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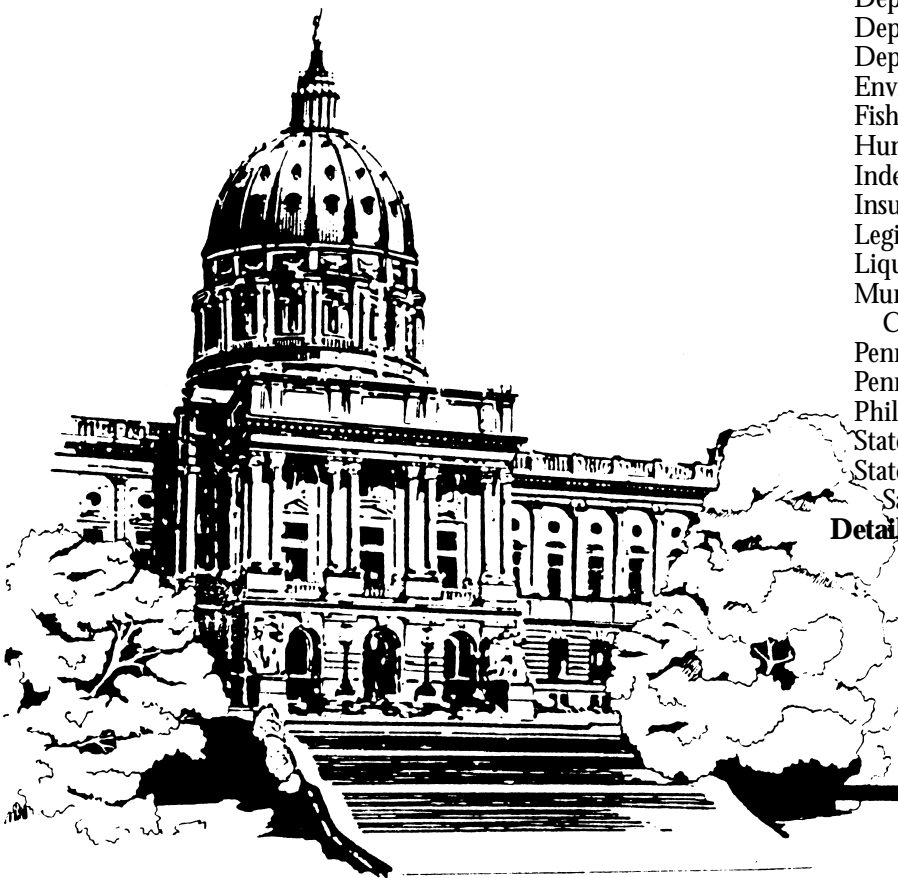
PENNSYLVANIA BULLETIN

Volume 35
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Philadelphia Regional Port Authority
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Salespersons

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

No. 371, October 2005

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2005-5]

Training America's Teachers Commission

August 10, 2005

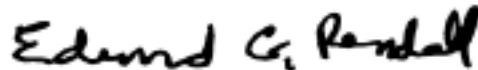
Whereas, the education of all children is a fundamental value to the Commonwealth of Pennsylvania; and

Whereas, the Commonwealth has the responsibility to ensure that Pennsylvania's teacher preparation programs produce high quality teachers in a system that is seamless and provides for continuous growth; and

Whereas, the Commonwealth desires to further position its teaching preparation programs as an economic and educational magnet that not only meets the unique demands of Pennsylvania schools, but also provides other states with quality teaching candidates; and

Whereas, the Commonwealth has a responsibility to identify an agenda for teacher preparation excellence in Pennsylvania through effective research, identification of best practices and input from major stakeholders.

Now, Therefore, I, Edward Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Training America's Teachers Commission (hereinafter referred to as "Commission") as hereinafter set forth.



Governor

Fiscal Note: GOV 05-05. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

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§ 6.221. Purpose.

The Training America's Teachers Commission shall:

(1) Conduct qualitative and quantitative research, which includes this Commonwealth, National and international studies.

(2) Identify and benchmark signature teacher preparation programs both in this Commonwealth and elsewhere.

(3) Gather input from stakeholders across this Commonwealth by providing avenues for discourse that include teachers, parents, business leaders, and key legislative representatives and staff.

(4) Produce a final report containing recommendations.

§ 6.222. Responsibilities.

The Training America's Teachers Commission shall examine and make specific recommendations:

(1) For enhancing the effectiveness of teacher preparation programs in this Commonwealth.

(2) To link PreK-12 education with the preparation of teachers in this Commonwealth.

(3) That will further position this Commonwealth's teaching preparation programs as an economic and educational magnet that not only meets the unique demands of this Commonwealth's schools, but also provides other states with quality teaching candidates.

§ 6.223. Composition and appointments.

(a) The Training America's Teachers Commission (Commission) shall be chaired by a prominent Pennsylvanian, and its members shall consist of a wide spectrum of stakeholders that include the following:

(1) The Secretary of Education.

(2) The Deputy Secretary of the Office of Postsecondary and Higher Education.

(3) The Deputy Secretary for Elementary and Secondary Education.

(4) The Secretary of Policy and Planning.

(5) Two members of the Senate or staff designees, one appointed by the Majority Leader of the Senate and one member appointed by the Minority Leader of the Senate.

(6) Two members of the House of Representatives or staff designees, one appointed by the Majority Leader of the House of Representatives, and one member appointed by the Minority Leader of the House of Representatives.

(7) Two members of the Senate or staff designees, one appointed by the Majority Leader of the Senate and one member appointed by the Minority Leader of the Senate.

(8) Representatives from each of the following stakeholder groups:

(i) Public PreK-12 education, including administrators, teachers and parents.

(ii) College and university teacher preparation programs.

(iii) College and university administration.

(iv) Civic and business leaders.

(v) At least one student enrolled in a teacher preparation program.

(vi) The State Board of Education.

(b) A Commission Steering Committee, appointed by the Secretary of Education and composed of select members of the Commission, will direct the work of the Commission with the assistance of a consultant who will help manage the process, facilitate key sessions, conduct necessary research and produce a final report.

(c) The Department of Education shall provide administrative support of the Commission.

(d) A Commission member may designate an alternate to attend Commission meetings, if required.

§ 6.224. Terms of membership.

(a) Members of the Training America's Teachers Commission (Commission) serve at the pleasure of the Governor.

(b) If a vacancy occurs on the Commission due to resignation, disability or death of a member, the Governor, or other appointing authority, as applicable, should appoint a successor as expeditiously as possible.

§ 6.225. Compensation.

Members of the Training America's Teachers Commission receive no compensation for their services, except that the members may be reimbursed for actual travel and related expenses in accordance with Commonwealth travel and subsistence policies. (See Chapter 40 (relating to travel and subsistence).)

§ 6.226. Reports.

The Training America's Teachers Commission (Commission) shall present an initial report to the Governor by December 31, 2005. The Commission shall produce a final report containing recommendations on the teaching preparation programs in this Commonwealth by March 31, 2006.

§ 6.227. Executive agencies.

Agencies under the Governor's jurisdiction shall provide assistance to the Training America's Teachers Commission as requested by the chairperson.

§ 6.228. Effective date.

This subchapter takes effect immediately.

§ 6.229. Termination date.

This subchapter shall continue in force until August 10, 2006.

[Pa.B. Doc. No. 05-1890. Filed for public inspection October 14, 2005, 9:00 a.m.]

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Interest on Lawyer Trust Account Board; Notice of Proposed Regulations Regarding Pro Hac Vice Admission

Request for Comments

The Pennsylvania Interest on Lawyer Trust Account Board drafted these Regulations that are being published for public comment. It requests that interested persons submit suggestions, comments, or objections concerning this proposal to the Board through

Alfred J. Azen
Executive Director
Pennsylvania Interest on Lawyer Trust Account Board
115 State Street
P. O. Box 1025
Harrisburg, PA 17108-1025

no later than Thursday, December 15th, 2005. Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. Comments submitted by facsimile will not be accepted.

Persons with a disability who require an alternative format of this document should contact Alfred J. Azen at the address provided above or call him at (717) 238-2001.

Note that an amendment to the Bar Examiners Rules would be necessary to effectuate these Regulations. The Pennsylvania Interest on Lawyer Trust Account Board will not put into effect these Regulations until the necessary amendments to the Bar Examiners Rules are authorized.

Introduction to Proposed Regulations

These Regulations are to be read and applied in connection with the Pennsylvania Rules of Bar Admission. Nothing in these regulations shall be construed to relieve a lawyer from complying with any other rules applicable to the practice of law in Pennsylvania, including but not limited to, the Pennsylvania Rules of Bar Admission and the Pennsylvania Rules of Professional Conduct. Where these regulations contain directives pertaining to pro hac vice admission before a court in the Commonwealth of Pennsylvania which are more specific than that set forth in the Pennsylvania Rules of Bar Admission, the provisions of these regulations shall control.

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 D. PRO HAC VICE ADMISSION

Sec.	
81.501.	Definitions.
81.502.	Scope.
81.503.	Requirements and Procedure for Admission Pro Hac Vice.
81.504.	Information to be Provided to IOLTA Board.
81.505.	Fees.
81.506.	Records Custodian.

§ 81.501. Definitions.

(a) *Admission pro hac vice.* Special admission to the bar of this Commonwealth for purposes limited to a particular legal action before a court in this Commonwealth.

(b) *Applicant.* The lawyer seeking admission pro hac vice.

(c) *IOLTA Board.* The Pennsylvania Interest on Lawyer Trust Account Board.

(d) *Lawyer.* A member in good standing of the bar of the highest court of any state in the United States or admitted to practice law before any court in a foreign jurisdiction.

§ 81.502. Scope.

(a) An attorney, barrister or advocate who is qualified to practice in the courts of another state or of a foreign jurisdiction may be specially admitted to the bar of this Commonwealth for purposes limited to a particular matter.

(b) An attorney admitted pro hac vice shall not be authorized to act as attorney of record for any action in this Commonwealth. The attorney should refer to the Pennsylvania Rules of Bar Admission.

§ 81.503. Requirements and Procedure for Admission Pro Hac Vice.

(a) No oath shall be required of an attorney seeking admission pro hac vice.

(b) Pro hac vice admission shall be only on motion of a member of the bar of the Commonwealth of Pennsylvania, and, unless waived or otherwise not required, by payment of the fee required by § 81.505.

(c) Except as otherwise prescribed by general rule, admission pro hac vice shall be by written motion of a member of the bar of the Commonwealth of Pennsylvania, and shall be signed by that member. The motion shall recite all relevant facts and shall be filed with the clerk of the court or with the magisterial district judge before which the matter is pending at least three days prior to any appearance by the attorney seeking pro hac vice admission.

(d) Each motion for pro hac vice admission shall aver that the fee required by § 81.505(a) has been paid, or include as an attachment a copy of a fee payment certification from the IOLTA Board, unless payment of the fee is not required pursuant to § 81.505(c).

(e) Each motion for pro hac vice admission shall aver that the information required by § 81.504 has been provided to the IOLTA Board.

§ 81.504. Information to be Provided to IOLTA Board.

(a) The following information shall be provided to the IOLTA Board with the fee required by § 81.505:

(i) The name, address, contact information, supreme court identification number of the active member of this Commonwealth who sponsors the applicant for pro hac vice admission.

(ii) The applicant's complete name, date of birth, residence address, law firm address and other contact information.

(iii) The name and address of each court and a full identification of the proceeding.

(iv) The courts before which the applicant has been admitted to practice, the respective period(s) of admission, and the applicant's identification number in the jurisdiction(s) admitted.

(v) An averment that the applicant is familiar with the Pennsylvania Rules of Professional Conduct, Pennsylvania Rules of Disciplinary Enforcement, and the rules and court procedures of the court before which the applicant seeks pro hac vice admission.

(b) Appendix A contains a form which may be used to provide the information required by subsection (a).

§ 81.505. Fees.

(a) An attorney seeking admission pro hac vice in any court in this Commonwealth shall pay a fee equal to the annual assessment paid by attorneys licensed to practice law in Pennsylvania. The fee shall be required for each case in which the attorney is seeking pro hac vice admission. Under no circumstances shall the fee required by this Section be refunded.

(b) An attorney seeking admission pro hac vice shall pay the fee required by section (a) to the IOLTA Board not later than the time of filing a motion requesting permission to participate in proceedings in a court in this Commonwealth.

(c) No fee for admission pro hac vice shall be required if the client being represented has been granted in forma pauperis status.

(d) Fees under this Regulation shall be paid by a check drawn on a United States bank, money order, or bank cashier's check payable in the full amount to the IOLTA Board.

(e) Fees collected under this Rule shall be used by the IOLTA Board to fund the expenses needed to administer this Rule, and to supplement the funding of non-profit organizations that provide civil legal services to the indigent and disadvantaged, or for similar purposes as authorized by the Supreme Court of Pennsylvania.

§ 81.506. Records Custodian.

The Pennsylvania IOLTA Board is considered the custodian of records for pro hac vice admission and does not approve or disapprove pro hac vice admission. Approval or disapproval shall be determined by the court before which the attorney wishes to appear.

Appendix A

PENNSYLVANIA IOLTA BOARD

FORM FOR PRO HAC VICE ADMISSION

(For all attorneys not licensed to practice law in Pennsylvania who are seeking special admission for purposes limited to a particular legal proceeding in a Court of the Commonwealth of Pennsylvania)

Use this form if you are an attorney who is qualified to practice in another state or in a foreign jurisdiction, is not admitted to practice law in Pennsylvania, and is seeking

to be specially admitted to the Bar of the Commonwealth of Pennsylvania in order to appear before a Pennsylvania Court in connection with a particular case.

Filing this form and fee is the mandatory first step in your request for permission to participate in proceedings in a Pennsylvania Court. The next step is to file a motion in the Pennsylvania Court before whom you are seeking to appear. The motion must aver payment of the fee or be accompanied by the acknowledgment letter you will receive from the Board. The decision to grant or deny your admission is ultimately made by the Court before whom you are seeking to appear. Proceedings filed under a new case number in any Court, including all appellate courts, are considered new proceedings and are subject to completion of a new form and fee.

Carefully follow these instructions and complete this form. Keep a copy of your completed form for future reference, as you may be charged for any copies you request from the Board's file.

No alterations may be made to the text or wording of this form. Before you file your form, verify that you have fully responded to all items and questions, leaving no blanks. If the item or question is inapplicable, write "N/A."

Your form will not be considered filed if incomplete. If incomplete, it may be returned to you. Failure to provide any of the following information will result in an incomplete form:

- a) failure to provide any information required, including names, complete addresses, telephone numbers, or zip/postal codes;
- b) failure to answer any question;
- c) failure to send in the required fee;
- d) alteration of any language of the form; and
- e) failure to sign any document requiring your signature.

1. *Filing Fees:* Make your check, money order, or bank cashier's check payable in the full amount due to the PA IOLTA Board. The filing fee is equal to the annual assessment paid by attorneys licensed to practice law in Pennsylvania, as in effect from time to time. If you have any questions about the fee, please contact the Pa IOLTA Board before submitting this form. Do not postdate your check. A form is not considered filed until all fees are received in the Board's office. If your check for fees is returned for insufficient funds or is otherwise dishonored by your bank, you will be assessed a returned check charge. All fees due after that time must be paid by bank cashier's check or money order. There is no refund of fees if you withdraw your application for pro hac vice admission or do not meet all requirements for admission. No fee is required if the applicant attorney is representing a person who has been granted in forma pauperis status.

2. *Filing of Application:* Mail or deliver your form and required fees to the Board as follows:

<i>Mailing Address:</i>	<i>Delivery Address:</i>
PA IOLTA Board P. O. Box 1025 Harrisburg, PA 17108-1025	PA IOLTA Board 115 State Street Harrisburg, PA 17101

Phone: (717) 238-2001 or 888-PA-IOLTA (724-6582)

Web address: www.paiolta.org

E-mail Address: paioltapa@courts.us

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 75

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

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

The Committee solicits comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, December 16, 2005 directed to:

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

*By the Domestic Relations
Procedural Rules Committee*

ROBERT C. CAPRISTO,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.19. Support. Modification. Termination. Guidelines as Substantial Change in Circumstances.

* * * * *

(f) Upon notice to the obligee, with a copy to the obligor, the court may modify or terminate a charging order for support when it appears to the court that:

(1) the order is no longer able to be enforced under state law; or

(2) the obligor is unable to pay and there is no reasonable prospect that the obligor will be able to pay in the foreseeable future.

The notice shall advise the obligee to contact the domestic relations section within 60 days of the date of the mailing of the notice if the obligee wishes to contest the proposed modification or termination. If the obligee objects, the domestic relations section shall schedule a conference to provide the obligee the opportunity to contest the proposed action. If the obligee does not respond to the notice or object to the proposed action, the

court shall have the authority to administratively modify or terminate the order. Any such modification or termination shall be without prejudice, including as to arrears vacated pursuant to this subdivision.

Explanatory Comment—1993

Existence of Guidelines as Substantial Change in Circumstances. In its opinion in *Newman v. Newman*, 597 A.2d 684 (Pa. Super. 1991), the Superior Court held that enactment of the guidelines does not constitute a substantial change in circumstance which could serve as the basis for modification of a support order. The amended rule allows the trier of fact to consider new or revised rules as a change in circumstances where the change in the guidelines, either by itself or in combination with other factors, is material and substantial.

Explanatory Comment—2000

The Pennsylvania Child Support Enforcement System ("PACSES") is electronically linked to a variety of governmental and private agencies and institutions. This linkage enables PACSES to immediately locate and identify an obligor's income, income sources and assets. Rule 1910.19 is amended to provide that their identification through these automated methods provides a basis for modifying both the current support obligation and the rate of repayment on either past due or overdue support. Identification through means other than PACSES continues to provide the same basis for modification.

While identification of income sources or assets provides a basis for modification, this rule is not intended to prevent a court from ordering that the income or assets be frozen and seized under Rule 1910.26 pending the hearing on the petition for modification. Such relief remains available under Rule 1910.26 governing appropriate interim or special relief. See Rule 1910.1 Explanatory Comment. Nor is this rule intended to affect the court's ability to seize income or assets under Rule 1910.20 to secure an overdue support obligation.

Explanatory Comment—2002

Although support orders do not terminate automatically, many obligors are unaware of the necessity of filing a petition to terminate a child support order when the child becomes emancipated. As a result, old orders have continued to charge long after the subject child has become an adult. New subdivision (e) is intended to address this problem by giving the obligee notice of a proposed modification or termination of the order and the opportunity to object. If no objection is made, or if the obligee fails to respond with a reason to continue the order, the rule gives the court the authority to terminate or modify the charging order, depending upon whether or not other children are covered under the order.

Explanatory Comment—2005

New subdivision (f) addresses an increasing multiplicity of circumstances in which the continued existence of a court-ordered obligation of support is inconsistent with rules or law. An obligor with no known assets whose sole source of income is Supplemental Security Income or cash assistance cannot be ordered to pay support under Rule 1910.16-2. Likewise, an obligor with no verifiable income or assets whose institutionalization, incarceration or long-term disability precludes the payment of support throughout the duration of the child's minority renders the support order unenforceable and uncollectible, diminishing the percep-

tion of the court as a source of redress and relief. Often, the obligor is unaware of the need to file for a modification or termination, or, over time, the parties abandon the action. In those circumstances, the courts are charged with managing dockets with no viable outcomes. Both the rules and the federal guidelines for child support under Title IV-D of the Social Security Act provide for circumstances under which a support order shall not be entered or under which a child support case may be closed. Subdivision (f) expands the authority of the courts to respond to case management issues brought about by changes in circumstances of the parties of which the courts become aware through the expansion of automated interfaces and data exchanges.

[Pa.B. Doc. No. 05-1892. Filed for public inspection October 14, 2005, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1910]

Order Amending Rules 1910.16-1, 1910.16-2, 1910.16-3, 1910.16-4, 1910.16-5, 1910.16-6 and 1910.16-7; No. 442 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 27th day of September, 2005, Rules 1910.16-1, 1910.16-2, 1910.16-3, 1910.16-4, 1910.16-5, 1910.16-6 and 1910.16-7 of the Pennsylvania Rules of Civil Procedure are amended as follows.

This order shall be processed in accordance with Pa. R.J.A. 103(b) and shall be effective four months from the date of this order.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.16-1. Amount of Support. Support Guidelines.

(a) *Applicability of the Support Guidelines.*

(1) Except as set forth in subdivision (2) below, the support guidelines set forth the amount of support which a spouse or parent should pay on the basis of both parties' net monthly incomes as defined in Rule 1910.16-2 and the number of persons being supported. **[The support of a spouse or child is a priority obligation so that a party is expected to meet this obligation by adjusting his or her other expenditures.]**

(2) In actions in which the plaintiff is a public body or private agency pursuant to Rule 1910.3, the amount of the order shall be calculated under the guidelines based upon each obligor's net monthly income as defined in Rule 1910.16-2, with the public or private entity's income as zero. In such cases, each parent shall be treated as a separate obligor and a parent's obligation will be based upon his or her own monthly net income without regard to the income of the other parent.

(i) The amount of basic child support owed to other children not in placement shall be deducted from each

parent's net income before calculating support for the child or children in placement, including the amount of direct support the guidelines assume will be provided by the custodial parent.

Example 1. Mother and Father have three children and do not live in the same household. Mother has primary custody of two children and net monthly income of \$1,500 per month. Father's net monthly income is \$3,000. The parties' third child is in foster care placement. Pursuant to the schedule at Rule 1910.16-3, the basic child support amount for the two children with Mother is \$[1,235] 1,216. As Father's income is 67% of the parties' combined monthly net income, his basic support obligation to Mother is \$[827] 815 per month. The guidelines assume that Mother will provide \$[408] 401 per month in direct expenditures to the two children in her home. The agency/obligee brings an action against each parent for the support of the child in placement. Father/obligor's income will be \$[2,173] 2,185 for purposes of this calculation (\$3,000 net less \$[827] 815 in support for the children with Mother). Because the agency/obligee's income is zero, Father's support for the child in placement will be 100% of the schedule amount of basic support for one child at the \$[2,173] 2,185 income level, or \$[505] 545 per month. Mother/obligor's income will be \$[1,092] 1,099 for purposes of this calculation (\$1,500 net less \$[408] 401 in direct support to the children in her custody). Her support obligation will be 100% of the schedule amount for one child at that income level, or \$[268] 284 per month.

Example 2. Mother and Father have two children in placement. Father owes child support of \$500 per month for two children of a former marriage. At the same income levels as above, Father's income for determining his obligation to the children in placement would be \$2,500 (\$3,000 less \$500 support for two children of prior marriage). His obligation to the agency would be \$[842] 853 per month (100% of the schedule amount for two children at the \$2,500 per month income level). Mother's income would not be diminished as she owes no other child support. She would owe \$[521] 544 for the children in placement (100% of the schedule amount for two children at the \$1,500 income level).

(ii) If the parents reside in the same household, their respective obligations to the children who remain in the household and are not in placement shall be calculated according to the guidelines, with the parent having the higher income as the obligor, and that amount shall be deducted from the parents' net monthly incomes for purposes of calculating support for the child(ren) in placement.

Example. Mother and Father have four children, two of whom are in placement. Mother's net monthly income is \$4,000 and Father's is \$2,000. The basic support amount for the two children in the home is \$[1,532] 1,359, according to the schedule at Rule 1910.16-3. As Mother's income is 67% of the parties' combined net monthly incomes, her share would be \$[1,026] 911, and Father's 33% share would be \$[506] 448. Mother's income for purposes of calculating support for the two children in placement would be \$[2,974] 3,089 (\$4,000 less \$[1,026] 911). She would pay 100% of the basic child support at that income level, or \$[961] 1,029, for the children in placement. Father's income would be

§[1,494] 1,552 (\$2,000 less §[506] 448) and his obligation to the children in placement would be §[521] 560.

(iii) In the event that the combined amount the parents are required to pay exceeds the cost of placement, the trier of fact shall deviate to reduce each parent's obligation in proportion to his or her share of the combined obligation.

(3) The support of a spouse or child is a priority obligation so that a party is expected to meet this obligation by adjusting his or her other expenditures.

(b) **Amount of Support.** The amount of support (child support, spousal support or alimony pendente lite) to be awarded pursuant to the procedures under Rules 1910.11 and 1910.12 shall be determined in accordance with the support guidelines which consist of the guidelines expressed as the child support schedule set forth in Rule 1910.16-3, the formula set forth in Rule 1910.16-4 and the operation of the guidelines as set forth in these rules.

(c) **Spousal Support and Alimony Pendente Lite.** Orders for spousal support and alimony pendente lite shall not be in effect simultaneously.

(d) **Rebuttable Presumption.** If it has been determined that there is an obligation to pay support, there shall be a rebuttable presumption that the amount of the award determined from the guidelines is the correct amount of support to be awarded. The support guidelines are a rebuttable presumption and must be applied taking into consideration the special needs and obligations of the parties. The trier of fact must consider the factors set forth in Rule 1910.16-5. The presumption shall be rebutted if the trier of fact makes a written finding, or a specific finding on the record, that an award in the amount determined from the guidelines would be unjust or inappropriate.

(e) **Guidelines Review.** The guidelines shall be reviewed at least once every four years to insure that [their] application results in the determination of appropriate amounts of support.

[Explanatory Comment—1998

Introduction

Federal and state law require the use of guidelines to establish child and spousal support orders. Using the guidelines promotes (1) similar treatment of persons similarly situated, (2) a more equitable distribution of the financial responsibility for raising children, (3) settlement of support matters without court involvement, and (4) more efficient hearings where they are necessary. The Pennsylvania Rules of Civil Procedure governing actions for support set forth the basic child support schedule and formula as well as the explanatory text.

A. Income Shares. The child support guidelines are based on the Income Shares Model developed by the Child Support Guidelines Project of the National Center for State Courts. The model is based on the idea that the child of separated or divorced parents should receive the same proportion of parental income that she or he would have received if the parents lived together. A number of authoritative economic studies provide estimates of the average amount of household expenditures for children in intact households. These studies show that the proportion of household spending devoted to children is directly related to the level of household income and to the number and ages of the

children. The basic support amounts reflected in the child support schedule in Rule 1910.16-3 represent average marginal expenditures on children for food, housing, transportation, clothing and other miscellaneous items that are needed by children and provided by their parents, including the first \$250 of unreimbursed medical expenses incurred annually per child.

B. Statutory Considerations. The federal statute, 42 U.S.C. § 467(a), requires that the guidelines be reviewed every four years. In addition, the Pennsylvania statute, 23 Pa.C.S. § 4322, states:

“ . . . Child and spousal support shall be awarded pursuant to a Statewide guideline as established by general rule by the Supreme Court, so that persons similarly situated shall be treated similarly. The guidelines shall be based upon the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support. In determining the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support, the guidelines shall place primary emphasis on the net incomes and earning capacities of the parties, with allowable deviations for unusual needs, extraordinary expenses and other factors, such as the parties' assets, as warrant special attention.”

1. Reasonable Needs and Reasonable Ability to Provide Support. The guidelines make financial support of a child a primary obligation. They assume that parties with similar net incomes will have similar reasonable and necessary expenses. After the basic needs of the parents have been met, the child's needs shall receive priority. The guidelines assume that if obligor's net income is less than \$550, he or she is barely able to provide for basic personal needs. In these cases, therefore, entry of a minimal order is appropriate after considering the party's living expenses. In some cases, it may not be appropriate to order support at all.

In most cases, however, a party's living expenses are not relevant in determining his or her support obligation. Rather, as the statute requires, the obligation is based on the reasonable needs of a dependent spouse or child and the reasonable ability of the obligor to pay. For example, in setting the amount of child support, it should be of no concern to the court that one obligor chooses to live in a one-room apartment and rely solely on public transportation, while another obligor, earning the same salary, chooses to live in a five-bedroom apartment and drive a new car. Both are obligated to give priority to the needs of their children. What they choose to do with their remaining income is not relevant to a support claim.

2. Net Income. The guidelines use the net incomes of the parties, and are based on the assumption that a child's reasonable needs increase as the combined net income of the child's parents increases. Each parent is required to contribute a share of the child's reasonable needs proportional to that parent's share of the combined net incomes. The custodial parent makes these contributions entirely through direct expenditures for food, shelter, clothing, transportation and other reasonable needs. In addition to any direct expenditures on

the child's behalf, the non-custodial parent makes contributions through periodic support payments.

3. *Allowable Deviations.* The guidelines are designed to treat similarly situated parents, spouses, and children in the same manner. However, when there are unavoidable differences, deviations must be made from the guidelines. Failure to deviate from these guidelines by considering a party's actual expenditures where there are special needs and special circumstances constitutes a misapplication of the guidelines.

C. *Four-Year Review.* The Family Support Act of 1988 (P. L. 100-485, 102 Stat. 2343 (1988)) requires that the child support guidelines be reviewed every four years to ensure that their application results in a determination of an appropriate child support award. With the assistance of Dr. Robert Williams, the developer of the Income Shares model, the Committee reviewed the most recent economic studies on child-related expenditures in intact households and assessed state guideline adjustments for low income, additional dependents, shared custody, child care, medical expenses and other factors which are considered in establishing or modifying a support award. Based on this review, Rules of Civil Procedure 1910.16-1 through 1910.16-5 relating to the guidelines have been amended and new Rules 1910.16-6 and 1910.16-7 have been added as follows.

1. *Reorganization of the Rules.* The rules have been reorganized so that they more logically follow the sequence for calculating the overall support obligation. Since the calculation begins with the computation of the parties' net incomes, new Rule 1910.16-2 consolidates all of the income provisions that formerly appeared throughout Rule 1910.16-5. Rule 1910.16-2 is followed by Rule 1910.16-3, the basic child support schedule; Rule 1910.16-4, the formula used in conjunction with the Schedule to arrive at obligor's basic support obligation; Rule 1910.16-5, which sets forth the factors the court must consider in determining whether to deviate from the basic support obligation; and Rule 1910.16-6, which consolidates all of the provisions for additional expenses that are typically added to the basic support obligation. Rule 1910.16-7 addresses the special treatment of child support obligations in the context of multiple families.

2. *Calculation of Basic Child Support.* The amount of basic support was previously determined from either the grids or the chart of proportional expenditures in conjunction with the income shares formula. The grids and the chart of proportional expenditures have been eliminated. The Committee has chosen to use a basic child support schedule, which numerically reflects the amounts spent on children in intact families by combined income and number of children. The schedule appears in Rule 1910.16-3 and shall be used to find the parties' combined basic child support obligation. In turn, the obligor's share of this obligation is calculated using the income shares formula in Rule 1910.16-4.

The amounts of child support set forth in the schedule have been updated to reflect recent economic estimates of child-related spending in intact households. Pursuant to federal and state law, these estimates must be adopted to ensure that children continue to receive adequate levels of

support. Since the studies now consider households of up to six children, the guidelines have been expanded from four to six children. The newer studies also consider households with combined monthly net income of up to \$12,600. Allowing for inflation, the model can be extended to combined monthly net income of up to \$15,000. The Committee has chosen to do this so that the support guidelines will apply to more cases.

3. *Computed Minimum Allowance in Low-Income Cases.* The amended rules incorporate a Computed Allowance Minimum (CAM) into the support guidelines so that low-income obligors retain sufficient income to meet their basic needs and to maintain the incentive to continue working so that support can be paid. The CAM is built into the schedule in Rule 1910.16-3 and adjusts the basic support obligation to prevent obligor's net income from falling below \$550 per month. Since the schedule reflects amounts of child support only, Rule 1910.16-2(e)(1)(B) provides for a similar adjustment in spousal support and APL cases so that the obligor retains at least \$550 per month in these cases as well.

4. *Shared Custody.* Under the prior guidelines, there was no formula or procedure for deviating from the basic support guidelines when custody is shared equally or the non-custodial parent has substantial partial custody. The guidelines provided that the obligor's support obligation should be reduced only if he or she spent "an unusual amount of time with the children." Yet, there have been several decisions rejecting deviation even if the obligor spends almost 50% of the time with the children. See, e.g., *Anzalone v. Anzalone*, 449 Pa. Super. 201, 673 A.2d 377 (1996)(40% time was not "unusual"); *Dalton v. Dalton*, 409 Pa. Super. 258, 597 A.2d 1192 (1991)(43% time did not justify deviation).

It is generally agreed, however, that there should be some reduction in the support obligation in these cases to reflect the decrease in the obligee's variable expenses and the increase in obligor's fixed and variable expenses as a result of the children spending substantially more time with the obligor. As part of its four-year review of the guidelines, the Committee examined seven different methods being used by other states but found that none of them met these objectives without producing a substantial reduction in the support obligation at some income levels or income differentials for relatively small increases in custodial time. As a result, the Committee initially recommended the alternative solution of no reduction at all for time spent with the children. Based on the comments received, however, the Committee reconsidered this recommendation and ultimately selected a method which gives some recognition to the shift in child-related expenditures that occurs when the obligor spends a substantial amount of time with the children.

This method is set forth in Rule 1910.16-4(c) and has been built into the formula used to calculate the presumptively correct amount of the support obligation. While not a perfect solution to the problem of establishing support obligations in the context of substantial or shared custody, it is better than the previous void and preferable to the many offset methods developed by local courts which

effectively reduced the support obligation out of proportion to the increase in custody time. Its chief advantage is that there is no sharp reduction in the obligation at the 40% threshold. It also provides statewide uniformity. The method does not, however, result in \$0 when there is equal custody and equal income. In those cases, therefore, the Rule provides for a cap to reduce the obligation so that the obligee does not receive a larger portion of the combined income than the obligor. Although this cap may in some cases result in a substantial reduction between 45-50% time, the Committee is not aware of an existing model that does not create some "cliff effect" at some level at some point in time. This model was chosen over others because the cases which involve truly equal time-sharing and equal incomes continue to represent a very small percentage of support cases.

5. Multiple Families. The Committee has chosen to retain the existing approach for establishing multiple child and spousal support obligations. New Rule 1910.16-7 sets forth the method for calculating child support obligations so that all of the obligor's children continue to have equal access to his or her resources and no child receives priority over the other children. Since calculation of multiple spousal support obligations is essentially a function of net income, it appears in new Rule 1910.16-2 governing the general calculation of net income. The provision continues to highlight the fact that the rules do not accord the same treatment to second and later spouses as they do to children in multiple family situations. Unlike children, who have no choice about the situation into which they are born, adults have the opportunity to investigate a potential spouse before committing themselves.

6. Child Care Expenses. Whereas the prior rules provided for equal sharing of these expenses, Rule 1910.16-6(a) now provides for proportionate sharing based on the parties' net incomes so that these expenses are allocated in the same manner as other expenses which are typically added to the basic support obligation. The Rule also reflects the availability and limitations of the federal child care tax credit which can be claimed by the custodial parent.

7. Health Insurance Premiums. Under the prior rules, the portion of the cost of health insurance premiums which benefit the other party or the children was deducted from the party's net income. This provided little incentive for either party to obtain or maintain health insurance coverage for the benefit of the other family members. If the obligor was paying the premium, it reduced the basic support award only marginally. If the obligee was paying the premium, he or she received virtually no financial credit at all in terms of a higher support award.

To maximize the value for the party carrying the health insurance in most cases, new Rule 1910.16-6(b), in general, treats the cost of the premium as an additional expense subject to allocation between the parties in proportion to their net incomes. In the majority of cases, this more accurately reflects the costs of carrying such insurance and also ensures that the obligee receives some financial credit for carrying the insurance. However, in cases

in which the obligee has no income or minimal income, and the obligor would otherwise bear the entire burden of paying the health insurance premiums with no other adjustment to his or her support obligation, the trier of fact may deduct part or all of the cost of the premium from the obligor's income for support purposes. The new Rule also permits allocation of the entire premium, including the party's portion of the premium, when the insurance benefits the other party or the children. This change provides further incentive for parties to obtain health insurance for the benefit of the other party and the children.

8. Unreimbursed Medical Expenses. There are three changes to the treatment of unreimbursed medical expenses. First, since the first \$250 per year per child of these expenses is already built into the basic child support obligation reflected in the schedule, only medical expenses which exceed this amount are subject to allocation between the parties as an additional expense to be added to the basic support obligation. Rule 1910.16-6(c) reflects this distinction. The Committee has also chosen to draw this same distinction with respect to spousal support so that the obligee-spouse is expected to meet the first \$250 per year of his or her own unreimbursed expenses before seeking contribution from the obligor for any additional expenses.

Second, the Rule distinguishes between those expenses which are predictable and recurring and those which are not. When the expenses are predictable and recurring, the court may establish a monthly amount for those expenses and add it to the basic support obligation. This permits the monthly amount to be collected more easily through wage attachment. When the expenses are variable and unanticipated, and thus not conducive to routine wage attachment, the court may nonetheless order the defendant to pay his or her percentage share of these expenses.

Third, the definition of medical expenses is amended to include insurance co-payments, deductibles, and orthodontia and to exclude chiropractic services.]

Explanatory Comment—2005

Introduction. Pennsylvania law requires that child and spousal support be awarded pursuant to a statewide guideline. 23 Pa.C.S. § 4322(a). That statute further provides that the guideline shall be "established by general rule by the Supreme Court, so that persons similarly situated shall be treated similarly." *Id.*

Pursuant to federal law, The Family Support Act of 1988 (P. L. 100-485, 102 Stat. 2343 (1988), 42 U.S.C. § 667(a)), statewide support guidelines must "be reviewed at least once every four years to ensure that their application results in the determination of appropriate child support award amounts." Federal regulations, 45 CFR 302.56, further require that such reviews include an assessment of the most recent economic data on child-rearing costs and a review of data from case files to assure that deviations from the guidelines are limited. The Pennsylvania statute also requires a review of the support guidelines every four years. 23 Pa.C.S.A. § 4322(a).

The Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania began

the mandated review process in early 2003. The committee was assisted in its work by Jane Venohr, Ph.D., an economist with Policy Studies, Inc., under contract with the Pennsylvania Department of Public Welfare. As a result of the review, the committee recommended to the Supreme Court several amendments to the statewide guidelines.

A. Income Shares Model. Pennsylvania's child support guidelines are based upon the Income Shares Model. That model was developed under the Child Support Guidelines Project funded by the U.S. Office of Child Support Enforcement and administered by the National Center for State Courts. The Guidelines Project Advisory Group recommended the Income Shares Model for state guidelines. At present, 33 states use the Income Shares Model as a basis for their child support guidelines.

The Income Shares Model is based upon the concept that the child of separated, divorced or never-married parents should receive the same proportion of parental income that she or he would have received if the parents lived together. A number of authoritative economic studies provide estimates of the average amount of household expenditures for children in intact households. These studies show that the proportion of household spending devoted to children is directly related to the level of household income and to the number of the children. The basic support amounts reflected in the schedule in Rule 1910.16-3 represent average marginal expenditures on children for food, housing, transportation, clothing and other miscellaneous items that are needed by children and provided by their parents, including the first \$250 of unreimbursed medical expenses incurred annually per child.

1. Economic Measures. The support schedule in Rule 1910.16-3 is based upon child-rearing expenditures measured by David M. Betson, Ph.D., Professor of Economics, University of Notre Dame. Dr. Betson's measurements were developed for the U.S. Department of Health and Human Services for the explicit purpose of assisting states with the development and revision of child support guidelines. Dr. Betson's research was also used in developing the prior schedule, effective in April 1999. In 2001, Dr. Betson updated his estimates using data from the 1996-98 Consumer Expenditure Survey conducted by the U.S. Bureau of Labor Statistics. In the current schedule, those figures were converted to 2003 price levels using the Consumer Price Index.

2. Source of Data. The estimates used to develop the schedule are based upon national data. The specific sources of the data are the periodic Consumer Expenditure Surveys. Those national surveys are used because they are the most detailed available source of data on household expenditures. The depth and quality of this information is simply not available at the state level and would be prohibitively costly to gather. However, according to the 2000 Census conducted by the U.S. Census Bureau, the median Pennsylvania family income in 1999 was \$49,184, while the national median family income was \$50,046. Thus, using national data continues to be appropriate.

The U.S. Department of Agriculture's Center for Nutrition Policy and Promotion ("CNPP") also de-

velops economic estimates for the major categories of child-rearing expenditures. Although the committee reviewed these estimates, it is not aware of any state that relies upon the CNPP estimates as a basis for its child support schedule.

B. Statutory Considerations. The Pennsylvania statute, 23 Pa.C.S.A. § 4322(a), provides:

Child and spousal support shall be awarded pursuant to a Statewide guideline as established by general rule by the Supreme Court, so that persons similarly situated shall be treated similarly. The guideline shall be based upon the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support. In determining the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support, the guideline shall place primary emphasis on the net incomes and earning capacities of the parties, with allowable deviations for unusual needs, extraordinary expenses and other factors, such as the parties' assets, as warrant special attention. The guideline so developed shall be reviewed at least once every four years.

1. Reasonable Needs and Reasonable Ability to Provide Support. The guidelines make financial support of a child a primary obligation and assume that parties with similar net incomes will have similar reasonable and necessary expenses. After the basic needs of the parents have been met, the child's needs shall receive priority. The guidelines assume that if the obligor's net income is at the poverty level, he or she is barely able to provide for his or her own basic needs. In those cases, therefore, the entry of a minimal order may be appropriate after considering the party's living expenses. In some cases, it may not be appropriate to enter a support order at all. In most cases, however, a party's living expenses are not relevant in determining his or her support obligation. Rather, as the statute requires, the obligation is based upon the reasonable needs of a dependent spouse or child and the reasonable ability of the obligor to pay.

2. Net Income. The guidelines use the net incomes of the parties and are based on the assumption that a child's reasonable needs increase as the combined net income of the child's parents increases. Each parent is required to contribute a share of the child's reasonable needs in proportion to that parent's share of the combined net income. The custodial parent makes these contributions through direct expenditures for food, shelter, clothing, transportation and other reasonable needs. The non-custodial parent makes contributions through periodic support payments to the custodial parent. Rule 1910.16-2(d) has been amended to clarify the provisions relating to fluctuating income and earning capacity.

3. Allowable Deviations. The guidelines are designed to treat similarly situated parents, spouses and children in the same manner. However, when there are unavoidable differences, deviations must be made from the guidelines. Failure to deviate from these guidelines by considering a party's actual expenditures where there are special needs and special circumstances constitutes a misapplication of the guidelines.

C. Child Support Schedule. The child support schedule in Rule 1910.16-3 has been amended to reflect updated economic data, as required by federal and state law, to ensure that children continue to receive adequate levels of support. At some income levels the presumptive amount of support has increased from the previous schedule, and at some income levels it has decreased. The economic data support the revised schedule. The support amounts in the schedule have been expanded to apply to a combined net monthly income of \$20,000 and remain statistically valid.

D. Self-Support Reserve ("SSR"). The amended schedule also incorporates an increase in the "Self-Support Reserve" or "SSR" from \$550 per month to \$748 per month, the 2003 federal poverty level for one person. Formerly designated as the "Computed Allowance Minimum" or "CAM," the Self-Support Reserve, as it is termed in most other states' guidelines, is intended to assure that low-income obligors retain sufficient income to meet their own basic needs, as well as to maintain the incentive to continue employment. The SSR is built into the schedule in Rule 1910.16-3 and adjusts the basic support obligation to prevent the obligor's net income from falling below \$748 per month. Because the schedule in Rule 1910.16-3 applies to child support only, Rule 1910.16-2(e)(1)(B) provides for a similar adjustment in spousal support and alimony pendente lite cases to assure that the obligor retains a minimum of \$748 per month.

E. Shared Custody. Prior to the amendments effective in April of 1999, there was no formula or procedure for deviating from the basic support guidelines when custody was shared equally or the non-custodial parent has substantial partial custody. Prior to 1999, the guidelines provided that the obligor's support obligation should be reduced only if he or she spent "an unusual amount of time with the children."

As part of the review process that resulted in the 1999 amendments, the committee considered the practices of several other jurisdictions and ultimately selected a method which gave some recognition to the shift in child-related expenditures that occurs when the obligor spends a substantial amount of time with the children. While recognizing that it was not a perfect solution to the problem of establishing support obligations in the context of substantial or shared custody, it was preferable to the diverse offset methods which had been developed by local courts. Its chief advantage was that it provided statewide uniformity and avoided a sharp reduction in the obligation at certain thresholds. These amendments do not change that rule.

F. Child Care Expenses. Rule 1910.16-6(a) has been amended to provide that child care expenses incurred by both parties shall be apportioned between the parties in recognition of the fact that a non-custodial parent may also incur such expenses during his or her custodial periods with the children.

G. Other Amendments. All of the examples in the guidelines have been updated to reflect the changes to the basic child support schedule. Prior explanatory comments have been deleted or revised and incorporated into new comments.

Rule 1910.16-2. Support Guidelines. Calculation of Net Income.

[The] Generally, the amount of support to be awarded is based [in large part] upon the parties' monthly net income.

(a) *Monthly Gross Income.* Monthly gross income is ordinarily based upon at least a six-month average of all of a party's income. The term "income" is defined by the support law, 23 Pa.C.S.A. § 4302, and includes income from any source. The statute lists many types of income including, but not limited to:

* * * * *

(7) alimony if, in the discretion of the trier of fact, inclusion of part or all of it is appropriate; and

Official Note: Since the reasons for ordering payment of alimony vary, the appropriateness of including it in the recipient's gross income must also vary. For example, if the obligor is paying \$1,000 per month in [rehabilitative] alimony for the express purpose of financing the obligee's college education, it would be inappropriate to consider that alimony as income from which the obligee could provide child support. However, if alimony is intended to finance the obligee's general living expenses, inclusion of the alimony as income is appropriate.

* * * * *

(b) *Treatment of Public Assistance, SSI Benefits and Social Security Payments to a Child Due to a Parent's Death, Disability or Retirement.*

* * * * *

(2) If a child for whom support is sought is receiving Social Security benefits as a result of a parent's retirement, death or disability, the benefits the child receives shall be added to the combined monthly net incomes of the obligor and the obligee to calculate the income available for support on the vertical axis of the basic child support schedule set forth in Rule 1910.16-3. The presumptive amount of support as set forth on the schedule at the combined income of the obligee, obligor and child's benefits shall then be reduced by the amount of the child's benefits before apportioning the remaining support obligation between the parties pursuant to Rule 1910.16-4. For purposes of determining the support obligation of a surviving parent when the child is receiving benefits as the result of the other parent's death, the income of a non-parent obligee who is caring for a child but has no support obligation to that child shall include only those funds the obligee is receiving on behalf of the child.

Example 1. If the obligor has net [monthly] income of \$1,200 per month; the obligee has net monthly income of \$800; and the child receives Social Security derivative benefits of \$300 per month as a result of either the obligor's or obligee's retirement or disability, then the total combined monthly net income is \$2,300. Using the schedule at Rule 1910.16-3 for one child, the amount of support is \$[539] 568 per month. From that amount, subtract the amount the child is receiving in Social Security derivative benefits (\$[539] 568 minus \$300 equals \$[239] 268). Then, apply the formula at Rule 1910.16-4 to apportion the remaining child support amount of \$[239] 268 between the obligor and the obligee in proportion to their respective incomes. [Obligor's] The obligor's \$1,200 net income per month is

60% of the total of the obligor's and the obligee's combined net monthly income. Thus, the obligor's support obligation would be 60% of \$[239] 268, or \$[143.40] 161, per month.

Example 2. Two children live with [grandmother] Grandmother who receives \$400 per month in Social Security death benefits for the children as a result of their father's death. Grandmother also receives \$500 per month from a trust established by [father] Father for the benefit of the children. Grandmother is employed and earns \$2,000 net per month. Grandmother seeks support from the children's mother, who earns \$1,500 net per month. For purposes of calculating [mother's] Mother's support obligation, [grandmother's] Grandmother's income will be \$500, the amount she receives on behalf of the children from the trust. Therefore, the obligee's and the obligor's combined net monthly incomes total \$2,000. Add to that the \$400 in Social Security benefits [grandmother] Grandmother receives for the children to find the basic child support amount in Rule 1910.16-3. The basic support amount at the \$2,400 income level for two children is \$[811] 820. Subtracting from that amount the \$400 in Social Security derivative benefits [grandmother] Grandmother receives for the children, results in a basic support amount of \$[411] 420 to be apportioned between the parties. As [mother's] Mother's income is 75% of the parties' combined income of \$2,000, her support obligation to [grandmother] Grandmother is \$[308] 315 per month.

Official Note: Care must be taken to distinguish Social Security from Supplemental Security Income (SSI) benefits. Social Security benefits are income pursuant to subdivision (a) of this rule.

(c) *Monthly Net Income.*

* * * * *

(2) In computing a spousal support or alimony pendente lite obligation, the court shall deduct from the obligor's monthly net income all of his or her child support obligations and any amounts of spousal support, alimony pendente lite or alimony being paid to former spouses.

(d) *Reduced or Fluctuating Income.*

(1) *Voluntary Reduction of Income.* [Where a] When either party voluntarily assumes a lower paying job, quits a job, leaves employment, changes occupations or changes employment status to pursue an education, or is fired for cause, there generally will be no effect on the support obligation. [A party will ordinarily not be relieved of a support obligation by voluntarily quitting work or by being fired for cause.]

Official Note: This provision applies to the establishment as well as modification of a support obligation. To the extent that *Klahold v. Kroh*, 437 Pa. Super. 150, 649 A.2d 701 (1994) implies otherwise, it is overruled.]

(2) *Involuntary Reduction of, and Fluctuations in, Income.* No adjustments in support payments will be made for normal fluctuations in earnings. However, appropriate adjustments will be made for substantial continuing involuntary decreases in income, including but not limited to the result of illness, lay-off, termina-

tion, job elimination or some other employment situation over which the party has no control.

(3) *Seasonal Employees.* Support orders for seasonal employees, such as construction workers, shall ordinarily be based upon a yearly average.

(4) [*Income Potential*] *Earning Capacity.* Ordinarily, [a] either party to a support action who [wilfully] wilfully fails to obtain appropriate employment will be considered to have an income equal to the party's earning capacity. Age, education, training, health, work experience, earnings history and child care responsibilities are factors which shall be considered in determining earning capacity.

(e) *Net Income Affecting Application of the Child Support Guidelines.*

(1) *Low Income Cases.*

(A) When the obligor's monthly net income and corresponding number of children fall into the shaded area of the schedule set forth in Rule 1910.16-3, the basic child support obligation shall be calculated using the obligor's income only. For example, where the obligor has monthly net income of \$[750] 850, the [presumptively correct] presumptive amount of support for three children is \$[184] 94 per month. This amount is determined directly from the schedule in Rule 1910.16-3.

(B) In computing a basic spousal support or alimony pendente lite obligation, the [presumptively correct] presumptive amount of support shall not reduce the obligor's net income below \$[550] 748 per month. For example, if the obligor earns \$[600] 800 per month and the obligee earns \$300 per month, the formula in Part IV of Rule 1910.16-4 would result in a support obligation of \$[120] 200 per month. Since this amount leaves the obligor with only \$[480] 600 per month, it must be adjusted so that the obligor retains at least \$[550] 748 per month. The [presumptively correct] presumptive minimum amount of spousal support, therefore, is \$[50] 52 per month in this case.

(C) When the obligor's monthly net income is \$[550] 748 or less, the court may award support only after consideration of the obligor's actual living expenses.

(2) *High Income Child Support Cases.* When the parties' combined net income exceeds \$[15,000] 20,000 per month, child support shall be calculated pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984). The presumptive minimum amount of child support shall be the obligor's percentage share of the highest amount of support which can be derived from the schedule for the appropriate number of children and using the parties' actual combined income to determine the obligor's percentage share of this amount. The court may award an additional amount of child support based on the parties' combined income and the factors set forth in *Melzer*. The *Melzer* analysis in high income child support cases shall be applied to all of the parties' income, not just to the amount of income exceeding \$[15,000] 20,000 per month. In a *Melzer* analysis case, the presumptive minimum remains applicable.

For example, where the obligor and the obligee have monthly net incomes of \$17,000 and \$4,000 respectively, the presumptive minimum amount of child support for three children is calculated as follows: using the formula in Rule 1910.16-4, determine the parties' percentage

shares of income based on their actual combined income—81% and 19% respectively of \$21,000. Using the schedule in Rule 1910.16-3, find the highest possible combined child support obligation for three children—\$[3,480] 3,018. [**Obligor's**] The obligor's percentage share of the combined obligation is 81% of \$[3,480] 3,018, or \$[2,818] 2,445. This is the presumptive minimum amount of child support that he or she must pay for three children. Since this amount is derived from the schedule in Rule 1910.16-3, which is limited to combined household income of \$[15,000] 20,000, the court may award an additional amount of support based on the factors set forth in *Melzer*.

(f) *Dependency Tax Exemption*. In order to maximize the total income available to the parties and children, the court may, as justice and fairness require, award the federal child dependency tax exemption to the non-custodial parent, or to either parent in cases of equally shared custody, and order the other party to execute the waiver required by the Internal Revenue Code, 26 U.S.C.A. § 152(e). The tax consequences resulting from an award of the child dependency exemption must be considered in calculating each party's income available for support.

[Explanatory Comment—1998

This new Rule consolidates all of the income provisions which formerly appeared throughout Rule 1910.16-5. Subdivision (a) specifies what is gross income for purposes of calculating the support obligation. In conformity with the recently expanded definition of income under 23 Pa.C.S. § 4322, income includes bonuses, lottery winnings, income tax refunds, insurance compensation or settlements, awards or verdicts and any form of payment due and collectible regardless of source.

Subdivision (c) sets forth the exclusive list of the deductions that may be taken from gross income in arriving at a party's net income. When the cost of health insurance premiums is treated as an additional expense subject to allocation between the parties under Rule 1910.16-6, it is no longer deductible from gross income. However, part or all of the cost of health insurance premiums may be deducted from the obligor's gross income pursuant to Rule 1910.16-6(b) in cases in which the obligor is paying the premiums and the obligee has no income or minimal income. Subdivision (c) also incorporates former Rule 1910.16-5(o) relating to awards of spousal support or APL when there are multiple families. In these cases, a party's net income must be reduced further to account for his or her child support obligations as well as any pre-existing spousal support, APL or alimony obligations being paid to former spouses who are not the subject of the support action.

Subdivision (e) reflects the Computed Allowance Minimum (CAM) in low-income child support cases. When the obligor's net monthly income or earning capacity falls into the shaded area of the schedule, the basic child support obligation can be derived directly from the schedule in Rule 1910.16-3. There is no need to use the formula in Rule 1910.16-4 to calculate obligor's support obligation because the CAM keeps the amount of the obligation the same regardless of obligee's income. Obligee's income may be a relevant factor, however, in determining whether to deviate from the basic guideline obliga-

tion pursuant to Rule 1910.16-5 and in considering whether to require the obligor to contribute to any additional expenses under Rule 1910.16-6.

Since the schedule in Rule 1910.16-3 reflects child support only, subdivision (e)(1)(B) is necessary to reflect the operation of CAM in spousal support and alimony pendente lite cases. It adjusts the basic guideline obligation which would otherwise be calculated under the formula in Rule 1910.16-4 so that the obligor does not fall below \$550 per month in these cases.

When the obligor's monthly net income is less than \$550, subsection (1)(C) provides that the court must consider the parties' actual living expenses before awarding support. The guidelines assume that at this income level the obligor is barely able to meet basic personal needs. In these cases, therefore, entry of a minimal order is appropriate. In some cases, it may not be appropriate to order support at all.

The CAM amount is only the presumptively correct amount of basic support to be awarded. If the circumstances warrant, the court may deviate from that amount under Rule 1910.16-5 and may also consider the party's contribution to the additional expenses, which are typically added to the basic amount of support under Rule 1910.16-6. If, for example, the obligor earns only \$600 per month but is living with his or her parents, or has remarried and is living with a fully-employed spouse, the court may consider an upward deviation under Rule 1910.16-5(b)(3) and/or may order the party to contribute to the additional expenses under Rule 1910.16-6. Consistent with the goals of CAM, however, the court should ensure that the overall support obligation leaves obligor with sufficient income to meet basic personal needs and to maintain the incentive to continue working so that support can be paid.

Subdivision (e) also reflects the limited application of *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984) to cases in which the guidelines cannot be used to establish the child support obligation because the parties' combined income exceeds \$15,000 per month. The court must establish a presumptive minimum amount of child support using the guidelines to arrive at that amount. The formula for calculating the presumptive minimum amount has been modified slightly to clarify that the parties' percentage shares should be calculated using their actual combined income rather than theoretical combined income of only \$15,000. This change eliminates many of the inequities and inconsistencies that arose under the previous formula for determining this amount. In considering whether to award an additional amount of child support, the court must use the factors set forth in *Melzer*. It would be improper to apply the formula in Rule 1910.16-4 to the amount of the parties' combined income which exceeds \$15,000 per month and award the obligor's percentage share as additional support. Additional support, if any, may be more or less than the percentage share and must be determined, therefore, in accordance with the factors set forth in *Melzer*.

Explanatory Comment—2000

This rule has been amended to reflect the fact that the chart of proportional expenditures for-

merly set forth at Rule 1910.16-3(b) has been rescinded. In addition, the rule and Explanatory Comment have been revised to clarify that the factors set forth in *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), must be applied by considering all of the parties' combined income, not just the amount over \$15,000 per month. The presumptive minimum shall apply even if the *Melzer* analysis results in a figure lower than the presumptive minimum.]

Explanatory Comment—2005

Subdivision (a) addresses gross income for purposes of calculating the support obligation by reference to the statutory definition at 23 Pa.C.S.A. § 4322. Subdivision (b) provides for the treatment of public assistance, SSI benefits and Social Security derivative benefits.

Subdivision (c) sets forth the exclusive list of the deductions that may be taken from gross income in arriving at a party's net income. When the cost of health insurance premiums is treated as an additional expense subject to allocation between the parties under Rule 1910.16-6, it is not deductible from gross income. However, part or all of the cost of health insurance premiums may be deducted from the obligor's gross income pursuant to Rule 1910.16-6(b) in cases in which the obligor is paying the premiums and the obligee has no income or minimal income. Subdivision (c) relates to awards of spousal support or alimony pendente lite when there are multiple families. In these cases, a party's net income must be reduced to account for his or her child support obligations, as well as any pre-existing spousal support, alimony pendente lite or alimony obligations being paid to former spouses who are not the subject of the support action.

Subdivision (d) has been amended to clarify the distinction between voluntary and involuntary changes in income. Since the payment of support is a priority, subsection (1) reflects current case law which, for example, holds that a party's decision to forego current employment in order to further his or her education should be treated no differently than a decision to change jobs or occupations which results in a lower income. *Kersey v. Jefferson*, 791 A.2d 419 (Pa. Super. Ct. 2002); *Grimes v. Grimes*, 596 A.2d 240 (Pa. Super. Ct. 1991).

Subdivision (e) has been amended to reflect the updated schedule in Rule 1910.16-3 and the increase in the Self-Support Reserve ("SSR"), formerly referred to as the Computed Allowance Minimum ("CAM"). The schedule now applies to all cases in which the parties' combined net monthly income is \$20,000 or less. The upper income limit of the prior schedule was only \$15,000. The amount of support at each income level of the schedule also has changed, so the examples in Rule 1910.16-2 were revised to be consistent with the new support amounts.

The SSR is intended to assure that obligors with low incomes retain sufficient income to meet their basic needs and to maintain the incentive to continue employment. When the obligor's net monthly income or earning capacity falls into the shaded area of the schedule, the basic child support obligation can be derived directly from the schedule in Rule 1910.16-3. There is no need to use the formula

in Rule 1910.16-4 to calculate the obligor's support obligation because the SSR keeps the amount of the obligation the same regardless of the obligee's income. The obligee's income may be a relevant factor, however, in determining whether to deviate from the basic guideline obligation pursuant to Rule 1910.16-5 and in considering whether to require the obligor to contribute to any additional expenses under Rule 1910.16-6.

Since the schedule in Rule 1910.16-3 sets forth basic child support only, subdivision (e)(1)(B) is necessary to reflect the operation of the SSR in spousal support and alimony pendente lite cases. It adjusts the basic guideline obligation, which would otherwise be calculated under the formula in Rule 1910.16-4, so that the obligor's income does not fall below the SSR amount in these cases.

Previously, the CAM required that the obligor retain at least \$550 per month. The SSR now requires that the obligor retain income of at least \$748 per month, an amount equal to the 2003 federal poverty level for one person. When the obligor's monthly net income is less than \$748, subsection (e)(1)(C) provides that the court must consider the parties' actual living expenses before awarding support. The guidelines assume that at this income level the obligor is barely able to meet basic personal needs. In these cases, therefore, entry of a minimal order may be appropriate. In some cases, it may not be appropriate to order support at all.

The schedule at Rule 1910.16-3 sets forth the presumptive amount of basic child support to be awarded. If the circumstances warrant, the court may deviate from that amount under Rule 1910.16-5 and may also consider a party's contribution to additional expenses, which are typically added to the basic amount of support under Rule 1910.16-6. If, for example, the obligor earns only \$800 per month but is living with his or her parents, or has remarried and is living with a fully-employed spouse, the court may consider an upward deviation under Rule 1910.16-5(b)(3) and/or may order the party to contribute to the additional expenses under Rule 1910.16-6. Consistent with the goals of the SSR, however, the court should ensure that the overall support obligation leaves the obligor with sufficient income to meet basic personal needs and to maintain the incentive to continue working so that support can be paid.

Subdivision (e) also reflects the limited application of *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), to cases in which the guidelines cannot be used to establish the child support obligation because the parties' combined income exceeds \$20,000 per month. The court must establish a presumptive minimum amount of child support using the guidelines to arrive at that amount. The formula for calculating the presumptive minimum amount provides that the parties' percentage shares should be calculated using their actual combined income rather than the theoretical combined income of only \$20,000. In considering whether to award an additional amount of child support, the court must apply the factors set forth in *Melzer* to all of the parties' combined income, not just the amount over \$20,000 per month. It would be improper to apply the formula in Rule 1910.16-4 to the

amount of the parties' combined income which exceeds \$20,000 per month and award the obligor's percentage share as additional support. Additional support, if any, may be more or less than the

percentage share and must be determined, therefore, in accordance with the factors set forth in *Melzer*. The presumptive minimum shall apply even if the *Melzer* analysis results in a lower amount.

Rule 1910.16-3. Support Guidelines. Basic Child Support Schedule.

The following schedule sets forth the amounts spent on children in intact families by combined income and number of children. Combined income is on the vertical axis of the schedule and number of children is on the horizontal axis of the schedule. This schedule is used to find the basic child support obligation. Unless otherwise provided in these [**Rules**] rules, the obligor's share of the basic support obligation shall be computed using the formula set forth in Part I of Rule 1910.16-4.

COMBINED NET MONTHLY INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
[0-600	50	55	60	65	70	75
650	90	91	92	93	94	95
700	135	137	138	140	141	143
750	180	182	184	186	188	190
800	196	228	230	233	235	238
850	208	255	276	279	282	285
900	220	273	304	325	329	333
950	232	291	325	348	369	380
1000	244	308	346	371	394	414
1050	256	326	367	394	419	441
1100	268	391	463	511	54	593
1150	279	407	482	532	577	617
1200	291	423	501	553	600	642
1250	302	440	520	575	623	667
1300	313	456	539	596	646	691
1350	325	472	558	617	669	716
1400	336	489	578	638	692	740
1450	347	505	597	659	715	765
1500	359	521	616	681	738	789
1550	370	538	635	702	761	814
1600	381	554	654	723	784	839
1650	393	571	674	744	807	863
1700	404	587	693	766	830	888
1750	415	603	712	787	853	913
1800	427	620	731	808	876	937
1850	438	636	751	829	899	962
1900	449	652	770	851	922	987
1950	461	668	788	871	944	1010
2000	472	684	807	891	966	1034
2050	483	700	825	911	988	1057
2100	494	716	843	932	1010	1081
2150	505	732	862	952	1032	1104
2200	516	748	880	972	1054	1128
2250	528	763	898	993	1076	1151
2300	539	779	917	1013	1098	1175
2350	550	795	935	1033	1120	1198

<i>COMBINED NET MONTHLY INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
2400	560	811	954	1054	1143	1223
2450	571	827	973	1075	1165	1247
2500	582	842	991	1095	1187	1271
2550	593	858	1010	1116	1210	1295
2600	603	874	1029	1137	1232	1319
2650	614	889	1048	1158	1255	1343
2700	625	905	1066	1178	1277	1367
2750	635	921	1085	1199	1300	1391
2800	641	929	1095	1209	1311	1403
2850	647	937	1104	1220	1322	1415
2900	653	945	1113	1230	1333	1427
2950	658	953	1122	1240	1345	1439
3000	664	961	1132	1251	1356	1451
3050	670	969	1141	1261	1367	1463
3100	676	977	1150	1271	1378	1474
3150	681	986	1160	1282	1389	1486
3200	686	993	1167	1289	1398	1496
3250	690	998	1172	1295	1404	1502
3300	693	1004	1177	1301	1410	1509
3350	697	1010	1182	1306	1416	1515
3400	700	1016	1187	1312	1422	1522
3450	704	1022	1192	1318	1428	1528
3500	708	1028	1197	1323	1434	1535
3550	711	1034	1203	1329	1440	1541
3600	715	1040	1208	1335	1447	1548
3650	724	1052	1223	1351	1465	1567
3700	733	1063	1238	1368	1483	1586
3750	742	1075	1252	1384	1500	1605
3800	750	1086	1267	1400	1518	1624
3850	759	1098	1282	1417	1536	1643
3900	768	1109	1297	1433	1553	1662
3950	777	1121	1311	1449	1571	1681
4000	786	1132	1326	1465	1588	1700
4050	794	1143	1339	1480	1604	1717
4100	801	1153	1351	1493	1619	1732
4150	808	1163	1363	1506	1633	1747
4200	815	1174	1375	1520	1647	1763
4250	822	1184	1387	1533	1662	1778
4300	829	1194	1399	1546	1676	1793
4350	836	1204	1411	1559	1690	1809
4400	843	1215	1423	1573	1705	1824
4450	850	1225	1435	1586	1719	1840
4500	857	1235	1447	1599	1734	1855
4550	864	1245	1459	1612	1748	1870
4600	872	1255	1471	1626	1762	1886
4650	879	1266	1483	1639	1777	1901

<i>COMBINED NET MONTHLY INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
4700	886	1276	1495	1652	1790	1916
4750	892	1285	1506	1664	1804	1930
4800	899	1295	1518	1677	1818	1945
4850	906	1305	1529	1690	1832	1960
4900	913	1315	1541	1702	1845	1975
4950	920	1325	1552	1715	1859	1989
5000	927	1335	1564	1728	1873	2004
5050	934	1344	1575	1740	1887	2019
5100	941	1354	1586	1753	1900	2033
5150	948	1364	1598	1766	1914	2048
5200	954	1374	1609	1778	1928	2063
5250	961	1384	1621	1791	1941	2077
5300	968	1394	1632	1804	1955	2092
5350	975	1404	1644	1816	1969	2107
5400	982	1413	1655	1829	1983	2121
5450	989	1423	1667	1842	1996	2136
5500	996	1433	1678	1854	2010	2151
5550	1003	1443	1690	1867	2024	2166
5600	1010	1453	1701	1880	2038	2180
5650	1016	1463	1713	1893	2052	2195
5700	1023	1473	1724	1905	2065	2210
5750	1030	1483	1736	1918	2079	2225
5800	1037	1492	1747	1931	2093	2240
5850	1044	1502	1759	1944	2107	2254
5900	1051	1512	1771	1956	2121	2269
5950	1058	1522	1782	1969	2135	2284
6000	1065	1532	1794	1982	2148	2299
6050	1071	1542	1805	1995	2162	2314
6100	1078	1552	1817	2008	2176	2328
6150	1085	1561	1828	2020	2190	2343
6200	1092	1571	1840	2033	2204	2358
6250	1099	1581	1851	2046	2218	2373
6300	1106	1591	1863	2059	2232	2388
6350	1113	1601	1875	2071	2245	2403
6400	1120	1611	1887	2085	2260	2418
6450	1126	1621	1899	2099	2275	2434
6500	1133	1632	1912	2112	2290	2450
6550	1140	1642	1924	2126	2305	2466
6600	1147	1652	1937	2140	2320	2482
6650	1153	1662	1949	2154	2334	2498
6700	1160	1672	1961	2167	2349	2514
6750	1167	1682	1974	2181	2364	2530
6800	1174	1693	1986	2195	2379	2546
6850	1181	1703	1998	2208	2394	2561
6900	1187	1713	2011	2222	2409	2577
6950	1194	1723	2023	236	2424	2593

<i>COMBINED NET MONTHLY INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
7000	1201	1733	2036	2249	2438	2609
7050	1208	1744	2048	2263	2453	2625
7100	1215	1754	2060	2277	2468	2641
7150	1221	1764	2073	2290	2483	2657
7200	1228	1774	2085	2304	2497	2672
7250	1231	1779	2091	2311	2505	2680
7300	1235	1784	2098	2318	2513	2689
7350	1238	1790	2104	2325	2521	2697
7400	1242	1795	2111	2333	2529	2706
7450	1245	1800	2117	2340	2536	2714
7500	1249	1806	2124	2347	2544	2722
7550	1252	1811	2131	2354	2552	2731
7600	1256	1816	2137	2362	2560	2739
7650	1260	1822	2144	2369	2568	2748
7700	1263	1827	2150	2376	2576	2756
7750	1267	1832	2157	2383	2584	2764
7800	1270	1838	2163	2391	2591	2773
7850	1274	1843	2170	2398	2599	2781
7900	1277	1848	2177	2405	2607	2790
7950	1281	1854	2183	2412	2615	2798
8000	1284	1859	2190	2420	2623	2806
8050	1288	1865	2197	2428	2632	2816
8100	1296	1877	2211	2443	2648	2834
8150	1304	1888	2224	2458	2664	2851
8200	1312	1900	2238	2473	2680	2868
8250	1320	1911	2251	2487	2696	2885
8300	1328	1923	2265	2502	2712	2902
8350	1336	1934	2278	2517	2729	2920
8400	1344	1945	2291	2532	2745	2937
8450	1352	1957	2305	2547	2761	2954
8500	1360	1968	2318	2562	2777	2971
8550	1368	1980	2332	2576	2793	2988
8600	1376	1991	2345	2591	2809	3006
8650	1384	2003	2358	2606	2825	3023
8700	1392	2014	2372	2621	2841	3040
8750	1400	2026	2385	2636	2857	3057
8800	1408	2037	2399	2651	2873	3074
8850	1416	2049	2412	2665	2889	3092
8900	1424	2060	2426	2680	2905	3109
8950	1432	2072	2439	2695	2921	3126
9000	1440	2083	2452	2710	2937	3143
9050	1448	2095	2466	2725	2954	3160
9100	1456	2106	2479	2739	2970	3177
9150	1464	2117	2493	2754	2986	3195
9200	1472	2129	2506	2769	3002	3212
9250	1480	2140	2519	2784	3018	3229

<i>COMBINED NET MONTHLY INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
9300	1488	2152	2533	2799	3034	3246
9350	1496	2163	2546	2814	3050	3263
9400	1504	2175	2560	2828	3066	3281
9450	1512	2186	2573	2843	3082	3298
9500	1520	2198	2586	2858	3098	3315
9550	1528	2209	2600	2873	3114	3332
9600	1536	2221	2613	2888	3130	3349
9650	1544	2232	2627	2903	3146	3367
9700	1552	2244	2640	2917	3162	3384
9750	1560	2255	2654	2932	3179	3401
9800	1568	2267	2667	2947	3195	3418
9850	1576	2278	2680	2962	3211	3435
9900	1584	2289	2694	2977	3227	3453
9950	1592	2301	2707	2991	3243	3470
10000	1600	2312	2721	3006	3259	3487
10050	1608	2324	2734	3021	3275	3504
10100	1616	2335	2747	3036	3291	3521
10150	1624	2347	2761	3051	3307	3539
10200	1632	2358	2774	3066	3323	3556
10250	1640	2370	2788	3080	3339	3573
10300	1648	2381	2801	3095	3355	3590
10350	1656	2393	2815	3110	3371	3607
10400	1664	2404	2828	3125	3387	3625
10450	1672	2416	2841	3140	3403	3642
10500	1680	2427	2855	3155	3420	3659
10550	1688	2439	2868	3169	3436	3676
10600	1695	2448	2879	3181	3449	3690
10650	1698	2453	2886	3188	3456	3698
10700	1702	2459	2892	3196	3464	3707
10750	1706	2464	2899	3203	3472	3715
10800	1710	2470	2905	3210	3480	3723
10850	1713	2475	2912	3217	3487	3732
10900	1717	2481	2918	3224	3495	3740
10950	1721	2486	2925	3232	3503	3748
11000	1725	2492	2931	3239	3511	3757
11050	1728	2497	2938	3246	3519	3765
11100	1732	2503	2944	3253	3526	3773
11150	1736	2508	2951	3260	3534	3782
11200	1740	2513	2957	3268	3542	3790
11250	1743	2519	2964	3275	3550	3798
11300	1747	2524	2970	3282	3558	3807
11350	1751	2530	2977	3289	3565	3815
11400	1755	2535	2983	3296	3573	3823
11450	1758	2541	2990	3303	3581	3832
11500	1762	2546	2996	3311	3589	3840
11550	1766	2552	3003	3318	3597	3848

<i>COMBINED NET MONTHLY INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
11600	1770	2557	3009	3325	3604	3857
11650	1773	2563	3016	3332	3612	3865
11700	1777	2568	3022	3339	3620	3873
11750	1781	2574	3029	3347	3628	3882
11800	1785	2579	3035	3354	3635	3890
11850	1788	2585	3042	3361	3643	3898
11900	1792	2590	3048	3368	3651	3907
11950	1796	2596	3055	3375	3659	3915
12000	1800	2601	3061	3382	3667	3923
12050	1803	2607	3068	3390	3674	3932
12100	1807	2612	3074	3397	3682	3940
12150	1811	2618	3081	3404	3690	3948
12200	1815	2623	3087	3411	3698	3957
12250	1818	2628	3094	3418	3706	3965
12300	1822	2634	3100	3426	3713	3973
12350	1826	2639	3107	3433	3721	3982
12400	1830	2645	3113	3440	3729	3990
12450	1833	2650	3120	3447	3737	3998
12500	1837	2656	3126	3454	3745	4007
12550	1841	2661	3133	3462	3752	4015
12600	1845	2667	3139	3469	3760	4023
12650	1848	2672	3145	3475	3767	4031
12700	1852	2678	3152	3483	3776	4040
12750	1856	2684	3159	3491	3784	4049
12800	1860	2689	3166	3499	3793	4058
12850	1864	2695	3174	3507	3801	4067
12900	1868	2701	181	3515	3810	4077
12950	1872	2707	3188	3523	3818	4086
13000	1876	2713	3195	3530	3827	4095
13050	1880	2718	3202	3538	3835	4104
13100	1884	2724	3209	3546	3844	4113
13150	1888	2730	3216	3554	3853	4122
13200	1892	2736	3223	3562	3861	4131
13250	1896	2742	3231	3570	3870	4141
13300	1900	2747	3238	3578	3878	4150
13350	1904	2753	3245	3586	3887	4159
13400	1908	2759	3252	3593	3895	4168
13450	1912	2765	3259	3601	3904	4177
13500	1916	2771	3266	3609	3912	4186
13550	1920	2776	3273	3617	3921	4195
13600	1924	2782	3280	3625	3929	4205
13650	1928	2788	3288	3633	3938	214
13700	1932	2794	3295	3641	3947	4223
13750	1936	2800	3302	3649	3955	4232
13800	1940	2805	3309	3656	3964	4241
13850	1944	2811	3316	3664	3972	4250

<i>COMBINED NET MONTHLY INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
13900	1948	2817	3323	3672	3981	4259
13950	1952	2823	3330	3680	3989	4268
14000	1956	2829	3338	3688	3998	4278
14050	1960	2834	3345	3696	4006	4287
14100	1964	2840	3352	3704	4015	4296
14150	1968	2846	3359	3712	4023	4305
14200	1972	2852	3366	3719	4032	4314
14250	1976	2858	3373	3727	4040	4323
14300	1980	2863	3380	3735	4049	4332
14350	1984	2869	3387	3743	4058	4342
14400	1988	2875	3395	3751	4066	4351
14450	1992	2881	3402	3759	4075	4360
14500	1996	2887	3409	3767	4083	4369
14550	2000	2892	3416	3775	4092	4378
14600	2004	2898	3423	3783	4100	4387
14650	2008	2904	3430	3790	4109	4396
14700	2012	2910	3437	3798	4117	4406
14750	2016	2916	3444	3806	4126	4415
14800	2020	2921	3452	3814	4134	4424
14850	2024	2927	3459	3822	4143	4433
14900	2028	2933	3466	3830	4152	4442
14950	2032	2939	3473	3838	4160	4451
15000	2036	2945	3480	3846	4169	4460]

Monthly Basic Child Support Schedule

COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-800	50	50	50	50	50	50
850	92	93	94	95	96	97
900	137	138	140	141	143	144
950	182	184	186	188	190	192
1000	227	229	232	234	237	239
1050	271	275	278	281	284	287
1100	284	320	324	327	331	334
1150	296	366	370	374	378	382
1200	309	411	416	420	425	429
1250	322	455	462	467	472	477
1300	335	472	508	513	519	524
1350	348	490	554	560	566	572
1400	360	508	589	606	613	619
1450	373	526	610	653	660	667
1500	386	544	630	699	707	714
1550	397	560	648	723	754	762
1600	409	575	666	743	801	809

Monthly Basic Child Support Schedule						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
1650	421	591	684	763	839	857
1700	432	607	702	783	861	904
1750	444	623	720	803	883	952
1800	455	638	738	822	905	984
1850	467	654	756	842	927	1008
1900	479	670	773	862	949	1032
1950	490	685	790	881	969	1055
2000	501	700	807	900	990	1077
2050	512	715	824	918	1010	1099
2100	523	729	840	937	1031	1121
2150	534	744	857	955	1051	1143
2200	545	759	873	974	1071	1166
2250	557	774	890	992	1092	1188
2300	568	789	907	1011	1112	1210
2350	579	804	924	1030	1133	1233
2400	591	820	942	1051	1156	1257
2450	603	837	961	1071	1179	1282
2500	615	853	979	1092	1201	1307
2550	626	869	998	1113	1224	1332
2600	638	886	1017	1134	1247	1357
2650	650	902	1035	1154	1270	1381
2700	662	918	1054	1175	1292	1406
2750	674	935	1072	1196	1315	1431
2800	684	949	1088	1213	1335	1452
2850	694	962	1103	1230	1353	1472
2900	704	976	1118	1246	1371	1492
2950	714	989	1133	1263	1389	1511
3000	724	1003	1147	1279	1407	1531
3050	734	1016	1162	1296	1425	1551
3100	744	1029	1177	1312	1443	1570
3150	754	1043	1192	1329	1461	1590
3200	763	1054	1204	1342	1477	1607
3250	767	1059	1207	1346	1481	1611
3300	772	1063	1211	1350	1485	1616
3350	776	1068	1214	1354	1489	1620
3400	781	1072	1218	1358	1494	1625
3450	785	1077	1221	1362	1498	1630
3500	790	1081	1225	1365	1502	1634
3550	794	1086	1228	1369	1506	1639
3600	798	1090	1231	1373	1510	1643
3650	804	1096	1237	1380	1518	1651
3700	809	1103	1245	1388	1526	1661
3750	815	1110	1252	1396	1535	1670
3800	820	1117	1259	1403	1544	1680
3850	826	1123	1266	1411	1552	1689

Monthly Basic Child Support Schedule						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
3900	31	1130	1273	1419	1561	1699
3950	837	1137	1280	1427	1570	1708
4000	843	1144	1287	1435	1579	1717
4050	848	1151	1294	1443	1587	1727
4100	854	1158	1302	1452	1597	1738
4150	860	1165	1310	1461	1607	1748
4200	866	1173	1318	1469	1616	1759
4250	872	1180	1326	1478	1626	1769
4300	878	1187	1334	1487	1636	1780
4350	884	1194	1341	1496	1645	1790
4400	890	1202	1349	1504	1655	1800
4450	896	1209	1357	1513	1665	1811
4500	902	1216	1365	1522	1674	1821
4550	908	1224	1373	1531	1684	1832
4600	914	1231	1381	1539	1693	1842
4650	920	1238	1389	1548	1703	1853
4700	924	1243	1394	1554	1709	1860
4750	925	1245	1395	1555	1711	1861
4800	927	1246	1396	1557	1713	1863
4850	928	1248	1398	1558	1714	1865
4900	930	1249	1399	1560	1716	1867
4950	931	1251	1400	1561	1717	1869
5000	933	1253	1402	1563	1719	1870
5050	934	1254	1403	1564	1721	1872
5100	936	1256	1404	1566	1722	1874
5150	937	1257	1406	1567	1724	1876
5200	939	1259	1407	1569	1726	1877
5250	940	1261	1408	1570	1727	1879
5300	942	1262	1410	1572	1729	1881
5350	943	1264	1411	1573	1731	1883
5400	945	1265	1412	1575	1732	1885
5450	946	1267	1414	1576	1734	1886
5500	948	1268	1415	1578	1735	1888
5550	952	1273	1420	1583	1742	1895
5600	959	1283	1431	1595	1755	1909
5650	966	1292	1441	1607	1768	1923
5700	973	1302	1452	1619	1780	1937
5750	980	1312	1462	1630	1793	1951
5800	988	1321	1473	1642	1806	1965
5850	995	1331	1483	1654	1819	1979
5900	1002	1340	1494	1666	1832	1993
5950	1009	1350	1504	1677	1845	2007
6000	1016	1359	1515	1689	1858	2021
6050	1023	1369	1525	1701	1871	2035
6100	1030	1379	1536	1712	1884	2049

Monthly Basic Child Support Schedule						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
6150	1038	1388	1546	1724	1897	2063
6200	1045	1398	1557	1736	1909	2077
6250	1052	1407	1567	1748	1922	2092
6300	1059	1417	1578	1759	1935	2106
6350	1066	1426	1588	1771	1948	2120
6400	1072	1435	1597	1781	1959	2132
6450	1077	1441	1604	1788	1967	2140
6500	1082	1447	1610	1796	1975	2149
6550	1087	1454	1617	1803	1983	2158
6600	1092	1460	1624	1810	1991	2167
6650	1097	1466	1630	1818	1999	2175
6700	1102	1473	1637	1825	2008	2184
6750	1107	1479	1643	1832	2016	2193
6800	1112	1485	1650	1840	2024	2202
6850	1117	1491	1657	1847	2032	2211
6900	1122	1498	1663	1854	2040	2219
6950	1127	1504	1670	1862	2048	2228
7000	1132	1510	1676	1869	2056	2237
7050	1137	1517	1683	1876	2064	2246
7100	1142	1523	1690	1884	2072	2255
7150	1147	1529	1696	1891	2080	2263
7200	1152	1536	1703	1898	2088	2272
7250	1157	1542	1709	1906	2096	2281
7300	1162	1548	1716	1913	2104	2290
7350	1167	1555	1722	1921	2113	2298
7400	1172	1561	1729	1928	2121	2307
7450	1177	1567	1736	1935	2129	2316
7500	1182	1573	1742	1943	2137	2325
7550	1187	1580	1749	1950	2145	2334
7600	1192	1586	1755	1957	2153	2342
7650	1197	1592	1762	1965	2161	2351
7700	1202	1598	1768	1971	2169	2359
7750	1206	1604	1774	1978	2176	2367
7800	1210	1609	1780	1985	2183	2375
7850	1214	1615	1786	1992	2191	2384
7900	1219	1620	1792	1998	2198	2392
7950	1223	1626	1798	2005	2206	2400
8000	1227	1631	1804	2012	2213	2408
8050	1231	1637	1810	2019	2220	2416
8100	1235	1642	1816	2025	2228	2424
8150	1240	1648	1822	2032	2235	2432
8200	1244	1653	1828	2039	2243	2440
8250	1248	1659	1835	2045	2250	2448
8300	1252	1664	1841	2052	2257	2456
8350	1257	1670	1847	2059	2265	2464

Monthly Basic Child Support Schedule						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
8400	1261	1675	1853	2066	2272	2472
8450	1265	1681	1859	2072	2280	2480
8500	1269	1686	1865	2079	2287	2488
8550	1273	1692	1871	2086	2295	2496
8600	1278	1697	1877	2093	2302	2504
8650	1282	1703	1883	2099	2309	2513
8700	1286	1708	1889	2106	2317	2521
8750	1290	1714	1895	2113	2324	2529
8800	1295	1719	1901	2120	2332	2537
8850	1299	1725	1907	2126	2339	2545
8900	1303	1730	1913	2133	2346	2553
8950	1307	1736	1919	2140	2354	2561
9000	1311	1741	1925	2147	2361	2569
9050	1316	1747	1931	2153	2369	2577
9100	1320	1752	1937	2160	2376	2585
9150	1324	1758	1943	2167	2383	2593
9200	1328	1763	1949	2173	2391	2601
9250	1333	1769	1955	2180	2398	2609
9300	1337	1775	1961	2187	2406	2617
9350	1341	1780	1967	2194	2413	2625
9400	1345	1786	1973	2200	2420	2633
9450	1349	1791	1980	2207	2428	2642
9500	1354	1797	1986	2214	2435	2650
9550	1358	1802	1992	2221	2443	2658
9600	1362	1807	1996	2226	2449	2664
9650	1365	1811	2001	2231	2454	2670
9700	1369	1815	2005	2235	2459	2675
9750	1372	1819	2009	2240	2464	2681
9800	1376	1823	2013	2244	2469	2686
9850	1379	1827	2017	2249	2474	2692
9900	1383	1832	2021	2253	2479	2697
9950	1386	1836	2025	2258	2484	2702
10000	1390	1840	2029	2263	2489	2708
10050	1393	1844	2033	2267	2494	2713
10100	1397	1848	2037	2272	2499	2719
10150	1400	1852	2042	2276	2504	2724
10200	1404	1856	2046	2281	2509	2730
10250	1407	1860	2050	2285	2514	2735
10300	1411	1865	2054	2290	2519	2741
10350	1414	1869	2058	2295	2524	2746
10400	1418	1873	2062	2299	2529	2752
10450	1421	1877	2066	2304	2534	2757
10500	1425	1881	2070	2308	2539	2763
10550	1428	1885	2074	2313	2544	2768
10600	1432	1889	2078	2317	2549	2774

Monthly Basic Child Support Schedule						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
10650	1435	1894	2083	2322	2554	2779
10700	1439	1898	2087	2327	2559	2784
10750	1442	1902	2091	2331	2564	2790
10800	1446	1906	2095	2336	2569	2795
10850	1449	1910	2099	2340	2574	2801
10900	1453	1914	2103	2345	2579	2806
10950	1456	1918	2107	2349	2584	2812
11000	1460	1922	2111	2354	2589	2817
11050	1464	1927	2115	2359	2594	2823
11100	1467	1931	2119	2363	2599	2828
11150	1471	1935	2124	2368	2604	2834
11200	1474	1939	2128	2372	2610	2839
11250	1478	1943	2132	2377	2615	2845
11300	1481	1947	2136	2381	2620	2850
11350	1485	1951	2140	2386	2625	2856
11400	1488	1956	2144	2391	2630	2861
11450	1492	1960	2148	2395	2635	2866
11500	1495	1964	2152	2400	2640	2872
11550	1499	1968	2156	2404	2645	2877
11600	1502	1972	2160	2409	2650	2883
11650	1506	1976	2164	2413	2655	2888
11700	1509	1980	2169	2418	2660	2894
11750	1513	1984	2173	2423	2665	2899
11800	1516	1989	2177	2427	2670	2905
11850	1520	1993	2181	2432	2675	2910
11900	1523	1997	2185	2436	2680	2916
11950	1527	2001	2189	2441	2685	2921
12000	1530	2005	2193	2445	2690	2927
12050	1534	2009	2197	2450	2695	2932
12100	1537	2013	2201	2455	2700	2938
12150	1541	2018	2205	2459	2705	2943
12200	1544	2022	2210	2464	2710	2948
12250	1548	2026	2214	2468	2715	2954
12300	1551	2030	2218	2473	2720	2959
12350	1555	2034	2222	2477	2725	2965
12400	1558	2038	2226	2482	2730	2970
12450	1562	2042	2230	2486	2735	2976
12500	1565	2046	2234	2491	2740	2981
12550	1569	2051	2238	2496	2745	2987
12600	1572	2055	2242	2500	2750	2992
12650	1576	2059	2246	2505	2755	2998
12700	1579	2063	2251	2509	2760	3003
12750	1583	2067	2255	2514	2765	3009
12800	1586	2071	2259	2518	2770	3014
12850	1590	2075	2263	2523	2775	3020

Monthly Basic Child Support Schedule						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
12900	1593	2080	2267	2528	2780	3025
12950	1597	2084	2271	2532	2785	3030
13000	1600	2088	2275	2537	2790	3036
13050	1604	2092	2279	2541	2795	3041
13100	1607	2096	2283	2546	2800	3047
13150	1611	2100	2287	2550	2805	3052
13200	1614	2104	2291	2555	2811	3058
13250	1618	2108	2296	2560	2816	3063
13300	1622	2113	2300	2564	2821	3069
13350	1625	2117	2304	2569	2826	3074
13400	1629	2121	2308	2573	2831	3080
13450	1632	2125	2312	2578	2836	3085
13500	1636	2129	2316	2582	2841	3091
13550	1639	2133	2320	2587	2846	3096
13600	1643	2137	2324	2592	2851	3102
13650	1646	2142	2328	2596	2856	3107
13700	1650	2146	2332	2601	2861	3113
13750	1653	2150	2337	2605	2866	3118
13800	1657	2154	2341	2610	2871	3123
13850	1660	2158	2345	2614	2876	3129
13900	1664	2162	2349	2619	2881	3134
13950	1667	2166	2353	2624	2886	3140
14000	1671	2170	2357	2628	2891	3145
14050	1674	2175	2361	2633	2896	3151
14100	1678	2179	2365	2637	2901	3156
14150	1681	2183	2369	2642	2906	3162
14200	1685	2187	2373	2646	2911	3167
14250	1688	2191	2378	2651	2916	3173
14300	1692	2195	2382	2656	2921	3178
14350	1695	2199	2386	2660	2926	3184
14400	1699	2203	2390	2665	2931	3189
14450	1702	2208	2394	2669	2936	3195
14500	1706	2212	2398	2674	2941	3200
14550	1709	2216	2402	2678	2946	3205
14600	1713	2220	2406	2683	2951	3211
14650	1716	2224	2410	2687	2956	3216
14700	1720	2228	2414	2692	2961	3222
14750	1723	2232	2418	2697	2966	3227
14800	1727	2237	2423	2701	2971	3233
14850	1730	2241	2427	2706	2976	3238
14900	1734	2245	2431	2710	2981	3244
14950	1737	2249	2435	2715	2986	3249
15000	1741	2253	2439	2719	2991	3255
15050	1806	2319	2493	2780	3058	3327
15100	1811	2325	2498	2785	3064	3334

Monthly Basic Child Support Schedule						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
15150	1816	2330	2503	2791	3071	3341
15200	1821	2336	2509	2797	3077	3348
15250	1826	2342	2514	2803	3084	3355
15300	1831	2347	2519	2809	3090	3362
15350	1836	2353	2525	2815	3097	3369
15400	1841	2359	2530	2821	3103	3376
15450	1846	2364	2535	2827	3110	3383
15500	1851	2370	2541	2833	3116	3390
15550	1856	2375	2546	2839	3123	3397
15600	1861	2381	2551	2845	3129	3404
15650	1866	2387	2557	2851	3136	3411
15700	1871	2392	2562	2856	3142	3419
15750	1876	2398	2567	2862	3149	3426
15800	1881	2404	2572	2868	3155	3433
15850	1886	2409	2578	2874	3162	3440
15900	1891	2415	2583	2880	3168	3447
15950	1896	2420	2588	2886	3175	3454
16000	1901	2426	2594	2892	3181	3461
16050	1906	2432	2599	2898	3188	3468
16100	1911	2437	2604	2904	3194	3475
16150	1916	2443	2610	2910	3201	3482
16200	1921	2449	2615	2916	3207	3489
16250	1926	2454	2620	2921	3214	3496
16300	1931	2460	2625	2927	3220	3503
16350	1936	2466	2631	2933	3227	3511
16400	1941	2471	2636	2939	3233	3518
16450	1946	2477	2641	2945	3240	3525
16500	1951	2482	2647	2951	3246	3532
16550	1956	2488	2652	2957	3253	3539
16600	1961	2494	2657	2963	3259	3546
16650	1966	2499	2663	2969	3266	3553
16700	1971	2505	2668	2975	3272	3560
16750	1976	2511	2673	2981	3279	3567
16800	1981	2516	2678	2986	3285	3574
16850	1986	2522	2684	2992	3292	3581
16900	1991	2527	2689	2998	3298	3588
16950	1996	2533	2694	3004	3305	3595
17000	2001	2539	2700	3010	3311	3603
17050	2006	2544	2705	3016	3318	3610
17100	2011	2550	2710	3022	3324	3617
17150	2016	2556	2716	3028	3331	3624
17200	2021	2561	2721	3034	3337	3631
17250	2026	2567	2726	3040	3344	3638
17300	2031	2572	2731	3046	3350	3645
17350	2036	2578	2737	3052	3357	3652

Monthly Basic Child Support Schedule						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
17400	2041	2584	2742	3057	3363	3659
17450	2046	2589	2747	3063	3370	3666
17500	2051	2595	2753	3069	3376	3673
17550	2056	2601	2758	3075	3383	3680
17600	2061	2606	2763	3081	3389	3687
17650	2066	2612	2769	3087	3396	3694
17700	2071	2618	2774	3093	3402	3702
17750	2076	2623	2779	3099	3409	3709
17800	2081	2629	2784	3105	3415	3716
17850	2086	2634	2790	3111	3422	3723
17900	2091	2640	2795	3117	3428	3730
17950	2096	2646	2800	3122	3435	3737
18000	2101	2651	2806	3128	3441	3744
18050	2106	2657	2811	3134	3448	3751
18100	2111	2663	2816	3140	3454	3758
18150	2116	2668	2822	3146	3461	3765
18200	2121	2674	2827	3152	3467	3772
18250	2126	2679	2832	3158	3474	3779
18300	2131	2685	2838	3164	3480	3786
18350	2136	2691	2843	3170	3487	3794
18400	2141	2696	2848	3176	3493	3801
18450	2146	2702	2853	3182	3500	3808
18500	2151	2708	2859	3187	3506	3815
18550	2156	2713	2864	3193	3513	3822
18600	2161	2719	2869	3199	3519	3829
18650	2166	2725	2875	3205	3526	3836
18700	2171	2730	2880	3211	3532	3843
18750	2176	2736	2885	3217	3539	3850
18800	2181	2741	2891	3223	3545	3857
18850	2186	2747	2896	3229	3552	3864
18900	2191	2753	2901	3235	3558	3871
18950	2196	2758	2906	3241	3565	3878
19000	2201	2764	2912	3247	3571	3886
19050	2206	2770	2917	3253	3578	3893
19100	2211	2775	2922	3258	3584	3900
19150	2216	2781	2928	3264	3591	3907
19200	2221	2786	2933	3270	3597	3914
19250	2226	2792	2938	3276	3604	3921
19300	2231	2798	2944	3282	3610	3928
19350	2236	2803	2949	3288	3617	3935
19400	2241	2809	2954	3294	3623	3942
19450	2246	2815	2959	3300	3630	3949
19500	2251	2820	2965	3306	3636	3956
19550	2256	2826	2970	3312	3643	3963
19600	2261	2831	2975	3318	3649	3970

Monthly Basic Child Support Schedule						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
19650	2266	2837	2981	3323	3656	3977
19700	2271	2843	2986	3329	3662	3985
19750	2276	2848	2991	3335	3669	3992
19800	2281	2854	2997	3341	3675	3999
19850	2286	2860	3002	3347	3682	4006
19900	2291	2865	3007	3353	3688	4013
19950	2296	2871	3012	3359	3695	4020
20000	2301	2877	3018	3365	3701	4027

[Explanatory Comment—2000

The chart of proportional expenditures, formerly Rule 1910.16-3(b), was duplicative and is rescinded. The basic child support schedule, formerly Rule 1910.16-3(a), is now Rule 1910.16-3.]

Explanatory Comment—2005

The schedule has been amended to reflect updated economic data. See Explanatory Comment—2005 following Rule 1910.16-1.

Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.

(a) The following formula shall be used to calculate the obligor’s share of the basic guideline child support, spousal support and/or alimony pendente lite obligation:

PART I. BASIC CHILD SUPPORT

	OBLIGOR	OBLIGEE
1. Total Gross Income [per pay period] Per Pay Period	_____	_____
* * * * *		
6. Plus Child’s Monthly Social Security Death, Retirement or Disability Derivative Benefit, if any. (See Rule 1910.16-2(b)(2))	+ _____	
* * * * *		
8. PRELIMINARY BASIC CHILD SUPPORT OBLIGATION (determined from [Schedule] schedule at Rule 1910.16-3 based on number of children and line 7 adjusted combined monthly net income)	_____	
9. Less Child’s Monthly Social Security Derivative Benefit	(_____)	
* * * * *		
11. Net Income Expressed as a Percentage Share of Income ([Divide] divide line 4 by line 5 and multiply by 100)	_____ %	_____ %
12. Each Parent’s Monthly Share of the Basic Child Support Obligation ([Multiply] multiply line 10 and 11)	_____	_____

PART II. SUBSTANTIAL OR SHARED PHYSICAL CUSTODY ADJUSTMENT, IF APPLICABLE (See subdivision (c) of this [Rule] rule)

13. a. Percentage of Time Spent with Children ([Divide] divide number of overnights with obligor by 365 and multiply by 100)	_____ %
b. Subtract 30%	(_____ 30%)
c. Obligor’s Adjusted Percentage Share of the Basic Monthly Support Obligation ([Subtract] subtract line 13b from line 11)	_____ %

d. Obligor's Adjusted Share of the Basic Monthly Support Obligation (**[Multiply] multiply** line 13c and line 10) _____

e. Further adjustment, if necessary under subdivision (c)(2) of this **[Rule] rule** _____

PART III. ADDITIONAL EXPENSES (See Rule 1910.16-6)

14. a. Obligor's **[share of child care expenses] Share of Child Care Expenses** _____

b. Obligor's **[share of health insurance premium] Share of Health Insurance Premium** (if the obligee is paying the premium) _____

c. Less **[obligee's share of the health insurance premium] Obligee's Share of the Health Insurance Premium** (if the obligor is paying the premium) (_____)

d. Obligor's **[share of unreimbursed medical expenses] Share of Unreimbursed Medical Expenses** _____

e. Other **[additional expenses] Additional Expenses** _____

f. Total Additional Expenses _____

15. OBLIGOR'S TOTAL MONTHLY SUPPORT OBLIGATION (**[Add] add** line 12 or 13**[(d) or (e)] d or e** (if applicable) and line 14f) _____

PART IV. SPOUSAL SUPPORT OR APL With Dependent Children

16. Obligor's Monthly Net Income (line 4) _____

17. Less Obligor's **[support, alimony pendente lite or alimony obligations] Support, Alimony Pendente Lite or Alimony Obligations**, if any, to **[children or former spouses] Children or Former Spouses** who are not part of this action (**[See] see** Rule 1910.16-2(c)(2)) (_____)

* * * * *

20. Less Obligor's Total **Monthly Child Support Obligation Without Part II Substantial or Shared Custody Adjustment** (Obligor's line **[15] 12 plus line 14f**) (_____)

* * * * *

Without Dependent Children

* * * * *

25. Less Obligor's **[support, alimony pendente lite or alimony obligations] Support, Alimony Pendente Lite or Alimony Obligations**, if any, to **[children or former spouses] Children or Former Spouses** who are not part of this action (**[See] see** Rule 1910.16-2(c)(2)) (_____)

* * * * *

30. Adjustments for **[other expenses] Other Expenses** (**[See] see** Rule 1910.16-6) _____

* * * * *

(c) *Substantial or Shared Physical Custody.*

(1) **[The support guidelines contemplate that the obligor has regular contact, including vacation time, with his or her children, and that he or she makes direct expenditures on behalf of the children.]** When **[, however,]** the children spend 40% or more of their time during the year with **the** obligor, a rebuttable presumption **[exists]** **arises** that the obligor is entitled to a reduction in the basic support obligation to reflect this **[additional]** time. Except as provided in subsections (2) and (3) below, the reduction shall be calculated pursuant to the formula set forth in Part II of subdivision (a) of this **[Rule]** **rule**. For purposes of this provision, the time spent with the children shall be determined by the number of overnights they spend during the year with obligor.

Example. Where **the** obligor and **the** obligee have monthly net incomes of \$5,000 and \$2,300 respectively, their combined child support obligation is \$ **[1,784]** **1,548** for two children. Using the income shares formula in Part I, **the** obligor's share of this obligation is 68%, or \$ **[1,213]** **1,053**. If the children spend 40% of their time with the obligor, the formula in Part II applies to reduce his or her percentage share of the combined support obligation to 58%, or \$ **[1,034]** **898**. If the children spend 45% of their time with the obligor, his or her percentage share of the combined obligation is reduced to 53%, or \$ **[945]** **820**. If the children spend equal time with both parents, the obligor's percentage share is reduced to 48%, or \$ **[856]** **743**.

(2) Without regard to which parent initiated the support action, when the children spend equal time with both parents, the Part II formula cannot be applied unless the obligor is the parent with the higher income. In no event shall an order be entered requiring the parent with the lower income to pay basic child support to the parent with the higher income. However, nothing in this subdivision shall prevent the entry of an order requiring the parent with less income to contribute to additional expenses pursuant to Rule 1910.16-6. Pursuant to either party's initiating a support action, the trier of fact may enter an order against either party based upon the evidence presented without regard to which party initiated the action. If application of the formula in Part II results in obligee receiving a larger share of the parties' combined income in cases in which the parties share custody equally, then the court shall adjust the support obligation so that the combined income is allocated equally between the two households.

Example 1. Mother and Father have monthly net incomes of \$3,000 and \$ **[2,000]** **2,700** respectively. Mother has filed for support for the parties' two children with whom they share time equally. Pursuant to the Basic Child Support Schedule at Rule 1910.16-3, the support amount for two children at their parents' combined net income level is \$ **[1,335]** **1,302** per month. Mother's share is **[60%]** **53%** of that amount, or \$ **[801]** **690**. Father's share is **[40%]** **47%**, or \$ **[534]** **612**. Application of subdivisions a. and b. of the Part II formula results in a 20% reduction in support when each parent spends 50% of the time with the children. Because the parties share custody equally, Mother cannot be the obligee for purposes of the Part II calculation because she has the higher income of the two parents. In these circumstances, although Mother initiated the support action, she would become the obligor even if Father was

not filed for support. Father cannot be an obligor in the Part II calculations, nor can the amount of support Mother is obligated to pay to Father be offset by calculating Father's adjusted amount of support under Part II, because a support order cannot be entered against the parent with the lesser income. Using Mother as the obligor, her adjusted percentage share of the basic support amount is **[40%]** **33%** (**[60%]** **53%** - 20% = **[40%]** **33%**). Her adjusted share of the basic support amount is \$ **[534]** **430** (**[40%]** **33%** of \$ **[1,335]** **1,302**). However, instead of \$ **[534]** **430** per month, Mother's support obligation would be adjusted to \$ **[500]** **150** per month to allocate the parties' combined income equally between the two households. This is the **[presumptively correct]** **presumptive** amount of basic support payable to Father under these circumstances.

Example 2. Where **the** obligor and **the** obligee have monthly net incomes of \$3,000 and \$2,500 respectively, their combined child support obligation for two children is \$1,268. The obligor's share of this obligation is 55%, or \$697. If the children spend equal time with both parents, the formula in Part II results in a support obligation of \$444 payable to the obligee. Since this amount gives the obligee \$2,944 of the combined income, and leaves the obligor with only \$2,556 of the combined income, the obligor's support obligation must be adjusted to \$250 to equalize the combined income between the parties' households. This is the **presumptive** amount of basic support payable to obligee under these circumstances.

* * * * *

(d) *Divided or Split Physical Custody.*

(1) When calculating a child support obligation, and one or more **of the** children reside with each party, the court shall offset the parties' respective child support obligations and award the net difference to the obligee as child support. For example, if the parties have three children, one of whom resides with **[Husband]** **Father** and two of whom reside with **[Wife]** **Mother**, and their net monthly incomes are \$1,500 and \$800 respectively, **[Husband's]** **Father's** child support obligation is calculated as follows. Using the formula with the schedule in Rule 1910.16-3 for two children, **[Husband's]** **Father's** support obligation for the two children living with **[Wife]** **Mother** is \$ **[508]** **513**. Using the formula with the schedule in Rule 1910.16-3 for one child, **[Wife's]** **Mother's** support obligation for the child living with **[Husband]** **Father** is \$ **[188]** **199**. Subtracting \$ **[188]** **199** from \$ **[508]** **513** produces a net **basic** support amount of \$ **[320]** **314** payable to **[Wife]** **Mother** as child support.

(2) When calculating a combined child support and spousal or **[APL]** **alimony pendente lite** obligation, and one or more children reside with each party, the court shall, except as set forth in subdivision (3) below, offset the obligor's spousal and child support obligation with the obligee's child support obligation and award the net difference to the obligee as spousal and child support.

(3) When one or more of the children resides with each party and the obligee's net income is 10% or less of the parties' combined net monthly income, then, in calculating the spousal support or **[APL]** **alimony pendente lite** obligation, the court shall deduct from the obligor's income both the support owed for the child or children

residing with the obligee, as well as the direct support the obligor provides to the child or children living with the obligor, calculated in accordance with the guidelines as if the child or children were not living with the obligor.

(e) *Support Obligations When Custodial Parent Owes Spousal Support.* Where children are residing with the spouse obligated to pay spousal support or alimony pendente lite (custodial parent) and the other spouse (non-custodial parent) has a legal obligation to support [these] the children, the guideline amount of spousal support or alimony pendente lite shall be determined by offsetting the non-custodial parent's obligation for support of the children and the custodial parent's obligation of spousal support or alimony pendente lite, and awarding the net difference either to the non-custodial parent as spousal support/alimony pendente lite or to the custodial parent as child support as the circumstances warrant.

The following example uses the formula to show the steps followed to determine the amount of the non-custodial parent's support obligation to the children and the effect of that obligation upon the custodial parent's spousal support obligation. The example assumes that the parties have two children and the non-custodial parent's net monthly income is \$1,000 and the custodial [parent to the non-custodial] parent's net monthly income is \$2,600. First, determine the spousal support obligation of the custodial parent to the non-custodial parent based upon their net incomes from the formula for spousal support without dependent children, i.e., \$640. Second, recompute the net income of the parties assuming the payment of the spousal support so that \$640 is deducted from the custodial parent's net income, now \$1,960, and added to the non-custodial parent's net income, now \$1,640. Third, determine the child support obligation of the non-custodial parent for two children, i.e., \$[468] 501. Fourth, determine the recomputed support obligation of the custodial parent to the non-custodial parent by subtracting the non-custodial parent's child support obligation from Step 3 (\$[468] 501) from the original support obligation determined in Step 1 (\$640). The recomputed spousal support is \$[172] 139.

(f) *Allocation. Consequences.*

(1) An order awarding both spousal and child support may be unallocated or state the amount of support allocable to the spouse and the amount allocable to each child. However, the formula provided by these rules [assume] assumes that an order will be unallocated. Therefore, if the order is to be allocated, the formula set forth in this [Rule] rule shall be utilized to determine the amount of support allocable to the spouse. If allocation of an order utilizing the formula would be inequitable, the court shall make an appropriate [allocation] adjustment. Also, if an order is to be allocated, an adjustment shall be made to the award giving consideration to the federal income tax consequences of an allocated order as may be appropriate under the circumstances. No consideration of federal income tax consequences shall be applied if the order is unallocated or the order is for the spousal support or alimony pendente lite only.

Official Note: The 2005 amendment supersedes *Diament v. Diament*, 816 A.2d 256 (Pa. Super. Ct. 2003), to the extent that it held that the tax savings from payments for the benefit of a spouse alone or from an unallocated order for the benefit of a spouse and child must be considered in determining the obligor's available net income for support

purposes. Rule 1910.16-4(f)(1) states that the guidelines formula assumes that the order will be unallocated. The tax consequences of an order for a spouse alone or an unallocated order for the benefit of a spouse and child have already been built into the formula.

* * * * *

(4) In the event that the obligor defaults on an unallocated order, the court shall allocate the order for collection of child support pursuant to the Internal Revenue Service income tax refund intercept program or for registration and enforcement of the order in another jurisdiction under the Uniform Interstate Family Support Act, 23 Pa.C.S.A. § 7101 et seq. The court shall provide notice of allocation to the parties.

Official Note: This provision is necessary to comply with various state and federal laws relating to the enforcement of child support. It is not intended to affect the tax consequences of an unallocated order.

[Explanatory Comment—1998]

Former Rule 1910.16-4 listed the factors for deviation from the support guidelines. Those factors now appear in Rule 1910.16-5. New Rule 1910.16-4(a) sets forth the income shares formula used to establish the support obligation and consolidates the provisions which formerly appeared in Rule 1910.16-5 relating to use of the formula in special situations. The formula itself has been revised only to conform to the new schedule in Rule 1910.16-3.

Subdivision (b) incorporates former Rule 1910.16-5(e) relating to orders for more than four children. It has been changed only to reflect the expansion of the guidelines from four to six children and the use of the schedule in lieu of the grids.

Subdivision (c) sets forth the method for calculating the presumptively correct amount of support in cases where the obligor spends a substantial amount of time with the children. The method is essentially this: when the obligor spends 40% or more time with the children, his or her percentage share of the combined basic support obligation is reduced by the percentage of time spent over and above the routine partial custody/visitation arrangement. For purposes of applying this method, the Committee has designated 30% time as the routine arrangement and 40% time as the level at which the parties' expenses begin to change significantly enough to warrant a reduction in the basic support obligation. When there is equal time sharing, subsection (2) reduces the support obligation further so that the obligor does not pay more than what is necessary to spread the parties' combined income equally between the two households. Subsection (3) expressly excludes CAM cases from application of this rule. Since the CAM already reduces support to a minimal level, no further reduction should be given for the amount of time spent with the children.

Subdivision (d) is derived from previous Rule 1910.16-5(h) relating to divided or split custody cases. The new provision has been rewritten to update the examples in conformity with the new levels of child support reflected in the schedule. It retains the existing method for offsetting the parties' respective support obligations when one or more of the children reside with each party, but eliminates the exception which previously existed in cases where one party's income was minimal and

the other party's income was significantly greater. This exception was confusing as well as erroneous in its suggestion that offsetting should not be used because it would result in less than the full guideline amount of child support being paid to the party with minimal income. To the contrary, the offset method actually works to protect against this result and therefore should be used in these cases.

Subdivision (e) incorporates the substance of former Rule 1910.16-5(j) governing spousal support obligations when the custodial parent owes spousal support. It has been rewritten for greater clarity and the examples have been updated to reflect the new levels of child support and the use of the new schedule.

Subdivision (f)(1) and (2) incorporate verbatim the provisions which formerly appeared in Rule 1910.16-5(f). The guidelines continue to presume that the order will be unallocated for tax purposes. Subsection (3) is new, however, and provides for administrative allocation of the order in two instances: 1) when the obligor defaults on the order and it becomes necessary to collect support by intercepting any income tax refunds that may be due and payable to obligor and 2) when the obligor defaults and the order must be registered in another state under the Uniform Interstate Family Support Act (UIFSA). As the note indicates, this administrative allocation is not intended to affect the tax consequences of the unallocated order.

Explanatory Comment—2000

Subdivision (3) is new and the former subdivision (3) has been renumbered as subdivision (4). The new language is intended to insure alimony tax treatment of unallocated orders pursuant to § 71 of the Internal Revenue Code. A similar change has been made to the form order at Rule 1910.27(e). New Rule 1910.19(d) provides that all spousal support and alimony pendente lite orders terminate upon the death of the payee. Termination of a charging order does not affect arrears existing at that time.

Explanatory Comment—2002

The amendments to this rule add lines in the formula to facilitate calculation of child support pursuant to Rule 1910.16-2(b)(2) when the child is receiving Social Security derivative benefits due to a parent's retirement or disability. A new line also was added to include additional expenses authorized by Rule 1910.16-6 in cases involving spouses only.]

Explanatory Comment—2005

Rule 1910.16-4(a) sets forth the income shares formula used to establish the support obligation. Subdivision (b) provides the method for calculating support for seven or more children as the basic support schedule in Rule 1910.16-3 sets forth the presumptive amount of support for only up to six children.

Subdivision (c) sets forth the method for calculating the presumptive amount of support in cases where the children spend 40% or more of their time during the year with the obligor. When there is equal time sharing, subsection (2) reduces the support obligation further so that the obligor does not pay more than is necessary to equalize the parties'

combined income between the two households. Subsection (3) expressly excludes SSR cases from application of this rule. Since the SSR already reduces support to a minimal level, no further reduction should be given for the amount of time spent with the children.

Subdivision (d) relates to the calculation of support in divided or split custody cases. It retains the existing method for offsetting the parties' respective support obligations when one or more of the children resides with each party.

Subdivision (e) governs spousal support obligations when the custodial parent owes spousal support. It has not been amended, other than to update the example to be consistent with the new schedule at Rule 1910.16-3.

In subdivision (f), the guidelines continue to presume that the order will be unallocated for tax purposes. However, new language has been added to subsection (f)(1), and a new Note has been inserted, to clarify that an obligor's tax savings from payment of a spousal support order or an unallocated order for a spouse and child should not be considered in calculating the obligor's available net income for support purposes. Subsection (3) is intended to insure alimony tax treatment of unallocated orders pursuant to § 71 of the Internal Revenue Code. Rule 1910.19(d) provides that all spousal support and alimony pendente lite orders terminate upon the death of the payee. Termination of a charging order does not affect arrears existing at that time. Subsection (4) provides for administrative allocation of the order in two instances: 1) when the obligor defaults on the order and it becomes necessary to collect support by intercepting any income tax refunds that may be due and payable to obligor; and 2) when the obligor defaults and the order must be registered in another state under the Uniform Interstate Family Support Act (UIFSA). As the Note indicates, this administrative allocation is not intended to affect the tax consequences of the unallocated order.

Rule 1910.16-5. Support Guidelines. Deviation.

(a) **Deviation.** If the amount of support deviates from the amount of support determined by the guidelines, the trier of fact shall specify, in writing, the guideline amount of support, and the reasons for, and findings of fact justifying, the amount of the deviation.

* * * * *

(b) **Factors.** In deciding whether to deviate from the amount of support determined by the guidelines, the trier of fact shall consider:

* * * * *

(c) **Duration.** In determining the duration of an award for spousal support or alimony pendente lite, the trier of fact shall consider the period of time during which the parties lived together from the date of marriage to the date of final separation.

Explanatory Comment—[1998] 2005

[As part of the overall reorganization of the support rules, the provisions which formerly appeared in Rule 1910.16-5 have been moved elsewhere. New Rule 1910.16-5 incorporates former Rule 1910.16-4 setting] Rule 1910.16-5 sets forth the factors for deviation from the [presumptively correct] presumptive amount of support. Subdivision (c) and

subsection (b)(8) [was added to] permit the court to consider the length of the marriage in **determining the amount and duration of a spousal support or alimony pendente lite [case] award.** The primary purpose of [this provision] **these provisions** is to prevent the unfairness that arises in a short-term marriage when the obligor is required to pay support over a substantially longer period of time than the parties were married and there is little or no opportunity for credit for these payments at the time of equitable distribution.

Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation.

(a) *Child care expenses.* Reasonable child care expenses paid by [the custodial] either parent, if necessary to maintain employment or appropriate education in pursuit of income, [are the responsibility of both parents. These expenses] shall be allocated between the parties in proportion to their net incomes and [obligor's share] added to his [or] and her basic support obligation. When [the custodial] a parent is receiving a child care subsidy through the Department of Public Welfare, the expenses to be allocated between the parties shall be the full unsubsidized cost of the child care, not just the amount actually paid by the [custodial] parent **receiving the subsidy.** However, if allocation of the unsubsidized amount would result in a support order that is overly burdensome to the obligor, deviation pursuant to Rule 1910.16-5 may be warranted.

Example. Mother has primary custody of the parties' two children and Father has partial custody. Mother's monthly net income is \$2,000 and Father's is \$3,500. At their combined income level of \$5,500, the basic monthly child support from the schedule in Rule 1910.16-3 is \$1,268 for two children. As Father's income is 64% of the parties' combined income, his share is \$812. Mother incurs child care expenses of \$400 per month and Father incurs \$100 of such expenses each month. The total amount of child care expenses, \$500, will be apportioned between the parties, with Father paying 64%, or \$320. As he is already paying \$100 for child care while the children are in his partial custody, he would pay the remaining \$220 to Mother for a total child support obligation of \$1,032 (\$812 + \$220 = \$1,032).

(1) Except as provided in subsection (2), the total child care expenses shall be reduced to reflect the amount of the federal child care tax credit available to the [custodial] eligible parent, whether or not the credit is actually claimed by that parent, up to the maximum annual cost allowable under the Internal Revenue Code.

(2) The federal child care tax credit shall not be used to reduce the child care expenses subject to allocation between the parties if the [custodial] eligible parent is not qualified to receive the credit.

Official Note: A child care subsidy provided by the Department of Public Welfare should not be used to reduce the child care expenses subject to allocation between the parties to the extent that the obligor has the financial resources to contribute to the actual costs of child care. Nor is it appropriate to order the obligee to seek a child care subsidy in order to reduce the obligor's share of child care expenses if the obligor has the financial ability to contribute to those expenses. While public policy requires that parents, rather than taxpayers, pay for their children's child care when they are able

to do so, allocation of the full unsubsidized cost of child care may result in a support order that is overly burdensome to the obligor. In those circumstances, in addition to considering deviation to relieve the burden on the obligor, the trier of fact also has the discretion to determine whether or not to include in the order other adjustments under Rule 1910.16-6, such as a mortgage contribution, which are not mandatory. No adjustment to the [basicsupport] **basic support** amount shall be permitted if such would cause the obligor's remaining net monthly income to fall below the [Computed Allowance Minimum (CAM) of \$550] **Self-Support Reserve of \$748.** Implicit in the rule requiring apportionment of the unsubsidized cost of child care is recognition of the duty of the subsidy recipient to report any additional income pursuant to Department of Public Welfare regulations so that adjustments can be made to entitlements accordingly.

* * * * *

(c) *Unreimbursed Medical Expenses.* Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their respective net incomes. Notwithstanding the prior sentence, there shall be no apportionment of unreimbursed medical expenses incurred by a party who is not owed a statutory duty of support by the other party. The court may direct that the obligor's share be added to his or her basic support obligation, or paid directly to the obligee or to the health care provider.

(1) For purposes of this subdivision, medical expenses are annual unreimbursed medical expenses in excess of \$250 per person. Medical expenses include insurance co-payments and deductibles and all expenses incurred for reasonably necessary medical services and supplies, including but not limited to surgical, dental and optical services, and orthodontia. Medical expenses do not include cosmetic, chiropractic, psychiatric [or], psychological or other services unless specifically directed in the order of court.

Official Note: While cosmetic, chiropractic, psychiatric [and], psychological or other expenses are not required to be apportioned between the parties, the court may apportion such expenses that it determines to be reasonable and appropriate under the circumstances.

* * * * *

(e) *Mortgage Payment.* The guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the court will assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise. If the obligee is living in the marital residence and the mortgage payment exceeds 25% of the obligee's net income (including amounts of spousal support, [APL] **alimony pendente lite** and child support), the court [maydirect] **may direct** the obligor to assume up to 50% of the excess amount as part of the total support award. For purposes of this subdivision, the term "mortgage" shall include first mortgages, real estate taxes and homeowners' insurance and may include any subsequent mortgages, home equity loans and any other obligations incurred during the marriage which are secured by the marital residence.

[Explanatory Comment—1998]

New Rule 1910.16-6 consolidates the provisions of former Rule 1910.16-5 governing the treatment of

additional expenses that warrant an adjustment to the basic support obligation.

Subdivision (a) relating child care expenses substantially incorporates former subdivision (i) of Rule 1910.16-5 with two substantive changes. First, it changes the method of allocation from one of equal shares to proportionate shares based on the parties' net incomes. Second, it reflects the federal child care tax credit that is available to the custodial parent. This credit essentially reduces the total expenses subject to allocation. For tax purposes, the actual credit can range anywhere from 20 to 30 percent depending on the custodial parent's income. For support purposes, however, the Rule assumes an average tax credit of 25 percent. Although the court may always look at the actual tax rate that applies in a particular case, it will have very little impact on the overall support award.

There are two important limitations on the use of this tax credit. First, it applies only to the first \$2,400 per year (\$200 per month) for one child or \$4,800 per year (\$400 per month) for two or more children. Only child care expenses incurred up to these amounts, therefore, are reduced by 25% before allocating them between the parties. Any remaining expenses are allocated between the parties without adjustment. Second, since the tax credit may be taken only against taxes owed, it cannot be used when the custodial parent does not incur sufficient tax liability to fully realize the credit. For this reason, subsection (2) provides that no adjustment to the total child care expenses may be made if the custodial parent's gross income falls below the thresholds set forth therein. The income thresholds are based on 1997 tax rates.

Subdivision (b) reflects a major change in the treatment of health insurance premiums. Under the old rules, the cost of health insurance was deducted from the party's gross income to determine net income. Under the new Rule, this cost is now generally treated as an additional expense to be allocated between the parties in proportion to their net incomes. In addition, subsection (1) of the new Rule permits allocation of the entire premium, including the party's portion of the premium, when the insurance benefits the other party or the children. Subsection (2) provides for proration of the premium when the health insurance covers other persons who are not subject to the support action.

Subdivision (c) incorporates former Rule 1910.16-5(p) with four changes. First, since the first \$250 of medical expenses per year per child is built into the basic guideline amount in the child support schedule, only medical expenses in excess of \$250 per year per child are subject to allocation under this Rule as an additional expense to be added to the basic support obligation. Second, the Committee has chosen to draw this same line with respect to spousal support so that the obligee-spouse is expected to assume the first \$250 per year of these expenses and may seek contribution under this Rule only for unreimbursed expenses which exceed \$250 per year. The third change amends the definition of "medical expenses" to include insurance co-payments, deductibles and orthodontia and to exclude chiropractic services. The fourth change distinguishes between medical expenses which are recurring and predictable and those which are not.

When the expenses are recurring and predictable, the court may establish a monthly amount for these expenses and add it to the basic support obligation so that it is collectible through wage attachment.

Subdivision (d) governs apportionment of private school tuition, summer camp and other unusual needs not reflected in the basic guideline amounts of support. Whereas the old rule required these expenses to be borne by the parties in reasonable shares, the new Rule presumes allocation in proportion to the parties' net incomes consistent with the treatment of the other additional expenses.

Explanatory Comment—2000

Subdivision (b) has been amended to permit an alternative method for dealing with the cost of health insurance premiums in certain circumstances. In general, the cost of the premiums will be treated as an additional expense to be allocated between the parties in proportion to their net incomes. However, in cases in which the obligee has no income or minimal income, new subsection (4) authorizes the trier of fact to reduce the obligor's gross income for support purposes by some or all of the amount of the health insurance premiums. Under this subdivision (b) as originally promulgated, the entire cost of health insurance would have been borne by the obligor when the obligee had little or no income, with no resulting reduction in the amount of support he or she would otherwise be required to pay under the support guidelines. The goal of the amendment to this subdivision is to encourage and facilitate the maintenance of health insurance coverage for dependents by giving the obligor a financial incentive to maintain health insurance coverage.

Subdivision (e) has been amended to correct a drafting error in the definition of "mortgage". It always was the intention of the Committee to include in the definition the real estate taxes and homeowners' insurance referenced in the first sentence of the rule. In addition, while real estate taxes and homeowners' insurance must now be included if the trier of fact applies the provisions of this subdivision, the inclusion of second mortgages, home equity loans and other obligations secured by the marital residence is within the discretion of the trier of fact based upon the circumstances of the case.]

Explanatory Comment—2005

Rule 1910.16-6 governs the treatment of additional expenses that warrant an adjustment to the basic support obligation.

Subdivision (a)[,] relates to child care expenses. Subdivision (a) has been amended to require that child care expenses incurred by either party are to be allocated between the parties in proportion to their respective net incomes. Subsection (a)(1), relating to the federal child care tax credit, [has been] was amended in 2004 to reflect recent amendments to the Internal Revenue Code. 26 U.S.C.A. § 21. By referring to the tax code in general, rather than incorporating current code provisions in the rule, any further amendments will be incorporated into the support calculation. Since the tax credit may be taken only against taxes owed, it cannot be used when the eligible parent does not incur sufficient tax liability to fully

realize the credit. For this reason, subsection (2) provides that no adjustment to the total child care expenses may be made if the eligible parent does not qualify to receive the credit.

Subdivision (b) addresses health insurance premiums. The cost of the premiums is generally treated as an additional expense to be allocated between the parties in proportion to their net incomes. Subsection (1) of the rule permits allocation of the entire premium, including the portion of the premium covering the party carrying the insurance, when the insurance benefits the other party and/or the children. Subsection (2) clarifies that, in calculating the amount of the health care premium to be allocated between the parties, subdivision (b)(1) requires the inclusion of that portion of the health insurance premium covering the party who is paying the premium, so long as there is a statutory duty of support owed to that party, but not the portion of the premium attributable to non-parties and children who are not the subjects of the support order. Subsection (2) provides for proration of the premium when the health insurance covers other persons who are not subject to the support action or owed a statutory duty of support. Subdivision (b) also permits an alternative method for dealing with the cost of health insurance premiums in certain circumstances. While, in general, the cost of the premiums will be treated as an additional expense to be allocated between the parties in proportion to their net incomes, in cases in which the obligee has no income or minimal income, subsection (4) authorizes the trier of fact to reduce the obligor's gross income for support purposes by some or all of the amount of the health insurance premiums. This is to avoid the result under a prior rule in which the entire cost of health insurance would have been borne by the obligor, with no resulting reduction in the amount of support he or she would otherwise be required to pay under the support guidelines. The goal of this provision is to encourage and facilitate the maintenance of health insurance coverage for dependents by giving the obligor a financial incentive to maintain health insurance coverage.

Subdivision (c) deals with unreimbursed medical expenses. Since the first \$250 of medical expenses per year per child is built into the basic guideline amount in the child support schedule, only medical expenses in excess of \$250 per year per child are subject to allocation under this rule as an additional expense to be added to the basic support obligation. The same is true with respect to spousal support so that the obligee-spouse is expected to assume the first \$250 per year of these expenses and may seek contribution under this rule only for unreimbursed expenses which exceed \$250 per year. The definition of "medical expenses" includes insurance co-payments, deductibles and orthodontia and excludes chiropractic services.

Subdivision (d) governs apportionment of private school tuition, summer camp and other unusual needs not reflected in the basic guideline amounts of support. The rule presumes allocation in proportion to the parties' net incomes consistent with the treatment of the other additional expenses.

Subdivision (e) provides for the apportionment of mortgage expenses. It defines "mortgage" to include

the real estate taxes and homeowners' insurance. While real estate taxes and homeowners' insurance must be included if the trier of fact applies the provisions of this subdivision, the inclusion of second mortgages, home equity loans and other obligations secured by the marital residence is within the discretion of the trier of fact based upon the circumstances of the case.

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

(a) When the total of the obligor's basic child support obligations equals fifty percent or less of his or her monthly net income, there will generally be no deviation from the guideline amount of support on the ground of the existence of a new family. For example, where the obligor requests a reduction of support for one child of the first marriage on the basis that there is a new child of the second intact marriage, and the relevant monthly net incomes are \$[1,500] 2,500 for the obligor, \$500 for the former spouse and \$1,300 for the current spouse, the request for a reduction will be denied because the total support obligation of \$[707] 1,142 (\$[354] 601 for the first child and \$[353] 541 for the second child) is less than half of the obligor's monthly net income.

(b) When the total of the obligor's basic support obligations exceeds fifty percent of his or her monthly net income, the court may consider a proportional reduction of these obligations. Since, however, the goal of the guidelines is to treat each child equitably, in no event should either a first or later family receive preference. Nor shall the court divide the guideline amount for all of the obligor's children among the households in which those children live.

Example 1. [Obligor] The obligor is sued for support of an out of wedlock child. [Obligor] The obligor is already paying support for two children of the first marriage, and has an intact second marriage with one child. The relevant monthly net incomes are \$1,500 for the obligor, \$1,100 for the former spouse, \$0 for the current spouse and \$1,500 for the parent of the new child. The guideline amounts for each family are \$[504] 514 for the two children of the first marriage, \$[359] 386 for the one child of the second marriage, and \$[332] 362 for the one child out of wedlock for a total support obligation of \$[1,195] 1,262. Since the total of these obligations exceeds fifty percent of the obligor's net monthly income of \$1,500 per month, the court may consider a proportional reduction of all of the orders.

Example 2. [Obligor] The obligor is sued for support of three children of a second marriage. There is already an order in effect for two children of the first marriage. The relevant monthly net incomes are \$1,000 for the obligor, \$0 for the first spouse and \$500 for the second spouse. The guideline amounts for each family are \$[308] 229 for the two children of the first marriage and \$[347] 422 for the three children of the second marriage for a total support obligation of \$[655] 651. Since this total obligation leaves the obligor with only \$[345] 349 on which to live, the order for the three children of the second family is too high. However, reducing the order for three children while leaving the existing order intact would give preference to the first family, contrary to the rule. Therefore, both orders must be reduced proportionally.

Example 3. [**Obligor**] **The obligor** is sued to establish orders for three children born out of wedlock. The net monthly incomes for **the obligor** and for each obligee is \$1,500. The court would determine that the guideline figure for each child is \$[**322**] **362** for a total obligation of \$[**966**] **1,086** for three children. It would be incorrect to determine the guideline amount for three children, in this case \$[**664**] **724**, and then divide that amount among the three children.

(c) For purposes of this [**Rule**] **rule**, the [**presumptively correct total**] **presumptive amount** of the obligor's basic support [**obligations**] **obligation** is calculated using only the basic guideline amounts of support, as determined from the formula in Rule 1910.16-4, and does not include any additional expenses that may be added to these amounts pursuant to Rule 1910.16-6. In calculating the [**presumptively correct total**] **presumptive amount** of the obligor's basic support [**obligations**] **obligation**, the court should ensure that **the obligor** retains at least \$[**550**] **748** per month consistent with Rule 1910.16-2(e).

Example 1. Assume that **the obligor** is paying \$[**291**] **591** per month support for one child of the first marriage, plus an additional \$[**50**] **200** per month for child care expenses. [**Obligor**] **The obligor** requests a reduction in this support obligation on the basis that there is one new child of the second intact marriage. The relevant incomes are \$[**1,200**] **2,400** for **the obligor** and \$0 for both the former and current spouses. [**Obligor's**] **The obligor's** request for a reduction should be denied because the total of the basic guideline obligations for both children is only \$[**582**] **1,182** (\$[**291**] **591** for each child) and this amount does not exceed 50% of the obligor's net monthly income. No reduction should be given on the basis that **the obligor's** contribution to child care expenses for the first child results in an overall support obligation of \$[**632**] **1,382** which exceeds 50% of the obligor's net monthly income. Thus, the [**presumptively correct**] **presumptive amount** of basic support for the two children is still \$[**582**] **1,182** (\$[**291**] **591** for each child). The court must then consider the deviation factors under Rule 1910.16-5 and the [**parties's**] **parties'** respective contributions to additional expenses under Rule 1910.16-6 in arriving at an appropriate amount of total support for each child.

Example 2. Assume that **the obligor** is paying \$[**244**] **227** per month support for one child of the first marriage. [**Obligor**] **The obligor** has one new child of the second intact marriage. The relevant incomes are \$1,000 for **the obligor** and \$0 for both the former and current spouses. No reduction should be given on the basis of **the obligor's** new child because the total of the basic guideline obligations for both children is only \$[**488**] **454** (\$[**244**] **227** for each child) and this amount does not exceed 50% of the obligor's net monthly income. Since, however, this amount leaves **the obligor** with only \$[**512**] **546** per month, the court should proportionally reduce the support obligations so that **the obligor** retains \$[**550**] **748** per month. Thus, the [**presumptively correct**] **presump-**

tive amount of basic support for the two children is \$[**450**] **252** (\$[**225**] **126** for each child). The court must then consider the deviation factors under Rule 1910.16-5 and the parties' respective contributions to additional expenses under Rule 1910.16-6 in arriving at an appropriate amount of total support for each child.

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

* * * * *

Explanatory Comment—[**1998**] **2005**

Rule 1910.16-7 has been amended to reflect the updated schedule at Rule 1910.16-3 and the increase in the Self-Support Reserve ("SSR"), formerly the CAM, to \$748 per month. This [new Rule replaces former Rule 1910.16-5(n) relating to] rule sets forth the calculation of child support obligations in the context of multiple families. [It has been rewritten for clarity and to update the examples used to illustrate the method for calculating these obligations.] Awards of spousal support in this context are [now] addressed in Rule 1910.16-2(c)(2).

In determining whether the total support obligations exceed 50% of the obligor's net income to warrant a proportionate reduction of the child support orders, subdivision (c) [**has been added to clarify**] **clarifies** that the total consists only of the basic amounts of child support, as derived from the income shares formula in Rule 1910.16-4, and does not include additional expenses that may be added to these basic amounts under Rule 1910.16-6. As the first example illustrates, no reduction should be given if the basic support obligations do not exceed 50% of the obligor's net monthly income even though his or her contribution to additional expenses may result in an overall obligation exceeding this percentage of income. As the second example illustrates, however, in low income cases it may be necessary to adjust the child support obligations proportionally even though they do not exceed 50% of the obligor's net income. This is consistent with the goals of [**CAM**] **the SSR** to ensure that **the obligor** retains sufficient income to maintain the incentive to work so that he or she can support all of the children.

Subdivision (c) also emphasizes that the initial amounts which are calculated for purposes of determining whether a proportional reduction is warranted are only [**presumptively correct**] **presumptive amounts** of child support. They are subject to upward or downward adjustment under Rules 1910.16-5 and 1910.16-6 relating to deviation and additional child-related expenses which are typically added to the basic obligation. This is intended only to emphasize that the establishment of appropriate support obligations for children of different families involves the same considerations as the establishment of a support obligation for a child or children of a single family.

Subdivision (d) addresses the priority of the distribution of payments and collections. However, collections realized through the interception of federal tax returns by the Internal Revenue Service are subject to federal distribution priorities. See 45 CFR 303.72(h).

[Pa.B. Doc. No. 05-1893. Filed for public inspection October 14, 2005, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 1]

Proposed Amendments to Pa.R.Crim.P. 107

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa.R.Crim.P. 107 (Contents of Subpoena) to clarify the procedures for issuance of subpoenas by the judges of the courts of common pleas, the Philadelphia Municipal Court, and the minor judiciary. This supplemental proposal, which modifies the original proposal published in 35 Pa.B. 1556 (3/5/05) and in the *Atlantic Reporter* advanced sheets at 865 A.2d (3/4/05), resulted from the Committee's further review of the proposed rule changes in response to the extensive correspondence received after publication of our original explanatory Report. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Supplemental Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Supplemental Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Supplemental Reports.

The text of the proposed amendments precedes the Supplemental Report.

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

Anne T. Panfil, Chief Staff Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
5035 Ritter Road, Suite 100
Mechanicsburg, PA 17055
fax: (717) 795-2106
e-mail: criminal.rules@pacourts.us

no later than Friday, November 18, 2005.

By the Criminal Procedural Rules Committee

NICHOLAS J. NASTASI,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART A. Business of the Courts

Rule 107. Issuance of Subpoena; Contents of Subpoena.

(A) Court of Common Pleas

(1) Upon the request of a party, the clerk of courts shall issue a subpoena. The subpoena shall be signed and under the seal of the court, but otherwise blank. The party requesting the subpoena shall fill in the contents of the subpoena required in paragraph (C) before the subpoena is served.

(2) The subpoena shall be served as provided in paragraph (B)(3) in the same manner as notices are served on parties pursuant to Rule 576(B)(2).

(B) Minor Judiciary

(1) The attorney for the Commonwealth or the attorney for the defendant, as officers of the court, may sign and issue a subpoena on behalf of the magisterial district court in which the proceeding is pending.

(a) The subpoena shall be in the form designated for use in magisterial district courts.

(b) The attorney must complete the subpoena with the information required in paragraph (C) before the subpoena is served. The subpoena also shall include notice to the individual subpoenaed to contact the issuing attorney with any questions about or challenges to the subpoena.

(c) A copy of the subpoena shall be filed in the magisterial district court in which the proceeding is pending within 48 hours of service, and in no event later than the commencement of the hearing. Filing pursuant to this paragraph may be accomplished by sending a copy by facsimile transmission.

(2) Upon the request of a defendant proceeding pro se, a law enforcement officer, a private criminal complainant, or an attorney who elects to proceed under this paragraph, the issuing authority may issue a subpoena.

(a) The individual requesting the subpoena shall provide the issuing authority with the information required in paragraph (C).

(b) If the subpoena is to be issued, the issuing authority shall fill in the information provided.

(c) The subpoena shall be signed and under the seal of the issuing authority.

(3) All subpoenas shall be served upon any person within the Commonwealth by a competent adult

(a) by handing a copy to the person; or

(b) at the residence of the person, by handing a copy

(i) to an adult member of the family with whom the person resides; but if no adult member of the family is found, then to an adult in charge of such residence; or

(ii) to the clerk or manager of the hotel, inn, apartment house, boarding house, or other place of lodging where the person resides; or

(c) at any office or usual place of business of the person, by handing a copy to the person's agent or another person in charge.

(4) The person making service of a subpoena must file a certificate of service in the magisterial district court in which the hearing is pending within 48 hours of service, and in no event later

than the commencement of the hearing. Filing under this paragraph may be accomplished by sending a copy by facsimile transmission.

(C) Contents of Subpoena

A subpoena in a criminal case shall:

(1) order the witness named to appear before the common pleas court or magisterial district court at the date, time, and place specified, and to bring any items identified or described[. The subpoena shall also];

(2) state on whose behalf the witness is being ordered to testify [and];

(3) state the name and address for service on the person being subpoenaed; and

(4) state the [identity] name and attorney identification number, address, and phone number of the attorney, if any, who issued the subpoena pursuant to paragraph (B)(1) or applied for the subpoena pursuant to paragraph (B)(2).

Comment

[The form of subpoena was deleted in 1985 because it is no longer necessary to control the specific form of subpoena by rule.]

It is intended that the subpoena [shall] will be used not only for [trial] summary trials or trials in the courts of common pleas and the Philadelphia Municipal Court, but also for any other stage of the proceedings before the minor judiciary, Philadelphia Municipal Court, or common pleas court when a subpoena is issuable, including preliminary hearings, hearings in connection with pretrial and post-trial motions, etc.

The subpoenas issued by the judges of the Philadelphia Municipal Court should be issued pursuant to paragraph (A).

Paragraph (B)(1) authorizes an attorney for the Commonwealth or an attorney for the defendant to complete, sign, and issue subpoenas under the authority of the court in all cases in the magisterial district courts, and requires that subpoenas issued by an attorney on behalf of a magisterial district court be on a designated form. An attorney may not use a blank subpoena form from the court of common pleas. It is intended that the magisterial district court blank subpoena forms will be readily available for use by attorneys.

There is no provision for the court to review or approve prior to issuance a subpoena issued by an attorney under paragraph (B)(1). The authority to issue subpoenas given to attorneys under this paragraph carries with it the responsibility to use good judgment and to make every effort to limit the scope of subpoenas to persons, documents, or things that are relevant to the cause of action before the magisterial district judge.

For a suggested form of certificate of service to use as required in paragraph (B)(4), see Rule 576(B)(4) and Comment. The copy of the subpoena required to be filed under paragraph (B)(3) and the certificate of service required to be filed under paragraph (B)(4) may be filed simultaneously.

Nothing in this rule is intended to preclude the attorney from proceeding pursuant to paragraph

(B)(2) and requesting that the magisterial district judge complete, sign, and issue the subpoena.

When the subpoena is for the production of documents, records, or things, these should be specified.

When issuing a subpoena pursuant to paragraph (B)(2), the issuing authority may limit the scope of the subpoena to persons, documents, or things that are relevant to the cause of action before the issuing authority.

All subpoenas issued pursuant to paragraph (A) or paragraph (B)(2) must be signed by a judge of the court issuing the subpoena. The signature may be in any of the forms of signature authorized in the Rule 103 definition of "signature."

The requirements in paragraph (B)(3) for the service of the subpoena are the same as the requirements for service of a subpoena in a civil matter pursuant to Pa.R.C.P.M.D.J. No. 214(c) (Subpoena; Issuance; Service).

See 42 Pa.C.S. § 1725.1 concerning costs to be charged by the minor judiciary.

For the scope of the contempt powers of magisterial district judges, see 42 Pa.C.S. § 4137. See also Rules 140-142.

Official Note: Previous Rule 9016 adopted January 28, 1983, effective July 1, 1983; rescinded November 9, 1984, effective January 2, 1985. Present Rule 9016 adopted November 9, 1984, effective January 2, 1985; renumbered Rule 107 and amended March 1, 2000, effective April 1, 2001; amended , 2005, effective , 2005.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

Supplemental Report explaining the proposed changes concerning issuance of subpoenas by attorneys published at 35 Pa.B. 5677 (October 15, 2005).

SUPPLEMENTAL REPORT

Proposed Amendments to Pa.R.Crim.P. 107

Procedures for Issuance and Service of Subpoena

I. Introduction

The Criminal Procedural Rules Committee's original proposal¹ was for amendments to Rule 107 (Contents of Subpoena) that would distinguish between the procedures for issuance of subpoenas by the court of common pleas and issuance of subpoenas by the minor judiciary. In this Supplemental Report, the Committee is explaining several changes to the proposed Rule 107 amendments.²

The core of the proposal as published remains the same.³ The changes in this supplemental proposal address the major issues raised in the publication responses, and include some fine tuning by the Committee. Briefly, these changes:

¹ See 35 Pa.B. 1556 (3/5/05) and the *Atlantic Reporter* advanced sheets, 865 A.2d (3/4/05).

² As with the original proposal, a joint subcommittee of the Minor Court Rules Committee and Criminal Rules Committee was formed to assist the two Committees in addressing the issues raised by the publication responses, in particular the issue of blank subpoenas. The Joint Subcommittee's recommendations have been approved for publication by both Committees.

³ See the Committee's March 2005 explanatory Report, supra., for the explanation of the development and the contents of the proposal.

- permit an attorney, as an officer of the court, to sign and issue a subpoena on behalf of the magisterial district court;
- require that the subpoena issued by an attorney be in the form designated for use in magisterial district courts and these forms must be readily available;
- require the attorney-issued subpoena to include all the information required by paragraph (C) of Rule 107, and to include a statement advising the individual subpoenaed that any questions about or challenges to the subpoena must be directed to the attorney;
- require that a copy of the subpoena be filed with the proper magisterial district judge within 48 hours of service and in no event later than the commencement of the hearing;
- permit the attorney to elect to proceed pursuant to Rule 107(B)(2) and have the magisterial district judge complete, sign, and issue the subpoena;
- add to the Comment cross-references to 42 Pa.C.S. § 4137 and Pa.Rs.Crim. P. 140-142 concerning the magisterial district judge contempt powers;
- require that a written proof of service be filed; and
- because the rules will permit the attorneys to issue the subpoenas and the magisterial district court subpoena forms will be readily available, include in the Rule 107 Comment a prohibition on attorneys using the subpoena forms that are used in the court of common pleas for subpoenaing individuals to magisterial court proceedings.

II. Discussion of Proposed Rule Changes

Proposed Rule 107(A) provides the procedures for the issuance of a subpoena by the court of common pleas. This paragraph is the same as was originally published.

Paragraph (B) provides the procedures for the issuance of a subpoena in cases pending before the minor judiciary. Because of the concerns raised in the publication responses about the provision in the original proposal that required the magisterial district judges to issue subpoenas in blank when requested by an attorney, the Committee is proposing as new paragraph (B)(1) a completely new approach that permits an attorney as an officer of the court to sign and issue a subpoena on behalf of the magisterial district court in which the proceeding is pending.⁴ A cautionary provision has been added to the Comment explaining to these attorneys, when exercising their new authority to issue subpoenas in cases before the minor judiciary, that they should exercise good judgment.⁵

Paragraph (B)(1)(a) requires that, if the attorney is going to issue the subpoena, he or she must use the form of subpoena designated for use in magisterial district courts. The Comment explains that the attorney may no longer use a common pleas court form of subpoena in cases in the magisterial district courts.

Paragraph (B)(1)(b) addresses the contents of the attorney-issued subpoena. This paragraph includes a cross-reference to paragraph (C) for the mandatory contents of the subpoena. The provision also requires that the attorney-issued subpoena include notice to the subpoenaed individual that all questions about or challenges to the subpoena must be directed to the issuing attorney, not the magisterial district judge. This new provision

⁴ The authority of attorneys, as officers of the court, to issue subpoenas has been recognized for a number of years in the Federal Courts in paragraph (D)(3) of F.R.Civ.P. 45 (Subpoena).

⁵ This provision is reflective of the responsibilities imposed on attorneys by Rule 4.4 of the Rules of Profession Conduct.

recognizes that, when the attorney issues the subpoena, the attorney assumes all responsibility for that subpoena.

Paragraph (B)(1)(c) requires that a copy of the attorney-issued subpoena be filed in the magisterial district court in which the proceeding is pending within 48 hours of service, but in no event later than the commencement of the proceeding. This requirement was added to ensure the magisterial district judges have copies of all subpoenas for the court's records. To accommodate the attorneys and the magisterial district judges, the rule permits these filings to be accomplished by facsimile transmission.

Paragraph (B)(2) sets forth the procedures for the issuance of subpoenas by members of the minor judiciary. Agreeing that there may be cases in which an attorney would not want to issue a subpoena pursuant to paragraph (B)(1), the Committee has modified paragraph (B)(2) to accommodate these attorneys. In all other respects, this paragraph is the same as was published.

Paragraphs (B)(3) and (B)(4) are new and address service of the subpoenas, whether the subpoena was issued by an attorney or a magisterial district judge. For the service procedures, the published version of Rule 107 had merely included a cross-reference to PA.R.C.P.D.J. NO. 214(C). On reflection, the Committee agreed listing the service requirements in Rule 107(B)(3) and including the cross-reference in the Comment to Rule 214(c) as the derivation of these requirements makes more sense and is more "user friendly." Paragraph (B)(4) requires that the person serving the subpoena also must file a certificate of service in the magisterial district court in which the hearing is pending.⁶ Tying the time for this filing to the filing requirement in paragraph (B)(1)(c), the certificate of service must be filed within 48 hours of service and in no event later than the commencement of the proceeding. The certificate of service may be filed by facsimile transmission. The Comment explains that the form of certificate of service that is set forth in the Rule 576 Comment is an example of the type of certificate of service that should be filed under paragraph (B)(4). The Comment also explains that the copy of the subpoena and the certificate of service may be filed simultaneously.

Finally, paragraph (C) has been amended from the published version by adding the requirement that the attorney issuing the subpoena or requesting a subpoena must include his or her attorney identification number on the subpoena.

[Pa.B. Doc. No. 05-1894. Filed for public inspection October 14, 2005, 9:00 a.m.]

[234 PA. CODE CH. 2]

Order Amending Rule 227; No. 328 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the September 30, 2005 changes to Rule of Criminal Procedure 227. The changes, which will be effective February 1, 2006, clarify that (1) when it is necessary to give constitutional warnings to a witness who will testify in an investigating grand jury proceeding, the warnings and the oath must be administered by the supervising judge, and (2) for all other witnesses in the investigating grand jury proceeding, a court representative, who is authorized to administer

⁶ Because the Criminal Rules provide a certificate of service requirement in Rule 576 (Filing and Service by Parties), we have used this terminology in paragraph (B)(4).

oaths, is permitted to administer the oath. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 30th day of September, 2005, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 33 Pa.B. 2163 (May 3, 2003), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 227 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective February 1, 2006.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 2. INVESTIGATIONS

PART B(1). Investigating Grand Juries

Rule 227. Administering Oath to Witness.

Each witness to be heard by the investigating grand jury shall be sworn [**by the court**] before testifying. The witness may elect to be sworn in camera or in open court.

Comment

* * * * *

When it is necessary to give constitutional warnings to a witness, the warnings and the oath must be administered by the court. As to warnings that the court may have to give to the witness when the witness is sworn, see, e.g., *Commonwealth v. McCloskey*, 443 Pa. 117, 277 A.2d 764 (Pa. 1971).

Official Note: Rule 259 adopted June 26, 1978, effective January 9, 1979; renumbered Rule 227 and Comment revised March 1, 2000, effective April 1, 2001; **amended September 30, 2005, effective February 1, 2006.**

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

Final Report explaining the September 30, 2005 amendments concerning administration of the oath published with the Court's Order at 35 Pa.B. 5679 (October 15, 2005).

FINAL REPORT¹

Amendments to Pa.R.Crim.P. 227

Administration of the Oath to Investigating Grand Jury Witnesses

On September 30, 2005, effective February 1, 2006, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule 227 (Administering Oath to Witness) to make the rule clear that (1) when it is necessary to give constitutional warnings to a witness who will testify in an investigating grand jury proceeding, the warnings and the oath must be administered by the supervising judge, and (2) for all other witnesses in the investigating grand jury proceeding, a

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

court representative, who is authorized to administer oaths, is permitted to administer the oath.

When the Committee originally proposed Rule 227 in 1978, the impetus for the requirement that the court administer the oath to witnesses was concerns about the warnings and instructions that should be given to a witness prior to testifying. The decision to add to Rule 227 the requirement that the oath be administered by the court relied on *Commonwealth v. McCloskey*, 443 Pa. 117, 277 A.2d 764 (Pa. 1971), in which the Supreme Court stated, inter alia, that "the proper procedure is for the court supervising the investigating grand jury to instruct the witness when administering the oath" about the right to counsel.

In view of this history, the Committee concluded the "sworn by the court" requirement only applies to witnesses who also must be given warnings at the time the oath is administered. The Committee also noted the witnesses who do not require constitutional warnings in most cases are law enforcement officers or other individuals involved in the investigation, and to require them to appear before the supervising judge to be sworn, which is frequently hours before the witness is to testify, is inefficient, an inconvenience to the law enforcement officers, an economic and staffing burden on their departments, and serves no purpose.

Accordingly, in view of these considerations and the rule history, Rule 227 has been amended by deleting the phrase "by the court" to allow any court official who is authorized to administer oaths to administer the oath to the investigating grand jury witnesses who do not require constitutional warnings. This change promotes judicial economy and benefits these other witnesses who would be able to appear at the time scheduled for their testimony rather than at the time the supervising judge is available for the administration of oaths. In addition, a cautionary provision is added to the second paragraph of the Comment that explains when it is necessary to give constitutional warnings to a witness, the warnings and oath must be administered by the court.

[Pa.B. Doc. No. 05-1895. Filed for public inspection October 14, 2005, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 200]

Proposed Amendments to Rule 214 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 214 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges to provide, in certain circumstances, for the issuance of subpoenas by attorneys. The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Supplemental Report highlights the Committee's considerations in formulating this proposal. The Committee's Supplemental Report should

not be confused with the Committee's Official Notes to the rules. The Supreme Court does not adopt the Committee's Official Notes or the contents of the explanatory reports.

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

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

Michael F. Krimmel, Counsel
 Supreme Court of Pennsylvania
 Minor Court Rules Committee
 5035 Ritter Road, Suite 700
 Mechanicsburg, PA 17055
 Fax 717-795-2175

or e-mail to: minorrules@pacourts.us

no later than Friday, November 18, 2005.

By the Minor Court Rules Committee

THOMAS E. MARTIN, Jr.,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

**CHAPTER 200. RULES OF CONSTRUCTION;
 GENERAL PROVISIONS**

Rule 214. Subpoena; Issuance; Service.

* * * * *

B. (1) The attorney of record for a party, as an officer of the court, may issue a subpoena on behalf of the magisterial district court in which the hearing is pending.

(a) The subpoena must be in the form designated for use in magisterial district courts.

(b) The issuing attorney must complete the subpoena with the information required in paragraph B(3) before the subpoena is served. The subpoena also shall include notice to the individual subpoenaed to contact the issuing attorney with any questions about or challenges to the subpoena.

(c) A subpoena issued under this paragraph shall be signed by issuing attorney.

(d) The issuing attorney must file a copy of the subpoena in the magisterial district court in which the hearing is pending within 48 hours of service, and in no event later than the commencement of the hearing. Filing under this paragraph may be accomplished by sending a copy by facsimile transmission.

(2) Upon the request of a party proceeding pro se or an attorney of record who elects to proceed under this paragraph, the magisterial district judge may issue a subpoena [signed and under the seal of the magisterial district judge]. [The magisterial district judge shall specify in the subpoena the name and address for service of the person subpoenaed; the date, time, and place at which the person is to appear; and a description of the documents or things that the person is to produce, if any.]

(a) The party or attorney of record requesting the subpoena shall provide the magisterial district judge with the information required in paragraph B(3).

(b) If the subpoena is to be issued, the magisterial district judge shall fill in the information provided.

(c) A subpoena issued under this paragraph shall be signed by and under the seal of the magisterial district judge.

(3) In addition to the requirements of paragraphs (1) and (2), a subpoena shall specify:

(a) The name and address for service of the person being subpoenaed.

(b) The name of the party on whose behalf the person is being ordered to testify.

(c) The name, attorney identification number, address, and telephone number of the attorney of record, if any, who issued the subpoena under paragraph B(1) or applied for the subpoena under paragraph B(2).

(d) The date, time, and place at which the person is to appear.

(e) A description of the documents or things that the person is to produce, if any.

* * * * *

D. The person making service of a subpoena must file a return of service in the same manner provided under Rule 314A in the magisterial district court in which the hearing is pending within 48 hours of service, and in no event later than the commencement of the hearing. Filing under this paragraph may be accomplished by sending a copy by facsimile transmission.

Official Note: See Rule 202 for definition of "subpoena." Compare Pa.R.C.P. Nos. 234.2 and 402(a) and Pa.R.Crim.P. 107.

Paragraph (B)(1) authorizes an attorney of record for a party to complete, sign, and issue subpoenas under the authority of the court in all cases governed by these rules in the magisterial district courts. Subpoenas issued by an attorney on behalf of a magisterial district court must be on a designated form. An attorney may not use a blank subpoena form from the court of common pleas. It is intended that the magisterial district court blank subpoena forms will be readily available for use by attorneys.

There is no provision for the court to review or approve prior to issuance a subpoena issued by an attorney under paragraph B(1). The authority to issue subpoenas given to attorneys under this paragraph carries with it a responsibility to use good judgment and to make every effort to limit the scope of subpoenas to persons, documents, or things that are relevant to the cause of action before the magisterial district judge.

Nothing in this rule is intended to preclude the attorney from proceeding under paragraph B(2) and requesting that the magisterial district judge complete, sign, and issue the subpoena.

[The] When issuing a subpoena under paragraph B(2) the magisterial district judge has discretion to limit the scope of [subpoenas] the subpoena to persons, documents, or things that are relevant to the cause of action before the magisterial district judge.

[Magisterial district judges may not issue subpoenas in blank.]

The copy of the subpoena required to be filed under paragraph B(1)(d) and the return of service required to be filed under paragraph D may be filed simultaneously.

Paragraphs B(1)(d) and D provide for filing by facsimile transmission. It is the intent of these rules that filing documents by facsimile transmission is permitted only when expressly provided for in the rules.

See Pa.C.S. § 1725.1 concerning costs to be charged by magisterial district courts.

For the scope of the contempt powers of magisterial district judges, see 42 Pa.C.S. § 4137. See also Pa.R.Crim.P. 140-142.

SUPPLEMENTAL REPORT

Proposed Amendments to Rule 214 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

Issuance of Blank Subpoenas

I. Background

The Minor Court Rules Committee (the Committee) undertook a review of the rules relating to subpoenas, and specifically the issue of whether magisterial district judges may issue subpoenas in blank, at the direction of the Supreme Court of Pennsylvania. In *In Re: District Justice Sandra L. Stevanus*, No. 60 WM 2003, the Supreme Court was asked to issue a writ of mandamus directing Judge Stevanus to issue blank subpoenas to a defense attorney in a criminal case that was pending in her court. Judge Stevanus refused to issue the blank subpoenas, contending that the party requesting a subpoena must provide the magisterial district court with the information needed to complete the subpoena before the subpoena is issued. In its November 12, 2003 order denying the petition for writ of mandamus, the Supreme Court ordered that “[t]he Criminal Rules Committee, in consultation with the Minor Rules Committee, is hereby directed to study the question of whether District Justices may issue subpoenas in blank.”

Initially, the Committee published a proposal that would have required a magisterial district judge to issue a blank subpoena upon the request of an attorney of record for a party.¹ Based on negative publication responses to that original proposal, the Committee has revised its proposal in an attempt to address the concerns raised in the publication responses. Upon further review of the relevant issues and authorities, and after additional consultation with the Criminal Procedural Rules Committee (CPRC), the Committee is again proposing that Rule 214 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges be amended to expressly allow, in certain circumstances described below, the issuance of subpoenas in blank.²

II. Discussion

Initially, prior to publication of the original proposal, the Committee had taken the position that magisterial district judges should not issue subpoenas in blank, at least in magisterial district court civil and landlord and tenant proceedings. The Committee noted that Pa.

R.C.P.M.D.J. Nos. 213 and 214 were adopted by the Supreme Court September 3, 2003, effective January 1, 2004.³ Rule 214 specifies what information must be contained in the subpoena, including the name and service address of the person being subpoenaed; the date, time, and place at which the person is to appear; and a description of any documents or things the person is to produce. This procedure differs from the usual practice in the courts of common pleas in that the specified information must be contained in the subpoena at the time of issuance. To further reinforce this, the Official Note to Rule 214 makes clear that “[m]agisterial district judges may not issue subpoenas in blank.”⁴ In drafting Rule 214, the Committee had thought it unadvisable that magisterial district judges issue subpoenas in blank because there is no pretrial motions practice in magisterial district court civil proceedings, and in particular, no procedural mechanism to quash a subpoena. Therefore, the Committee thought it important that, at the time of issuance, the magisterial district judge have “discretion to limit the scope of subpoenas to persons, documents, or things that are relevant to the cause of action before the magisterial district judge.”⁵ The Committee’s concerns centered around potential abuses if pro se parties are permitted to prepare and issue subpoenas without the court having any knowledge of who or what is being subpoenaed. For example, there were concerns that pro se parties may attempt to subpoena persons or things that are totally irrelevant to the proceedings, or may request such a large number of documents so as to make compliance with the subpoena extremely burdensome.

In discussions prior to formulating of the original proposal, the CPRC pointed out that in most criminal cases the concern about abuses by pro se litigants is less of an issue because there is a representative of the Commonwealth involved, and these individuals are less likely to abuse the subpoena process. For this and other reasons, the CPRC did not share the Committee’s concerns about blank subpoenas. Recognizing that the two committees had somewhat different positions on this issue, the two committees formed a joint subcommittee to address the Supreme Court’s directive.

When the joint subcommittee met for the first time, it became clear that the concerns about blank subpoenas in both civil and criminal cases centered almost exclusively around cases where no attorney is involved. After considerable discussion, the joint subcommittee agreed to a compromise proposal that would require a magisterial district judge to issue a blank subpoena when requested by an attorney. In cases in which a pro se party or a law enforcement officer requests a subpoena, however, the magisterial district judge will retain discretion whether to issue the subpoena, and the judge will fill in the contents of the subpoena before issuing it to the requesting party. This was the basis of the Committee’s original proposal.

Upon publication of the original proposal, however, many correspondents expressed concerns about a magisterial district judge being required to issue a blank subpoena, which would contain the magisterial district judge’s signature and seal, even if only to a member of the bar. The correspondents noted that with no ability for the court to review the content of these subpoenas prior to issuance, and no procedural mechanism in place to quash a subpoena, there was still potential for abuse. Of

¹ The Committee’s original proposal and explanatory Report was published at 35 Pa.B. 1560 (March 5, 2005).

² Like the original proposal, this revised proposal is being published for public comment in conjunction with a proposal from the CPRC to make similar amendments to the Rules of Criminal Procedure.

³ Recommendation No. 4 Minor Court Rules 2003, approved by Supreme Court of Pennsylvania Order No. 204, Magisterial Docket No. 1 (September 3, 2003), published along with the Committee’s explanatory Final Report at 33 Pa.B. 4663 (September 20, 2003).

⁴ Pa. R.C.P.M.D.J. No. 214, Official Note. The Supreme Court of Pennsylvania does not adopt the contents of the Committee’s Official Notes to the rules.

⁵ *Id.*

greatest concern was the possibility that a subpoenaed individual might get the impression that the magisterial district judge reviewed and approved an inappropriate subpoena prior to issuance, when in fact the judge would have had no opportunity to do so, and would have no knowledge of the contents of the subpoena.

In light of the negative responses to the original proposal, the Committee and the CPRC reconvened the joint subcommittee. In the joint subcommittee's second meeting, it focused on the sensitive issues involved with a magisterial district judge's signature appearing on a subpoena without the judge having had any opportunity to review or approve the content of the subpoena, and attempted to formulate a revised proposal that would still provide for the issuance of blank subpoenas to attorneys, but that would address the concerns of the correspondents. After considerable discussion, the joint subcommittee centered its attention on the idea of adopting a procedure similar to federal civil practice, where attorneys, as officers of the court, are given authority to sign and issue subpoenas on behalf of the court, but without the judge's signature or any indication that the subpoena has been reviewed or approved by the court.⁶ The judge's signature or seal does not appear on these federal attorney-issued subpoenas.

Adopting a subpoena procedure similar to the federal procedure was thought to be a reasonable compromise since attorneys would still have the ability to issue subpoenas without having to request the court to do so, but it would be clear that the subpoena was issued by an attorney, and not by the court.

III. Proposed Rule Changes

To implement the solution discussed above, the Committee is proposing that Pa. R.C.P.M.D.J. No. 214 be amended to establish different procedures when a subpoena is issued by an attorney of record for a party on behalf the court, and when a pro se party or an attorney requests that the court issue a subpoena. Specifically, Rule 214B would be divided into four subparagraphs. Paragraph B(1) would permit an attorney of record for a party, as an officer of the court, to sign and issue a subpoena, and would make clear that the attorney is to fill in the contents of the subpoena before service. This paragraph would also require the attorney to file a copy of the subpoena with the court within 48 hours of service, and in no event later than the commencement of the hearing. The Official Note would make clear that the authority "given to attorneys under this paragraph carries with it a responsibility to use good judgment and to make every effort to limit the scope of subpoenas to persons, documents, or things that are relevant to the cause of action before the magisterial district judge."

Paragraph B(2) would provide the procedure for issuing a subpoena to a pro se party or to an attorney of record

⁶ See Fed. R. Civ. P. 45, which provides in part, "[a]n attorney as officer of the court may also issue and sign a subpoena on behalf of (A) a court in which the attorney is authorized to practice." Fed. R. Civ. P. 45(a)(3), 28 U.S.C.A., FRCP Rule 45. See also *Practice Commentaries*, section C45-5, by David D. Siegel, which provides in part, "[i]n court order is necessary for the issuance of a subpoena, and under the 1991 amendment no request for a subpoena need even be made of the clerk: a significant achievement of the 1991 amendment is that it allows the attorney to issue the subpoena, without even a pro forma application to the court. Subdivision (a)(3). This merely carries to fruition a practice that had taken place for years in all but form. Under old Rule 45, it had to be the clerk that issued the subpoena, but the clerk would issue it "in blank" just about for the asking. The attorney would then fill it in and arrange for its service. Hence it was the attorney who was doing everything, with the clerk doing nothing more than furnishing the form. The 1991 amendment recognizes this by relieving the clerk of the issuance duty altogether, at least when the party seeking the subpoena has an attorney. . . . The attorney must "sign" the subpoena, but the seal of the court is no longer required. Under the mere signature of the attorney the subpoena acts as process of the court, fully backed by the sanction provisions of Rule 45, including the ultimate sanction of contempt now found in subdivision (e)." David D. Siegel, *Practice Commentaries*, section C45-5, available at Westlaw, Fed. Rules Civ. Proc. Rule 45, 28 U.S.C.A., FRCP Rule 45.

who chooses to proceed under this paragraph. This provision would give the magisterial district judge discretion to issue the subpoena, and would require the court to fill in the contents of the subpoena before issuance.

Paragraph B(3) would list the required contents of all subpoenas. A new paragraph D would require the person serving a subpoena to file a return of service in the same manner provided under Rule 314A (relating to return of service after service of a complaint) within 48 hours of service, and in no event later than the commencement of the hearing.

Paragraphs B(1)(d) and D provide for filing of the copy and return of service by facsimile transmission. The Official Note to the rule makes clear that filing documents by facsimile transmission is permitted only when expressly provided for in the rules.

Paragraphs A and C would not be amended under this proposal.

[Pa.B. Doc. No. 05-1896. Filed for public inspection October 14, 2005, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Steven Pasternak having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated February 24, 2005, the Supreme Court of Pennsylvania issued an Order on September 30, 2005, disbaring Steven Pasternak from the Bar of this Commonwealth, effective October 30, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,

Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 05-1897. Filed for public inspection October 14, 2005, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania issued September 30, 2005, Erling Rolf Krosby is suspended from the Bar of this Commonwealth for a period of five years. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,

Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 05-1898. Filed for public inspection October 14, 2005, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 53, 63, 77 AND 79]

General Provisions; Fishing

The Fish and Boat Commission (Commission) proposes to amend Chapters 53 and 63 (relating to Commission property; and general fishing regulations), delete Chapter 77 (relating to reptiles and amphibians) and add Chapter 79 (relating to reptiles and amphibians). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking updates and improves regulations of reptiles and amphibians to provide greater protection of these resources.

A. *Effective Date*

The proposed rulemaking, if approved on final-form, will go into effect on January 1, 2007.

B. *Contact Person*

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

C. *Statutory Authority*

The proposed amendments to §§ 53.7 and 63.7 (relating to use of firearms; and exceptions to limitations on devices) and the proposed regulations in §§ 79.1—79.3 and 79.7—79.10 are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The proposed regulations in §§ 79.4—79.6 (relating to snapping turtle permits; timber rattlesnake and northern copperhead permits; and organized reptile and amphibian hunt permits) are published under the statutory authority of section 2102 of the code and 2904 of the code (relating to permits for protection and management of particular fish).

D. *Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission's reptile and amphibian regulations. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposals.

E. *Summary of Proposals*

The Commission has determined that the existing reptile and amphibian regulations are in need of amendment to provide adequate protection of these resources due to increasing interest in collecting in this Commonwealth. The Commission has also determined that amendments are needed to improve the clarity of regulations pertaining to how reptiles and amphibians are taken, caught, killed and sold and their season and possession limits. The proposed amendments are supported by the Commission's Amphibian and Reptile Technical/Advisory Committee (Committee), a subcommittee of the Pennsylvania Biological Survey.

As a general matter, the Commission believes that the entire chapter dealing with reptiles and amphibians needs to be reorganized in a more logical and understand-

able fashion. The proposed rulemaking therefore deletes Chapter 77 and adds Chapter 79.

(1) *Section 79.1.* Among the organizational changes in this chapter is the addition of a definitions subsection in § 79.1 (relating to definitions). The Commission has included a more explicit definition of "hunt" and has added definitions of "native species," "snake hooks or tongs," "subcaudal scale" and "turtle hooks." The current definitions of "organized reptile and amphibian hunt" and "sacking contest," for the most part, have been left unchanged and are included in proposed § 79.1.

(2) *Section 79.2.* In proposed § 79.2 (relating to taking reptiles or amphibians), the Commission has combined various provisions pertaining to the taking of reptiles and amphibians found throughout Chapter 77 and have placed them in one section. This proposed section describes the means and the devices by which reptiles and amphibians may be lawfully taken and enumerates unlawful practices. It also makes it unlawful to take, catch or kill a reptile or amphibian through use of a firearm. For consistency, the Commission further recommends that § 53.7 be amended to remove the provision allowing the use of .22 caliber rimfire weapons with shotshell to take frogs during the open season unless otherwise posted on Commission owned or controlled property.

(3) *Section 79.3.* Proposed § 79.3 (relating to season and daily possession limits) pertains to season and daily possession limits currently addressed in § 77.6 (relating to season and daily possession limits). Under the current regulations, a sponsor of an organized reptile/amphibian hunt may possess more than the daily limit of timber rattlesnakes if the total number of timber rattlesnakes held in possession during each hunt and for not more than 48 hours thereafter does not exceed the daily limit for timber rattlesnakes times twice the number of persons engaged in the hunt. The proposed section reduces the number from two times the number of persons engaged in the hunt to one.

Other proposed changes to this section include reducing the daily and possession limits for both bullfrogs and green frogs from 15 and 30 to 10 and 20, respectively. The proposed section also includes a prohibition against the taking of 23 species of reptiles and amphibians that are considered to be rare, declining or "at risk" by the Committee. These species have limited ranges in this Commonwealth, are threatened by development and collection pressure and are currently being studied by the Commission. Until these species are considered for formal listing as threatened or endangered species, the Commission proposes "no collection" (that is, no open season and daily and possession limits of 0) as a means of protecting them. Status assessment studies are underway for these species, which could lead to future management decisions.

In addition, the Commission proposes additional restrictions with regard to timber rattlesnakes. Currently, the regulations permit a person to take, catch or kill one timber rattlesnake per calendar year and to possess one timber rattlesnake at a time. Under the proposed rulemaking, it is unlawful for a person to take, catch, kill or possess a timber rattlesnake that is less than 42 inches in length, measured lengthwise along the dorsal surface from the snout to the tail, excluding the rattle, and that possesses less than 21 subcaudal scales. The proposed rulemaking further prohibits a person to hunt timber

rattlesnakes from the South Mountain population (west of Route 15 and south of Interstate 81 to the Maryland line) where there is no open season.

The timber rattlesnake is currently listed as a candidate species in this Commonwealth and is listed as a protected species (threatened or endangered) or species of concern in our neighboring states. Unlike most amphibians and reptiles in this Commonwealth, the timber rattlesnake is sought out by hunters as a game species. Reptile collectors collect them for their variable coloration, large size and unique nature and people have been known to wantonly kill timber rattlesnakes due to their perceived threat to humans. Despite former tightening of the regulations on the collection of this animal (reduced to one possession limit in 1993, and one annual limit in 1996), preliminary results of the Commission's timber rattlesnake population study (2003-present) suggest that the timber rattlesnake is declining in the peripheral parts of its range in this Commonwealth due to development pressure, wanton killing and collecting. Adult female timber rattlesnakes need 8 to 10 years to reach reproductive maturity. Therefore, taking females out of the population is a threat to local populations and the larger Statewide population. A minimum length limit and minimum number of subcaudal scales are proposed to limit timber rattlesnake hunters interested in take/collection to favor collection of mature adult male snakes. This proposed section will protect adult and gravid (pregnant) females and enable their progeny to reach reproductive maturity. In addition, the Commission recommends that the South Mountain population (portions of Adams, Cumberland, Franklin and York Counties) of timber rattlesnake be off-limits to hunting due to the documented decline in numbers in this specific area from hunting and human encroachment pressure and apparent isolation with the North Mountain and Maryland timber rattlesnake populations.

The proposed rulemaking further places a season and catch and possession limits on the northern copperhead. These proposed changes are needed because the status of the northern copperhead is uncertain. Although no comprehensive population studies have been conducted on this species, there is a consensus among herpetologists that the northern copperhead is declining across its range and in this Commonwealth. The Commission also recommends that a permit like the current timber rattlesnake permit be required for northern copperheads. The specifics of this permit requirement are discussed in more detail in paragraph (4). However, the permit requirement will enable the Commission to collect location and harvest information to be used to assess the possible decline of northern copperheads in this Commonwealth. Ultimately, this information will be used for future management of the northern copperhead.

Finally, the proposed rulemaking reduces the daily and possession limits for native species not listed in the regulation from two to one.

(4) *Section 79.4.* In proposed § 79.4 (relating to snapping turtle permits), the Commission proposes a new permit requirement for the taking of common snapping turtles by persons who intend to sell, barter or trade them. In many states across its range, the common snapping turtle is declining. The new permit is proposed to facilitate a better understanding of the numbers of turtles that are being taken for commercial use, where the hunting pressure exists and who is engaged in the activity. Information gleaned from the permit system will enable the Commission to make well-informed decisions about the future management of the snapping turtle.

(5) *Section 79.5.* Proposed § 79.5 (relating to timber rattlesnake and northern copperhead permits) addresses permit requirements for both the timber rattlesnake and the northern copperhead, making it unlawful to hunt, take, catch, kill or possess them without first procuring the necessary permit. The current cost of the timber rattlesnake permit has remained at \$5 for the past 14 years. The Commission proposes increasing the permit fee to \$50 for residents and \$100 for nonresidents to offset costs due to inflation and the costs of permit issuance, processing and data compilation. Fees collected from this permit can also be used as matching funds to obtain other grants to perform additional management activities.

In this section, the Commission also proposes new tagging requirements for persons who hunt, take, catch, kill or possess timber rattlesnakes. Currently, the Commission issues well over 1,000 individual timber rattlesnake permits per year (1,181 permits were issued in 2004) and permit requests have increased approximately 200-300 each year since 1998. Approximately 15% of the hunters are reporting "take" (for harvest or as pets) of snakes. There is evidence to suggest that even more snakes are being taken than are being reported. The Commission proposes a tagging system to provide better accountability of hunters that decide to take timber rattlesnakes alive or dead. The information collected in this program will assist the Commission in the development of management units and associated bag limits for timber rattlesnakes.

(6) *Section 79.6.* Proposed § 79.6 (relating to organized reptile and amphibian hunt permits) pertains to organized reptile and amphibian hunt permits currently addressed in § 77.2. Among the changes is an increase in the fee from the current \$25 to \$100. This increase has been proposed to offset the costs associated with permit review and processing and monitoring/permit compliance of hunts. The Commission also proposes reporting requirements.

(7) *Section 79.7.* Proposed § 79.7 (relating to sale of native species) addresses the sale of reptiles and amphibians currently contained in § 77.3 (relating to taking and selling reptiles or amphibians under section 2102(b) and (c) of the code). This section has been revised to reflect the intent of the Commission to protect the native herptiles of this Commonwealth and their progeny. The demand for both wild caught and captive bred reptiles and amphibians, including several native to this Commonwealth, has increased considerably over the past several years. While waterways conservation officers go through intense training on the identification of species native to this Commonwealth, it can be almost impossible to tell whether an individual animal is captive bred or wild caught. This is especially true for hatchling or juvenile animals, the preferred product for reptile and amphibian dealers. This section helps to eliminate the profit motive for both collection and sale of species native to this Commonwealth and the collection of animals in this Commonwealth for breeding stock for commercial propagation programs.

(8) *Section 79.8.* Proposed § 79.8 (relating to transportation and importation of native species) makes it illegal to transport or import into or within this Commonwealth a native species, as defined in Chapter 79, from another jurisdiction. It also makes it unlawful to receive a native species that was transported or imported into or within this Commonwealth from another jurisdiction.

(9) *Section 79.9.* Proposed § 79.9 (relating to introduction of nonnative species) restates the current provisions of § 77.7 (relating to introduction of nonnative species).

(10) *Section 79.10.* Proposed § 79.10 (relating to natural areas) restates the current provisions of § 77.1 (relating to natural areas).

The Commission proposes to amend the various sections previously discussed to read as set forth in Annex A.

F. *Paperwork*

The proposed rulemaking will increase paperwork and will create new paperwork requirements in that persons who wish to hunt, take, catch or kill snapping turtles for the purpose of sale, barter or trade will be required to complete an application. If approved, the Commission will issue a permit to those persons. Holders of snapping turtle permits also will be required to furnish annual reports on a form prescribed by the Commission.

The proposed rulemaking may increase paperwork by requiring individuals who wish to hunt, take, catch or kill northern copperheads as well as timber rattlesnakes to apply for a permit. The Commission's existing permit covers timber rattlesnakes only, and the Commission may receive additional applications if it adopts a permit requirement for northern copperheads. However, the Commission believes that the number of venomous snake permits that it will issue may actually decrease because of the increased fee. In addition, the proposed rulemaking may slightly increase paperwork in that timber rattlesnake and northern copperhead permittees will be required to meet annual reporting requirements by completing a form prescribed by the Commission. Timber rattlesnake permittees currently must file catch reports each year. The proposed rulemaking also requires persons who take, catch, kill or possess a timber rattlesnake to complete a possession tag that is attached to the permit. This is a new requirement.

With regard to the organized reptile and amphibian hunt permit, the Commission does not expect any increase in paperwork or any new paperwork requirements in that the Commission already requires a permit for organized hunts. Holders of these permits will continue to be required to furnish reports. These reports must be submitted on the form prescribed by the Commission.

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. Any costs to the Commission that are associated with the new or revised permit programs will be offset by the fees.

The proposed rulemaking will impose new costs on the private sector and the general public in that the new snapping turtle permit has a fee of \$50 for residents and \$100 for nonresidents. The Commission estimates that it will issue approximately 200 snapping turtle permits during the first year that the permit requirement is in effect with the expectation that the number will increase each year thereafter.

The proposed rulemaking also will impose new costs in that the timber rattlesnake and northern copperhead permit will cost residents \$50 and nonresidents \$100. The current cost of a timber rattlesnake permit has remained at \$5 for the past 14 years. Currently, the Commission issues well over 1,000 individual timber rattlesnake permits per year (1,181 permits were issued in 2004), and permit requests have increased approximately 200-300 each year since 1998. The Commission believes that it

will issue fewer timber rattlesnake and northern copperhead permits annually because of the increase in the price of the permit.

In addition, the proposed rulemaking will impose additional costs on those individuals wishing to obtain an organized reptile and amphibian hunt permit. It is proposed that the fee associated with this permit be increased from \$25 to \$100. The Commission currently issues approximately ten organized hunt permits each year. The Commission estimates that it will continue to issue a similar number of organized hunt permits in the future.

With regard to all three permit types, the Commission will utilize the fees to offset the costs associated with permit issuance and processing and data compilation. In some instances, the Commission will utilize fees that are collected as matching funds to obtain other grants to perform additional management activities.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 90 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at www.state.pa.us/Fish/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

In addition, the Commission intends to form a working group comprised of interested stakeholders who will meet and discuss the proposals and make suggestions to Commission staff.

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

Fiscal Note: 48A-175. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 53. COMMISSION PROPERTY

§ 53.7. Use of firearms.

It is unlawful for any person to carry or use firearms on Commission owned or controlled properties except for persons:

* * * * *

[(3) Using .22 caliber rimfire weapons with shotshell only to take frogs during the open season unless otherwise posted.]

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.7. Exceptions to limitations on devices.

The limitations on fishing devices contained in this chapter do not:

* * * * *

(4) Apply to the taking, catching or killing of amphibians and reptiles—see Chapter [77] 79 (relating to reptiles and amphibians).

* * * * *

CHAPTER 77. [REPTILES AND AMPHIBIANS] (Reserved)

(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to delete the text of Chapter 77, which appears at 58 Pa. Code pages 77-1—77-7, serial pages (297645) to (297651).)

§§ 77.1—77.8. (Reserved).

CHAPTER 79. REPTILES AND AMPHIBIANS

Sec.	Definitions.
79.1.	Definitions.
79.2.	Taking reptiles or amphibians.
79.3.	Season and daily possession limits.
79.4.	Snapping turtle permits.
79.5.	Timber rattlesnake and northern copperhead permits.
79.6.	Organized reptile and amphibian hunt permits.
79.7.	Sale of native species.
79.8.	Transportation and importation of native species.
79.9.	Introduction of nonnative species.
79.10.	Natural areas.

§ 79.1. Definitions.

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

Hunt—The act of pursuing reptiles or amphibians in an effort to catch, take, kill or remove them, or to catch, take, kill or remove or attempt to catch, take, kill or remove from any waters or other areas within or bordering on this Commonwealth any reptile or amphibian by any means or method for any purpose whatsoever.

Native species—A reptile or amphibian species that has not been introduced into this Commonwealth and occurs historically within the boundaries of this Commonwealth. The Commission will from time to time publish in the *Pennsylvania Bulletin* a list of reptile and amphibian species that it has determined are native species.

Organized reptile and amphibian hunt—A hunt for reptiles or amphibians involving two or more individuals acting in concert to seek, pursue, catch, take, kill or remove native species of reptiles or amphibians at an event where the reptiles or amphibians are hunted on a competitive basis. When one or more of the following factors are present, an event may be considered an organized reptile and amphibian hunt as the term is used in this chapter:

- (i) The event is sponsored or promoted by a person or organization.
- (ii) The event involves the award of trophies, prizes or other recognition to persons or groups for catching reptiles or amphibians.
- (iii) The sponsors of the events or others publicize the event to encourage attendance of spectators.
- (iv) The sponsors or organizers of the event have their own rules for the conduct of the hunt.

Sacking contest—A competition where participants place reptiles or amphibians in a sack, bag or similar container in a timed event.

Snake hooks or tongs—Implements used to grasp or lift snakes with minimal risk of injury to the animal.

Subcaudal scale—Large flat scales that are located on the rear ventral portion (underside) of a timber rattlesnake between the vent (anal scale) and the base of the rattle.

Turtle hooks—Hooks used for taking turtles that are 3 1/2 inches long with not less than a 1 inch space between the point and the shank.

§ 79.2. Taking reptiles or amphibians.

(a) General.

(1) Except as otherwise provided in this section, reptiles and amphibians may only be taken by hand, hook and line, snake hooks or tongs, turtle hooks, traps, and nets less than 4 feet square or 4 feet in diameter.

(2) It is unlawful to take, catch or kill a reptile or amphibian through use of a firearm.

(3) It is unlawful to take, catch or kill a reptile or amphibian through the use of chemicals, smoke, explosives, winches, jacks or other devices or materials, or manually in a manner that may disrupt, damage or destroy the den or the immediate surroundings thereof. It is unlawful to destroy habitat in the pursuit of a reptile or amphibian.

(4) It is unlawful to damage or disrupt the nest or eggs of a reptile or amphibian or to gather, take or possess the eggs of any reptile or amphibian.

(b) Turtles.

(1) It is unlawful to take, catch or kill a turtle by means of a hook other than a turtle hook as defined in § 79.1 (relating to definitions).

(2) It is unlawful for a person to leave a set line, turtle trap or other device for catching turtles unattended unless the device has attached a tag or other means of identification containing the name, address and telephone number of the owner or user of the device. Traps, nets or devices used for catching turtles must be of a floating or partially submerged design so as to allow for the release of untargeted turtles unharmed.

(c) Frogs.

(1) Frogs may be taken with long bows and arrow, including compound bows, crossbows, spears or gigs. Spears or gigs may not be mechanically propelled, may not have more than five barbed points and may not be used in approved trout waters.

(2) It is unlawful to take, catch or kill a frog by use of artificial light at night.

§ 79.3. Season and daily possession limits.

(a) Except as otherwise provided in subsections (b), (c) and (d), it is unlawful for a person to take, catch or kill more than the daily limit specified in subsection (f) in 1 calendar day or to have in possession more than the possession limit, dead or alive, in whole or in parts, specified in subsection (f); or to hunt, take, catch or kill reptiles or amphibians during the closed season. An amphibian or reptile will not be considered to be in the possession of a person if, after it is taken or caught, it is immediately released unharmed to the exact location from which it was taken and is not confined to a sack, bag or other container.

(b) This section does not prohibit the sponsors of an organized reptile/amphibian hunt conducted under a permit issued under § 79.6 (relating to organized reptile and amphibian hunt permits) from possessing more than the daily limit of the species of reptiles or amphibians hunted

if the total number of reptiles and amphibians held in possession during each hunt does not exceed the daily limit for the species hunted times the number of registered participants in the organized hunt. This subsection applies to possession limits only. It does not permit the sponsors of a hunt or individual hunters to take, catch or kill any number of amphibians and reptiles in excess of the daily limits.

(c) This section does not prohibit possession of numbers of amphibians and reptiles in excess of possession limits by zoos and other institutions or persons for scientific, educational or research purposes or licensed taxidermists for the purpose of mounting for properly permitted customers, licensed wildlife rehabilitators or licensed pest control agents with the written permission of the Executive Director or a designee. These persons shall maintain a current open inventory of and report annually changes in the number of reptiles and amphibians possessed. The Executive Director may limit the number of reptiles and amphibians that a person or institution may possess when the Executive Director or a designee issues permission under this subsection.

(d) In prosecutions for violations of the possession limits, when venomous reptiles have been killed in apparent violation of the limits, it shall be a defense that the person who killed the venomous reptiles acted under a reasonable apprehension of immediate death or bodily harm to himself or other persons in his immediate vicinity, if no more venomous reptiles are killed than necessary to protect life and limb and if the person reported the kills in writing to the Natural Diversity Section Chief, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616, within 5 business days after the kill. It is unlawful for a person to possess a venomous reptile, in whole or in parts, that was killed under this subsection.

(e) When season or annual limits apply, a season or annual limit has been reached once a reptile or amphibian, dead or alive, in whole or in parts, has not been immediately released to the exact location from which taken and is in the possession of a person.

(f) The following seasons, sizes, catch and possession limits apply to amphibians and reptiles except endangered and threatened species:

<i>SPECIES</i>	<i>SEASON</i>	<i>DAILY LIMIT</i>	<i>POSSESSION LIMIT</i>
Bullfrog (<i>Rana catesbeiana</i>) Green frog (<i>Rana clamitans</i>)	July 1 to October 31	10 (combined species)	20 (combined species)
Common snapping turtle (<i>Chelydra serpentina</i>)	July 1 to October 31	15	30
Blanding's turtle (<i>Emys blandingii</i>)	No open season	0	0
Spotted turtle (<i>Clemmys guttata</i>)	No open season	0	0
Wood turtle (<i>Glyptemys insculpta</i>)	No open season	0	0
Box turtle (<i>Terrapene carolina</i>)	No open season	0	0
Broad-headed skink (<i>Eumeces laticeps</i>)	No open season	0	0
Northern coal skink (<i>Eumeces anthracinus</i>)	No open season	0	0
Mudpuppies (<i>Necturus maculosus</i>)	No open season	0	0
Hellbender (<i>Cryptobranchus alleghaniensis</i>)	No open season	0	0
Marbled salamander (<i>Ambystoma opacum</i>)	No open season	0	0
Jefferson salamander (<i>Ambystoma jeffersonianum</i>)	No open season	0	0
Four-toed salamander (<i>Hemidactylium scutatum</i>)	No open season	0	0
Ravine salamander (<i>Plethodon richmondi</i>)	No open season	0	0
Northern cricket frog (<i>Acris crepitans</i>)	No open season	0	0
Mountain chorus frog (<i>Pseudacris brachyphona</i>)	No open season	0	0
Striped chorus frog complex (<i>Pseudacris feriarum feriarum</i> , <i>P. feriarum triseriata</i>)	No open season	0	0
Northern fence lizard (<i>Sceloporus undulates</i>)	No open season	0	0
Queen snake (<i>Regina septemvittata</i>)	No open season	0	0
Short-headed garter snake (<i>Thamnophis brachystoma</i>)	No open season	0	0
Eastern ribbon snake (<i>Thamnophis sauritus</i>)	No open season	0	0

<i>SPECIES</i>	<i>SEASON</i>	<i>DAILY LIMIT</i>	<i>POSSESSION LIMIT</i>
Smooth earth snake (<i>Virginia valeriae</i>)	No open season	0	0
Smooth green snake (<i>Opheodrys vernalis</i>)	No open season	0	0
Eastern hognose snake (<i>Heterodon platirhinos</i>)	No open season	0	0
Eastern worm snake (<i>Carphophis amoenus</i>)	No open season	0	0
Tadpoles	No closed season	15 (combined species)	15 (combined species)
Timber rattlesnake (<i>Crotalus horridus</i>)	Second Saturday in June to July 31*	1 annual limit** (must be at least 42 inches in length, measured lengthwise along the dorsal surface from the snout to the tail, excluding the rattle, and must possess 21 or more subcaudal scales.)	
Northern copperhead (<i>Agkistrodon contortrix</i>)	Second Saturday in June to July 31	1 annual limit**	
Native species not listed in this subsection	No closed season	1	1

* It is unlawful for a person to hunt, take, catch or kill timber rattlesnakes west of Route 15 and south of Interstate 81 to the Maryland line where there is no open season.

** It is unlawful for a person to take, catch or kill more than one timber rattlesnake or northern copperhead per calendar year. It is unlawful for a person to possess more than one timber rattlesnake or northern copperhead at any time.

§ 79.4. Snapping turtle permits.

(a) The Commission finds, under section 2904 of the code (relating to permits for protection and management of particular fish), that it is necessary for the proper protection and management of the common snapping turtle (*Chelydra serpentina*) that persons who hunt, take, catch or kill this species for the purpose of sale, barter or trade have a permit for the activity. Application for a permit shall be made on a form prescribed by the Commission and shall be accompanied by the appropriate fee. Permits may be obtained by applying to: Natural Diversity Section Chief, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616. The fee for residents is \$50 per year; the fee for nonresidents is \$100 per year. The denial of a permit under this section is appealable in the manner provided by §§ 51.41—51.46 (relating to permit procedures).

(b) It is unlawful to hunt, take, catch, kill or possess the common snapping turtle for purposes of sale, barter or trade without first procuring the required permit. The required permit shall be in possession of the permittee at all times while hunting. Permittees shall comply with the terms and conditions of the permit and furnish the reports required thereby.

(c) It is unlawful to sell, barter, trade or offer for sale a common snapping turtle, dead or alive, in whole or in parts, taken from lands or waters of this Commonwealth without first procuring the permit required under this section.

§ 79.5. Timber rattlesnake and northern copperhead permits.

(a) *Application.* The Commission finds, under section 2904 of the code (relating to permits for protection and management of particular fish), that it is necessary for the proper protection and management of the timber rattlesnake (*Crotalus horridus*) and northern copperhead (*Agkistrodon contortrix*) that persons who hunt, take, catch or kill these species have a permit for the activity. Application for a permit shall be made on a form prescribed by the Commission and accompanied by the

appropriate fee. Permits may be obtained by applying to: Natural Diversity Section Chief, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616. The fee for residents is \$50 per year; the fee for nonresidents is \$100 per year. The denial of a permit under this section is appealable in the manner provided under §§ 51.41—51.46 (relating to permit procedures).

(b) *Required permit.* It is unlawful to hunt, take, catch, kill or possess a timber rattlesnake or northern copperhead, in whole or in parts, without first procuring the required permit from the Commission. The required permit shall be in the possession of the permittee at all times while hunting. Permittees shall comply with the terms and conditions of the permit and furnish the reports required thereby. It is unlawful to alter, borrow, lend or transfer a permit under this section.

(c) *Reporting.* Within 10 business days following the capture or kill, or if no snake is captured or killed, within 10 days of the conclusion of the season, the permittee shall complete a report on the form prescribed by the Commission and shall mail the report to the Commission.

(d) *Tagging of timber rattlesnakes.*

(1) A person who takes, catches, kills or possesses a timber rattlesnake shall immediately complete the possession tag that is attached to his permit and detach the tag from the permit in the field. The possession tag shall be completed in accordance with the instructions printed on the tag, and the information to be provided shall include, but not be limited to, the municipality and county where the snake was captured or killed, the date of capture or kill and a description of the snake, including color phase, sex, number of subcaudal scales and length in inches. The possession tag shall be kept in a safe location so that it can be presented along with the timber rattlesnake to which it pertains upon the request of an officer authorized to enforce the code.

(2) After the possession tag is detached from the permit, it is unlawful to take, catch, kill or possess another timber rattlesnake.

(3) It is unlawful to alter, borrow, lend or transfer possession tags under this section.

(4) When presenting a timber rattlesnake to a taxidermist for mounting, the tag shall remain with the rattlesnake while in the possession of the taxidermist.

(e) *Field dressing of timber rattlesnakes.* A permittee may field dress a timber rattlesnake so long as the head and tail remain intact.

(f) *Measurement of timber rattlesnakes.* Upon the request of an officer authorized to enforce the code, a permittee shall measure a timber rattlesnake to determine its length. If the permittee is unable to measure the timber rattlesnake, the officer may seize the snake so that a measurement may be taken at another location.

§ 79.6. Organized reptile and amphibian hunt permits.

(a) *Application.* The Commission finds, under section 2904 of the code (relating to permits for protection and management of fish), that it is necessary for the proper protection and management of reptiles and amphibians in this Commonwealth that organized reptile and amphibian hunts be conducted under permits issued under this section. The sponsor of an organized reptile and amphibian hunt shall apply for a permit by no earlier than January 1 and no later than March 1 of the year for which the hunt is proposed. Application for a permit shall be made on a form prescribed by the Commission and accompanied by the appropriate fee. Permits may be obtained by applying to: Natural Diversity Section Chief, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616. The fee for the permit is \$100. The denial of a permit under this section is appealable in a manner provided under §§ 51.41—51.46 (relating to permit procedures).

(b) *Permit issuance.*

(1) The Executive Director will issue permits to applicants who demonstrate that they are responsible and qualified to conduct an organized reptile and amphibian hunt. In determining the qualifications of an applicant, the Executive Director, or a designee, may consider factors as deemed appropriate, including, but not limited to, the experience of the applicant in conducting the events, the responsiveness of the applicant to reporting requirements, the safety record of the applicant, the ability of the applicant to conduct educational programs, the context of the event and competing applications.

(2) The Executive Director may limit the number of organized reptile and amphibian hunt permits to be issued for a particular vicinity and time proximity. In general, permits will be issued to qualified applicants no earlier than March 15 of the year in which the application is submitted. If the Commission is aware of events scheduled in the vicinity of one another within 4 weeks, and the Executive Director determines that all events cannot be permitted consistent with resource management and protection, the Executive Director may designate the applicants as competing applications. If competing applications are designated, the Executive Director may, if the parties cannot agree on the withdrawal of one or more applications, award a permit on a random basis, an alternate year basis or some other rational basis as the interests of fairness may dictate.

(c) *Required permit.* It is unlawful to engage in organized reptile and amphibian hunts unless the sponsors of the hunts have first procured the required permit for each hunt. The required permits shall be held in possession of the sponsor at all times during each hunt. Permittees shall comply with the terms and conditions of each permit and furnish reports required thereby.

(d) *Reporting.* At the location of the hunt, the permittee shall complete a report on the form prescribed by the Commission that will include, at a minimum, the location of the hunt; the names of the registered participants; the species name of the reptile or amphibian that was captured or killed; a description of the reptile or amphibian that was captured or killed; the date and time the reptile or amphibian was brought to the hunt; and the permit number of the person who captured or killed the reptile or amphibian. The permittee shall complete the form as registered participants deliver their reptiles or amphibians for entry into the competition. This form shall be presented upon the request of an officer authorized to enforce the code. Within 10 days following the conclusion of the event, the permittee shall submit the form to the Commission.

(e) *Season.* It is unlawful to conduct an organized reptile or amphibian hunt for any species of reptile or amphibian except during the open season for the reptile or amphibian as specified in § 79.3 (relating to season and daily possession limits).

(f) *Sacking contests.* Sacking contests of native species are prohibited. It is unlawful to import timber rattlesnakes or any subspecies, hybrid or variety of *Crotalus horridus*, into this Commonwealth for use in connection with a sacking contest.

(g) *Treatment of reptiles and amphibians.* Reptiles and amphibians held in connection with an organized hunt may not be confined without water or shade or otherwise physically abused or handled roughly. Free-handling of native, venomous reptiles in an organized hunt is prohibited. At the conclusion of the organized hunt, the sponsor shall return the snakes to the registered participants who entered the snakes in the event.

§ 79.7. Sale of native species.

(a) Except as otherwise provided in this chapter, it is unlawful to take, catch, kill or possess for purposes of selling or offering for sale or to sell, offer for sale, import or export for consideration, trade or barter, or purchase an amphibian or reptile that was taken, caught or killed in this Commonwealth, and its progeny, whether dead or alive, in whole or in parts, including eggs or any life stage.

(b) This section does not prohibit the sale, purchase, offer for sale, trade or barter of any reptile or amphibian propagated by or from a propagator or dealer of live aquatic animals registered under 3 Pa.C.S. Chapter 42 (relating to aquacultural development) provided that the reptiles or amphibians are a species approved for propagation in this Commonwealth and are lawfully propagated.

§ 79.8. Transportation and importation of native species.

(a) It is unlawful to transport or import into or within this Commonwealth a native species, as defined in this chapter, from another jurisdiction.

(b) It is unlawful to receive a native species that was transported or imported into or within this Commonwealth from another jurisdiction.

§ 79.9. Introduction of nonnative species.

It is unlawful to introduce any species of reptile or amphibian into the natural environment of this Commonwealth if that species is not native to this Commonwealth. Persons who import nonnative reptiles or amphibians

ians into this Commonwealth shall institute appropriate safeguards to prevent their introduction into the environment of this Commonwealth.

§ 79.10. Natural areas.

(a) This chapter applies to all species of Commonwealth amphibians and reptiles occurring naturally within the boundaries of selected natural areas of the Department of Conservation and Natural Resources.

(b) The taking, catching, killing or possession of individuals of any species of Commonwealth amphibians and reptiles occurring naturally within the boundaries of designated natural areas by persons other than those possessing a valid scientific collector's permit is prohibited.

(c) Notice of this section will be posted at parking lots or access areas on the fringe of each designated natural area.

(d) Subsections (a) and (b) apply to natural areas within State forests, posted in accordance with subsection (c).

[Pa.B. Doc. No. 05-1899. Filed for public inspection October 14, 2005, 9:00 a.m.]

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CH. 203]

Administration of the Training Program

The Municipal Police Officers' Education and Training Commission (Commission) proposes to amend Chapter 203 (relating to administration of the training program) to read as set forth in Annex A.

The Commission proposes to amend § 203.11(a)(8) (relating to qualifications) to eliminate the sit and reach test from the physical fitness requirements and § 203.11(a)(11)(ii)(D) to charge applicants who are not employed by, or have a conditional offer of employment from, a police department an examination fee equal to the actual cost of administering the test.

The Commission proposes to amend § 203.12(2)(iv) (relating to waiver of training) to allow training waivers for out-of-State police officers only if they have been certified based on an approved basic police course comparable to the one required by 53 Pa.C.S. Chapter 21, Subchapter D (relating to municipal police officers education and training).

The Commission proposes to amend § 203.33(a) (relating to minimum school standards and requirements) to require certified schools to have a school director who meets certain standards. The Commission proposes to add § 203.37 (relating to minimum standards for school directors) to set forth the standards.

The Commission also proposes to amend § 203.35 (relating to emergency suspension of school certification) to allow the Commission's Executive Director to suspend a school's certification if a condition exists at the school that presents a clear and present danger to the public,

students or school staff; would cause the students not to receive training required by 53 Pa.C.S. Chapter 21, Subchapter D or Chapter 203; the school director does not meet the standards in proposed § 203.37; or an instructor is subject to revocation under § 203.73 (relating to revocation of instructor certification).

Finally, the Commission proposes to amend § 203.102 (relating to notice) to allow Commission staff, rather than the Commission, to provide individuals and schools with notice of an adverse action.

Statutory Authority

The rulemaking is proposed under 53 Pa.C.S. § 2164(1), (8) and (14) (relating to powers and duties of Commission).

Effect

The proposed rulemaking will affect recruits, out-of-State police officers seeking training waivers and certified schools.

Effective Date/Sunset Date

The proposed rulemaking will be effective immediately upon final-form adoption. The regulations are continually monitored and updated as needed. Therefore, no sunset date has been set.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 3, 2005, the Commission 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 Chairperson of the House Judiciary Committee and the Senate Law and Justice 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 Commission, the General Assembly and the Governor of comments, recommendations or objections raised.

Contact Person/Public Comment

Interested persons wishing to comment are invited to submit written comments within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Written comments must include the name, address and telephone number of the interested party and a concise statement with sufficient detail on the subject. Written statements should be directed to Syndi L. Guido, Policy Director, State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110, (717) 772-0905. Persons with a disability who require an alternative format of this proposed rulemaking (for example, large print, audio tape or Braille) should contact Syndi L. Guido to make the necessary arrangements.

COLONEL JEFFREY B. MILLER,
Chairperson

Fiscal Note: 17-68. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 37. LAW

PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

Subpart A. MUNICIPAL POLICE OFFICERS' TRAINING PROGRAM

CHAPTER 203. ADMINISTRATION OF THE TRAINING PROGRAM

Subchapter A. GENERAL

§ 203.1. Definitions.

In addition to the definitions contained in the act, the following words and terms, when used in this chapter, have the following meanings:

Act—[The act of June 18, 1974 (P. L. 359, No. 120) (53 P. S. §§ 740—749)] 53 Pa.C.S. Chapter 21, Subchapter D (relating to municipal police education and training).

* * * * *

Subchapter B. POLICE OFFICER CERTIFICATION REQUIREMENTS

§ 203.11. Qualifications.

(a) Except as provided in subsection (b), persons who are to be employed as police officers by police departments within this Commonwealth from December 21, 1996, shall:

* * * * *

(8) Be evaluated to determine physical fitness using the standards developed by the Cooper Institute for Aerobics Research in Dallas, Texas. Each applicant shall score no lower than the 30th percentile of the Cooper standards, which coincides with the 30th percentile of the general population, in each of the [five] required evaluations to be eligible for employment. A person will not be enrolled in a recruit training program at a police academy certified by the Commission unless the person has obtained a score in the 30th percentile or higher for the person's age and gender as specified in the Cooper standards for each of the required evaluations. The [five] required evaluations are as follows:

* * * * *

[(v) Sit and reach]

* * * * *

(11) Successfully complete a basic police training course given at a Commission-certified school or obtain a waiver of training as enumerated in § 203.12 (relating to waiver of training).

* * * * *

(ii) To qualify for this certification, an applicant shall:

* * * * *

(D) Pass the same certification exam administered to those seeking waiver of training as set forth in § 203.12(4).

(I) Applicants who are not employed as a police officer by a police department within this Commonwealth or do not have a conditional offer of that employment shall pay an examination fee equal to the actual cost of administering the test.

(II) Applicants who are employed as a police officer by a police department within this Common-

wealth or have a conditional offer of that employment do not pay an examination fee.

* * * * *

§ 203.12. Waiver of training.

Applications for certification for which waivers of training are requested shall be submitted by the applicant's employing police department. An applicant for a waiver of training shall:

* * * * *

(2) Satisfy one of the following conditions:

* * * * *

(iv) Previously or currently employed as a full-time police officer of another state and met the certification standards of that state, [as evidenced by documentation from the state agency responsible for establishing the standards] provided that certification had been based on the completion of an approved basic police course comparable to that of the act.

* * * * *

Subchapter C. SCHOOL REQUIREMENTS

§ 203.33. Minimum school standards and requirements.

(a) Schools shall initially meet and subsequently maintain the following standards:

* * * * *

(2) Have a school director who meets the standards in § 203.37 (relating to minimum standards for school directors).

(3) School buildings shall comply with public safety standards in sections 1—14 of the act of April 27, 1927 (P. L. 465, No. 299) (35 P. S. §§ 1221—1235), known as the Fire and Panic Act.

[(3)] (4) * * *

[(4)] (5) * * *

[(5)] (6) * * *

[(6)] (7) * * *

[(7)] (8) * * *

[(8)] (9) * * *

[(9)] (10) * * *

[(10)] (11) * * *

[(11)] (12) * * *

[(12)] (13) * * *

[(13)] (14) * * *

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[(14)] (15) * * *

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[(15)] (16) * * *

[(16)] (17) * * *

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[(17)] (18) * * *

* * * * *

§ 203.35. Emergency suspension of school certification.

If a Commission inspector determines that [a condition exists] one or more of the following conditions exist at a school [which presents a clear and present danger to the public, students or staff of the school, the inspector, with the approval of] the Executive Director, on behalf of the Commission, may immediately suspend the school's certification [and cause all training to cease. In those situations]:

(1) [The school may correct the situation or request an administrative hearing as outlined in Subchapter G (relating to notice and hearings).] The condition presents a clear and present danger to the public, students or staff of the school.

(2) [Schools electing to correct the situation shall notify the Commission in writing by certified mail, return receipt requested, when the correction is complete. The Commission inspector will reinspect the facility to ensure compliance.] The condition would cause the students not to receive training required by the act and this part.

(3) [Notice of results of the reinspection will verbally be provided to the school by the inspector after the inspection has concluded and in writing within 10 days of the reinspection.] The school director does not meet the requirements in § 203.37 (relating to minimum standards for school directors).

(4) An instructor is subject to revocation under § 203.73 (relating to revocation of instructor certification).

§ 203.36. Revocation of school certification.

The Commission may, after notice and hearings in compliance with Subchapter G (relating to notice and hearings), revoke the certification of a school for one of the following reasons:

* * * * *

(6) The school does not have a school director who meets the standards in § 203.37.

§ 203.37. Minimum standards for school directors.

School directors approved by the Commission shall demonstrate compliance with at least one standard set forth in paragraph (1) and at least one standard set forth in paragraph (2).

(1) School directors shall satisfy one of the following requirements:

(i) Possess an associate's or higher degree in criminal justice, public administration, education or related field.

(ii) Be a graduate of one of the following: the Federal Bureau of Investigation National Academy, the Southern Police Institute Administrative Officers Course, the Law Enforcement Instructor Training Course of the Federal Law Enforcement Training Center, the Northwestern University Staff and Command School or other law enforcement training program approved by the Commission.

(2) Satisfy one of the following minimum professional experience requirements:

(i) Ten years in law enforcement, including 5 years at an administrative level.

(ii) Fifteen years increasingly responsible full-time experience as a Federal, State or municipal police officer with general police powers.

(3) Be free of convictions for a disqualifying criminal offense.

(4) Possess experience and ability as an instructor.

Subchapter G. NOTICE AND HEARINGS

§ 203.102. Notice.

* * * * *

(b) An individual or school given notice of an adverse action by [the] Commission staff may file a written request for a hearing within 15 days after receipt of the notice. The date of receipt of the request by the Commission and not the date of deposit in the mails is determinative of a timely request for a hearing.

[Pa.B. Doc. No. 05-1900. Filed for public inspection October 14, 2005, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Interstate/International Quarantine Order

Recitals

A. Chronic Wasting Disease (CWD) is an infectious, progressive and always fatal disease of cervids (elk, white-tailed deer, mule deer, black-tailed deer, red deer and hybrids thereof, and the like).

B. There is no known treatment for CWD infection, no vaccine against this disease and no feasible live animal test that can detect the presence of CWD.

C. CWD is known to be transmissible from infected to uninfected cervids by ingestion of infected or contaminated materials.

D. CWD has been designated a "dangerous transmissible disease" of animals by order of the Secretary of Agriculture under the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389) at 3 Pa.C.S. § 2321(d).

E. The Department of Agriculture (Department) has broad authority under the Domestic Animal Law to regulate the keeping and handling of domestic animals in order to exclude, contain or eliminate dangerous transmissible diseases, such as CWD.

F. The Department also has broad authority under the Domestic Animal Law to prohibit the importation of domestic animals, conveyances, containers, goods, products or materials in an effort to keep dangerous transmissible diseases, such as CWD, from entering this Commonwealth.

G. CWD is of particular concern to the captive/farmed cervid industry in that presence of CWD infection in a herd may result in the destruction of the entire herd and may severely limit the market for product of this Commonwealth.

H. CWD also has the potential to severely impact upon the native cervid population of this Commonwealth should it enter this Commonwealth.

I. CWD has been detected in cervids in New York and West Virginia and is known to be present in a number of other States and several Canadian Provinces.

J. The Department has concern that certain high-risk materials from hunter-harvested cervids taken in areas where CWD is known to be present pose an unacceptable risk of introducing CWD into this Commonwealth and seeks to prohibit the importation of these high-risk materials through this Order.

K. The Department has issued an Interstate/International Quarantine Order addressing the presence of CWD, to take effect on October 1, 2005. The Department wishes to rescind that Order and supplant it with this Order. This Order provides a clearer explanation of those cervid parts affected by this quarantine.

Order of Quarantine

With the foregoing recitals incorporated into this Order by reference, the Pennsylvania Department of Agriculture hereby establishes an Interstate and International Quarantine under authority of the Domestic Animal Law, at 3 Pa.C.S.A. § 2329(c). The terms of this Order are as follows:

1. The Quarantined Area affected by this Interstate and International Quarantine Order is as follows:

All States and Canadian provinces with a history of having free-ranging cervids infected with CWD. This quarantine includes:

a. *The following States:* Colorado, Illinois, Nebraska, New Mexico, South Dakota, Utah, West Virginia (only Hampshire county), Wisconsin, and Wyoming

b. *The following Canadian Provinces:* Alberta, Saskatchewan

2. This Order prohibits the importation into the Commonwealth of Pennsylvania the following animal parts originating from any hunter-harvested cervid in the Quarantined Area:

a. Head (including brain, tonsils, eyes and retropharyngeal lymph nodes);

b. Spinal Cord/Backbone;

c. Spleen;

d. Skull plate with attached antlers, if visible brain or spinal cord material is present;

e. Cape, if visible brain or spinal cord material is present;

f. Upper canine teeth, if root structure or other soft material is present;

g. Any object or article containing visible brain or spinal cord material;

h. Unfinished taxidermy mounts; and

i. Brain-tanned hide.

3. This Order shall not be construed to limit the importation into this Commonwealth of the following animal parts originating from any hunter-harvested cervid in the Quarantined Area:

a. Meat, without the backbone;

b. Skull plate with attached antlers, if no visible brain or spinal cord material is present;

c. Tanned hide or raw hide with no visible brain or spinal cord material present;

d. Cape, if no visible brain or spinal cord material is present;

e. Upper canine teeth, if no root structure or other soft material is present; and

f. Finished taxidermy mounts.

4. This Order is immediately effective as of October 1, 2005, and shall remain in effect unless rescinded or modified by subsequent order.

5. Any person violating the requirements of this Order shall be subject to criminal prosecution and/or civil penalties of up to \$10,000 per violation.

6. This Order shall not be construed as limiting PDA's authority to establish additional quarantine or testing requirements on imported cervids.

7. This Order rescinds and supplants the previous Order of PDA on this subject matter, as published in the October 1, 2005 edition of the *Pennsylvania Bulletin*.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 05-1901. Filed for public inspection October 14, 2005, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending October 4, 2005.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-4-05	Valley Forge Trust Company King of Prussia Montgomery County	120 South Warner Road King of Prussia Montgomery County	Approved
10-4-05	Royal Asian Bank Philadelphia Philadelphia County	6331 Castor Avenue Philadelphia Philadelphia County	Approved

Royal Asian Bank has been operated as a division of Royal Bank America, Narberth, wholly-owned subsidiary of Royal Bancshares of Pennsylvania, Inc. Royal Asian Bank will become a separately chartered Pennsylvania nonmember bank and wholly-owned bank subsidiary of Royal Bancshares of Pennsylvania, Inc.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-30-05	Standard Bank, PaSB, Monroeville, and Hoblitzell National Bank of Hyndman, Hyndman Surviving Institution—Standard Bank, PaSB, Monroeville	Monroeville	Filed
10-4-05	Royal Asian Bank (In Organization) Philadelphia Philadelphia County	Philadelphia	Approved

Purchase of assets/assumption of liabilities of four branch offices of Royal Bank America, Narberth

Located at:

6526 Castor Avenue
Philadelphia
Philadelphia County

7001 West Chester Pike
Upper Darby
Delaware County

418 Oak Lane Road
Philadelphia
Philadelphia County

1550 Lemoine Avenue
Fort Lee
Bergen County, NJ

This transaction is part of the reorganization on the part of Royal Bancshares of Pennsylvania, Inc. and separate charter of Royal Asian Bank (see "New Charter Applications" previously listed).

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-28-05	Nesquehoning Savings Bank Nesquehoning Carbon County	113 East Water Street Coaldale Schuylkill County	Filed
10-3-05	Orrstown Bank Shippensburg Cumberland County	308 Carolle Street Greencastle Franklin County	Approved
10-3-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Shadyside Giant Eagle 5550 Centre Avenue Pittsburgh Allegheny County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-3-05	Lebanon Valley Farmers Bank Myerstown Lebanon County	<i>To:</i> Southeast Corner of Route 422 and Locust Street Myerstown Lebanon County <i>From:</i> Main and Locust Streets Myerstown Lebanon County <i>and</i> <i>From:</i> 297 West Lincoln Avenue Myerstown Lebanon County	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
9-29-05	Atlantic Central Bankers Bank Camp Hill Cumberland County	The purpose of the Articles of Amendment is to remove "Pennsylvania Independent Bank" from Articles Third, Ninth and Tenth of the Articles of Incorporation and wherever else it appears in the Articles of Incorporation and insert "Atlantic Central Bankers Bank" in its place.	Approved and Effective
10-3-05	Tioga-Franklin Savings Bank Philadelphia Philadelphia County	Amendment to Article II of the Articles of Incorporation provides for a change in the location and address of the bank's principal place of business from 326 East Girard Avenue to 320 East Girard Avenue, both addresses in Philadelphia, Philadelphia County.	

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
10-3-05	TruMark Financial Credit Union Trevose Bucks County	515 Old York Road Jenkintown Montgomery County	Approved

A. WILLIAM SCHENCK, III,
Secretary

[Pa.B. Doc. No. 05-1902. Filed for public inspection October 14, 2005, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Emergency Shelter Grant Program

The Department of Community and Economic Development (Department), Center for Community Building, Office of Community Development is anticipating applying for funding through the United States Department of Housing and Urban Development.

The Emergency Shelter Grant Program is established within Subtitle B of Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C.A. §§ 11371 — 11378). The program authorizes grants for the rehabilitation or conversion of buildings for use as emergency shelters for the homeless, for the payment of certain operating expenses and essential services in connection with emergency shelters for the homeless and for homeless prevention activities. The program is designed to be the first step in a continuum of assistance to enable homeless individuals and families to move toward independent living as well as to prevent homelessness.

One copy of the application may be submitted to the Department by local governments to the Customer Service Center, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120 in accordance with the Department's single application requirements. A copy of the application must also be sent to the appropriate regional office. The application window will open on October 14, 2005, and close at 5 p.m. on December 30, 2005. Applications received prior to or after these dates may not be considered for funding.

Applications forms and instructions may be obtained by contacting the Department's Center for Community Building, Office of Community Development in Harrisburg, (717) 787-5327 or the Department's Regional Offices. Persons with a disability or persons who require an alternate format (large type, Braille, and the like) should contact Edward Geiger, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, (717) 787-5327 to discuss how the Department may best accommodate their needs.

The following is the listing of the Department's Regional Offices and the counties they serve:

Regional Offices

Southeast

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Department of Community and Economic Development
Philadelphia State Office Building
1400 Spring Garden Street, Room 1800
Philadelphia, PA 19130
(215) 560-2256

Northeast

Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties

Department of Community and Economic Development
409 Lackawanna Avenue
3rd Floor, Oppenheim Building
Scranton, PA 18503
(570) 963-4571

Central

Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, York, Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties.

Department of Community and Economic Development
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120
(717) 787-7347

Southwest

Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties

Department of Community and Economic Development
1405 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-5002

Northwest

Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties

Department of Community and Economic Development
100 State Street, Suite 205
Erie, PA 16507
(814) 871-4241

Main Office

Center for Community Building
Office of Community Development
400 North Street, 4th Floor
Commonwealth Keystone Building
Harrisburg, PA 17120
(717) 787-5327

DENNIS YABLONSKY,
Secretary

[Pa.B. Doc. No. 05-1903. Filed for public inspection October 14, 2005, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, October 26, 2005, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Kurt Leitholf at (717) 705-0031.

(TDD) to discuss how the Department may accommodate their needs.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 05-1904. Filed for public inspection October 14, 2005, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0033863	Camp-A-While, Inc. 1921 East Main Street Hegins, PA 17938-9143	Hegins Township Schuylkill County	Pine Creek (6C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0084611 (Sewage)	CMV Sewage Co., Inc. 200 Bailey Drive Stewartstown, PA 17363	York County North Codorus Township	UNT Codorus Creek/7H	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0221007	Volant Borough P. O. Box 96 Volant, PA 16156	Volant Borough Lawrence County	Neshannock Creek 20-A	Y
PA0210161	Pennsylvania American Water—Butler 207 Oneida Valley Road Butler, PA 16001	Oakland Township Butler County	Connoquenessing and Thorn Creeks 20-c	Y
PA0102385	Springfield Restaurant Group—Iron Bridge Inn/Rachel's Roadhouse 1553 Perry Highway Mercer, PA 16137	Springfield Township Mercer County	UNT to Neshannock Creek and Neshannock Creek 20-A	Y

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

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

PA0061123, Sewage, **Moscow Sewer Authority**, P. O. Box 525, 309 Market Street, Moscow, PA 18444-0525. This proposed facility is located in Moscow Borough, **Lackawanna County**.

Description of Proposed Activity: Proposed increased discharge of treated sewage.

The receiving stream, Roaring Brook Creek, is in the State Water Plan watershed No. 5A and is classified for HW-CWF. The nearest downstream public water supply intake for American Water Company is located on Roaring Brook Creek and is 3 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.300 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	15.6	23.4	31.2
Total Suspended Solids	17.5	26.3	35.0
NH ₃ -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Dissolved Oxygen	a minimum of 5.0 mg/l at all times		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.4		1.0
Nitrates/Nitrites	8.2		16.4
Phosphorus (Total)	0.4		0.8

Chesapeake Bay monitoring for Outfall 001.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia—N	Report		
Kjeldahl—N	Report		
Nitrite—N/Nitrate—N	Report		
Total Nitrogen	Report		
Total Phosphorus	Report		

<i>Parameter</i>	<i>Annual Mass Load (lb/yr.)</i>
Total Nitrogen (after completion of plant expansion).	9,740
Total Phosphorus (after completion of plant expansion).	1,217

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

Application No. PA 0040860, Industrial Waste, SIC Code 4953, **Delaware County Solid Waste Authority**, 583 Longview Road, Boyertown, PA 19512. This facility is located in Earl and Oley Townships, **Berks County**.

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

The receiving streams, Furnace Run and Manatawny Creek, are in Watershed 3-C and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Pennsylvania American Water Company located on the Schuylkill River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.08 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>
Flow	Monitor and Report	Monitor and Report			
pH (S.U.)		from 6.0 to 9.0 inclusive			
Dissolved Oxygen		5.0 mg/l at all times			
Total Suspended Solids	18	40	27	60	75
CBOD ₅	17	34	25	50	63
NH ₃ -N	3.26	6.52	4.9	10	10
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)			200 10,000		
Total Residual Chlorine			1.0	2.0	2.5
Total Dissolved Solids	20,016	40,032	30,000	60,000	75,000
Color (P.C.)				100	100
α-Terpineol	0.013	0.028	0.019	0.042	0.042
Aniline	0.010	0.016	0.015	0.024	0.024
Benzoic Acid	0.049	0.079	0.073	0.119	0.119
Naphthalene	0.015	0.039	0.022	0.059	0.059
p-Cresol	0.010	0.016	0.015	0.024	0.024
Phenol	0.019	0.032	0.029	0.048	0.048
Pyridine	0.017	0.048	0.025	0.072	0.072
Arsenic	0.360	0.734	0.540	1.100	1.100
Chromium, VI	0.029	0.057	0.043	0.086	0.108
Total Zinc	0.197	0.357	0.296	0.535	0.535
Osmotic Pressure			5,000	5,000	5,000

The proposed effluent limits for Outfall 006 based on a design flow of 0.087 mgd are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report	Monitor and Report			
pH (S.U.)		from 6.0 to 9.0 inclusive			
Dissolved Oxygen		5.0 mg/l at all times			
Total Suspended Solids	22	44	30	45	60
CBOD ₅	18	36	25	50	63
NH ₃ -N					
(5-1 to 9-30)	4.0	8.0	6.0	12	15
(10-1 to 4-30)	12	24	18	36	40
Total Dissolved Solids	726	1,452	1,000	2,000	2,500
Total Iron	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	
Total Cadmium	0.009	0.018	0.013	0.026	0.033
Aniline	0.010	0.016	0.015	0.024	0.024
Osmotic Pressure			238	238	238
Total Mercury	0.0002	0.0004	0.0003	0.0006	0.0007

The proposed monitoring requirements for Outfalls 002—005 and 008—010 are for the following parameters:

Parameter

CBOD₅
 Chemical Oxygen Demand
 Total Suspended Solids
 Total Dissolved Solids
 Total Nitrogen
 Total Iron
 Oil and Grease
 pH (S.U.)
 Total Cadmium
 Total Arsenic
 NH₃-N
 α -Terpineol
 Aniline
 Benzoic Acid
 Naphthalene
 p-Cresol
 Phenol
 Pyridine
 Chromium, VI
 Total Zinc

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

The EPA waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications 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.

WQG Permit No. WQG026101, Sewage, **Menallen Township Sewer Authority**, 427 Searights Herbert Rd., Uniontown, PA 15401. This proposed facility is located in Menallen Township, **Fayette County**.

Description of Proposed Action/Activity: Application for the installation of a gravity sanitary sewer line interceptor.

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

WQM Permit No. 1005405, Sewerage, **Breakneck Creek Regional Authority**, P. O. Box 1180, Mars, PA 16046. This proposed facility is located in Adams Township, **Butler County**.

Description of Proposed Action/Activity: This project is for the construction and installation of a pump station and sewer extension to serve the Cobblestone Plan of Lots.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

Carbon County Conservation District: 5664 Interchange Rd., Lehighton, PA 18235-5114, (610) 377-4894.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021305010	Ray Tuthill Tuthill Corp., Blue Mtn. Ski Area P. O. Box 216 Palmerton, PA 18071	Carbon	Lower Towamensing Township	Aquashicola Creek HQ-CWF, MF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024505021	LTS Development, LLC P. O. Box 160 Shawnee-On-Delaware, PA 18356	Monroe	Smithfield Stroud and Price Townships	Michaels Run HQ-CWF
PAI024505022	Winds West, Inc. R. R. 4, Box 4402 Stroudsburg, PA 18360	Monroe	Pocono Township	Pocono Creek HQ-CWF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805022	Alice Dewire 1305 Macada Rd. Bethlehem, PA 18017 and Richard Kingston, Jr. 1232 Oakside Rd. Bethlehem, PA 18017	Northampton	Hanover Township	Monocacy Creek HQ-CWF
PAI024805023	Nazareth Development, LLC Attn: David Seyfried 25 South Main St. Nazareth, PA 18064	Northampton	Bushkill Township	Bushkill Creek HQ-CWF
PAI024805024	Nic Zawarski & Sons, Inc. 1441 Linden St. Bethlehem, PA 18018	Northampton	City of Bethlehem	Monocacy Creek HQ-CWF

Luzerne County Conservation District: Smith Pond Rd., Lehman, PA 18627-0250, (570) 674-7991.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024005004	Landview Properties, Inc. 205 Windsor Way Moscow, PA 18444	Luzerne	Dallas Township	Bowman Creek HQ-CWF and Toby Creek CWF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032205001	Jorich Land Development, Inc. 1620 Mountain Road Dauphin, PA 17018	Dauphin	Middle Paxton Township	Clark Creek HQ-CWF
PAI033605010	Reuben S. Brubacher 582 Lambert Road Narvon, PA 17555	Lancaster	Caernarvon Township	Black Creek HQ-WWF

NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI032105013	Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	Cumberland	Silver Springs and Hampden Townships	Trindle Springs Run- Conodoguinet Creek HQ-CWF/WWF
PAI033605009	Craig Fernsler P. O. Box 121 Dresher, PA 19025	Lancaster	Colerain Township	West Branch Octoraro Creek HQ-CWF;MF

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

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

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

Former Lehigh New England Railroad Property, Wind Gap Borough and Plainfield Township, **Northampton County**. Keith T. D'Ambrosio, P. E., Whitestone Associates, New Britain Corporate Center, 1600 Manor Drive, Suite 220, Chalfont, PA 18914 15106 has submitted a Notice of Intent to Remediate (on behalf of various clients, remediators, and property owners, including Nolan Perin, c/o NAPER Development Corp., Inc.; Jerrold Bermingham, National Resources Associates LP; David Cox, WalMart Stores, Inc.; Brendan Sheehan and Scott Perin, Grand Central Sanitary Landfill, Inc.; and Bill and Caroline Hicks) concerning the remediation of soils found or suspected to have been contaminated with metals and semivolatiles organic contamination as the result of historic industrial operations. The applicant proposes to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on August 5, 2005. The properties are proposed to be developed into a retail shopping center complex.

Anemostat Plant (888 North Keyser Avenue), City of Scranton, **Lackawanna County**. Bryon Nickerson, Senior Project Manager, SAIC, 916 Springdale Drive, Exton, PA 19341-2805 has submitted a revised Notice of Intent to Remediate (on behalf of his client, North Keyser Properties, LLC, 801 Corey Street, Moosic, PA 18507) concerning the remediation of soils and/or groundwater found or suspected to be contaminated with chlorinated solvents as the result of historic site operations. The applicant proposes to meet the Site-Specific Standard as opposed to the previously proposed Statewide Health Standard. A revised Notice of Intent to Remediate was published in *The Scranton Times* on July 19, 2005. The proposed future use of the property will remain as industrial.

Honeywell Pottsville Plant, Norwegian Township, **Schuylkill County**. Dayne Crowley, P. G., MACTEC Engineering & Consulting, Inc., Carnegie Office Park, Building 4, 700 North Bell Avenue, Suite 200 Pittsburgh, PA 15106 has submitted a Notice of Intent to Remediate (on behalf of his client, Judd Weiss, 98 Westwood Road, Pottsville, PA 17901-1834) concerning the remediation of soils found to have been impacted by acetone because of a release from piping located outside of an AST containment area. The applicant proposes to remediate the site to meet the Site-Specific Soil Standard. Future use of the property will remain the same. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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.

48-304-032A: Victaulic Co. of America (4901 Kesslersville Road, Easton, PA 18045) for construction of a second cold core making machine to the existing system in Forks Township, **Northampton County**.

48-313-097: Elementis Pigments, Inc. (1525 Wood Avenue, Easton, PA 18042) for construction of a black oxide manufacturing process and associated air cleaning devices in Easton, **Northampton County**.

54-308-022: Alcoa Extrusions, Inc. (53 Pottsville Street, Cressona, PA 17929) for reactivation of melting furnace No. 5 to include the installation of low NOx burners in Cressona Borough, **Schuylkill County**.

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

36-05014G: Alumax Mill Products, Inc. (1480 Manheim Pike, Lancaster, PA 17604) for installation of two cartridge filter dust collection systems at their secondary aluminum processing plant in Manheim Township, **Lancaster County**. The plant is subject to 40 CFR Part 63, Subpart RRR—National Emission Standards for Hazardous Air Pollutants—Secondary Aluminum Plants, 40 CFR Part 63—National Emission Standards for Hazardous Air Pollutants—Surface Coating of Metal Coils and 40 CFR Part 60, Subpart TT—Standards of Performance for Metal Coil Surface Coating.

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

32-00387A: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) for construction of a Coal Prep Plant in Washington Township, **Indiana County**.

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

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

06-05069H: East Penn Manufacturing Co., Inc. (P. O. Box 147, Lyon Station, PA 19536-0147) for modification of their lead/acid battery assembly facility in Richmond Township, **Berks County**. The modification includes grid casting, formation and lead oxide mills. Some of these sources are subject to 40 CFR Part 60, Subpart KK, Standards of Performance for New Stationary Sources. The changes will have net increase in potential annual emissions of lead—0.22 ton; H₂SO₄ Mist—4.9 tons; NOx—1.3; CO—2.2 tons and VOC—0.1 ton. The plan approval will include restrictions, testing, monitoring, work practices, recordkeeping and reporting require-

ments designed to keep the sources operating within all applicable air quality requirements. The facility is presently covered by the Title V Operating Permit Application 06-05069. The plan approval will be incorporated into the permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

ER 36-05002A: Armstrong World Industries, Inc. (1067 Dillerville Road, Lancaster, PA 17603) for emission reduction credits (ERC) from the shutdown of sources at their Lancaster flooring plant in the City of Lancaster, **Lancaster County**. The company will receive 95.1 tons of ERC for VOC emissions and 1.9 tons of ERC for NOx emissions.

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

41-399-027: Smurfit-Stone Container Enterprises, Inc. (2940 Reach Road, Williamsport, PA 17701) for modification of a paperboard/plastic film gluing operation at 64 River Road in Porter Township, **Lycoming County**.

The proposed modification is an increase in the amount of glue used in the paperboard/plastic film gluing operation so that the resultant VOC emissions will increase from a maximum of 2.7 tons per year to a maximum of 11.27 tons per year. In addition to emitting up to 11.27 tons of VOCs per year, the modified paperboard/plastic film gluing operation will emit up to .82 ton of HAPs per year.

The Department of Environmental Protection's (Department) review of the information submitted by Smurfit-Stone Container Enterprises, Inc. indicates that the modified paperboard/plastic film gluing operation will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including 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 modification of the paperboard/plastic film gluing operation.

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. No more than 5,000 gallons of adhesives/glues shall be used in the paperboard/plastic film gluing operation in any 12-consecutive month period.

2. No more than a combined total of 20 gallons of any VOC-containing or volatile HAP-containing material, other than adhesives/glues, shall be used in, or in association with, the paperboard/plastic film gluing operation in any 12-consecutive month period. This includes cleanup solvents.

3. The adhesives/glues used in the paperboard/plastic film gluing operation shall not contain VOCs in excess of 4.48 pounds of VOCs per gallon of adhesive/glue nor shall they contain volatile HAPs in excess of .31 pound of volatile HAPs per gallon of adhesive/glue.

4. The volatile hazardous air pollutant content of any volatile HAP-containing material, other than adhesives/glues, used in, or in association with, the paperboard/plastic film gluing operation shall not exceed 3.76 pounds of HAPs per gallon of material. This includes cleanup solvents.

5. The total combined VOC emissions from the paperboard/plastic film gluing operation shall not exceed

11.27 tons in any 12-consecutive month period and the total combined volatile HAP emissions shall not exceed .82 ton in any 12-consecutive month period.

6. The atmospheric exhaust of the spray booth in which adhesives/glues are applied to paperboard and plastic film shall be equipped with filters on any occasion that adhesives/glues are being applied.

7. All VOC-containing materials and volatile hazardous air pollutant-containing materials (adhesives/glues, cleanup solvents, and the like) used in, or in association with, the paperboard/plastic film gluing operation shall be stored in closed containers when not in actual use. Adhesive/glue spray lines, guns, and the like shall be cleaned by either flushing a solid liquid stream of solvent into an appropriate container or by soaking equipment in closed containers of liquid solvent. Under no circumstances shall cleaning solvent be sprayed or flushed from a spray gun or line into the air. Under no circumstances shall cleaning solvent be flushed from a spray gun or line into a container in an atomized spray. All used cleaning solvent and any used solvent-wet cleaning cloths or rags shall be stored in closed containers and shall never be treated in any manner which would unnecessarily promote the evaporative loss of solvent to the atmosphere.

8. Records shall be maintained of the identity, composition and amount of each adhesive/glue, cleanup solvent and any other VOC-containing or volatile HAP-containing material used in the paperboard/plastic film gluing operation each month.

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

30-00099E: Allegheny Energy Supply Co., LLC (800 Cabin Hill Drive, Greensburg, PA 15601) for combustion of low sulfur Powder River Basin (PRB) Coal at their Hatfield's Ferry Power Station.

Under 25 Pa. Code § 127.44(a)(4), the Department of Environmental Protection (Department) intends to issue a Plan Approval to the Allegheny Energy Supply Company, a Title V Facility, to authorize the combustion of low sulfur Powder River Basin (PRB) Coal at the Hatfield's Ferry Power Station as described in its application to the Department received on July 12, 2005. Allegheny Energy expects to blend the current fuel with up to 40% PRB. Burning PRB at this level will reduce SO₂ emissions by approximately 48,573 tons per year.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

For the Department to assure compliance with all applicable standards, the Department proposes to place the following conditions on the Plan Approval:

Special Conditions for Plan Approval PA-30-00099E

1. This Plan Approval authorizes Allegheny Energy Supply Company (AES) to co-fire with PRB coal at the Hatfield's Ferry Power Station (Hatfield) located in Monongahela Township, Greene County. (25 Pa. Code § 127.12b)

2. AES shall submit a report to the Department describing in detail any decrease/increase in emissions resulting from the combustion of PRB. The report shall characterize emissions for the following pollutants; PM, PM₁₀ (filterable and condensable), SO_x (as SO₂), NO_x,

CO, VOC, Hg and visible emissions (percent opacity) and shall express emissions in lbs/mmBtu, lbs/hr, and tons/year. The report shall be submitted within 90 days of testing at the maximum PRB firing rate. (25 Pa. Code § 127.12b)

3. AES shall perform stack testing on all three units in the combined stacks, while co-firing at least 25% PRB, for PM, PM10 (filterable and condensable), SOx (as SO₂), NOx, CO, VOC, Hg and visible emissions, and shall be conducted within 120 days of initiation of co-firing PRB. Stack testing at the maximum PRB co-firing rate shall be conducted within 18 months or within 120 days after the maximum co-firing rate has been achieved. CEM data from approved monitors may be substituted for stack test data. The stack test for PM10 (filterable and condensable) shall be performed prior to co-firing with PRB unless existing test results are available (25 Pa. Code §§ 123.45 and 139.11).

i) Stack testing shall be conducted in accordance with the provisions of 25 Pa. Code Chapter 139 and the Department's Source Testing Manual.

ii) At least 60 days prior to the test, the owner/operator shall submit to the Department two copies of the procedures for the stack test and drawings with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

iii) At least 15 days prior to the test, the Regional Air Quality Manager shall be informed of the date and time of the test.

iv) All relevant operating parameters (for example, boiler steam flow, air flow, gross megawatts, O₂; CEMS readings, heat input, SO₃ injection rate (lb/hr), and stack flue gas volumetric flow rate) shall be recorded at appropriate intervals throughout the duration of the stack tests. Operating data recorded shall be sufficient to establish that the units and the air cleaning devices, including the SO₃ injection system, are operating at maximum routine operating conditions. A discussion of the recorded operating parameters and values shall be included in the test report.

v) Within 60 days after the stack test, two copies of the complete test report, including all recorded operating parameters, shall be submitted to the Regional Air Quality Manager for approval.

4. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12b):

(i) The owner/operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

(ii) Operation of the sources covered by this Plan Approval is authorized only to facilitate the startup and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit and to permit the evaluation of the source for compliance with all applicable regulations and requirements.

(iii) Upon receipt of the Notice of the Completion of Construction from the owner/operator, the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of operation. The Notice submitted by the owner/operator, prior to the expiration of this Plan Approval, shall modify the

Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

(iv) Upon determination by the owner/operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval, the owner/operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

(v) Upon completion of the Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval, the Owner/Operator shall apply for an Administrative Amendment to the Title V Operating Permit (TVOP) at least 60 days prior to the expiration date of the Plan Approval. The Administrative Amendment shall incorporate the conditions of this Plan Approval into the TVOP.

(vi) The owner/operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional periods, each not to exceed 120 days, by submitting an extension request as described previously.

Persons wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address which follows. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Written comments must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper or the *Pennsylvania Bulletin* or by telephone when the Department determines that notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to the Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

For additional information, contact Thomas J. Joseph, P. E., Air Pollution Control Engineer III, Air Quality at the address listed previously.

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

AMS 05028 and 05038: Kinder Morgan Liquid Terminals (3300 North Delaware Avenue, Philadelphia,

PA 19134) for installing internal floating roofs on tanks 125, 153, 205—208, and 210 in the City of Philadelphia, **Philadelphia County**. Emission limits are being set at 6.48 tons/yr VOCs for tank 125, 5.01 tons/yr VOC's for tanks 205—208 and 210 and 5.82 tons/yr VOCs for tank 153. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) 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.

28-05019: Valley Quarries, Inc. (169 Quarry Road, Chambersburg, PA 17201) for operation of two asphalt plants at their Chambersburg facility in Guilford Township, **Franklin County**. The plants have the potential to emit 100 tons per year of SOx. The No. 2 asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Asphalt Concrete Plants. This renewal of the State-only operating permit will include emission limits, work practice standards, monitoring, recordkeeping and reporting provisions to ensure the plants comply with the applicable air quality requirements.

36-03106: Eastern Industries, Inc. (4401 Camp Meeting Road, Center Valley, PA 18034) for operation of their Schoeneck limestone/dolomite quarry and crushing and screening plant in West Cocalico Township, **Lancaster County**. This is a non-Title V State-only facility. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

38-05009: Lebanon Methane Recovery Inc. (920 Rosstown Road, Lewisberry, PA 17339) for a Synthetic Minor Operating Permit renewal in North Lebanon Township, **Lebanon County**. The facility's major sources of emissions include two landfill gas fired engine-generators, which primarily emit NOx. The synthetic minor operating permit renewal will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

17-00059: Energy Link, Inc. (840 Philadelphia Street, Suite 305, Indiana, PA 15701) for operation of a coal stockpiling and railcar loading operation (Corman Yard Coal Pile) in Lawrence Township, **Clearfield County**.

Coal is brought onto the site by truck and placed into stockpiles from which it is subsequently removed by front end loaders and loaded into railcars. The air contaminant emissions from this operation are not expected to exceed 5.01 tons of particulate matter per year, of which no more than 1.31 tons per year are expected to be PM10.

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

The Department of Environmental Protection proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously established in Plan Approval 17-

305-049. These previously-established conditions include a requirement that a water truck equipped with a pressurized spray bar and a trailer-mounted water tank equipped with a pressurized spray nozzle or hose be readily available at all times for use in controlling fugitive dust from site roadways and stockpiles, a requirement that all trucks entering or exiting the site by means public roadways have their truck beds tarped or otherwise covered unless empty, a requirement that the speed limit on all site roadways be 5 miles per hour, a requirement that the front end loader bucket-to-railcar freefall height be kept to a minimum during railcar loading and a limitation of 85,000 tons on the amount of coal processed per year.

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

11-00510: AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15942) for operation of coal processing plant at Madison Mine in Jackson Township, **Cambria County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

30841317 and NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit and related NPDES permit for the Enlow Fork Mine in Morris Township, **Washington County** to add surface permit area for fresh water supply system at Prosperity Portal and Archer Run Slope, Surface Acres Proposed 282.8. Receiving Stream: UNT to Short Creek, classified for the following use: TSF. Application received August 24, 2005.

32011301 and NPDES Permit No. NA, AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), to transfer the in process new underground permit for the Palmerton Deep Mine in Burrell Township, **Indiana County** and related NPDES permit from Laurel Energy, LLP. No additional discharges. Application received: August 29, 2005.

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

56950111 and NPDES No. PA0213225. Sherpa Mining Contractors, Inc., 337 Benny Road, Hooversville, PA 15936-8906, permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Shade Township, **Somerset County**, affecting 349.9 acres. Receiving streams: UNT to Shade Creek and Shade Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received September 23, 2005.

56950106 and NPDES No. PA0213161. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface coal refuse reprocessing mine in Stonycreek

Township, **Somerset County**, affecting 122.0 acres. Receiving streams: UNTs to Schrock Run and Schrock Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 23, 2005.

Permit No. 11900101 and NPDES No. PA0598721. Cooney Brothers Coal Company, P. O. Box 246, Creson, PA 16630, permit renewal for reclamation only of a bituminous surface auger mine in Adams and Summerhill Townships, **Cambria County**, affecting 180.0 acres. Receiving streams: UNTs to South Fork of Little Conemaugh River, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Highland Sewer and Water Authority Beaverdam. Application received September 23, 2005.

Permit No. 56940101 and NPDES Permit No. PA0212768. Future Industries Inc., P. O. Box 157, Meyersdale, PA 15552-0157, permit revision—land use change on Robert Sanner property from Forestland and Wildlife Habitat to cropland and land use change on Merrill Enterprises Inc. property from forestland to wildlife habitat in Brothersvalley Township, **Somerset County**, affecting 106.5 acres. Receiving streams: UNTs to/and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received on August 15, 2005.

Permit No. 5679123 and NPDES Permit No. PA0599166, Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552-7228, renewal of NPDES Permit, Southampton Township, **Somerset County**. Receiving streams: UNT to Shoemaker Run and to Shoemaker Run classified for the following use: high quality. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received August 31, 2005.

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

03980101 and NPDES Permit No. PA0202541. Walter L. Houser Coal Co., Inc. (R. R. 9, Box 434, Kittanning, PA 16201). Renewal application for continued operation and reclamation of a bituminous surface mine,

located in Kittanning Township, **Armstrong County**, affecting 207 acres. Receiving streams: Mill Run and UNTs to Mill Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: September 26, 2005.

02900102 and NPDES Permit No. PA0591980. USA South Hills Landfill, Inc. (3100 Hill Road, Library, PA 15129). Renewal application for continued operation and reclamation of a bituminous surface mine, located in South Park and Union Townships, **Allegheny and Washington Counties**, affecting 103.4 acres. Receiving stream: UNT to Peters Creek, classified for the following use: TSF. Renewal application received: September 29, 2005.

65020104 and NPDES Permit No. PA0250252. Robbie Coal and Fuel, Inc. (1159 University Drive, Dunbar, PA 15431). Application received to revise the permit to include blasting at a bituminous surface mining site located in East Huntingdon Township, **Westmoreland County**, affecting 25.1 acres. Receiving streams: UNT to Buffalo Run, classified for the following use WWF. There is no known public water supply within 10 miles downstream from the point of discharge. Application received August 4, 2005.

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

24-05-02 and NPDES Permit No. PA0258024. Tamburlin Bros. Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830). Proposal to enter into a Government Financed Reclamation Construction Contract on a 29.0 acre site in Jay Township, **Elk County**. The proposal includes total reclamation of 10.2 acres of aban-

doned mine lands, including channel restoration and reconstruction of 1,350 feet of UNT 1 to Bennett Branch Sinnemahoning Creek and 7 acres of coal removal incidental and necessary to the reclamation activities. Receiving streams: UNTs to Bennett Branch Sinnemahoning Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 12, 2005.

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

40840206R4. Northampton Fuel Supply Company, Inc. (1 Horwith Drive, Northampton, PA 18067), renewal of an existing coal refuse reprocessing and coal ash disposal operation in Plains Township, **Luzerne County** affecting 126.9 acres. Receiving stream: none. Application received September 16, 2005.

Noncoal Applications Returned

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

52040301. ER Linde Construction Corp., (R. R. 6 Box 6825, Honesdale, PA 18431), commencement, operation and restoration of a quarry operation in Lackawaxen Township, **Pike County** affecting 83.5 acres, receiving stream: Little Blooming Grove Creek. Application received March 31, 2004. Application returned September 21, 2005.

Noncoal Applications Received

Effluent Limits

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

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

¹ The parameter is applicable at all times.

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

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

43950302. Atlantic States Materials of PA, Inc. (P. O. Box 269, Mercer, PA 16137). Renewal of NPDES Permit No. PA0227030, East Lackawannock Township, **Mercer County**. Receiving streams: UNT to Beaver Run and Beaver Run to Neshannock Creek, classified for the following use: TSF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received: September 26, 2005.

37920303. Atlantic States Materials of PA, Inc. (P. O. Box 269, Mercer, PA 16137). Transfer of an existing topsoil and sand and gravel operation in Taylor Township, **Lawrence County** affecting 56.0 acres. Receiving streams: Edwards Run and the Beaver River, classified

for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from S & S Processing, Inc. Application received: September 27, 2005.

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

0179301A1C3 and NPDES Permit No. PA0122297. Wilson C. Clapsaddle, (1790 Baltimore Pike, Gettysburg, PA 17325), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Mt. Joy Township, **Adams County**, receiving streams: UNT to Rock Creek, classified for the following use: WWF. Application received September 19, 2005.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions

of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) 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.

E09-887. Glazier Group, LP, 5901 Atkinson Road, New Hope, PA 18938-5301, Springfield Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a new driveway crossing over the Silver Creek Tributary to Cooks Creek (EV) to provide access for a two lot subdivision. The proposed driveway consists of a bridge measuring 25 feet long by 22 feet wide with clear height above the 100-year flood elevation. Box culverts are also proposed on each side of the bridge measuring 8 feet wide by 4 feet high.

The site is located about 1,600 feet west of intersection of Old Bethlehem Road and Peppermint Valley Road (Hellertown, PA USGS Quadrangle N: 6.5 inches W: 8.00 inches).

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

E35-390. Siniawa XII, LP, 851 Commerce Boulevard, Suite 207, Dickson City, PA 18519-1677, in Dickson City Borough, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 426-foot long stream enclosure extension of an existing approximate 1,700 LF enclosure in a tributary to the Lackawanna River (CWF) consisting of an 84-inch corrugated metal pipe, concrete

inwall and a grouted R-6 rock apron. The project is located on the south side of Commerce Boulevard approximately 0.25 mile south of Route 6 (Scranton, PA Quadrangle N: 16.5 inches; W: 1.5 inches).

E35-389. David Stafursky, 502 Main Street, Archbald, PA 18403, in Archbald Borough, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain two at-grade road crossings and various utility line crossings in the floodway of Wildcat Creek (CWF). The project is located on the north side of Betty Street (SR 1010) approximately 0.2 mile east of SR 0006 (Olyphant, PA Quadrangle N: 22.4 inches; W: 10.75 inches).

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

E21-373: Community Refuse Service, Inc., 135 Vaughn Road, Shippensburg, PA 17257 in Hopewell and North Newton Townships, **Cumberland County**, ACOE Baltimore District.

To construct and maintain 93 linear feet of 8-foot by 8-foot box culvert on a UNT to Conodoquinnet Creek (WWF) (Latitude: 40° 08' 29"; Longitude: 77° 30' 16"), to fill or excavate 0.49 acre of PEM wetlands and 0.19 acre of POW wetlands (Latitude: 40° 08' 18", 40° 08' 10", 40° 08' 05"; Longitude: 77° 30' 28", 77° 30' 35", 77° 30' 21"), and construct and maintain a minimum of 0.68 acre of PEM/PSS wetlands (Latitude: 40° 07' 55"; Longitude: 77° 29' 57") for the purpose of constructing a 102-acre expansion of the existing Cumberland County Landfill and a 90-acre soil borrow area north and east of the intersection of SR 4003 and Vaughn Road in Hopewell Township, Cumberland County. The project proposes to directly affect 93 linear feet of stream channel and 0.68 acre of wetlands.

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

E24-241, Department of Transportation (Department), District 2-0, 1924-30 Daisy Street, Clearfield, PA. SR 0219, Sections C10 and D10, in Johnsonburg, **Elk County**, ACOE Pittsburgh District (Ridgeway, PA Quadrangle N: 22 inches; W: 8 inches to N: 19.5 inches; W: 6.5 inches).

The Department is proposing construction of 9,135 feet of roadway including the following:

- To construct and maintain a 7-span continuous curved plate girder bridge having clear spans of 110 feet, 145 feet, 145 feet, 145 feet, 145 feet, 145 feet, 110 feet and an underclearance of 38 feet on a 22° skew across West Branch of Clarion River on SR 0219.

- To construct and maintain a 6-span continuous prestressed concrete I-beam bridge having clear spans of 118.76 feet, 106.09 feet, 108.99 feet, 130.62 feet, 129.48 feet, 99.40 feet and a minimum underclearance of 33.77 feet on 0°, 9°, 18°, 20°, 14°, 30° and 90° skews across Clarion River on SR 0219.

- To construct and maintain a 9-span continuous composite prestressed concrete I-beam and steel curved plate girder bridge having a clear spans of 110 feet, 110 feet, 110 feet, 110 feet, 110 feet, 190 feet, 280 feet, 190 feet and an underclearance of 31.97 feet across Johnson Run on SR 0219, Segment 0570, Offset 1752.

The project also includes 5,267 cubic yards of fill in the Clarion River floodplain and 9,365 cubic yards of fill in the West Branch Clarion River floodplain.

The project also includes 150 feet of watercourse impacts as well as temporary impacts to 0.04 acre of palustrine emergent wetlands and the placement 1.09

acres of fill in of palustrine emergent wetland. The Chapter 93 designation for the Clarion River, West Branch of Clarion River and Johnson Run is CWF.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0052833 (IW)	Excelsior Brass Works June Avenue Blandon, PA 19510-0140	Berks County Maidencreek Township	Willow Creek 3B	Y
PA0070157 (Sewage)	Tulpehocken Area School District Bethel Elementary School 428 New Schaefferstown Road Bernville, PA 19506-8939	Berks County Bethel Township	UNT Little Swatara Creek 7D	Y

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<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088188 (Sewage)	Gratz Borough Municipal Authority 125 North Center Street P. O. Box 276 Gratz, PA 17030	Dauphin County Gratz Borough	UNT Wiconisco Creek 6C	Y
PA0021709 (Sewage)	Birdsboro Municipal Authority 202 East Main Street Birdsboro, PA 19508	Berks County Birdsboro Borough	Hay Creek 3C	Y
PA0032506 (Sewage)	Department of Conservation and Natural Resources Reed's Gap State Park 1405 New Lancaster Valley Road Milroy, PA 17603	Mifflin County Armagh Township	Honey Creek 12/A	Y
PA0082465 (Sewage)	Camp Penn United Methodist Church—Central PA Conference 8005 Old Forge Road Waynesboro, PA 17268	Franklin County Quincy Township	Trucker Run 13C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0000825 Industrial Waste	Col-Fin Specialty Steel Corp. Front Street Fallston, PA 15066	Beaver County Fallston Borough	Beaver River	Y
PA0005240 Industrial Waste	Allegheny Ludlum Corp. 100 River Road Brackenridge, PA 15014-1597	Westmoreland County Derry Township	UNT to Saxman Run	Y
PA0205222 Industrial Waste	Koppel Steel Corporation P. O. Box 750 Beaver Falls, PA 15010	Beaver County Koppel Borough	Beaver River and UNT to Beaver River	Y
PA0028657 Sewage	Nanty Glo Sani. Sew. Auth. 879 Wood Street Nanty Glo, PA 15943	Cambria County Nanty Glo Borough	South Branch Blacklick Creek	Y
PA0092550 Sewage	Brady's Bend Township Water & Sew. Auth. 221A St. Mary's Cemetery Rd. East Brady, PA 16028	Armstrong County Brady's Bend Township	Sugar Creek	Y
PA0094099 Sewage	PA Dist. Brethren Church 902 Cumberland Highway Berlin, PA 15530	Somerset County Greenville Township	UNT of Miller Run	Y
PA0205095 Sewage	John Kowalik, Jr. R. D. 3, Box 470 New Alexandria, PA 15670	Westmoreland County New Alexandria Borough	UNT to a UNT of Loyalhanna Creek	Y
PA0205460 Sewage	Loretta Schermock Georgetown Hts. Mobile Estates 20215 Sunny Shores Drive Humble, TX 77346	Beaver County Greene Township	Smiths Run	Y
PA0216666 Sewage	Cumberland Coal Resources, LP 158 Portal Road P. O. Box 1020 Waynesburg, PA 15370	Washington County Whiteley Township	Whiteley Creek	Y
PA0218448 Sewage	Whitehorn Homeowners Association 281 Wolf Lake Road New Alexandria, PA 15670	Westmoreland County Salem Township	UNT to Whitehorn Creek	Y
PA0218570 Sewage	Central Mainline Sew. Auth. P. O. Box 56 Lilly, PA 15938	Cambria County Portage Township	Little Conemaugh River	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0104299	Lutherlyn Camp & Retreat Center P. O. Box 355 Prospect, PA 16052-0355	Connoquenessing Township Butler County	Semiconon Run 20-C	Y
PA0045039	Department of Conservation and Natural Resources—Oil Creek State Park 305 State Park Road Oil City, PA 16301-9733	Cornplanter Township Venango County	Oil Creek	Y
PA0030686	Cross Creek Resort, Inc. R. D. 3, Box 188 Titusville, PA 16354	Cherrytree Township Venango County	UNT to Cherrytree Run	Y
PA0002461	Dresser Manufacturing Division 41 Fisher Avenue Bradford, PA 16701	City of Bradford McKean County	Tunungwant Creek 16-C	Y

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

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

NPDES Permit No. PA0247502 Amendment No. 1, Sewage, **John D. and Kathleen E. Kauffman**, 1130 Creek Road, Carlisle, PA 17013-8932. This proposed facility is located in North Newton Township, **Cumberland County**.

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

NPDES Permit No. PA0247651, Industrial Waste, **United Parcel Service**, Lewistown Facility, 1821 South 19th Street, Harrisburg, PA 17104. This proposed facility is located in Armagh Township, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Tea Creek in Watershed 12-A.

Public Notice of Permit Issuance

Final Notice is hereby given that the Department of Environmental Protection, after public notice, has on October 1, 2005, issued a National Pollutant Discharge Elimination System Permit to:

Permit No. PA 0021709

Permittee: Birdsboro Municipal Authority

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	7.0		14
(11-1 to 4-30)	20		40
Total Residual Chlorine	0.50		1.60
Total Copper	0.038		0.076
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		6,000/100 ml as a geometric average	
(10-1 to 4-30)			

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

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

NPDES Permit No. PA0253014, Sewage, **Capps Development, LLC**, 3889 Washington Rd., McMurray, PA 15317. This proposed facility is located in Cecil Township, **Washington County**.

Description of Proposed Action/Activity: NPDES permit issuance to discharge treated sewage from Bella Serra Banquet Facility Sewage Treatment Plant.

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

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

WQM Permit No. 2805402, Sewerage, **Quincy Township Sewer Authority**, 7375 Mentzer Gap Road, Waynesboro, PA 17268. This proposed facility is located in Quincy Township and Mont Alto Borough, **Franklin County**.

Description of Proposed Action/Activity: Construction/operation of the White Rock Sewer Extension.

WQM Permit No. 2104407, Transfer 1, Sewerage, **John D. and Kathleen E. Kauffman**, 1130 Creek Road, Carlisle, PA 17013-8932. This proposed facility is located in North Newton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/operation of sewerage facilities consisting of a dual compartment septic tank, Ecoflo ST-650 peat filter, tablet chlorinator and contact tank.

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

WQM Permit No. 0305402, Sewerage, **Worthington-West Franklin Joint Municipal Authority**, 102 West Main Street, Worthington, PA 16262. This proposed facility is located in Worthington Borough and West Franklin Township, **Armstrong County**.

Description of Proposed Action/Activity: Construction and operation of a sewage treatment plant, main pump station and gravity collection system.

WQM Permit No. 6505403, Sewerage, **Hempfield Township Municipal Authority**, R. D. 6, Box 500, Greensburg, PA 15601. This proposed facility is located in Hempfield Township, **Westmoreland County**.

Description of Proposed Action/Activity: Construction and operation of approximately 6.5 miles of 24-inch diameter gravity interceptor sewer lines. These new sewers will provide for the abandonment of the existing Earl Lohr Sewage Treatment Plant. This new interceptor sewer will connect to the existing South of Greensburg Interceptor for treatment to the New Stanton Sewage Treatment Plant.

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

WQM Permit No. WQG018414, Sewerage, **John and Paula Walsh**, R. D. 1, Box 72C, Youngsville, PA 16371. This proposed facility is located in Brokenstraw Township, **Warren County**.

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

WQM Permit No. WQG018406, Sewerage, **Bradley W. Irwin**, 8971 Old Route 422, New Castle, PA 16101. This proposed facility is located in Franklin Township, **Erie County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804033	N.A.P.E.R. Development Corp., Inc. P. O. Box 639 Wind Gap, PA 18091	Northampton	Plainfield Township and Wind Gap Borough	Little Bushkill Creek HQ-CWF
PAI023904027	North Whitehall Township 3256 Levans Rd. Coplay, PA 18037	Lehigh	North Whitehall Township	Jordan Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032104005	BPC Commerce Center 620 North Reading Road Ephrata, PA 17522	Cumberland	Silver Spring Township	Trindle Spring Run 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

General Permit Type—PAG-2

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lehigh Township Northampton County	PAG2004805034	Umberto and Elizabeth Fantozzi 4035 Cedar Drive Walnutport, PA 18088	Bertsch Creek CWF	Northampton Co. Cons. Dist. (610) 746-1971
Jackson Township Lebanon County	PAG2003805028	Jeffrey J. Horst 1828 Creston Drive Lebanon, PA 17046	Tulpehocken Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 Ext. 4
Jackson Township Lebanon County	PAG2003805027	Jacob L. King 875 South Railroad Street Myerstown, PA 17067	Tulpehocken Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 Ext. 4
South Annville Township Lebanon County	PAG2003805034	Henry Yingst 1010 South Lincoln Avenue Lebanon, PA 17042	Gingrich Run TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 Ext. 4
Jackson Township Lebanon County	PAG2003805023	Irvin High Dutchwood Manufacturing 1317 Hilltop Road Myerstown, PA 17067	Little Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 Ext. 4
Southampton and Shippensburg Townships Cumberland County	PAG2002105022	AH & T Investments, LLC Meadowsgreen Land Subdivision 15051 Taylors Mill Place Haymarket, VA 20169-1034	Burd Run CWF	Cumberland County Conservation District 43 Brookwood Ave Carlisle, PA 17013 (717) 240-7812
Hamburg Borough Berks County	PAG2000605082	Thomas Richey Cedar Hamburg, LLC 524 Camp Hill Mall 32nd St. and Trindle Rd. Camp Hill, PA 17011	UNT to Schuylkill WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bonneauville Borough Adams County	PAR100077R	Pete Paturzo Brown Meadows Limited, Inc. P. O. Box 733 Camp Hill, PA 17001-0733	Chicken Run WWF	Adams County Conservation District 670 Old Harrisburg Rd. Suite 201 Gettysburg, PA 17325 (717) 334-0636
Wayne Township Lawrence County	PAG2003705005	Ellwood City Borough 525 Lawrence Ave. Ellwood City, PA 16117	Connoquenessing Creek WWF	Lawrence Conservation District (724) 652-4512
Washington Township Jefferson County	PAG2003305004	Clearfield Jefferson Counties Regional Airport Authority P. O. Box 299 Falls Creek, PA 15840	Keys Run and UNT CWF	Jefferson Conservation District (814) 849-7463
Butler County Cherry Township	PAG209105003	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Findlay Run Tributary to Slippery Rock Creek CWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800
Cambria County Chest Township	PAG2091105004	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Wyerough Run CWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800
Clearfield County Morris Township	PAG2091705005	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	UNT to Alder Run CWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800

*General Permit Type—PAG-3**Facility Location &
Municipality*

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
York County Red Lion Borough	PAR123524	Conagra Foods, Red Lion 9 Conagra Drive Omaha, NE 68103	North Branch Muddy Creek CWF/7I	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Highspire Borough	PAR123519	Conagra Foods, Highspire 9 Conagra Drive Omaha, NE 68103	Laurel Run CWF/7C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Greentree Borough Allegheny County	PAR806150	United States Postal Service 770 Trumbull Drive Pittsburgh, PA 15242-9721	Whiskey Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Fraizer Township Allegheny County	PAR606161	Bastin Truck Parts 1716 Butler-Logan Road Tarentum, PA 15084	Unnamed feeder to Tawney Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
York County Shrewsbury Township	PAG043573 (transfer)	Richard Evans Bonnie Harvey 17389 Brose Road New Freedom, PA 17349	UNT Deer Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Brokenstraw Township Warren County	PAG049206	John and Paula Walsh R. D. 1, Box 72C Youngsville, PA 16371	UNT to Irvine Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Franklin Township Erie County	PAG049198	Bradley W. Irwin 8971 Old Route 422 New Castle, PA 16101	UNT to Little Elk Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
South Fork Borough Cambria County	PAG056209	Kick Brothers, Inc. 220 Lake Street South Fork, PA 15956	Conemaugh River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-7

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
West Earl Township Lancaster County	PAG073508	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	Kenneth Hertzog Farm West Earl Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Clay Township Lancaster County	PAG073508	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	Richard Stauffer Farm Clay Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-8

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
West Earl Township Lancaster County	PAG083565 PAG083566	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	Kenneth Hertzog Farm West Earl Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Clay Township Lancaster County	PAG083565 PAG083566	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522	Richard Stauffer Farm Clay Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing

Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit issued to: **Lehigh County Authority**, 1053 Spruce Street, P. O. Box 3348, Allentown, PA 18106-0348 (PWS ID 3390073) Lower Macungie Township, **Lehigh County** on September 26, 2005, for the operation of facilities approved under Construction Permit No. 3900505 and Minor Amendment of April 30, 2002.

Permit No. 3540071, Minor Amendment. Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 204 East Sunbury Street Shamokin, PA 17872
Borough or Township	East Union Township
County	Schuylkill
Type of Facility	Public Water Supply
Consulting Engineer	Peter J. Lusardi, P. E. CET Engineering Services 1240 N. Mountain Rd. Harrisburg, PA 17112
Permit to Construct Issued	September 20, 2005

Permit No. 3540070, Minor Amendment. Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 204 East Sunbury Street Shamokin, PA 17872
Borough or Township	Hazle Township
County	Luzerne
Type of Facility	Public Water Supply
Consulting Engineer	Peter J. Lusardi, P. E. CET Engineering Services 1240 N. Mountain Rd. Harrisburg, PA 17112
Permit to Operate Issued	September 20, 2005

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

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

Applicant	Pennsylvania-American Water Company Township or Borough Milton Borough
County	Northumberland
Responsible Official	Nick O. Rawe, Vice President Pennsylvania-American Water Company 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Scott M. Thomas, P. E. Pennsylvania-American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit Issued Date	9/28/2005
Description of Action	Replacement of the media and underdrain system in Milton Filter No. 1.

Permit No. 5905501—Construction Public Water Supply.

Applicant	U. S. Army Corps of Engineers
Township or Borough	Middlebury Township
County	Tioga
Responsible Official	Marilyn Jones U. S. Army Corps of Engineers R. D. 1, Box 65 Tioga, PA 16946
Type of Facility	Public Water Supply—Construction
Consulting Engineer	George Bielen, P. E. U. S. Army Corps of Engineers 306 Railroad Street Danville, PA 17821
Permit Issued Date	9/28/05
Description of Action	Approval of the existing Ives Run Recreation Area water system, including Well No. 1, a 150,000 gallon finished water storage tank, distribution system and chlorination facility and authorizes construction of a new EPD pressure sand filtration plant.

Permit No. 4105501—Operation Public Water Supply.

Applicant	Meadow Brook Mobile Home Park
Township or Borough	Muncy Creek Township
County	Lycoming

Responsible Official Donald DeBlase, Manager
Pocono, LLC
100 Linden Oaks, Suite 103
Rochester, NY 14625

Type of Facility Public Water Supply—Operation

Consulting Engineer Steve Gilbert
HDC, Inc.
700 Campbell Street
Williamsport, PA 17701

Permit Issued Date 9/28/05

Description of Action Operation of the recently constructed Barium Removal System for Well No. 3 at Meadow Brook Mobile Home Park. This includes two Culligan Hi-Flo 3 water softeners connected in parallel, a 1,500 gallon Norwesco waste brine tank, a Well-Rite model WR100R hydropneumatic tank and a 600 pound brine pot.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
New Sewickley Township	233 Miller Road Rochester, PA 15074	Beaver

Plan Description: The approved plan provides for construction of a 2,000 gallon per day small flow sewage treatment plant to serve five residential lots under the ownership of Daniel and Joyce Brenner. The property is located along Glen Eden Road in New Sewickley Township, Beaver County. The proposed discharge point is to a tributary of Brush Creek, classified as a WWF. Any required NPDES Permits of WQM Permits must be obtained in the name of the applicant as appropriate. The Department's review of the sewage facilities revision has not identified any significant impacts resulting from this proposal.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Silver Spring Township	6475 Carlisle Pike Mechanicsburg, PA 17055	Cumberland

Plan Description: Approval of a revision to the Official Sewage Plan of Silver Spring Township, Cumberland County. The proposed Silver Spring Commerce Park development consists of a ten building-lot mixed commercial development and a new municipal pump station with a sewage flow of 67,050 gpd tributary to the Silver Spring Township Wastewater Treatment Plant. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Charleston Township	251 Catlin Hollow Rd. Wellsboro, PA 16901	Tioga

Plan Description: The approved plan provides for construction of new low pressure sewers and grinder pumps to serve existing development on the Mt. Zion Road section of the township with connection to the existing Charleston Township Municipal Sewers. 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.

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

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

Proposed Interim Response

Mount Pleasant Street Residences, Borough of Southwest Greensburg, Westmoreland County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), is proposing an interim response at Mount Pleasant Street Residences, Borough of Southwest Greensburg, Westmoreland County.

The Mount Pleasant Street Residences site consists of eight residential dwellings located along Mount Pleasant Street in the Borough of Southwest Greensburg. The residences are located across Mount Pleasant Street from an active Sunoco Gasoline Station.

The Sunoco Station has a long history of product releases and complaints of gasoline vapors in adjacent Mount Pleasant Street Residences. In response to these complaints, Sunoco conducted groundwater and soil sampling, soil gas surveys and indoor air sampling events at the Mount Pleasant Street Residences. The sampling indicates that VOCs are present in soils, groundwater and within the residences. Sunoco has concluded that the reoccurring odors in the residences are not a result of their operations.

A Health Consultation was conducted by the Agency for Toxic Substances and Disease Registry (ATSDR) to determine if residents were exposed to VOCs in their homes at levels that would harm their health. Due to insufficient data, ATSDR recommended that additional investigation be conducted at the Mount Pleasant Street Residences to determine whether VOCs are entering these homes at harmful levels.

The Department has considered several alternatives for a response at the site including:

1. No action.
2. Restricting the site.
3. Conducting an investigation.

The Department has determined that conducting a further investigation at the site is the appropriate alternative. The Department chose this alternative because it complies with section 501(a) of the HSCA (35 P. S. § 6020.501(a)) and is the only alternative that is protective of human health and the environment. An investigation would provide the Department with the information required to determine if additional remediation efforts are

necessary at the site to protect human health and the environment. The Department's proposed action is intended to fully characterize the site and enable the Department to determine the most appropriate method to remediate the site.

This notice is being provided under section 506(b) of the HSCA (35 P. S. § 6020.506(b)). The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department's Southwest Regional Office in Pittsburgh and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from October 15 until December 15. Persons may submit written comments into the record during this time only by sending them to Kevin Halloran, Environmental Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to the Southwest Regional Office in person.

In addition, persons may present oral comments for inclusion in the administrative record at a public hearing. The Department has scheduled the hearing on Thursday, November 17 at 6 p.m. at the Department of Environmental Protection Greensburg District Mining Office, Armbrust Professional Center located on SR 819. Persons wishing to present comments may register with Helen Humphreys before 4:30 p.m. on November 16 by telephone at (412) 442-4000 or in writing at 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Helen Humphreys at (412) 442-4000 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Proposed Interim Response

John Harhai Landfill, Mount Pleasant Township, Westmoreland County.

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), is proposing an interim response at John Harhai Landfill, Mount Pleasant Township, Westmoreland County.

The site consists of a 16 acre abandoned landfill used for the disposal of industrial and municipal wastes from 1965 to 1978. An unknown quantity of industrial waste was dumped or buried at the site. Several exposed drums containing various wastes are present at the site. Adjacent to the exposed drums, there are several mounded areas that may contain additional drums. Hazardous substances have been detected at the site in past sampling events. Contaminants may be leaving the site through ground and surface water. The John Harhai Landfill currently poses a substantial threat to public health, safety and the environment

The Department has considered several alternatives for a response at the site including:

1. No action.
2. Restricting the site.
3. Conducting an investigation.

The Department has determined that conducting a further investigation at the site is the appropriate alternative. The Department chose this alternative because it

complies with section 501(a) of the HSCA (35 P. S. § 6020.501(a)) and is the only alternative that is protective of human health and the environment. An investigation would provide the Department with the information required to determine if additional remediation efforts are necessary at the site to protect human health and the environment. The Department's proposed action is intended to fully characterize the site and enable the Department to determine the most appropriate method to remediate the site.

This notice is being provided under section 506(b) of the HSCA (35 P. S. § 6020.506(b)). The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department's Southwest Regional Office in Pittsburgh and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from October 15 until December 15, 2005. Persons may submit written comments into the record during this time only, by sending them to Kevin Halloran, Environmental Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to the Southwest Regional Office in person.

In addition, persons may present oral comments for inclusion in the administrative record at a public hearing. The Department has scheduled the hearing on Thursday, November 17 at 7:15 p.m. at the Department of Environmental Protection Greensburg District Mining Office in the Armbrust Professional Center located on SR 819. Persons wishing to present comments may register with Helen Humphreys before 4:30 p.m. on November 16, 2005, by telephone at (412) 442-4000 or in writing at 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Helen Humphreys at (412) 442-4000 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the

cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Turkey Hill Store No. 223 (434 Main Street), Pen Argyl Borough, **Northampton County**. Kelly Lee Kinkaid, P. G., Liberty Environmental, Inc., 10 N. 5th Street, Suite 800, Reading, PA 19601 has submitted a Final Report (on behalf of her client, Turkey Hill Minit Markets, c/o Bill Weisser, 257 Centerville Road, Lancaster, PA 17603) concerning the remediation of soil impacted by the release of No. 2 fuel oil constituents from a historic accidental release. The report was submitted to document attainment of the Statewide Health Standard.

Growmark FS—Coplay, Borough of Coplay, **Lehigh County**. John Oswald, RMT Inc., 744 Heartland Trail, P. O. Box 8923, Madison, WI 53708 has submitted a Final Report (on behalf of his client, Growmark FS, 1701 Towanda Avenue, Bloomington, IL 61701) concerning the remediation of site soils found or suspected to have been contaminated by pesticides. The report was submitted to document attainment of the residential Statewide Health Standard.

Former Anemostat Plant, City of Scranton, **Lackawanna County**. Bryon Nickerson, SAIC, 180 Gordon Drive, Suite 110, Exton, PA 19341 has submitted a combined Remedial Investigation, Risk Assessment Report and Cleanup Plan (on behalf of his client, Keyser Properties, Inc., 260 North Elm Street, Westfield, MA 01085) concerning the characterization and remediation of site soils and groundwater found to be contaminated with chlorinated solvents. The reports were submitted in partial fulfillment of the Site-Specific Standard.

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

Former Aumiller's Cameron Street Body Shop Inc., City of Harrisburg, **Dauphin County**. BL Companies, 830 Sir Thomas Court, Harrisburg, PA 17109, on behalf of Ruth Ann Krug, 1400 Montfort Drive, Harrisburg, PA 17110 and Howard Henry, Howard Tire Company, Inc., 3103 Walnut Street, Harrisburg, PA 17109, submitted a Final Report concerning remediation of site

soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

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

FCI USA, Inc. Clearfield, Clearfield Borough, **Clearfield County**, HRP Associates, Inc., 4811 Jonestown Road, Suite 235 Harrisburg, PA 17055 has submitted a Baseline Risk Assessment Report concerning soil and groundwater contaminated with solvent contaminated waste oil. This Baseline Risk Assessment Report is necessary for attainment of an Act 2 cleanup standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information

concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Growmark FS—Coplay, Borough of Coplay, **Lehigh County**. John Oswald, RMT Inc., 744 Heartland Trail, P. O. Box 8923, Madison, WI 53708 submitted a Final Report (on behalf of his client, Growmark FS, 1701 Towanda Avenue, Bloomington, IL 61701) concerning the remediation of site soils found or suspected to have been contaminated by pesticides. The report demonstrated attainment of the Statewide Health Standard and was approved on September 28, 2005.

Former Anemostat Plant, City of Scranton, **Lackawanna County**. Bryon Nickerson, SAIC, 180 Gordon Drive, Suite 110, Exton, PA 19341 submitted a combined Remedial Investigation, Risk Assessment Report and Cleanup Plan (on behalf of his client, Keyser Properties, Inc., 260 North Elm Street, Westfield, MA 01085) concerning the characterization and remediation of site soils and groundwater found to be contaminated with chlorinated solvents. The reports were submitted in partial fulfillment of the Site-Specific Standard and were approved on September 29, 2005.

Former Penn Fuel Gas Manufactured Gas Plant—Pen Argyl Site, Plainfield Township and Pen Argyl Borough, **Northampton County**. The RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238-1359, submitted a combined Risk Assessment Report and Cleanup Plan (on behalf of its client, PPL Gas Utilities, Inc., Two North Ninth St., Allentown, PA 18101) concerning the risk assessment and remedy selection for soils and groundwater found or suspected to have been contaminated with inorganics, polycyclic aromatic hydrocarbons and other organic compounds related to historic manufactured gas plant operations. The reports were submitted in partial fulfillment of a combination of both the Statewide Health and the Site-Specific Standards and were approved on September 21, 2005.

Seamans Property (Foxton Lake Road), Jackson Township, **Susquehanna County**. Martin Gilgallon, P. G., Pennsylvania Tectonics, 826 Main Street, Peckville, PA 18452 submitted a Final Report (on behalf of his client, Bruce Seamans, R. D. 1, New Milford, PA 18834) concerning the remediation of soils found or suspected to have been contaminated with home heating oil constituents as the result of an accidental release from an aboveground storage tank. The report was submitted within 90 days of the release. The report documented attainment of the non-residential Statewide Health Standard and was approved on July 1, 2005. The property will continue to be used as a seasonal residential cottage.

Luciw Farm Leak Site, Salem Township, **Luzerne County**. Jennifer L. Huha, P. G., Groundwater & Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 submitted a Final Report (on behalf of Sunoco Inc., Post Road and Blueball Avenue, Marcus Hook, PA 19061) concerning the remediation of site groundwater found or suspected to have been contaminated with petroleum hydrocarbons. The report demonstrated attainment of the residential Statewide Health Standard and was approved on August 30, 2005.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

Registration under General Permit No. WMGR 090R049. Development of **Sharpsville Furnace, Ltd.**, 1127 Main Street, Sharpsville, PA 16150-2051.

General Permit No. WMGR090 authorizes the processing and beneficial use of reclaimed asphalt pavement materials as a roadway construction material. Central Office approved this registration for coverage under the general permit on September 26, 2005.

Persons interested in obtaining more information, or obtaining copies of the general permit may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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.

23-302-142GP: Sunoco Partners Marketing and Terminal, LP (1801 Market Street—3/10 PC, Philadelphia, PA 19103-1699) on September 3, 2005, to operate two boilers/Btu/hr in Tinicum Township, **Delaware County**.

46-302-232GP: Merck and Co., Inc. (P. O. Box 1000, UG1M-05, North Wales, PA 19486) for a hot water boiler in Upper Gwynedd Township, **Montgomery County**.

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

48-310-055GP3: Reading Materials, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on September 27, 2005, to construct and operate a portable stone crushing plant and associated air cleaning device at the intersection of Hanoverville Road and Keystone Drive, Lower Nazareth Township, **Northampton County**.

48-310-056GP3: Atlas Machining and Welding, Inc. (P. O. Box 72, Northampton, PA 18067) on September 27, 2005, to construct and operate a portable stone crushing plant and associated air cleaning device at their ESSROC Cement Company, Route 248 and Easton Road, Lower Nazareth Township, **Northampton County**.

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

GP1-22-03039: Harrisburg School District (2101 North Front Street, Harrisburg, PA 17110) on September 27, 2005, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in City of Harrisburg, **Dauphin County**.

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

GP5-63-00923: Great Lakes Energy Partners, LLC (P. O. Box 235, 150 North Avenue, Yatesboro, PA 16263) on September 27, 2005, to install and operate a natural gas well booster compressor system at their Village Green Compressor Station in Mt. Pleasant Township, **Washington County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

15-0027H: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) on September 29, 2005, to operate an air contamination source in Tredyffrin Township, **Chester County**.

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

40-303-023: Popple Construction, Inc. (200 Main Street, Laflin, PA 18702) on September 29, 2005, to construct a batch asphalt plant and associated air cleaning device at their facility in Plains Township, **Luzerne County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

09-0009D: Webcraft, LLC (4371 County Line Road, Chalfont, PA 18914) on September 29, 2005, to operate a printing press and thermal oxidizer in New Britain Township, **Bucks County**.

09-0087B: Air Products and Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on September 27, 2005, to operate a SiF₄ process scrubber in Falls Township, **Bucks County**.

15-0114: Action Manufacturing Co. (100 East Erie Avenue, Philadelphia, PA 19134) on September 30, 2005, to operate a thermal treatment unit in West Fallowfield Township, **Chester County**.

46-0035D: SmithKline Beecham d/b/a GlaxoSmithKline (1250 South Collegeville Road, Collegeville, PA 19426) on September 28, 2005, to modify the incinerator in Upper Merion Township, **Montgomery County**.

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

01-05016D: ISP Minerals, Inc. (P. O. Box O, Blue Ridge Summit, PA 17214-0914) on August 29, 2005, to install a new 250 ton per hour bucket elevator controlled by a fabric filter at their Charmian facility in Hamiltonban Township, **Adams County**. This facility is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. This plan approval was extended.

06-05069B: East Penn Manufacturing Co., Inc. (P. O. Box 147, Lyon Station, PA 19536) on September 28, 2005, to modify a lead/acid battery assembly facility controlled by various scrubbers and fabric collectors in Richmond Township, **Berks County**. This plan approval was extended.

22-05003A: Stroehmann Bakeries, Inc. (3996 Paxton Street, Harrisburg, PA 17111) on June 4, 2005, to replace a catalytic oxidizer which controls VOC emissions from the ovens at their Capitol Bakery in Swatara Township, **Dauphin County**. This plan approval was extended.

36-03076D: Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506) on September 29, 2005, to modify the existing limestone crushing plant at their Weaverland Quarry in East Earl Township, **Lancaster County**. This plan approval was extended.

38-03014B: Pennsy Supply, Inc. (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17104-3331) on October 1, 2005, to modify their Millard limestone crushing plant in North Londonderry Township, **Lebanon County**. This plan approval was extended.

38-03035A: V and S Lebanon Galvanizing, LLC (1000 Buckeye Park Road, Columbus, OH 43207-2509) on September 26, 2005, to construct a surface preparation and coating operation in Union Township, **Lebanon County**. This plan approval was extended.

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

47-00001A: PPL Montour, LLC (18 McMichael Road, Washingtonville, PA 17884) on September 30, 2005, to operate two bituminous coal-fired utility boilers (Units 1 and 2) and associated air cleaning devices (two electrostatic precipitators, two selective catalytic reduction systems and two flue gas injection systems) on a temporary basis until January 28, 2006, at their Montour Steam Electric Station in Derry Township, **Montour County**. The plan approval has been extended.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.

15-00030: NVF Co. (400 West Mulberry Street, Kennett Square, PA 19348) on September 29, 2005, to operate the waste heat boiler of a Facility Title V Operating Permit in Kennett Square Borough, **Chester County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

28-05011: Waste Management Disposal Services of PA, Inc.—Mountain View Reclamation (9446 Letzburg

Road, Greencastle, PA 17225-9317) on September 27, 2005, for their Mountain View Reclamation facility in Antrim and Montgomery Townships, **Franklin County**. This action is a renewal of the Title V Operating Permit.

36-05001: Armstrong World Industries, Inc. (1507 River Road, Marietta, PA 17547) on September 26, 2005, to operate their ceiling tiles plant in East Donegal Township, **Lancaster County**. This action is a renewal of the Title V Operating Permit.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdone Brown, Facilities Permitting Chief, (484) 250-5920.

15-00031: Henry Company (336 Cold Stream Road, Bldg. 7, Kimberton, PA 19442) on September 26, 2005, to modify the facility Title V Operating Permit in East Pikeland Township, **Chester County**.

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

06-05023: Stroehmann Bakeries, Inc. (640 Park Avenue, Reading, PA 19611) on September 26, 2005, to operate a bread baking facility controlled by a thermal oxidizer in the City of Reading, **Berks County**. This operating permit was administratively amended to incorporate the emergency generator that the facility operates and some minor changes to a few sources. This is revision No. 1.

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

18-00024: Excel Homes, LLC (P. O. Box 420, Avis, PA 17721) to correct a mistake and reinsert Source ID 031, consisting of various small natural gas-fired combustion units, into the permit in Pine Creek Township, **Clinton County**.

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

11-00356: Dominion Peoples (1201 East 55th Street, Cleveland, OH 44103-1081) on September 27, 2005, for an administrative amendment to their Title V Operating Permit for Rager Mountain—Laurel Ridge Station in Jackson Township, **Cambria County**. The facility is a compressor station primarily used for the storage and distribution of natural gas. The revision updates the mailing address, responsible official, and permit contact for the facility.

04-00235: FirstEnergy Generation Corp. (P. O. Box 128, Shippingport, PA 15077) on September 19, 2005, amended for a change of ownership at their Bruce Mansfield Plant in Shippingport Borough, **Beaver County**. This is a Title V Facility.

65-00634: Dominion Transmission, Inc. (1201 East 55th Street, Main Building, Cleveland, OH, 44103) on September 29, 2005, for an administrative amendment to their Title V operating permit in Murrysville Borough, **Westmoreland County**. The facility's major source of emissions includes two internal combustion engines and a space heating boiler which primarily emit NOx as well as

small quantities of fugitive VOC emissions from facility pumps, valves, flanges, and the like. The Title V permit is being amended for a change of the responsible official.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

32950202 and NPDES No. PA0213039. Cambria Reclamation Corporation, 2929 Allen Parkway, Suite 2200, Houston, TX 77019-0000, permit renewal for the continued operation and restoration of a bituminous surface coal refuse reprocessing mine in Center Township, **Indiana County**, affecting 287.3 acres. Receiving streams: UNT to Yellow Creek and Yellow Creek classified for the following uses: CWF and TSF. There are no potable water supply intakes within 10 miles downstream. Application received June 17, 2005. Permit issued September 26, 2005.

56793091 and NPDES Permit No. PA0119296. Hardrock Coal Company, 275 Saddle Ridge Road, Berlin, PA 15530, surface mining permit renewal in Brothersvalley Township, **Somerset County**, affecting 555.7 acres. Receiving streams: UNTs to/and Tubs Run and UNT to Millers Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 28, 2004. Permit issued September 26, 2005.

Permit No. 11950103 and NPDES No. PA023152. RJC Kohl, Inc., P. O. Box 299, Nicktown, PA 15762, permit renewal for reclamation only of a bituminous surface mine in Susquehanna Township, **Cambria County**, affecting 76.6 acres. Receiving stream: UNTs to Fox Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 29, 2005. Permit issued September 27, 2005.

Permit No. 32000109 and NPDES No. PA0248827. Britt Energies Inc., 2450 Philadelphia St., Indiana, PA 15701, permit renewal for reclamation only of a bituminous surface, auger and sandstone mine in White Township, **Indiana County**, affecting 33.5 acres. Receiving streams: UNTs to/and Yellow Creek, classified for the following use: trout stocking fishery. There are no potable water supply intakes within 10 miles downstream. Application received August 17, 2005. Permit issued September 27, 2005.

Permit No. 56000105 and NPDES No PA0235351. Hoffman Mining Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface auger mine in Shade Township, **Somerset County**, affecting 76.6 acres. Receiving streams: UNTs to/and Dark Shade Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 18, 2005. Permit issued September 27, 2005.

32000104 and NPDES No. PA0235318. Alverda Enterprises, Inc., P. O. Box 87, Alverda, PA 15710, revision of an existing bituminous surface mine to include an additional 2.0 acres of which 0.4 acre is projected for coal removal in Pine Township, **Indiana County**, affecting 57.3 acres. Receiving stream: UNT to Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 12, 2005. Permit issued September 26, 2005.

32050102 and NPDES Permit No. PA0249700. Thomas J. Smith, Inc., 2340 Smith Road, Shelocta, PA 15774, commencement, operation and restoration of a bituminous surface-auger mine in Burrell Township, **Indiana County**, affecting 108.9 acres. Receiving streams: UNTs to Toms Run/and Conemaugh River classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 21, 2005. Permit issued September 29, 2005.

Greensburg District Mining Office: Armbrust Building, R. R. 2, Box 603C, Greensburg, PA 15601-0982, (724) 925-5500.

03020108 and NPDES Permit No. PA0250198. Seven Sisters Mining Co., Inc. (P. O. Box 300, U.S. Route 22, Delmont, PA 15626-0300). Permit revised to add Lower Freeport coal mining and update all supporting modules at an existing bituminous surface mining site located in South Bend Township, **Armstrong County**, affecting 183.5 acres. Receiving streams: UNTs to Crooked Creek. Application received: March 30, 2005. Permit revision issued: September 28, 2005.

26970103 and NPDES Permit No. PA0201961. Piccolomini Contractors, Inc. (P. O. Box 4, Waltersburg, PA 15488). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in Franklin Township, **Fayette County**, affecting 53.0 acres. Receiving streams: UNT to Redstone Creek, Redstone Creek to Monongahela River. Application received: July 14, 2005. Renewal issued: September 29, 2005.

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

49050101 and NPDES Permit No. PA0224430. Faragut Anthracite Company (100 Lehigh Avenue, Mt. Carmel, PA 17851), commencement, operation and restoration of an anthracite surface mine operation in Coal and Zerbe Townships, **Northumberland County** affecting 578.0 acres, receiving stream: Shamokin Creek. Application received January 12, 2005. Permit issued September 27, 2005.

54030103C2 and NPDES Permit No. PA0224367. Jett Contracting Company (P. O. Box 243, Brockton, PA 17925), correction update NPDES Permit for discharge of treated mine drainage from an existing anthracite surface mine operation Blythe Township, **Schuylkill**

County affecting 116.0 acres, receiving stream: Morgan's Run. Application received July 21, 2005. Correction issued September 29, 2005.

Noncoal Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

32052802. Penn Run Quarry, 456 Weston Road, Penn Run, PA 15765, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Cherryhill Township, **Indiana County**, affecting 6.8 acres. Receiving streams: UNTs to Penn Run. Application received May 25, 2005. Permit issued September 26, 2005.

31020302 and NPDES No. PA0249319. Glenn O. Hawbaker, Inc., 1952 Waddle Road, State College, PA 16803, transfer of an existing noncoal surface mine from Robindale Energy Services, Inc., 224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920 located in Morris Township, **Huntingdon County**, affecting 182.1 acres. Receiving stream: UNT to Frankstown Branch Juniata River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 28, 2005. Permit issued September 26, 2005.

Knox District Mining Office: White Memorial Building, P. O. Box 669, Best Avenue, Knox, PA 16232-0669.

20050802. Shain Bowers (14872 Mackeyhill Road, Waterford, PA 16441). Commencement, operation and restoration of a small noncoal gravel operation in Rockdale Township, **Crawford County** affecting 5.0 acres. Receiving streams: Kelly Run. Application received: May 19, 2005. Permit Issued: September 29, 2005.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 9621-3118.

4875SM2A2C4 and NPDES Permit No. PA0119563. Glen-Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610), correction to an existing quarry operation for an incidental boundary correction and NPDES Permit revision in Dover Township, **York County** affecting 156.3 acres, receiving stream: Fox Run. Application received May 26, 2005. Correction issued September 29, 2005.

38950301C and NPDES Permit No. PA0223646. Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Cornwall Borough, **Lebanon County**, receiving stream: Snitz Creek. Application received August 9, 2005. Renewal issued September 29, 2005.

45950302C2 and NPDES Permit No. PA0613037. Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Tobyhanna Township, **Monroe County**, receiving stream: Twomile Run. Application received August 9, 2005. Renewal issued September 29, 2005.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151-161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

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

42054003. St. Lawrence Explosive Corp. (P. O. Box 230, Adams Center, NY 13606). Blasting activity permit to excavate for installation of natural gas pipelines in Eldred, Ceres, and Sharon Townships, Singlehouse Borough, **McKean and Potter Counties**. This blasting activity permit will expire on March 26, 2006. Application received: August 30, 2005. Application Issued: September 26, 2005.

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

35054117. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Margaret Estates in Dunmore Borough, **Lackawanna County** with an expiration date of September 30, 2006. Permit issued September 26, 2005.

39054117. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Route 222 Bypass in Lower Macungie Township, **Lehigh County** with an expiration date of September 25, 2006. Permit issued September 26, 2005.

45054142. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Cobble Creek Estates in Pocono Township, **Monroe County** with an expiration date of September 30, 2006. Permit issued September 26, 2005.

52054119. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Pocono Mtn. Forest Lake Development in Delaware Township, **Pike County** with an expiration date of September 30, 2006. Permit issued September 26, 2005.

67054044. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting at Motter Tract Subdivision in Springettsbury Township, **York County** with an expiration date of September 30, 2006. Permit issued September 27, 2005.

23054009. Knowlton Construction Supplies, Inc. (450 West Knowlton Road, Media, PA 19063) and Maurer & Scott, Inc., (P. O. Box 20843, Lehigh Valley, PA 18002), construction blasting for Dirt and Rock Removal at Knowlton Supply in Aston Township, **Delaware County** with an expiration date of October 26, 2006. Permit issued September 28, 2005.

09054110. Rock Work, Inc. (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Thompson Tract in Bedminster Township, **Bucks County** with an expiration date of October 1, 2006. Permit issued September 29, 2005.

09054111. Allan A. Myers, Inc. (P. O. Box 98, Worcester, PA 19490), construction blasting for Estates of Warrington Ridge in Warrington Township, **Bucks County** with an expiration date of December 31, 2006. Permit issued September 29, 2005.

23054105. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Northbrook in Bethel Township, **Delaware County** with an expiration date of December 31, 2006. Permit issued September 29, 2005.

28054154. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241), construction blasting for Shippensburg School in Shippensburg Township and Shippensburg Borough, **Cumberland and**

Franklin Counties with an expiration date of September 30, 2006. Permit issued September 29, 2005.

35054118. Hayduk Enterprises (P. O. Box 554, Dalton, PA 18414), construction blasting for Montage Business Park in Moosic Borough, **Lackawanna County** with an expiration date of September 30, 2006. Permit issued September 29, 2005.

36054158. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Park Field Development in Manor Township, **Lancaster County** with an expiration date of December 30, 2006. Permit issued September 29, 2005.

36054159. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a barn on Bachmantown Road in East Lampeter Township, **Lancaster County** with an expiration date of October 30, 2005. Permit issued September 29, 2005.

36054160. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Florin Hill in Mt. Joy Borough, **Lancaster County** with an expiration date of September 29, 2006. Permit issued September 29, 2005.

38054126. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Pine Ridge Village in Swatara Township, **Lebanon County** with an expiration date of December 31, 2006. Permit issued September 29, 2005.

67054139. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for a pool on Ridge Road in Fairview Township, **York County** with an expiration date of October 30, 2005. Permit issued September 29, 2005.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E05-330: Gary Rogers, 996 Pleasant Hollow Road, Alum Bank, PA 15521 in Lincoln Township, **Bedford County**, ACOE Baltimore District.

To maintain an existing bridge on West Branch Georges Creek (WWF), a perennial stream, having a span of approximately 6.5 feet, a width of 22 feet, and an underclearance of approximately 4.5 feet, and to maintain fill in 0.02 acre of PEM wetlands for the purpose of maintaining an existing access to a single family home at a site (Latitude: 40° 13' 15"; Longitude: 78° 37' 56") approximately 1.7 miles west of the village of Lovely on the south side of SR 4030 in Lincoln Township, Bedford County. The acreage of wetland impacts is considered de minimis and wetland replacement is not required.

E07-394: Ken Wachter, R. D. 4, Box 203C, Tyrone, PA 16686 in Snyder Township, **Blair County**, ACOE Baltimore District.

To maintain 0.05 acre of fill and 70 linear feet of 4-inch PVC sanitary sewer line in PEM wetlands for the purpose of maintaining an existing single family home located at a site (Latitude: 40° 40' 08"; Longitude: 78° 16' 01") along Hoover's Lane in Snyder Township, Blair County. The acreage of wetland impact is considered de minimis and wetland replacement is not required.

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

E27-077: Department of Transportation, District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. West Hickory Bridge Across Allegheny River, in Harmony Township and Hickory Township, **Forest County**, ACOE Pittsburgh District (West Hickory, PA Quadrangle N: 12.7 inches; W: 4.2 inches).

The applicant proposes to remove the existing structure and to construct and maintain a three span, steel girder bridge having span lengths of 210 feet (west span), 320 feet (center span) and 230 feet (east span) and a minimum underclearance of 26.0 feet across the Allegheny River on SR 0127, Section B00 approximately 0.1 mile west of the intersection of SR 0127 and SR 62. Project includes a construction causeway downstream of the proposed bridge. The Allegheny River is a perennial

stream classified as a WWF. The project proposes to impact approximately 100 linear feet of stream.

E43-323: Prime Auto Wash LLC, 224 Arrowhead Drive, Slippery Rock, PA 16057. Prime Auto Wash, in Springfield Township, **Mercer County**, ACOE Pittsburgh District (Grove City, PA Quadrangle N: 3.25 inches; W: 5.22 inches).

To fill a total of 0.074 acre of PEM wetlands for the construction of Prime Auto Wash on property located on the north side of Route 208 approximately 0.3 mile from the intersection of I-79 and Route 208. Project includes creation of 0.08 acre of replacement wetland (PEM) onsite.

[Pa.B. Doc. No. 05-1905. Filed for public inspection October 14, 2005, 9:00 a.m.]

State Water Plan; Statewide Water Resources Committee; Critical Water Planning Area Subcommittee Meeting

The Critical Water Planning Area Subcommittee of the State Water Plan Statewide Committee has scheduled a meeting to discuss the development of criteria/guidelines for designation of Critical Water Planning Areas. The meeting will be held October 20, 2005, at 10 a.m. at the Rachel Carson State Office Building, 10th Floor Conference Room, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting should be directed to Susan Weaver, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 705-2425 or through the Pennsylvania Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 05-1906. Filed for public inspection October 14, 2005, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Indiana Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Indiana Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 138.18 (relating to EPS studies).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 05-1907. Filed for public inspection October 14, 2005, 9:00 a.m.]

Application of J C Blair Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that J C Blair Memorial Hospital has requested an exception to the requirements of 28 Pa. Code §§ 107.2 and 107.26(b)(2) (relating to medical staff membership; and additional committees).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 05-1908. Filed for public inspection October 14, 2005, 9:00 a.m.]

Integrated Human Immunodeficiency Virus (HIV) Planning Council; Public Meeting

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Tuesday, November 1, 2005, from 10:30 a.m. to 3 p.m. at the Best Western Inn and Suites, 815 South Eisenhower Boulevard, Middletown, PA 17057.

The Department reserves the right to cancel this meeting without prior notice.

For additional information, contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, P. O. Box 90, Room 1010, Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Joseph Pease at (717) 783-0572, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 05-1909. Filed for public inspection October 14, 2005, 9:00 a.m.]

Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on Wednesday, December 14, 2005, from 10 a.m. to 2 p.m. Members of the public who wish to attend this meeting should report to the Department of Health, Health and Welfare Building, Room 812, 7th and Forster Streets, Harrisburg, PA 17120.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Jayme L. Trogus, Public Health Educator, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 346-3905 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M.D., M.P.H.,
Secretary

[Pa.B. Doc. No. 05-1910. Filed for public inspection October 14, 2005, 9:00 a.m.]

Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management).

St. Joseph's Manor
1616 Huntingdon Pike
Meadowbrook, PA 19046
FAC ID 451002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.25 (relating to kitchen).

Pinnacle Health SNF at Seidle Memorial Hospital
120 S. Filbert Street
Mechanicsburg, PA 17055
FAC ID 192302

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health

and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons 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. 05-1911. Filed for public inspection October 14, 2005, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Bah Humbucks 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 Bah Humbucks.

2. *Price:* The price of a Pennsylvania Bah Humbucks instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Bah Humbucks instant lottery game ticket will contain one play area featuring a "SCROOGE NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "SCROOGE 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), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), a Hat symbol (HAT) and a Wreath symbol (WREATH).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$10, \$20, \$50, \$100, \$500 and \$20,000. The player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Bah Humbucks instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "SCROOGE NUMBERS" play symbols and a prize symbol of \$20,000 (TWY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Wreath symbol (WREATH), and a prize symbol of \$50\$ (FIFTY) appears in each of the ten "prize" areas on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WREATH symbol (WREATH), and a prize symbol of \$20\$ (TWENTY) appears in five of the "prize" areas, and a prize symbol of \$50\$ (FIFTY) appears in two of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in three of the "prize" areas on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "SCROOGE NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "SCROOGE NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Wreath symbol (WREATH), and a prize symbol of \$10⁰⁰ (TEN DOL) appears in each of the ten "prize" areas on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WREATH symbol (WREATH), and a prize symbol of \$5⁰⁰ (FIV DOL) appears in four of the "prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in four of the "prize" areas, and a prize symbol of \$20\$ (TWENTY) appears in two of the "prize" areas on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Hat symbol (HAT), and a prize symbol of \$100 (ONE HUN) appears under the Hat symbol (HAT) on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "SCROOGE NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Wreath symbol (WREATH), and a prize symbol of \$5⁰⁰ (FIV DOL) appears in each of the ten "prize" areas on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WREATH symbol (WREATH), and a prize symbol of \$2⁰⁰ (TWO DOL) appears in five of the "prize" areas, and a prize symbol of

\$5^{.00} (FIV DOL) appears in two of the “prize” areas, and a prize symbol of \$10^{.00} (TEN DOL) appears in three of the “prize” areas on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hat symbol (HAT), and a prize symbol of \$50\$ (FIFTY) appears under the Hat symbol (HAT) on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “SCROOGE NUMBERS” play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Wreath symbol (WREATH), and a prize symbol of \$2^{.00} (TWO DOL) appears in each of the ten “prize” areas on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a WREATH symbol (WREATH), and a prize symbol of \$1^{.00} (ONE DOL) appears in six of the “prize” areas, and a prize symbol of \$4^{.00} (FOR DOL) appears in three of the “prize” areas, and a prize symbol of \$2^{.00} (TWO DOL) appears in one of the “prize” areas on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hat symbol (HAT), and a prize symbol of \$20\$ (TWENTY) appears under the Hat symbol (HAT) on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “SCROOGE NUMBERS” play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Wreath symbol (WREATH), and a prize symbol of \$1^{.00} (ONE DOL) appears in each of the ten “prize” areas on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hat symbol (HAT),

and a prize symbol of \$10^{.00} (TEN DOL) appears under the Hat symbol (HAT) on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “SCROOGE NUMBERS” play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hat symbol (HAT), and a prize symbol of \$5^{.00} (FIV DOL) appears under the Hat symbol (HAT) on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “SCROOGE NUMBERS” play symbols and a prize symbol of \$4^{.00} (FOR DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hat symbol (HAT), and a prize symbol of \$4^{.00} (FOR DOL) appears under the Hat symbol (HAT) on a single ticket, shall be entitled to a prize of \$4.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “SCROOGE NUMBERS” play symbols and a prize symbol of \$2^{.00} (TWO DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hat symbol (HAT), and a prize symbol of \$2^{.00} (TWO DOL) appears under the Hat symbol (HAT) on a single ticket, shall be entitled to a prize of \$2.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “SCROOGE NUMBERS” play symbols and a prize symbol of \$1^{.00} (ONE DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

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 Numbers Match Either of the Scrooge Numbers, Win with Prize(s) of:

	<i>Win:</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 8,400,000 Tickets</i>
\$2	\$2	30	280,000
\$1 × 2	\$2	30	280,000
\$2 w/HAT	\$2	33.33	252,000
\$4	\$4	50	168,000
\$2 × 2	\$4	50	168,000
\$4 w/HAT	\$4	50	168,000
\$5	\$5	75	112,000
\$1 × 5	\$5	75	112,000
\$5 w/HAT	\$5	150	56,000
\$10	\$10	250	33,600
\$5 × 2	\$10	250	33,600
\$2 × 5	\$10	250	33,600
\$10 w/HAT	\$10	250	33,600
WREATH w/\$1 × 10	\$10	250	33,600

When Any of Your Numbers
Match Either of the
Scrooge Numbers,
Win with Prize(s) of:

	Win:	Approximate Odds of 1 in:	Approximate No. of Winners Per 8,400,000 Tickets
\$20	\$20	375	22,400
\$5 × 4	\$20	375	22,400
\$4 × 5	\$20	375	22,400
\$10 × 2	\$20	750	11,200
\$20 w/HAT	\$20	750	11,200
WREATH w/\$1 × 6 + \$4 × 3 + \$2	\$20	750	11,200
WREATH w/\$2 × 10	\$20	750	11,200
\$50	\$50	1,500	5,600
\$5 × 10	\$50	1,500	5,600
\$10 × 5	\$50	1,500	5,600
\$50 w/HAT	\$50	1,500	5,600
WREATH w/\$2 × 5 + \$5 × 2 + \$10 × 3	\$50	3,000	2,800
WREATH w/\$5 × 10	\$50	3,000	2,800
\$100	\$100	17,143	490
\$20 × 5	\$100	20,000	420
\$100 w/HAT	\$100	20,000	420
WREATH w/\$5 × 4 + \$10 × 4 + \$20 × 2	\$100	40,000	210
WREATH w/\$10 × 10	\$100	40,000	210
\$500	\$500	1,680,000	5
\$100 × 5	\$500	1,680,000	5
WREATH w/\$20 × 5 + \$50 × 2 + \$100 × 3	\$500	840,000	10
WREATH w/\$50 × 10	\$500	840,000	10
\$20,000	\$20,000	840,000	10

HAT = Win prize shown under it automatically.
WREATH = Win all 10 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Bah Humbugs 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 Bah Humbugs, prize money from winning Pennsylvania Bah Humbugs 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 Bah Humbugs 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 Bah Humbugs or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 05-1912. Filed for public inspection October 14, 2005, 9:00 a.m.]

Pennsylvania Cookie dough 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 Cookie dough.

2. *Price:* The price of a Pennsylvania Cookie dough instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Cookie dough instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$80\$ (EIGHTY), \$100 (ONE HUN), \$1,000 (ONE THO) and Candy Cane symbol (CNDYCANES).

4. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$80, \$100 and \$1,000.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 17,280,000 tickets will be printed for the Pennsylvania Cookie dough instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$1,000 (ONE THO) in the play area on a single ticket shall be entitled to a prize of \$1,000.

(b) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area on a single ticket shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching play symbols of \$80\$ (EIGHTY) in the play area on a single ticket shall be entitled to a prize of \$80.

(d) Holders of tickets with two matching play symbols of \$40\$ (FORTY) and a Candy Cane symbol (CNDYCANE) in the play area on a single ticket shall be entitled to a prize of \$80.

(e) Holders of tickets with three matching play symbols of \$40\$ (FORTY) in the play area on a single ticket shall be entitled to a prize of \$40.

(f) Holders of tickets with two matching play symbols of \$20\$ (TWENTY) and a Candy Cane symbol (CNDYCANE) in the play area on a single ticket shall be entitled to a prize of \$40.

(g) Holders of tickets with three matching play symbols of \$20\$ (TWENTY) in the play area on a single ticket shall be entitled to a prize of \$20.

(h) Holders of tickets with two matching play symbols of \$10⁰⁰ (TEN DOL) and a Candy Cane symbol (CNDYCANE) in the play area on a single ticket shall be entitled to a prize of \$20.

(i) Holders of tickets with three matching play symbols of \$10⁰⁰ (TEN DOL) in the play area on a single ticket shall be entitled to a prize of \$10.

(j) Holders of tickets with two matching play symbols of \$5⁰⁰ (FIV DOL) and a Candy Cane symbol (CNDYCANE) in the play area on a single ticket shall be entitled to a prize of \$10.

(k) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIV DOL) in the play area on a single ticket shall be entitled to a prize of \$5.

(l) Holders of tickets with three matching play symbols of \$4⁰⁰ (FOR DOL) in the play area on a single ticket shall be entitled to a prize of \$4.

(m) Holders of tickets with two matching play symbols of \$2⁰⁰ (TWO DOL) and a Candy Cane symbol (CNDYCANE) in the play area on a single ticket shall be entitled to a prize of \$4.

(n) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO DOL) in the play area on a single ticket shall be entitled to a prize of \$2.

(o) Holders of tickets with two matching play symbols of \$1⁰⁰ (ONE DOL) and a Candy Cane symbol (CNDYCANE) in the play area on a single ticket shall be entitled to a prize of \$2.

(p) Holders of tickets with three matching play symbols of \$1⁰⁰ (ONE DOL) in the play area on a single ticket shall be entitled to a prize of \$1.

(q) Holders of tickets with three matching play symbols of FREE (TICKET) in the play area on a single ticket shall be entitled to a prize of one Pennsylvania Cookie dough instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

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 Prizes of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 17,280,000 Tickets</i>
3-FREE's	TICKET	10	1,728,000
3-\$1's	\$1	15	1,152,000
3-\$2's	\$2	42.86	403,200
2-\$1's w/CANDYCANE	\$2	33.33	518,400
3-\$4's	\$4	75	230,400
2-\$2's w/CANDYCANE	\$4	60	288,000
3-\$5's	\$5	75	230,400
3-\$10's	\$10	300	57,600
2-\$5's w/CANDYCANE	\$10	300	57,600
3-\$20's	\$20	600	28,800
2-\$10's w/CANDYCANE	\$20	600	28,800
3-\$40's	\$40	4,000	4,320
2-\$20's w/CANDYCANE	\$40	4,000	4,320
3-\$80's	\$80	60,000	288
2-\$40's w/CANDYCANE	\$80	60,000	288
3-\$100's	\$100	60,000	288
3-\$1,000's	\$1,000	240,000	72

CANDYCANE = Win double the prize shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cookie dough 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 Cookie dough, prize money from winning Pennsylvania Cookie dough 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 Cookie dough 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 Cookie dough or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 05-1913. Filed for public inspection October 14, 2005, 9:00 a.m.]

Pennsylvania jack Fro\$T Cash 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 jack Fro\$T Cash.

2. *Price:* The price of a Pennsylvania jack Fro\$T Cash instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania jack Fro\$T Cash instant lottery game ticket will contain one play area featuring a "FROSTY NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "FROSTY 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), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), Snowman symbol (SNMAN) and Snowflake symbol (SNWFLAKE).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2.⁰⁰ (TWO DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are \$2, \$5, \$10, \$15, \$20, \$50, \$100, \$500, \$1,000 and \$100,000. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania jack Fro\$T Cash instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching

"YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowflake symbol (SNWFLAKE), and a prize symbol of \$500 (FIV HUN) appears under the Snowflake symbol (SNWFLAKE) on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNMAN), and a prize symbol of \$500 (FIV HUN) appears under the Snowman symbol (SNMAN) on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNMAN), and a prize symbol of \$100 (ONE HUN) appears under the Snowman symbol (SNMAN) on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowflake symbol (SNWFLAKE), and a prize symbol of \$50\$ (FIFTY) appears under the Snowflake symbol (SNWFLAKE) on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNMAN), and a prize symbol of \$50\$ (FIFTY) appears under the Snowman symbol (SNMAN) on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNMAN), and a prize symbol of \$20\$ (TWENTY) appears under the Snowman symbol (SNMAN) on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowflake symbol (SNWFLAKE), and a prize symbol of \$10.⁰⁰ (TEN DOL)

appears under the Snowflake symbol (SNWFLAKE) on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY NUMBERS" play symbols and a prize symbol of \$15\$ (FIFTN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNMAN), and a prize symbol of \$15\$ (FIFTN) appears under the Snowman symbol (SNMAN) on a single ticket, shall be entitled to a prize of \$15.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY NUMBERS" play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNMAN), and a prize symbol of \$10.⁰⁰ (TEN DOL) appears under the Snowman symbol (SNMAN) on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowflake symbol (SNWFLAKE), and a prize symbol of \$5.⁰⁰ (FIV DOL) appears under the Snowflake symbol (SNWFLAKE) on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY NUMBERS" play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman symbol (SNMAN), and a prize symbol of \$5.⁰⁰ (FIV DOL) appears under the Snowman symbol (SNMAN) on a single ticket, shall be entitled to a prize of \$5.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "FROSTY NUMBERS" play symbols and a prize symbol of \$2.⁰⁰ (TWO DOL) appears under the matching "YOUR 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:

<i>When Any of Your Numbers Match Any of the Frosty Numbers, Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$5	\$5	20	300,000
\$5 w/SNOWMAN	\$5	18.75	320,000
\$2 x 5	\$10	120	50,000
\$5 x 2	\$10	120	50,000
\$10	\$10	120	50,000
\$10 w/SNOWMAN	\$10	60	100,000
\$5 w/SNOWFLAKE	\$10	60	100,000
\$5 x 3	\$15	150	40,000
\$10 + \$5	\$15	150	40,000
\$15	\$15	150	40,000
\$15 w/SNOWMAN	\$15	150	40,000
\$5 x 4	\$20	300	20,000
\$10 x 2	\$20	300	20,000
\$20	\$20	300	20,000
\$20 w/SNOWMAN	\$20	300	20,000
\$10 w/SNOWFLAKE	\$20	300	20,000
\$5 x 10	\$50	200	30,000
\$10 x 5	\$50	300	20,000
\$50	\$50	200	30,000
\$50 w/SNOWMAN	\$50	300	20,000
\$10 x 10	\$100	1,200	5,000
\$20 x 5	\$100	1,200	5,000
\$100	\$100	1,200	5,000
\$100 w/SNOWMAN	\$100	1,200	5,000
\$50 w/SNOWFLAKE	\$100	1,200	5,000
\$50 x 10	\$500	6,000	1,000
\$100 x 5	\$500	6,316	950
\$500	\$500	6,000	1,000
\$500 w/SNOWMAN	\$500	6,316	950
\$100 x 10	\$1,000	600,000	10

When Any of Your Numbers Match Any of the Frosty Numbers, Win With Prize(s) of:

\$1,000
\$500 w/SNOWFLAKE
\$100,000

Win:
\$1,000
\$1,000
\$100,000

Approximate Odds of 1 in:
600,000
600,000
1,200,000

Approximate No. of Winners Per 6,000,000 Tickets
10
10
5

SNOWMAN = Win prize under it automatically.
SNOWFLAKE = Win double the prize under it automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania jack FroSt Cash 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 jack FroSt Cash, prize money from winning Pennsylvania jack FroSt Cash 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 jack FroSt Cash 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 jack FroSt Cash or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 05-1914. Filed for public inspection October 14, 2005, 9:00 a.m.]

Pennsylvania Jolly Holidays 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 Jolly Holidays.

2. *Price:* The price of a Pennsylvania Jolly Holidays instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Jolly Holidays instant lottery game ticket will contain 12 play areas known as "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9," "GAME 10," "GAME 11" and "GAME 12." Each "GAME" is played separately. The play symbols and their captions located in the 12 play areas are: Stocking symbol

(STKNG), Snowman symbol (SNMAN), Mitten symbol (MITTEN), Wreath symbol (WREATH), Ear Muff symbol (EARMF), Hat symbol (HAT), Tree symbol (TREE), Drum symbol (DRUM), Sleigh symbol (SLEIGH), Candle symbol (CANDLE), Ornament symbol (ORMNT), Horn symbol (HORN), Gingerbread Man symbol (GBMAN), Candy Cane symbol (CANE), Bag of Toys symbol (TOYS), Holly symbol (HOLLY), Bell symbol (BELL), Reindeer symbol (RNDEER), Cash symbol (CASH) and 5X symbol (5TIMES).

4. *Prize Symbols:* The prize symbols and their captions located in the play area for GAME 1 through GAME 12 are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$2,500 (TWYFIVHUN) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$250, \$500, \$2,500 and \$250,000. The player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 4,320,000 tickets will be printed for the Pennsylvania Jolly Holidays instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$250,000 (TWHNFYTH) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$2,500 (TWYFIVHUN) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$2,500.

(c) Holders of tickets with a 5X symbol (5TIMES) play symbol and a prize symbol of \$500 (FIV HUN) appearing under the 5X symbol (5TIMES) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$2,500.

(d) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$500 (FIV HUN) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a 5X symbol (5TIMES) play symbol and a prize symbol of \$100 (ONE HUN) appearing under the 5X symbol (5TIMES) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with a Cash symbol (CASH) play symbol and a prize symbol of \$500 (FIV HUN) appearing

23under the Cash symbol (CASH) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$250 (TWOHUNFTY) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$250.

(h) Holders of tickets with a 5X symbol (5TIMES) play symbol and a prize symbol of \$50\$ (FIFTY) appearing under the 5X symbol (5TIMES) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$250.

(i) Holders of tickets with a Cash symbol (CASH) play symbol and a prize symbol of \$250 (TWOHUNFTY) appearing under the Cash symbol (CASH) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$250.

(j) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$100 (ONE HUN) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets with a Cash symbol (CASH) play symbol and a prize symbol of \$100 (ONE HUN) appearing under the Cash symbol (CASH) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$50\$ (FIFTY) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets with a 5X symbol (5TIMES) play symbol and a prize symbol of \$10^{.00} (TEN DOL) appearing under the 5X symbol (5TIMES) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets with a Cash symbol (CASH) play symbol and a prize symbol of \$50\$ (FIFTY) appearing under the Cash symbol (CASH) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$25\$ (TWY

FIV) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$25.

(p) Holders of tickets with a 5X symbol (5TIMES) play symbol and a prize symbol of \$5^{.00} (FIV DOL) appearing under the 5X symbol (5TIMES) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$25.

(q) Holders of tickets with a Cash symbol (CASH) play symbol and a prize symbol of \$25\$ (TWY FIV) appearing under the Cash symbol (CASH) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$20\$ (TWENTY) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$15\$ (FIFTN) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets with a Cash symbol (CASH) play symbol and a prize symbol of \$15\$ (FIFTN) appearing under the Cash symbol (CASH) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$15.

(u) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$10^{.00} (TEN DOL) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets with a Cash symbol (CASH) play symbol and a prize symbol of \$10^{.00} (TEN DOL) appearing under the Cash symbol (CASH) play symbol in the same "GAME," on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets with two matching play symbols in the same "GAME" and a prize symbol of \$5^{.00} (FIV DOL) appearing under the two matching play symbols in that "GAME," on a single ticket, shall be entitled to a prize of \$5.

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:

Get 2 Like Symbols Within the Same Game, Win With Prize(s) of

Win:

Approximate Odds of 1 in:

Approximate No. of Winners Per 4,320,000 Tickets

\$5 × 2	\$10	30	144,000
\$10 w/CASH	\$10	30	144,000
\$10	\$10	30	144,000
\$5 × 3	\$15	60	72,000
\$5 + \$10	\$15	60	72,000
\$15 w/CASH	\$15	60	72,000
\$15	\$15	60	72,000
\$5 × 5	\$25	120	36,000
\$25 w/CASH	\$25	120	36,000
\$5 w/5X	\$25	120	36,000
\$25	\$25	120	36,000
\$5 × 10	\$50	300	14,400
\$10 × 5	\$50	300	14,400
\$50 w/CASH	\$50	300	14,400

Get 2 Like Symbols Within
the Same Game, Win With
Prize(s) of

	Win:	Approximate Odds of 1 in:	Approximate No. of Winners Per 4,320,000 Tickets
\$10 w/5X	\$50	300	14,400
\$50	\$50	300	14,400
\$10 × 10	\$100	600	7,200
\$20 × 5	\$100	600	7,200
\$50 × 2	\$100	600	7,200
\$100 w/CASH	\$100	600	7,200
\$10 w/5X + \$50	\$100	300	14,400
\$100	\$100	300	14,400
\$25 × 10	\$250	1,200	3,600
\$50 × 5	\$250	1,200	3,600
\$250 w/CASH	\$250	1,200	3,600
\$50 w 5X	\$250	1,200	3,600
\$250	\$250	1,200	3,600
\$50 × 10	\$500	8,000	540
\$100 × 5	\$500	8,000	540
\$500 w/CASH	\$500	8,000	540
\$100 w/5X	\$500	8,000	540
\$500	\$500	8,000	540
\$500 × 5	\$2,500	24,000	180
\$500 w/5X	\$2,500	24,000	180
\$2,500	\$2,500	24,000	180
\$250,000	\$250,000	720,000	6

CASH—Win prize shown under it automatically.

5X—Win 5 times the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Jolly Holidays 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 Jolly Holidays, prize money from winning Pennsylvania Jolly Holidays 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 Jolly Holidays 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 Jolly Holidays or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 05-1915. Filed for public inspection October 14, 2005, 9:00 a.m.]

Pennsylvania Merry Millionaire 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 Merry Millionaire.

2. *Price:* The price of a Pennsylvania Merry Millionaire instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Merry Millionaire instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING 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), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO),

33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Stocking symbol (STOCK), Tree symbol (TREE) and 10X symbol (10TIMES).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$10,000 (TEN THO) and \$1MILL (MILLION).

5. *Prizes:* The prizes that can be won in this game are \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$500, \$1,000, \$5,000, \$10,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 2,880,000 tickets will be printed for the Pennsylvania Merry Millionaire instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1MILL (MILLION) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking symbol (STOCK), and a prize symbol of \$10,000 (TEN THO) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$500 (FIV HUN) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$5,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking symbol (STOCK), and a prize symbol of \$1,000 (ONE THO) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree symbol (TREE), and a prize symbol of \$500 (FIV HUN) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$100 (ONE HUN) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$1,000.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking symbol (STOCK), and a prize symbol of \$500 (FIV HUN) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$50\$ (FIFTY) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking symbol (STOCK), and a prize symbol of \$200 (TWO HUN) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree symbol (TREE), and a prize symbol of \$100 (ONE HUN) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$20\$ (TWENTY) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the 10X symbol (10TIMES) on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stocking symbol (STOCK), and a prize symbol of \$100 (ONE HUN) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Tree symbol (TREE), and a prize symbol of \$50\$ (FIFTY) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the

“WINNING NUMBERS” play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stocking symbol (STOCK), and a prize symbol of \$50\$ (FIFTY) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Tree symbol (TREE), and a prize symbol of \$25\$ (TWY FIV) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stocking symbol (STOCK), and a prize symbol of \$40\$ (FORTY) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$40.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Tree symbol (TREE), and a prize symbol of \$20\$ (TWENTY) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$40.

(aa) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol

of \$25\$ (TWY FIV) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stocking symbol (STOCK), and a prize symbol of \$25\$ (TWY FIV) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$25.

(cc) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(dd) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Stocking symbol (STOCK), and a prize symbol of \$20\$ (TWENTY) appears under the Stocking symbol (STOCK) on a single ticket, shall be entitled to a prize of \$20.

(ee) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Tree symbol (TREE), and a prize symbol of \$10^{.00} (TEN DOL) appears under the Tree symbol (TREE) on a single ticket, shall be entitled to a prize of \$20.

(ff) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

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 Numbers Match Any of the Winning Numbers, Win With Prize(s) of:

<i>Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 2,880,000 Tickets</i>
\$10 × 2	\$20	30	96,000
\$10 w/TREE	\$20	30	96,000
\$20 w/STOCKING	\$20	30	96,000
\$20	\$20	60	48,000
\$25 w/STOCKING	\$25	30	96,000
\$25	\$25	30	96,000
\$10 × 4	\$40	75	38,400
\$20 × 2	\$40	75	38,400
\$20 w/TREE	\$40	75	38,400
\$40 w/STOCKING	\$40	75	38,400
\$40	\$40	75	38,400
\$10 × 5	\$50	150	19,200
\$25 × 2	\$50	150	19,200
\$25 w/TREE	\$50	150	19,200
\$50 w/STOCKING	\$50	150	19,200
\$50	\$50	150	19,200
\$10 × 10	\$100	300	9,600
\$10 w/10X	\$100	300	9,600
\$50 w/TREE	\$100	300	9,600
\$100 w/STOCKING	\$100	300	9,600
\$100	\$100	300	9,600
\$10 × 20	\$200	1,600	1,800
\$20 × 10	\$200	1,600	1,800
\$25 × 8	\$200	1,600	1,800

When Any of Your Numbers Match Any of the Winning Numbers, Win With Prize(s) of:

<i>Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 2,880,000 Tickets</i>
\$20 w/10X	\$200	1,600	1,800
\$100 w/TREE	\$200	1,600	1,800
\$100 × 2	\$200	1,600	1,800
\$200 w/STOCKING	\$200	1,600	1,800
\$200	\$200	1,600	1,800
\$25 × 20	\$500	3,636	792
\$50 × 10	\$500	3,636	792
\$100 × 5	\$500	3,636	792
\$50 w/10X	\$500	3,636	792
\$500 w/STOCKING	\$500	3,529	816
\$500	\$500	3,529	816
\$50 × 20	\$1,000	20,000	144
\$100 × 10	\$1,000	20,000	144
\$200 × 5	\$1,000	24,000	120
\$100 w/10X	\$1,000	20,000	144
\$500 × 2	\$1,000	20,000	144
\$500 w/TREE	\$1,000	20,000	144
\$1,000 w/STOCKING	\$1,000	20,000	144
\$1,000	\$1,000	20,000	144
\$500 × 10	\$5,000	120,000	24
\$1,000 × 5	\$5,000	120,000	24
\$500 w/10X	\$5,000	120,000	24
\$5,000	\$5,000	120,000	24
\$500 × 20	\$10,000	240,000	12
\$10,000 w/STOCKING	\$10,000	240,000	12
\$10,000	\$10,000	240,000	12
\$1,000,000	\$1,000,000	480,000	6

STOCKING = Win prize under it automatically.
 TREE = Win double the prize under it automatically.
 10X = Win 10 times the prize under it automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Merry Millionaire 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 Merry Millionaire, prize money from winning Pennsylvania Merry Millionaire 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 Merry Millionaire 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 Merry Millionaire or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 05-1916. Filed for public inspection October 14, 2005, 9:00 a.m.]

Pennsylvania Winter Green '05 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 Winter Green '05.
2. *Price:* The price of a Pennsylvania Winter Green '05 instant lottery game ticket is \$3.
3. *Play Symbols:* Each Pennsylvania Winter Green '05 instant lottery game ticket will contain three play areas designated as "Tree 1," "Tree 2" and "Tree 3." The play

symbols located in the three play areas are 53 distinctive play symbols. Each Pennsylvania Winter Green instant lottery game ticket will also contain a "YOUR SYMBOLS" area consisting of 20 of the 53 distinctive play symbols in a 4 x 5 grid. The play symbols which may be located in the three play areas, 20 of which may also be located in the "YOUR SYMBOLS" area are: Snowman symbol, Mitten symbol, Wreath symbol, Ear Muff 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, Cherub symbol, Money Bag symbol, Coins symbol, Dollar Sign symbol, Horse Shoe symbol, Bar symbol, Fire symbol, Candy symbol, Dove symbol, Toy Soldiers symbol, House symbol, Sled symbol, Skis symbol, Snowmobile symbol, Pipe symbol, Drumstick symbol, Skate symbol, Igloo symbol, Top Hat symbol, Hot Chocolate symbol, Train symbol, Bicycle symbol, Skier symbol, Angel symbol and Bow symbol.

4. *Prizes:* The prizes that can be won in this game are \$3, \$6, \$9, \$30, \$90, \$300 and \$30,000. The player can win up to seven times on each ticket.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Winter Green '05 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets in which six of the "YOUR SYMBOLS" play symbols match the same exact six play symbols, in "Tree 3," appearing in a horizontal 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 five of the "YOUR SYMBOLS" play symbols match the same exact five play symbols, in either "Tree 1" or "Tree 3," 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.

(c) Holders of tickets in which four of the "YOUR SYMBOLS" play symbols match the same exact four play

symbols, in either "Tree 2" or "Tree 3," 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.

(d) Holders of tickets in which four of the "YOUR SYMBOLS" play symbols match the same exact four play symbols, in "Tree 1," 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.

(e) Holders of tickets in which three of the "YOUR SYMBOLS" play symbols match the same exact three play symbols, in "Tree 3," 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 "Tree 1" or "Tree 2," appearing in a horizontal 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.

(g) Holders of tickets in which two of the "YOUR SYMBOLS" play symbols match the same exact two play symbols, in "Tree 3," appearing in a horizontal 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.

(h) Holders of tickets in which two of the "YOUR SYMBOLS" play symbols match the same exact two play symbols, in either "Tree 1" or "Tree 2," appearing in a horizontal 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.

(i) Holders of tickets in which one of the "YOUR SYMBOLS" play symbols match the same exact one play symbol, in either "Tree 1," "Tree 2" or "Tree 3," appearing in a horizontal 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:

When You Match All of the Symbols in a Complete Horizontal Line on Any Tree, Win the Prize Shown in the Arrow Pointing to That Line.

<i>Tree 1</i>	<i>Tree 2</i>	<i>Tree 3</i>	<i>Win:</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 6,000,000 Tickets</i>
\$3			\$3	33.33	180,000
	\$3		\$3	33.33	180,000
		\$3	\$3	25	240,000
\$6			\$6	66.67	90,000
	\$6		\$6	66.67	90,000
\$3	\$3		\$6	66.67	90,000
	\$3	\$3	\$6	66.67	90,000
\$9			\$9	100	60,000
	\$9		\$9	100	60,000
		\$9	\$9	100	60,000
\$3	\$3	\$3	\$9	100	60,000
\$30			\$30	166.67	36,000
		\$30	\$30	166.67	36,000
\$6 + \$9	3	\$3 + \$9	\$30	250	24,000
\$3 + \$9	\$3 + \$6 + \$9		\$30	250	24,000

When You Match All of the Symbols in a Complete Horizontal Line on Any Tree, Win the Prize Shown in the Arrow Pointing to That Line.

Tree 1	Tree 2	Tree 3	Win:	Approximate Odds of 1 in:	Approximate No. of Winners Per 6,000,000 Tickets
	\$90		\$90	1,200	5,000
		\$90	\$90	1,200	5,000
\$3 + \$9 + \$30 \$300	\$6	\$3 + \$9 + \$30	\$90	1,200	5,000
		\$300	\$300	24,000	250
		\$30,000	\$300	24,000	250
			\$30,000	600,000	10

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Winter Green '05 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 Winter Green '05, prize money from winning Pennsylvania Winter Green '05 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 Winter Green '05 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 Winter Green '05 or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 05-1917. Filed for public inspection October 14, 2005, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Montgomery Sewer Company, Inc. v. DEP; EHB
Doc. No. 2004-185-K

The Department of Environmental Protection (Department) and Montgomery Sewer Company, Inc. (Montgomery Sewer) have agreed to a settlement of the previously captioned matter. This appeal challenged the NPDES Permit No. PA0052094 issued by the Department to Montgomery Sewer on July 9, 2004, regarding the wastewater treatment plant owned and operated by Montgomery Sewer known as the Orchard Treatment Plan.

The parties have agreed to a settlement, under which the parties agree to dismiss the pending appeal without

prejudice to the right of Montgomery Sewer to raise any and all factual and legal issues raised in the appeal at Docket No. 2004-185-K in any future litigation between Montgomery Sewer and the Department regarding the Orchard Treatment Plant and that the Department's defenses to those issues are also preserved for future litigation.

The parties requested that the Environmental Hearing Board (Board) include the Stipulation for Settlement in the record of the case and dismiss the appeal without prejudice and subject to the rights set forth in the Stipulation for Settlement. Copies of the full Stipulation for Settlement are in the hands of William H. Gelles, Esquire, Commonwealth of Pennsylvania, Department of Environmental Protection, Southeast Regional Counsel, 2 East Main Street, Norristown, PA 17401, (484) 250-5930; and Steven A. Hann, Esquire, Hamburg, Ruben, Mullin, Maxwell & Lupin, 375 Morris Road, Lansdale, PA 19446, (215) 661-0400. Copies of the full Stipulation for Settlement are also available at the office of the Board and may be reviewed by interested parties on request during normal business hours. Interested members of the public may comment to the Board on the Stipulation of Settlement for a period of 30 days from the date of this notice.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 05-1918. Filed for public inspection October 14, 2005, 9:00 a.m.]

FISH AND BOAT COMMISSION

Addition to List of Class A Wild Trout Waters;
Unnamed Tributary to Ontelaunee Creek, Lehigh
County

The Fish and Boat Commission (Commission) has approved the addition of an unnamed tributary to Ontelaunee Creek (first tributary west of SR 309), Lehigh County, to its list of Class A Wild Trout Streams as set forth at 35 Pa.B. 4794 (August 20, 2005). This stream extends for a distance of 0.85 mile from the headwaters to the mouth, which is located at a latitude of 40°42'12" and a longitude of 75°45'58". The stream is located north of Mosserville, flows in a southerly direction along SR 309 and is the first tributary to Ontelaunee Creek to cross under Lentz Road west of SR 309.

Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

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

[Pa.B. Doc. No. 05-1919. Filed for public inspection October 14, 2005, 9:00 a.m.]

Designation of Exclusive Use Fishing Areas

The Executive Director of the Fish and Boat Commission, acting under the authority of 58 Pa. Code § 65.21 (relating to waters limited to specific purposes—exclusive use fishing areas), designates the following water areas as being for the exclusive use of children or special populations, as indicated. These designations are effective when the waters are so posted after publication of this notice in the *Pennsylvania Bulletin*.

County	Water Area*	Length	Type
Schuylkill	Deep Creek	450 feet	Children Only
Schuylkill	Pine Creek	1/2 mile	Children Only
Erie	West Canal Basin Erie Harbor	170 feet	Special Populations Only

*The exact areas will be marked with posters at the sites.

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

[Pa.B. Doc. No. 05-1920. Filed for public inspection October 14, 2005, 9:00 a.m.]

Temporary Changes to Fishing Regulations; Rusty Crayfish

The Executive Director of the Fish and Boat Commission, acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to make it unlawful for a person to sell, purchase, offer for sale or barter live rusty crayfish (*Orconectes rusticus*) in this Commonwealth, to possess them in this Commonwealth, to introduce or import them into the waters of this Commonwealth and to transport them in or through this Commonwealth. These temporary modifications will go into effect immediately and will remain in effect until further notice but in no event will they remain in place after March 31, 2006.

The Executive Director has found that this action is necessary and appropriate for the protection, preservation and management of fish.

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

[Pa.B. Doc. No. 05-1921. Filed for public inspection October 14, 2005, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

Public Hearing Opinions

The Human Relations Commission (Commission), under section 7(o) of the Pennsylvania Human Relations Act (act) (43 P. S. § 957(o)), announces the publication of the Findings of Fact, Conclusions of Law, Opinion and Final Order made after a public hearing under section 9(e)—(g) of the act (43 P. S. § 959(e)—(g)) in the following cases:

Tanika Vallati, PHRC Case No. 200302403 and Marilyn Noto, PHRC Case No. 200302412 v. Lamar Yoder (Pennsylvania Human Relations Commission, September 27, 2005)

Enforcement Determination Hearing to assess compliance with prior PHRC Order. Determination—failure to comply.

Ruling 9-0 decision
7 pages

Karen Green v. North Philadelphia Health System, PHRC Case No. 200200633 (Pennsylvania Human Relations Commission, September 27, 2005)

Religion-based refusal to accommodate and termination.

Ruling for complainant, 9-0 decision
31 pages

The final orders in the previously listed cases are subject to appeal to Commonwealth Court and if appealed are subject to being affirmed, reversed or modified, in whole or part.

Copies of the opinions listed in this notice may be obtained by mailing a request indicating the opinion desired, accompanied by a check or money order in the amount of 15¢ per page (the number of pages in the opinion is set forth at the end of the case listing), to Laura J. Treaster, Communications Director, Human Relations Commission, 301 Chestnut Street, Suite 300, Pennsylvania Place, Harrisburg, PA 17101.

The check or money order should be made payable to the "Commonwealth of Pennsylvania." Copies are also available under the Legal section of the Commission's website at www.phrc.state.pa.us.

HOMER C. FLOYD,
Executive Director

[Pa.B. Doc. No. 05-1922. Filed for public inspection October 14, 2005, 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 at www.irrc.state.pa.us. To obtain a copy of a regulation, contact the promulgating agency.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
16A-5116	State Board of Nursing CRNP Prescriptive Authority Fees	9/30/05
16A-5612	State Real Estate Commission Biennial Renewal Fee Increases	9/30/05
16A-5118	State Board of Nursing Approval of Diploma Programs in Transition to Degree-Granting Status	9/30/05
16A-5414	State Board of Pharmacy Biennial Renewal Fees	9/30/05
16A-4512	State Board of Cosmetology Biennial Renewal Fee Increase	9/30/05
16A-489	State Board of Funeral Directors Continuing Education	9/30/05

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 05-1923. Filed for public inspection October 14, 2005, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Increase in Underwriting Authority of a Domestic Stock Casualty Insurance Company

Franklin Insurance Company (Franklin), a domestic stock casualty insurance company, has filed an application to increase its classes of underwriting authorities. The class of insurance that Franklin has applied to add is Fidelity and Surety as mentioned in 40 P. S. § 382(c)(1). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert A. Kotal, Company Licensing Division, Insurance

Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rkotal@state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1924. Filed for public inspection October 14, 2005, 9:00 a.m.]

Independence Blue Cross; Revised Rates for its Nongroup and Community Group Security 65 Plans; Rate Filing

Independence Blue Cross has filed filing no. 10-P-05 for approval increased rates for its nongroup Security 65 program. The revised rates are to be effective on January 1, 2006, and reflect an increase of 11.4% for standardized benefit Plan C and 16.0% for standardized benefit Plan H over the currently approved rates. The monthly premiums for subscribers enrolling at first eligibility are as follows:

	<i>Current Rate</i>	<i>Proposed Rate</i>
Plan C	\$84.80	\$94.45
Plan H	\$141.45	\$164.00

These rate adjustments will affect approximately 37,000 subscribers in this Commonwealth and will generate approximately \$5.5 million in additional premium annually. No adjustment is requested for nongroup Security 65 standardized benefit Plans A and B.

Also included in the filing are reduced rates for insureds who choose to drop their prescription drug benefits. Plan H includes prescription drug benefits which the insured may eliminate from their coverage effective January 1, 2006, in exchange for a reduced premium rate. Rate reductions are filed for the company's Security 65 nongroup and community group programs and in both cases reflect a 42.8% rate reduction from the proposed January 1, 2006, rates. The proposed Plan H rates with and without Rx coverage are as follows:

	<i>Proposed with Rx</i>	<i>Proposed w/o Rx</i>
Nongroup	\$164.00	\$93.75
Community Group	\$141.45	\$80.85

Unless formal administrative action is taken prior to December 27, 2005, 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 at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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 Michael Gurgiolo, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us within 30

days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1925. Filed for public inspection October 14, 2005, 9:00 a.m.]

—————
[Correction]

Independence Blue Cross; 7-P-05 Nongroup Basic Blue Hospital; Rate Filing

An error occurred in a notice which appeared at 35 Pa.B. 5590 (October 8, 2005). The correct version of the first paragraph is as follows:

On September 23, 2005, the Insurance Department received from Independence Blue Cross a filing requesting a rate increase of 18.87% for non-HCTC eligibles and a rate decrease of 12.63% for the HCTC eligibles.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1873. Filed for public inspection October 7, 2005, 9:00 a.m.]

—————
QCC Insurance Co. (a Subsidiary of Independence Blue Cross); QCC-2-05 Nongroup Personal Choice; Rate Filing

On September 23, 2005, the Insurance Department (Department) received from QCC Insurance Co. (a subsidiary of Independence Blue Cross) a filing for a rate increase for its nongroup Personal Choice product.

The company requests the following rate increases by benefit plan option: Prime 11.9%, High 16.2% and Standard 1.83%.

Unless formal administrative action is taken before December 28, 2005, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

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 James Sabater, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jsabater@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 05-1926. Filed for public inspection October 14, 2005, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution #CB-05-210, Dated August 15, 2005. Authorizes the side letter with AFSCME that provides pay adjustments for the employees in the Insurance Company Examiner classes who hold or attain the designation of Accredited Financial Examiner (AFE) or Certified Financial Examiner (CFE) status.

Governor's Office

Administrative Circular No. 05-21—Address Change—Department of General Services, Bureau of Procurement, Dated September 13, 2005.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 05-1927. Filed for public inspection October 14, 2005, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Franklin County, Wine & Spirits Shoppe #2804, 9 South Main Street, Mercersburg, PA 17236-1515.

Lease Expiration Date: September 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,400 net useable square feet of new or existing retail commercial space located within 1 mile of the intersection of Main Street and Seminary Street, Mercersburg.

Proposals due: November 4, 2005, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661

Contact: Matthew L. Sweeney, (717) 657-4228

JONATHAN H. NEWMAN,
Chairperson

[Pa.B. Doc. No. 05-1928. Filed for public inspection October 14, 2005, 9:00 a.m.]

PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

Funding Opportunity Available for Clean, Alternative Energy Projects Related to Electric Power

The Pennsylvania Energy Development Authority (Authority) was established to promote applied energy research; to provide financial incentives for the deployment of clean, alternative energy projects in this Commonwealth; and to promote investment in the energy sector of this Commonwealth. The Authority is reopening its April 1, 2005, solicitation seeking applications for innovative, advanced energy research and deployment projects and for businesses interested in locating their advanced energy operations in this Commonwealth. For this round of funding, projects must be related to electric power. The total amount of available funding is \$3.5 million. Applicants who previously applied for this solicitation but were not selected are eligible to reapply, and previously selected applicants may apply to modify or expand an existing project.

For purposes of this financial assistance opportunity, "alternative energy projects and related research" refers to deployment projects, manufacturing or research involving the following types of fuels, technologies or measures: solar energy; wind; low-impact hydropower; geothermal; biologically-derived methane gas, including landfill gas; biomass; fuel cells; coal-mine methane; waste coal; integrated gasification combined cycle; and demand management measures, including recycled energy and energy recovery, energy efficiency and load management.

Under this program, the Authority may award financial assistance in the form of grants or loans of up to \$1 million or loan guarantees. Project work on grants must be completed and loans must close no later than June 30, 2006.

Eligibility differs depending on the type of assistance requested. For grants under this solicitation, the following entities are eligible to apply: corporations, partnerships, associations and other legal business entities; nonprofit corporations; individuals; municipalities of this Commonwealth; and public corporations, authorities or bodies. In the case of applied research grants, the Commonwealth encourages the formation of public and private partnerships among postsecondary and private sector organizations. Applications for applied research grants proposed by a partnership will be given priority over those proposed by a single entity.

For loans, the following entities are eligible to apply: corporations; partnerships and other legal business entities; municipalities of this Commonwealth; and public corporations, authorities or bodies. Eligibility for loan guarantees is limited to corporations, partnerships and other legal business entities.

Funding is competitive and will be determined by vote of the Authority's Board of Directors. Guidelines and applications may be viewed and downloaded from the

Authority's website at www.dep.state.pa.us, DEP Keyword "PEDA." Applications will be accepted until November 15, 2005.

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 05-1929. Filed for public inspection October 14, 2005, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

September 2005 Review of Fuel Cost Recovery Surcharge; S. P. 28208

Public Meeting held
September 29, 2005

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

Order

By the Commission:

The Pennsylvania Public Utility Commission (Commission) by its Fuel Cost Recovery Surcharge Order at Special Permission Number 28208, adopted June 10, 2004, authorized call or demand, paratransit and airport transfer carriers under the jurisdiction of this Commission to adjust rates and fares to offset unanticipated fuel expenditures. All call or demand carriers were authorized to collect a fuel surcharge of thirty cents (\$.30) per trip for each paying passenger, and all paratransit and airport transfer carriers were authorized to collect a fuel surcharge of seventy cents (\$.70) per trip for each paying passenger in addition to tariff rates. The fuel surcharge was effective on June 14, 2004, and was scheduled to terminate on June 12, 2005.

At its Public Meeting of June 2, 2005 the Commission approved an extension of the temporary fuel surcharge until June 12, 2006. The Commission also required the Bureau of Transportation and Safety to investigate the merits of the fuel surcharge on a quarterly basis.

As a result of the volatile nature of gasoline prices in the aftermath of Hurricane Katrina, the amounts for the fuel surcharge were adjusted accordingly at the Public Meeting of September 9, 2005. Call or demand carriers were permitted to increase the fuel surcharge from \$.30 per trip for each paying passenger to \$.90 per trip for each paying passenger, and paratransit carriers and airport transfer carriers to increase the fuel surcharge from \$.70 per trip for each paying passenger to \$2.00 per trip for each paying passenger.

The Commission also recognized that the price of fuel is likely to fluctuate in the future months. To ensure that the surcharge is appropriately adjusted to the price of fuel, it was ordered that the temporary fuel surcharge was to be evaluated on a monthly basis until further notice.

According to data obtained from the Energy Information Administration of the Department of Energy, the average cost of regular unleaded gasoline for the week ending September 5, 2005 was \$3.29, an increase of 64% over the \$2.00 used at the beginning of the fuel surcharge. The most recent data for the week ending Sep-

tember 26, 2005 indicates that the price of gasoline is \$2.83 per gallon, which is a decrease of \$.46 or 14% from the average price for September 5, 2005.

The effect of this decrease results in an average cost of fuel per trip of \$1.28 for call or demand operations. This is a decrease of \$.21 or 14% from the previous cost of \$1.49. The average cost of fuel per trip for paratransit and airport transfer operations decreases from \$3.44 to \$2.96. That is a 14% decrease or a difference of \$.48.

Based upon the evidence available, we are of the opinion that the passenger motor carrier industry continues to have a need for the fuel surcharge. However, due to a decrease in prices we believe it is necessary to make adjustments to the fuel cost recovery surcharge; *Therefore,*

It Is Ordered that:

1. The Fuel Cost Recovery Surcharge established by Special Permission No. 28208 be continued.

2. Call or demand carriers rendering transportation service under the jurisdiction of the PA Public Utility Commission shall decrease the charge from \$.90 per trip for each paying passenger to \$.70 per trip for each paying passenger.

3. Paratransit carriers and airport transfer carriers rendering transportation service under the jurisdiction of the PA Public Utility Commission shall decrease the charge from \$2.00 per trip for each paying passenger to \$1.55 per trip for each paying passenger.

4. The decreases be approved to become effective October 3, 2005.

5. The Fuel Cost Recovery Surcharge will continue to be reviewed on a monthly basis with the next review taking place at the Public Meeting of October 27, 2005.

6. Call or demand motor carriers shall notify the public by placing a notice in all vehicles, which shall read: "The PA Public Utility Commission has authorized a fuel surcharge under Special Permission No. 28208. The surcharge has been decreased to \$.70 per trip for each paying passenger and is effective on October 3, 2005. The fuel surcharge shall terminate on June 12, 2006."

7. Paratransit and airport transfer motor carriers shall notify the public by placing a notice in all vehicles, which shall read: "The PA Public Utility Commission has authorized a fuel surcharge under Special Permission No. 28208. The surcharge has been decreased to \$1.55 per trip for each paying passenger and is effective on October 3, 2005. The fuel surcharge shall terminate on June 12, 2006."

8. The Secretary of this Commission shall duly certify this order and deposit same with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1930. Filed for public inspection October 14, 2005, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility

Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 7, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under the application.

A-00122134. Nanette C. Francis t/d/b/a Go Fer U (P. O. Box 1611, Easton, Northampton County, PA 18044)—persons, in paratransit service, between points in the City of Easton, and the Township of Forks, Palmer and Bethlehem, all located in Northampton County.

Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *persons* as described under the application.

A-00120433, Folder 1, Am-A (Corrected). Accurate Limousine, LLC (12 Raintree Road, Chadds Ford, Chester County, PA 19317), a corporation of the Commonwealth—persons, between points in the County of Chester, and from points in said county, to points in Pennsylvania, and return: *So As To Permit* the transportation of persons, in limousine service, between points in the Counties of Bucks, Delaware and Montgomery, and the City and County of Philadelphia, and from points in said counties, to points in Pennsylvania, and return.

Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-00118987, Folder 2, Corrected. S & S Taxi Co. (400 Eden Park Road, McKeesport, Allegheny County PA 15132)—certificate of public convenience to abandon/discontinue the rights to transport, as a common carrier by motor vehicle; persons upon call or demand, in the Boroughs of Homestead, West Homestead, Munhall and West Mifflin, all in Allegheny County; and (1) in the Cities of McKeesport and Duquesne, Allegheny County; (2) in the Boroughs of Glassport, Liberty, White Oak, Dravosburg, Port Vue, Versailles and Lincoln and the Townships of Elizabeth and North Versailles, Allegheny County; (3) in the City of Clairton, and the Boroughs of Elizabeth and West Elizabeth, Allegheny County; (4) in the Borough Trafford, Westmoreland and Allegheny Counties; (5) in the Borough of Braddock, Allegheny County; (6) in that portion of the Borough of North Braddock, Allegheny County, located west and south of Braddock Avenue, and north of the body of water known as Turtle Creek; (7) in that portion of the Borough of West Mifflin, Allegheny County, located south and east of Lebanon Church Road, Buttermilk Hollow Road and the boundaries of the City of Pittsburgh, the Borough of Munhall and the Borough of Whitaker; (8) in that portion of the Borough Jefferson, Allegheny County, located east of SR 51 and Lewis Run Road; (9) in the Boroughs of East Pittsburgh, Wilmerding and Wall, Allegheny County, and

the Cities of New Kensington and the Cities of New Kensington, Arnold and Lower Burrell, Westmoreland County; and (10) in the Township of North Huntingdon, and the Boroughs of Irwin and North Irwin, all in Westmoreland County, which are held at A-00118987, F.2 and F.2, Am-A.

Complaint

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. GP Cab Co.; Doc. No. A-00121185C0501

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That GP Cab Co., respondent, maintains a principal place of business at 553 Snow Din Road, Upper Darby, PA 19082.

2. That respondent was issued a Certificate of Public Convenience by this Commission on December 21, 2004, at Application Docket No. A-00121185.

3. That respondent has failed to maintain evidence of bodily injury and property damage insurance on file with this Commission.

4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c) and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00121185, for failure to maintain evidence of current file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this complaint and notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty (20) days of the date of service of this Complaint. The proof of insurance must be filed with the:

Compliance Office
Bureau of Transportation & Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Upon receipt of the evidence of insurance from your insurer, the Complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE and FAXED FORM E's and H's ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-1931. Filed for public inspection October 14, 2005, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #05-082.1, Demolition & Restoration of Building No. 3 at Packer Avenue Marine

Terminal (PAMT) until 2 p.m. on Thursday, November 10, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available October 25, 2005. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

A mandatory prebid job site meeting will be held on November 3, 2005, at 11 a.m. at PAMT, Packer Ave. and Columbus Blvd., Service Road (Inside Gate), Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 05-1932. Filed for public inspection October 14, 2005, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

**Bureau of Professional and Occupational Affairs v.
Salaam M. Smith; Doc. No. 0934-42-05**

On July 14, 2005, Salaam M. Smith, license no. BM-011731-L, of Philadelphia, Philadelphia County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated June 24, 2005, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Barber Examiners (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate

Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

VINCENT IACONO,
Chairperson

[Pa.B. Doc. No. 05-1933. Filed for public inspection October 14, 2005, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

**Bureau of Professional and Occupational Affairs v.
Anthony D. Marshburn; Doc. No. 0932-60-05**

On July 14, 2005, Anthony D. Marshburn, license no. MV-188314, of Upper Darby, Delaware County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated June 27, 2005, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the adjudication by writing to Ruth D. Dunnewold, Senior Deputy Chief Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Vehicle Manufacturers, Dealers and Salespersons (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

EDWIN K. GALBREATH, Jr.,
Chairperson

[Pa.B. Doc. No. 05-1934. Filed for public inspection October 14, 2005, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
Location: Harrisburg, Pa.
Duration: 12/1/93-12/30/93
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

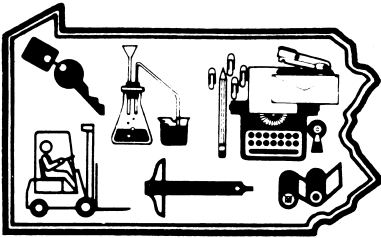
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at www.patreaury.org.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania Treasury Department
 201 Finance Building
 Harrisburg, PA 17120
 Phone: (717) 787-2990 or 1-800-252-4700
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,
State Treasurer



Commodities

CN00016392 (7350-09) Rebid Cups, Paper, Plastic & Foam, with Lids. BID OPENING DATE: 10/13/05 @ 1:30 PM

Department: General Services
Location: Various, PA
Duration: 1 year
Contact: Pamela Gabriel, 717-346-3822

CN00016910 Livestock Trackers, Tags & Readers. BID OPENING DATE: 10/14/05 @ 1:30 PM

Department: Agriculture
Location: Harrisburg, PA
Duration: FY 2005-06
Contact: David LeMon, 717-783-0765

CN00016999 Laundry Cart. BID OPENING DATE: 10/19/05 @ 1:30 PM

Department: Corrections
Location: Somerset, PA
Duration: FY 2005-06
Contact: Dawn Spero, 717-346-8115

CN00016557 Latest Model Loader Mounted Road Widener. BID OPENING DATE: 10/21/05 @ 1:30 PM

Department: Transportation
Location: Harrisburg, PA
Duration: 1 year
Contact: Richard Woodworth, 717-787-4103

CN00016916 Printing of the PA Manual. BID OPENING DATE: 10/04/05 @ 1:30 PM

Department: General Services
Location: Harrisburg, PA
Duration: FY 2005-06
Contact: Lori Vessella, 717-705-5794

CN00016914 Counder, Shoe Manufacturing. BID OPENING DATE: 10/20/05 @ 1:30 PM

Department: Corrections
Location: Graterford, PA
Duration: FY 2005-06
Contact: David LeMon, 717-783-0765

CN00016950 Facial Composite Software. Bid Opening Date: 10/21/2005 @ 1:30 PM

Department: State Police
Location: Harrisburg, PA
Duration: FY2005-06
Contact: Toni Palmer, 717-783-8158

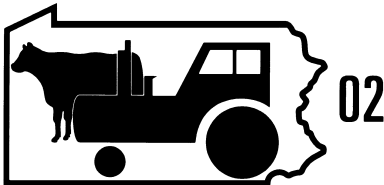
CN00016558 Latest Model Self-Propelled Pavement Road Widener. BID OPENING DATE: 10/21/05 @ 1:30 PM

Department: Transportation
Location: Harrisburg, PA
Duration: 1 year
Contact: Richard Woodworth, 717-787-4103

8507160 Rebid 3 Gallon Spray Tanks. BID OPENING DATE: 10/21/05 @ 1:30 PM

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2005-06
Contact: David LeMon, 717-783-0765

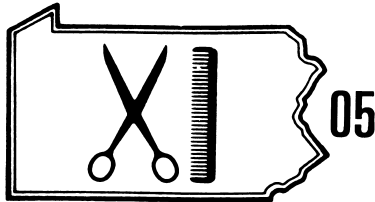
SERVICES



Agricultural Services

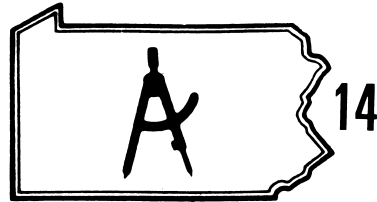
SP 3850009 Services to plant approximately 301,400 trees (55,225 hardwoods and 246,175 conifers), and to install 150 tree shelters in 7 different forest districts throughout Pennsylvania. Services shall include, but not limited to, the furnishing of all labor, superintendence, tools and equipment. The Department will provide the seedlings and tree shelters at no cost to the contractor. Bid Opening Date/Time: October 27, 2005, 2:00 p.m.

Department: Conservation and Natural Resources
Location: Seven (7) forest districts throughout Pennsylvania.
Duration: Term shall commence upon execution and receipt of purchase order and terminate June 30, 2006.
Contact: Nancy Weibley, 717-783-4884

**Barber Services**

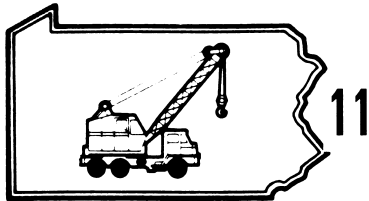
CN#00016964 The contractor shall perform Beautician Services for the female individuals and African-American female individuals residing at the Hamburg Center, Hamburg, PA 19526. The services shall include shampooing, conditioning, cutting, styling, curling, color and chemical treatments. For detailed specifications, submit fax request on company's letterhead to Hamburg Center Purchasing Office FAX: 610/562-6025.

Department: Public Welfare
Location: Hamburg Center, Old Route 22, Hamburg, PA 19526
Duration: Anticipated contract period January 1, 2006 through December 31, 2008
Contact: Beverly O. Epting, PA, 610/562-6034

**Engineering Services**

BMR PA (DES-01) The Department of Environmental Protection is soliciting proposals to provide professional services for the design of passive mine drainage treatment systems. Letters of Interest requesting a copy of the Request for Proposal (RFP) document package, which contains detailed information regarding the scope of work, contracting procedures, and proposal requirements, should be sent to Thomas Callaghan, Chief, Environmental Studies Section, Bureau of Mining and Reclamation, 5th Floor, Rachel Carson State Office Building, 400 Market Street (P.O. Box 8461), Harrisburg, PA, 17105-8461. (Faxed requests will be accepted at 717-783-4675.) This solicitation for proposals will end at 4:00 p.m. on November 4, 2005. Requests for the RFP document package must be received prior to that time.

Department: Environmental Protection
Location: Bituminous and Anthracite coal regions
Duration: Two years from Notice to Proceed - may be renewed for up to three additional consecutive annual terms.
Contact: Thomas Callaghan, 717-783-9582

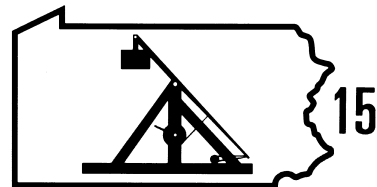
**Demolition—Structural Only**

117543 The Pennsylvania Department of Transportation will be accepting sealed bids for the sale and removal of both Industrial and Commercial dwellings located along State Route 0019 (also known as the West End Approach) in the City of Pittsburgh, Allegheny County. Contractors will be required to demolish or remove all structures, outbuildings and site improvements. They will also be required to comply with all FHWA, State, County and Municipal regulations. For bid information, specifications and further information, please contact Mr. Michael Sudar, District Property Manager at (412) 429-4830.

Department: Transportation
Location: City of Pittsburgh
Duration: 25 days from Notice to Proceed.
Contact: Michael Sudar, (412) 429-4830

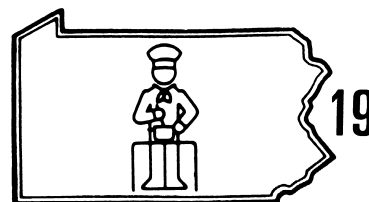
0019-A27 The Pennsylvania Department of Transportation will be accepting sealed bids for the sale and removal of both Industrial and Commercial dwellings located along State Route 0019 (also known as the West End Approach) in the City of Pittsburgh, Allegheny County. Contractors will be required to demolish or remove all structures, outbuildings and site improvements. They will also be required to comply with all FHWA, State, County and Municipal regulations. For bid information, specifications and further information, please contact Mr. Michael Sudar, District Property Manager at (412) 429-4830.

Department: Transportation
Location: City of Pittsburgh
Duration: 25 days from Notice to Proceed.
Contact: Michael Sudar, (412) 429-4830

**Environmental Maintenance Service**

BOGM 05-1 Cleaning Out and Plugging Four (4) Abandoned Gas Wells, (Mr. John J. Juliano, Mr. Michael Karpiak, Ms. Ora Wakley, Mr. Ted Wilcox and Mr. Harold Courtney Properties). The purpose of this job is to clean-out and plug four (4) abandoned gas wells, estimated to be between 1,000—5,548 feet in depth, to Department specifications, prepare and restore well sites, and mobilize and demobilize plugging equipment. This project issues on October 14, 2005 and bids will be opened on November 8, 2005 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. A pre-bid conference has been planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid conference.

Department: Environmental Protection
Location: Richmond, Middlebury and Farmington Townships, Tioga County
Duration: 90 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-787-7820

**Food**

November 2005 Deliveries Provide a variety of perishable foods for the month of November 2005. Commodities include - Meat, Poultry & Fish; Dairy, Cheese, & Eggs; Misc. Frozen Foods; Frozen Fruits, Vegetables & Juice.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017
Duration: November 1, 2005 through November 30, 2005
Contact: F. Molisee, Purchasing Agent II, 412-257-6215

00016573 PRODUCE - Fresh fruits and vegetables, ready-to-use vegetables & fruit. USDA Inspection required.

Department: Corrections
Location: SCI Chester, 500 E 4th St., Chester, PA 19013
Duration: July 1, 2005 - June 30, 2006
Contact: Ben Jarrett, PA 1, 610-490-5412, ext 2030

040003 SEAFOOD - Surimi (Imitation Crabmeat) Chunk Style, Breaded and Unbreaded filets

Department: Corrections
Location: SCI Chester, 500 E 4th St., Chester, PA 19013
Duration: July 1, 2005 - June 30, 2006
Contact: Ben Jarrett, PA 1, 610-490-5412, ext 2030

040002 ICE CREAM - 4 oz. cups, Van, Choc. & Strawberry. 3 Gal tubs

Department: Corrections
Location: SCI Chester, 500 E 4th St., Chester, PA 19013
Duration: July 1, 2005 - June 30, 2006
Contact: Ben Jarrett, PA 1, 610-490-5412, ext 2030

0016573 FROZEN FOODS - Vegetables, Entrees, Pizza, Pork (Ham), Waffles, Pierogies, etc.

Department: Corrections
Location: SCI Chester, 500 E 4th St., Chester, PA 19013
Duration: July 1, 2005 - June 30, 2006
Contact: Ben Jarrett, PA 1, 610-490-5412, ext 2030

00016572 FROZEN FOODS - vegetables, bakery products, entrees, pizza, waffles, pierogies, pork (ham)

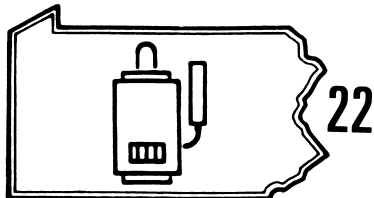
Department: Corrections
Location: SCI Chester, 500 E. 4th St., Chester, PA 19013
Duration: July 1, 2005 - June 30, 2006
Contact: Ben Jarrett, PA 1, 610-490-5412, ext 2030

040001 DAIRY PRODUCTS - Yogurt - Cottage Cheese - Margarine - Cheeses

Department: Corrections
Location: SCI Chester, 500 E 4th St., Chester, PA 19013
Duration: July 1, 2005 - June 30, 2006
Contact: Ben Jarrett, PA 1, 610-490-5412, ext 2030

0040012 EGGS - Whole Frozen (Liquid) & Whites Frozen (Liquid)

Department: Corrections
Location: SCI Chester, 500 E 4th St., Chester, PA 19013
Duration: July 1, 2005 - June 30, 2006
Contact: Ben Jarrett, PA 1, 610-490-5412, ext 2030



HVAC Services

CN00017024 "On Call" HVAC/Plumbing services as per specifications. For copy of the bid package, please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Wednesday, November 2, 2005 at 2:00 PM.

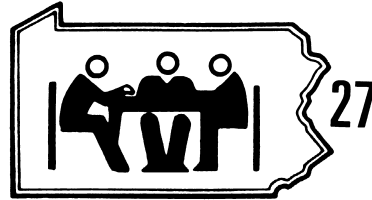
Department: Military Affairs
Location: Department of Military & Veterans Affairs, Facilities throughout the State of PA
Duration: DOA - 6/30/08
Contact: Brenda Lower, 717-861-2118

CN00017007 "On Call" Electrical services as per specifications. For a copy of the bid package please fax your request to 717-861-2932 or e-mail to the address below. Bid opening will be Wednesday, November 2, 2005 at 2:00 PM.

Department: Military Affairs
Location: Dept of Military & Veterans Affairs Facilities throughout the State of PA
Duration: DOA - 6/30/08
Contact: Glenda Nagle, 717-861-2116

CN00016689 This is for Heating, Ventilation and Air Conditioning Systems Maintenance and Repair in York County at the locations listed below. Bid opening is October 21, 2005 at 1:00 pm at District 8-0 Office, 2140 Herr Street, Harrisburg, PA 17103. 1) York County Maintenance Building, 1920 Susquehanna Trail North; 2) Barmac Stockpile 17 2.5 miles south of Airville on SR 74; 3) Welcome Center/Rest Area Site J I-83 Northbound Shrewsbury.

Department: Transportation
Location: York County Maintenance Office, 1920 Susquehanna Trail, North York, PA
Duration: This is a 1 year contract with (3) 1 year renewals
Contact: Timothy Crider, 717-787-6408



Lodging/Meeting Facilities

99-1589 Meeting and overnight accommodations for approx. 1,400 people in an Atlantic City, NJ hotel starting 4/22/2006 to 4/28/2006. We require approx. 700 single/double sleeping rooms per night (4/24-28/2006) plus 50-100 sleeping rooms for nights (4/22-23/2006); general session classroom style meeting room for approx. 1,400 people; 8 breakout rooms for approx. 175 people each; a display room to accommodate approx. 75 6' tables; meeting room for approx. 35 people for 3 days; evening reception room for four nights for approx. 1,300 people per night; 5 training breakout rooms for 3 days for approx. 300 people each; AM/PM breaks for up to 1,300 people; one luncheon for up to 1,300 people. All functions to be held in one building. Also needed is secured storage area and sufficient parking. Bid opening October 24, 2005 at 3:00 PM.

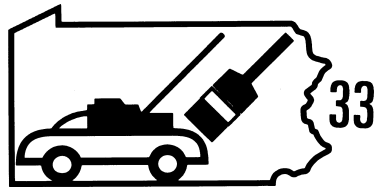
Department: Attorney General
Location: Atlantic City, NJ
Duration: 4/22-4/28/06
Contact: Jay Friske, 1-800-345-1322 ext.570



Medical Services

CN00016970 Contractor to provide Outpatient Electro-Convulsive Therapy (ECT) (includes necessary monitoring) for single and multiple seizures including treatment professional fee, hospital facility charge, anesthesia for ECT treatment and drugs for Warren State Hospital patients. Complete specifications may be obtained from the hospital.

Department: Public Welfare
Location: Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099
Duration: 01/01/2006 - 12/31/2006
Contact: Ms. Bobbie D. Muntz, PA III, 814-726-4496



Property Maintenance

CN00016961 Snow/Ice Removal Services. This is a one (1) year contract with two (2) one (1) year renewal options. Services to be provided for parking lot (124' x 94' each plowing), sidewalk West side of building (Sitgreaves Street) beginning at Ferry Street and extending South to end of property (3' x 202'), sidewalk front of building on Ferry Street (17' x 106') extending from corner with Sitgreaves Street to end of property, sidewalk rear of building between terrace and parking lot (7' x 65') and four (4) steps (2' x 5'). Services to include spreading of anti-skid materials, which is to be included in price quote. In the event of heavy snow falls on weekends or holidays (six (6) inches or more) it may be necessary to plow on these occasions to assure that the snow is removed on the first workday by 8:00 AM following a snowfall or storm. Damage to the parking lot surface, sidewalks, or lawn are to be repaired or replaced by the contractor. To request a bid package please call 717-705-0450 or fax your request to 717-787-0688.

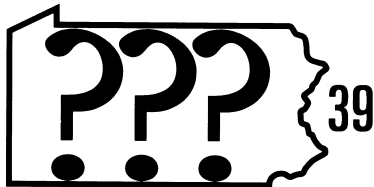
Department: Labor and Industry
Location: CareerLink Lehigh Valley at Easton, 220 Ferry Street, Easton, PA 18042-3674
Duration: Upon approval this is a one (1) year contract with two (2) one (1) year renewal options.
Contact: Debra A Noggle, 717-705-0450

CN00016878 This work is for the Snow Removal for the District 6-0 Office Building located at 7000 Geerdes, Blvd, King Of Prussia PA 19406-1525. Interested Vendors should be registered with the Commonwealth of Pennsylvania Vendor Program prior to receiving a RFQ - Invitation for Bids. To register and to obtain a PA Vendor Number call 1-866-775-2868 or log onto www.vendorregistration.state.pa.us. After you are registered fax your company name, address, phone/fax numbers and Vendor ID Number to Lawrence J. McCool, Purchasing Agent I (610) 205-6980. Bids are scheduled to be opened at the District Office on October 20, 2005 at 2:00 PM. Bidding documents can be viewed at www.dot.state.pa.us by clicking on Regional information for District 6, District Bid Page and on CN00016878.

Department: Transportation
Location: Pennsylvania Department of Transportation Engineering District 6-0, 7000 Geerdes Blvd., King of Prussia, PA 19406-1525
Duration: Two years with an option to renew for a (2) year period.
Contact: Lawrence J McCool, Purchasing Agent I, (610) 205-6740

CN00016963 SNOW REMOVAL SERVICES: Contractor shall provide snow removal services on an as-needed basis at the discretion of the Office Manager or designee or when snow accumulation reaches three inches or more in the Parking Lot, Driveway, and Sidewalks and one inch or more on the Sidewalks. Service to include snow removal and spreading of anti-skid material, which is included in price quote. Anti-skid materials shall comply with current EPA Standards. Copy of MSDS must accompany the bid. **ADDITIONAL REQUIREMENTS:** In the event of heavy snowfall that occurs on Sunday or Holidays (six inches or more) preceding business days, the Contractor shall plow the parking lot and driveways and remove the snow from the sidewalks. This is to assure the snow is removed by 8:00 AM following the storm. Only an early morning removal is applicable under these conditions. Any additional Snow Removal or applications of Anti-Skid material during normal working hours, 8:30 AM to 5:00 PM Monday through Friday, should be approved by the Local Office Manager or designee PRIOR to the work being performed. Damage to parking lot surface, sidewalk, guardrails, landscape timbers, and lawns must be repaired or replaced by the contractor.

Department: Labor and Industry
Location: Scranton CareerLink, 135 Franklin Street, Scranton, PA 18503
Duration: TERM OF CONTRACT: 11/1/2005 - 10/30/06. This is a one (1) year contract with two (2) one (1) year renewal options
Contact: Debra A Noggle, 717-705-0450



Miscellaneous

CN00016969 This is a Herbicide Spraying Contract for Adams County, of non-selective and selective applications. Bid opening will be October 18, 2005 at 1:00 p.m. at the Adams County PennDot Office located at 1185 Fairfield Road, Gettysburg, PA 17325

Department: Transportation
Location: 1185 Fairfield Road, Gettysburg, PA 17325
Duration: 1 year with the option of 1 1-year renewal
Contact: Brian Riley, 717-334-3155 EXT 3314

CN00017009 This is a Herbicide Spraying Contract for Lebanon County, of non-selective and selective applications. Bid opening will be October 24, 2005 at 1:00 p.m. at the Lebanon County PennDot Office located at 1445 Cumberland Street Lebanon, PA 17042.

Department: Transportation
Location: 1445 Cumberland Street, Lebanon, PA 17042
Duration: 1 year with the option of 1 1-year renewal
Contact: Roger Bingaman, 717-272-6637

C69-11-WE-103.3E and C69-11-WE-103.3W Engineering Services & Consultation: Surveying C69-11-WE-103.3E and C69-11-WE-103.3W. The Department of Environmental Protection will retain two engineering and/or surveying firms to provide topographic and cross sectional surveying throughout Eastern and Western Pennsylvania. Surveys could include among other purposes, surveying in and along streams and floodplains with particular detail required at bridges; surveys identifying locations and first floor elevations of area structures such as houses, businesses, and industrial buildings; topographic surveys to be used for design purposes and construction layout surveys for flood protection projects. For copies of the (RFP) Request for Proposal, please contact Carol Kehler at ckehler@state.pa.us 717-783-7727. Proposal must be submitted to The Department of Environmental Protection; Attn: Joseph G. Capasso, Chief, Division of Project Development, 3rd floor, RCSOB, 400 Market Street, Harrisburg, PA 17101; no later than COB on November 1, 2005.

Department: Environmental Protection
Location: Eastern Pennsylvania and Western Pennsylvania
Duration: January 1, 2006 to December 31, 2010
Contact: Joseph G. Capasso, 717-783-7723

1104-62 Temple University is soliciting quotations for Art Supply Furniture for the Ambler Learning Center DGS Project #1104-62. Inside Delivery is required and the Delivery date requirement is 5/1/2006. Please fax your quotations FOB Dest to Terry Funk FAX # 215 204 4444 no later than 10/10/2005 2:00 PM. Quote as follows: Part #s noted are from Dick Blick Mfg. Company: item #1 - 18 ea. Stool, grey steel frame 30" ht Part# 4y73/ 50024-2530; item #2 - 1 ea. Work table 36" x 98" Part # 9F50024 2530 /5013601309; item #3 - 2 ea. flat files, 5 drawer, steel stackable 41" x 28" Part # BF198-1309 5122-2605; item #4 - 1 ea Paper Cutter, wood base green lacquer finish 24" x 24" BF51222-2805 - 57102 1024; item #5 - 25 ea. Drafting tables; 125 ultima table, steel, 30" x 42" BF50116-1006; item #6 - 25 ea. gray steel frame 30" BF50024-2530; item #7 - 1 ea. Work table gray 36" x 96" BF50138-1309; item #8 - 2 ea. Flat Files; 5 drawer, steel 41" x 29" x 18" BF51222-2805.

Department: Education
Location: Temple University, 580 Meetinghouse Rd., Ambler Campus, Ambler PA 19002
Duration: The bidder must fax his quotation to J. Terry Funk, Capital Projects Buyer at 215 204 4444 no later than 10/10/2005 2:00 PM.
Contact: J. Terry Funk, 215 204 8363

RFP 13-05 Cancellation The Department of Public Welfare has determined that it is in the best interest of the Commonwealth to cancel RFP 13-05, Danville Center for Adolescent Females (DCAF). The department appreciates the efforts made in submitting proposals and regrets any inconvenience this decision has caused. It is hoped that all interested offerors will accept other RFPs released in the future and will submit additional proposals for evaluation.

Department: Public Welfare
Contact: Daniel R. Boyd, 717-783-3767

[Pa.B. Doc. No. 05-1935. Filed for public inspection October 14, 2005, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Secretary

