lottery. Both the date of the drawing and the State Lottery game that will be used must be identified on the raffle ticket.

(3) A passive selection device.

**[ LOTTERIES ]**

*(Editor's Note: As part of this proposed rulemaking, the Department is proposing to delete the text of §§ 901.761—901.778, which appears in 61 Pa. Code pages 901-68—901-72, serial pages (265918) to (265922). The following §§ 901.781—901.786 and 901.791—901.796 are proposed to be added. The sections are printed in regular type to enhance readability.)*

**§§ 901.761—901.778. (Reserved).**

**DAILY DRAWINGS**

**§ 901.781. Daily drawing procedures.**

(a) A licensed eligible organization may sell chances for and hold only one daily drawing during each operating day. Bona fide members may purchase chances in a daily drawing only during the operating day on which the drawing will be held.

(b) Daily drawing winners must be determined by random drawing. Daily drawing winners may be determined with the aid of a passive selection device or by reference to drawings conducted by the Department under the State Lottery Law.

(c) A daily drawing must take place on the eligible organization's licensed premises and be conducted in plain view.

(d) A daily drawing must begin and end on the same operating day. An eligible organization may conduct no more than 7 daily drawings during an operating week.

(e) A licensed eligible organization may not sell chances for or conduct a daily drawing during a period when weekly drawing chances are being sold or a weekly drawing is taking place.

(f) Immediately prior to each daily drawing, the eligible organization shall announce the prize amount for the drawing.

(g) The name of a daily drawing prize winner or the fact that a winner was not selected must be prominently

displayed on the licensed premises for at least 7 days after the drawing date. If a winner does not claim a prize within 7 days of the drawing, the eligible organization shall notify the winner of the prize and the requirements for claiming the prize.

**§ 901.782. Daily drawing chances.**

(a) Only a bona fide member of an eligible organization may purchase a chance in a daily drawing.

(b) A licensed eligible organization shall sell a chance in a daily drawing only to a bona fide member.

(c) A chance in a daily drawing may not be sold to or purchased by one bona fide member for the benefit of another bona fide member.

(d) A licensed eligible organization may not sell a chance in a daily drawing for more than \$1.

(e) A licensed eligible organization may sell no more than one chance per daily drawing to each of its bona fide members.

(f) A chance in a daily drawing may be sold and purchased only on the eligible organization's licensed premises.

**§ 901.783. Posting rules.**

(a) An eligible organization shall prominently display the rules for each daily drawing in the area where the chances for the drawing are sold.

(b) At a minimum, the posted rules must include:

(1) The cost of the chance.

(2) The manner of selecting the winner.

(3) The time during which chances may be purchased.

(4) The time of the drawing.

(5) The payout percentage.

(6) Whether the drawing is a carryover drawing and the amount of the carryover jackpot.

(7) The requirements and time limits for claiming prizes as provided for in § 901.784 (relating to claiming prizes).

**§ 901.784. Claiming prizes.**

(a) The winner of a daily drawing need not be present at the time of the drawing to claim the prize.

(b) An eligible organization may not impose a penalty or limit the amount of a prize based upon a winning member's nonattendance at the time of the drawing.

(c) Only the daily drawing winner may claim the daily drawing prize.

(d) A daily drawing winner shall claim the prize in person and sign for receipt of the prize.

(e) A prize winner shall claim the prize within 30 days from the date of the drawing.

**§ 901.785. Invalid State Lottery drawing.**

A drawing of the State Lottery that is invalidated must also result in an invalid drawing in a licensed eligible organization's daily drawing which is tied to the State Lottery drawing.

**§ 901.786. Unclaimed prize money.**

A daily drawing prize that remains unclaimed more than 30 days after the drawing shall be retained by the eligible organization for public interest purposes.

**WEEKLY DRAWINGS**

**§ 901.791. Weekly drawing procedures.**

(a) A licensed eligible organization may sell chances for and hold only one weekly drawing during an operating week. Bona fide members may purchase chances in a weekly drawing only during the operating week in which the drawing will be held. The drawing must be held at the end of the operating week.

(b) Weekly drawing winners must be determined by random drawing. Weekly drawing winners may be determined with the aid of a passive selection device or with reference to drawings conducted by the Department under the State Lottery Law.

(c) A weekly drawing must take place on the eligible organization's licensed premises and be conducted in plain view.

(d) A licensed eligible organization may not sell chances for or conduct a weekly drawing during a period when daily drawing chances are being sold or a daily drawing is taking place.

(e) Immediately prior to each weekly drawing the eligible organization shall announce the prize amount for the drawing.

(f) The name of a weekly drawing prize winner or the fact that a winner was not selected must be prominently displayed on the licensed premises for at least 7 days after the drawing date. If a winner does not claim a prize within 7 days of the drawing, the eligible organization shall notify the winner of the prize and the requirements for claiming the prize.

**§ 901.792. Weekly drawing chances.**

(a) Only a bona fide member of an eligible organization may purchase chances in a weekly drawing.

(b) A licensed eligible organization shall sell chances in a weekly drawing only to a bona fide member.

(c) A chance or chances in a weekly drawing may not be sold to or purchased by one bona fide member for the benefit of another bona fide member.

(d) A licensed eligible organization may not sell chances in a weekly drawing for more than \$1 each.

(e) Chances in a weekly drawing may be sold and purchased only on the eligible organization's licensed premises.

**§ 901.793. Posting rules.**

(a) An eligible organization shall prominently display the rules for each weekly drawing in the area where the chances for the drawing are sold.

(b) At a minimum, the posted rules must include:

- (1) The cost of the chance.
- (2) The manner of selecting the winner.
- (3) The time during which chances may be purchased.
- (4) The time of the drawing.
- (5) The payout percentage.

(6) Whether the drawing is a carryover drawing and the amount of the carryover jackpot.

(7) The requirements and time limits for claiming prizes as provided for in § 901.794 (relating to claiming prizes).

**§ 901.794. Claiming prizes.**

(a) The winner of a weekly drawing need not be present at the time of the drawing to claim the prize.

(b) An eligible organization may not impose a penalty or limit the amount of a prize based upon a winning member's nonattendance at the time of the drawing.

(c) Only the weekly drawing winner may claim the weekly drawing prize.

(d) A weekly drawing winner shall claim the prize in person and sign for receipt of the prize.

(e) A prize must be claimed within 30 days from the date of the drawing.

**§ 901.795. Invalid State Lottery drawing.**

A drawing of the State Lottery that is invalidated must also result in an invalid drawing in a licensed eligible organization's weekly drawing which is tied to the State Lottery drawing.

**§ 901.796. Unclaimed prize money.**

A licensed eligible organization shall retain for public interest purposes a weekly drawing prize that remains unclaimed more than 30 days after the drawing.

**Subchapter H. SPECIAL RAFFLE PERMITS**

**SPECIAL RAFFLE PERMITS [ AND SPECIAL PERMIT RAFFLES ]**

**§ 901.801. [ Price ] Prize limit.**

The total value of **all special raffle permit prizes during a calendar year** may be no more than **[ \$25,000 for each raffle ] \$100,000**.

**§ 901.802. Raffle number limit.**

Only one raffle may be conducted under each special raffle permit. **[ The club may hold only one raffle per month including a special permit raffle. ]**

**§ 901.803. Special [ permits ] raffle permit limit.**

A **[ club ] licensed eligible organization** is **[ not ]** eligible to receive **[ more than ]** two special raffle permits in a calendar year, **except volunteer fire, ambulance and rescue organizations are eligible to receive three special raffle permits in a calendar year.**

**§ 901.804. Issuance of permits.**

Special raffle permits shall be obtained from the licensing authority at least 30 days before the date on which ticket sales are to begin.

**§ 901.805. Rule applicability.**

The rules contained in this part apply to special raffle permits. To the extent they are inconsistent with §§ 901.801—901.804, this section and §§ 901.806—901.811, these provisions supersede those elsewhere in this part.

**§ 901.806. Required permit.**

A special raffle permit is required for each raffle in which a **[ club ] licensed eligible organization** proposes to award **[ a ] an individual prize [ or prizes ]** having a cash value in excess of \$500 **[ each ] or total prizes having a cash value in excess of \$5,000**.



**§ 901.807. Fees.**

The licensing authority may establish a fee for the issuance of a special [permits] raffle permit. The fee may not exceed \$25.

**§ 901.808. Special raffle permit application.**

The application for a special raffle permit [shall] must be made to the licensing authority. The application [shall] must include the following information:

- (1) The [club] licensed eligible organization's name.
- (2) The [club's small] licensed eligible organization's games of chance license number.

\* \* \* \* \*

**§ 901.810. Effective period.**

A special raffle permit will remain effective from the date on which ticket sales begin until the earlier of the date of the drawing, the expiration date of their [small] games of chance license held when the special raffle permit was issued or 6 months.

**§ 901.811. [Location limits] (Reserved).**

**[A location or licensed premises may not be used by more than one licensed club for a special permit raffle in a calendar year.]**

(Editor's Note: The following text is proposed to be added. It is printed in regular text to enhance readability.)

**Subchapter I. ENFORCEMENT**

Sec.

- 901.901. Criminal complaints.
- 901.902. Requests for information on criminal complaints, investigations and convictions.
- 901.903. Notice of eligible organization violation.
- 901.904. Notice of manufacturer or distributor violation.
- 901.905. Investigations of manufacturers, distributors and eligible organizations.
- 901.906. Investigations of a manufacturer or distributor.
- 901.907. Notice of investigations.
- 901.908. Information sharing.

**§ 901.901. Criminal complaints.**

The district attorney of each county investigates criminal violations of the act. Complaints for criminal violations of the act are initiated as provided by law for criminal complaints and actions.

**§ 901.902. Requests for information on criminal complaints, investigations and convictions.**

The Department and licensing authority may request information on a complaint, investigation or conviction involving a manufacturer, distributor or eligible organization or a responsible person or member of the organization for purposes of initiating administrative action against the manufacturer, distributor eligible organization.

**§ 901.903. Notice of eligible organization violation.**

A person may notify the licensing authority of a licensed eligible organization's violation of the act or this part. The notice must be given to the licensing authority that issued the eligible organization's license.

**§ 901.904. Notice of manufacturer or distributor violation.**

A person may notify the Department of a registered manufacturer or licensed distributor's violation of the act or this part.

**§ 901.905. Investigations of manufacturers, distributors and eligible organizations.**

The licensing authority, or its designee, may investigate an eligible organization when it has reason to believe that a violation of the act or this part has occurred or is occurring.

**§ 901.906. Investigations of a manufacturer or distributor.**

The Department, or its designee, may investigate a manufacturer or distributor when it has reason to believe that a violation of the act or this part has occurred or is occurring.

**§ 901.907. Notice of investigations.**

(a) The licensing authority and the Department may provide information and documentation regarding an investigation of a manufacturer, distributor or eligible organization to the district attorney or law enforcement official for purposes of criminal investigation and prosecution.

(b) The licensing authority may provide information and documentation to the Department about violations of the act or this part by a manufacturer or distributor that it discovers as part of an investigation involving an eligible organization.

(c) The Department may provide information and documentation to a licensing authority about violations of the act or this part by an eligible organization that it discovers as part of an investigation involving a manufacturer or distributor.

**§ 901.908. Information sharing.**

The right of the Department, licensing authorities, district attorneys and law enforcement officials to transmit and share information for purposes of enforcing the act or this part may not be restricted by this section or this part.

[Pa.B. Doc. No. 04-1853. Filed for public inspection October 8, 2004, 9:00 a.m.]

## STATE BOARD OF DENTISTRY

[49 PA. CODE CH. 33]

### Biennial Renewal Fees—Dentist, Restricted Anesthesia Permit II

The State Board of Dentistry (Board) proposes to amend §§ 33.3 and 33.339 (relating to fees; and fees for issuance of permits) to read as set forth in Annex A. The proposed rulemaking would increase the biennial license renewal fee for dentists from \$100 to \$250 and would increase the biennial renewal fee for a restricted anesthesia permit II from \$25 to \$50. A restricted anesthesia permit II authorizes the permit holder to administer nitrous oxide/oxygen analgesia.

*Effective Date*

The proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin*. The new fees will take effect for the biennial period beginning March 31, 2005.

### *Statutory Authority*

Section 4(b) of The Dental Law (act) (63 P. S. § 123(b)) 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. Section 11.2(6) of the act (63 P. S. § 130c(a)(6)) specifically authorizes the Board to assess biennial renewal fees for anesthesia permits.

### *Background and Need for the Proposed Rulemaking*

The Board's current biennial license renewal fee for dentists was established by regulation on July 1, 1995. See 25 Pa.B. 2598 (July 1, 1995). The Board's current fee schedule for renewal of anesthesia permits was established by regulation on July 9, 1988. See 18 Pa.B. 3045 (July 9, 1988). Under section 4(b) of the act, 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 Board meetings in November 2003 and July 2004, the Department of State's Offices of Revenue and Budget (Offices) presented a summary of the Board's revenue and expenses for fiscal years 2001-2002 and 2003-2004, and projected revenue and expenses through 2007-2008. The Offices projected a deficit of \$838,225.49 in fiscal year 2004-2005, a deficit of \$1,900,225.49 in fiscal year 2005-2006, a deficit of \$1,743,225.49 in fiscal year 2006-2007 and a deficit of \$2,876,225.49 in fiscal year 2007-2008. The Offices recommended that the Board raise fees to meet or exceed projected expenditures, in compliance with section 4(b) of the act.

The Board's review of its actual and projected expenses over the past 5 years revealed significant shortfalls in the areas of hearing expenses, Board administration and legislative and regulatory analysis. For example, despite annual budget increases, the hearing expenses were \$6,225 over budget in 1999-2000, \$3,188 over budget in 2000-2001, \$19,954 over budget in 2001-2002 and \$11,283 over budget in 2002-2003. The amount budgeted for hearing expenses has risen from \$3,000 in FY 1999-2000 to \$26,000 in FY 2003-2004. Nevertheless, the hearing expenses are expected to be \$43,310 over budget in 2003-2004. Similarly, the budgeted amounts for law enforcement have risen from \$233,000 in FY 1999-2000 to \$345,000 in 2003-2004. The Board has also experienced significant increases in actual expenses over estimated expenses in other areas of the legal office and the Professional Health Monitoring Program. Overall increased expenditures in these program areas have resulted from greater enforcement activity and increases in the number of disciplinary actions and in the numbers of licensees participating in the Bureau-wide program for impaired professionals. At the same time, the Board's licensee population has declined by about 400 licensees over the past 5 years, decreasing the Board's biennial revenue. The Budget Office anticipates that the proposed new biennial renewal fees will enable the Board to recapture the current deficit and meet its estimated expenditures for at least 7 or 8 years.

In determining the fee, the Board also considered the renewal fees charged to dentists in surrounding states. The Board found that the proposed increase to \$250 would be consistent with the renewal fees charged in the surrounding states.

The Board also proposes to remove the anesthesia permit biennial renewal fee from § 33.3 and move it to § 33.339. The Board finds that § 33.339 is the more appropriate place for these fees because it lies within Subchapter E (relating to administration of general anesthesia, conscious sedation, and nitrous oxide/oxygen analgesia), which relates solely to anesthesia permits and standards for the administration of anesthesia in dental offices. In a proposed rulemaking earlier this year, the Board filed notice that it intends to amend § 33.339 to reflect new fees for anesthesia permits. See 34 Pa.B. 1949 (April 10, 2004). Finally, the Board will add a cross reference in § 33.3 to § 33.339.

### *Description of Proposed Rulemaking*

Based upon the expense and revenue estimates provided to the Board, the Board proposes to amend § 33.3 to increase the fee for biennial renewal of licenses for dentists from \$100 to \$250. The Board declined to assess an across-the-board increase on all its renewal fees based on its assessment that additional expenditures can be more equitably borne by dentists rather than by their employees, who must work under the supervision of a dentist. The Board also proposes to remove the renewal fees for anesthesia permits from § 33.3 and move them to § 33.339 and to increase the biennial renewal fee for a restricted anesthesia permit II from \$25 to \$50. The biennial renewal fees for an unrestricted anesthesia permit and a restricted anesthesia permit I were already amended in the Board's proposed rulemaking published at 34 Pa.B. 1949.

### *Fiscal Impact*

The proposed rulemaking will increase the biennial renewal fee for dentists and will increase the biennial renewal fee for a restricted anesthesia permit II. The proposed rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions.

### *Paperwork Requirements*

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

### *Sunset Date*

The act requires that the Board monitor its revenue and cost 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 29, 2004, 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 Lisa Burns, Administrator, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the Pennsylvania Bulletin.

VEASEY B. COLLEN, Jr., D.M.D., Chairperson

Fiscal Note: 16A-4615. 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 33. STATE BOARD OF DENTISTRY

Subchapter A. GENERAL PROVISIONS

§ 33.3. Fees.

Following is the schedule of fees charged by the Board:

\* \* \* \* \*

Biennial renewal fee—dentists.....\$ [ 100 ] 250

\* \* \* \* \*

[ Biennial renewal fee—unrestricted or restricted anesthesia permit.....\$25 ]

\* \* \* \* \*

For fees related to anesthesia permits, refer to § 33.339 (relating to fees for issuance of permits).

Subchapter E. ADMINISTRATION OF GENERAL ANESTHESIA, CONSCIOUS SEDATION AND NITROUS OXIDE/OXYGEN ANALGESIA

§ 33.339. Fees for issuance of permits.

The following fees are charged for the issuance of permits under this subchapter:

(1) Unrestricted permit.

(i) [ Issuance under § 33.335(a)(1) or (2) ]

Initial.....\$ [ 15 ] 100

(ii) [ Issuance under § 33.335(a)(3) ]

Renewal.....\$ [ 300 ] 200

(iii) Temporary.....\$100

(2) Restricted permit I.

(i) [ Issuance under § 33.336(a)(1) ]

Initial.....\$ [ 15 ] 100

(ii) [ Issuance under § 33.336(a)(2) ]

Renewal.....\$ [ 300 ] 200

(iii) Temporary.....\$100

(3) Restricted permit II.

(i) [ Issuance under § 33.337(a)(1) ] Initial..... \$15

(ii) [ Issuance under § 33.337(a)(2) ]

Renewal.....\$ [ 15 ] 50

(iii) Temporary.....\$15

[Pa.B. Doc. No. 04-1854. Filed for public inspection October 8, 2004, 9:00 a.m.]

STATE BOARD OF PHARMACY

[49 PA. CODE CH. 27]

Drug Therapy and Injectable Medications, Biologicals and Immunizations

The State Board of Pharmacy (Board) proposes to amend §§ 27.1, 27.32 and 27.91 (relating to definitions; continuing education; and schedule of fees) and to add §§ 27.301 and 27.401—27.406 to read as set forth in Annex A.

Effective Date

This proposed rulemaking will be effective upon publication as final-form rulemaking in the Pennsylvania Bulletin.

Statutory Authority

The amendments are authorized under sections 4(j), 6(k)(1) and (9), 8.2(a), 9.1(d)(3) and (e) and 9.2(a) of the Pharmacy Act (act) (63 P. S. §§ 390-4(j), 390-6(k)(1) and (9), 390-8.2(a), 390-9.1(d)(3) and (e) and 390-9.2(a)).

Background and Purpose

In August 2002, the act was amended to add sections 9.1 and 9.2, as well as to modify and add several definitions to the act. The additional sections authorize pharmacists to manage drug therapy by means of a written protocol as well as administer injectable medications, biologicals and immunizations. This proposed rulemaking is required to implement the new provisions of the act.

Description of Proposed Rulemaking

The Board proposes to amend § 27.1 by adding the definition of "Bureau" to define the term as it is used in the regulations. The Board also proposes to amend § 27.1 by changing the definitions of "institution" and "practice of pharmacy" to correspond with the definitions in the act.

The Board proposes to amend § 27.32 to remove obsolete portions of the regulation and add the continuing education requirements necessary to renew the authority to administer injectable medications, biologicals and immunizations.

The Board proposes to amend § 27.91 to add the fees necessary for pharmacists to apply for and renewal the approval to administer injectable medications, biologicals and immunizations.

Proposed § 27.301 (relating to written protocol) sets out the requirements for the drug therapy management written protocol. Proposed § 27.301 incorporates the requirements under section 9.1 of the act and adds a section that requires the protocol to identify the types of drug therapy management decisions that the pharmacist is authorized to make, the ailments or diseases involved in the physician's scope of practice and types of drug therapy management authorized. The act also requires the Board to

promulgate regulations with regard to self-insurance for pharmacists engaging in drug therapy management by means of a written protocol. The Board has deferred proposing regulations for self-insurance until the details of the regulations can be worked out with the Insurance Commissioner.

Proposed § 27.401 (relating to qualifications for authority) lists the qualifications that a pharmacist must have to be granted the authority to administer injectable medications, biologicals and immunizations. A pharmacist must hold an active license to practice pharmacy in this Commonwealth; complete a course of education and training related to the administration of injectable medications, biologicals and immunizations offered by an approved provider; and hold a current basic cardiopulmonary resuscitation (CPR) certificate from an approved provider.

Proposed § 27.402 (relating to application and renewal procedures) outlines the application and renewal process for the authority to administer injectable medications, biologicals and immunizations. An applicant for the initial authority shall certify that the applicant has completed the educational requirement and that the applicant holds an acceptable CPR certificate. A pharmacist may renew the authority along with the biennial pharmacist license renewal. To renew the authority, the pharmacist must certify that a minimum of 2 continuing education hours in the administration of injectable medications, biologicals and immunizations were completed. Lastly, the pharmacist must submit proof of a current CPR certificate.

Proposed § 27.403 (relating to conditions for administration) details the conditions for administration of injectable medications, biologicals and immunizations. Pharmacists may only administer injectable medications, biologicals and immunizations to persons who are more than 18 years of age. The proposed rulemaking defines what "more than 18 years of age" means. The proposed rulemaking also mandates that the administration of injectable medications, biologicals and immunizations shall not be delegated to another person.

Proposed § 27.404 (relating to authority and requirements) sets forth the scope of authority and requirements for administering injectable medications, biologicals and immunizations. A pharmacist with the authority to administer injectable medications, biologicals and immunizations may do so only under an order or written protocol. This section details the requirements for the order and written protocol.

Proposed § 27.405 (relating to recordkeeping) sets forth the recordkeeping requirements for pharmacists who administer injectable medications, biologicals or immunizations. All of the records shall be kept for a minimum of 2 years. Additionally, the proposed rulemaking lists the additional information that shall be maintained when an immunization is administered.

Proposed § 27.406 (relating to notification requirements) details the notification requirements when a pharmacist administers an injection. The notification requirements are different depending on whether the administration is done under an order or a written protocol. The notification requirement when the administration is done under an order places a shorter timeframe within which the pharmacist shall notify the prescriber. When the administration is done under a written protocol the pharmacist has a longer period of time to notify the prescriber.

The Board reviewed and considered all comments and suggestions received from interested parties during the regulatory development process.

#### *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking would have a fiscal impact on the Board in that there would be revenue to the Board through the licensure and renewal fees for the authority to administer injectable medications, biologicals and immunizations. The proposed rulemaking would require the Board to develop an application for the authority to administer injectable medications, biologicals and immunizations. The Board would also have to revise the pharmacist license renewal form to allow for the renewal of the authority to administer injectable medications, biologicals and immunizations.

#### *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 29, 2004, 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 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 Carole Clarke, Counsel, 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*.

MICHAEL J. ROMANO, R.Ph.,

*Chairperson*

**Fiscal Note:** 16A-5412. 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:

\* \* \* \* \*

**Bureau**—The Bureau of Professional and Occupational Affairs of the Department of State of the Commonwealth.

\* \* \* \* \*

**Institutions**—[ Extended care facilities, nursing homes, nursing care facilities, convalescent homes, resident care facilities, hospitals or another place which offers medical treatment to patients who require food, board and overnight sleeping facilities and care. ]

(i) A health care facility that offers care and medical treatment to patients who require food, board and overnight sleeping facilities and provides clinically related services, including, a general or special hospital, including psychiatric hospitals, rehabilitation hospitals, ambulatory surgical facilities, long term care nursing facilities, cancer treatment centers using radiation therapy on an ambulatory basis, and inpatient drug and alcohol treatment facilities, both profit and nonprofit and including those operated by an agency or State or local government.

(ii) The term also includes a hospice that offers care and medical treatment to patients who require food, board and overnight sleeping facilities.

(iii) The term does not include an office used primarily for the private or group practice by health care practitioners where no reviewable clinically related health service is offered, a facility providing treatment solely on the basis of prayer or spiritual means in accordance with the tenets of any church or religious denomination or a facility conducted by a religious organization for the purpose of providing health care services exclusively to clergy or other persons in a religious profession who are members of the religious denominations conducting the facility.

\* \* \* \* \*

**Practice of pharmacy**—[ The practice of that profession concerned with the art and science of preparing, compounding and dispensing drugs and devices, whether dispensed on the prescription of a medical practitioner or legally dispensed or sold directly to the ultimate consumer. The term includes the proper and safe storage and distribution of drugs, the maintenance of proper records therefor and the responsibility of relating information as required concerning the drugs and medicines and their therapeutic values and uses in the treatment and prevention of disease. ] The provision of health care services by a pharmacist, which includes:

- (i) The interpretation, evaluation and implementation of medical orders for the provision of pharmacy services or prescription drug orders.
- (ii) The delivery, dispensing or distribution of prescription drugs.
- (iii) Participation in drug and device selection.
- (iv) Drug administration.
- (v) Drug regimen review.
- (vi) Drug or drug-related research.
- (vii) Compounding.

(viii) Proper and safe storage of drugs and devices.

(ix) Managing drug therapy in an institutional setting consistent with the institution's assignment of clinical duties.

(x) Maintaining proper records.

(xi) Patient counseling.

(xii) Acts, services operations or transactions necessary or incident to the provision of these health care services.

\* \* \* \* \*

**RENEWAL OF PHARMACIST LICENSE AND PHARMACY PERMIT**

**§ 27.32. Continuing education.**

(a) [ Beginning with 1988 renewals, the ] The Board will renew the license of a pharmacist who has completed [ the required hours of continuing professional education.

(1) For 1988 renewals, a pharmacist shall have completed a minimum of 25 contact hours (2.5 CEU) of programs offered by providers approved by the ACPE.

(2) For 1990 renewals and thereafter, a pharmacist shall have completed ] a minimum of 30 contact hours (3 CEU) of continuing education during the proceeding biennial renewal period. For licensees with authority to administer injectable medications, biologicals and immunizations in accordance with section 9.2 of the act (63 P. S. § 390-9.2) and §§ 27.301 and 27.302 (relating to qualifications for authority; and application and renewal procedures), at least 2 of the required 30 hours shall concern the administration of injectable medications, biologicals and immunizations, including disease epidemiology, vaccine characteristics, injection technique, emergency response to adverse events and related topics. Programs offered by providers accredited by the ACPE are approved by the Board.

\* \* \* \* \*

**FEES**

**§ 27.91. Schedule of fees.**

An applicant for a license, certificate, permit or service shall pay the following fees at the time of application:

\* \* \* \* \*

<b>Application for approval to administer injectables</b> .....	<b>\$30</b>
<b>Biennial renewal of approval to administer injectables</b> .....	<b>\$30</b>

**DRUG THERAPY MANAGEMENT**

**§ 27.301. Written protocol.**

(a) The written protocol for drug therapy management between licensed physicians and pharmacists shall contain:

- (1) A statement identifying the physician responsible for authorizing drug therapy management.
- (2) A statement identifying the pharmacist authorized to perform the drug therapy management.
- (3) A statement requiring that drug therapy regimens be initiated by a licensed physician for patients referred to a pharmacist for drug therapy.

(4) A statement identifying the types of drug therapy management decisions that the pharmacist is authorized to make, including a statement of the ailments or diseases involved within the physician's scope of practice, and types of drug therapy management authorized.

(5) A statement of the functions and tasks the pharmacist shall follow in the course of exercising drug therapy management authority, including the method for documenting decisions made and a plan for communication or feedback to the authorizing physician concerning specific decisions made. Documentation of each intervention must occur within 72 hours in the patient medical record and must also be recorded in the pharmacist's records.

(6) A statement that establishes an appropriate time frame, not to exceed 72 hours, within which the licensed pharmacist must notify the licensed physician of any changes in dose, duration or frequency of medication prescribed.

(7) A provision for execution of the agreement when any licensed physician or licensed pharmacist may be temporarily absent from a practice setting or temporarily unavailable to participate in its execution.

(8) A provision for notification of the role of the pharmacist by a licensed physician to each referred patient whose drug therapy management may be affected by the agreement and providing an opportunity for the patient to refuse drug therapy management by a pharmacist.

(9) The signatures of the licensed physicians and licensed pharmacists who are entering into the written protocol, and the dates signed.

(10) A statement allowing for the termination of the agreement at the request of any party to it at any time.

(b) The written protocol must be available as follows:

(1) At the practice site of any licensed physician who is a party to the agreement.

(2) At the practice site of any licensed pharmacist who is a party to the agreement.

(3) At the institution where a written agreement or protocol is in place.

(4) To any patient whose drug therapy management is affected by the agreement.

(5) Upon request, to representatives of the Bureau and the Department of Health.

(c) The written protocol must be filed with Bureau.

(d) The written protocol must be effective for a period not to exceed 2 years from the date of execution. At the end of the 2-year period, or sooner, the parties shall review the agreement and make a determination as to its renewal, necessary modifications or termination.

**ADMINISTRATION OF INJECTABLE MEDICATIONS,**

**BIOLOGICALS AND IMMUNIZATIONS**

**§ 27.401. Qualifications for authority.**

A candidate for authority to administer injectable medications, biologicals and immunizations shall meet the following requirements:

(1) The pharmacist holds an active license to practice pharmacy in this Commonwealth.

(2) The pharmacist has completed a course of education and training which includes the current guidelines and recommendations related to the administration of injectable medications, biologicals and immunizations of the Centers for Disease Control and Prevention or a similar health authority or professional body approved by the Board offered by providers accredited by the ACPE or a similar health authority or professional body approved by the Board.

(3) The pharmacist holds a current basic cardiopulmonary resuscitation (CPR) certificate issued by the American Heart Association, American Red Cross or a similar health authority or professional body approved by the Board.

**§ 27.402. Application and renewal procedures.**

(a) An applicant for authority to administer injectable medications, biologicals and immunizations shall submit the following to the Board:

(1) An application obtained from the Board along with the fee required by § 27.91 (relating to schedule of fees).

(2) Certification that the pharmacist has completed the required education and training.

(3) Certification that the pharmacist holds an acceptable, current CPR certificate.

(b) A holder of the authority to administer injectable medications, biologicals and immunizations shall renew the authority every 2 years along with the license to practice pharmacy. Renewal requires completion of a form provided to the pharmacist by the Board in advance of the renewal period, payment of the fee specified by § 27.91, certification of completion of 2 hours of continuing education required by section 9.2 of the act (63 P. S. § 390-9.2) and § 27.32 (relating to continuing education), and proof of a current CPR certificate.

**§ 27.403. Conditions for administration.**

(a) A pharmacist who is granted authority may administer injectable medications, biologicals and immunizations to persons who are more than 18 years of age. A person is more than 18 years of age on the day following the person's 18th birthday.

(b) A pharmacist may not delegate the administration of injectable medications, biologicals and immunizations to another person.

**§ 27.404. Authority and requirements.**

(a) A pharmacist authorized by the Board to administer injectable medications, biologicals and immunizations may only do so under either an order or written protocol.

(b) The order from a licensed prescriber must be written, received electronically or if received orally be reduced to writing, and contain at a minimum the following:

(1) The identity of the licensed prescriber issuing the order.

(2) The identity of the patient to receive the injection.

(3) The identity of the medication, immunization or vaccine, and dose, to be administered.

(4) The date of the original order and the date or schedule, if any, of each subsequent administration.

(c) An authorized pharmacist may enter into a written protocol, either approved by a physician or authorized by the medical staff of an institution, governing the administration of injectable medications, biologicals and immunizations for a specific period of time or purpose. The written protocol may be valid for a time period not to exceed 2 years. The protocol must include the following:

(1) The identity of the participating pharmacist and physician or institution.

(2) The identification of the medication, biological or immunization, which may be administered.

(3) The identity of the patient or groups of patients to receive the authorized injectable medication, biological or immunization.

(4) The identity of the authorized routes and sites of administration allowed.

(5) A provision establishing a course of action the pharmacist shall follow to address emergency situations including adverse reactions, anaphylactic reactions and accidental needle sticks.

(6) A provision establishing a length of time the pharmacist shall observe an individual for adverse events following an injection.

(7) The identity of the location at which the pharmacist may administer the authorized medication, biological or immunization.

(8) Recordkeeping requirements and procedures for notification of administration.

(9) A provision that allows for termination of the protocol at the request of any party to it at any time.

#### § 27.405. Recordkeeping.

(a) A pharmacist who administers an injectable medication, biological or immunization shall maintain the following records regarding each administration for a minimum of 2 years:

(1) The name, address and date of birth of the patient.

(2) The date of the administration and site of the injection.

(3) The name, dose, manufacturer, lot number and expiration date of the medication, biological or immunization.

(4) The name and address of the patient's primary health care provider, as identified by the patient.

(5) The name or identifiable initials of the administering pharmacist.

(6) Documentation of provision of informed consent for administration of injectable medications, biologicals and immunizations.

(7) The nature of an adverse reaction and who was notified.

(b) A pharmacist who administers an immunization shall also maintain the following records regarding each administration for a minimum of 2 years:

(1) An identification of the Vaccine Information Statement (VIS) that was provided.

(2) The date of publication of the VIS.

(3) The date and to whom the VIS was provided.

(c) In an institution, the information required to be maintained in subsections (a) and (b) may be maintained in the patients' medical records.

#### § 27.406. Notification requirements.

A pharmacist administering injectable medications, biologicals or immunizations shall meet the following notification requirements:

(1) When administration has occurred under an order, the pharmacist shall notify the ordering prescriber within 72 hours of the following:

(i) The identity of the patient.

(ii) Identity of the medication.

(iii) Biological or immunization administered.

(iv) The route of administration.

(v) The site of the administration.

(vi) The dose administered.

(vii) The date of administration.

(viii) The nature of any adverse events or reactions experienced by the patient.

(2) When the administration has occurred under a written protocol, the pharmacist shall notify the participating physician within 14 days of the following:

(i) The identity of the patient.

(ii) The identity of the medication.

(iii) The biological or immunization administered.

(iv) The site of the administration.

(v) The dose administered.

(vi) The date of administration.

(vii) The nature of any adverse events or reactions experienced by the patient.

[Pa.B. Doc. No. 04-1855. Filed for public inspection October 8, 2004, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Notice of Right-to-Know Procedures—Public Access to Information

**TITLE:** Notice of Right-to-Know Procedures—Public Access to Information

**EFFECTIVE DATE:** September 27, 2004. This notice supplants a December 26, 2002 notice on the same subject.

**AUTHORITY:** This notice is issued pursuant to the Right-to-Know Law, 65 P. S. §§ 66.1—66.9 and Pennsylvania Office of Administration Management Directive 205.36.

**GENERAL REQUIREMENT:** Persons requesting access to records kept by the Pennsylvania Department of Agriculture (PDA) pursuant to the Right-to-Know Law (RTKL) should follow the directions provided in this notice. PDA will follow the procedures described in this notice in responding to such requests.

**PURPOSE:** This notice modifies PDA's existing records management procedures to: (1) fulfill its obligations under Pennsylvania Right-to-Know Law (RTKL), as amended by Act 100 of 2002; and (2) comply with the requirement of Management Directive 205.36 that an agency such as PDA give appropriate notice of its RTKL policy.

**APPLICABILITY:** The provisions of this notice apply to all requests under the RTKL regarding any PDA records. These provisions apply to all recorded information, regardless of whether the information exists in written or electronic format.

**DISCLAIMER:** The provisions of this notice are intended to supplement existing requirements. Nothing in these provisions shall affect regulatory requirements. These provisions are not an adjudication or regulation. There is no intent on the part of PDA to give these provisions that weight or deference. This document establishes the framework within which PDA will exercise its administrative discretion in the future. PDA reserves the discretion to deviate from the provisions of this notice if circumstances warrant.

#### REQUESTING ACCESS TO RECORDS

PDA maintains thousands of records in its Harrisburg headquarters and 7 Regional Offices spread throughout the Commonwealth. It also retains records at several remote records storage facilities. It will help persons seeking access to records held by PDA to have an understanding of the difference between a "record" and a "public record." Definitions of these terms are as follows:

**Public record.** Any document that satisfies the general definition of "public record" set forth in the RTKL, that does not fall within any of the exceptions set forth therein. The general definition consists of two parts: (i) any account, voucher or contract dealing with the receipt or disbursement of funds by an agency or its acquisition, use or disposal of services or of supplies, materials, equipment or other property, and (ii) any minute, order or decision by an agency fixing the personal or property rights, privileges, immunities, duties or obligations of any person or group of persons. The statutory exemptions are

as follows: The term "public records" shall not mean any report, communication or other paper, the publication of which would disclose the institution, progress or result of an investigation undertaken by an agency in the performance of its official duties, except those reports filed by agencies pertaining to safety and health in industrial plants; it shall not include any record, document, material, exhibit, pleading, report, memorandum or other paper, access to or the publication of which is prohibited, restricted or forbidden by statute law or order or decree of court, or which would operate to the prejudice or impairment of a person's reputation or personal security, or which would result in the loss by the Commonwealth or any of its political subdivisions or commissions or State or municipal authorities of Federal funds, excepting therefrom however the record of any conviction for any criminal act.

**Record.** Any document maintained by an agency, in any form, whether public or not.

To help locate the appropriate records, the Department suggests the following:

#### 1. Informal Requests for Access to Records.

The majority of requests for access to public records kept by PDA can be handled on an informal basis.

If a person seeks a copy of a statute, regulation, policy, or general information, a good starting point is the PDA website ([www.agriculture.state.pa.us](http://www.agriculture.state.pa.us)).

PDA regularly provides more types of records for public inspection than are required by the RTKL, and does not require that informal requests to view and copy records be submitted according to a particular procedure. If a person seeks access to a public record, a telephone request to the appropriate RTKL Liaison will—in most instances—result in the requested public record being photocopied and mailed or made available to the requester. PDA has at least two designated RTKL Liaisons at each of its regional offices, and within each bureau at its headquarters building, in Harrisburg. The names, addresses and telephone numbers of the RTKL Liaisons are listed below, in Appendices "A" and "B."

In many cases, a visit to PDA's website or a brief telephone call to the appropriate RTKL Liaison can help focus the records request and save time. Although PDA is not legally obligated to provide information through telephone calls or the PDA website, the agency appreciates that many RTKL requests can be resolved quickly and efficiently through this type of communication, and will try to be responsive to informal RTKL requests reaching PDA through these channels.

#### 2. Formal Written Requests for Access to Records.

In order for a person seeking access to records to have the ability to enjoy the legal rights and remedies provided for in the RTKL, a request for access to records must be in writing, and must be received by the "Right-to-Know Law Coordinator." A request may not be oral, or offered anonymously. A request must, at a minimum, include: (1) the name of the requester; (2) a statement of whether the requester is a resident of the Commonwealth of Pennsylvania; (3) the address to which PDA should send its response; and (4) a clear identification or description of the records sought, with sufficient specificity to enable PDA to ascertain which records are being requested. PDA encourages (but does not require) the use of the Request



Form that appears below, in Appendix "C." Written requests for access to records may be delivered to the Right-to-Know Law Coordinator by mail, personal delivery or facsimile transmission (fax), but may not be delivered by e-mail.

If the written request is delivered by mail or personal delivery, it should be delivered to the following person:

Fred Wertz, Right-to-Know Law Coordinator  
 Pennsylvania Department of Agriculture  
 Bureau of Administrative Services  
 2301 North Cameron Street  
 Harrisburg, PA 17110-9408

If the written request is delivered by fax, it must be sent to the following:

Fred Wertz, Right-to-Know Law Coordinator  
 (717) 772-2780

The business hours of PDA are from 8:00 a.m. to 4:00 p.m., from Monday through Friday, except those days when the offices of PDA are closed for all or part of a day due to a state holiday; pursuant to executive order; due to severe weather (such as a blizzard or ice storm); due to natural or other disaster; or due to the request or direction of local, state or federal law enforcement agencies or officials.

### 3. Schedule of Fees.

PDA is not required to provide a person with copies of requested records—only access to those records that are "public records" under the RTKL.

As referenced below, PDA will provide photocopies of public records without charge for copying or postage if the records comprise ten or fewer pages and can fit in a standard business envelope.

If PDA's fees for copying the records requested are more than \$100, the fees must be paid before PDA will make any copies. The most efficient method by which to make payment is by certified check or money order. Either of these payment methods will result in the prompt copying of the requested material. If payment is by standard check, though, PDA will wait until the check clears before making the requested copies. PDA will not accept cash payments.

**a. Photocopies.** One "photocopy" is either a single-sided copy or one side of a double-sided copy. For originals that are 11" x 17" or smaller, PDA does not charge for the first 10 photocopies and charges \$0.15 for each photocopy in excess of the first 10. For maps and other oversize documents, the charge is \$2.50 per photocopy or the actual cost to the PDA if the photocopying is not done by PDA.

**b. Other materials.** PDA charges the following for copying each of the following records: PC diskette—\$5.00; CD—\$7.00; microfilm or microfiche—\$3.00 for the first copy and \$1.50 for each additional copy; paper printouts from microfiche—\$0.50; aperture card—\$0.75.

**c. Staff time & postage.** PDA does not charge for first class postage if the copies fit in a standard business envelope. Otherwise, PDA charges for the cost of postage. There is no charge for staff time for locating records or preparing the records for review. PDA charges \$15.00 per hour for staff time for redacting records, for leaving a PDA office to accomplish off-premises copying, for traveling in order to retrieve records and for other tasks.

**d. Certified copies.** PDA charges \$8.00 per sealed impression for official certification of copies.

**e. Copying not done at PDA offices.** Requesters are prohibited from removing any records from any PDA office. The charges for copying that cannot be done at a PDA office, such as copying of videocassette tapes, is the actual charge to PDA for the copying, plus the \$15.00 per hour charge for PDA staff time.

**f. Charges for retrieving off-site records.** If a requester seeks access to records that have been sent to off-site locations, the charge is the cost of transporting those records to and from the PDA office, including the \$15.00 per hour charge for PDA staff time. PDA will provide the requester an estimate of these charges before retrieving the records.

**g. Charges for special copying.** The above list is not exhaustive. PDA retains the discretion to impose reasonable charges for copying or record retrieval not described above.

### 4. Exceptions: Challenging a Full or Partial Denial (or Deemed Denial) of Access to Public Records.

PDA may deny access to a public record in several ways. In summary, denial may be in the form of a letter denying—in whole or in part—a written request for access, or may be a "deemed denial" if PDA does not respond to a written request for access within the time frames prescribed by the RTKL. In either event, the requester has the right to file "exceptions" challenging PDA's denial.

It will help persons seeking to challenge a denial of access to records held by PDA to have an understanding of the following terms:

**Business day.** Any Monday, Tuesday, Wednesday, Thursday or Friday, except those days when the offices of PDA are closed for all or part of a day due to a state holiday; pursuant to executive order; due to severe weather (such as a blizzard or ice storm); due to natural or other disaster; or due to the request or direction of local, state or federal law enforcement agencies or officials.

**Exceptions.** A written administrative appeal filed with an agency by a requester challenging the agency's denial or deemed denial of the requester's RTKL request.

**Exceptionor.** A person who files exceptions to a full or partial denial of a request for access to records by PDA.

**RTKL Exceptions Official.** Any official or employee designated by the agency head to consider exceptions, conduct hearings, as appropriate, and issue final determinations resolving those exceptions.

**RTKL Exceptions Unit.** The office designated by the agency head to receive and docket exceptions filed by requesters

**a. Time within which Exceptions must be filed.** A person who seeks to file exceptions to PDA's full or partial denial of a request for access to records must do so within 15 business days of the mailing date of PDA's written denial, or within 15 days of the date the request is deemed denied.

**b. Format and content of Exceptions.** Exceptions must be in writing, and must state the basis for the requester's position that the record with respect to which access has been denied is a public record. Exceptions should address the reasons stated by PDA for denying the request, unless the request was deemed denied. Exceptions may (but need not) contain a request for a hearing before the RTKL Exceptions Official.

**c. Submitting Exceptions to the RTKL Exceptions Office.** Written exceptions may be submitted to the RTKL Exceptions Office by: (1) regular U.S. mail (in which case the mailing date shall be the date of the postmark on the envelope or, if the postmark is illegible, the date immediately preceding the date upon which the RTKL Exceptions Office receives the exceptions, and the mailing date shall be considered the filing date); or (2) by personal delivery, facsimile transmission, parcel delivery service courier service or similar means of delivery (in which case the filing date shall be the date the exceptions are received at the RTKL Exceptions Office). Exceptions may not be submitted by e-mail. Exceptions should be delivered to the following person:

Marilyn Heck, Right-to-Know Law Exceptions Official  
 Pennsylvania Department of Agriculture  
 Bureau of Administrative Services  
 2301 North Cameron Street  
 Harrisburg, PA 17110-9408

If the written request is delivered by fax, it must be sent to the following:

Marilyn Heck, Right-to-Know Law Exceptions Official  
 (717) 772-2780

**d. Procedure for Resolving Exceptions.** Unless otherwise agreed to by PDA, the Exceptor and the RTKL Exceptions Official, the following procedures shall apply:

- Within 7 business days after the filing of the exceptions, PDA may submit to the RTKL Exceptions Official a written response to the exceptions.
- If the RTKL Exceptions Official decides to conduct an administrative hearing, the Exceptor will be notified of the date, time, and place. The RTKL Exceptions Official may condition having an administrative hearing on the Exceptor's agreement to a final determination more than 30 days after the exceptions were mailed.
- The RTKL Exceptions Official may: (1) require that each party, in advance of the administrative hearing, provide a list of witnesses and exhibits to the opposing party and the RTKL Exceptions Official; and (2)

at the subsequent administrative hearing, limit the witnesses and exhibits to only those identified on the list.

- Unless otherwise determined by the RTKL Exceptions Official, the administrative hearing will be conducted during a single business day. The RTKL Exceptions Official may limit the time within which each party must present its witnesses and exhibits. The Exceptor will present evidence first.
- Testimony of witnesses at an administrative hearing will be under oath and recorded by a court reporter.
- If an administrative hearing is held, the strict rules of evidence will not be applied. The RTKL Exceptions Official may admit into evidence testimony and exhibits that are reasonably probative and relevant. Any brief or legal argument must be presented at or before the hearing.
- The General Rules of Administrative Practice and Procedure will not apply. The RTKL Exceptions Official shall rule on procedural matters regarding the exceptions on the basis of justice, fairness, and expeditious resolution.
- The RTKL Exceptions Official may designate another person to conduct hearings or otherwise assist the Exceptions Official.

**e. Review of Exceptions.** The RTKL Exceptions Official may—but need not—convene a hearing on the exceptions. The decision as to whether to convene a hearing is not appealable. The RTKL Exceptions Official must issue a written “final determination” by mailing it to the requester within 30 days of the mailing date of the exceptions (or the filing date, if the exceptions are delivered to the RTKL Exceptions Official by means other than by regular U. S. mail), unless this time period is waived by the Exceptor. If the final determination denies the request for access to records, it will contain a written explanation of the reasons for denial. A final determination may be appealed to the Commonwealth Court, in accordance with the Right-to-Know Law.

DENNIS C WOLFF,  
*Secretary*

## APPENDIX “A”

### List of Right-to-Know Law Liaisons at PDA Regional Offices

OFFICE	COUNTIES COVERED	TELEPHONE NUMBER	RIGHT-TO-KNOW LAW LIAISON AND ALTERNATE
PDA Region I Office 13410 Dunham Road Meadville, PA 16335	Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Venango and Warren	(814) 332-6890	Paula Sleptzoff
PDA Region II Office 542 County Farm Road Suite #102 Montoursville, PA 17754	Cameron, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Tioga and Union	(570) 433-2640	Sherri Holtzman, Margaret (Peggy) Bird
PDA Region III Office Rt. 92 South, P. O. Box C Tunkhannock, PA 18657	Bradford, Carbon, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne and Wyoming	(570) 836-2181	Ann Morgan, Joan Sott

OFFICE	COUNTIES COVERED	TELEPHONE NUMBER	RIGHT-TO-KNOW LAW LIAISON AND ALTERNATE
PDA Region IV Office 6 McIntyre Rd. Gibsonia, PA 15044	Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Washington and Westmoreland	(724) 443-1585	Irene Corvi, Marilyn Rebholz
PDA Region V Office 1307 7th Street Cricket Field Plaza Altoona, PA 16601	Bedford, Blair, Cambria, Clearfield, Centre, Fulton, Huntingdon, Juniata, Mifflin and Somerset	(814) 946-7315	Michael Marino, Patricia Winters
PDA Region VI Office State Farm Show Complex 1030 Maclay Street Harrisburg, PA 17110	Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York	(717) 346-3223	Tom Oyler, Sally Seeley
PDA Region VII Office Route 113, P. O. Box 300 Creamery, PA 19430	Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, Philadelphia and Schuylkill	(610) 489-1003	Phyliss Starr, Larry Sidorowicz

### Appendix "B"

#### List of Right-to-Know Law Liaisons at PDA Bureaus, Commissions and Offices

##### Bureaus:

Office Name	Right-to-Know Law Liaison and Alternate	Telephone Number
Bureau of Administrative Services	Marilyn Heck, Fred Wertz	(717) 787-4854
Bureau of Animal Health and Diagnostic Services	Dr. Jeanine Staller, Joyce McLaughlin, Sue Berkheimer	(717) 772-2852
Bureau of Dog Law Enforcement	Mary Bender, Rick Burd	(717) 787-4833
Bureau of Farm Show	Norine Bahnweg, Chris Seiple	(717) 787-5373
Bureau of Farmland Preservation	Maggie Hanshue, Clara Roy	(717) 783-3167
Bureau of Food Distribution	Nancy Derr, Sandy Hopple	(717) 787-2387
Bureau of Food Safety and Laboratory Services	Lenchen Radle, Norma Burrs	(717) 787-4315
Bureau of Market Development	Shawn Fair, Stacy Rakocy	(717) 783-1450 (717) 783-3181
Bureau of Plant Industry	Joe Uram John Breitsman	(717) 772-5212 (717) 772-5215
Bureau of Ride and Measurement Standards	Sheila Strubhar, Kenneth Deitzler	(717) 787-9089

##### Other Offices:

Press Office	Kristina Watson	(717) 787-5085
Equine Toxicology and Research Laboratory	Mark Kaher	(610) 436-3501
Hardwoods Development Council	Keith Craig, D. Wayne Bender	(717) 772-3715

##### Commissions:

State Harness Racing Commission	Anton Lepler, Fonda Civitello	(717) 787-5196
State Horse Racing Commission	Dan Tufano, Sara Freed	(717) 787-1942

The mailing address of each Bureau, office or commission listed above is as follows:

(Name of Bureau, Office or Commission)  
ATTN: (Name of Right-to-Know Law Liaison)  
Pennsylvania Department of Agriculture  
2301 North Cameron Street  
Harrisburg, PA 17110-9408

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Official Use Only—RTKL  
Request tracking Number

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Official Use Only—  
Date Stamp



# DEPARTMENT OF BANKING

## Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 28, 2004.

### BANKING INSTITUTIONS

#### Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-24-04	Prudential Savings Bank Philadelphia Philadelphia County	Philadelphia	Filed

Application represents reorganization into a mutual holding company to be known as Prudential Mutual Holding Company.

#### Holding Company Acquisition

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
9-27-04	Leesport Financial Corp., Wyomissing, to acquire 100% of the voting shares of Madison Bancshares Group, Ltd., Blue Bell	Wyomissing	Approved

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-27-04	Leesport Bank, Wyomissing, and The Madison Bank, Blue Bell Surviving Institution— Leesport Bank, Wyomissing	Wyomissing	Approved

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-22-04	Mid Penn Bank Millersburg Dauphin County	5500 Allentown Boulevard Harrisburg Dauphin County	Approved
9-22-04	Mid Penn Bank Millersburg Dauphin County	17 North Second Street Harrisburg Dauphin County	Approved
9-22-04	Integrity Bank Camp Hill Cumberland County	One Marketway South York York County	Approved
9-22-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Giant Eagle 3701 State Route 88 Finleyville Washington County	Approved
9-22-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Giant Eagle 1700 New Butler Road New Castle Lawrence County	Approved
9-22-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Giant Eagle 3230 Wilmington Road New Castle Lawrence County	Approved
9-22-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Giant Eagle 223 Grove City Road Slippery Rock Butler County	Approved
9-22-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	205 Lancaster Avenue Devon Chester County	Approved

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<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-22-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Spring House Village Plaza Bethlehem Pike Spring House Montgomery County	Approved
9-23-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Audubon Acme 110 Black Horse Pike Audubon Camden County, NJ	Filed
9-23-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Moorestown Acme 350 Young Avenue Moorestown Burlington County, NJ	Filed
9-23-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Washington Township Acme 415 Egg Harbor Road Sewell Washington Township Gloucester County, NJ	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-20-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 2801 East Carson Street Pittsburgh Allegheny County  <i>From:</i> 1401 Carson Street Pittsburgh Allegheny County	Effective
9-22-04	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 12 Chestnut Road Paoli Chester County  <i>From:</i> 10 East Lancaster Avenue Paoli Chester County	Approved
9-22-04	S & T Bank Indiana Indiana County	<i>To:</i> 12900 Frankstown Road Pittsburgh Allegheny County  <i>From:</i> 12262 Frankstown Road Pittsburgh Allegheny County	Approved

**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>
9-21-04	Belco Community Credit Union, Harrisburg, and WellSpan Federal Credit Union, York Surviving Institution— Belco Community Credit Union, Harrisburg	Harrisburg	Withdrawn

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 04-1857. Filed for public inspection October 8, 2004, 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 Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0057797	Philip and Lisa Barday 1502 Hilltown Pike Hilltown, PA 18927	Bucks County Hilltown Township	UNT to Neshaminy Creek	Y
PA0053201	Roy Ann Diner 1318 Route 309 Sellersville, PA 1896	Bucks County West Rockhill Township	Three Mile Run	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0087106	Freedom Valley Worship Center 3185 York Road Gettysburg, PA 17325	Adams County Straban Township	UNT to Swift Run 7-F	Y
PA0087955	Cassville Water & Sewer Authority P. O. Box 48 Cassville, PA 16623	Huntingdon County Cass Township	UNT Little Trough Creek 11-D	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0100200	Reynolds Disposal Company 301 Arlington Drive Greenville, PA 16125-8214	Pymatuning Township Mercer County	Unnamed tributary to Shenango River 20-A	Y
PA0102547	Oak Springs Mobile Home Part, Inc. P. O. Box 9122 Cranberry Township, PA 16066-0035	Cranberry Township Butler County	Unnamed tributary to Brush Creek 20-C	Y

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

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

**PA0243949**, Sewage, SIC 3272—3274, **Landis Block and Concrete Company, Inc.**, County Line Road and Chestnut Street, Telford, PA 18969. This facility is in Hilltown Township, **Bucks County**.

Description of Proposed Activity: The facility manufactures concrete products and conducts mixing operations for ready-mix cement products. There are three outfalls associated with this facility. Outfalls S01 and S02 discharge stormwater runoff from the manufacturing operations areas to an unnamed tributary to Mill Creek and Outfall S03 discharges stormwater from the office and front parking lot area to the municipal separate storm sewer, which ultimately discharges to Skippack Creek.

The receiving stream, Mill Creek, is in the State Water Plan watershed 3E (Perkiomen) and classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Philadelphia Suburban Water Company is on the Perkiomen Creek, approximately 25 miles below the point of discharge.

The proposed effluent limits for Outfalls S01 and S02 are based on average event stormwater runoff:

<i>Parameters</i>	<i>Average Annual (mg/l)</i>	<i>Average Semi-Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	50	100	100	
Oil and Grease	Monitor and Report			
pH	between 6.0 and 9.0 at all times			

In addition to the effluent limits, the permit contains the following major special conditions: discharge is to a dry swale and shall not create a health hazard or nuisance; Maintain Best Management Practices; and monitor stormwater discharge once per 6 months.

**PA0050075**, Sewage, SIC 4952, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is in Willistown Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from the Willistown Woods STP.

The receiving stream, unnamed tributary to Hunters Run, is in the State Water Plan watershed 3G and classified for HQ-TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Media Borough Water Filtration Plant is on Ridley Creek, 9.6 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.175 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Average Monthly</i>	<i>Average Monthly</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	12		8.5	17
(11-1 to 4-30)	18		12	24
TSS	25		17	34
NH <sub>3</sub> as N				



## NOTICES

Parameter	Mass (lb/day)		Concentration (mg/l)
	Average Monthly	Average Monthly	Instantaneous Maximum (mg/l)
(5-1 to 10-31)	1.3	0.9	1.8
(11-1 to 4-30)	3.6	2.5	5.0
Phosphorus as P	1.5	1.0	2.0
TRC		0.05	0.12
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 6.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

In addition to the effluent limits, the permit contains the following major special conditions: operator notification; remedial measures if unsatisfactory effluent; no stormwater; acquire necessary property rights; change of ownership; chlorine minimization; proper sludge disposal; watershed/TMDL reopener; I-Max limits; and laboratory certification.

**PA0043818**, Industrial Waste, **G. R. O. W. S. Landfill, A Division of Waste Management Disposal Services of Pennsylvania, Inc.**, 1121 Bordentown Road, Morrisville, PA 19067. This application is for renewal of an NPDES permit to discharge treated landfill leachate wastewater and stormwater from the G. R. O. W. S. Landfill IWWTP in Falls Township, **Bucks County**. This is an existing discharge to Delaware River (Zone 2).

The receiving stream is classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.1 mgd are as follows:

Parameter	Average Annual (mg/l)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
BOD <sub>5</sub>		53	106	132.5
BOD <sub>5</sub> % Removal		95% removal per DRBC requirements		
Total Suspended Solids		30	60	75
Total Dissolved Solids		10,000	20,000	25,000
Oil and Grease		15	30	30
Fecal Coliform		200 colonies/100 ml as a geometric average		
pH		within limits of 6.0—9.0 standard units at all times		
Temperature				Monitor and Report
Ammonia (as N)		35	70	87.500
CBOD <sub>20</sub>		62 (lbs/day)	124 (lbs/day)	
True Color (Pt-Co)				1,500
Nitrate-Nitrite (as N)		Monitor and Report	Monitor and Report	
Total Organic Nitrogen		Monitor and Report	Monitor and Report	
Total Residual Chlorine		0.5	1.0	1.2
Antimony, Total		0.450	0.900	1.130
Arsenic, Total		0.050	0.100	0.125
Beryllium		0.005	0.010	0.0125
Boron		5.640	10.500	14.100
Chromium, Hex.		Monitor and Report	Monitor and Report	
Chromium, Total		0.050	0.100	0.125
Cadmium, Total		0.005	0.010	0.0125
Aluminum, Total		0.275	0.550	0.680
Cobalt, Total		0.050	0.100	0.125
Iron, Total		2.500	5.000	6.300
Barium		0.100	0.200	0.250
Mercury		0.0019	0.0038	0.0047
Nickel		0.300	0.600	0.750
Silver		Monitor and Report	Monitor and Report	
Cyanide, Total		0.100	0.200	0.250
Vanadium		Monitor and Report	Monitor and Report	
Phenol		0.050	0.100	0.125
Phenols, Total		0.270	0.540	0.680
Thallium		0.100	0.200	0.250
Copper, Total		0.050	0.100	0.125
Lead, Total		0.036	0.072	0.090
Manganese		1.000	2.000	2.500
Zinc, Total		0.300	0.600	0.750
Bromoform	0.540			6.480
Total Halomethanes	0.027			0.324
Chloroform		0.010	0.020	0.025
Chloromethane		0.100	0.200	0.250
Methylene Chloride		0.100	0.200	0.250
Toluene		0.050	0.100	0.125
Butyl Benzyl Phthalate		0.010	0.020	0.025

<i>Parameter</i>	<i>Average Annual (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
2-Chloronaphthalene		0.010	0.020	0.025
Diethyl Phthalate		0.025	0.050	0.063
Lindane		0.010	0.020	0.025
Isophorone		0.050	0.100	0.125
Acetone		0.109	0.218	0.273
2-Butanone		0.210	0.420	0.525
1,2,3-Trichloropropane		0.100	0.200	0.250
Xylene		0.010	0.020	0.025
1-Propanol		0.550	1.100	1.350
2-Propanol		0.540	1.100	1.350
4,4-DDT		0.00004	0.00008	0.0001
Tetrahydrofuran		0.025	0.050	0.063
P-cresol		0.050	0.100	0.125
2-Hexanone		0.015	0.030	0.037
4-Methyl-2-Pentanone		0.015	0.030	0.037
Dibromomethane		0.010	0.020	0.025
1,1,1-Trichloroethane		0.100	0.200	0.250
1-2,Trans Dichloroethylene		0.030	0.060	0.075
Benzene		0.050	0.100	0.125
1-1 Dichloroethane		0.090	0.180	0.230
Chlorobenzene		0.050	0.100	0.125
Di-N-Butyl Phthalate		0.830	1.660	2.080
Pentachlorophenol		Monitor and Report	Monitor and Report	
1-2, Dichloroethane		Monitor and Report	Monitor and Report	
Tetrachloroethylene		Monitor and Report	Monitor and Report	
Trichloroethylene		Monitor and Report	Monitor and Report	
Toxicity (TUc)			Monitor and Report	
PCBs Total			Monitor and Report	

The proposed effluent limits for Outfalls 003, 004, 006 and 009—012 (stormwater) are as follows:

<i>Parameter</i>	<i>Average Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report	Monitor and Report
TSS	Monitor and Report	Monitor and Report
Oil and Grease	Monitor and Report	Monitor and Report
pH	Monitor and Report	Monitor and Report
Lead (Total)	Monitor and Report	Monitor and Report
Total Organic Carbon	Monitor and Report	Monitor and Report
Chromium (Total)	Monitor and Report	Monitor and Report
Barium (Total)	Monitor and Report	Monitor and Report
Cadmium (Total)	Monitor and Report	Monitor and Report
Mercury (Total)	Monitor and Report	Monitor and Report
Selenium (Total)	Monitor and Report	Monitor and Report
Ammonia	Monitor and Report	Monitor and Report
Arsenic (Total)	Monitor and Report	Monitor and Report
Cyanide (Total)	Monitor and Report	Monitor and Report
Nitrate plus Nitrite Nitrogen	Monitor and Report	Monitor and Report
Iron (Dissolved)	Monitor and Report	Monitor and Report
Magnesium (Dissolved)	Monitor and Report	Monitor and Report

The EPA waiver is in effect.

Other Requirements: effective disinfection; remedial measure; right to modify the permit; BOD<sub>5</sub> % removal; specified test methods; ownership test methods; effluent chlorine minimization; proper sludge disposal; definition—annual average; TMDL—WLA data requirements; toxicity-chronic monitoring; inst. maximum sampling requirement; twice per month sampling requirements; stormwater outfalls requirements; TRC/TTHM monitoring requirements; definitions—total halomethanes; grab sampling requirements; monitoring of untreated leachate quality and quantity; control of stormwater runoff; management of leachate discharge rate; removal of 100% pollutant loading from nonhazardous waste stream outside DRBC area; DRBC pollutant loading and recordkeeping requirements; permit reopener clause; and PCBs minimization plan.

**PA0057819**, Sewage, SIC 4952, **New Hanover Township Authority**, 2943 North Charlotte Street, Gilbertsville, PA 19525-9718. This proposed facility is in New Hanover Township, **Montgomery County**.

Description of Proposed Activity: Discharge of treated sewage from New Hanover Township Authority's sewage treatment plant.

The receiving stream, Swamp Creek, is in the State Water Plan, Watershed 3E Perkiomen Creek Basin and classified for TSF. The nearest downstream public water supply intake for the Philadelphia Suburban Water Company is on the Perkiomen Creek at RMI 0.98, 16.67 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.825 million gallons per day.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	40		50
Total Suspended Solids	30	45		60
NH <sub>3</sub> -N				
(5-1 to 10-31)	4.0			8.0
(11-1 to 4-30)	12.0			24.0
Phosphorous as P				
(4-1 to 10-31)	2.0			4.0
Dissolved Oxygen	5.0 minimum			
Fecal Coliform	200 # Col/100 ml			
pH (STD)	6.0 minimum			9.0

In addition to the effluent limits, the permit contains the following major special conditions: remedial measures; no stormwater; sewage sludge disposal; TMDL/WLA analysis; laboratory certification; and operations and maintenance plan.

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

**PA0064351**, Industrial, **Keystone Potato Products, LLC**, P. O. Box 27, Hegins, PA 17938-0027. This proposed facility is in Frailey Township, **Schuylkill County**.

Description of Proposed Activity: Application for NPDES permit to discharge industrial waste from a potato dehydration facility.

The receiving stream, Middle Creek, is in the State Water Plan watershed no. 7D and classified for CWF. The nearest downstream public water supply intake for the Pennsylvania American Water Company is on the Swatara Creek, approximately 30 miles below the point of discharge.

The proposed effluent limits for Outfall 301 based on a batch discharge design flow rate of 1.035 MGD. The design flow is 0.142 MGD.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
BOD <sub>5</sub>	68	136	7.8	15.7
Total Suspended Solids	220	440	25	50
Total Dissolved Solids			526	796
pH	6 to 9 at all times			
Dissolved Oxygen	minimum 5.0 at all times			
Total Iron	Monitor and Report			

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

**PA0007625**, SIC Codes 3949, 3944 and 3089, Industrial Waste, **Hedstrom Corporation**, P. O. Box 432, Bedford, PA 15522-0432. This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Raystown Branch Juniata River in Bedford Township, **Bedford County**.

The receiving stream is classified for TSF, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Saxton Municipal Water Authority on the Raystown Branch Juniata River, approximately 49 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.050 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		from 6.0 to 9.0 inclusive	
Total Suspended Solids	30	60	75
CBOD		Monitor and Report	
COD		Monitor and Report	
Oil and Grease	15		30
Total Cadmium	0.14	0.29	0.37
Total Chromium	1.71	2.77	3.46
Total Copper	0.46	0.92	1.15
Total Lead	0.43	0.86	1.07
Total Nickel	2.38	4.76	5.95
Total Silver	0.13	0.27	0.34
Total Zinc	1.48	2.96	3.70

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Cyanide	0.65	1.2	1.6
Total Toxic Organics		2.13	

The proposed effluent limits for Outfall 002 for a design flow of 0.020 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		from 6.0 to 9.0 inclusive	
Temperature		Monitor and Report	

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

**PA0051781**, Industrial Waste, SIC Code 4941, **Reading Area Water Authority**, 815 Washington Street, Reading, PA 19601. This facility is in Ontelaunee Township, **Berks County**.

Description of activity: Renewal of an NPDES permit for a existing discharge of treated industrial waste.

The receiving stream, Maiden Creek, is in Watershed 3-C and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is the Pottstown Borough on the Schuylkill River, approximately 30 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 3.0 MGD are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	750	1,500	30	60	75
pH				6.0 to 9.0 at all times	
Total Residual Chlorine			0.134	0.439	
Total Aluminum	100	200	4.0	8.0	10
Total Manganese	25	50	1.0	2.0	2.5
Total Iron	50	100	2.0	4.0	5.0

The proposed effluent limits for Outfall 002 based on a design flow of 0.26 MGD are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	65	130	30	60	75
pH				6.0 to 9.0 at all times	
Total Residual Chlorine			0.134	0.439	
Total Aluminum	8.67	17	4.0	8.0	10
Total Manganese	2.17	2.34	1.0	2.0	2.5
Total Iron	2.34	8.68	2.0	4.0	5.0

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

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

**PA0252701**, Industrial Waste, SIC, 4922, **Dominion Transmission, Inc.**, 1201 Pitt Street, Pittsburgh, PA 15221. This application is for issuance of an NPDES permit to discharge groundwater from the South Bend Compressor Station in South Bend Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, Crooked Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Buffalo Township Municipal Authority at Freeport, 29.4 miles below the discharge point.

*Outfall 001: new discharge, design flow of 0.0025 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	Monitor and Report				
TSS			35		70
Iron			3.5		7.0

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Manganese			2.0		4.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

**PA0035882**, Sewage, **S-2 Properties**, P. O. Box 24509, Pittsburgh, PA 15234. This application is for renewal of an NPDES permit to discharge treated sewage from the Placid Manor Mobile Home Park STP in Hempfield Township, **Westmoreland County**.

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

*Outfall 001*: existing discharge, design flow of 0.015 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)	2.6			5.2
(11-1 to 4-30)	5.0			10.0
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	0.06			0.15
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0094617**, Sewage, **Lawrence and Robbie Rose, Robbie Coal & Fuel, Inc.**, 1159 University Drive, Dunbar, PA 15431. This application is for renewal of an NPDES permit to discharge treated sewage from the Robbie Mobile Home Park STP in Georges Township, **Fayette County**.

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

*Outfall 001*: existing discharge, design flow of 0.03 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen (5-1 to 10-31)	4.0			8.0
(11-1 to 4-30)	6.0			12.0
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	0.07			0.15
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0218308**, Sewage, **Outside In School of Experiential Education**, R. R. 1, Box 293, Bolivar, PA 15923. This application is for renewal of an NPDES permit to discharge treated sewage from the Outside In School of Experiential Education STP in Fairfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Hannas 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 Latrobe Municipal Authority.

Outfall 001: existing discharge, design flow of 0.0045 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)	6.5			13.0
(11-1 to 4-30)	19.5			39.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000 as a geometric mean			
Total Residual Chlorine	1.0			2.5
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.

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

**PA0024571**, Sewage, **Cranberry Township, Brush Creek WPCF**, 2525 Rochester Road, Suite 400, Cranberry, PA 16066-6499. This proposed facility is in Cranberry Township, **Butler County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Beaver Falls Municipal Authority—Eastvale Plant intake on the Beaver River at Eastvale, approximately 27 miles below point of discharge.

The receiving streams, Brush Creek (Outfalls 001 and 005) and UNT—Brush Creek (Outfalls 002—004), are in watershed 20-C and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.5 MGD.

Parameter	Loadings			Concentrations	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (MGD)	XX	XX			
CBOD <sub>5</sub>					
(5-1 to 10-31)	375	563	10	15	20
(11-1 to 4-30)	751	1,126	20	30	40
Total Suspended Solids	1,126	1,689	30	45	60
NH <sub>3</sub> -N					
(5-1 to 10-31)	75.1		2		4
(11-1 to 4-30)	188		5		10
Fecal Coliform					
(5-1 to 9-30)	200/100 ml as a geometric average				
(10-1 to 4-30)	2,200/100ml as a geometric average				
Total Residual Chlorine			0.18		0.59
Dissolved Oxygen	minimum of 5 mg/l at all times				
Phosphorus as "P"	75.1		2		4
pH	6.0 to 9.0 standard units at all times				

The proposed effluent limits for Outfalls 002—004 are based on a design flow of n/a MGD.

Parameter	Loadings			Concentrations	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (MGD)	XX				

This discharge shall comply with the effluent limitations as required for Outfall 001.

The proposed effluent limits for Outfall 005 are based on a design flow of n/a MGD.

Parameter	Loadings			Concentrations	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
	The discharge shall consist of uncontaminated stormwater runoff from the treatment plant site.				

XX—Monitor and report on monthly DMRs.

The EPA waiver is not in effect.

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


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

**WQM Permit No. 3601405 Amendment 04-2**, Sewerage, **Black Rock Retreat Association**, 1345 Kirkwood Pike, Quarryville, PA 17566. This proposed facility is in Colerain Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for medications to the wastewater treatment facility.

**WQM Permit No. 2186430 Amendment 04-1**, Sewerage, **Nelson Mobile Home Park**, 16 Betty Nelson Court, Lot 8, Carlisle, PA 17013. This proposed facility is in Lower Franklin Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization for the installation of a tertiary filter.

**WQM Permit No. 3604203**, CAFO, **Ron Kreider, Kreider Farms**, 1461 Lancaster Road, Manheim, PA 17545. This proposed facility is in Penn Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for the installation of two HDPE liners in existing earthen manure lagoons.

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

**WQM Permit No. 6504203**, Industrial Waste, **Elliott Turbomachinery Company Inc.**, 901 North Fourth Street, Jeannette, PA 15644-0800. This proposed facility is in Jeannette City, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of an industrial wastewater treatment facility to serve the Elliott Turbomachinery Co.

**WQM Permit No. 0304401**, Sewerage, **Kittanning Borough Municipal Authority**, 300 South McKean Street, Kittanning, PA 16201. This proposed facility is in Kittanning Borough, **Armstrong County**.

Description of Proposed Action/Activity: Application for the construction and operation of a Phase I sewer separation to serve Kittanning Borough.

**WQM Permit No. 6572410-A2**, Sewerage, **Western Westmoreland Municipal Authority**, 12441 Route 993, North Huntingdon, PA 15642. This proposed facility is in North Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for proposed improvements at the Authority's Brush Creek Wastewater Treatment Plant.

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

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**IV. NPDES Applications for Stormwater Discharges from MS4**


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**V. Applications for NPDES Waiver Stormwater Discharges from MS4**


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


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

**NPDES Permit**

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010904015	Gorski Engineering Pulse Technologies Development 1 Iron Bridge Drive Collegeville, PA 19426-2042	Bucks	Milford Township	Unnamed tributary Molasses Creek HQ

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

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

**NPDES Permit**

<i>No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504023	Abeel Street Partners 5097 Milford Rd. E. Stroudsburg, PA 18301	Monroe	Middle Smithfield Township	Marshalls Creek HQ-CWF
PAI024504024	Pocono Mountain School District P. O. Box 200 Swiftwater, PA 18370	Monroe	Paradise Township	Swiftwater Creek HQ-CWF
PAI024504025	Department of Transportation Engineering District 5-0 1713 Lehigh St. Allentown, PA 18103	Monroe	Tobyhanna and Kidder Townships	Tunkhannock Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024504026	Shawnee Tabernacle Church 16 Carriage Square Tobyhanna, PA 18466	Monroe	Coolbaugh Township	Devils Hole Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804034	William Eisel Intermediate Unit 20 6 Danforth Drive Easton, PA 18045-7899	Northampton	Bushkill Township	Bushkill Creek HQ-CWF
PAI024804035	Moravian College Attn: Kimberly Sherr 1200 Main St. Bethlehem, PA 18018	Northampton	City of Bethlehem	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q180-R	Kidspace Corporation 4085 Independence Dr. Schnecksville, PA 18078	Lehigh	North Whitehall Township	UNT to Jordan Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033604001	Black Rock Retreat Association 1345 Kirkwood Pike Quarryville, PA 17566	Lancaster	Colerain Township	West Branch Octoraro Creek HG-CWF, MF
PAI035004001	Department of Transportation Engineering District 8-0 Saville Stockpile Yard 2140 Herr Street Harrisburg, PA 17103	Perry	Saville Township	UNT to Buffalo Creek HQ-CWF

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

*Potter County Conservation District: 107 Market St., Coudersport, PA, (814) 274-0396.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS105509-1	Department of Conservation and Natural Resources Bureau of State Parks P. O. Box 8451 Harrisburg, PA 17105	Potter	West Branch Township	Lyman Run HQ-CWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from 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 determi-

nations 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 determi-



nation 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 Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

##### Permit No., Public Water Supply.

Applicant	<b>Rivers Edge Mobile Home Park</b>
Township or Borough	Lower Mt. Bethel Township
County	<b>Northampton</b>
Responsible Official	Arlene Tishuk, Owner 2129 Riverton Road Bangor, PA 18013 (610) 498-2131
Type of Facility	Community Water System
Consulting Engineer	Brian D. Swanson, P. E. Swanson Engineering, PC 435 Green Ridge Street Scranton, PA 18509 (570) 558-2727
Application Received Date	September 17, 2004
Description of Action	Application for construction of a replacement well.

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

**Application No. 0504505 MA**, Minor Amendment, Public Water Supply.

Applicant	<b>Bedford Township Municipal Authority</b>
Municipality	Bedford Township
County	<b>Bedford</b>
Responsible Official	Owen K. Crist P. O. Box 371 Bedford, PA 15522
Type of Facility	PWS
Consulting Engineer	Timothy A. Cooper, P. E. Stiffler McGraw & Associates Inc. 19 N. Juniata Street Hollidaysburg, PA 16648
Application Received Date	September 15, 2004

Description of Action	Installation of 6,075 LF of water main, valves and five fire hydrants to serve the Village of Wolfsburg and surrounding area.
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**Application No. 3104502 MA**, Minor Amendment, Public Water Supply.

Applicant	<b>Petersburg Water Authority</b>
Municipality	Petersburg Borough
County	<b>Huntingdon</b>
Responsible Official	Ralph L. Taylor, Board Member P. O. Box 257 Petersburg, PA 16669
Type of Facility	PWS
Consulting Engineer	Mark V. Glenn, P. E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Dr. Altoona, PA 16602-4475

Application Received Date	September 10, 2004
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Description of Action	Replacement of intake tower and lines in reservoir.
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**Application No. 0704501 MA**, Minor Amendment, Public Water Supply.

Applicant	<b>Altoona City Authority</b>
Municipality	Logan Township
County	<b>Blair</b>
Responsible Official	Mark A. Perry, Director of Operations 20 Greenwood Road Altoona, PA 16602-7114

Type of Facility	PWS
Consulting Engineer	Mark V. Glenn, P. E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Dr. Altoona, PA 16602-4475

Application Received Date	September 13, 2004
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Description of Action	Installation 7,325 feet of 12-inch and 16-inch ductile iron waterline and required appurtenances to serve the proposed Logantown Development.
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**Application No. 2104504 MA**, Minor Amendment, Public Water Supply.

Applicant	<b>Aqua Pennsylvania Inc.</b>
Municipality	Monroe Township
County	<b>Cumberland</b>
Responsible Official	Richard T. Subasic, Executive Vice President, General Manager 204 East Sunbury Street Shamokin, PA 17872

Type of Facility	PWS
Consulting Engineer	William A. LaDieu, P. E. CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112

Application Received Date	September 14, 2004
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Description of Action This permit application is for a 280,000-gallon finished water storage tank at Aqua Pennsylvania, Inc.—White Rock Acres Water System.

*Central Office: Bureau Director, Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467.*

**Permit No. 9996274**, Public Water Supply.

Applicant **Garelick Farms of New Jersey**  
 Township or Borough Burlington, NJ  
 Responsible Official Eric A. Bayer, Plant Manager  
 Type of Facility Out-of-State Bottled Water System  
 Application Received Date September 23, 2004  
 Description of Action Applicant requesting a minor permit amendment to change company name from Cumberland Farms, Inc. to Garelick Farms of New Jersey and to use the Temple Springs source in Williamstown Borough, Dauphin County. Bottled water to be sold in this Commonwealth under the brand names Spring Brook Farms Natural Spring Water, Nature's Pride Natural Spring Water, Tuscan Spring Water, Pathmark Natural Spring Water and Ideal Mountain Springs Naturally Refreshing Spring Water.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial

area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**Chen Property**, Limerick Township, **Montgomery County**. Greg Van Hook, INTEX Environmental Group, Inc., 6205 Easton Rd., Pipersville, PA 18972 on behalf of Wu Chen, 26 West Ridge Pike, Limerick, PA 19468 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with MTBE as a result of a release or releases at the Limerick Mobil Service Station. The site is to be developed as a retail shopping center. A summary of the Notice of Intent to Remediate was reported to have been published in the *Times Herald* on August 16, 2004.

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

**Dura-Bond Pipe, LLC, formerly Bethlehem Steel Corporation**, Steelton Borough, **Dauphin County**. Alliance Environmental Services, Inc., 1414 North Cameron Street, Suite B, Harrisburg, PA 17130, on behalf of Capital Region Economic Development Corporation, 3211 North Front Street, Harrisburg, PA 17110 and Dura-Bond Pipe, LLC, 2716 South Front Street, Steelton, PA 17113, submitted a Notice of Intent to Remediate concerning remediation of site soils and groundwater contaminated with lead and arsenic, metals, VOCs and SVOCs. Dura-Bond proposes to continue operation of a steel pipe fabrication facility at this site. The applicant proposes to remediate the site as a Special Industrial Area.

**ITT Engineered Processed Solutions Group**, Borough of Columbia, **Lancaster County**. ENSR International, 2005 Cabot Boulevard West, Suite 100, Langhorne,

PA 19047, on behalf of ITT Engineered Process Solutions Group, 10 Mountainview Road, Upper Saddle River, NJ 07458, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with gasoline. The applicant seeks to remediate the site to a Statewide Health Standard.

**The Promenade at Carlisle**, Borough of Carlisle, **Cumberland County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Seven Gables Estates Partnership, c/o Landis & Black, 36 South Hanover Street, Carlisle, PA 17013, submitted a revised Notice of Intent to Remediate site soils and groundwater contaminated by diesel fuel from an underground storage tank. The applicant seeks to remediate the site to a combination of Statewide Health and Site-Specific Standards.

**Former Carlisle Shoe**, Swatara Township, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Eshenaur's Fuel Inc., 2900 Herr Street, Harrisburg, PA 17103, submitted a Notice of Intent to Remediate site soils contaminated by fuel oil from an underground storage tank. The applicant seeks to remediate the site to a Statewide Health Standard.

**Laird Plastic**, Swatara Township, **Dauphin County**. Quad Three Group Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507, on behalf of McCarthy Tire, 1111 Agnes Street, Harrisburg, PA 17104, submitted a Notice of Intent to Remediate site soil contaminated by no. 2 fuel oil from an underground storage tank. The future use of the property will be for warehousing of new tires. The applicant seeks to remediate the site to a Statewide Health Standard.

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

**Koppers Wood Treating Facility (Former)**, Dunbar Township, **Fayette County**. Jeffrey R. Hale, P. G., Key Environmental, Inc., 1200 Arch Street, Suite 200, Carnegie, PA 15106 (on behalf of Kurt Paschl, Beazer East, Inc., c/o Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with inorganics, other organics and PAHs. The applicant proposes to remediate the site to meet the Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Connellsville Daily Courier* on August 23, 2002

**Wheeling Pittsburgh Steel Corporation, Allenport Plant**, Allenport Borough, **Washington County**. David N. Olson, P. G., One Triangle Lane, Suite 200, Export, PA 15632-9255 (on behalf of Bud E. Smith, Wheeling-Pittsburgh Steel Corporation, 1134 Market Street, W9A, Wheeling, WV 26003) has submitted a Notice of Intent to Remediate soil and groundwater contaminated with organics and PCBs. The applicant proposes to remediate the site to meet the Site-Specific Standard.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### Renewal Applications Received

**The Pennsylvania State University**, 6 Eisenhower Parking Deck, University Park, PA 16802-2116, License No. PA-HC0153. Received on September 22, 2004.

#### RESIDUAL WASTE GENERAL PERMITS

**Applications Received under the Solid Waste Management Act, 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.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR104. Vortex Recycling**, 526 S. Jefferson St., New Castle, PA 16101. The application covers processing of used oil filters. The proposed processing is limited to separation of waste oil and used oil filters and mechanical processing of used oil filters. The processing will lead to beneficial use of scrap metal and waste oil. The application was accepted by the Central Office on September 14, 2004.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

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

**Applications Received under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit Application No. 400510. GlaxoSmithKline Pharmaceuticals**, 900 River Rd., Conshohocken, PA 19428-2647, Upper Merion Township, **Montgomery County**. The application was received for a 10-year permit renewal for the reference facility. The application was received by the Southeast Regional Office on September 27, 2004.

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. 101571. Mostoller Landfill, Inc.**, 7095 Glades Pike, Somerset, PA 15501. Application for a major permit modification to expand the permit boundary of a municipal waste landfill in Brothers Valley and Somerset Townships, **Somerset County**, was received in the regional office on September 22, 2004.

**Applications Returned under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit Application No. 100265. Grand Central Sanitary Landfill, Inc.**, 1963 Pen Argyl Road, Pen Argyl, PA 18072. On September 23, 2004, the regional office returned the original and copies of a Vegetative Cover Demonstration Project application for this municipal waste landfill in Plainfield Township, **Northampton County**. The regional office is presently monitoring a similar demonstration project, which will evaluate different types of permanent vegetative cover. At this time, the Department will not entertain another demonstration project, which is of a similar nature.

**DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS**

**Applications for Determination of Applicability Received under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act 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 Application No. WMGM001D002. Granger Energy of Honey Brook, LLC**, 16980 Wood Road, Lansing, MI 48906-1044. The Bureau of Land Recycling and Waste Management has received an application for a determination of applicability (DOA) under General Permit WMGM001. General Permit WMGM001D002 is for the processing and beneficial use of landfill gas, generated at Lanchester Landfill, as an alternate fuel to drive industrial boilers and residential furnaces. The Department determined the DOA application to be administratively complete on September 24, 2004.

Persons interested in obtaining more information about the general permit application should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**AIR QUALITY**

**PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

**NEW SOURCES AND MODIFICATIONS**

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

time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

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

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

**PLAN APPROVALS**

**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.**

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

**35-318-088: Gentex Corp.** (P. O. Box 315, Carbondale, PA 18407) for construction of a coating line with atmospheric emissions to be controlled by an existing air cleaning device at their facility at 324 Main Street in Fell Township, **Lackawanna County**.

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

**36-03076D: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506) for modification of the existing limestone crushing plant at their Weaverland Quarry in East Earl Township, **Lancaster County**. The crushing plant is subject to 40 CFR Part 60, Subpart 000—Standards of Performance for Nonmetallic Mineral Pro-

cessing Plants. The proposed modifications will not appreciably change emissions from the facility.

**67-05007: Adhesives Research, Inc.** (P. O. Box 100, Glen Rock, PA 17327) for modification of their adhesive coating facility in Springfield Township, **York County**. The facility is requesting a Plant-wide Applicability Limit on VOC emissions to provide greater operating flexibility.

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

**AMS 04167: Frankford Plating, Inc.** (2505 Orthodox Street, Philadelphia, PA 19137) for installation of a Chromium plating tank and a boiler in Philadelphia, **Philadelphia County**.

**AMS 4207: Wayne Mills Co., Inc.** (130 West Berkley Street, Philadelphia, PA 19144) for installation of a no. 4 oil fired 200 hp boiler in Philadelphia, **Philadelphia County**.

**AMS 04213: Philadelphia Gas Works** (3101 East Venango Street, Philadelphia, PA 19122) for installation of an Ethylene Glycol heater in Philadelphia, **Philadelphia County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

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

**46-0154A: Eye Designs LLC** (220 West 5th Avenue, Trappe, PA 19426) for installation of a spray booth in Trappe Borough, **Montgomery County**. This facility is a State-only facility. The facility wide VOC emission limit will remain at 24 tons per year. 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.

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

**06-05040A: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) for modification of the scrap dryer controlled by a fabric collector and HEPA filter in Richmond Township, **Berks County**. The modification involves the approval to remove an existing wetted packed bed scrubber as a control device for the scrap dryer. The source is subject to 40 CFR Part 63, Subpart X, National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelters. The source will still be subject to monitoring, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is presently covered by the Title V Operating Permit 06-05040. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

**22-03052B: Harman Stove Co.** (325 Mountain House Road, Halifax, PA 17032) for construction of two paint booths for a stove coating operation in Jackson Township, **Dauphin County**. The primary emissions from the sources are VOCs. The potential VOC emissions from each booth is 5.5 tpy and the estimated actual VOC

emissions from both booths are about 5.5 tons per year. When the sources are constructed, this Plan Approval will be incorporated into Operating Permit 22-03052 in accordance with 25 Pa. Code § 127.450 (Administrative Amendment). The plan approval will contain restrictions, monitoring, recordkeeping and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**36-03147A: A and M Composting, Inc.** (2022 Mountain Road, Manheim, PA 17545) for increasing the capacity of their sludge composting facility in Penn Township, **Lancaster County**. Emissions will be controlled by biofilters. Estimated emissions after the biofilters are 53 tons per year of ammonia and 5 tons per year of VOCs. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**36-05136: Granger Energy of Honey Brook, LLC** (481 South Churchtown Road, Narvon, PA 17555) for construction of a landfill gas treatment plant at their Chester County Solid Waste Management Authority's Lanchester Landfill in Caernarvon Township, **Lancaster County**. There are no expected emissions from the operation of this facility. The treatment plant is subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills, and 40 CFR Part 63, Subpart AAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills. The plan approval and Title V operating permit will include monitoring, recordkeeping and reporting requirements along with work practices to ensure the facility complies with all applicable air quality standards.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Richard Maxwell, New Source Review Chief, (570) 327-3637.*

**17-309-024A: Mt. Savage Specialty Refractories Co.** (P. O. Box 60, Curwensville, PA 16833) for construction of a crusher and a mixer and reactivation of various other pieces of equipment (conveyors, hoppers, bagging machines, and the like) in a refractories manufacturing plant in Pike Township, **Clearfield County**.

The fugitive PM emissions from the equipment to be constructed and reactivated will be controlled by four fabric collectors and a cartridge collector. The resultant particulate matter emissions to atmosphere will no greater than 1.77 tons per year, of which no more than .23 ton per year will be PM10.

The Department's review of the information submitted by Mt. Savage Specialty Refractories Company indicates that the equipment to be constructed and reactivated will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirements of 25 Pa. Code § 123.1, the applicable particulate matter emission limitation of 25 Pa. Code § 123.13 and the best available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the

Department proposes to issue plan approval for the construction of the crusher and mixer and the reactivation of the remainder of the equipment identified in the plan approval application.

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

1. The permittee shall process only Mulcoa 47, Mulcoa 60, refractory bats, calcined clay and such additives as are identified in the plan approval application unless prior Department approval has been obtained to process additional materials.

2. The equipment shall not operate more than 2,080 hours in any 12 consecutive month period. Records shall be maintained of the number of hours the equipment operates each month.

3. The bagging machine and supersack filling station shall not operate simultaneously.

4. The particulate matter concentration in the exhaust of each fabric collector or cartridge collector shall not exceed .01 grain per dry standard cubic foot.

5. There shall be no visible air contaminant emissions in the exhaust of any of the collectors (other than water vapor or steam). Additionally, there shall be no fugitive air contaminant emissions other than those the Department determines to be of minor significance.

6. Each collector shall be equipped with instrumentation to monitor the pressure differential across the collector on a continuous basis.

7. The bags or cartridges in each collector shall be cleaned at each once in every 3 hours of continuous operation. At any time the bags in a collector are being cleaned, the equipment ducted to that collector shall not be operated.

8. Spare filter bags and cartridges shall be kept on hand.

9. Any air compressor supplying compressed air to any of the collectors shall be equipped with an air dryer and an oil trap.

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

**10-171B: Butler Color Press** (119 Bonnie Dr., Butler, PA 16003). In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval to discontinue use of solvent recovery system and allow disposal of used solvent offsite as hazardous waste in the City of Butler, **Butler County**. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only operating permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

**10-001 ERC: AK Steel Corporation** (Route 8 South, Butler, PA 16003-0832). The Department intends to issue an Air Quality Emission Reduction Credit Approval for 200.01 tons of NO<sub>x</sub> emission reduction credits from the elimination of the use of nitric acid at their Butler Works in Butler, **Butler County**.

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

**AMS 04119: NEL Metal Restorations** (2127 Margaret Street, Philadelphia, PA 19124) for installation of a decorative chrome-plating bath in the City of Philadelphia, **Philadelphia County**. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 04089: The Philadelphia Phillies** (3300 South 7th Street, Philadelphia, PA 19148) for installation of three 8 mmBtu/hr dual fired boilers, one 1,818 bhp diesel

peak shaving generator and one 2,889 bhp diesel peak shaving generator in the City of Philadelphia, **Philadelphia County**. Nitrogen oxide emissions from these sources are limited to 18 tons per rolling 12-month period. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

#### Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

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

**37-00121: Flowline—Division of Markovitz Enterprises, Inc.** (1400 New Butler Road, New Castle, PA 16107) for reissuance of a Title V Permit to operate a valves and fittings production facility. The facility is in New Castle, **Lawrence County**. The facility's major emissions include a degreaser boiler, plasma torch cutting, hand grinding stations (4), a batch vapor degreaser, acid cleaning and miscellaneous natural gas fired furnaces. The facility is major facility for Title V due to its potential to emit an HAP (trichloroethylene (TCE)).

**43-00142: Salem Tube Inc.** (951 4th Street, Reynolds Industrial Park, Greenville, PA 16125) for reissuance of a Title V Permit to operate a process steel tube manufacturing facility in Pymatuning Township, **Mercer County**. The facility's major emissions include degreaser system boiler, miscellaneous natural gas usage, a TCE degreasing system, (4) annealing furnaces, general solvent cleaning, lubricating operations, a TCE storage tank and solvent cleaning degreaser. The facility is a Title V facility due to its potential to emit trichloroethylene, an HAP.

#### Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

**06-03126: Lehigh Cement Co.** (204 Windsor Avenue, Hamburg, PA 19526) for a specialty cement manufacturing facility controlled by various fabric collectors in Windsor Township, **Berks County**. The plant is not subject to Title V (State-only operating permit). The plant has the potential to emit 23 tons per year of particulate. The permit will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

**19-00018: Catawissa Lumber and Specialty Co.** (P. O. Box 176, Catawissa, PA 17820) for their woodworking facility in the Borough of Catawissa, **Columbia County**. The facility's main sources include one woodwaste no. 2 fuel oil fired boiler, one no. 2 fuel oil fired boiler and various woodworking equipment. The facility has the potential to emit SO<sub>x</sub>, NO<sub>x</sub>, CO, PM (PM<sub>10</sub>), VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and

reporting conditions regarding compliance with all applicable requirements are included.

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

**S04-004: Septa Berridge/Courtland Maintenance Shop** (200 West Wyoming Avenue, Philadelphia, PA 19140) for operation of a transit maintenance shop in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 300 HP boilers, two 150 HP boilers, three  $\leq$  mmBtu hot water heaters, four spray booths, two spray booth heaters, three parts washers and three sheet-fed, offset lithographic presses.

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

Persons wishing to file protests or comments on the previous operating permit must submit protests or comments within 30 days from the date of this notice. Protests or comments filed with the 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, the 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 Envi-

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

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas, active areas

disturbed by coal refuse disposal activities and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

**32040105 and NPDES Permit No. PA0249637, KMP Associates, Inc.**, 1094 Lantz Road, Avonmore, PA 15618, commencement, operation and restoration of a bituminous surface mine in Conemaugh Township, **Indiana County**, affecting 6.7 acres. Receiving streams: unnamed tributaries to Big Run to Big Run to Blacklegs Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received September 15, 2004.

**32040104 and NPDES Permit No. PA0249629. KMP Associates, Inc.**, 1094 Lantz Road, Avonmore, PA 15618, commencement, operation and restoration of a bituminous surface mine in Young Township, **Indiana County**, affecting 40.5 acres. Receiving streams: unnamed tributary to Whiskey Run to Whiskey Run to Blacklegs Creek (CWF). There are no potable water supply intakes within 10 miles downstream. Application received September 15, 2004.

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

**40840202R4 and NPDES Permit No. PA0613703. Silverbrook Anthracite, Inc.** (1 Market Street, Laflin, PA 18702), renewal of an existing coal refuse reprocessing operation in Laflin Borough, **Luzerne County** affecting 30.3 acres, receiving stream: Gardner Creek. Application received September 22, 2004.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**16890110 and NPDES Permit No. PA0207659. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface trip and tipple refuse disposal operation in Limestone Township, **Clarion County** affecting 175.6 acres. Receiving streams: Sloan Run and two unnamed tributaries to Parsons Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received September 21, 2004.

**33960108 and NPDES Permit No. PA0227315. Opal Industries, Inc.** (P. O. Box 980, Latrobe, PA 15650). Transfer of an existing bituminous surface strip operation in Ringgold Township, **Jefferson County** affecting 54.1 acres. Receiving streams: unnamed tributaries to Painter Run (CWF). There are no potable surface water supply intakes within 10 miles downstream. Transfer from MSM Coal Company, Inc. Application received September 21, 2004.

**37820108 and NPDES Permit No. PA0604658. Ambrosia Coal and Construction Co.** (R. R. 1, Box 422, Edinburg, PA 16116-9801). Renewal of an existing bituminous surface strip operation in North Beaver Township, **Lawrence County** affecting 225.0 acres. Receiving streams: unnamed tributaries to Sugar Creek (WWF). There are no potable surface water supply intakes within 10 miles downstream. Application received September 23, 2004.

**37840104 and NPDES Permit No. PA0108324. Ambrosia Coal and Construction Co.** (R. R. 1, Box 422, Edinburg, PA 16116-9801). Renewal of an existing bituminous surface strip, auger and tipple refuse disposal operation in North Beaver Township, **Lawrence County** affecting 400.0 acres. Receiving streams: unnamed tributary to Hickory Run (TSF). There are no potable surface

water supply intakes within 10 miles downstream. Application received September 23, 2004.

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

**14040102 and NPDES Permit No. PA0243850. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847-0096). Commencement, operation and restoration of a bituminous surface mine permit in Snow Shoe Township, **Centre County** affecting 60.1 acres. Receiving streams: unnamed tributary to North Fork Beech Creek (CWF). Application received September 21, 2004.

**14040103 and NPDES Permit No. PA 0243876. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847-0096). Commencement, operation and restoration of a bituminous surface mine permit in Snow Shoe Township, **Centre County** affecting 44.5 acres. Receiving streams: unnamed tributary to North Fork Beech Creek (CWF). Application received September 21, 2004.

*Noncoal Permit Applications Received*

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

**59040301 and NPDES Permit No. PA0243850. Paul T. Hall** (R. R. 2, Box 204, Tioga, PA 16946). Commencement, operation and restoration of a large industrial minerals (sand and gravel) permit in Lawrence Township, **Tioga County** affecting 9.6 acres. Receiving streams: Daily Creek, tributary to Tioga River (WWF). Application received September 15, 2004.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the



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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-966. David Baver**, 187 West Eighth Street, P. O. Box 217, Pennsburg, PA 18073, Upper Hanover Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a new driveway crossing over Molasses Creek (TSF) to provide access to a landlocked property off of Mack Road. The proposed driveway consists of two metal culvert arches measuring 22-feet long, 13-feet wide by 6.92-feet high. The site is about 500 feet southeast of intersection of Kutztown Road and Mack Road (East Greenville, PA USGS Quadrangle N: 2.5 inches; W: 4.25 inches).

**E09-878. David and Carrie Keller**, 18 Lodi Hill Road, Upper Black Eddy, PA 18972, Bridgeton, Township, **Bucks County**, ACOE Philadelphia District.

To maintain an existing boat launch to remove the existing floating dock and to construct and maintain 992 square feet of new floating dock in and along the Delaware River (WWF, MF). The site is at 1469 River Road (Frenchtown, NJ-PA N: 11.00 inches; W: 13.75 inches).

**E51-211. Portside Residences**, Pier 28, LP, 170 Walton Road, P. O. Box 1650, Blue Bell, PA 19422-0465, City and County of Philadelphia.

To reconstruct and maintain Pier 28 South and to construct and maintain a 16-story apartment complex within the Delaware River (WWF-MF). The bottom three stories of the apartment complex will be a parking garage. The proposed pier will partially sit on the footprint of the pile remnants of the existing pier. Work will involve the placement of approximately 728 steel piles in the river to provide structural support. Leasehold of the property within Commonwealth submerged lands was authorized by an act of General Assembly. This site is just north of the Dockside Residences at Pier 30 South along Columbus Boulevard (a/k/a Delaware Avenue) and approximately 5,000 feet south of the Ben Franklin Bridge (Philadelphia, PA-NJ Quadrangle N: 11.75 inches; W: 2.3 inches).

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

**E55-199. Barry and Michelle Heim**, R. R. 1, P. O. Box 163, Port Treverton, PA 17864. Water Obstruction

and Encroachment Permit application in Union Township, **Snyder County**, ACOE Susquehanna River Basin District (Dalmatia, PA Quadrangle N: 14.3 inches; W: 0.1 inch).

To construct and maintain a steel I-beam bridge measuring 30 feet wide with an underclearance of 5 feet containing reinforced concrete abutments measuring 8 feet wide by 6 feet high by 1 foot thick in Silver Creek along Silver Creek Road, 1 mile northeast of the intersection with SR 0015 S. This project proposes to have a minimal impact on Silver Creek (WWF). The project does not propose to impact any jurisdictional wetlands.

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

**E43-317. Hermitage Municipal Authority**. Bobby Run Stream Restoration Project in City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 4.7 inches; W: 12.2 inches).

To operate and maintain a stream restoration and realignment project utilizing natural channel design principals along a total reach of approximately 1,045 linear feet of the channel of Bobby Run beginning at Broadway Avenue and extending upstream to Lynnwood Road adjacent to the east side of the Hermitage Municipal Authority Water Pollution Control Plant. Construction was authorized by DEP Permit No. EP4304602 issued on September 22, 2004.

**E61-270. Randall A. Sherman**, 2206 Route 38, Emlenton, PA 16373. Bridge over Richey Run in Richland Township, **Venango County**. ACOE Pittsburgh District (Emlenton, PA Quadrangle N: 11.7 inches; W: 6.2 inches).

The applicant proposes to operate and maintain a single span steel grate bridge with concrete abutments having a clear span of 35 feet, a maximum underclearance of 6.5 feet and an instream length of 12 feet at a point across Richey Run (CWF, perennial) approximately 250 feet east of the intersection of SR 38 and T550. This application is after the fact. A portion of the project has already been completed. The project proposes to directly affect a total of approximately 20 linear feet of stream channel.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D67-536EA. Logan's Reserve Development LLC**, 7061 Columbia Gateway Drive, Columbia, MD 21046, Springfield Township, **York County**, ACOE Baltimore District.

Project proposes to breach and remove Logan's Reserve Pond No. 3 Dam across a tributary to East Branch Codorus Creek (CWF) for the purpose of restoring the stream to a free flowing condition. The dam is approximately 1,400 feet west of the intersection of Water Street (T522) and Decker Road (T501) (Glen Rock, PA Quadrangle N: 21.5 inches; W: 13.3 inches).

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N</i>
PA0092223 Industrial Waste	BASF Corporation 370 Frankfort Road Monaca, PA 15061	Beaver County Potter Township	Ohio River	N
PA0034851 Sewage	Parker Area Authority P. O. Box 342 Parker, PA 16049	Armstrong County Parker City	Allegheny River	Y
PA0044971 Sewage	B. P. O.E. Lodge P. O. Box 2026 3200 Milligantown Road Lower Burrell, PA 15068	Westmoreland County Lower Burrell City	Little Pucketa Creek	Y

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N</i>
PA0091049 Sewage	United States Health and Human Services Centers for Disease Control & Prevention National Institute for Occupational Safety and Health P. O. Box 18070 Pittsburgh, PA 15236	Fayette County Springhill Township	Rubies Run—Dragoo Hallow	Y
PA0097047 Sewage	Westmoreland County Ind. Park Auth. 601 Courthouse Square Greensburg, PA 15601	Westmoreland County Sewickley Township	Little Sewickley Creek	Y
PA0098388 Sewage	Patusan Trading Company, Inc. 5490 Highway 217 North Blairsville, PA 15717	Indiana County Blacklick Township	Greys Run	Y
PA0216631 Sewage	Regis Kraisinger 139 Quarry Street Mount Pleasant, PA 15664	Westmoreland County East Huntingdon Township	UNT of Sherrick Run	Y
PA0218154 Sewage	Partnership of Robert Gearhart, Deborah Bomberger and Anthony Tommasone 610 Midland-Beaver Road Beaver, PA 15009	Beaver County Industry Borough	Ohio River	Y
PA0218251 Sewage	Westmoreland Dept. of Public Works R. D. 12, Box 203 Donohoe Road Greensburg, PA 15601	Westmoreland County Washington Township	Unnamed tributary of Beaver Run	Y

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

<i>NPDES Permit No. (Type)</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N ?</i>
PA0221325	Abbey Woods Homeowners Association P. O. Box 407 Zelienople, PA 16063-0407	Jackson Township Butler County	Unnamed tributary to Brush Creek 20-C	Y
PA0210153	Coinco Inc. d/b/a MORCO Manufacturing 125 High Street Cochranon, PA 16314	Cochranon Borough Crawford County	Unnamed tributary to French Creek 16-D	Y
PA0222844	Ellwood Industrial Facilities Company Oxygen Generation Plant 700 Moravia Street New Castle, PA 16101	City of New Castle Lawrence County	Shenango River 20-A	Y

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

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

**NPDES Permit No. PA0040991**, Industrial Waste, **ConocoPhillips Company**, 1400 Park Avenue, Linden, NJ 07036-1610. This proposed facility is in the City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge stormwater from the Philadelphia Terminal into Frankford Creek in Watershed 3J.

**NPDES Permit No. PA0036897**, Sewage, **Borough of South Coatesville**, 136 Modena Road, Coatesville, PA 19320. This proposed facility is in South Borough, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the West Branch of Brandywine Creek in Watershed 3H Brandywine.

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

**NPDES Permit No. PA0021229**, Sewage, **Littlestown Borough Authority**, 46 East King Street, Littlestown, PA 17340-1612, Union Township, **Adams County**.

Final notice is given that the Department, after public notice, issued an NPDES permit. This notice reflects changes from the notice published at 33 Pa.B. 1735 (April 5, 2003).

<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> (5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids NH <sub>3</sub> -N (5-1 to 10-31)	30	45	60
(11-1 to 4-30)	1.5	XXX	3
Total Phosphorus Dissolved Oxygen pH	4.5	XXX	9
Fecal Coliform (5-1 to 9-30)	minimum of 5.0 at all times from 6.0 to 9.0 inclusive		
(10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average		

Total Copper limitations have been removed from this permit.

Total Residual Chlorine limitations have been removed from this permit.

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

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

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

**WQM Permit No. 0404402**, Sewerage, **Shippingport Borough**, P. O. Box 76, Shippingport, PA 15077-0076. This proposed facility is in Shippingport Borough, **Beaver County**.

Description of Proposed Action/Activity: Construction of sewage treatment plant and sewer extensions to serve Shippingport Borough.

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

**WQM Permit No. 1604403**, Sewerage, **LeRoy P. and Jannette M. Towner**, 8s Cherry Hill Lane, Lucinda, PA 16235. This proposed facility is in Knox Township, **Clarion County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

**WQM Permit No. WQG018310**, Sewerage, **Suzanne Phillips**, R. R. 1, Box 401, New London, NH 03257. This proposed facility is in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

**WQM Permit No. 4304411**, Sewerage, **Bruce M. Shaffer**, 21 Linda Drive, Transfer, PA 16154. This proposed facility is in Pymatuning Township, **Mercer County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

**WQM Permit No. WQG018309**, Sewerage, **John C. Engles, Jr.**, 1505 Lane Road, Waterford, PA 16441. This proposed facility is in Waterford Township, **Erie County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

**WQM Permit No. 4304413**, Sewerage, **David W. Ryland**, 387 Stonepile School Road, Mercer, PA 16137. This proposed facility is in East Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: Sewage discharge for a single residence.

**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 and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010904006	QVC Realty Partners Quakertown Veterinary Clinic 2250 North Bethlehem Pike Quakertown, PA 18951	Bucks	Milford Township	Unami Creek HQ

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504022	Echo Dell Builders, Inc. Subdivision 402 Echo Dell Road Downingtown, PA 19335	Chester	East Brandywine Township	Unnamed tributary East Branch Brandywine Creek HQ-TSF-MF
PAI011504037	Devland Corporation Fieldbrook Associates Subdivision P. O. Box 935 Paoli, PA 19301	Chester	East Whiteland Township	Valley Creek EV
PAI011504054	B & B Homes, Inc. John Benson—1935 Swedesford Road Development Suite 200, 112 Moores Road Malvern, PA 19355	Chester	Tredyffrin Township	Valley Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033604001	Black Rock Retreat Association 1345 Kirkwood Pike Quarryville, PA 17566	Lancaster	Colerain Township	West Branch Octoraro Creek HG-CWF, MF
PAI035004001	Department of Transportation Engineering District 8-0 Saville Stockpile Yard 2140 Herr Street Harrisburg, PA 17103	Perry	Saville Township	UNT to Buffalo 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 Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

## NOTICES

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*General Permit Type—PAG-2*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Kennett Township Chester County	PAG2001504075	Jerrold McCarron 1020 Broad Run Road Landenberg, PA 19350	Unnamed tributary Red Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tinicum Township Delaware County	PAG2002304042	Mobil Pipe Line Company P. O. Box 2220 Houston, TX 77252	Delaware River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002304048	Chetty Builders, Inc. 511 Schoolhouse Road Suite 100 Kennett Square, PA 19348	Tributary West Branch Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015104015	United States Postal Service USPS Philadelphia—Vehicle Maintenance Facility 7500 Lindburgh Boulevard Philadelphia, PA 19153-9997	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Smithfield Township Monroe County	PAG2004504002	VNA Hospice c/o Mark Hodgson, CEO 502 Independence Rd. East Stroudsburg, PA 18301	Brodhead Creek TSF, MF	Monroe County Conservation District (570) 629-3060
Wayne Township Schuylkill County	PAG2005404025	Branch Homes, Inc. 3470 Sweet Arrow Lake Rd. Pine Grove, PA 17963	Little Swatara Creek CWF	Schuylkill County Conservation District (570) 622-3742
Silver Spring Township Cumberland County	PAG2002104036	Bent Creek Lot 5 RSM Associates, LP 1000 Bent Creek Blvd. Mechanicsburg, PA 17050	Conodoguinet WWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Silver Spring Township Cumberland County	PAG2002104043	Millers Gap Road Silver Spring Township 6475 Carlisle Pike Mechanicsburg, PA 17050	UNT to Conodoguinet WWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Silver Spring Township Cumberland County	PAG2002104044	Outer Banks, LP Robert Borden 2171 Tall Oaks Lane York, PA 17403	Hogestown Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Middlesex Township Cumberland County	PAG2002104030	Pennterra Fortune Land Company Lewis Eisaquirre 1800 Avenue of the Stars Los Angeles, CA 90067	Conodoguinet WWF	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013 (717) 240-7812
Centre County College Township	PAR10F105R	Donald Smith Innovation Capital Partners US Steel Tower Suite 1400 600 Grant St. Pittsburgh, PA 15219	UNT Spring Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Centre County College Township	PAG2001404011	Kim Lane Wal-Mart Stores Inc. 2001 SE 10th St. Bentonville, AR 72712	UNT Spring Creek	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Lycoming County City of Williamsport	PAG2004104008	Kirk Sears Lift Inc. 5210 East Trindle Rd. Mechanicsburg, PA 17050	West Branch Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd. Suite 202 Montoursville, PA 17754 (570) 433-3003
Northumberland County Point Township	PAG2004904010	Brian P. Long P. O. Box 323 Northumberland, PA 17857	UNT Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Snyder County Middlecreek Township	PAG2005504008	Ray Rowe R. R. 3, Box 258 Selinsgrove, PA 17870	Middle Creek TSF	Snyder County Conservation District 403 W. Market St. Middleburg, PA 17842 (570) 837-0007, Ext. 112
Tioga County Jackson Township	PAG2005904002	Jackson Township Municipal Authority P. O. Box 61 Millerton, PA 16936	Hammond Creek CWF	Tioga County Conservation District 29 East Ave. Wellsboro, PA 16901 (570) 724-1801
Beaver County Center Township	PAG2000404016	Joseph S. Crognale 2194 Montour Street Coraopolis, PA 15108	Unnamed tributary to Shaffer's Run WWF	Beaver County Conservation District (724) 774-7090
Cambria County Richland Township	PAG2001104009	Michael Smith 933 Eisenhower Blvd. Johnstown, PA 15904	Unnamed tributary to Stonycreek River CWF	Cambria County Conservation District (814) 472-2120
Washington County Chartiers Township	PAG2006304020	Adlin D. Strimel 223 Fairmeadow Circle Houston, PA 15342	Unnamed tributary to Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Butler County Penn Township	PAG001004015	Richard E. Kelly Butler County Airport 475 Airport Road Butler, PA 16001	Glade Run WWF	Butler Conservation District (724) 284-5270
Crawford County Vernon Township	PAG2002004004	Brian Anderson Universal Development 1607 Motor Inn Drive Girard, OH 44420	UNT Van Horne Creek WWF	Crawford Conservation District (814) 724-1793
Clarion County Redbank and Porter Townships	PAG2081604002	EOG Resources, Inc. 400 Southpointe Blvd. Suite 300 Canonsburg, PA 15317	Middle Run, Leisure Run and unnamed tributaries to Leisure Run CWF	Northwest Region Oil and Gas Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6860
Perry Township Jefferson County	PAG2103304003	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	Perryville Run CWF to Mahoning Creek WWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311

## NOTICES

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*General Permit Type—PAG-3*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Lower Merion Township Montgomery County	PAR140018	Georgia Pacific Corp. 600 Righters Ferry Rd. Bala Cynwyd, PA 19044	Schuylkill River 3F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Pottstown Borough Montgomery County	PAR200042	Merit Mfg. Corp. 319 Circle of Progress Dr. Pottstown, PA 19464	Manatawny Creek 3D Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Dauphin County Swatara Township	PAR803671	Pittsburgh Terminals Corporation Harrisburg Petroleum Storage Terminal P. O. Box 2621 Harrisburg, PA 17105	UNT Spring Creek WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County Richland Borough	PAR803672	Leffler Energy Richland Bulk Storage Facility 225 East Main Street Richland, PA 17087	UNT to Mill Creek WWF	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
City of St. Marys Elk County	PAR118340	GE Thermometrics, Inc. 967 Windfall Road Saint Marys, PA 15857-3397	Unnamed tributary to Elk Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
Berks County Caernarvon Township	PAG043616	Wade Smith 1475 Elverson Road Elverson, PA 19520	East Branch Conestoga River WWF/7-G	SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Knox Township Clarion County	PAG048983	LeRoy P. and Jannette M. Towner 82 Cherry Lane Lucinda, PA 16235	Paint Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Fairview Township Erie County	PAG048998	Suzanne Phillips R. R. 1, Box 401 New London, NH 03257	Dry tributary to Bear Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pymatuning Township Mercer County	PAG048985	Bruce M. Shaffer 21 Linda Drive Transfer, PA 16154	Shenango River	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Waterford Township Erie County	PAG048997	John C. Engles, Jr. 1505 Lane Road Waterford, PA 16441	Unnamed tributary to French Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942



<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Telephone No.</i>
East Lackawannock Township Mercer County	PAG048991	David W. Ryland 387 Stonepile School Road Mercer, PA 16137	Unnamed tributary to Neshannock Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hempfield Township Mercer County	PAG048591	Robert E. Lacey 3 Werner Road Greenville, PA 16125	Unnamed tributary to Little Shenango River	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Venango Township Erie County	PAG048553	Joshua D. Trayer 13530 Tower Road Wattsburg, PA 16442	Unnamed tributary to West Branch of French Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Hermitage Mercer County	PAG048636	Robert J. Thomas 2500 Orangeville Road Hermitage, PA 16148-1325	Big Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Hermitage Mercer County	PAG048635	Christopher F. Stewart 2510 Orangeville Road Hermitage, PA 16148	Big Run	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Adams Township Butler County	PAG048638	William L. Kennedy 132 Lynwood Drive Evans City, PA 16033	Unnamed tributary to Breakneck Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Sugar Grove Township Warren County	PAG048653	Gary W. Hodges P. O. Box 363 Sugar Grove, PA 16350-0363	Unnamed tributary to Stillwater Creek	NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8*

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Contact Office and Telephone No.</i>
Quincy Township Franklin County	PAG083591	Quincy Sewer Authority Quincy Wastewater Treatment Plant 7575 Mentzer Gap Rd. Waynesboro, PA 17268	SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-13*

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG130017	Phoenixville Borough 140 Church Street Phoenixville, PA 19320	Chester	Phoenixville	French Creek Schuylkill River

**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.**

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

**Permit No. 0903505**, Public Water Supply.

Applicant **Buckingham Township**  
P. O. Box 413  
Buckingham, PA 18912

Township Buckingham

County **Bucks**

Type of Facility PWS

Consulting Engineer Castle Valley Consultants  
10 South Clinton Street  
Suite 302  
Doylestown, PA 18901

Permit to Construct October 30, 2003  
Issued

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

**Permit No. 4604503**, Public Water Supply.

Applicant **Telford Borough Authority**  
122 Penn Avenue  
Telford, PA 18969

Township West Rockhill

County **Montgomery**

Type of Facility PWS

Consulting Engineer Spotts, Stevens & McCoy, Inc.  
1047 N. Park Road  
Reading, PA 19610

Permit to Construct September 21, 2004  
Issued

**Permit No. 1504507**, Public Water Supply.

Applicant **North Coventry Water Authority**  
P. O. Box 394  
Pottstown, PA 19464

Township North Coventry

County **Chester**

Type of Facility PWS

Consulting Engineer Spotts, Stevens, & McCoy, Inc.  
1047 N. Park Road  
Reading, PA 19610

Permit to Construct September 27, 2004  
Issued

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

**Operations Permit** issued to **Pulsar Petroleum of Reading, Inc.**, P. O. Box 159, Macungie, PA 18064, PWS ID 3390436, Weisenberg Township, **Lehigh County** on September 14, 2004, for the operation of facilities approved under Construction Permit No. 3902503.

**Operations Permit** issued to **Pleasant Valley School District, Polk Elementary School**, Route 209, Brodheadsville, PA 18322, PWS ID 2450378, Polk Township, **Monroe County** on September 16, 2004, for the operation of facilities approved under Construction Permit No. 4504502.

**Operations Permit** issued to **Messinger Enterprises, LLC**, 3260 Melanie Court, Bethlehem, PA 18020, PWS ID 3486530, Palmer Township, **Northampton County** on September 16, 2004, for the operation of facilities approved under Construction Permit No. 4804502.

**Operations Permit** issued to **Stroudsburg Municipal Authority**, 410 Stokes Avenue, East Stroudsburg, PA 18301, PWS ID 2450034, Stroud, Pocono and Paradise Townships, **Monroe County** on September 17, 2004, for the operation of facilities approved under Construction Permit No. 4502501 issued on May 8, 2003.

**Operations Permit** issued to **East Allen Township Municipal Authority**, 5344 Nor-Bath Boulevard, Northampton, PA 18067-9062, PWS ID 3480021, East Allen Township, **Northampton County** on September 20, 2004, for the operation of facilities approved under Construction Permit Minor Amendment.

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

**Permit No. 0703501**, Public Water Supply.

Applicant **Freedom Township Water & Sewer Authority**

Municipality Allegheny, Blair and Freedom Townships

County **Blair**

Type of Facility	New consecutive water system that will receive its source of supply from the Altoona City Authority. The system will serve the customers in Freedom Township, Newry Borough and Blair Township. The system will consist of 14,700 feet of 12-inch waterline and 22,300 feet of 8-inch waterline and fire hydrants. A booster chlorination facility will be at the metering station.	Permit to Construct Issued	September 20, 2004
Consulting Engineer	Steven R. McGraw, P. E. Stiffler, McGraw & Associates Inc. 19 N. Juniata Street P. O. Box 156 Hollidaysburg, PA 16648	Permit No. <b>3604509</b> , Public Water Supply. Applicant Municipality County Type of Facility	<b>Borough of Akron</b> Borough of Akron <b>Lancaster</b> Installation of nitrate treatment to address the nitrate contamination of well no. 8.
Permit to Construct Issued	September 27, 2004	Consulting Engineer	David T. Lewis, P. E. ARRO Consulting Inc. 270 Granite Run Drive Lancaster, PA 17601
Applicant	<b>Oley Township Municipal Authority</b>	Permit to Construct Issued	September 16, 2004
Municipality	Oley Township	<b>Operations Permit</b> issued to <b>Hillandale Gettysburg LP</b> , 7010932, Tyrone Township, <b>Adams County</b> on September 14, 2004, for the operation of facilities approved under Construction Permit No. 0103511.	
County	<b>Berks</b>	<b>Operations Permit</b> issued to <b>PADE—PA Auto Dealers Exchange</b> , 7670315, Conewago Township, <b>York County</b> on September 7, 2004, for the operation of facilities approved under Construction Permit No. 6704506.	
Type of Facility	The project includes construction of a new community water well (well no. 4), well house, disinfection system and transmission mains.	<i>Northcentral Region: Water Supply Management Program Manager; 208 West Third Street, Williamsport, PA 17701.</i>	
Consulting Engineer	Russell M. Smith, P. E. Spotts Stevens and McCoy Inc. 345 North Wyomissing Boulevard Reading, PA 19610-0307	<b>Permit No. Minor Amendment</b> , Public Water Supply. Applicant	<b>Pennsylvania American Water Company</b>
Permit to Construct Issued	September 7, 2004	Township or Borough County Responsible Official	Bradford Township <b>Clearfield</b> William C. Kelvington, Vice President Operations Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Applicant	<b>Lazy K Campgrounds Inc.</b>	Type of Facility	PWS—Operation
Municipality	Colebrookdale and Washington	Permit Issued Date	August 22, 2004
County	<b>Berks</b>	Description of Action	Replacement of the existing Dale Water Booster Station.
Type of Facility	Project is for new Well No. 3 at 21 gpm.	<b>Permit No. Minor Amendment</b> , Public Water Supply. Applicant	<b>Williamsport Municipal Water Authority</b>
Consulting Engineer	Joseph H. Body, P. E. Box 188 Virginville, PA 19564	Township or Borough County Responsible Official	City of Williamsport <b>Lycoming</b> Larue F. VanZile, Director of Engineering Williamsport Municipal Water Authority 253 West Fourth Street Williamsport, PA 17701
Permit to Construct Issued	September 15, 2004	Type of Facility	PWS—Operation.
Applicant	<b>Highland Estates</b>	Permit Issued Date	September 27, 2004
Municipality	Greenwich Township	Description of Action	Sandblasting and painting of the Youngman finished water storage tank.
County	<b>Berks</b>		
Type of Facility	Construct well no. 5 for public water supply to Highland Estates Mobile Home Park.		
Consulting Engineer	Cynthia L. Zawrotuck, P. E. ARRO Consulting Inc. 270 Granite Run Drive Lancaster, PA 17601		

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

Applicant **Aqua PA, Inc.**  
 Township or Borough Coal Township  
 County **Northumberland**  
 Responsible Official Richard T. Subasic, Executive Vice President/General Manager  
 Aqua Pennsylvania, Inc.  
 204 East Sunbury Street  
 Shamokin, PA 17872-4859  
 Type of Facility PWS—Construction.  
 Consulting Engineer Mary Jo Brown  
 Environmental Scientist  
 CET Engineering Services  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 Permit Issued Date September 27, 2004  
 Description of Action Construction of a finished water storage tank at the Coal Township Industrial Park.

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

**Operations Permit issued to Watergait Community Water Association**, 10 Northgait Drive, Slippery Rock, PA 16057, PWS ID 6430078, Liberty Township, **Mercer County**, on September 15, 2004, for the operation of new well and treatment plant, as approved under Construction Permit No. 4302502.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

*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>
Upper Macungie Township	8330 Schantz Road Breinigsville, PA 18031	Lehigh

Plan Description: The approved Plan revision for new land development consists of 138 single-family residential lots and 215 townhouses on a 113-acre tract. A proposed gravity collection system will be installed to connect the development to an existing Upper Macungie Township Authority manhole at the intersection of Hamilton Boulevard and Weilers Road. Lehigh County Authority will convey the sewage to the City of Allentown Wastewater Treatment Facility. Public water will be supplied to the project by Lehigh County Authority. The proposed development is between Mosser Road, Twin Ponds Road and the Route 222 by-pass in Upper Macungie Township, Lehigh County. 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>
Pine Grove Borough, Pine Grove Township and Washington Township	c/o Pine Grove Joint Treatment Authority P. O. Box 426 Pine Grove, PA 17963	Schuylkill

Plan Description: The approved plan provides for relocating the proposed 1.5 MGD wastewater treatment plant to a site on the east side of Interstate 81; reducing the length and diameter of the proposed influent force main; elimination of the borings under Interstate 81; reconfiguration of the low pressure sewer system and modifications to the wastewater treatment plant design. All other aspects of the Act 537 Update Revision approved by the Department on August 9, 2002, including the sewer service area, are unchanged by this Plan Amendment. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Jay Township	81 West Teaberry Street P. O. Box 186 Weedville, PA 15868	Elk

Plan Description: The approved plan provides for the construction of a sanitary sewer collection and conveyance system for the Caledonia and Scattertown areas of Jay Township and the installation of a belt filter press at the existing Weedville wastewater treatment plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

**HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988**

**Proposed Consent Order and Agreement**

**RSR-Jones Chemical Site, City of Erie, Erie County**

Under section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. § 6020.1113), the Department of Environmental Protection (Department) has agreed to a de minimis settlement with the Bessemer & Lake Erie Railroad Company (Bessemer) to resolve Bessemer's liability for the RSR-Jones Chemical Site (Site), City of Erie, Erie County, approximately 6.5 acres in size (42° 06' 28.2" north latitude and 80° 06' 29.0" west longitude on the Erie South topographic quadrangle).

In the past, wastes containing hazardous substances were disposed at the Site and these wastes contaminated the environment at the Site. As owners of a small portion of the Site during the time of the release and threatened release of hazardous substances at the Site, Bessemer is a "responsible person" as defined in section 103 of the HSCA (35 P. S. § 6020.103). Under the terms of the settlement, Bessemer will donate a parcel it owns adjacent to the Site to the current owner of the Site, Erie Warehouse Properties, LLC, for use as part of the response action. This donation will aid in the operation and maintenance of the response implemented at the Site.

The specific terms of this settlement are set forth in the Consent Order and Agreement (Agreement) with Bessemer. The Department will receive and consider comments relating to the Agreement for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the Agreement if the comments concerning the Agreement disclose facts or considerations

that indicate that the Agreement is inappropriate, improper, or not in the public interest.

After the public comment period, the Department's settlement with Bessemer shall be effective upon the date that the Department notifies Bessemer, in writing, that this Agreement is final and effective in its present form and that the Department has filed a response to significant written comments to the Agreement, or that no comments were received.

The Agreement is available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Mark E. Gorman, Program Manager, Department of Environmental Protection, Hazardous Sites Cleanup, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Mark Gorman, (814) 332-6648. TDD users should contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

#### Settlement under the HSCA and CERCLA

The Department, under the authority of the HSCA (35 P. S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675), has entered into a Prospective Purchaser Agreement (PPA) with DCI—Station Square, L. P., DCI—Station Square, LLC, Dewey Commercial Investors, L. P. and the Commonwealth of Pennsylvania, State Employees Retirement System (collectively, Settlers) regarding a property at 1190 Church Road (Site), Montgomery County.

The Site consists of approximately 35 acres with all improvements thereon in Lansdale Borough, Montgomery County, more properly described as Montgomery County Tax Parcel Nos. 56-00-01327-00-3 and 11-00-02048-002-2. The Site was formerly used by Ford Electronics and Refrigeration Company to manufacture radios, clocks, televisions, picture tubes and automobile control devices. Respondents intend to develop the Site for commercial and/or residential purposes and intend to remediate the Site to a residential standard under the Land Recycling and Environmental Remediation Standards Act.

The Site is also within the boundaries of the North Penn Area 7 NPL Site under CERCLA. Under the authority of CERCLA and the HSCA, the EPA and the Department are conducting and will conduct various response actions to address the release or threatened release of hazardous substances or contaminants at the North Penn Area 7 NPL Site. Other than potential liability associated with the purchase of the Site, Settlers have asserted, and the Department has no information to indicate otherwise, that they neither caused, contributed to, nor are otherwise liable for any contamination either at the Site or at the North Penn Area 7 NPL Site. Settlers have agreed to resolve their potential liability to the United States with regard to the North Penn Area 7 NPL Site in an Agreement with the EPA docketed at CERC-PPA-2001-0003. Under the terms of the PPA with the Department, Settlers will contribute \$2,000 towards response costs incurred and to be incurred by the Department associated with the Site and will agree not to exacerbate any existing contamination at the Site in exchange for a covenant not to sue and contribution protection from the Commonwealth.

This notice is provided under section 1113 of the HSCA. The PPA may be examined from 8 a.m. to 4 p.m. at the Department's offices at 2 East Main Street, Norristown, PA 19401 by contacting either George Horvat at (484)

250-5717 or Anderson Lee Hartzell at (484) 250-5866. A public comment period on the PPA will extend for a period of 60 days from the date of publication of this notice. Interested persons may submit written comments regarding the PPA to the Department by submitting them to George Horvat at the previous address.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Nozensky Junkyard**, Kenneth Square Borough and Kenneth Township, **Chester County**. Matthew J. Gordon, Walter B. Satterthwaite Assoc., Inc., 720 Old Fern Hill Rd., West Chester, PA 19380 has submitted a Work Plan for RI concerning remediation of site soil and groundwater contaminated with drums, tires scrap metal and phenolic circuits boards. The report is intended to document remediation of the site to meet the Special Industrial Area Standard.

**Brittany Square**, New Britain Township, **Bucks County**. Christopher Orzechowski, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406 has submitted a Remedial Investigation and Cleanup Plan Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Blosinenski Farm**, East Brandywine Township, **Chester County**. Michael S. Welsh, P.E. on behalf of Andrew Ruskay and Anthony Wilson, ACR Machine, Inc., 21 North 10th Street, Coatesville, PA 19320 has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with glass, metal and ash. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Bryn Mawr Rehabilitation**, Willistown Township, **Chester County**. Robert A. White and Paul Gruntmyer, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468 on behalf of Bryn Mawr Hospital, 414 Paoli Pike, Malvern, PA has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the 90-Day Cleanup Standard.

**131 Rockhill Rd. Prop.**, Lower Merion Township, **Montgomery County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LL, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Richard Heany, OPG Residential Holdings, LP, 700 S. Henderson Rd., Suite 225, King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline, diesel fuel and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**PECO Oreland MGP**, Springfield Township, **Montgomery County**. Allan Fernandes, P. G., Environmental Affairs Dept., PECO Energy Co., 2301 Market St., S21-2, P. O. Box 8699, Philadelphia, PA 19101-8699 on behalf of has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**PECO Ardmore Service Bldg.**, Lower Merion Township, **Montgomery County**. Ethan Myer and Bruce Middleman, P. G., Jacques Whitford Co., Inc., 450 S. Gravers Rd., Suite 105, Plymouth Meeting, PA 19462 on behalf of PECO Energy Co., Real Estate & Facilities Division, 2301 Market St., N3-3, Philadelphia, PA has submitted a Remedial Investigation and Final Report concerning remediation of site soil contaminated with diesel fuel, leaded gasoline, MTBE and unleaded gasoline; and site groundwater contaminated with chlorinated solvents, diesel fuel, leaded gasoline, MTBE and unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Swede Square Shopping Center**, East Norriton Township, **Montgomery County**. James M. Connor, URS Corp., 2325 Maryland Rd., Willow Grove, PA 19090 on behalf of Skip Genuardi, Genuardi's Market, LP, 470 Norristown Rd., Suite 300, Blue Bell, PA 19422 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvent and other organics; and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Atlantic Metals Corp. Prop.**, City of Philadelphia, **Philadelphia County**. Donald A. Coleman, Penn E & R, 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Jim Thackray, Thackray Crane Rental, Inc., 2071 Byberry Dr., Philadelphia, PA 19116 has submitted a Work Plan for RI concerning remediation of site soil and groundwater contaminated with nos. 4 and 5 fuel oil and leaded gasoline. The report is intended to document remediation of the site to meet the Special Industrial Area Standard.

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

**Dura-Bond Pipe, LLC, formerly Bethlehem Steel Corporation**, Steelton Borough, **Dauphin County**. Alliance Environmental Services, Inc., 1414 North Cameron Street, Suite B, Harrisburg, PA 17130, on behalf of Capital Region Economic Development Corporation, 3211 North Front Street, Harrisburg, PA 17110 and Dura-Bond Pipe, LLC, 2716 South Front Street, Steelton, PA 17113, submitted a Baseline Environmental Report concerning remediation of site soils and groundwater contaminated with lead and arsenic, metals, VOCs and SVOCs. The site is being remediated as a Special Industrial Area.

**Dana Structural Solutions International Division**, Reading City, **Berks County**. MACTEC Engineering and Consulting, Inc., 5205 Militia Hill Road, Plymouth Meeting, PA 19462, on behalf of Dana Structural Solutions International-Division, Robeson and Weiser Streets, Reading, PA 19612-3459, submitted a Final Report concerning remediation of site soils and groundwater contaminated with PCBs, lead, heavy metals, BTEX, PHCs, PAHs and solvents. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

**Former Myers and List Site**, Wrightsville Borough, **York County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Glenn Myers, P. O. Box 303, Wrightsville, PA 17368, submitted a Final Report concerning remediation of site soils and groundwater contaminated with leaded gasoline, unleaded gasoline and MTBE. The report is intended to document remediation of the site to a combination of the Statewide Health and Site-Specific Standards.

**Former Ace Rentals Facility**, City of Lancaster, **Lancaster County**. Synergy Environmental Inc., 607 Washington Street, Reading, PA 19601, on behalf of Ace Rents, Inc., 1103 Ranck Mill Road, Lancaster, PA 17602 and the Redevelopment Authority of the County of Lancaster, 150 North Queen Street, Lancaster, PA 17603, submitted a Final Report concerning remediation of site soils contaminated with petroleum products. The report was submitted within 90 days of the release and is intended to document remediation of the site to the Statewide Health Standard.

**Lancaster Multi-Purpose Stadium**, City of Lancaster, **Lancaster County**. Synergy Environmental Inc., Center City Executive Centre, 607 Washington Street, Reading, PA 19601, on behalf of Redevelopment Authority of the County of Lancaster, 150 N. Queen Street, Suite 110, Lancaster, PA 17603-3562, submitted a Baseline Environmental Report concerning remediation of site soils and groundwater contaminated with VOCs, SVOCs, PCBs, heavy metals and petroleum products. The site is being remediated as a special industrial area.

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

**Koppers Wood Treating Facility (Former)**, Dunbar Township, **Fayette County**. Jeffrey R. Hale, P. G., Key Environmental, Inc., 1200 Arch Street, Suite 200, Carnegie, PA 15106 (on behalf of Kurt Paschl, Beazer East, Inc., c/o Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219) has submitted a Remedial Investigation Report and Risk Assessment Report concerning remediation of site soil and groundwater contaminated with inorganics, other organics and PAHs. The reports are intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

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

**Debbie Shaulis Heating Oil Spill Cleanup**, Lackawannock Township, **Mercer County**. Scott Whipkey, RAR Engineering Group, 1135 Butler Ave., New Castle, PA 16101 (on behalf of Mike Lowery, Owner, 1145 Bend Rd., Mercer, PA 16137) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, 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 contamina-

tion, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**Wright Prop.**, East Marlborough Township, **Chester County**. James H. Mulry, P. G. and Martin Liebhardt, Mulry and Cresswell Env., Inc., 1691 Horseshoe Pike, Manor Prof. Bldg., Suite 3, Glenmoore, PA 19343 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 3, 2004.

**Atlantic Metals Corp. Prop.**, City of Philadelphia, **Philadelphia County**. Donald A. Coleman, Penn E & R, 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Jim Thackray, Thackray Crane Rental, Inc., 2071 Byberry Dr., Philadelphia, PA 19116 has submitted a Work Plan concerning the remediation of site soil and groundwater contaminated with nos. 4 and 5 fuel oil and leaded gasoline. The Work Plan was approved by the Department on September 23, 2004.

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

**Dura-Bond Pipe, LLC, formerly Bethlehem Steel Corporation**, Steelton Borough, **Dauphin County**. Alliance Environmental Services, Inc., 1414 North Cameron Street, Suite B, Harrisburg, PA 17130, on behalf of Capital Region Economic Development Corporation, 3211 North Front Street, Harrisburg, PA 17110 and Dura-Bond Pipe, LLC, 2716 South Front Street, Steelton, PA 17113, submitted a Work Plan concerning remediation of site soils and groundwater contaminated with lead and arsenic, metals, VOCs and SVOCs. The site is being remediated as a Special Industrial Area. The Work Plan was approved by the Department on August 11, 2004.

**Hanover Shoe Farms**, Union Township, **Adams County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Hanover Shoe Farms, Inc., P. O. Box 339, Hanover, PA 17331-0339, submitted a Final Report concerning remediation of site soils contaminated with fuel oil no. 2. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 31, 2004.

**Lancaster Laboratories, Inc.**, Upper Leacock Township, **Lancaster County**. ARM Group, Inc., P. O. Box 797, Hershey, PA 17033-0797, on behalf of Lancaster Laboratories, Inc., 2425 New Holland Pike, P. O. Box 12425, Lancaster, PA 17605-2425, submitted a Final Report concerning remediation of site soils and groundwa-

ter contaminated with VOCs, SVOCs, PCBs, pesticides and metals. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 7, 2004.

**FCI USA, Inc., Hanover**, Penn Township, **York County**. HRP Associates, Inc., 4811 Jonestown Road, Suite 235, Harrisburg, PA 17109, on behalf of FCI USA, Inc., 825 Old Trail Road, Etters, PA 17319, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with VOCs. The applicant is seeking to attain a combination of the Statewide Health and Site-Specific Standards. The report was approved by the Department on September 9, 2004.

**Precision Offset Printing Company**, Centre Township, **Berks County**. UAI Environmental, Inc., 607 Commerce Drive, Reading, PA 19607, on behalf of Precision Offset Printing Company, P. O. Box 675, Leesport, PA 19533, submitted a Final Report concerning remediation of site groundwater contaminated with leaded and unleaded gasoline. The report is intended to document remediation of the site to the Statewide Health Standard. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 14, 2004.

**Former Dauphin Dental Laboratories**, Middle Paxton Township, **Dauphin County**. BL Companies, Inc., 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Patricia Bracale, 1240 Mountain Road, Dauphin, PA 17018, submitted a combined Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with leaded gas, unleaded gas and MTBE. The combined report demonstrated attainment of a combination of the Statewide Health and Site-Specific Standards and was approved by the Department on September 14, 2004.

**V & S Sandwiches**, Wyomissing Borough, **Berks County**. Alternative Environmental Solutions, 930 Pointview Avenue, Suite B, Ephrata, PA 17522, on behalf of David Mogel, 11 State Hill Road, Wyomissing, PA 19610, submitted a combined Remedial Investigation/Final Report concerning remediation of site soils and groundwater contaminated with leaded gasoline. The combined report demonstrated attainment of the Site-Specific Standard and was approved by the Department on September 16, 2004.

**Linden Hall School for Girls**, Borough of Lititz, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Linden Hall School for Girls, 212 East Main Street, Lititz, PA 17543, submitted a Final Report concerning remediation of site soils and groundwater contaminated with no. 2 fuel oil. The final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 21, 2004.

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

**American Electric Facility (Former)**, City of Pittsburgh, **Allegheny County**. Ruth C. Mannebach, NPN Environmental, 1631 Headland Drive, St. Louis, MO 63026 (on behalf of Om Chopra, Thomas & Betts, 8155 T & B Blvd., 4B-35, Memphis, TN 38125) has submitted a Final Report concerning remediation of site soil contaminated with PAHs and lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 21, 2004.

## HAZARDOUS WASTE TRANSPORTER LICENSE

### Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Hazardous Waste Transporter License Renewed*

**Vickery Transportation, Inc.**, 18375 E. 345 Street, Grammer, IN 47236. License No. PA-AH0698. Effective September 27, 2004.

**Ameritech Environmental Services, Inc.**, P. O. Box 539, Eliot, ME 03903. License No. PA-AH0677. Effective September 22, 2004.

**Chemical Solvents, Inc.**, 3751 Jennings Road, Cleveland, OH 44109. License No. PA-AH0049. Effective September 10, 2004.

**Eldredge, Inc.**, 898 Fern Hill Road, West Chester, PA 19380. License No. PA-AH0056. Effective September 7, 2004.

## INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

### Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act, the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1–6019.6) and regulations to transport infectious and chemotherapeutic waste.

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**The Pennsylvania State University**, 6 Eisenhower Parking Deck, University Park, PA 16802-2116. License No. PA-HC0153. Effective September 24, 2004.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

### Permits Issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101–4000.1904) and regulations to operate solid waste processing or disposal area or site.

**Permit No. 101224. Waste Mgmt. of Delaware Valley South**, 408 S. Oak Ave., P. O. Box 427, Primos, PA 19108, Upper Darby Township, **Delaware County**. This permit renewal is being issued to Waste Management of Delaware Valley South for the continued operation of its municipal waste transfer facility. The permit was issued by the Southeast Regional Office on September 21, 2004.

**Permit No. 101069. Southeastern Chester County Refuse Authority**, 261 W. Street Rd., Kennett Square, PA 19348-1615, London Grove Township, **Chester County**. This amended waste management permit is for implementation of a radiation protection action plan, meteorological monitoring plan, sewage sludge acceptance procedures and the determination of a new trust corpus amount. The permit was issued by the Southeast Regional Office on September 22, 2004.



**Permit No. 400658. Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915-9766, Hatfield Township, **Montgomery County**. This amended waste management permit is to modify the Radiation Protection Action Plan for the previous facility. The permit was issued by the Southeast Regional Office on September 22, 2004.

**Permit Modification under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate solid waste processing or disposal area or site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 100934, Blue Ridge Landfill**, Greene Township, **Franklin County**. The permit modification issued August 31, 2004, is for an increase in Average and Maximum Daily Volume. Compliance with the terms and conditions set forth in the permit is mandatory. Individuals have the right to file an appeal as to these terms and conditions.

Persons interested in reviewing the modification permit should contact John Krueger, Program Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**46-302-228GP: Naval Air Station—Joint Reserve Base** (Code 89, Environmental Division, Building 78, Willow Grove, PA 19090) on September 23, 2004, to operate a low NOx burner in Horsham Township, **Montgomery County**.

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

**GP3-11-07-03014: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on September 24, 2004, for portable nonmetallic mineral processing plants under GP3 in Taylor Township, **Blair County**.

**Plan Approvals Issued under the Air Pollution Control Act 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.*

**09-0035C: EnPro Industries, Inc.** (23 Friends Lane, Newtown, PA 18940) on September 23, 2004, to operate an ammonia etching process in Newtown Township, **Bucks County**.

**23-0001W: Sunoco Inc.—R and M** (100 Green Street, Marcus Hook, PA 19061) on September 24, 2004, to operate a desulphurize gasoline (tier II) in Marcus Hook Borough, **Delaware County**.

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

**48-309-123: Hercules Cement Co.** (501 Center Street, Stockertown, PA 18083) on September 20, 2004, to reactivate the no. 1 stock-house railcar load-out system and associated air cleaning device at their facility in Stockertown Borough, **Northampton County**.

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

**22-05034B: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105) on September 23, 2004, to construct a pulverized mineral processing operation, Hummelstown Quarry in South Hanover Township, **Dauphin County**.

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

**26-00554A: Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) on September 15, 2004, to construct a coal preparation plant at Pletcher Surface Mine in Saltlick Township, **Fayette County**.

**32-00206B: AMFIRE Mining Co. LLC** (One Energy Place, Latrobe, PA 15650) on September 20, 2004, to increase throughput at Clymer Tipple Mine in Cherryhill Township **Indiana County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**09-0157: Barrett Asphalt, Inc.** (7503 Weymouth Road, Hammonton, NJ 08037) on September 22, 2004, to operate a bituminous concrete drum-mix plant in Falls Township, **Bucks County**.

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

**55-399-005: Professional Building Systems, Inc.** (72 East Market Street, Middleburg, PA 17842) on September 24, 2004, to operate a modular home manufacturing facility on a temporary basis until January 22, 2005, in Middleburg Borough, **Snyder County**. The plan approval has been extended.

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

**43-290B: Winner Steel, Inc.** (277 Sharpsville Avenue, Sharon, PA 16146) on September 19, 2004, to install a new no. 3 continuous steel strip galvanizing line furnace in the City of Sharon, **Mercer County**. This is a State-only facility.

**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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

**23-00017: Exelon Generation Co.** (No. 1 Industrial Highway, Philadelphia, PA 19101) on September 21, 2004, to amend the operation of a facility Title V Operating Permit in Eddystone Borough, **Delaware County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**06-05063: Boyertown Foundry Co.** (P. O. Box 443, New Berlinville, PA 19545) on September 21, 2004, to renew operation of their gray iron foundry in the Borough of Boyertown and Colebrookdale Township, **Berks County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

**06-03010: Brenntag Northeast, Inc.** (P. O. Box 13788, Reading, PA 19612-3788) on September 21, 2004, to operate their Reading (Huller Lane) chemical distribution facility in Ontelaunee Township, **Berks County**.

**06-03090: Western Berks Refuse Authority** (455 Poplar Neck Road, Birdsboro, PA 19508) on September 17, 2004, to operate a municipal solid waste landfill controlled by an enclosed ground flare in Cumru Township, **Berks County**.

**31-05018: Texas Eastern Transmission, LP** (P. O. Box 1642, Houston, TX 77251-1642) on September 21, 2004, for a State-only Operating Permit to operate a natural gas compressor station at their Entriken Compressor Station in Todd Township, **Huntingdon County**.

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

**08-00023: Faithful Companions Pet Cemetery** (R. D. 2, Box 210, Ulster, PA 18850) on September 14, 2004, issued State-only Operating Permit for their pet cremation facility in Smithfield Township, **Bradford County**. The facility's main sources include two natural gas fired animal crematory incinerators. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**14-00009: Mount Nittany Medical Center** (1800 East Park Avenue, State College, PA 16803) on August 10, 2004, issued State-only Operating Permit for their general medical and surgical hospital facility in College Township, **Centre County**. The facility's main sources include three natural gas/no. 2 fuel oil fired boilers, one natural gas fired boiler, two natural gas fired emergency generators and six no. 2 fuel oil fired emergency generators. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**08-00008: Guthrie Robert Packer Hospital** (One Guthrie Square, Sayre, PA 18840 on August 20, 2004, issued State-only (Synthetic Minor) Operating Permit for their general medical and surgical hospital facility in Sayre Borough, **Bradford County**. The facility's main sources include three natural gas/no. 2 fuel oil fired

boilers and four diesel fired emergency generators. The State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**63-00147: International Paper, Inc.—84 North/84 South Facilities** (72 Wilson Road, Eighty Four, PA 15301) on September 22, 2004, to operate corrugated box manufacturing processes at the 84 North and 84 South facilities respectively in North Strabane Township, **Washington County**.

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

**10-00220: ESM Manufacturing LP** (955 Saxonburg Blvd., Saxonburg, PA 16056) on September 23, 2004, for a Natural Minor Operating Permit for emissions from their nonmetallic mineral processing facility in Adams Township, **Butler County**.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**36-05005: Viking Cabinetry Group, LLC** (215 Diller Avenue, New Holland, PA 17557) on September 23, 2004, to install four paint booths at their facility in New Holland Borough, **Lancaster County**. This Title V Operating Permit was administratively amended to reflect a change of ownership from Heritage Custom Kitchens, Inc. This is Revision No. 1.

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

**59-00010: Eagle Family Foods, Inc.** (125 East Avenue, Wellsboro, PA 16901) on September 23, 2004, to authorize the use of natural gas in a no. 2 fuel oil-fired boiler via minor operating permit modification in Wellsboro Borough, **Tioga County**.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**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).**

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*Coal Permits Actions*

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**02030101 and NPDES Permit No. PA0250414. Teodori Enterprises** (P. O. Box 616, Lawrence, PA 15055). Permit issued for commencement, operation and reclamation of a bituminous surface mining site in North Fayette Township, **Allegheny County**, affecting 155.4 acres. Receiving streams: unnamed tributaries to North Branch and North Branch of Robinson Run. Application received May 5, 2003. Permit issued September 24, 2004.

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

**24890101 and NPDES Permit No. PA0105082. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous strip, tippel refuse disposal and coal ash placement operation in Fox and Horton Townships, **Elk County** affecting 377.0 acres. This renewal is issued for reclamation only. Receiving streams: Boderocco Run, Brandy Camp Creek and unnamed tributary to Little Toby Creek. Application received March 22, 2004. Permit issued September 16, 2004.

**33733009 and NPDES Permit No. PA0602779. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous strip and auger operation in Gaskill Township, **Jefferson County** affecting 336.2 acres. This renewal is issued for reclamation only. Receiving streams: Stoney Run and unnamed tributaries to Clover Run. Application received July 19, 2004. Permit issued September 15, 2004.

**16940103 and NPDES Permit No. PA0211974. RFI Energy, Inc.** (555 Philadelphia Street, Indiana, PA 15701). Renewal of an existing bituminous strip, tippel refuse disposal and coal ash placement operation in Perry Township, **Clarion County** affecting 764.0 acres. This renewal is issued for reclamation only. Receiving streams: unnamed tributary to the Allegheny River, unnamed tributary to the Clarion River. Application received June 17, 2004. Permit issued September 15, 2004.

**33040102 and NPDES Permit No. PA0242519. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801). Commencement, operation and restoration of a bituminous strip operation in Union Township, **Jefferson County** affecting 30.5 acres. Receiving streams: unnamed tributary to Little Mill Creek. Application received March 29, 2004. Permit issued September 17, 2004.

**33030109 and NPDES Permit No. PA0242446. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242). Commencement, operation and restoration of a bituminous strip operation in Winslow Township and Reynoldsville Borough, **Jefferson County** affecting 34.0 acres. Receiving streams: unnamed tributary to Soldier Run. Application received August 13, 2003. Permit issued September 21, 2004.

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

**11841603. NPDES Permit No. PA0235377, Cooney Bros. Coal Company** (Box 246, Cresson, PA 16630), to renew the permit for the Sonman Preparation Plant in Portage Township, **Cambria County** and related NPDES permit. No additional discharges. Permit issued September 21, 2004.

**56743704. NPDES Permit No. PA0214931, Robindale Energy Service, Inc.** (1001 Broad Street,

Suite 130, Johnstown, PA 15906), to transfer the permit for the Penn Pocahontas Coal Refuse Site in Brothersvalley Township, **Somerset County** from Penn Pocahontas Coal Company. No additional discharges. Permit issued September 23, 2004.

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

**32040102 and NPDES Permit No. PA0249491. Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701, commencement, operation and restoration of a bituminous surface mine in Center Township, **Indiana County**, affecting 201.2 acres. Receiving streams: Yellow Creek, Two Lick Creek, Blacklick Creek, Conemaugh River and Tearing Run (CWF). There are no potable water supply intakes within 10 miles downstream. Application received March 26, 2004. Permit issued September 21, 2004.

*Noncoal Permits Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**64040801. John Petroski** (R. R. 1 Box 100, Pleasant Mount, PA 18453), commencement, operation and restoration of a quarry operation Starrucca Borough, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received April 30, 2004. Permit issued September 22, 2004.

**58040835. Meshoppen Stone, Inc.** (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received June 11, 2004. Permit issued September 22, 2004.

**58040836. Brent L. Salsman** (R. R. 3 Box 35, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received June 14, 2004. Permit issued September 22, 2004.

**19040801. Rueben Albertson** (70 Albertson Road, R. R. 2 Box 223T, Orangeville, PA 17859), commencement, operation and restoration of a quarry operation in Fishing Creek Township, **Columbia County** affecting 5.0 acres, receiving stream: none. Application received June 18, 2004. Permit issued September 22, 2004.

**58040847. Theodore R. Walworth** (P. O. Box 14, Hallstead, PA 18822), commencement, operation and restoration of a quarry operation in Gibson Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received August 4, 2004. Permit issued September 22, 2004.

**45040801. Bruce N. George** (R. R. 1 Box 331, Kunkletown, PA 18058), commencement, operation and restoration of a quarry operation in Eldred Township, **Monroe County** affecting 5.0 acres, receiving stream: none. Application received April 27, 2004. Permit issued September 23, 2004.

**49040801. K & T Excavating, Inc.** (1041 Strawbridge Road, Northumberland, PA 17857), commencement, operation and restoration of a quarry operation in Point Township, **Northumberland County** affecting 5.0 acres, receiving stream: none. Application received June 2, 2004. Permit issued September 23, 2004.

**52042802. Springbrook Enterprises, Inc.** (HC 8 Box 8210, Hawley, PA 18428), commencement, operation and restoration of a quarry operation in Blooming Grove

Township, **Pike County** affecting 5.0 acres, receiving stream: none. Application received June 14, 2004. Permit issued September 23, 2004.

**58040846. Robert J. Johnson, Jr.** (11 Second Street, Laceyville, PA 18623), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received August 4, 2004. Permit issued September 23, 2004.

**5677SM1C6 and NPDES Permit No. PA0223263. Watsontown Brick Company** (P. O. Box 68, Watsontown, PA 17777), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Delaware Township, **Northumberland County**, receiving stream: West Branch Susquehanna River. Application received August 9, 2004. Renewal issued September 24, 2004.

**58040839. Robert A. Stankiewicz** (R. R. 2, Box 147, Kingsley, PA 18826), commencement, operation and restoration of a bluestone quarry operation in Bridgewater Township, **Susquehanna County** affecting 4.0 acres. Receiving stream: tributary to Hop Bottom Creek. Application received June 28, 2004. Permit issued September 24, 2004.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**37940302. G. L. McKnight, Inc.** (P. O. Box 773, Slippery Rock, PA 16057). Renewal of NPDES Permit No. PA0212041 in Scott and Plain Grove Townships, **Lawrence County**. Receiving streams: unnamed tributary to Slippery Rock Creek. Application received July 19, 2004. Permit issued September 15, 2004.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P. S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**45044034. Rick Rufe Drilling & Blasting** (R. R. 6 Box 63608, Saylorburg, PA 18353) and **Austin Powder Company** (P. O. Box 289, Northampton, PA 18067), construction blasting at Lot 13 Kettle Ridge in Hamilton Township, **Monroe County** with an expiration date of October 13, 2005. Permit issued September 21, 2004.

**09044028. Allan A. Myers, L. P.** (P. O. Box 98, Worcester, PA 19490), construction blasting at Deer Valley Housing Development in Warrington Township, **Bucks County** with an expiration date of October 14, 2005. Permit issued September 21, 2004.

**15044038. Allan A. Myers, L. P.** (P. O. Box 98, Worcester, PA 19490), construction blasting at Fieldbrook Housing Development in East Whiteland Township, **Chester County** with an expiration date of October 14, 2005. Permit issued September 21, 2004.

**15044039. Schlouch, Inc.** (Excelsior Industrial Park, P. O. Box 69, Blandon, PA 19510), construction blasting at Cedar Mill Crossing Housing in North Coventry Township, **Chester County** with an expiration date of October 14, 2005. Permit issued September 21, 2004.

**22044101. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting at Clover Hill Industrial Park in West Hanover Township, **Dauphin County** with an expiration date of September 30, 2005. Permit issued September 21, 2004.

**36044106. Keystone Blasting Services** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Lansdale Development in Manheim Township, **Lancaster County** with an expiration date of September 30, 2005. Permit issued September 21, 2004.

**36044107. Gerlach's Drilling & Blasting** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting on Brubaker Farm in East Donegal Township, **Lancaster County** with an expiration date of September 30, 2005. Permit issued September 21, 2004.

**36044108. Gerlach's Drilling & Blasting** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting on Keller Tract—Rasberry Hills Commons in Lititz Borough and Warwick Township, **Lancaster County** with an expiration date of September 30, 2005. Permit issued September 21, 2004.

**48044032. Allan A. Myers, L. P.** (P. O. Box 98, Worcester, PA 19490), construction blasting at Hanover Corporate Center in Hanover Township, **Northampton County** with an expiration date of October 16, 2005. Permit issued September 22, 2004.

**48044031. Eastern Blasting Company, Inc.** (1292 Street Road, New Hope, PA 18938), construction blasting at Hanover Crossing North in Hanover Township, **Northampton County** with an expiration date of October 20, 2005. Permit issued September 22, 2004.

**48044033. Eastern Blasting Company, Inc.** (1292 Street Road, New Hope, PA 18938), construction blasting at Hanover Corporate Center in Hanover Township, **Northampton County** with an expiration date of October 20, 2005. Permit issued September 22, 2004.

**67044045. Brubacher Excavating, Inc.** (P. O. Box 528, 825 Reading Road, Bowmansville, PA 17507), construction blasting at Highland Development in Springettsbury Township, **York County** with an expiration date of September 30, 2005. Permit issued September 22, 2004.

**21044069. Anrich, Inc.** (1271 South Gulph Road, Wayne, PA 19087) and **DC Guelich Explosives Co., Inc.** (P. O. Box 245, Thomasville, PA 17364), construction blasting at South Middleton Township Municipal Authority Sewer Project in South Middleton Township, **Cumberland County** with an expiration date of September 30, 2005. Permit issued September 22, 2004.

**67044046. ABEL Construction Co., Inc.** (3925 Columbia Avenue, Mountville, PA 17554), construction blasting at Buttonwood Farms Phases 4 and 5 in Hallam Borough, **York County** with an expiration date of September 30, 2005. Permit issued September 22, 2004.

**15044040. Explo-Craft, Inc.** (P. O. Box 1332, West Chester, PA 19380), construction blasting at Park Family Property/Comcast Building in West Whiteland Township, **Chester County** with an expiration date of October 20, 2005. Permit issued September 22, 2004.

**67044103. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013), construction blasting Pleasant View in Fairview Township, **York County** with an expiration date of September 30, 2005. Permit issued September 22, 2004.

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

**14044023. Stone Valley Construction** (P. O. Box 369, Pine Grove Mills, PA 16868), for construction blasting in Ferguson Township, **Centre County**, with an expected duration of 102 days. Permit issued September 17, 2004.

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

**02044006. BFI Waste Systems of North America, Inc.** (P. O. Box 47, Imperial, PA 15126), for construction blasting at the Imperial Landfill in Findlay Township, **Allegheny County** with an expected duration of 185 days. Permit issued September 20, 2004.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-951. Congregation Beth Or**, 700 Penllyn Blue Bell Pike, Spring House, PA 19477, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the Congregation Beth Or Synagogue Facility in the vicinity of an unnamed tributary to the Park Creek (WWF-MF) and adjacent wetlands:

1. To relocate 317 linear feet of stream channel along an unnamed tributary of Park Creek starting at endwall 4 and terminating at the proposed modified reservoir.

2. To construct and maintain 119 linear feet of stream enclosure along the relocated channel reach as noted in Item 1. The enclosure consists of 19 linear feet of 24-inch RCP, 27 linear feet of 36-inch RCP, 66 linear feet of 48-inch RCP, associated fill, manholes, endwalls, riprap protection and stormwater outfall structures to accommodate a new access road from Butler Pike. Also associated with this activity is a proposed 8-inch water line.

3. To install and maintain a 1 1/2-inch sanitary sewer force main across a portion of the relocated channel noted in Item 1.

4. To place fill within the abandoned stream channel and 0.11 acre of adjacent wetlands.

5. To modify a reservoir impounded by a nonjurisdictional dam to facilitate the widening of the Welsh Road and Butler Pike intersection. Reservoir modification will include shifting the reservoir to the east, dredging to remove accumulated sediment and the construction of a forebay and footbridge. Work also includes regrading of the shoreline slopes of the reservoir to establish a wetland replacement area.

The issuance of this permit constitutes approval of an Environmental Assessment for impacts associated with the removal and reconstruction of an on-stream nonjurisdictional dam and appurtenant outlet works which will extend under Welsh Road. The site is approximately 400 feet northwest of the intersection of Butler Pike and Welsh Road (Ambler, PA USGS Quadrangle N: 10.70 inches; W: 9.10 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act.

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

**E02-1147-A1. Allegheny County Department of Public Works**, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2904. Cochran Mills Road stream bank stabilization and outfall in Jefferson Hills Borough, **Allegheny County**, Pittsburgh ACOE District (Glassport, PA Quadrangle N: 9.9 inches; W: 13.9 inches) (Latitude: 40° 18' 29" and 79° 58' 29"). To amend Permit E02-1147 which authorized the construction and maintenance of a 140-foot long soldier beam and lagging wall and to replace an existing 24-inch CMP outfall pipe with a new 24-inch CMP outfall pipe along the left bank of Lick Run (TSF) for the purpose of improving the slope stability of Cochran Mill Road. The project is along the west side of Cochran Mills Road approximately 100 feet south of its intersection with McElhaney Road in Jef-

ferson Hills Borough, Allegheny County. This amendment will authorize the removal of existing structures, the construction and maintenance of various outfalls to Lick Run (TSF) and the construction and maintenance of an approximately 295-foot long soldier beam and lagging wall the R7 riprap along the face along the left bank of the same stream for the purpose of improving the slope stability of Cochran Mills Road. The project is along the west side of Cochran Mills Road approximately 1,500 feet south of its intersection with McElhanev Road.

**E02-1440. M. R. W. Realty, LLC**, 11040 Perry Highway, Wexford, PA 15090. Relocate an unnamed tributary to North Fork Pine Creek in Pine Township, **Allegheny County**, Pittsburgh ACOE District (Mars, PA Quadrangle N: 2.1 inches; W: 8.3 inches and Latitude: 40° 38' 00" and Longitude: 80° 03' 30"). To place and maintain fill in 0.21 acre of wetlands (PEM/PSS) and to relocate and maintain 425.0 linear feet of an unnamed tributary to North Fork Pine Creek (CWF) for the purpose of constructing the proposed Best Tile Distributors Development. The project is on the east side of Schwinderman Road, approximately 1,000 feet north from the intersection of Wallace Drive and Schwinderman Road and will impact 0.21 acre of wetlands (PEM/PSS) and 425.0 linear feet of stream channel. To compensate for the wetland impacts, the applicant proposes to construct 0.23 acre of replacement wetlands.

**E02-1474. Duquesne Light Company**, 1800 Seymour Street, 2nd Floor, Pittsburgh, PA 15233. Construct an outfall on Chartiers Creek in Collier Township, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh West, PA Quadrangle N: 1.7 inches; W: 13.0 inches and Latitude: 40° 23' 03" and Longitude: 80° 05' 36"). To construct and maintain an 18-inch diameter outfall structure on the left bank of Chariters Creek (WWF) for the purpose of constructing a parking lot at the Duquesne Light Woodville Substation site. The project is on the east side of SR 50 (Washington Pike) approximately 400 feet north from its intersection with Pittsburgh and Washington Pike Road and will impact approximately 5.0 feet of stream channel.

**E03-419. Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 26301. To repair pipeline LN-19 in Boggs, Burrell, Kiskiminetas, Kittanning, Mahoning, Plumcreek, Redbank, South Bend, Valley and Wayne Townships, **Armstrong County**, Pittsburgh ACOE District. The project starts south of the Westmoreland/Armstrong County line (Vandergrift, PA Quadrangle N: 8.75 inches; W: 4.6 inches and Latitude: 40° 32' 53" and Longitude: 79° 31' 59") and ends south of Armstrong/Clarion County line (New Bethlehem, PA Quadrangle N: 2.15 inches; W: 6.95 inches and Latitude: 41° 00' 43" and Longitude: 79° 18' 01"). To repair, operate and maintain an existing 21.0-mile, 20-inch diameter gas pipeline (LN-19) across three tributaries to Roaring Run (CWF), Crooked Creek (WWF), three tributaries to Crooked Creek (WWF), Long Run (WWF), a tributary to Long Run (WWF), Cherry Run (CWF), two tributaries to Cherry Run (CWF), Spra Run (WWF), Cowanshannock Creek (TSF), three tributaries to Cowanshannock Creek (WWF), South Fork Pine Creek (WWF), two tributaries to South Fork Pine Creek (WWF), North Fork Pine Creek (WWF), Scrubgrass Creek (CWF), three tributaries to Scrubgrass Creek (CWF), five tributaries to Mahoning Creek (CWF) and a tributary to Redbank Creek (CWF).

**E32-463. Department of Transportation**, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701. Dual pipes in the Conemaugh River in West Wheatfield Town-

ship, **Indiana County**, Pittsburgh ACOE District (Rachelwood, PA Quadrangle N: 22.6 inches; W: 17.2 inches and Latitude: 40° 22' 28" and Longitude: 79° 7' 25"). To remove the existing structures and: (1) to construct and maintain dual 48-inch diameter, 40-foot long RCC pipes (6-inch depressed invert) in an unnamed tributary to the Conemaugh River (CWF); and (2) to construct and maintain an R-7 rock-lines channel for a distance of 20 feet at the outlet end of the dual pipes on SR 2008, Segment 70 offset 3535. The project proposes to directly affect 60 linear feet of perennial stream. No vegetated wetlands will be impacted.

**E65-851. Department of Transportation, Engineering District 12-0**, P. O. Box 459, Uniontown, PA 15401. Box culvert in Upper Burrell Township, **Westmoreland County**, Pittsburgh ACOE District (New Kensington East, PA Quadrangle N: 2.85 inches; W: 9.0 inches and Latitude: 40° 30' 57" and Longitude: 79° 41' 23"). To remove the existing structures and: (1) to construct and maintain a precast reinforced concrete box culvert having a single waterway opening 16.0 feet wide by 8.0 feet high (1.0 foot depressed invert) and 46.1 feet long with concrete wingwalls in an unnamed tributary to Pucketa Creek (TSF) on SR 0366, Section F01; (2) to construct and maintain a temporary crossing consisting of five 72-inch diameter corrugated metal pipes upstream of the proposed bridge in an unnamed tributary to Pucketa Creek (TSF); and (3) to temporarily place and maintain fill in 0.0068 acre of PFO wetland for the purpose of constructing the temporary crossing.

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

**E24-237. Donald Wassel**, R. D. 8, Box 298A, Greensburg, PA 15601. Trout Run Camp pedestrian footbridge in Benetzette Township, **Elk County**, ACOE Baltimore District (Weedville, PA Quadrangle N: 13.1 inches; W: 2.2 inches).

To maintain the existing cable supported pedestrian bridge having a 91-foot span length, a 40-inch instream width and an approximate 10-foot minimum clearance over Trout Run (TSF) at a point approximately 4,000 feet northwest of the intersection of SR 0555 and Front Street.

**E42-310. Kinzua Valley Trail Club**, 37 Mud Puddle Road, Westline, PA 16740. Libby Run Pedestrian Bridge in Hamilton Township, **McKean County**, ACOE Pittsburgh District (Westline, PA Quadrangle N: 5.7 inches; W: 8.2 inches).

To construct and maintain a pedestrian footbridge having a clear span of approximately 10 feet, an instream length of 15 feet and a rise of 3 feet (minimum) across Libby Run (HQ-CWF) along the existing railroad grade at a point approximately 200 feet north of the confluence with Kinzua Creek.

[Pa.B. Doc. No. 04-1858. Filed for public inspection October 8, 2004, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various

Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2004.

#### *Ordering Paper Copies of Department Technical Guidance*

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

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

#### *Changes to Technical Guidance Documents*

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

#### *Draft Technical Guidance—Substantive Revision*

DEP ID: 563-2504-001. Title: Conventional Bonding for Land Reclamation—Coal. Description: The Department requires coal mining activities to be bonded in an amount that covers the Department's cost to complete the site's reclamation plan. This guidance describes the regulatory and statutory requirements for determining bond amounts. The document was finalized and became effective August 4, 2001, published at 31 Pa.B. 4239 (August 4, 2001). Recent changes were made to the document to enhance its clarity. These changes include: adding definitions for "mining area," "operational area" and "multiple bench"; eliminating the one time allowance of "Temporary Exceedance" of pit volumes; adding clarifying language to the section that describes when a reclaimed area can be left out of the operational area; deleting references to the Land Maintenance Financial Guarantees program; modifying the publication of bond rate guidelines to annually instead of publishing guidelines in December; expanding the narrative describing what information is required for the Annual Review; and including waivers for partial submittal of annual review information. In addition to these changes, other modifications were made including: explaining why underground mines and preparation plants are reviewed for proper bonds for major permit actions instead of requiring the submittal of annual reviews; adding a section about when and how reclamation fees are still collected; and removing barrier restrictions to make the Commonwealth's program compatible with the Federal regulations. Written Comments: Interested persons should submit written comments on technical guidance document 563-2504-001 by November 8, 2004. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to John Meehan, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461, johmeehan@state.pa.us. Questions regarding the technical guidance document should be directed to John Meehan at (717) 787-5103 or by e-mail.

#### *Final Technical Guidance*

DEP ID: 012-5500-001 Title: 2005 Environmental Education Grants Program Manual and Forms. Description:

This manual is a guide for eligible organizations interested in applying for the Department's Environmental Education (EE) grants program. The manual provides information on eligibility and details on how to apply for a grant, as well as the operational procedures required if a grant is awarded. The 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. The act requires the Department to provide the guidance contained in this manual for public review and comment in the *Pennsylvania Bulletin*. Substantive changes were made to the manual, which were advertised for public comment at 34 Pa.B. 3985 (July 24, 2004). The Department did not receive comments on the manual during the public comment period. Effective Date: October 1, 2004.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1859. Filed for public inspection October 8, 2004, 9:00 a.m.]

#### **Laboratory Accreditation Advisory Committee Meeting Cancellation**

The Laboratory Accreditation Advisory Committee (Committee) meeting scheduled for Tuesday, October 12, 2004, has been cancelled. The next meeting of the Committee is scheduled for Tuesday, December 14, 2004.

Questions concerning this meeting should be directed to Richard Sheibley, (717) 705-2425, rsheibley@state.pa.us.

Persons with a disability who require accommodations to attend the December 14, 2004, meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1860. Filed for public inspection October 8, 2004, 9:00 a.m.]

#### **State Water Plan; Water Resources Regional Committee Meetings Schedule for October 2004**

Following is a list of October 2004 meetings of the six water resources regional committees (regional committees) associated with the Department of Environmental Protection (Department). These schedules and an agenda for each meeting, including meeting materials, will be available through the Public Participation Center on the Department's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate).

The regional committees were created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water Plan (plan) for this Commonwealth. The regional committees' purpose is to develop the regional component of the overall plan and to provide recommendations to the Statewide Water Resources Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

The October 2004 meeting dates of the six regional committees are as follows:

*Ohio Water Resources Regional Committee*

The October meeting of the Ohio Water Resources Regional Committee will be held at 10 a.m. at the following location:

October 18, 2004 Allegheny County Sanitary Authority (ALCOSAN)  
3300 Preble Avenue  
Pittsburgh, PA 15233-1092

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

*Great Lakes Water Resources Regional Committee*

The October meeting of the Great Lakes Water Resources Regional Committee will be held at 10 a.m. at the following location:

October 12, 2004 Erie County Conservation District  
Headwaters Park  
1927 Wager Road  
Erie, PA 16509

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

*Delaware Water Resources Regional Committee*

The October meeting of the Delaware Water Resources Regional Committee will be held at 9:30 a.m. at the following location:

October 14, 2004 Grey Towers National Historic Landmark  
151 Grey Towers Drive  
P. O. Box 188  
Milford, PA 18337

Questions concerning this meeting should be directed to Derrick McDonald, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5619, emcdonald@state.pa.us.

*Upper/Middle Susquehanna Water Resources Regional Committee*

The October meeting of the Upper/Middle Susquehanna Water Resources Regional Committee will be held at 10 a.m. at the following location:

October 21, 2004 Centre County Solid Waste Authority  
253 Transfer Road  
Bellefonte, PA 16823

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

*Potomac Water Resources Regional Committee*

The October meeting of the Potomac Water Resources Regional Committee will be held at 10 a.m. at the following location:

October 15, 2004 Franklin County Planning Commission  
218 North Second Street  
Chambersburg, PA 17201

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Persons with a disability who require accommodations to attend a meeting should contact the Department at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1861. Filed for public inspection October 8, 2004, 9:00 a.m.]

**Storage Tank Advisory Committee, Fees Subcommittee Meeting**

The Storage Tank Advisory Committee's (Committee) Fee Subcommittee will meet at 9 a.m. on October 13, 2004, on the 10th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg PA. The purpose of this meeting is to continue discussions for developing a registration fee structure to support the storage tanks program. The next meeting of the full Committee is scheduled for 10 a.m. on Tuesday, December 7, 2004, on the 10th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg PA.

Questions concerning the Fee Subcommittee meeting should be directed to Charles Swokel, (717) 772-5599, cswokel@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Ruth Carmen at (717) 772-5831 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 04-1862. Filed for public inspection October 8, 2004, 9:00 a.m.]

**DEPARTMENT OF HEALTH**

**Availability of Educational and Informational Materials Concerning Vaccination Against the Influenza Virus and Pneumococcal Disease**

In accordance with section 4(b) of the Elderly Immunization Act (35 P.S. § 634.4(b)); an act providing for immunization against the influenza virus and pneumococcal disease for elderly persons, the Department of Health (Department) is issuing notice of the availability of educational and informational materials concerning vaccination against the influenza virus and pneumococcal disease for hospitals and other facilities providing ongoing medical care. The information is available on the Depart-



ment's website at [www.health.state.pa.us](http://www.health.state.pa.us) and the website of the Federal Centers for Disease Control and Prevention (CDC) at [www.cdc.gov/nip/vaccine/pneumo](http://www.cdc.gov/nip/vaccine/pneumo) and [www.cdc.gov/flu](http://www.cdc.gov/flu). The CDC's website contains the information in languages other than English.

The Department is also strongly encouraging health care providers to provide to each person receiving the influenza or pneumococcal vaccine the current relevant Vaccine Information Statement (VIS), which can be downloaded from either website. The VIS contains specific information relating to the benefits and risks that may be connected with the receipt of these vaccinations.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Alice Gray, Director, Division of Immunization, (717) 787-5681, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-1863. Filed for public inspection October 8, 2004, 9:00 a.m.]

**Requests for Exception; Long-Term Care Nursing Facilities**

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions):

York County Nursing Home  
118 Pleasant Acres Road  
York, PA 17402

Ohesson Manor  
276 Green Avenue  
Lewistown, PA 17044

Centre Crest  
502 East Howard Street  
Bellefonte, PA 16823-2199

Pennswood Village  
1382 Newtown Langhorne Road  
Newtown, PA 18940  
FAC ID 164002

Buffalo Valley Lutheran Village  
889 Fairground Road  
Lewisburg, PA 17837-1299

The Williamsport Home  
1900 Ravine Road  
Williamsport, PA 17701

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.38(b) and 205.39(b) (relating to toilet facilities; and toilet room equipment):

Brookline Manor and Retirement Village  
R. D. 1 Box 463  
Mifflintown, PA 17059

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape or Braille) should contact the Division of Nursing Care Facilities at the previous address, for speech and/or hearing impaired persons, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 04-1864. Filed for public inspection October 8, 2004, 9:00 a.m.]

**DEPARTMENT OF PUBLIC WELFARE**

**Fee Increase for Ambulance Services**

The Department of Public Welfare (Department) announces that fees on the Medical Assistance (MA) Program Fee Schedule for ambulance services will be increased, effective with dates of service on and after July 1, 2004.

Ambulance companies provide a direct link to medically necessary health care for MA recipients in this Commonwealth. The costs associated with the provision of ambulance services have increased substantially over the years. In recent years the price of gasoline alone has taxed this industry immensely, compounded by increased costs for state-of-the-art life-saving equipment and certified, trained staff.

For MA recipients to continue to have access to this vital service, the Department will increase the MA fee for the following procedure codes on the MA Program Fee Schedule:

<i>Procedure Code</i>	<i>Description of Service</i>	<i>Current Fee</i>	<i>Increased Fee Effective July 1, 2004</i>
W0011	Mileage	\$1 per mile after the first 20 miles (round trip)	\$2 per mile after the first 20 miles (round trip)
W0012	VASC Certified, Nonemergency Transportation Service	\$60	\$120

<i>Procedure Code</i>	<i>Description of Service</i>	<i>Current Fee</i>	<i>Increased Fee Effective July 1, 2004</i>
W0013	VASC Certified, Nonemergency Transportation Service, Other Unusual Circumstances	\$60	\$120
W0015	VASC Certified, Emergency (Prehospital) Transportation Service	\$60	\$120
W0016	Advanced Life Support (ALS) Service with Transport (Prehospital)	\$100	\$200
W0017	Advanced Life Support (ALS) Service Without Transport (Prehospital)	\$40	\$80
W0018	Specialized Services (Critical Care, with Transport, Interfacility Cases such as Neonatal, Prenatal or Cardiac Care Service)	\$100	\$200

#### *Fiscal Impact*

The estimated cost relating to Fiscal Year 2004-2005 is \$6.378 million (\$3.212 million in State funds). Of this amount, \$3.218 million (\$1.669 million in State funds) relates to the Outpatient program while \$3.16 million (\$1.543 million in State funds) is for MA—Capitation services.

The estimated cost for Fiscal Year 2005-2006 is \$10.639 million (\$5.272 million in State funds). Of this amount, \$4.023 million (\$2.065 million in State funds) relates to the Outpatient program while \$6.616 million (\$3.207 million in State funds) is for MA—Capitation services.

#### *Public Comment*

Interested persons are invited to submit written comments to this notice within 30 days of publication to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy's Secretary Office, Attn: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments will be considered in future revisions to the MA Program Fee Schedule. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

#### **Fiscal Note:** 14-NOT-400. (1) General Fund;

	<i>Outpatient</i>	<i>Capitation</i>
(2) Implementing Year 2004-05 is	\$1,669,000	\$1,543,000
(3) 1st Succeeding Year 2005-06 is	\$2,065,000	\$3,207,000
2nd Succeeding Year 2006-07 is	\$2,133,000	\$3,311,000
3rd Succeeding Year 2007-08 is	\$2,133,000	\$3,311,000
4th Succeeding Year 2008-09 is	\$2,133,000	\$3,311,000
5th Succeeding Year 2009-10 is	\$2,133,000	\$3,311,000

	<i>Outpatient</i>	<i>Capitation</i>
(4) 2003-04 Program—	\$727,979,000	\$2,298,102,000
2002-03 Program—	\$666,832,000	\$1,863,772,000
2001-02 Program—	\$705,750,000	\$1,711,084,000

(7) MA—Outpatient and Capitation; (8) recommends adoption. Costs for 2004-05 have been included in Act 7-A of 2004, the General Appropriation Act of 2004.

[Pa.B. Doc. No. 04-1865. Filed for public inspection October 8, 2004, 9:00 a.m.]

#### **Inpatient Hospitals Qualifying for Medical Assistance Disproportionate Share Payments for the Period July 1, 2003 through June 30, 2004**

On July 1, 1988, the Department of Public Welfare (Department) implemented a disproportionate share payment system. Under 55 Pa. Code §§ 1151.54(i), 1163.67(k) and 1163.459(j) (relating to disproportionate share payments), the Department is required to annually publish the names of each inpatient acute care general hospital, rehabilitation hospital and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage.

#### *A. Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals.*

The following lists identify the inpatient acute care general hospitals, psychiatric units and rehabilitation units of acute care general hospitals, rehabilitation hospitals and private psychiatric hospitals eligible for disproportionate share payments for the period July 1, 2003, through June 30, 2004, and their respective payment percentages. For all inpatient facilities, disproportionate share payments are calculated as a percentage of projected MA inpatient income.

Payment period July 1, 2003, to June 30, 2004, disproportionate share payment percentages:

*Acute Care General Hospitals*

ALBERT EINSTEIN MED CTR	4.45%
ALFRED I. DUPONT INSTITUTE	9.41%
BARNES KASSON HOSPITAL	4.59%
CHARLES COLE MEMORIAL HOSPITAL	4.83%
CHILDREN'S HOSPITAL OF PHILADELPHIA	8.47%
CHILDREN'S HOSPITAL OF PITTSBURGH	9.27%
CLEARFIELD HOSPITAL	4.78%
DIVINE PROVIDENCE—WILLIAMSPORT	5.96%
DUBOIS REGIONAL MED CTR	10.00%
HIGHLAND HOSPITAL	3.08%
INDIANA HOSPITAL	3.45%
KENSINGTON HOSPITAL	4.66%
MAGEE WOMEN'S	6.23%
MEMORIAL HOSPITAL—TOWANDA	5.46%
MERCY HOSP OF PHILA	4.75%
MONSOUR MEDICAL CENTER	6.04%
NPHS—GIRARD	1.00%
NPHS—ST. JOE'S	7.44%
PRESBYTERIAN MED CTR OF UPHS	2.96%
PUNXSUTAWNEY AREA HOSPITAL	4.04%
TEMPLE EAST	3.99%
TEMPLE UNIVERSITY CHILDREN'S MEDICAL CTR	15.00%
TEMPLE UNIVERSITY HOSPITAL	6.29%
THS—HAHNEMANN UNIV HOSPITAL	3.58%
THS—MED COLL OF PA HOSP	4.71%
THS—PARKVIEW	4.46%
THS—ST. CHRISTOPHER'S	14.00%
TITUSVILLE AREA HOSP	4.81%
UPMC—BEDFORD	9.00%
VALLEY FORGE	6.05%
WAYNE COUNTY MEMORIAL	5.54%
WEST VIRGINIA UNIV HOSPITALS, INC.	5.48%

*Private Psychiatric Hospitals*

BELMONT CENTER	3.92%
CLARION PSYCHIATRIC CENTER	6.33%
DEVEREAUX-MAPLETON PSYCH CTR	10.00%
EUGENIA HOSPITAL	2.97%
FAIRMOUNT BHS	3.00%
FIRST HOSPITAL WYOMING VALLEY	5.60%
FOUNDATIONS BEHAVIORAL HEALTH	7.49%
FRIENDS HOSPITAL	2.60%
HORSHAM PSYCHIATRIC HOSPITAL	4.59%
MEADOWS PSYCHIATRIC CENTER	7.44%
MONTGOMERY COUNTY MH/MR ER SVS	4.85%
NATIONAL HOSPITAL FOR KIDS IN CRISIS	9.00%

NORTHWESTERN INSTITUTE OF PSYCHIATRY	6.51%
PHILHAVEN	5.60%
SOUTHWOOD PSYCHIATRIC HOSPITAL	7.25%
<i>Psychiatric Units of Acute Care Hospitals</i>	
ALBERT EINSTEIN	2.97%
DIVINE PROVIDENCE—WILLIAMSPORT	3.83%
DUBOIS REGIONAL MEDICAL CENTER	3.02%
HIGHLAND HOSPITAL	2.19%
INDIANA HOSPITAL	2.03%
MERCY HOSP OF PHILADELPHIA	3.14%
MONSOUR MEDICAL CENTER	3.88%
NPHS—GIRARD	1.00%
PRESBYTERIAN MED CNTR OF UPHS	2.12%
TEMPLE UNIVERSITY HOSP	4.02%
THS—HAHNEMANN UNIV HOSP	2.47%
THS—MEDICAL COLLEGE OF PA HOSP (EPPI)	3.12%
THS—PARKVIEW HOSPITAL	2.98%
<i>Drug and Alcohol Units of Acute Care Hospitals</i>	
NPHS—ST JOSEPHS	9.00%
PRESBYTERIAN MED CNTR OF UPHS	2.24%
VALLEY FORGE	6.91%
<i>Private Drug and Alcohol Hospitals</i>	
EAGLEVILLE HOSPITAL	3.57%
<i>Medical Rehab Units of Acute Care Hospitals</i>	
ALBERT EINSTEIN	4.50%
DUBOIS REGIONAL MEDICAL CENTER	4.63%
MONSOUR MEDICAL CENTER	6.89%
TEMPLE UNIVERSITY HOSP	7.26%
<i>Freestanding Rehab Hospitals</i>	
CHILDRENS INSTITUTE OF PITTSBURGH	6.75%
CHILDRENS SEASHORE HOUSE	10.00%

*B. Additional Disproportionate Share Payments*

Additional disproportionate share payments are made to inpatient facilities with a Medicaid inpatient utilization rate of not less than 1% which have provided services to persons who have been determined to be low income by meeting the income and resource standards for the State's general assistance program.

The payment adjustments are paid directly proportional to the payment received for either general assistance recipients for all hospital services or Title XIX recipients, 21 years of age or older but under 65 years of age, for services rendered by institutions for mental diseases under the fee-for-service and capitation programs.

The following hospitals are eligible for this payment adjustment:

*Acute Care General Hospitals*

ABINGTON MEMORIAL HOSPITAL
ALBERT EINSTEIN MED CTR
ALFRED I. DUPONT INSTITUTE
ALIQUIPPA COMMUNITY HOSP
ALLEGHENY GENERAL HOSPITAL
ALLEGHENY KISKI

ALTOONA HOSPITAL  
 AMERICAN ONCOLOGIC  
 ARMSTRONG COUNTY MEMORIAL  
 ASHLAND REGIONAL  
 BARNES KASSON HOSPITAL  
 BLOOMSBURG HOSPITAL  
 BON SECOURS  
 BRADFORD REGIONAL  
 BRANDYWINE HOSPITAL  
 BROOKVILLE HOSPITAL  
 BROWNSVILLE GENERAL HOSPITAL  
 BRYN MAWR HOSPITAL  
 BUCKTAIL MEDICAL CENTER  
 BUTLER COUNTY MEMORIAL  
 CANONSBURG GENERAL HOSPITAL  
 CARLISLE HOSPITAL  
 CENTRAL MONTGOMERY HOSP  
 CHAMBERSBURG HOSPITAL  
 CHARLES COLE MEMORIAL HOSPITAL  
 CHESTER COUNTY HOSPITAL  
 CHESTNUT HILL HOSPITAL  
 CHILDREN'S HOSPITAL OF PHILADELPHIA  
 CHILDREN'S HOSPITAL OF PITTSBURGH  
 CHS—BERWICK HOSPITAL  
 CLARION HOSPITAL  
 CLEARFIELD HOSPITAL  
 COMMUNITY HOSPITAL OF LANCASTER  
 COMMUNITY MED CTR—SCRANTON  
 CONEMAUGH VALLEY HOSP  
 CORRY MEMORIAL  
 CROZER CHESTER MEDICAL CENTER  
 DELAWARE COUNTY MEMORIAL  
 DIVINE PROVIDENCE—WILLIAMSPORT  
 DOYLESTOWN HOSPITAL  
 DUBOIS REGIONAL MED CTR  
 EASTON HOSPITAL  
 ELK REGIONAL  
 ELLWOOD CITY  
 ENDLESS MTS. HLTH SYS  
 EPHRATA COMMUNITY  
 EVANGELICAL COMMUNITY  
 FORBES REGIONAL HOSPITAL  
 FRANKFORD HOSPITAL  
 FRICK COMMUNITY  
 FULTON COUNTY MEDICAL CENTER  
 GEISINGER MEDICAL CENTER  
 GEISINGER WYOMING VALLEY  
 GETTYSBURG HOSPITAL  
 GNADEN HUETTEN MEMORIAL  
 GOOD SAMARITAN—LEBANON  
 GOOD SAMARITAN—POTTSVILLE  
 GRAND VIEW HOSPITAL  
 GREENE COUNTY MEMORIAL  
 HAMOT MED CTR  
 HANOVER HOSPITAL  
 HAZLETON GENERAL HOSPITAL  
 HIGHLAND HOSPITAL  
 HOLY REDEEMER  
 HOLY SPIRIT HOSPITAL  
 HOSPITAL OF THE UNIVERSITY OF PENNA  
 INDIANA HOSPITAL  
 JAMESON MEMORIAL HOSPITAL  
 JC BLAIR  
 JEANES HOSPITAL  
 JEFFERSON HOSPITAL  
 JENNERSVILLE REGIONAL HOSP  
 JERSEY SHORE HOSPITAL  
 KANE COMMUNITY  
 KENSINGTON HOSPITAL  
 LANCASTER GENERAL  
 LANCASTER REGIONAL MED CTR  
 LANKENAU HOSPITAL  
 LATROBE AREA  
 LEHIGH VALLEY HOSP—MUHLENBERG  
 LEHIGH VALLEY HOSPITAL  
 LEWISTOWN HOSPITAL  
 LIFECARE HOSPITALS OF PITTSBURGH  
 LOCK HAVEN HOSP  
 M S HERSHEY MEDICAL CENTER  
 MAGEE WOMEN'S  
 MARIAN COMMUNITY  
 MEADVILLE MED CTR  
 MEDICAL CENTER, BEAVER. PA  
 MEMORIAL HOSP—YORK  
 MEMORIAL HOSPITAL—TOWANDA  
 MERCY CATHOLIC FITZGERALD  
 MERCY HOSP—NANTICOKE  
 MERCY HOSP—PGH  
 MERCY HOSP—WILKES-BARRE  
 MERCY HOSP OF PHILA  
 MERCY HOSPITAL—SCRANTON  
 MERCY JEANNETTE HOSPITAL  
 MERCY SUBURBAN—NORRISTOWN  
 MEYERSDALE COMMUNITY HOSPITAL  
 MID VALLEY HOSPITAL  
 MILLCREEK COMMUNITY HOSPITAL  
 MINERS HOSPITAL OF N CAMBRIA  
 MINERS MEMORIAL MEDICAL CENTER  
 MONONGAHELA VALLEY  
 MONSOUR MEDICAL CENTER  
 MONTGOMERY HOSPITAL MED CTR  
 MOSES TAYLOR  
 MT. NITTANY MED CTR  
 MUNCY VALLEY HOSPITAL  
 NASON HOSPITAL  
 NAZARETH HOSPITAL  
 NPHS—GIRARD  
 NPHS—ST. JOE'S  
 OHIO VALLEY GENERAL  
 PALMERTON HOSPITAL  
 PAOLI MEMORIAL HOSPITAL  
 PENNSYLVANIA HOSPITAL OF UPHS  
 PHILIPSBURG AREA HOSPITAL  
 PHOENIXVILLE HOSPITAL OF UPHS  
 PINNACLE HEALTH HOSPITALS  
 POCONO MED CTR  
 POTTSTOWN MEMORIAL  
 POTTSVILLE HOSPITAL  
 PRESBYTERIAN MED CTR OF UPHS  
 PUNXSUTAWNEY AREA HOSPITAL  
 READING HOSPITAL AND MED CTR  
 RIDDLE MEMORIAL HOSPITAL  
 ROBERT PACKER HOSP  
 ROXBOROUGH MEMORIAL  
 SACRED HEART—ALLENTOWN  
 SAINT JOSEPH MED CTR—HAZLETON  
 SEWICKLEY VALLEY HOSPITAL  
 SHAMOKIN AREA COMMUNITY HOSPITAL  
 SHARON REGIONAL HEALTH SYSTEM  
 SOLDIERS AND SAILORS MEMORIAL  
 SOMERSET HOSPITAL  
 ST. AGNES MED CTR  
 ST. CLAIR MEMORIAL  
 ST. JOSEPH MED CTR—READING  
 ST. LUKE'S—BETHLEHEM  
 ST. LUKE'S—QUAKERTOWN  
 ST. MARY'S—LANGHORNE  
 ST. VINCENT HLTH CTR  
 SUBURBAN GENERAL HOSPITAL—PGH  
 SUNBURY COMMUNITY

TEMPLE EAST  
 TEMPLE LOWER BUCKS HOSPITAL  
 TEMPLE UNIVERSITY CHILDREN'S MEDICAL CTR  
 TEMPLE UNIVERSITY HOSPITAL  
 THOMAS JEFFERSON UNIV HOSPITAL  
 THS—GRADUATE HOSPITAL  
 THS—HAHNEMANN UNIV HOSPITAL  
 THS—MED COLL OF PA HOSP  
 THS—PARKVIEW  
 THS—ST. CHRISTOPHER'S  
 THS—WARMINSTER  
 TITUSVILLE AREA HOSP  
 TROY COMMUNITY  
 TYLER MEMORIAL HOSPITAL  
 TYRONE HOSPITAL  
 UNIONTOWN HOSPITAL  
 UNITED COMMUNITY HOSPITAL  
 UPMC—BEDFORD  
 UPMC—BRADDOCK  
 UPMC—HORIZON  
 UPMC—LEE REGIONAL  
 UPMC—MCKEESPORT  
 UPMC—NORTHWEST MED CTR  
 UPMC—PASSAVANT—CRANBERRY  
 UPMC—PRESBYTERIAN-SHADYSIDE UNIV HOSP  
 UPMC—SOUTH SIDE  
 UPMC—ST. MARGARET  
 VALLEY FORGE  
 WARREN GENERAL HOSPITAL  
 WASHINGTON HOSPITAL  
 WAYNE COUNTY MEMORIAL  
 WAYNESBORO HOSPITAL  
 WEST VIRGINIA UNIV HOSPITALS, INC.  
 WESTERN PENNSYLVANIA  
 WESTMORELAND REGIONAL  
 WILLIAMSPORT HOSPITAL & MED CTR  
 WILLS EYE HOSPITAL  
 WINDBER MED CTR  
 WYOMING VALLEY HLTH CARE SYS  
 YORK HOSPITAL

*Private Drug and Alcohol*

EAGLEVILLE HOSPITAL

*Freestanding Rehab Hospitals*

ALLIED SERVICES REHAB HOSPITAL  
 BRYN MAWR REHAB HOSPITAL  
 CHESTNUT HILL SPRINGFIELD CENTER  
 CHILDREN'S HOME OF PITTSBURGH  
 CHILDREN'S INSTITUTE  
 CHILDREN'S SEASHORE HOUSE  
 GOOD SHEPHERD REHAB HOSPITAL  
 H/S HARMARVILLE  
 H/S MECHANICSBURG REHAB  
 H/S READING REHAB HOSPITAL  
 H/S REHAB HOSPITAL OF ERIE  
 H/S REHAB HOSPITAL OF YORK  
 H/S REHAB OF ALTOONA  
 H/S REHAB OF NITTANY VALLEY  
 H/S REHAB OF SEWICKLEY  
 JOHN HEINZ INSTITUTE  
 MAGEE MEMORIAL REHAB HOSPITAL  
 H/S PENN STATE GEISENGER REHAB HOSP  
 UPMC REHABILITATION HOSPITAL

*Private Psychiatric Hospitals*

BELMONT CENTER FOR COMP TREATMENT  
 CLARION PSYCHIATRIC CENTER  
 DEVEREUX—MAPLETON PSYCH CTR  
 EUGENIA HOSPITAL

FAIRMOUNT BHS  
 FIRST HOSPITAL  
 FOUNDATIONS BEHAVIORAL HEALTH  
 FRIENDS HOSPITAL  
 HORSHAM CLINIC  
 KIRKBRIDE CENTER  
 MEADOWS PSYCHIATRIC CENTER  
 MONTGOMERY COUNTY EMERGENCY SERVICE, INC  
 NATIONAL HOSPITAL FOR KIDS IN CRISIS  
 NORTHWESTERN INSTITUTE OF PSYCHIATRY  
 PHILHAVEN  
 SOUTHWOOD PSYCH HOSPITAL

*Medical Rehab Units of Acute Care Hospitals*

ABINGTON MEMORIAL HOSP  
 ALBERT EINSTEIN  
 BON SECOURS HOLY FAMILY REG H. S.  
 CARLISLE REGIONAL MEDICAL CENTER  
 CHAMBERSBURG HOSPITAL  
 COMMUNITY HOSP—LANCASTER  
 CONEMAUGH VALLEY HOSP  
 CROZER-CHESTER MED CNTR  
 DELAWARE CNTY MEM HOSP  
 DOYLESTOWN HOSPITAL  
 DUBOIS REG MED CNTR  
 EASTON HOSPITAL  
 FRANKFORD  
 GEISINGER—WYOMING VALLEY  
 GNADEN HUETTEN MEMORIAL HOSP—MRU  
 GOOD SAMARITAN HOSPITAL—LEBANON  
 HAZELTON GENERAL HOSPITAL MRU  
 HOSP OF THE UNIV OF PA  
 JAMESON MEMORIAL  
 MERCY JEANNETTE HOSP  
 JEFFERSON HEALTH SERVICES  
 LANCASTER GENERAL HOSP  
 LANCASTER REGIONAL MEDICAL CENTER  
 MERCY CATHOLIC—FITZGERALD  
 MERCY HOSPITAL—PITTSBURGH  
 MILTON S. HERSHEY MED CTR  
 MONONGAHELA VALLEY HOSP  
 NAZARETH  
 PINNACLE HEALTH HOSPITALS  
 POTTSVILLE HOSPITAL  
 PRESBYTERIAN UNIV—PGH  
 SEWICKLEY VALLEY HOSPITAL  
 ST AGNES MEDICAL CNTR  
 ST MARY HOSP—LANGHORNE  
 ST VINCENT HEALTH CNTR  
 SUBURBAN GENERAL HOSPITAL—PGH  
 THS—WARMINSTER HOSPITAL  
 TEMPLE UNIVERSITY HOSP  
 THOMAS JEFFERSON UNIV HOSP  
 UPMC—HORIZON  
 UPMC—LEE HOSP  
 UPMC—MCKEESPORT  
 UPMC—NORTHWEST MED CTR  
 UPMC—SOUTHSIDE  
 UPMC—ST MARGARET  
 WESTMORELAND HOSPITAL  
 WILLIAMSPORT HOSPITAL

*Drug and Alcohol Units of Acute Care Hospitals*

BUTLER COUNTY MEMORIAL  
 HAMOT MEDICAL CENTER  
 MEADVILLE MED CTR  
 MONSOUR MEDICAL CENTER D & A  
 NPHS—ST JOSEPHS HOSP  
 PRESBY MED CTR OF UNIV OF PA HLTH SYST

UPMC—HORIZON—SHENANGO VALLEY  
VALLEY FORGE  
WESTMORELAND

*Psychiatric Units of Acute Care Hospitals*

ABINGTON MEMORIAL  
ALBERT EINSTEIN  
ALIQUIPPA COMMUNITY HOSPITAL  
ALLEGHENY GENERAL  
ALLEGHENY—KISKI MED CTR  
ALTOONA  
ARMSTRONG COUNTY MEMORIAL  
BERWICK HOSP CENTER  
BLOOMSBURG HOSP  
BON SECOURS HOLY FAM REG H. S.  
BRADFORD  
BRANDYWINE HOSPITAL  
BROWNSVILLE  
BRYN MAWR HOSP  
BUTLER COUNTY MEMORIAL  
CENTRE COMMUNITY  
CHAMBERSBURG HOSPITAL  
COMMUNITY MEDICAL CENTER  
CONEMAUGH VALLEY  
CORRY MEMORIAL  
CROZER CHESTER  
DIVINE PROVIDENCE—WMSPT  
DUBOIS REGIONAL MED CNTR  
ELK REGIONAL HEALTH CENTER  
EHRATA COMMUNITY  
FORBES REG HOSP  
FRANKFORD HOSP—BUCKS CO CAMPUS  
GEISINGER MEDICAL CENTER  
GNADEN HUETTEN  
GRANDVIEW  
HAMOT MEDICAL CENTER  
HAZELTON GEN HOSP  
HIGHLAND HOSPITAL  
HOLY SPIRIT  
HOSP—UNIVERSITY OF PA  
INDIANA HOSPITAL  
J C BLAIR  
JAMESON MEMORIAL HOSP  
JEFFERSON HEALTH SERV  
LANCASTER REGIONAL MED CTR  
LANCASTER GENERAL  
LATROBE AREA  
LEHIGH VALLEY HOSPITAL  
LEHIGH VALLEY HOSP—MUHLENBERG  
LEWISTOWN  
MARIAN COMMUNITY HOSPITAL  
MEADVILLE MED CNTR  
MEDICAL CENTER, BEAVER PA., THE  
MEMORIAL HOSP—YORK  
MERCY CATHOLIC—FITZGERALD  
MERCY HOSPITAL OF PHILADELPHIA  
MERCY HOSPITAL—PGH  
MERCY HOSPITAL—WILKES-BARRE  
MILLCREEK COMMUNITY HOSPITAL  
MILTON S. HERSHEY MED CTR  
MONONGAHELA VALLEY  
MONSOUR MED CNTR  
MONTGOMERY  
MOSES TAYLOR  
NAZARETH  
NPHS—GIRARD  
PAOLI MEMORIAL  
PENNSYLVANIA HOSPITAL/UPHS  
PINNACLE HEALTH HOSPITALS

POCONO HOSPITAL  
POTTSTOWN MEMORIAL MED CTR  
POTTSVILLE HOSPITAL  
PRESBYTERIAN MED CNTR OF UPHS  
PRESBYTERIAN UNIV HOSP—PGH  
READING HOSPITAL  
ROBERT PACKER  
SACRED HEART HOSP—ALLENTOWN  
SEWICKLEY VALLEY HOSP  
SHAMOKIN AREA COMM HOSP  
SHARON REGIONAL HLTH SYST  
SOLDIERS AND SAILORS  
SOMERSET HOSP CNTR FOR HEALTH  
ST CLAIR MEMORIAL  
ST JOSEPH MED CTR—READING  
ST LUKES OF BETHLEHEM  
ST LUKES—QUAKERTOWN  
ST VINCENT  
TEMPLE UNIVERSITY HOSPITAL  
TEMPLE—LOWER BUCKS  
THOMAS JEFFERSON  
THS—HAHNEMANN UNIV HOSP  
THS—MEDICAL COL OF PA HOSP (EPPI)  
THS—PARKVIEW HOSPITAL  
THS—WARMINSTER HOSPITAL  
UNIV OF PITT MED CTR—BRADDOCK  
UNIV OF PITT MED CTR—MCKEESPORT  
UNIV OF PITT MED CTR—SOUTHSIDE PSY  
UPMC—NORTHWEST MED CTR  
WARREN GENERAL  
WASHINGTON  
WESTERN PENN  
WESTMORELAND  
YORK HOSPITAL

*C. Additional Class of Disproportionate Share Payments*

Effective March 1, 1998, the Department established a new class of disproportionate share payments to hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of MA program revisions under the act of May 16, 2002 (P. L. 175, No. 35).

Effective January 15, 1999, the Department revised its previously established new class of disproportionate share payments to include a Charity Care component of the Community Access Fund. A disproportionate share payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. The Department also established a disproportionate share payment for those hospitals which the Department has determined advanced its goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The following hospitals qualify for this payment:

A I DUPONT  
ABINGTON MEMORIAL  
ALBERT EINSTEIN  
ALLEGHENY GENERAL  
ALLIQUIPPA COMMUNITY  
BARNES KASSON  
BRADDOCK MEDICAL CENTER  
CHARLES COLE MEMORIAL  
CHILDRENS HOSP OF PHILA  
CLARION  
CLEARFIELD  
CROZER CHESTER MED CTR  
DOYLESTOWN

DUBOIS REGIONAL MED CTR  
 EAGLEVILLE  
 EASTON HOSPITAL  
 EVANGELICAL COMMUNITY  
 FRANKFORD  
 FULTON COUNTY MEDICAL CTR  
 GEISINGER MEDICAL CENTER  
 GRADUATE HOSPITAL  
 HAMOT MEDICAL CENTER  
 HOSP OF THE UNIV OF PA  
 INDIANA HOSPITAL  
 J C BLAIR  
 JAMESON MEMORIAL  
 LANKENAU  
 LEHIGH VALLEY  
 LOCK HAVEN  
 MAGEE WOMENS  
 MEADVILLE MED CTR  
 MEMORIAL HOSP BEDFORD  
 MEMORIAL HOSP TOWANDA  
 MERCY CATHOLIC—FITZGERALD  
 MERCY HOSPITAL OF PHILA  
 MERCY HOSPITAL—PGH  
 MERCY JEANNETTE HOSPITAL  
 MILTON S. HERSHEY MED CTR  
 NORTH PHILA HEALTH SYSTEM  
 NPHS—GIRARD  
 PRESBYT MED CTR OF PHILA  
 PRESBYT UNIV HOSPITAL—PGH  
 PUNXSUTAWNEY  
 READING HOSPITAL  
 SOLDIERS AND SAILORS  
 ST AGNES  
 ST LUKES OF BETHLEHEM  
 TEMPLE UNIVERSITY HSP  
 TEMPLE/EPISCOPAL  
 THOMAS JEFFERSON  
 THS—HAHNEMANN HOSPITAL  
 THS—MED COLL HOSP—MAIN  
 THS—PARKVIEW HOSPITAL  
 TITUSVILLE  
 UPHS—PENNSYLVANIA HOSPITAL  
 VALLEY FORGE  
 WAYNE COUNTY MEMORIAL  
 WEST VIRGINIA  
 WESTERN PENN  
 YORK HOSPITAL

*Public Comment*

Interested persons are invited to submit written comments to this notice within 30 days of this publication. Comments should be sent 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. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-398. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 04-1866. Filed for public inspection October 8, 2004, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Santa's List Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Santa's List.

2. *Price:* The price of a Pennsylvania Santa's List instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Santa's List instant lottery game ticket will contain four play areas designated as "Game 1," "Game 2," "Game 3" and "Game 4." The play symbols located in the four play areas are 35 distinctive play symbols. Each Pennsylvania Santa's List instant lottery game ticket will also contain a "YOUR SYMBOLS" area consisting of 20 of the 35 distinctive play symbols in a 5 x 4 grid. The play symbols located in the four play areas and in the "YOUR SYMBOLS" area are: Snowman Symbol, Mitten Symbol, Wreath Symbol, Earmuff Symbol, Hat Symbol, Tree Symbol, Drum Symbol, Sleigh Symbol, Candle Symbol, Ornament Symbol, Trumpet Symbol, Gingerbread Man Symbol, Bag of Toys Symbol, Holly Symbol, Bell Symbol, Reindeer Symbol, Scarf Symbol, Star Symbol, Boot Symbol, Candy Cane Symbol, Snowflake Symbol, Package Symbol, Santa Symbol, Snow Shovel Symbol, Coat Symbol, Jingle Bell Symbol, Lights Symbol, Stocking Symbol, Angel Symbol, Money Bag Symbol, Coins Symbol, Moon Symbol, Dollar Sign Symbol, Horse Shoe Symbol and Bar Symbol.

4. *Prizes:* The prizes that can be won in this game are \$3, \$6, \$9, \$12, \$30, \$90, \$300 and \$30,000. The player can win up to four times on each ticket.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 4,320,000 tickets will be printed for the Pennsylvania Santa's List instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 3" or "Game 4," appearing in a diagonal line and having a corresponding prize arrow with a prize amount of \$30,000 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$30,000.

(b) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 1" or "Game 2" appearing in a diagonal line and having a corresponding prize arrow with a prize amount of \$300 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 3" or "Game 4," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$300 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$300.

(d) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three

play symbols, in either "Game 1," "Game 2," "Game 3" or "Game 4," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$90 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$90.

(e) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 1," "Game 2," "Game 3" or "Game 4," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$30 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$30.

(f) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 3" or "Game 4," appearing in a vertical line and having a corresponding prize arrow with a prize amount of \$12 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$12.

(g) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 1" or "Game 2," appearing in a horizontal line and having a corresponding prize arrow with a prize amount of \$12 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$12.

(h) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 1," "Game 2," "Game 3" or "Game 4," appearing in a vertical line and having a corresponding prize arrow with a prize amount of \$9 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$9.

(i) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 1," "Game 2" or "Game 4," appearing in a vertical line and having a corresponding prize arrow with a prize amount of \$6 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$6.

(j) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in either "Game 1," "Game 2" or "Game 3," appearing in a vertical line and having a corresponding prize arrow with a prize amount of \$3 appearing in that prize arrow, on a single ticket, shall be entitled to a prize of \$3.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 4,320,000 Tickets</i>
\$3	\$3	6.17	699,840
\$6	\$6	25	172,800
\$3 × 2	\$6	33.33	129,600
\$9	\$9	100	43,200
\$3 × 4	\$12	200	21,600
\$9 + \$3	\$12	200	21,600
\$12	\$12	166.67	25,920
\$6 × 3	\$18	500	8,640
\$12 + \$6	\$18	500	8,640
\$30	\$30	250	17,280
\$6 × 2 + \$9 × 2	\$30	500	8,640
\$9 × 3 + \$3	\$30	500	8,640
\$12 × 2 + \$3 × 2	\$30	500	8,640
\$90	\$90	597.01	7,236
\$30 × 3	\$90	600	7,200
\$300	\$300	12,000	360
\$90 × 3 + \$30	\$300	13,333	324
\$30,000	\$30,000	720,000	6

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Santa's List instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Santa's List, prize money from winning Pennsylvania Santa's List instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Santa's List instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Santa's List or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 04-1867. Filed for public inspection October 8, 2004, 9:00 a.m.]



### Pennsylvania Sleigh Ride Riches Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Sleigh Ride Riches.

2. *Price:* The price of a Pennsylvania Sleigh Ride Riches instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Sleigh Ride Riches instant lottery game ticket will contain a “SLEIGH NUMBERS” area and a “YOUR PACKAGE NUMBERS” area. The play symbols and their captions located in the “SLEIGH NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN) and 16 (SIXTN). The play symbols and their captions located in the “YOUR PACKAGE NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN) and Snowflake Symbol (SNOFLK).

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR PACKAGE NUMBERS” area are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$500 and \$10,000. A player can win up to 8 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Sleigh Ride Riches instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR PACKAGE NUMBERS” play symbols matches any of the “SLEIGH NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching “YOUR PACKAGE NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets upon which any one of the “YOUR PACKAGE NUMBERS” play symbols matches any of the “SLEIGH NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching “YOUR PACKAGE NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the “YOUR PACKAGE NUMBERS” play symbols matches any of the “SLEIGH NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching “YOUR PACKAGE NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which any one of the “YOUR PACKAGE NUMBERS” play symbols matches

any of the “SLEIGH NUMBERS” play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching “YOUR PACKAGE NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets upon which any one of the “YOUR PACKAGE NUMBERS” is a Snowflake Symbol (SNOFLK), and a prize symbol of \$20\$ (TWENTY) appears under the Snowflake Symbol (SNOFLK), on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the “YOUR PACKAGE NUMBERS” play symbols matches any of the “SLEIGH NUMBERS” play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching “YOUR PACKAGE NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets upon which any one of the “YOUR PACKAGE NUMBERS” is a Snowflake Symbol (SNOFLK), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Snowflake Symbol (SNOFLK), on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the “YOUR PACKAGE NUMBERS” play symbols matches any of the “SLEIGH NUMBERS” play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching “YOUR PACKAGE NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets upon which any one of the “YOUR PACKAGE NUMBERS” is a Snowflake Symbol (SNOFLK), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Snowflake Symbol (SNOFLK), on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the “YOUR PACKAGE NUMBERS” play symbols matches any of the “SLEIGH NUMBERS” play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching “YOUR PACKAGE NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(k) Holders of tickets upon which any one of the “YOUR PACKAGE NUMBERS” play symbols matches any of the “SLEIGH NUMBERS” play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears under the matching “YOUR PACKAGE NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets upon which any one of the “YOUR PACKAGE NUMBERS” is a Snowflake Symbol (SNOFLK), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the Snowflake Symbol (SNOFLK), on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets upon which any one of the “YOUR PACKAGE NUMBERS” play symbols matches any of the “SLEIGH NUMBERS” play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching “YOUR PACKAGE NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any of Your Package  
Numbers Match Either  
Sleigh Number;  
Win With  
Prize(s) of:

Prize(s) of:	Win:	Approximate Odds of 1 In:	Approximate No. of Winners Per 8,400,000 Tickets
\$2	\$2	9.38	896,000
\$4	\$4	100	84,000
\$2 × 2	\$4	100	84,000
\$2 w/Snowflake	\$4	21.43	392,000
\$5	\$5	25	336,000
\$10	\$10	1,500	5,600
\$5 × 2	\$10	500	16,800
\$4 × 2 + \$2	\$10	500	16,800
\$2 × 5	\$10	500	16,800
\$5 w/Snowflake	\$10	50	168,000
\$20	\$20	1,500	5,600
\$5 × 4	\$20	1,500	5,600
\$4 × 5	\$20	750	11,200
\$10 × 2	\$20	750	11,200
\$10 w/Snowflake	\$20	107.14	78,400
\$40	\$40	4,000	2,100
\$5 × 8	\$40	4,000	2,100
\$10 × 4	\$40	4,000	2,100
\$20 w/Snowflake	\$40	4,000	2,100
\$100	\$100	30,000	280
\$20 × 5	\$100	30,000	280
\$10 × 6 + \$20 w/Snowflake	\$100	30,000	280
\$500	\$500	120,000	70
\$100 × 5	\$500	120,000	70
\$10,000	\$10,000	1,200,000	7

Snowflake = Double the prize shown

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Sleigh Ride Riches instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Sleigh Ride Riches, prize money from winning Pennsylvania Sleigh Ride Riches instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Sleigh Ride Riches instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Sleigh Ride Riches or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 04-1868. Filed for public inspection October 8, 2004, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Grand Central Sanitary Landfill, Inc. v. Commonwealth of Pennsylvania, Department of Environmental Protection; Doc. Nos. 2004-014-MG and 2004-165-MG

The Commonwealth of Pennsylvania, Department of Environmental Protection (Department) and Grand Central Sanitary Landfill, Inc. have agreed to a Stipulation of Withdrawal Without Prejudice of the previous matters.

On December 8, 2003, and June 17, 2004, the Commonwealth issued permit renewals to the Solid Waste Disposal and/or Processing Permit No. 100265 for the Grand Central Sanitary Landfill. The permit renewals ultimately extended the permit for the Grand Central Sanitary Landfill until December 31, 2007. Grand Central Sanitary Landfill, Inc. filed two appeals challenging each of the permit renewals.

The parties have now agreed to a Stipulation of Withdrawal Without Prejudice, the major provisions of which include: the appeals shall be withdrawn upon approval of the Stipulation of Withdrawal Without Prejudice by the Environmental Hearing Board (Board); and the dockets in the previously captioned matters shall be marked withdrawn. The Stipulation of Withdrawal Without Prejudice shall in no way limit or restrict the ability of Grand Central Sanitary Landfill, Inc. to: (a) submit future requests for renewal of the permit; (b) assert the objections raised in the appeals and any future action, appeal, permit modification, permit renewal, plan or application; or (c) assert the objections raised in its

appeals in response to future actions by the Department or any other person or entity.

Copies of the full Stipulation of Withdrawal Without Prejudice are in the hands of Robert D. Fox, Esquire, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, (484) 430-2312; and Lance H. Zeyher, Esquire, Office of Regional Counsel, Department of Environmental Protection, Office of Chief Counsel, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2519. Copies of the full Stipulation of Withdrawal Without Prejudice are also available at the offices of the Board and may be reviewed by interested parties on request during normal business hours.

Interested parties have 30 days from publication of this notice to submit comments with respect to the Stipulation of Withdrawal Without Prejudice.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 04-1869. Filed for public inspection October 8, 2004, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Temporary Changes to Fishing Regulations; Dutch Fork Lake, Washington County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporarily fishing regulations at Dutch Fork Lake, Washington County, in anticipation of a draw down of the lake. The Executive Director is lifting all seasons, sizes and creel limits for all species, effective immediately and until fish salvage operations are complete. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities.

The Executive Director has caused these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations are fully effective and enforceable. These temporary modifications will be in effect until further notice but in no event will they remain in place after January 1, 2005.

The Executive Director, acting under the authority of 58 Pa. Code § 103.3(d) (relating to restriction for special areas), also has taken immediate action to close Dutch Fork Lake to boating. This restriction is effective immediately and will remain in effect until further notice. The Executive Director has taken this action because he has determined that a hazard will exist during the draw down period that may threaten the safety of persons, property or both. Restrictions under this section are fully effective and enforceable in accordance with the law.

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

[Pa.B. Doc. No. 04-1870. Filed for public inspection October 8, 2004, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website: [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of a regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
8-3	Department of General Services General Conditions of Contract	9/24/04
8-4	Department of General Services Instructions to Bidders	9/24/04
7-378	Environmental Quality Board Small Sources of NOx, Cement Kilns and Large Internal Combustion Engines	9/29/04

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 04-1871. Filed for public inspection October 8, 2004, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Conseco Senior Health Insurance Company; Rate Increase Filing for Long Term Care Policy ATL-LTC-6; Rate Filing

Conseco Senior Health Insurance Company is requesting approval to increase the premium 25% for the Long Term Care Series ATL-LTC-6 and the associated riders. The American Travelers Life Insurance Company originally issued these forms. The average premium will increase from \$2,149 to \$2,543 and will affect 3,086 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to December 23, 2004, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, select "Consumer Information" on the left side. Under "General Information," click on "Notices." The pdf copy is at the "Filing.pdf" link following the name of the filing.

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

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square,

Harrisburg, PA 17120, rmathur@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 04-1872. Filed for public inspection October 8, 2004, 9:00 a.m.]

### Preferred Professional Insurance Company; Physicians and Surgeons Liability Rate Filing

On September 27, 2004, the Insurance Department (Department) received from the Preferred Professional Insurance Company (Company) a filing for a rate level change in physicians and surgeons liability rates.

The Company requests a 15% across-the-board increase in base rates effective January 1, 2005.

Unless formal administrative action is taken prior to November 11, 2004, the subject filing may be deemed approved by operation of law.

The filing is available for review on the Department's website: [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links," click "Rate filings published in the PA Bulletin."

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

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, [kcreighton@state.pa.us](mailto:kcreighton@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 04-1873. Filed for public inspection October 8, 2004, 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 November 1, 2004. 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.

**Application of the following for amendment to the certificate of public convenience approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for *cancellation* of the certificate of public convenience as described under the application.**

**A-00098375, Folder 1, Am-E. Herzog Trucking Company, Inc.** (200 Delaware Street, Honesdale, Wayne County, PA), a corporation of the Commonwealth—discontinuance of service—household goods in use: (1) from points within 10 miles by the usually traveled highways of the limits of the Borough of Honesdale, Wayne County, to other points in Pennsylvania, and vice versa; (2) between points in the County of Wayne; (3) between points in the Borough of Honesdale, Wayne County, and within 10 miles by the usually traveled highways of the limits of said borough; and (4) from points in the Borough of Honesdale, Wayne County, and within 10 miles by the usually traveled highways of the limits of said borough, to points within 40 miles by the usually traveled highways of the limits of said borough, and vice versa; provided no haul shall exceed a distance of 40 miles from point of origin to point of destination. *Attorney:* Kenneth A. Olsen, 33 Philhower Road, Lebanon, NJ 08833.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 04-1874. Filed for public inspection October 8, 2004, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

October 21, 2004    Matthew J. Taylor (D)    1 p.m.  
(Death Benefit)

Persons with a disability who wish to attend the listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the

requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 04-1875. Filed for public inspection October 8, 2004, 9:00 a.m.]

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### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

November 10, 2004	Sandra Rohrbach (Adjustment of Error)	1 p.m.
	Grant McCormick (Multiple Service)	2:30 p.m.

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 04-1876. Filed for public inspection October 8, 2004, 9:00 a.m.]

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# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

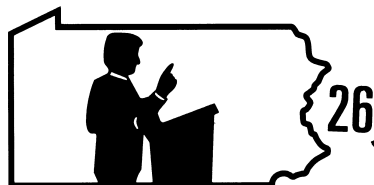
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

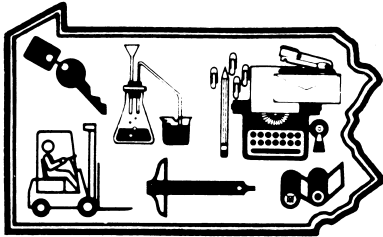
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## PA TREASURY BUSINESS OUTLET—PLUG INTO IT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Services are free except for the cost of photocopying contracts (15 cents per page); postage; redaction, and certified copies. The bureau may assess reasonable fees for labor and other expenses necessary to comply with the request. A free brochure explains how to take advantage of available services.

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania State Treasury  
 Room 201 Finance Building  
 Harrisburg, PA 17120  
 717-787-4586  
 1-800-252-4700  
 BizOutlet@patreasury.org

BARBARA HAFER,  
*State Treasurer*



### Commodities

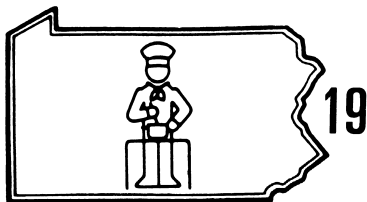
**HUN-WEAPONS** Vendor to provide Remington model 870 shotguns with associated licensure documents. Contact this agency for a complete bid package. Please include the company PA vendor registration number when requesting a bid.

**Department:** Corrections  
**Location:** State Correctional Institution at Huntingdon, 1100 Pike St.,  
 Huntingdon, PA 16654  
**Duration:** 10/01/04 to 6/30/05  
**Contact:** Robert A Jessell, (814) 643-2400 x 304

**SU-04-09** Contractor to provide printing of Shippensburg University magazine four (4) issues per year, Winter - 53,000, Spring - 53,000, Summer - 53,000, Fall - 53,000. The magazine is for Shippensburg University and the printing shall be in strict accordance with the specifications included in the solicitation package. Vendors interested in receiving a bid package must fax a request to Mona Holtry, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; Fax (717) 477-1350 or email a request to: mmholt@wharf.ship.edu. Bid are due 10-26-04 by 4 p.m. and the bid opening is scheduled for 10-27-04 at 2 p.m. All responsible bidders are invited to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257  
**Duration:** December 1, 2004 through September 30, 2005.  
**Contact:** Mona M. Holtry, (717) 477-1386

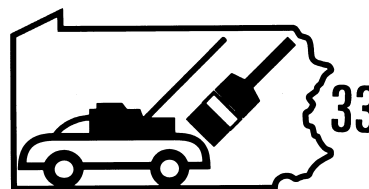
## SERVICES



### Food

**125** Imitation crab flake - surimi. Packed 12 - 2.5 pound packages per case. Thirty (30) pounds per case. Can be served hot or cold. To be shipped and received frozen and show no signs of previous thawing and refreezing.

**Department:** Corrections  
**Location:** State Correctional Institution at Fayette, 50 Overlook Drive,  
 LaBelle, PA 15450  
**Duration:** Until December 30, 2004  
**Contact:** Nancy Keller, (724) 364-2200 ext. 1030



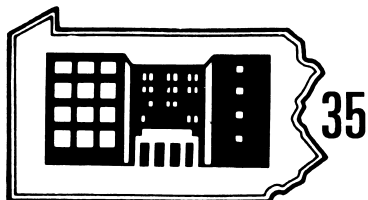
### Property Maintenance

**SU-04-08** Removal and Reinstallation of Horton Bridge Wood Shake Siding. Shippensburg University is seeking companies interested in removing and reinstalling the wood shake siding on the Horton Hall pedestrian Bridge Siding at Shippensburg University. Vendors interested in receiving a Bid Package should fax request to: 717-477-4004, ATTN: Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg, PA  
**Duration:** 45 days after award  
**Contact:** Deborah K. Martin, (717) 477-1121

**IN-859 - Renovations of the Foster Dining Hall** The Project (IN-859) consists of renovations of the Dining Area and Kitchen, offices and other minor renovations. Project consists of all General, HVAC, Plumbing and Electrical work as required. Food service equipment will be purchased independently by the University and by the General Contractor as identified and installed by the General Contractor. Food service equipment hook-ups will be by Prime Contractors as indicated in the FS Drawings. Plans and Specifications are available for purchase at STV Architects, (610) 385-8248, Attn: Karen Mauger. Plans and Specifications can also be reviewed at STV Architects, IUP Engineering & Construction Office, and Builders Exchanges. See complete Notice To Contractors at [www.iup.edu/engconstruction/list.shtm](http://www.iup.edu/engconstruction/list.shtm).

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Foster Dining Hall, 1110 Grant Street, Indiana, PA 15705  
**Duration:** Bids are due November 18, 2004 at 2:00 p.m. University anticipates issuance of the Notice to Proceed on or before March 1, 2005. Project must be completed by August 5, 2005.  
**Contact:** STV Architects/ Stuart Rothenberger, (610) 385-8248



### Real Estate Services

**93756** Lease Facility Space to the Commonwealth of PA. Proposals are invited to provide the Department of Public Welfare with 110,000 useable square feet of facility space with a minimum parking for 150 vehicles within a fifty (50) mile radius of the Philadelphia State Office Building, 1400 Spring Garden Street, Philadelphia, Philadelphia County, PA. (Facility must be located in the Commonwealth of PA.) Downtown locations will be considered. For more information on SFP #93756 which is due on November 15, 2004 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on "Real Estate" to download an SFP package or call (717) 787-0952.

**Department:** Public Welfare  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Cynthia T. Lentz, (717) 787-0952

**93758** Lease Office Space to the Commonwealth of PA. Proposals are invited to provide the Department of Community and Economic Development with 5,640 useable square feet of office space within the following boundaries: North: Mullberry St. South: Lackawanna Ave. East: Jefferson St. West: Franklin Ave., Scranton, Lackawanna County, PA. Downtown locations will be considered. For more information on SFP #93758 which is due on October 18, 2004 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on "Real Estate" to download an SFP package or call (717) 787-0952.

**Department:** Community and Economic Development  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** Cynthia T. Lentz, (717) 787-0952

[Pa.B. Doc. No. 04-1877. Filed for public inspection October 8, 2004, 9:00 a.m.]



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## DESCRIPTION OF LEGEND

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|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

DONALD T. CUNNINGHAM, Jr.  
*Secretary*