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# PENNSYLVANIA BULLETIN

Volume 36  
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Philadelphia Regional Port Authority  
State Board of Cosmetology  
State Board of Dentistry  
State Board of Nursing  
State Employees' Retirement Board  
State Real Estate Commission

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

**No. 383, October 2006**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

### **Fiscal Notes**

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

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

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# List of Pa. Code Chapters Affected

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

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Unclassified ..... 3812

**255 Pa. Code (Local Court Rules)**

Unclassified ..... 189, 388, 512, 935, 1043, 1216, 1399, 1491, 1644, 1850, 1986, 2171, 2280, 2381, 2512, 2513, 2960, 2969, 2970, 3086, 3230, 3525, 3526, 3646, 3647, 3648, 3649, 3812, 3998, 3999, 4000, 4177, 4178, 4179, 4462, 4463, 4464, 4465, 4601, 4602, 4603, 4604, 4606, 4713, 4714, 4715, 4719, 4720, 4721, 4722, 5606, 5682, 5779, 5780, 5974, 6092, 6093, 6282, 6283, 6284, 6375, 6376, 6377, 6386, 6402

# THE COURTS

## Title 255—LOCAL COURT RULES

### ARMSTRONG COUNTY

Adoption of New Local Rules of Court—2002; No.  
CP-03-AD-0000189-2002

#### Order

*And Now*, this 3rd day of October, 2006, it is hereby *Ordered* that subsection (b) of Local Orphans' Court Rule 1.2C shall be amended and supplemented to read as follows:

(b) In addition to the items required by Pa.O.C. Rule 3.4(b), a petitioner shall attach to the petition true and correct copies of all wills, deeds, contracts, and other instruments pertaining thereto. The petition shall state the place, if any, where the instruments may be found of record. The petition shall state whether or not a similar petition has been filed with or presented to any other court in the Commonwealth of Pennsylvania and, if it has, the result thereof. In the case of a petition for the settlement of a small estate, an original copy of the decedent's death certificate shall be attached thereto.

It is further *Ordered* that Local Orphans' Court Rule 14.1G be amended and supplemented to read as follows:

#### **Rule 14.1G Form of Annual Reports. Failure of Guardian to File Inventory or Annual Report. Procedure.**

(a) The annual reports required by 20 Pa.C.S. § 5521(c) shall be in such form as prescribed by the Clerk.

(b) In the event a guardian of an estate fails to timely file an inventory as required by 20 Pa.C.S. § 5521(b), or in the event any guardian fails to timely file an annual report as required by 20 Pa.C.S. § 5521(c), the Clerk shall so notify the Court. Thereafter, the Clerk shall give written notice of such failure to such persons and in such manner as the Court may direct.

It is further *Ordered* that the Court Administrator take all steps required by Pa.O.C.R. No. 1.2 in connection with the Local Rules of Civil Procedure in connection with the publication, distribution and dissemination of the amendments and supplements provided for herein.

It is lastly *Ordered* that the amendments and supplements provided for herein shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOSEPH A. NICKLEACH,  
*President Judge*

[Pa.B. Doc. No. 06-2052. Filed for public inspection October 20, 2006, 9:00 a.m.]

### ARMSTRONG COUNTY

Adoption of New Local Rules of Court—2002; No.  
CP-03-AD-0000189-2002

#### Order

*And Now*, this 3rd day of October, 2006, it is hereby *Ordered* that an additional part to the Local Rules of Court be created to be known as Part VII, pertaining to Local Rules of Juvenile Court Procedure.

It is further *Ordered* that the following rules be adopted as a Local Rules of Juvenile Court Procedure:

#### **Rule 102 Citing the Local Rules of Juvenile Court Procedures**

These Local Rules of Juvenile Court Procedure are intended to implement the Pennsylvania Rules of Juvenile Court Procedure. A rule shall be cited as "L.R.J.C.P. \_\_\_\_\_."

#### **Rule 210 Approval of Arrest Warrant Applications**

(a) The District Attorney of Armstrong County having filed a certification pursuant to Pa.R.J.C.P. 210(b), no arrest warrant application charging any offense set forth in subsection (b), below, shall hereafter be accepted by any judicial officer unless it has been approved by an attorney for the Commonwealth prior to its filing.

(b) Subsection (a) of this rule shall apply when any of the following offenses is charged:

(i) Criminal homicide, in violation of 18 Pa.C.S. § 2501;

(ii) Murder in any degree, in violation of 18 Pa.C.S. § 2502;

(iii) Voluntary manslaughter, in violation of 18 Pa.C.S. § 2503;

(iv) Involuntary manslaughter, in violation of 18 Pa.C.S. § 2504;

(v) Homicide by vehicle, in violation of 18 Pa.C.S. § 3732;

(vi) Homicide by vehicle while driving under the influence, in violation of 18 Pa.C.S. § 3735;

(vii) Aggravated assault, in violation of 18 Pa.C.S. § 2702(a)(1) through (6), inclusive;

(viii) Rape, in violation of 18 Pa.C.S. § 3121;

(ix) Involuntary deviate sexual intercourse in violation of 18 Pa.C.S. § 3123;

(x) Robbery, in violation of 18 Pa.C.S. § 3701(a)(1)(i) through (iv), inclusive; and

(xi) Aggravated assault by vehicle while driving under the influence, in violation of 75 Pa.C.S. § 3735.1.

## Comment

The approval of the attorney for the Commonwealth may be oral in appropriate circumstances. When feasible, such oral approval should be communicated directly to the judicial officer, who should make proper notations thereof.

It is further *Ordered* that the Court Administrator take all steps required by Pa.R.J.C.P. No. 121 for the publication, distribution and dissemination of the amendments and supplements provided for herein.

It is lastly *Ordered* that the amendments and supplements provided for herein shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOSEPH A. NICKLEACH,  
*President Judge*

[Pa.B. Doc. No. 06-2053. Filed for public inspection October 20, 2006, 9:00 a.m.]

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**ARMSTRONG COUNTY**

**Adoption of New Local Rules of Court—2002; No. CP-03-AD-0000189-2002**

**Order**

*And Now*, this 3rd day of October, 2006, it is hereby *Ordered* that Local Rule of Criminal Procedure be adopted, numbered 117, to read as follows:

**Rule 117 Magisterial District Judges. Coverage. Admission to Bail by Jail Warden or Designee**

(a) All Magisterial District Judge Offices shall be open for regular business from 8:00 A.M. to 4:30 P.M., prevailing time, Monday through Friday, except for County holidays.

(b) Magisterial District Judges shall be available twenty-four hours per day every day to provide continuous coverage for the services recited in Pa.R.Cr.P. 117(a) and for services required in any Protection from Abuse Act case. A Magisterial District Judge shall be deemed to have satisfied this directive by remaining on-call during non-regular business hours on a rotating basis pursuant to a schedule prepared by the Court. The schedule, and any amendments or alterations thereof, shall be distributed and publicized in accord with past practice.

(c) On forms prescribed by the Court, a Magisterial District Judge may request additions or amendments to the schedule prepared by the Court in order to provide for vacations, emergencies, and the like.

(d) In addition to those persons who are authorized by statute or the Pennsylvania Rules of Criminal Procedure to admit an arrestee to bail, the Warden of the Armstrong County Jail, or the designee of the Warden, shall have the authority to do the same in accordance with and subject to the limitations of the Pennsylvania Rules of Criminal Procedure.

It is further *Ordered* that the Court Administrator take all steps required by Pa.R.Cr.P. No. 105 for the publication, distribution and dissemination of the amendments and supplements provided for herein.

It is lastly *Ordered* that the amendments and supplements provided for herein shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOSEPH A. NICKLEACH,  
*President Judge*

[Pa.B. Doc. No. 06-2054. Filed for public inspection October 20, 2006, 9:00 a.m.]

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**ARMSTRONG COUNTY**

**Adoption of New Local Rules of Court—2002; No. CP-03-AD-0000189-2002**

**Order**

*And Now*, this 3rd day of October, 2006, it is hereby *Ordered* that subsection (a) of Local Rule of Civil Procedure No. 1301 be amended to read as follows:

(a) All cases, except those involving title to real estate, shall be referred for hearing before and decision by a Board of Arbitrators, when the amount in controversy, exclusive of interest and costs, is \$50,000 or less. When the amount in controversy exceeds said limit, it shall be referred to the Board upon agreement of all parties.

It is further *Ordered* that Local Rule of Civil Procedure No. 1302 be supplemented by the inclusion of subsection (c), which shall read as follows:

(c) A fee of \$20.00 shall be paid to the Prothonotary at the time of the filing of a praecipe directing appointment of a Board of Arbitration. The Prothonotary shall subsequently pay the sum of \$20.00 to the duly appointed chairperson immediately after the appointment. Upon any appeal of the decision of the Board of Arbitration, the appellant shall be credited for such payment toward the costs payable as a result of the appeal.

It is further *Ordered* that subsection (a) of Local Rule of Civil Procedure No. 1302 be amended to read as follows:

(a) A Board of Arbitration shall be composed of three members of the Bar of Armstrong County, at least one of whom shall have been admitted to the practice of law for at least five (5) years. Upon praecipe, the Prothonotary shall appoint the arbitrators from a list of lawyers who are qualified to act, and they shall be chosen in alphabetical order. No more than one lawyer from a single law firm shall be appointed to the same Board. The first arbitrator so appointed who has been admitted to the practice of law for at least five (5) years shall serve as chairperson. If an appointed member becomes unable to serve, the chairperson shall ask the Prothonotary to appoint a replacement, whereupon the Prothonotary shall do so.

It is further *Ordered* that the Court Administrator take all steps required by Pa.R.C.P. No. 239 for the publication, distribution and dissemination of the amendments and supplements provided for herein.

It is lastly *Ordered* that the amendments and supplements provided for herein shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOSEPH A. NICKLEACH,  
*President Judge*

[Pa.B. Doc. No. 06-2055. Filed for public inspection October 20, 2006, 9:00 a.m.]

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**CHESTER COUNTY**  
**Orphans' Court No. 1506-9999**

**Order**

*And Now*, this 5th day of October, 2006, the following Rules of the Orphans' Court Division of the Court of Common Pleas of Chester County, Pennsylvania, are hereby adopted, effective December 1, 2006.

*By the Court*

PAULA FRANCISCO OTT,  
*President Judge*

**RULES OF ORPHANS' COURT PROCEDURE OF  
THE COURT OF COMMON PLEAS OF  
CHESTER COUNTY**

**Judges—Local Rules**

Integrated with Supreme Court Orphans' Court Rules

**Rule L1.2A. Index of Proceedings**

The Clerk shall assign to each new matter a file number, starting with Number 1 at the beginning of each calendar year. The file number and the name of the matter shall be included in the caption of all papers filed in Court or in the Clerk's office.

**Rule L1.2B. Arguments**

In all cases, argument shall be heard at the conclusion of the hearing unless leave of Court is obtained prior thereto.

(1) Other matters for argument shall be heard as scheduled by the Court.

(2) Notice and Briefs—With respect to arguments other than those heard at the conclusion of a hearing, counsel obtaining the argument date shall give opposing counsel at least fifteen (15) days notice of said argument date and shall furnish opposing counsel with a brief at least fifteen (15) days prior to the argument. Reply briefs shall be furnished at least five (5) days prior to the argument. For failure to provide a brief at the proper time, sanctions may be fixed by the Court, including refusing to receive a brief and hear oral argument from the offending attorney. If either counsel fails to appear at the argument, the case may proceed *ex parte*.

**Rule L1.2C. Attorney's Entry and Withdrawal of Appearance**

(1) Every attorney participating in any proceeding shall enter an appearance by written order or by endorsement on papers filed.

(2) An attorney may not withdraw an appearance without leave of court unless another attorney has previously entered or another attorney is simultaneously entering an appearance on behalf of the party.

(3) Leave of court to withdraw appearance shall be sought by petition with notice as set forth under Rule 3.4 et sec.

**Rule L1.2D. Trust Inter Vivos**

The original trust instrument and any amendments thereto, shall be filed with the Clerk when the Court is first required to exercise its jurisdiction over the inter vivos trust. The instrument shall be indexed and recorded by the Clerk. Any revocation shall be likewise filed, indexed and recorded. The rules of court applicable to testamentary trusts shall apply to trusts inter vivos as far as appropriate. In the event such instrument has been filed with another court, a certified copy thereof will be accepted in lieu of the original. All original instruments lodged with the Clerk shall be microfilmed and then returned.

**Rule L1.2E. Sureties**

(1) Individual Sureties—Individuals proposed as sureties on bonds of fiduciaries shall take an affidavit on the printed form supplied by the Clerk, setting forth the facts required thereby. Such affidavit shall be filed together with the bond when filed, and shall be renewed annually thereafter so long as the bond shall remain in effect. A member of the Bar or any employee of this Court shall not act as surety in any proceeding in this Court, except by special leave of Court.

(2) Corporate Sureties—Every surety company duly authorized to do business in Pennsylvania may become surety on any bond or obligation required to be filed in this Court; provided that a currently effective certificate issued to it by the Insurance Department of the Commonwealth of Pennsylvania, evidencing such right, shall be on file with the Clerk, and that no bond shall be executed by any surety company after May 1 of any year until such a certificate issued after March 31 of the same year has been filed with the Clerk.

**Rule L1.2F. Corporate Fiduciaries**

(1) Corporations having fiduciary powers and authorized to do business in the Commonwealth may act as fiduciaries in matters pending in this Court; provided, however, that initially there shall be filed with the Clerk a copy of the certificate issued by the State Banking Department, the Comptroller of Currency, or the Federal Reserve Board, as the case may be, evidencing its right to exercise fiduciary powers, certified to be true and correct by an executive officer of the corporation. Thereafter, on or before the first day of May of each year such corporation shall file a statement, verified by the oath or affirmation of an executive officer thereof, that it continues to be qualified to act in such capacity.

(2) Except where required by statute or for special cause shown, a bond will not be required of an approved corporate fiduciary.

**Rule L1.2G. Committee on Rules**

(1) Whenever the Court deems it necessary, it shall appoint a rules committee for the Orphans' Court of Chester County, which shall consist of at least six attorneys who are members of the Bar of Chester County, the Orphans' Court Administrator, the Clerk of the Orphans' Court, and any other person(s) designated by the Court. The committee shall serve at the pleasure of the Court.

(2) It shall be the duty of said committee on rules to inform themselves as to legislation, as to procedural rules promulgated by the Supreme Court, and as to decisions of the courts in any way affecting the existing rules and,

from time to time, to suggest to the Court such modifications or additions to the rules of said Court as in their judgment or the judgment of the majority thereof may be necessary or advisable.

**Rule L1.2H. Notices of Order, Decree or Adjudication**

In any Orphans' Court proceeding, the Clerk shall immediately give written notice by ordinary mail or personal delivery of the entry of any order, decree or adjudication to each party's attorney of record, or if unrepresented, to each party. Notice shall include a copy of the order, decree, or adjudication unless a bond is required, then no copy is provided until bond is posted. The clerk shall note in the docket the mailing or delivery of the required notice and documents.

**Rule L1.2I. Reproduction of Papers**

All pleadings and papers filed with either the Register or the Clerk shall be legible. Should any such pleading or paper not be sufficiently legible for mechanical reproduction, the Register or the Clerk may refuse to receive such pleading or paper or may require that a legible copy thereof be submitted for mechanical reproduction.

**Construction and Application of Rules**

**Rule L2.3A. Definitions**

(1) "Common Pleas" means the Court of Common Pleas of Chester County.

(2) "Code" means the Probate, Estates and Fiduciaries Code (20 Pa.C.S. § 101 et seq.), as amended.

(3) "Interested parties" means persons having either a legal or a beneficial interest in the matter in question, unless the context indicates otherwise.

(4) "Supreme Court Rules" means Rules of the Orphans' Court promulgated by the Supreme Court of Pennsylvania.

**Pleading and Practice**

**Rule L3.1A. Pretrial Conference**

In any action the Court, on its own motion or on motion of any party, may direct the attorneys for the parties to appear for a conference to consider:

- (1) The simplification of the issues.
- (2) The necessity or desirability of pleadings and/or amendments thereto.
- (3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof.
- (4) The limitation of the number of expert witnesses.
- (5) The advisability of a preliminary reference of issues to a master for findings to be used as evidence when the trial is to be by jury.
- (6) Such other matters as may aid in the disposition of the action.

**Rule L3.2A. Pleadings**

The pleadings in the Orphans' Court shall be limited to a petition, an answer, including new matter, a reply, preliminary objections and an answer to preliminary objections.

**Rule L3.4A. Form, Additional Requirements**

(1) Typing and Endorsement—Every petition, answer and reply shall be typewritten or printed, and shall be endorsed on the front upper left hand corner with the name, address, zip code, telephone number, and identifi-

cation number of the individual attorney representing the party filing the pleading, or of the party if proceeding pro se.

(2) Signature and Verification—Every petition, answer and reply shall be signed by the parties and verified by one or more of them. If this is impracticable, it may be signed and verified by someone other than counsel familiar with the facts, in which case the reason for the failure of the parties to sign shall be set forth.

(3) Decree—The decree shall have a caption and be attached to the face of the petition.

(4) Preliminary Decree—A Petition shall be accompanied by a separate Preliminary Decree for the Court's use either setting a hearing date in those instances where there exists jurisdiction or issuing a citation returnable with hearing where the Court has not yet taken jurisdiction.

(5) Paper—Every petition, answer and reply shall be stated upon paper 8 1/2 inches by 11 inches in size, the paper to be fastened together securely at the top and numbered consecutively at the bottom.

(6) Courtesy copy—Parties shall not send courtesy copies of pleading to the Court without the specific request of the Court for same.

**Notice**

**Rule L5.1A. Method. Legal Publication**

The *Chester County Law Reporter* shall be the legal periodical for the publication of notices whenever publication in a legal periodical is required by Act of Assembly, or by rule or order of Court.

**Rule L5.1B. Method. Public Sale of Real Property**

Notice of the public sale of real property shall be given:

(1) By advertisement once a week for three (3) successive weeks in the *Chester County Law Reporter* and in one other newspaper of general circulation in Chester County;

(2) By posting a notice on the premises;

(3) By personal notice or registered or certified mail to all parties in interest of the time and place of the proposed sale at least ten days prior thereto; and,

(4) By such other notice as the Court may by special order direct.

**Rule L5.1C. Method. Private Sale of Real Property**

Notice of the private sale of real property shall be given in such manner as provided by a rule adopted by the Supreme Court or by an Act of Assembly, or by general rule or special order of this Court.

**Rule L5.1D. Written Notice**

Written notice, served personally on an attorney of record, to the person for the time being in charge of the attorney's office, or by mail addressed to the attorney's office, shall be notice to the party whom the attorney represents, except where personal service on the party is specifically required.

**Rule L5.4A. Return of Notice. Additional Requirement**

(1) Copy of Notice—A copy of all petitions, notices, preliminary decrees or other papers served shall be attached to the return of notice.

(2) Personal Service—Return of personal service of notice shall set forth the date, time, place and manner of service and that a true and correct copy of the notice was handed to the person served.

(3) Registered or Certified Mail—Return of notice by registered or certified mail shall state the date and place of mailing and shall include the return receipt, or a photostatic copy thereof. When the person who gives notice by registered or certified mail has personal knowledge, or has cause to believe, that such notice was not received by the person to be notified, the person giving notice shall so state in the return. When the address of the person given notice by registered or certified mail is in a country other than the United States of America, a statement that the notice was so mailed to that person at the designated address shall be sufficient unless otherwise ordered.

### Accounts and Distribution

#### Rule L6.1A. Form. Additional Requirements

(1) Form in General—Accounts shall be prepared in substantial conformity with forms approved by the Supreme Court of Pennsylvania.

(2) Paper—Accounts shall be stated upon paper 8 1/2 inches by 11 inches in size, the pages to be fastened together securely at the top, not stapled or sealed, and numbered consecutively at the bottom.

(3) An account shall have attached thereto a petition for adjudication and statement of proposed distribution.

(4) Accounts must conform to any additional requirements shown on accounts checklists which are available at the Office of the Clerk of the Orphans' Court and on its website at [www.chesco.org/wills](http://www.chesco.org/wills).

(5) Accounts not conforming to all requirements by the call of the audit list will be deferred.

#### Rule L6.1B. Execution

(1) Signing—Accounts shall be signed by ALL fiduciaries stating them. In the case where the fiduciary has died, the account shall be executed by her or his personal representative, or counsel shall notify the Court that no personal representative has been appointed.

(2) Affidavit—Accounts shall have attached to the end thereof the affidavit of one or more of the fiduciaries joining in the account.

(3) Certification by Attorney—At the end of each account there shall appear a certification by the attorney representing the accountant, that the attorney has reviewed the account and finds it to be in conformity with these Rules.

#### Rule L6.1C. Appointed Estates

Assets appointed by the donee of a testamentary power and which must be accounted for by the fiduciary of the donee, shall be identified and shall be shown in a separate schedule.

#### Rule L6.1D. Annexed Accounts

A guardian, personal representative or trustee who has received property from a guardian, personal representative or trustee in distribution of another estate or trust may annex a copy of the account of said estate or trust to his or her account. Notice must be given to all interested parties of the annexation.

#### Rule L6.3A. Contents of Notice

Notices shall comply with Supreme Court Rule 6.3 and the following requirements:

(1) Written notice of (i) the filing of the account and petition for adjudication and (ii) the time and place of audit shall be given to all parties in interest who are entitled to notice of the filing of the account as set forth in Rule 6.3.

(2) In those instances where any claim or interest of the party being notified is contested or will not be paid in full, the aforesaid written notice shall so state and shall further state that a written claim or written objections must be filed at or prior to the audit by the party who desires to pursue any such claim or interest.

(3) In those instances where there exists any fairly disputable issue or question, including a question of interpretation, known to or reasonably ascertainable by the accountant or the accountant's counsel; the aforesaid written notice to all parties in interest affected thereby shall (i) state the issue and the conclusion of the accountant with regard thereto, and (ii) have attached thereto a copy of the instrument or material parts thereof containing any provision which forms the basis of the dispute or question, and (iii) state that if the person notified does not agree with the accountant's conclusion, that person must, at or prior to the audit, file a written objection to the petition for adjudication, under penalty for failure to object that the Court will assume that said person agrees with the accountant's conclusion.

#### Rule L6.3B. Enclosures

(1) A recipient of a pecuniary bequest, specific legacy or devise or demonstrative legacy shall be given notice of the provision pertaining to such beneficiary.

(2) All other beneficiaries or heirs shall be given a copy of the account, the petition for adjudication and a statement of proposed distribution, the will or trust instrument, or relevant portions thereof, unless counsel or the accountant certifies that a copy was previously furnished, and the inventory.

(3) No copy of any of the above need be given anyone who has executed a satisfaction of award or a written waiver of their right to receive such information.

#### Rule L6.3C. Time of Notices

Notices shall be mailed no later than ten days after filing an account. Notices mailed prior to filing an account shall state the date upon which the account is expected to be filed.

#### Rule L6.3D. Copy of Notice

Prior to the audit, the accountant shall cause to be filed an affidavit indicating the form of notice sent to the parties in interest and to whom such notice was sent. The certificate from the Attorney General shall be attached if notice concerning a charity is required by Supreme Court Rule 5.5.

#### Rule L6.3E. Special Requirements for Notice

If notice is required to be given to a personal representative or fiduciary, such notice shall also be given to the beneficiaries of the trust or estate. If notice is required to be given to a minor of whom no guardian or guardian ad litem has been appointed, it shall be sufficient to give notice to the minor's parent, or to the minor's attorney, if any.



**Rule L6.4A. Audits**

Audit List-When Called—The audit list will be called on the first Wednesday of every month except January and July. There will be no audit list in January and July. Each audit list shall include continued accounts and new accounts eligible for audit. No attorney need be present unless the attorney desires to file written objections or a claim.

**Rule L6.4B. For a Particular Audit**

Accounts to appear on a particular list must be filed not later than 4:30 p.m. on the 4th Wednesday preceding the session of Court when the audit list will be called, except when the day falls on a holiday, in which event accounts must be filed as per the Court calendar for that year.

**Rule L6.9A. Petition for Adjudication and Statement of Proposed Distribution**

(1) Recital of Facts—At the time of filing an account, the accountant shall attach thereto a petition for adjudication setting forth all facts necessary to enter a proper decree.

(2) Form of Petition—The petition for adjudication shall be on the form provided by the Clerk or typewritten in conformity therewith. The statement of proposed distribution shall be the concluding paragraph of the petition for adjudication. The petition for adjudication shall be signed by each accountant and be sworn to, affirmed by, or verified by at least one of them.

(3) Persons filing accounts for audit shall submit, with the Petition for Adjudication, all the required supporting documents securely fastened at the top, not stapled or sealed, in the order shown in checklists which can be obtained from the Clerk of the Orphans' Court Division. Where the account indicates that any balances are to be awarded to an existing trust, or that there has been a transfer of funds between the probate and the trust estates, a copy of the trust instrument, and amendments thereto, certified by counsel to be correct, shall be attached.

**Rule L6.9B. Settlement of Small Estates**

(1) Petitions for distribution of small estates under Section 3102 of the Code, shall set forth:

(a) The name and address of the petitioner and the relationship of the petitioner to the decedent;

(b) The name, date of birth and domicile of the decedent, whether the decedent died intestate, the dates of the probate of the will and of the grant of letters, if any, and whether the personal representative has been required to give bond and in what amount;

(c) The names and relationships of all beneficiaries entitled to any part of the estate under the will or intestate laws, a brief description of their respective interests, whether any of them has received or retained any property of the decedent by payment of wages or similar items under Section 3101 of said Code or otherwise, and whether any of them are minors, incapacitated persons, or deceased, with the names of their fiduciaries, if any;

(d) The person or persons, if any, entitled to the family exemption and, if a claim therefor is made in this petition, any additional facts necessary to establish the prima facie right thereto, as required by Rule 12.1;

(e) An inventory of the real and personal estate of the decedent, with values ascribed to each item, either incorporated in the petition or attached as an exhibit;

(f) A list showing the status of the inheritance tax;

(g) An averment showing the status of the inheritance tax;

(h) That ten days written notice of intention to present the petition has been given to any unpaid beneficiary, heir or claimant who has not joined in the petition, or to the attorney general, if the decedent's heirs are unknown. Notice shall be given in accordance with Rule 5.1; and

(i) A prayer for distribution of the personal property to those entitled and, in appropriate cases, for the discharge of the personal representative.

(2) There shall be attached to the petition the following exhibits:

(a) The original of the decedent's will, if it has not been probated, or a copy of the will, if it has been probated;

(b) Joinders of unpaid beneficiaries, heirs and claimants insofar as they are obtainable;

(c) An itemized list of disbursements made prior to the filing of the petition, indicating the payee and whether the disbursements were in payment of administration expenses, preferred or ordinary debts, items of distribution or the family exemption;

(d) A copy of the inheritance tax return and, if applicable, proof of payment.

(e) A copy of any notice given.

(3) No appraisal shall be required unless ordered by the Court.

A sample Small Estate Settlement Petition is available at the Office of the Clerk of the Orphans' Court and on its website at [www.chesco.org/wills](http://www.chesco.org/wills)

**Rule L6.10A. Form of Objections**

Objections to accounts, petitions for adjudication and statements of proposed distribution shall be in writing, numbered consecutively, and signed by the objector or the objector's attorney. Each objection shall:

(1) Be specific as to description and amount;

(2) Raise but one issue of law and fact, but if there are several objections to items included in or omitted from the account or schedule of distribution relating to the same issue, all such objections shall be included in the same objection; and

(3) Set forth briefly the reason or reasons in support thereof.

**Rule L6.10B. Objections. Filing and Service of Copy**

(1) Time of Filing—Objections may be filed with the Clerk at, or prior to the session of court when the account objected to is listed for audit. No objection shall be filed thereafter without leave of Court.

(2) Service of Copy—After filing, a copy of the objections shall be served on accountant's attorney and other parties of record within five days of the date of filing.

**Rule L6.10C. Disposing of Objections and Claims**

In those cases in which a hearing is requested, the Court may fix a day for hearing or argument.

**Rule L6.11A. Filing Receipt and Releases**

When any distribution is made pursuant to Supreme Court Rule 6.11(b), a fiduciary may file with the Clerk those documents which evidence the agreement pursuant to which distribution is made and the receipt thereof.

**Rule L6.11B. Schedules of Distribution**

(1) Filing—The Court, when it appears advisable or when requested, will direct the attorney for accountant to prepare and file a schedule of distribution. Schedules shall be signed by all accountants and certified by the attorney for the accountant(s) to be correct and in conformity with the adjudication, and shall be filed with the Clerk.

(2) Additional Receipts and Disbursements—Receipts and disbursements since the date to which the account was stated shall be set forth in the schedule of distribution.

(3) Objections—Objections to unconfirmed schedules of distribution shall be filed with the Clerk, and must be filed not later than the twentieth day after the schedule was filed. Such objection may raise questions relating only to the schedule itself, and shall in no event raise questions which actually were or else could have been raised previously by claims, or by objections to the account or exceptions to the adjudication.

(4) Confirmation—If no objections are filed within twenty days after filing the schedule, it will be approved. Schedules approved in writing by all parties in interest will be approved on the day filed. Thereupon the accountant shall have authority to make necessary assignments and transfers of any securities awarded in kind, and the schedule will be attached to and become part of the adjudication.

**Rule L6.11C. Schedules of Distribution Notice of Filing**

(1) When Notice Given—Notice of filing the schedule of distribution shall be given to all parties in interest who have not filed their written approval of the schedule at the time of filing of the schedule, and shall include a copy of the schedule of distribution. The notice shall state that objections to the schedule must be filed within twenty days after the schedule is filed.

(2) Time and Method of Notice—Such notice shall be given before the schedule is filed, by letter addressed to the last known address of the party in interest or said party's attorney.

(3) Return of Notice—It shall be a sufficient return to such notice for the attorney or accountant to certify on the schedule that due notice of the filing thereof was given as required by this rule, and to attach a copy of the notice given.

**Rule L6.11D. Objections to Schedules of Distribution—Notice of Filing, Time, Method, and Return**

(1) To Whom Given—Notice of filing of objections to the schedule of distribution shall be given to the accountant and to all parties in interest affected thereby or their attorneys.

(2) Time and Method of Notice—Written notice shall be given no later than the day of the filing of the objections to the schedule by letter addressed to the last known address of accountant and all other parties in interest affected thereby or their attorneys. A copy of the objections shall be included with the notice to the accountant or the accountant's attorney.

(3) Return of Notice—At the time of filing of the objections, the attorney for the objector shall file a written certification that due notice of the filing thereof was given as required by these rules.

**Rule L6.11E. Distribution of Real Estate**

(1) When No Partition or Allotment Required or When Distributees Agree to Schedule—Schedules of distribution shall include separate awards of real estate to the parties entitled thereto, whether individually, or, where the circumstances require, in undivided interests. The real estate so awarded shall be identified by reference to the adjudication in the same detail and with the same particularity as is commonly required to be included in deeds and shall recite how the title was acquired by decedent. A copy of the last recorded deed(s), certified by the Recorder of Deeds, shall also be included.

(2) Partition or Allotment of Real Estate Requested by Accountant or a Party in Interest—Whenever partition or allotment of real estate is requested by the accountant or a party in interest, the request shall be made prior to or at the audit, and the Court shall make such order, including a direction to submit an information certificate, issued by an attorney or a responsible title insurance company, showing, the current state of the title, if required, provisions for owelty, if any, the preparation of a schedule of distribution, notice to the parties, and fixing the dates of further hearings, as may be necessary to protect all parties in interest.

(3) Certificate of Award of Real Estate—A Certificate of Award of Real Estate shall be prepared by the attorney for the accountant and submitted to the Clerk for execution upon confirmation of the schedule of distribution. A Sample Certificate is available at the Office of the Clerk of the Orphans' Court and on its website at [www.chesco.org/wills](http://www.chesco.org/wills).

**Exceptions****Rule L7.1A. Exceptions to Decrees, Generally**

(1) Exceptions shall be the sole means of challenging an Adjudication, Order, Decree, or other Ruling that terminates a claim or affects a person's status in the action. If no exceptions are filed within twenty days of the Adjudication, etc., it shall become final.

(2) A party taking exceptions shall:

(a) file the original with the Clerk of the Orphans' Court;

(b) serve copies upon all parties, or their counsel, and the trial judge and,

(c) file an affidavit of service with the Clerk of the Orphans' Court.

**Rule L7.1B. Form of Exceptions**

Exceptions shall be in writing, numbered consecutively and signed by the exceptant or exceptant's attorney. Each exception shall:

(1) be specific as to description and amount;

(2) raise but one issue of law or fact; and,

(3) set forth briefly the reason or reasons in support thereof.

**Rule L7.1C. Disposition of Exceptions**

All exceptions shall be decided by the trial judge who may request argument to be scheduled by the Orphans' Court Administrator. Argument shall be heard by the trial judge unless the trial judge orders that the matter be heard by a court en banc of which the trial judge shall be a member. If the trial judge for any reason cannot decide the matter, another judge shall be designated to act. No more than three judges shall constitute the court en banc.

### Auditors and Masters

#### Rule L8.1A. Notice

Auditors and masters shall give at least ten days notice of hearings held by them to all parties interested or to their attorneys of record in the manner provided in Supreme Court Rule 5.1, and local rules related thereto. Notice of succeeding hearings given by the auditor or master at a hearing of which proper notice has been given shall constitute sufficient notice of each of such succeeding hearings.

#### Rule L8.6A. Notice and Objections

An auditor or master shall give notice of the filing of the report by sending a copy of the report to all parties of record. Any party in interest shall have the right to file objections to such report within a period of twenty days of the filing of the report. If objections are filed, either party may request that they be listed for argument.

#### Rule L8.7A. Decree

If no objections are filed within twenty days of the filing thereof, the Court may enter a decree confirming the auditor's report or adopting the master's report.

### Register of Wills

#### Rule L10.1A. Renunciations

Any renunciations that are executed outside of the Office of the Register of Wills must be executed in the presence of a Notary Public.

#### Rule L10.2A. Filing of Notice of Appeal

(1) Filing with the Register of Wills. A person or entity desiring to take an appeal from the judicial acts or proceedings of the Register of Wills, shall file a Notice of Appeal with the Register of Wills, specifying the issues on which it is based, and stating whether or not there are disputed issues of fact that the person or entity requests be submitted to a jury, and setting forth the names of all interested parties and the necessary jurisdictional facts.

(2) Transmission to Orphans' Court. When a Notice of Appeal has been filed, the Register shall transmit the record to the Clerk of the Orphans' Court.

#### Rule L10.2B. Filing of Appeal and Issuance of Citation

The appellant shall file a petition for citation sur appeal with the Clerk of the Orphans' Court and request that the Court issue a citation to show cause why the appeal should not be sustained and the decision complained of set aside. The appeal shall have attached to it a preliminary decree, which authorizes the issuance of a citation and sets a return date for the citation, which shall be determined and set by the Orphans' Court Administrator. The Citation shall be made returnable no sooner than twenty days after the date of issuance, unless the Court, orders that it be returned sooner.

#### Rule L10.2C. Service of Appeal and Citation

The appellant shall serve the citation and a copy of the appeal upon all interested parties within five (5) days of receiving the citation. Service upon parties already of record shall be in accordance with Pa.R.C.P. 227.1(f). Service upon parties not already of record shall be in accordance with Pa.R.C.P. 400.

### Special Petitions

#### Rule L12.1A. Local Procedure

(1) Claiming Family Exemption—The procedure for claiming the family exemption shall be in accordance with

20 Pa.C.S.A. § 3121 through 3126. All pleadings shall be prepared in accordance with Supreme Court Rule 3 et sec.

(2) Appraising Property—Those matters required to be prescribed by local rules in Supreme Court Rule 12.1(b) shall be by special order in each case.

#### Rule L12.2A. Local Procedure

Those matters required to be prescribed by local rules in Supreme Court Rule 12.2 (b) shall be by special order in each case.

#### Rule L12.3A. Extension of Time

An extension of time in which the surviving spouse may file an election to take against a will shall be by special order in each case.

#### Rule L12.4A. Filing of Report

A guardian ad litem or trustee ad litem shall file a report within thirty (30) days of appointment, unless the time is otherwise fixed by the Court.

#### Rule L12.5A. Appearance of Minor

The minor shall be present at the hearing unless specifically excused by the court.

#### Rule L12.5B. Restricted Accounts

In lieu of the appointment of a guardian, the Court may authorize the deposit of funds of a minor pursuant to the provisions of Section 5103 of the Code.

#### Rule L12.5C. Certificate of Appointments; Security

If bond is required of a guardian, the clerk shall not issue the certificate of the guardian's appointment until the bond has been filed. Where the guardian is appointed for several minor children of the same parents, one bond may be filed to cover the several estates.

#### Rule L12.5D. Allowances

When a petition is necessary for an allowance from a minor's estate, the petition shall set forth the:

(1) Manner of the guardian's appointment and qualification, and the dates thereof;

(2) Age and residence of the minor, whether the minor's parents are living, the name of the person with whom the minor resides, the age of the minor's spouse and children, if any;

(3) Value of the minor's estate, real and personal, and the minor's net annual income;

(4) Circumstances of the minor, whether employed or attending school; if the minor's parent(s), or other person charged with the duty of supporting the minor, is living, the financial condition and income of such person and why that person is not discharging his or her duty to support the minor; and whether there is adequate provision for the support and education of the minor, the minor's spouse and children;

(5) Date and amount of any previous allowance by the Court; and

(6) Financial requirements of the minor and the minor's family unit, in detail, and the circumstances making such allowance necessary.

**Rule L12.6A. Exhibits**

The following additional exhibits shall be annexed to the petition:

- (1) Copy of the trust instrument.
- (2) Any consent or joinders of parties in interest.

**Rule L12.7A. Exhibits**

Written consent of the surety, if any, shall be attached to the petition, and orders to satisfy awards from all other parties shall be submitted with the petition.

**Rule L12.7B. Discharge of Personal Representative Under Section 3531 of the Code**

A petition with account annexed under Section 3531 of the Code shall conform to the extent practicable with the requirements of a petition for the settlement of a small estate under Section 3102 of the Code as set out in Rule L6.9B of the Chester County Orphans' Court Rules.

**Rule L12.9A. Public Sale, Contents of Petition, Additional Requirements**

(1) Personal Representative—A petition by a personal representative to sell real property at public sale, under Section 3353 of the Code shall also set forth in separate paragraphs:

- (a) The name, residence and date of death of the decedent, whether the decedent died testate or intestate, and the date of the grant of letters;
- (b) That the personal representative is not otherwise authorized to sell by the Code; or is not authorized or is denied the power to do so by the will, or that it is desirable that the sale have the effect of a judicial sale, stating the reasons;
- (c) Whether an inventory and appraisal has been filed, the total value of the property shown therein, and the value at which the real property to be sold was included therein;
- (d) If the personal representative entered bond with the Register, the name of the surety and the amount of such bond;
- (e) The names and relationships of all parties in interest, a brief description of their respective interests, whether any of them are deceased, minors, or incapacitated persons, and if so, the names and the record of the appointment of their fiduciaries;
- (f) A full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current tax assessment; and
- (g) Sufficient facts to enable the Court to determine that the sale is desirable for the proper administration and distribution of the estate.

(2) Trustee—A petition by a trustee to sell real property at public sale, under Section 2133.16 of the Code shall also set forth in separate paragraphs:

- (a) How title was acquired, stating the date and place of probate of the will or recording of the deed;
- (b) A recital of the relevant provisions of the will or deed pertaining to the real property to be sold, and of the history of the trust;
- (c) The names and relationships of all parties in interest, a brief description of their respective interests, and whether any of them are deceased, minors, or incapacitated persons, and if so, the names and the record of the appointment of their fiduciaries;

(d) The improvements on the property, by whom it is occupied, its rental value and current tax assessment;

(e) That the trustee is not otherwise authorized to sell by the Code, or is denied the power by the trust instrument, or that it is advisable that the sale have the effect of a judicial sale, stating the reason; and

(f) Sufficient facts to enable the Court to determine that the proposed sale is for the best interests of the trust.

(3) Guardian—A petition by a guardian to sell real property at public sale, under Section 5153.1 of the Code shall also set forth in separate paragraphs:

- (a) The age of the ward;
- (b) The names of the ward's next of kin and the notice given them of the presentation of the petition. When there are no known next of kin who are sui juris to whom notice may be given, public notice in accordance with Rule L5.1B, must be given and proofs thereof must be attached to the petition as an exhibit;
- (c) How title was acquired, stating the date and place of probate of the will or recording of the deed;
- (d) A recital of the provisions of the will or deed relating to the real property to be sold;
- (e) The nature and extent of the interest of the ward, and of other persons in the real property;
- (f) The improvements on the property, by whom it is occupied, its rental value and current tax assessment; and
- (g) Sufficient facts to enable the Court to determine that the proposed sale will be for the best interest of the ward.

**Rule L12.9B. Exhibits**

The following exhibits shall be attached to a petition by a personal representative, trustee, or guardian to sell real property at public sale:

- (1) A copy of the will, deed or decree by which the fiduciary was appointed;
- (2) Any consents or joinders of parties in interest, and the names and a copy of the notice which has been given to those parties who do not consent to join;
- (3) Consent by any mortgagee whose lien would otherwise not be discharged by the sale, or, if not attached, the reason therefor; and
- (4) An affidavit as to value by one real estate appraiser.

**Rule L12.9C. Decree**

Upon presentation of any of the foregoing petitions, the Court, if satisfied that public sale is appropriate, shall enter a Decree fixing the time within which public sale shall be held and further fixing the time thereafter within which the return of sale shall be made to the Court.

**Rule L12.9D. Notice and Return**

(1) After the allowance of a petition for public sale of real property, notice of the public sale shall be given as provided in Rule L5.1B.

(2) Returns of public sale of real property for the purpose of an approval or confirmation by the Court shall be in the form of an affidavit, which shall set forth:

- (a) The information required by Rule L5.4A and the advertisement made;

(b) The name and address of the purchaser and that said purchaser was the highest bidder;

(c) As an attachment, a complete copy of the written agreement of sale: and,

(d) Whether any exceptions to the confirmation have been filed.

**Rule L12.9E. Security**

On the return day of the sale, the Court, in the decree approving or confirming the public sale, will fix the amount of bond or additional security which the personal representative, trustee or guardian shall be required to enter, or will excuse the fiduciary from entering additional security.

**Rule L12.9F. Petition to Fix or Waive Additional Security, Personal Representative, Trustee**

(1) Form of Petition—In a sale, whether public or private, of real estate by a personal representative or trustee without benefit of an order of court directing or authorizing such sale, where the personal representative or trustee is required to give bond as such personal representative or trustee, he or she shall, before the proceeds of the sale are paid to the personal representative or trustee by the purchaser, present a petition to the Court setting forth:

(a) The date of death of the decedent;

(b) The date of the petitioner's appointment;

(c) The amount of the bond or bonds filed by the petitioner and the date of such filing and the name or names of the petitioner's surety;

(d) The total valuation of the personal estate as shown in the inventory and appraisal, if any, and the total proceeds of any real estate sold previously;

(e) A short description of the real property sold, the name of the purchaser and the amount of the consideration to be paid;

(f) A prayer for an order fixing the amount of additional security or for an order excusing the petitioner(s) from filing additional security, as the case may be; and;

(g) In those cases in which waiver of additional security is sought, the consent of the parties in interest shall be attached and a statement as will justify the waiver of the additional security shall be included, and said statement shall include, but not be limited to, an averment that there are no creditors whose claims shall be jeopardized by the sale and that all taxes have been paid.

(2) Surety on Additional Bond—The surety on any additional bond except for cause shown shall be the same as on the original bond.

**Rule L12.10A. Exhibits**

The following exhibits shall be attached to a petition by a personal representative, trustee or guardian to sell real estate at private sale:

(1) a copy of the will, deed or decree by which the fiduciary was appointed;

(2) any consents or joinders of parties in interest, and the names and a copy of the notice which has been given to those parties who do not consent or join, such notice containing the date of the presentation of the petition to the Court;

(3) consent by any mortgagee whose lien would otherwise not be discharged by the sale or, if not attached, the reason therefor; and

(4) a copy of the agreement of sale.

**Rule L12.10B. Security**

The Court, in the decree approving or confirming the private sale, will fix the amount of bond or additional security which the personal representative, trustee or guardian shall be required to enter, or will excuse the fiduciary from entering bond or additional security.

**Rule L12.11A. Mortgage or Lease of Real Property, Additional Requirements**

(1) Contents of Petition—A petition to mortgage or lease real property by a personal representative, trustee or guardian, shall conform as closely as practicable to the requirements of these Rules with regard to a petition to sell real property at public sale by the same fiduciary; shall set forth the amount and terms of the proposed mortgage loan; and shall set forth sufficient facts to enable the Court to determine whether the proposed mortgage or lease should be approved.

(2) Exhibits—The following exhibits shall be attached to the petition where applicable:

(a) a copy of the will, deed or decree by which the fiduciary was appointed;

(b) consents to the mortgage or lease signed by those parties in interest who do not join in the petition, and the names and a copy of the notice which has been given to those parties who do not consent;

(c) a statement by the proposed mortgagee agreeing to grant the mortgage loan; and,

(d) an appraisal by a real estate broker of the real property on which the proposed mortgage is to be secured.

(3) Security—The amount of the security or additional security required to be entered, or the waiver thereof, will be determined by the Court in its decree approving the mortgage.

**Guardianship of Incapacitated Persons**

**Rule L14.1A Preliminary Decree**

A Preliminary Decree for the purpose of issuing a citation and setting a hearing date shall be attached to each petition. A suggested form of preliminary decree is available as part of the forms packet which can be obtained in the Office of the Clerk of the Orphans' Court and on its website cited above.

**Rule L14.1B. Separate Accounts**

The account of a guardian for an incapacitated person and the account of a deceased incapacitated person's estate shall be separately stated. Where the guardian and the personal representative are the same, the accounts of the guardian and the personal representative may be filed in one proceeding.

**Rule L14.1C. Guardian's Accounts**

Guardian's accounts filed for audit shall conform with Rules 6.1 through 6.11 and the Chester County Orphans' Court Rules regarding accounts and distribution which accompany them.

**Rule L14.1D. Guardian's Accounts—Additional Requirements**

Guardian's accounts shall have attached thereto as an exhibit a copy of the guardian's inventory and a copy of the order or decree appointing the guardian. If the accounting is occasioned by the death of the incapacitated person, the account shall have attached thereto a copy of the will if the incapacitated person died testate, and a copy of the appointment of the personal representative of the deceased incapacitated person's estate.

**Rule L14.1E. Notice of Filing of Account**

Notice of the filing of the account shall be given as required by Rule 6.3 and the local rules adopted there under and, in all cases, notice shall be given to individuals entitled to notice under 20 Pa.C.S.A. § 5511.

**Rule L14.2A. Petition, additional requirement**

The Petition shall include an allegation as to whether the alleged incapacitated person is known to have appointed an attorney-in-fact, trustee or agent, and if so, his identity and address. The proposed guardian's written consent to the appointment shall be attached to the petition.

**Rule L14.2B. Testamentary Writings**

A person who possesses a testamentary writing of an incapacitated person shall file the original or a certified copy of each writing with the Clerk of Orphans' Court at the time of filing of the guardian's inventory. If a certified copy is filed, the person shall also present the original to the Clerk of the Orphans' Court for verification. The documents shall be impounded until further order of the Court.

**Rule L14.5A. Service and Notice**

Personal service shall be made on the alleged incapacitated person, and notice of the petition and hearing shall be given in accordance with 20 Pa.C.S.A. § 5511(a). Notice shall also be given to any attorney-in-fact, trustee or agent.

**Rule L14.5B. Proof of Service and Notice**

An Affidavit of service of citation with notice and petition shall be filed in the Office of the Clerk of the Orphans' Court at least seven days before the date of the hearing. The affidavit of service shall be made in the suggested form available in the Office of the Clerk of the Orphans' Court or on its website cited above.

**RULE 15. ADOPTIONS**

A packet of suggested forms and procedures is available at the Office of the Clerk of the Orphans' Court and on its website at [www.chesco.org/wills](http://www.chesco.org/wills).

**Rule L15.1A. Procedure**

(1) In all pleadings relating to the termination of parent-child relationships and adoptions, all petitions, reports, etc., shall be filed with the Office of the Clerk of the Orphans' Court. They shall substantially conform to the suggested forms available at the Office of the Clerk of the Orphans' Court and on its website. Separate pleadings shall be filed for each proposed adoptee.

(2) When the first pleading is filed in a case, the case shall be given a number, and thereafter all papers filed in that case shall bear that number. The case shall be referred to at all times by number and the adoptee's initials.

(3) When parental rights are sought to be terminated, a separate petition for ending parental rights shall be filed for each parent. (Involuntary Termination, Confirm Consent or Voluntary Relinquishment.)

(4) All petitions shall have a preliminary decree attached for the purpose of setting a hearing date and shall specify the names and addresses of the persons to whom notice is to be given. The notice pursuant to 23 Pa.C.S. § 2513(b) shall be attached to each petition. Hearing dates shall be scheduled by the Orphans' Court Administrator and shall be not less than ten days after the service of the petition.

(5) A motion for the appointment of counsel for the child whose parent's rights may be terminated and an order relating thereto shall be presented with each petition for involuntary termination of parental rights. Petitioner shall deposit the amount provided by 23 Pa.C.S.A. § 2312(b)(2) toward counsel fees with the Office of the Clerk of the Orphans' Court at the time of filing the petition. No deposit shall be required for terminations involving Chester County Department of Children, Youth and Families.

(6) In every proceeding where the rules or statutes require that the adoptee's birth certificate be exhibited to the court, the original birth certificate shall show the names of the mother and father (if that information is recorded; if the name of the father is not recorded, but there is a claim of paternity under 23 Pa.C.S. § 5103(b), that information shall be provided).

(7) The Report of Vital Statistics Form (H105) shall be filed with each petition for adoption as a separate unattached document.

**Rule L15.2A. Appearance of Intermediary**

The court will require the appearance of representatives of agencies or individuals who have acted as the intermediary unless excused by the court.

**Rule L15.3A. Appearance of Intermediary**

The court will require the appearance of representatives of agencies or individuals who have acted as the intermediary unless excused by the court.

**Rule L15.4A. Involuntary Termination of Parental Rights**

(1) Citation—When a petition for involuntary termination is filed, the Clerk of Orphans' Court shall issue to the parent or parents whose rights may be terminated a citation to show cause why the prayer of the petition should not be granted. The citation shall be made returnable no sooner than twenty days after the date of issuance, unless the court orders that it be returned sooner.

(2) Notification by the Clerk of the Orphans' Court—The Clerk of the Orphans' Court shall promptly mail a certified copy of all decrees terminating parental rights to the person whose rights have been terminated to their last known address by first class mail or to their attorney of record, and enter the mailing of such notice on the docket. For this purpose, the petitioner or the attorney for petitioner shall provide the clerk with the last known address of the person whose rights have been terminated.

**Rule L15.5A. Adoption****(1) Reports and Investigation**

(a) In all cases in which the Chester County Department of Children, Youth and Families is the intermediary, the court may rely on the intermediary's report and will

not require an investigation by a court appointed investigator. In all other cases, an investigation shall be conducted by a court appointed investigator who, in the investigator's discretion, may rely upon the report of a voluntary child care agency acting as intermediary.

(b) If the Report of the intermediary or the investigator is not filed within 6 months of the Report of Intention to Adopt (or appointment of investigator, in the case of the investigator), the Court, on motion of any party, may issue a rule upon the intermediary or investigator, as the case may be, to appear and show cause why the report in question has not been filed.

(c) If there is no intermediary named in the Report of Intention to Adopt, the attorney shall attach an affidavit to the report which shall explain in detail how the persons filing the report received possession of the adoptee from the birth parent(s), who arranged for the exchange of possession of the adoptee, how the persons filing the report received knowledge of the existence of the availability of the adoptee for potential adoption, and any other information the attorney may have regarding the relationship of the persons filing the report to the birth parent(s) and how the adoption was arranged.

(2) Disclosure of Fees and Costs of Intermediary

(a) All intermediaries other than Chester County Department of Children, Youth and Families shall submit a full itemized disclosure of fees and charges with the Report of Intention to Adopt. No investigator will be appointed and no hearings will be scheduled until the fees have been found by the Court to be in compliance with 23 Pa.C.S.A. § 2533(d).

(b) Counsel shall certify on the report offered into evidence that the adopting parent(s) have been given a copy of the Report and fees pursuant to 23 Pa.C.S.A. § 2533(d).

(3) Required Submissions

In the course of causing an investigation to be made pursuant to 23 Pa.C.S.A. § 2535(a), an agency or person designated by the Court to conduct such investigation, or the agency which placed the child, shall require prospective adoptive parents to submit the following information:

(a) Pursuant to 18 Pa.C.S.A. § 9101, et seq. (relating to criminal history record information), a report of a criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police central repository contains no such information relating to that person. Such criminal record history information shall be limited to that which is disseminated pursuant to 18 Pa.C.S.A. § 9121(b)(2) (relating to general regulations).

(b) A certification from the Department of Public Welfare as to whether the applicant is named in the central register as the perpetrator of a founded or indicated report of child abuse.

Prospective adoptive parents who are not residents of Pennsylvania shall submit an equivalent report and certificate from the State Police Department of the State of which they are residents

The certificate required by subsection (b) above shall be valid within 24 months prior to the placement of the child by the agency, or in the case of a private placement, the certificate shall be valid within 24 months of the hearing before the court.

**Rule L15.5B. Adoption Investigation Fee**

A person required to file a Report of Intention to adopt in accordance with 23 Pa.C.S.A. §§ 2531-2532 shall, when filing the report, pay an adoption investigation fee to the Office of the Clerk of the Orphans' Court, in such amount as shall be established by the court from time to time.

**Rule L15.5C. Disclosure of Fees and Costs**

Prior to scheduling a hearing on the petition for adoption, counsel for petitioner(s) shall file a signed certification of fees, costs and expenses as required by Rule 15.5(d). This certification shall be reviewed by the court, and if the court considers the amount to be unreasonable, the court may request that counsel provide an itemized billing statement.

**Rule L15.6A. Notice; Method and Time**

(1) All notices required and not obtainable in accordance with Rule 15.6 and the local rules promulgated thereunder shall be served in accordance with Pa.R.C.P. 430.

(2) If notice by publication is ordered by the court pursuant to Pa.R.C.P. 430, the publication shall also appear in a newspaper of general circulation in the area of the last known address of the birth parent or where the petitioner believes the birth parent may currently be residing unless otherwise ordered by the court.

(3) Petitioner(s) or petitioner(s)' counsel is responsible for seeing that notice is provided in accordance with the law for all persons entitled to notice. An affidavit of service shall be filed in all matters where notice is required, specifying the manner in which, and the person or agency to whom notice is given.

**Rule 15.7A. Requests for Information**

All requests for information under 23 Pa.C.S. § 2905 shall be made by letter directed to the court or by presenting a completed questionnaire which can be obtained from the Office of the Clerk of the Orphans' Court or available on its website. If a court file is located regarding the adoption in question, the court will send a form of petition to the requestor for completion, which shall be filed in the Office of the Clerk of the Orphans' Court.

**Note:** A set of forms for foreign adoption registration and detailed instructions are available at the Office of the Clerk of the Orphans' Court and on its website at [www.chesco.org/wills](http://www.chesco.org/wills)

**RULE 17. SHORT TITLE**

**Rule L17.1A. The Rules set forth herein which do not appear in bold face type shall be known and may be cited as Ches. Co. O.C. Rules.**

[Pa.B. Doc. No. 06-2056. Filed for public inspection October 20, 2006, 9:00 a.m.]

**CRAWFORD COUNTY**

**Adoption of Local Criminal Rules of Procedure;  
No. AD 11 of 2006**

**Order**

*And Now*, October 5, 2006, pursuant to Pa.R.Crim.P. 105, effective January 1, 2007, the current Crawford County Rules of Criminal Procedure shall no longer be in effect and the following Rules of Criminal Procedure shall become effective.

The Court Administrator is ordered and directed to:

1. File seven (7) certified copies of this order with the Administrative Office of Pennsylvania Courts.

2. Send two (2) certified copies and diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Send one (1) certified copy of this order to the Pennsylvania Criminal Procedural Rules Committee.

4. Send one (1) copy of this order to the Crawford County Law Library.

5. Keep continuously available for public inspection copies of this order and the rules in the Court Administrator's office and the Clerk of Courts' office.

*By the Court*

GORDON R. MILLER,  
*President Judge*

### CRAWFORD COUNTY LOCAL RULES OF CRIMINAL PROCEDURE

#### Rule 100. Scope of Local Rules.

These rules are adopted in accordance with the Pennsylvania Rules of Criminal Procedure and are applicable to the Criminal Division of the Court of Common Pleas of Crawford County, Pennsylvania and to the Magisterial District Judges Courts of Crawford County, Pennsylvania to the extent appropriate.

#### Rule 101. Purpose and Construction.

These rules are intended and shall be construed to supplement the Pennsylvania Rules of Criminal Procedure.

#### Rule 102. Citing the Crawford County Procedural Rules.

These rules shall be known as the Crawford County Rules of Criminal Procedure and shall be cited as "Cra.R.Crim.P."

#### Rule 103. Definitions.

The definitions of terms used in these rules shall be the same as those set forth in Pa.R.Crim.P. 103 except:

(1) "Court" shall mean the Criminal Division of the Court of Common Pleas of Crawford County.

(2) "Issuing Authority" shall mean a Magisterial District Judge.

(3) "Rule" shall mean any rule of the Criminal Division of the Court of Common Pleas of Crawford County unless otherwise indicated.

(4) "Clerk of Courts" shall mean the Clerk of Courts of Crawford County, Pennsylvania.

#### Rule 104. Design of Forms.

The design of all forms mandated for use by the Court pursuant to these rules shall be determined by the Court Administrator of Crawford County in consultation with the Court.

#### Rule 106. Continuances.

(1) A motion for a continuance of any matter shall state the reason the continuance is requested, whether any previous continuances have been requested, and if so, the dates thereof, the name of the party making any previous motion and the results thereof.

(2) All motions for a continuance of a jury trial should be made no later than the Call of the Criminal List and shall not be made later than forty-eight hours before the

time set for trial. Any motion made later than forty-eight hours before the time set for trial, shall be in compliance with Pa.R.Crim.P. 106(C).

(3) All motions for a continuance of a scheduled non-jury trial shall be made at least forty-eight hours before the time set for trial. Any motion made later than forty-eight hours before the time set for trial, shall be in compliance with Pa.R.Crim.P. 106(C).

#### Rule 114. Orders and Court Notices.

When entering an appearance pursuant to Pa.R.Crim.P. 120, an attorney may designate that service upon that attorney in a particular case will be permitted by methods permitted by Pa.R.Crim.P. 114(B)(3) for service of court orders and court notices, and by Pa.R.Crim.P. 576(B)(2) for service of written motions, written answers, notices and documents for which filing is required.

The designation of permitted means of service shall be made in an appearance filed in a form substantially consistent with Form 120 provided with these rules.

#### Rule 117. Coverage—Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail

##### REGULAR BUSINESS HOURS

All magisterial district judge offices shall be open for regular business on Mondays through Fridays, excluding holidays, from 8:30 a.m. to 4:30 p.m. local time.

##### CONTINUOUS COVERAGE

Continuous coverage for the issuance of search warrants and arrest warrants, for warrants issued pursuant to Pa.R.Crim.P. 430 in a summary case, for the issuance of emergency orders under the Protection from Abuse Act, and for those services set forth in Pa.R.Crim.P. 117(A)(2)(a), (b), (c) and (d) shall be in accordance with the traditional on-call system as presently established.

##### NON-BUSINESS HOURS

At least one magisterial district judge shall be available at all times in Crawford County. The responsibility of the judge on call is to perform the services referred to in this order and any other acts of an emergency nature as required by rule or law. A magisterial district judge in a particular district may contact police officers and other law enforcement agencies to indicate that said judge shall be called first even though said judge is not the on call magisterial district judge in order to handle matters required of magisterial district judges within the district of that particular judge.

Otherwise, the magisterial district judge on call shall be contacted by all police agencies and other law enforcement agencies. Said judge must be available (able to be accessed or able to render services as required by rule or law). The magisterial district judge shall not have the option of determining when he or she will be available. The on call magisterial district judge must be available and must respond (answer or reply) in a timely fashion. In certain instances, such as under Rules 441 and 519 of the Pennsylvania Rules of Criminal Procedure, arresting officers may release a person from custody and subsequently file a citation or summons when specific conditions have been met. Police agencies and arresting officers are encouraged to familiarize themselves with these sorts of rules as those rules will be discussed by a magisterial district judge in deciding whether an arraignment is necessary in these cases.

The on call magisterial district judge will be available during non-office hours for a week at a time in rotation,



with each assignment period beginning on Monday at 4:30 p.m. and ending the following Monday at 8:30 o'clock a.m. (except Monday holidays, when the assignment period ends at 4:30 p.m. on that particular Monday).

During that time the on call magisterial district judge is responsible for coverage by being available for inquiries at his or her home, through use of the beeper, or through communication with Crawford County Control. By providing continuous availability the on call magisterial district judge can then effectively receive/monitor all on call requests. If it is necessary for the on call magisterial district judge to personally act within two (2) hours of the time that judge's office will open for the next business day, the magisterial district judge may require the police officer or other law enforcement agency to bring a defendant before the appropriate magisterial district judge at or after the opening of that office.

During temporary assignments in the on call schedule the magisterial district judge assigned is authorized to call upon the services of other magisterial district judges as needed, and mutually agreed upon, particularly if the other magisterial district judges have an office that is more convenient to the parties by reason of geographical location.

The court administrator shall, annually, prepare a temporary assignment schedule to be used in Crawford County outside of normal business hours for the purposes set forth in this rule. That schedule is known as the "Emergency Assignment Schedule." Modifications to this schedule may occur amongst respective magisterial district judges provided any modifications are mutually agreed upon and subsequently conveyed to Crawford County Control. Any additional compensation for subsequent modification of an existing schedule shall be waived.

**MAGISTERIAL DISTRICT JUDGE TEMPORARY ASSIGNMENTS**

When during regular business hours for magisterial district judges, a judge who has venue over a particular matter is unavailable, any other magisterial district judge in Crawford County is hereby temporarily assigned to serve the magisterial district of the judge who is unavailable. Such an arrangement may be made between respective magisterial district judges by mutual agreement. Any additional compensation for said arrangement will be waived.

**OFFICIALS DESIGNATED TO ACCEPT BAIL**

Magisterial district judges and the Clerk of Courts shall be authorized to accept bail in accordance with the provisions, and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure.

**Rule 118. Use of Two-Way Simultaneous Audio-Visual Communication in Criminal Proceeding.**

A defendant may consent to a proceeding being conducted using two-way simultaneous audio-visual communication by signing a Waiver Of Courtroom Appearance, in a form substantially consistent with Form 118 of these rules, prior to or at the time of a two-way simultaneous audio-visual communication.

Additionally, a defendant may consent to a Gagnon II revocation hearing by two-way simultaneous audio-visual communication if, prior to that hearing, the defendant has indicated that intention on a Waiver Of Formal Revocation Hearing form, or an adult probation/parole officer has certified that the defendant has so consented

when filing a Motion To Schedule Gagnon II Hearing, provided in either event the required document has been filed of record.

Whenever a defendant consents to a proceeding being conducted using two-way simultaneous audio-visual communication, the Court or Issuing Authority shall conduct a colloquy regarding the defendant's consent when the defendant's constitutional right to be physically present is implicated.

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA**

**CRIMINAL DIVISION**

**COMMONWEALTH OF PENNSYLVANIA**

vs.

:  
:  
: **No.:**  
: **OTN No.:**  
:

**WAIVER OF COURTROOM APPEARANCE**

I am aware that I may have a right to appear in a courtroom for a hearing on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ that is scheduled for the following purpose(s):

I am willing to waive my appearance in the courtroom for said hearing on that date and consent to said hearing being conducted by two-way simultaneous audio-visual conference between the courtroom in the Crawford County Courthouse and the Crawford County Correctional Facility.

If I have counsel I understand that my counsel will be sitting beside me and that I will have the opportunity to talk to counsel privately with no one else hearing the conversation.

I understand that counsel and I will be sitting in front of a live video camera and that the participants who are assembled in the courtroom can see and hear counsel and me. I further understand participants who appear in the courtroom will be sitting in front of a video camera and that I will see them and be able to hear them.

The Judge will be able to see me and speak to me and I will be able to see and speak to the Judge by monitor.

The courtroom is open to the public and members of the public who are interested in my hearing will be able to see and hear the proceedings in the courtroom and also see and hear my attorney and me through the courtroom monitor.

I understand that by signing this waiver I will not be transferred to the courtroom for this hearing and that the hearing will be done by two-way simultaneous audio-visual conference through the use of a video camera and monitor at both the jail and courtroom.

\_\_\_\_\_  
Defendant

Date: \_\_\_\_\_, 20 \_\_\_\_

Form 118

**Rule 120. Attorneys—Appearances.**

The entry of an appearance by counsel for the defendant as required by Pa.R.Crim.P. 120 shall be done on a form substantially consistent with Form 120 of these rules.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

No.: OTN No.:

ENTRY OF APPEARANCE

AND NOW, I hereby appear for the defendant in the above-entitled case.

I hereby permit service of these matters in this case upon me by the following method(s) as indicated by checkmark:

- By facsimile transmission to my fax number .
By leaving a copy in my box in the Prothonotary's Office in the courthouse.

Signature
Address
Telephone Number
Supreme Court I.D. Number

Note: The State rules covering service are at Pa.R.Crim.P. 114 and 576. Form 120

Rule 150. Bench Warrants.

A Bench Warrant Hearing:

- (1) May be held in Common Pleas Court by the Judge who issued the Bench Warrant or any other Common Pleas Judge.
(2) May be held before the Magisterial District Judge who issued the Bench Warrant or any other Magisterial District Judge within the Thirtieth Judicial District, including but not limited to the on-call Magisterial District Judge.

Rule 319. Dismissal of Charges after Successful Completion of ARD Program.

Upon the successful completion of a defendant's participation in the Accelerated Rehabilitative Disposition Program, the Probation/Parole Department or the defendant may file a Motion requesting that the Court terminate the ARD case and dismiss the defendant's charges.

Said Motion shall include a proposed Order for the Court to sign setting forth a listing of the specific charges to be expunged by the Court and an additional Order substantially in the form set forth in Form 320 of these rules shall be attached to the Motion for the Court's consideration.

Note: The second paragraph of this rule which requires that a proposed order be attached to the motion is inconsistent with Pa.R.Crim.P. 575(c). While attaching an order truly assists the Court in promptly and efficiently processing a rather standard matter given the large number of ARD cases this Court processes, the Court cannot enforce this for defendants who file their own motion. But the Court can require one of its administra-

tive departments, such as the Adult Probation Department, to follow this Court's orders and expectations.

Rule 320. Expungement Upon Successful Completion of ARD Program.

When the Court enters an Order pursuant to Rule 319 dismissing charges against the defendant upon successful completion of the ARD Program, the Court shall, in a separate Order, in a form substantially consistent with Form 320 of these rules, also order the expungement of the defendant's arrest record.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

No.: OTN No.:

Expungement Order

AND NOW, 200 IT IS ORDERED AS FOLLOWS: Pursuant to the Pennsylvania Rules of Criminal Procedure dealing with Accelerated Rehabilitative Disposition (ARD) (Pa.R.Crim.P. 319, 320) and the Criminal History Record Information Act (18 Pa.C.S.A. § 9101, especially § 9122), an Order has been entered in this case upon the defendant's successful completion of the ARD program and the Court has ordered the dismissal of the charges against the defendant.

Accordingly, it is Ordered as follows:

1. The defendant's arrest record shall be expunged pursuant to Pa.R.Crim.P. 320 and the Criminal History Record Information Act.

2. The Clerk of Courts shall send a certified copy of this Expungement Order to the District Attorney, Magisterial District Judge, arresting police agency, and Pennsylvania State Police Central Repository; and shall maintain the original Motion and Order that was filed in this case under Pa.R.Crim.P. 319, that is dismissal upon successful completion of the program, all as permitted and provided for in 18 Pa.C.S.A. § 9122(c).

3. Upon receipt of a certified copy of this Expungement Order, the District Attorney, Magisterial District Judge, arresting police agency, and Pennsylvania State Police Central Repository shall:

- A. Expunge the criminal history record information in this case so as to:
(1) Remove the information so that there is no trace or indication that such information existed; and
(2) Eliminate all identifiers which may be used to trace the identity of an individual, allowing remaining data to be used for statistical purposes, all pursuant to the Criminal History Record Information Act.
B. Within thirty (30) days of receipt of the Expungement Order, file with the Clerk of Courts of Crawford County a certification which states that destruction of records has taken place as Ordered.
C. The Pennsylvania State Police Central Repository shall notify all criminal justice agencies which have received the criminal history record information to be

expunged of the Expungement Order as required by the Criminal History Record Information Act, 18 Pa.C.S. § 9122(d).

- D. Not expunge certain records pursuant to the Expungement Order in this case. The records that would not be expunged are those set forth in: 18 Pa.C.S.A. § 9122(c), 18 Pa.C.S.A. § 9104(a), 18 Pa.C.S.A. § 9104, and any record maintained by the Department of Transportation or other entities pursuant to 75 Pa.C.S.A. § 1534(b) relating to Accelerated Rehabilitative Disposition in DUI cases.

BY THE COURT

J.

This expungement order applies to the following and the following information is given pursuant to Pa.R.Crim.P. 722.

- Defendant's date of birth:
- Defendant's social security number:
- The Magisterial District Justice docket number:
- The Magisterial District number:
- The specific charges, as they appear on the charging document, to be expunged:
- The date of arrest:
- The criminal justice agency which made the arrest:
- The disposition:
- The reason for expungement: successful completion of the ARD program.
- The criminal justice agencies upon which certified copies of the order shall be served: those agencies are listed in the body of the order.

Form 320

Rule 502. Local Scheduling Procedures.

- (1) Annually, no later than September 30th, the Court Administrator shall publish a schedule for the succeeding year setting forth the following pertinent dates that affect each criminal case with the appropriate schedule to be set in motion by the date the defendant either waives the preliminary hearing or is bound over following the preliminary hearing:
  - (a) The date of the court arraignment, which shall be the first available arraignment date at least twenty (20) days after the preliminary hearing is held or waived.
  - (b) The date for the call of the trial list, which shall be no sooner than forty-five (45) days after court arraignment nor less than six (6) days from the date trial is scheduled to commence for the case.
  - (c) The first day of the trial term at which the case is scheduled.
- (2) The Court Administrator shall, immediately after publishing said schedule, provide copies to each of shall also be available, free of charge, at all times in the Court Administrator's Office and the Crawford County Clerk of Courts Office.
- (3) At the time a defendant is bound over to court or waives a preliminary hearing, each Issuing Authority shall prepare a Criminal Case Scheduling Form with an original and five copies substantially in the form set forth as Form 502.

The Issuing Authority shall orally advise the defendant and counsel of the time, date and place of arraignment, and that the failure to appear at such arraignment or other required appearances as set forth in the Criminal Case Scheduling Form may result in the defendant's arrest and forfeiture of bond.

The Issuing Authority shall require the defendant to sign the Criminal Case Scheduling Form, indicating the defendant is aware of the time, date and place of arraignment and of the obligation to appear at arraignment and other proceedings noted thereon.

Once the Criminal Case Scheduling Form has been completed, the defendant shall be provided with a copy and the Issuing Authority shall retain a copy for the Issuing Authority's records. If they are present, the Issuing Authority shall provide a copy to the defendant's attorney and/or the District Attorney's Office. All undistributed copies, together with a copy for the Court Administrator, shall be forwarded promptly to the Court Administrator for proper distribution. The original Criminal Case Scheduling Form shall be attached to the official record when it is forwarded to the Clerk of Courts as required by Pa.R.Crim.P. 547.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

: No. : OTN No.:

Defendant

CRIMINAL CASE SCHEDULING FORM

Charges: \_\_\_\_\_ Date Complaint Filed: \_\_\_\_\_

Defense Counsel \_\_\_\_\_ Date of Preliminary hearing/waiver \_\_\_\_\_

IMPORTANT NOTICE

You and your attorney and/or attorney's representative are required to appear for the following proceedings. These dates may not be changed without leave of Court.

- 1. Arraignment: \_\_\_\_\_ 9:00 a.m., prevailing local time, in Assembly Room, basement, Crawford County Courthouse, Meadville, Pennsylvania. Arraignment may be waived, but ONLY if you have an attorney prior to your arraignment date.
- 2. Criminal Call of List: \_\_\_\_\_ 9:00 a.m., prevailing local time, Courtroom No. 1, Crawford County Courthouse, Meadville, Pennsylvania.

CAUTION: THE LAST DAY FOR THE COURT TO ACCEPT NEGOTIATED PLEAS (PLEA BARGAINS) IS THE DAY OF THE CALL OF THE CRIMINAL TRIAL LIST. THAT SAME DATE IS THE LAST DAY THAT YOU WILL BE PERMITTED TO WAIVE A JURY TRIAL TO BE TRIED IN A NON-JURY TRIAL BEFORE A JUDGE.

- 3. First day of Jury Trials: \_\_\_\_\_ 9:00 a.m.; prevailing local time; Courtroom No. 1, 2 or 3, Crawford County Courthouse, Meadville, Pennsylvania.

FAILURE TO APPEAR FOR YOUR SCHEDULED ARRAIGNMENT, CRIMINAL CALL OF THE LIST OR FIRST DAY OF JURY TRIALS MAY RESULT IN FORFEITURE OF YOUR BAIL BOND AND THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST AS WELL AS ADDITIONAL CHARGES OF DEFAULT IN REQUIRED APPEARANCE.

The undersigned hereby acknowledge receipt of a copy of this notice.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Signature of Defendant

Original:  
 Clerk of Courts [White]  
 Court Administrator [Gold]  
 District Attorney [Green]  
 Defense Counsel [Yellow]  
 Defendant [Pink]  
 Issuing Authority [Blue]  
 \_\_\_\_\_  
 Signature of Counsel  
 \_\_\_\_\_  
 Signature of Issuing Authority

Form 502

**Rule 510. Notice To Be Sent When Case Is Initiated By Summons.**

In all cases where a criminal action is commenced by summons, the Issuing Authority shall mail with the summons a notice substantially in the following form, printed on paper other than the color of the paper of the accompanying summons, in order to comply with Pa. R.Crim.P. 510(B)(1):

IMPORTANT NOTICE  
 RIGHT to COUNSEL

You have the absolute right to be represented by a lawyer. If you cannot afford a lawyer, one will be appointed to represent you free of charge.

In order to have a lawyer by the time of the preliminary hearing, you should immediately:

- (1) Hire a lawyer; or
- (2) If you believe you cannot afford to hire a lawyer, you should immediately apply to the Crawford County Public Defender's Office, Crawford County Courthouse, Meadville, Pennsylvania, 16335, (814) 333-7367, where a lawyer may be appointed to represent you free of charge if you qualify.

If you are currently incarcerated and unable to contact the Public Defender's Office, you should immediately request an application from the jail officials to apply for the services of a Crawford County Public Defender.

**Rule 528. Requirements for Real Estate Bail.**

(1) If real estate is offered as bail set for a defendant, whether before an Issuing Authority or the Court, the owner of the real estate, to qualify as surety and post real estate as bail, must file a letter from an attorney licensed in Pennsylvania which contains the following:

(a) The assessed value and fair market value of the real estate as contained among the assessment records of the county in which the real estate is located or alternatively, a real estate appraisal prepared by a certified Pennsylvania real estate appraiser establishing the fair market value for the real estate.

(b) The exact name(s) of the record title holder(s).

(c) A list of liens against the real estate together with the amount of the lien of record, the actual current payoff amount of the lien and the date the lien was entered.

(d) A list of all unpaid taxes due and owing.

(e) A certification that a lien search has been completed and the attorney finds that after subtracting any outstanding liens from the fair market value of the real estate, there remains a sufficient amount of equity to cover the amount of the bond to be posted.

(2) Upon receiving a letter containing such information, the District Attorney shall promptly review the request. If satisfied that there is adequate equity, the District Attorney shall notify the Clerk of Courts that the real estate bond may be accepted. If the District Attorney does not believe there is sufficient equity or refuses to accept the real estate bond for any reason, the District Attorney shall promptly notify the defendant's counsel so that a hearing may be requested and/or alternate bond may be posted. In all events, the District Attorney's Office shall respond in one of the ways indicated above within one business day of receiving the required letter.

**Rule 540. Notice to be Given at Preliminary Arraignment.**

In all cases in which a defendant does not appear with an attorney, in addition to the Issuing Authority verbally advising the defendant as set forth in Pa.R.Crim.P. 540(E)(1), the Issuing Authority shall provide to the defendant at the preliminary arraignment a written notice substantially in the form set forth in Crawford County Rule of Criminal Procedure 510, even if the defendant has previously received the same notice pursuant to Crawford County Rule of Criminal Procedure 510.

**Rule 541. Notice Required Following Waiver of Preliminary Hearing.**

If an Issuing Authority accepts the waiver of preliminary hearing pursuant to Pa.R.Crim.P. 541, the Issuing Authority shall schedule a court arraignment and complete a Criminal Case Scheduling Form in a form substantially consistent with that set forth as Form 502 of these rules, so that the defendant is notified of the date and place of the defendant's arraignment, as well as future important dates and places, all in compliance with Rule 502.

**Rule 542. Continuances of Preliminary Hearings Before Magisterial District Judges.**

All Preliminary Hearings shall be initially scheduled before Magisterial District Judges consistent with the requirements of the Pennsylvania Rules of Criminal Procedure.

Thereafter, a Magisterial District Judge may grant a continuance of the Preliminary Hearing upon request of either the Commonwealth or the defendant. However, in order to allow cases to flow as quickly as possible through the system, such continuances shall be limited to the minimum time period necessary and should not result in a Preliminary Hearing being held more than thirty (30) days from the date when the Preliminary Hearing was first scheduled.

**Rule 543. Disposition of Case at Preliminary Hearing.**

If, after completion of the preliminary hearing held pursuant to Pa.R.Crim.P. 543, the Issuing Authority holds the defendant for Court, the Issuing Authority shall schedule a court arraignment and complete a Criminal Case Scheduling Form so that the defendant is notified of the date and place of arraignment as well as future important dates and places all in compliance with Rule

502. The Criminal Case Scheduling Form shall be in a form substantially consistent with Form 502 of these rules.

**Rule 571. Arraignment.**

(1) Arraignment

(a) Arraignments shall take place before the District Attorney or an Assistant District Attorney at such times and places designated by the Court Administrator.

(b) If at arraignment a defendant wishes to plead not guilty, said plea shall be noted on the information and signed by the defendant. If the defendant wishes to plead guilty or nolo contendere, the defendant shall be given in writing a date to appear before the Court to enter a plea of guilty or nolo contendere. The writing shall also state that if the defendant pleads guilty or nolo contendere, the defendant is not required to appear at the call of the trial list nor any trial date.

(2) Waiver of Appearance at Arraignment

(a) A defendant who has counsel of record may, prior to arraignment, waive the arraignment by filing a Waiver of Appearance at Arraignment Form in the Clerk of Courts Office in a form substantially consistent with Form 571. A copy of the waiver shall be served upon the District Attorney pursuant to Pa.R.Crim.P. 576.

(b) If a written Waiver of Appearance at Arraignment is filed prior to the scheduled date of arraignment, the scheduled date of arraignment shall be deemed the day of arraignment for the purpose of computing time limitations for filing all pretrial motion and requests pursuant to Pa.R.Crim.P. 572, 573, 578 and 579 and for the purpose of scheduling further dates pursuant to these rules.

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA**

**CRIMINAL DIVISION**

**COMMONWEALTH OF PENNSYLVANIA**

vs.

:  
:  
: **No.:**  
: **OTN No.:**  
:

**WAIVER OF APPEARANCE AT ARRAIGNMENT AT COMMON PLEAS COURT LEVEL**

I, the undersigned counsel, do hereby appear on the Defendant's behalf and do waive the arraignment provided for in Pa.R.Crim.P. 571.

I, the undersigned Defendant, understand that:

1. The Information containing the charges against me will be filed in the office of the Clerk of Courts and a copy will be mailed to my attorney and to me.  
\_\_\_\_\_ (Defendant's initials)
2. Any discovery must be concluded 14 days after the date that was scheduled for my arraignment.  
\_\_\_\_\_ (Defendant's initials)
3. If I so choose, I must file a Request for Bill of Particulars in writing within 7 days after the date that had been scheduled for my arraignment.  
\_\_\_\_\_ (Defendant's initials)
4. If I intend to offer the defense of alibi, insanity, mental infirmity or intend to introduce expert evidence relating to a mental disease or defect or any other mental condition of the defendant bear-

ing on the issue of guilt or, in a capital case, on the issue of punishment, I must serve a copy of such notice or notices and a certificate of service on the attorney for the Commonwealth within thirty (30) days after the date that was scheduled for my arraignment at the Common Pleas Court level.  
\_\_\_\_\_ (Defendant's initials)

5. I must file any pretrial motions for relief on or before 30 days after the date that was scheduled for my arraignment.  
\_\_\_\_\_ (Defendant's initials)
6. If I fail to file any motions for discovery or pretrial relief within the prescribed time limits, it shall be considered a waiver of my right to file such motions.  
\_\_\_\_\_ (Defendant's initials)
7. I must give the Court notice no later than the scheduled plea time on the day of the call of the criminal trial list (which date has been provided to me on the Criminal Case Scheduling Form I have received) if I desire to have my case tried before a judge without a jury.  
\_\_\_\_\_ (Defendant's initials)
8. If I want to enter a guilty or nolo contendere (no contest) plea in this case as a result of a plea bargain, I must do so no later than the time set for the Court to take pleas on the day of the call of the criminal trial list.  
\_\_\_\_\_ (Defendant's initials)

Date: \_\_\_\_\_  
Signature of Defendant

Original:  
Clerk of Courts [white]  
Court Administrator [gold]  
District Attorney [green]  
Defense Counsel [yellow]  
Defendant [pink]  
\_\_\_\_\_  
Signature of Counsel

Form 571

**Rule 575. Motions and Answers.**

If the party filing a motion knows that the motion is consented to by the other party, counsel for the moving party shall certify that consent within the motion so that the Court has that information in making a determination pursuant to Pa.R.Crim.P. 577 as to whether an answer and/or hearing and/or argument is necessary.

**Rule 579. Time for Omnibus Pretrial Motion and Service.**

Any omnibus pretrial motion not filed within thirty (30) days after arraignment must set forth the reasons why it was not filed timely, unless the late filing has been agreed to by the District Attorney or an Assistant District Attorney or already permitted by previous Order of Court. If the reasons are not stated within the motion, there has been no agreement with the District Attorney and there has been no prior Order of Court allowing the late filing, such motion may be summarily dismissed within the discretion of the Court.

**Rule 590. Pleas, Plea Agreements and Written Colloquies.**

(1) The Court will be available for the purpose of taking guilty or nolo contendere pleas from time to time as designated by the Court Administrator. Those times shall include each Thursday afternoon that court is in

session unless otherwise rescheduled with advance notice to the District Attorney and the criminal bar. Pleas will also be taken immediately after the call of each criminal trial list.

(2) (a) After pleas have been taken on the day of the call of the criminal trial list, the Court will not accept any plea for any case on that criminal list unless that plea is a straight plea as charged and in no way is a negotiated plea, even for the purposes of a sentencing recommendation by the District Attorney's Office.

(b) The Court may waive this prohibition against late plea agreements only if both parties agree and have shown good cause to the Court. In the event the Court does find good cause shown and agrees to take the negotiated plea, the Court will determine when the plea will be entered.

(3) **Plea Agreements**—Whenever a guilty plea or nolo contendere plea agreement is reached between the parties, a Plea Agreement Form substantially in the form set forth in Form 590 shall be filled out. Said form shall be signed by the District Attorney or Assistant District Attorney, defense counsel, and the defendant. A copy of the form to ultimately be filed in the Court Administrator's Office shall be provided by the District Attorney's Office to the judge who is taking the plea. Copies of the Plea Agreement Form shall be supplied to defense counsel and the defendant.

(4) **Written Guilty Plea and Nolo Contendere Colloquies**—The Court, within the discretion of the individual judge presiding at Plea Court, will permit guilty pleas and nolo contendere pleas to be entered through the use of a written colloquy on a form substantially consistent with the form hereinafter set forth in this rule, provided that the defendant is represented by counsel.

Those entering pleas through a written colloquy will do so at the onset of Plea Court times scheduled as aforesaid. Counsel representing the defendant who will be entering a plea through the use of a written colloquy shall appear with such clients at the time set for Plea Court to actually begin rather than the time designated for the video explaining a defendant's rights which begins approximately a half hour before the scheduled Plea Court.

A judge may decide that a written plea colloquy should not be used in certain cases. The written plea colloquy shall not be used where defendants are pleading guilty or nolo contendere to first, second or third degree murder.

If the plea is to be entered through the use of a written guilty plea or nolo contendere colloquy, counsel shall review and explain to the defendant the contents of the colloquy form and shall be satisfied that the defendant understands all of the questions on the form and that the defendant is entering a knowing and voluntary plea.

The defendant's counsel's signature on the Guilty or Nolo Contendere Plea Colloquy Form shall constitute a certification by the attorney that the attorney has read, discussed and explained the elements of all offenses and all other questions on the plea form, and to the best of counsel's knowledge, information or belief the defendant understands the consequences of his entering the plea.

The Guilty or Nolo Contendere Plea Colloquy shall be prepared substantially in the form hereinafter set forth and shall be filed in open court at the time of the entry of any plea of guilty or nolo contendere.

(5) **Megan's Law Supplement to Guilty Plea Colloquy**—If a guilty plea or nolo contendere plea is entered

by a defendant using a written plea colloquy substantially in the form hereinafter set forth in this Rule and the defendant is subject to the provisions of Megan's Law, the Megan's Law Supplement to Guilty Plea Colloquy hereinafter set forth shall be used.

Counsel shall review and explain to the defendant the contents of the Megan's Law Supplement and shall be satisfied that the defendant understands all the questions on the Megan's Law Supplement form.

The Megan's Law Supplement to Guilty Plea Colloquy shall be filed in open court at the time of the entry of any plea of guilty or nolo contendere.

**IN THE COURT OF COMMON PLEAS OF  
CRAWFORD COUNTY, PENNSYLVANIA**

**CRIMINAL DIVISION**

**COMMONWEALTH OF  
PENNSYLVANIA**

**vs.**

:  
:  
: **No.:**  
: **OTN No.:**

**PLEA COLLOQUY**

**DIRECTIONS CONCERNING THE ENTERING OF A  
GUILTY PLEA OR PLEA OF NOLO CONTENDERE  
(NO CONTEST)**

You are present before this Court because you or your lawyer have indicated your desire to plead to some or all of the criminal offenses with which you have been charged.

By pleading guilty you are agreeing and admitting that you committed each of the elements of the crimes. By pleading nolo contendere (no contest), you are stating that you do not contest the fact that the Commonwealth can prove you committed the crimes. In criminal law, a plea of nolo contendere (no contest) has the same effect for sentencing purposes as pleading guilty and, therefore, everything contained in this plea colloquy also applies to a plea of nolo contendere (no contest).

It is important that you understand, agree with and answer truthfully everything contained in this plea colloquy.

Please answer all of the questions on these papers fully. Most of the questions are to be answered either "Yes" or "No." Where facts are requested, please fill in those facts specified in the blank space provided after the question. If you do not understand the question, indicate this by making an "X" in the blank space provided after the question you do not understand.

After you have completed this form and signed it, if there are any portions of it that you have stated you do not understand, tell your attorney, the attorney for the Commonwealth or the Judge so that you have a chance to have it explained.

If you are pleading Nolo Contendere (no contest) rather than Guilty, all references in this colloquy to "your plea of guilty" (or similar language) shall be interpreted to mean nolo contendere.

**DEFENDANT'S PERSONAL INFORMATION**

1. What is your full name? \_\_\_\_\_
2. What is your address? \_\_\_\_\_
3. If you are known by any other names or aliases, list them. \_\_\_\_\_

4. Are you employed? \_\_\_\_\_  
If so, where? \_\_\_\_\_
5. How old are you? \_\_\_\_\_ Date of Birth \_\_\_\_\_
6. How far did you go in school? (Give grade completed or equivalency) \_\_\_\_\_
7. Can you read, write and understand the English language? \_\_\_\_\_
8. Have you ever been a patient in a mental institution or have you ever been treated for a mental illness?  
\_\_\_\_\_
9. Are you now being treated for a mental illness? \_\_\_\_\_
10. If the answer to number 8 or 9 is yes, please explain. \_\_\_\_\_
11. If you are presently being treated for a mental illness, do you still feel that you can cooperate with your attorney, understand what you are doing today, understand what these questions mean and know why you must answer these questions? \_\_\_\_\_
12. Have you consumed any alcohol or taken any drugs or medicine or any other such substance within the past twenty-four (24) hours? \_\_\_\_\_
13. If the answer to number 12 is yes, please explain. \_\_\_\_\_
14. If the answer to number 12 is yes, are you presently under the influence of alcohol, drugs, medicine or any other substance to a degree that you cannot clearly understand these questions and answer them? \_\_\_\_\_
15. Do you understand that you are here to enter your plea of guilty or no contest to some or all of the charges against you? \_\_\_\_\_

#### **PRESUMPTION OF INNOCENCE**

16. Do you understand that you are presumed to be innocent and that you need not admit that you committed the offenses by pleading guilty? \_\_\_\_\_
17. Do you understand that, by pleading guilty you give up and waive your presumption of innocence?  
\_\_\_\_\_

#### **RIGHT TO TRIAL**

18. Do you understand that you have the absolute right to have your guilt or innocence determined in a trial before a jury, which involves the following?
  - (a) that jury panels in Crawford County are selected at random from the citizens of Crawford County?  
\_\_\_\_\_
  - (b) that you and your attorney and the District Attorney would participate in selecting, from this panel, the particular twelve (12) jurors who would hear the evidence and decide your guilt or innocence? \_\_\_\_\_
  - (c) that you cannot keep jurors off of your case for cause and can keep a limited number of people from being a juror without giving any reason? \_\_\_\_\_
  - (d) that only impartial, fair and unprejudiced jurors would be qualified to hear your case? \_\_\_\_\_
  - (e) that the Commonwealth has the burden of introducing testimony and other evidence which will

convince all twelve (12) jurors unanimously of your guilt beyond a reasonable doubt? \_\_\_\_\_

- (f) that proof beyond a reasonable doubt is that kind of doubt that would cause a reasonable and sensible person to pause and hesitate before acting on something that is important in that person's life? \_\_\_\_\_
  - (g) the Commonwealth must present witnesses who must testify under oath and that you or your lawyer can question each of those witnesses and to question their believability? \_\_\_\_\_
  - (h) that you can testify, call witnesses or introduce other evidence to contradict the Commonwealth's evidence and/or support your innocence, but are not required to do so? \_\_\_\_\_
  - (i) that, if you do not testify, call witnesses, or introduce other evidence, no adverse or negative inference may be drawn by the jury because you did not do this, and you will still be presumed innocent? \_\_\_\_\_
  - (j) that your right to call witnesses and present evidence includes evidence that you did not commit the crime charged; that you were at some other place when the crime was committed; that there is a mistaken identity; that an insanity defense exists; that your acts were justified under the law or there is some other lawful excuse for your acts? \_\_\_\_\_
  - (k) that if you cannot afford to pay proper costs, such as obtaining a witness, for example, these costs could be paid for you? \_\_\_\_\_
  - (l) that the jury will decide your guilt or innocence based only on the evidence that the jury hears?  
\_\_\_\_\_
19. Do you understand that you can be tried by a judge alone and give up your right to a trial by a jury?  
\_\_\_\_\_

#### **MOTIONS BEFORE TRIAL**

20. Do you understand that you can file motions with the Court before your trial to make sure that you get a fair trial? Those motions may include a motion to prevent the Commonwealth from presenting improperly obtained evidence at your trial including any statements that you may have made, tests results, identifications, and items taken from me or from some other place. If you file such a motion, the Commonwealth has the burden of proving that this evidence can be presented at your trial? \_\_\_\_\_
21. Do you understand that you can file a Motion to have these charges dismissed if your trial was not started within 365 days after the date that the Criminal Complaint was filed against you, not counting any delays caused by you or your lawyer?  
\_\_\_\_\_
22. Do you understand that if you plead guilty you give up your right to file any of these pretrial motions?  
\_\_\_\_\_

#### **EFFECT OF PLEA**

23. Do you understand that by pleading guilty you are giving up the right to confront and cross-examine witnesses? \_\_\_\_\_

24. Do you understand that, in entering your plea of guilty, you are admitting that you are properly charged and before the Court on those offenses to which you plead and that you give up and waive your right to raise, both before this Court or an appellate Court, any errors, irregularities, or violations of your Constitutional, or statutory rights by the Commonwealth in investigating, obtaining evidence, filing, proceeding with, and presenting the charges against you? \_\_\_\_\_
25. Do you understand that, if you have raised any of these matters, that your plea of guilty will end your right to be heard on them? \_\_\_\_\_
26. Do you understand that your plea of guilty or nolo contendere will have the same effect as if you had a trial and was convicted of the crimes to which you will be pleading? \_\_\_\_\_
27. Do you understand that if you are on probation, intermediate punishment or parole, at the time these crimes were committed, that your plea in this case will mean that you violated probation or intermediate punishment or parole? \_\_\_\_\_
28. Do you understand that if you violated probation, intermediate punishment or parole you can either be resentenced to jail or recommitted to jail? \_\_\_\_\_
29. Do you understand that any sentences that you will receive as a result of a probation, intermediate punishment or parole violation would be in addition to any sentence which you may receive as a result of this plea? \_\_\_\_\_
30. Do you understand that, if you are not a United States citizen, then it is possible that you may be deported if you plead guilty or no contest? \_\_\_\_\_
31. Do you know that, for a misdemeanor or felony the Court may impose a sentence in accordance with the sentencing guidelines which place a suggested length of sentence for the type of crime and increase the length of that sentence if the person sentenced had been previously convicted of other crimes, either as a juvenile or an adult, and that the maximum sentence or sentences of confinement and/or fine or fines applicable to the crime or crimes to which you are entering your pleas are as follows:

<i>Charge</i>	<i>Count</i>	<i>Grade</i>	<i>Maximum Penalty</i>	<i>Mandatory Minimum</i>
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____

32. Do you understand that, if you are being sentenced on more than one count, the sentences could be consecutive to each other? \_\_\_\_\_
33. Do you understand that "consecutive" means that each sentence must be served and completed before you begin the next sentence? In other words the sentences would not all be served at the same time. \_\_\_\_\_
34. Do you understand that, if you are currently serving another sentence, the sentence(s) you receive for your plea(s) today could be consecutive to any other sentences you are already serving? \_\_\_\_\_
35. Do you understand that the total possible total sentences you could receive for your plea(s) today, if

all sentences were to be made consecutive, would be \_\_\_\_\_ in jail and a \$ \_\_\_\_\_ fine? \_\_\_\_\_ (specify days, months or years)

36. Have you and/or your attorney agreed with the District Attorney concerning the particular charges to which you will plead or the recommended length of sentence that will be imposed on these charges in return for your pleading guilty? \_\_\_\_\_
37. Are you aware that the judge does not have to sentence you in accordance with the terms of the sentence that you, your attorney or the District Attorney may have agreed upon? \_\_\_\_\_
38. Are you aware that the judge is not bound by the terms of any plea agreement entered into between you, your attorney and the District Attorney until the judge accepts the plea agreement? \_\_\_\_\_
39. Do you understand that if the judge does not agree with any recommended sentence or agreed upon sentence that does not automatically entitle you to withdraw your plea? \_\_\_\_\_
40. Do you understand that if there is no plea agreement the judge will determine what your sentence will be? \_\_\_\_\_
41. Do you understand that at any time prior to your sentencing, you may ask the Court for permission to withdraw your plea but you must show a fair and just reason for doing so and that the Commonwealth would not be prejudiced by your doing so?

**RIGHT TO AN ATTORNEY**

42. Do you understand that you have the right to be represented by an attorney and that, if you cannot afford an attorney, one would be appointed to represent you, from the Public Defender's office without charge, before, during and after trial and on appeal to the appellate Courts? \_\_\_\_\_
43. If you did not understand any part of this form, has your attorney advised you on such matters? \_\_\_\_\_
44. Are you satisfied with your attorney's representation of you in this case? \_\_\_\_\_
45. Have you had enough time to consult with your attorney before reading this document and entering your plea of guilty? \_\_\_\_\_
46. Have you fully discussed this case with your lawyer including the facts and possible defenses that you may have to the charges? \_\_\_\_\_
47. Are you satisfied that your lawyer knows all of the facts and law concerning this case? \_\_\_\_\_
48. Are you satisfied that your lawyer has contacted, or attempted to contact, every witness or source of evidence which you advised him of? \_\_\_\_\_
49. Are you satisfied that your attorney is ready and able to defend you in this case if you do not plead?

**KNOWING AND VOLUNTARY PLEA**

50. Have any other promises been made to you to enter a plea of guilty other than the plea agreement, if any? \_\_\_\_\_
51. Has anybody forced you, threatened you, promised you anything or coerced you directly or indirectly to enter this plea of guilty? \_\_\_\_\_
52. Are you doing this of your own free will? \_\_\_\_\_



I affirm that I have read the above document in its entirety and have reviewed it with my attorney. I affirm that I am aware of the full implications of pleading guilty/nolo contendere and nevertheless wish to plead to the specified offense(s). I further affirm that my signature on this document is true and correct.

Defendant

I \_\_\_\_\_, Esquire, Attorney for \_\_\_\_\_, state that I have advised my client of the contents and meaning of this document; it is my beliefs/he fully comprehends the implication of pleading guilty/nolo contendere and is pleading guilty/nolo contendere of his/her own free will.

\_\_\_\_\_, Esquire  
(Attorney for Defendant)

**IN THE COURT OF COMMON PLEAS OF  
CRAWFORD COUNTY, PENNSYLVANIA**

**CRIMINAL DIVISION**

**COMMONWEALTH OF  
PENNSYLVANIA**

vs.

:  
:  
: **No.:**  
: **OTN No.:**

**MEGAN'S LAW SUPPLEMENT TO  
GUILTY PLEA COLLOQUY**

One or more of the offenses to which you are pleading guilty will make you subject to the registration and notification provisions of Megan's Law relating to sexual offenders. The purpose of the following questions is to make certain that you understand how these provisions will affect you. Please answer all questions "Yes" or "No." If there is anything that you do not understand, you should say so in writing on this form. You should also tell your lawyer and the Judge who hears your case so that they can explain it to you fully to make sure you understand all of your rights. After you have read and filled out this form, you should sign it on the last page (on the line marked "Defendant").

1. Do you understand that as a result of your conviction you will be required to register with the Pennsylvania State Police and inform them of your current address and any change of address within ten (10) days of such change? \_\_\_\_\_

2. Do you understand that failure to register or to update your registration is itself a crime, which may subject you to penalties, including imprisonment? \_\_\_\_\_

3. Do you understand that your registration information will be provided by the Pennsylvania State Police to the local police department of any community in which you may live? \_\_\_\_\_

4. Do you understand that the registration requirements will continue for the time period specified: \_\_\_\_\_ ten (10) years \_\_\_\_\_ for the rest of your life? \_\_\_\_\_

5. If this line \_\_\_\_\_ is checked, do you understand that the District Attorney has the right to request the Court to hold a hearing to determine whether you are a sexually violent predator, and if you are determined to be a sexually violent predator you will be subject to additional registration and notification requirements? These will include:

Notification to your victim of your current address.

Notification to your neighbors of your name and address, the offense of which you were convicted, the fact that you have been determined to be a sexually violent predator, which notification may be accompanied by your photograph.

The notification will also be sent to the local children and youth services agency, superintendent of schools, daycare centers, and colleges and universities. It is also available to any member of the public upon request.

Do you understand all of the above information relating to registration and notification requirements of persons determined to be sexually violent predators? \_\_\_\_\_

6. Do you understand that if you are determined to be a sexually violent predator, you will be required to attend and pay for monthly counseling sessions for the period you are required to register? \_\_\_\_\_

I affirm that I have read the above document in its entirety and I understand its full meaning, and I am still nevertheless willing to enter a plea of guilty to the offenses specified. I further affirm that my signature and initials on each page of this document are true and correct.

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

I, \_\_\_\_\_, Esquire, Attorney for \_\_\_\_\_, state that I have advised my client of the contents and meaning of this document; that it is my belief that s/he comprehends and understands what is set forth above; that I am prepared to try this case; and it is my belief that the defendant understands what s/he is doing by pleading guilty.

Date: \_\_\_\_\_  
Attorney for the Defendant

**IN THE COURT OF COMMON PLEAS OF  
CRAWFORD COUNTY, PENNSYLVANIA**

**CRIMINAL DIVISION**

**COMMONWEALTH OF  
PENNSYLVANIA**

vs.

:  
:  
: **No.:**  
: **OTN No.:**  
:

**PLEA AGREEMENT FORM**

Counts to Plead:  
\_\_\_\_\_  
\_\_\_\_\_

Counts to nolle prosequi:  
\_\_\_\_\_  
\_\_\_\_\_

On counts for which the Court orders a nolle prosequi: [ ] Defendant shall pay costs [ ] Defendant shall pay restitution

[ ] No agreement as to sentencing  
[ ] Agreement as to sentencing as follows: \_\_\_\_\_  
\_\_\_\_\_

Special conditions of agreement: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 District Attorney or Assistant District Attorney      Defense Attorney

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

I, \_\_\_\_\_, Defendant, understand that I must report to Courtroom No. 1, 2 or 3, Crawford County Courthouse, on \_\_\_\_\_, 200 \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M. to enter my plea of guilty or nolo contendere.

\_\_\_\_\_  
 Defendant

Original:    Court Administrator [white]  
               District Attorney [green]  
               Defense Counsel [yellow]  
               Defendant [pink]

Form 590

**Rule 600. Sessions of Criminal Court, Trial List and Other Procedures.**

**(1) Sessions of Criminal Court**

(a) Regular sessions of Criminal Term of Court shall be held during the months of January, March, May, June, September and November of each year as designated on the court calendar published annually by the Court. Such sessions may be extended or other special sessions may be held at such times as will conform most conveniently to the business of the Court and the state and local criminal rules so long as at least 30 days notice of any extension of a criminal term or any addition of a term beyond a regular session of court is given. The notice shall be given by the Court Administrator to the District Attorney's Office; the Public Defender's Office; members of the Crawford County criminal defense bar and all magisterial district judges.

(b) Sentence Court and any other hearings shall be scheduled from time to time by the Court Administrator as the Court may direct and in compliance with the Pennsylvania Rules of Criminal Procedure as well as these Local Rules.

(c) Whenever Plea Court is scheduled pursuant to Cra.R.Crim.P. 590(1), the District Attorney shall notify the Court Administrator of the defendants who are scheduled to plead on a particular plea date. The Court Administrator shall keep a plea list with the pleas scheduled for specific plea dates. The list shall be available in the Court Administrator's Office and the Clerk of Courts Office at least twenty-four (24) hours prior to the scheduled plea date. The District Attorney shall not be required to comply with this provision for pleas scheduled following the call of any criminal trial list.

**(2) Trial List and Other Procedures**

(a) (1) The Court Administrator shall maintain a master list of criminal cases chronologically as the Court Administrator receives a copy of the Criminal Case Scheduling Form required to be provided by the Issuing Authority pursuant to Rule 502 of these rules. This list shall be known as the "Master Criminal List." Each entry on this list shall include information deemed pertinent by the Court Administrator in consultation with the Court, but shall at least contain the name of the defendant, the number docketed for the case in the Clerk of Courts

Office, the pertinent date pursuant to Pa.R.Crim.P. 600 and the name of any attorney who has appeared on behalf of the defendant.

(2) The Court Administrator shall prepare the Criminal Trial List for each session of the Criminal Term of Court and shall arrange the cases in chronological order based on the current status of the master criminal list beginning with case number one on said list and continuing through the last case in which a defendant has been notified by the Criminal Case Scheduling Form provided that that defendant's case may be tried during the term for which the list was prepared.

(3) All cases continued to a new trial term or not reached during the trial term due to the unavailability of the Court, shall appear chronologically on the Master Criminal List in the order in which they had previously appeared ahead of those cases chronologically listed for the next trial term so that the oldest cases will appear first on any list.

(4) The Master Criminal List shall be available for counsel and other interested persons to view in the Court Administrator's Office during normal business hours and copies of the Criminal Trial List based on that Master List for each Criminal Term of Court shall be available free of charge in the Court Administrator's Office and in the Clerk of Courts Office at least one week prior to the call of the trial list for that designated Criminal Term of Court.

(b) (1) Cases for each criminal term shall be tried in the order in which they chronologically appear on the criminal trial list for that trial term unless otherwise adjusted by the Court Administrator for proper reasons.

(2) Any party upon good cause shown may move the Court to advance a case forward from its chronological location on the Criminal Trial List or have the case moved down further on the list to be tried either within the same term of Criminal Court or to be continued to the next term of Criminal Court. Any such motion must be filed in compliance with Pa.R.Crim.P. 106 and Cra.R.Crim.P. 106. The Court in its discretion may continue a case after that deadline if the motion to continue is consented to by the opposing party and/or the Court finds that good cause to continue the case has arisen after the call of the trial list.

(3) Upon granting a motion under Crawford County Rule of Criminal Procedure 600(2)(b)(2), the Court will designate as part of its order where such case shall be placed on the chronological criminal list for that particular term of court or what date certain the case will commence. If the Court allows the case to be continued to the next Criminal Term of Court, it shall be placed by the Court Administrator on the Master Criminal List pursuant to Cra.R.Crim.P. 600(2)(a)(3).

(4) If a case involves complex issues so that it is not amenable to the normal schedule, any party may, after formal arraignment occurs or is waived, move the Court to remove said case from the Master Criminal List so that the flow of the case through the system is handled independently of that procedure.

(5) In the event a case is removed from its designated scheduling cycle originally established on the Criminal Case Scheduling Form [i.e. ARD consideration, omnibus pretrial motion, continuance, cases not reached during a trial term] and is returned to a scheduling sequence, the Court Administrator shall prepare a new Criminal Case Scheduling Form setting the remaining appropriate dates for the defendant to appear with said assigned dates to be

based on a reasonable effort to return the case into the sequence of the system at the point where the case was removed from the sequence or if the case is to be placed in a subsequent term of court, to a normal sequence for that term of court.

The Court Administrator shall distribute copies of the new Criminal Case Scheduling Form to the District Attorney's Office and defense counsel as well as to unrepresented defendants in a manner consistent with the Pennsylvania Rules of Criminal Procedure and the Crawford County Rules of Criminal Procedure.

**(3) Call of the Trial List.**

The call of the Criminal Trial List for a particular Criminal Term of Court shall be held by the Court on the date and time scheduled by the Court Administrator's Office pursuant to Cra.R.Crim.P. 502.

(a) All defendants and all attorneys representing defendants for cases on the schedule for that term of criminal court must attend the Call of the Criminal List unless:

(1) A date certain has been scheduled for the entry of a plea or for trial to commence; or

(2) A Motion For Continuance has been previously properly presented and granted; or

(3) The Court has excused the defendant and/or counsel based on good cause shown or defense counsel and the District Attorney's Office have agreed the defendant and/or counsel may be excused from the Call of the List.

(b) Failure to comply with the requirements of this Rule may result in the imposition of sanctions by the Court, including the issuance of a bench warrant and revocation of bail bond. Additionally, the District Attorney's Office may file a charge of Default in Required Appearance.

(c) In open court, prior to calling all the names of individuals on the Criminal Trial List, the Court shall announce that the day the list is being called is the last day to enter a negotiated plea and the last day to request a trial before a judge, rather than a jury. After the conclusion of the call of all names of individuals on the criminal trial list, the Court shall again announce in open court that the day the list is being called is the last day to enter a negotiated plea and the last day to request a trial before a judge, rather than a jury.

**Rule 602. Presence of Defendants—Transportation.**

(1) For incarcerated defendants, transportation orders must be obtained from the Court and served upon the Sheriff of Crawford County at least 7 days prior to the time the defendant is required to appear if the defendant is incarcerated in a facility in the county, and at least 14 days prior to the time the defendant is to appear if the defendant is incarcerated in an out-of-county facility.

(2) The responsibility for obtaining a transportation order shall be on:

(a) The District Attorney if the defendant is required to appear at trial or at a hearing set upon motion of the District Attorney or if the defendant is unrepresented by counsel.

(b) Defense counsel if the defendant is required to appear for a hearing set upon motion of the defendant. If the location of the defendant cannot reasonably be determined by defense counsel, such information may be sought from the District Attorney's Office and shall be reasonably provided to the defendant's counsel.

**Rule 620. Waiver of Jury Trial.**

The last day for a defendant to waive a jury trial shall be at the Call of the Criminal Trial List unless upon good cause shown the Court allows such a waiver after that date.

**Rule 630. Juror Qualification Forms and Lists.**

Any juror information provided to counsel pursuant to Pa.R.Crim.P. 630(A)(1)(c) or (d) is provided for use by counsel and shall be kept in counsel's possession at all times. However, counsel may, in preparation for and during jury selection, allow clients and others to see that information to aid in the jury selection process.

**Rule 700. Sentencing Judge.**

The judge receiving guilty or nolo contendere pleas may schedule the defendant for sentencing before another judge sitting in or assigned to the 30th Judicial District so long as the defendant is notified at the time of the entry of the plea that a different judge will be imposing the sentence.

**Rule 704. Advising Defendants of Appellate Rights After Sentencing.**

Prior to the sentencing hearing, a defendant who is represented by counsel shall execute Form 704 A, which is entitled "APPELLATE RIGHTS OF DEFENDANT AFTER SENTENCING—After Trial" or Form 704 B, which is entitled "APPELLATE RIGHTS OF DEFENDANT AFTER SENTENCING—Guilty Plea or Nolo Contendere Plea."

Defendant's counsel shall review and explain the form to the defendant and allow the defendant to read the form prior to the defendant and defendant's counsel signing the form. Counsel's signature on the form shall constitute certification by counsel that counsel has read, discussed and explained the form to the defendant and, to the best of counsel's knowledge, information or belief the defendant understands the form.

**TO THE DEFENDANT:  
PLEASE READ AND THEN REVIEW THE FOLLOWING INFORMATION WITH YOUR LAWYER. IT EXPLAINS THE RIGHTS YOU HAVE FOLLOWING SENTENCING. IF YOU DO NOT UNDERSTAND ANYTHING CONTAINED ON THIS DOCUMENT, ASK YOUR LAWYER OR THE SENTENCING JUDGE TO EXPLAIN IT TO YOU. DO NOT SIGN THIS DOCUMENT UNTIL YOU UNDERSTAND IT FULLY.**

**IN THE COURT OF COMMON PLEAS OF  
CRAWFORD COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION**

**COMMONWEALTH OF  
PENNSYLVANIA**

**vs.**

**:  
:  
: No.:  
: OTN No.:**

**APPELLATE RIGHTS OF DEFENDANT AFTER  
SENTENCING  
(After Trial)**

1. After you are sentenced, you have the right to file either a Post-sentence Motion or an Appeal to the Superior Court of Pennsylvania.

2. If you wish to file a Post-sentence Motion, it must be filed with the Criminal Clerk of Courts of Crawford County no later than ten (10) days after the imposition of sentence.

3. If you wish to file an Appeal, a Notice of Appeal must be filed with the Clerk of Courts of Crawford County, within thirty (30) days of imposition of sentence. This is a right of appeal, which you may exercise without filing a Post-sentence Motion. If you file a Post-sentence Motion, you would also have a right to appeal from an Order deciding that Motion or denying the Motion by operation of law.

4. If you file a Post-sentence Motion, all requests for relief must be stated with specificity and particularity, and consolidated in the Motion, which may include:

- a. a Motion challenging the validity of a plea of guilty or nolo contendere, or the denial of a Motion to Withdraw a plead of guilty or nolo contendere;
- b. a Motion of Judgment of Acquittal;
- c. a Motion in Arrest of Judgment;
- d. a Motion for a New Trial; and/or
- e. a Motion to Modify Sentence.

5. If you file a Post-sentence Motion, it and any supplemental Motion you may be permitted to file must be decided by the judge within 120 days of the filing of the original Motion. The judge may, at your request, grant one 30-day extension for deciding the Motion, if good cause is shown. If the judge fails to decide the Motion within the allowed time, the Motion will be denied by operation of law, and the clerk will enter an order denying the Motion.

6. If you file a Post-sentence Motion, and wish to appeal from the Order deciding or denying the Motion, a Notice of Appeal must be filed with the Criminal Clerk of Courts of Crawford County, within thirty (30) days of that Order.

7. Whether or not you file a Post-sentence Motion, all issues raised before or during trial are preserved for appeal except if you wish to claim the verdict was against the weight of the evidence or the Court abused its discretion in sentencing you. Those issues must be raised in a Post-Sentence Motion before the trial judge before they can be raised on appeal to the Superior Court.

8. You have the right to assistance of counsel in the preparation of a Post-sentence Motion or any Appeal. If you are indigent, you have the right to proceed without payment of costs and with counsel appointed to represent you without charge. If you are now represented by the Public Defender's Office and continue to qualify for their services, that office would continue to represent you without cost.

9. If you qualify for bail and are released on bail after sentencing, a condition of release will be that you either file a Post-sentence Motion and perfect an Appeal, or, when no Post-sentence Motion is filed, perfect an Appeal with the time permitted by law.

I affirm that I have read the above information completely, that I understand its full meaning, and that I have been given a copy of this document for my records and review.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Signature of Defendant

I, \_\_\_\_\_, Esquire, Attorney for \_\_\_\_\_, state that I have advised my client of the meaning of this document and of his/her post-sentence and appeal rights as required by Pa.R.Crim.P. 704; that it is my belief that

the defendant comprehends and understand those rights and what is set forth herein, and that Defendant has received a copy of this form.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Attorney for the Defendant

Form 704 A

**TO THE DEFENDANT:  
 PLEASE READ AND THEN REVIEW THE FOLLOWING INFORMATION WITH YOUR LAWYER. IT EXPLAINS THE RIGHTS YOU HAVE FOLLOWING SENTENCING. IF YOU DO NOT UNDERSTAND ANYTHING CONTAINED ON THIS DOCUMENT, ASK YOUR LAWYER OR THE SENTENCING JUDGE TO EXPLAIN IT TO YOU. DO NOT SIGN THIS DOCUMENT UNTIL YOU UNDERSTAND IT FULLY.**

**IN THE COURT OF COMMON PLEAS OF  
 CRAWFORD COUNTY, PENNSYLVANIA  
 CRIMINAL DIVISION**

**COMMONWEALTH OF  
 PENNSYLVANIA** :  
 :  
**vs.** : **No.:**  
 : **OTN No.:**  
 :

**APPELLATE RIGHTS OF DEFENDANT AFTER  
 SENTENCING**

**(Guilty Plea or Nolo Contendere Plea)**

1. After you are sentenced, you have the right to file either a Post-Sentence Motion in this Court or an Appeal to the Superior Court of Pennsylvania.

2. If you wish to file a Post-Sentence Motion, it must be filed with the Clerk of Courts no later than ten (10) days after the imposition of sentence.

3. If you wish to file an Appeal, a Notice of Appeal must be filed with the Clerk of Courts within thirty (30) days from when you are sentenced. You can file this Appeal without filing a Post-Sentence Motion in this Court. If you do file a Post-Sentence Motion in this Court, you also have the right to appeal from an order deciding that motion on the merits, or, if the Court does not decide that Motion within 120 days (or 150 days upon your motion to extend that time by thirty (30) days) from when it is filed. If the Court does not decide that Motion within that 120 day (or 150 day, if extended) time period, the Appeal must be filed within thirty (30) days from when the Clerk of Courts enters an Order denying the Motion by operation of law because the judge has failed to decide the Motion.

4. If you file a Post-Sentence Motion in this Court, your requests for relief must be stated with specificity and particularity in one motion, which may include:

- a. a Motion challenging the validity of your plea of guilty or nolo contendere or the denial of a Motion to Withdraw a plea of Guilty or Nolo Contendere
- b. a Motion to Modify Sentence

5. If you file a Post-Sentence Motion in this Court, as well as any supplemental motion that the Court allows you to file, the Motion must be decided within 120 days from when you file it, although the judge, at your request, may grant one thirty (30) day extension for deciding the Motion, if good cause is shown. If the judge does not

decide the Motion within the time period allowed, the Clerk of Courts will enter an Order denying the Motion.

6. If you file a Post-Sentence Motion and wish to appeal from this Court's order, you must do so within thirty (30) days from when that Motion is decided or denied.

7. Since you have entered a guilty plea or nolo contendere plea, your Appeal to the Superior Court would be limited to the following four areas:

a. your plea of guilty or nolo contendere was unlawfully induced and was not voluntarily and understandingly made by you;

b. your sentence was illegal;

c. the lower court did not have jurisdiction in your case;

d. your attorney was ineffective in representing you.

8. Whether or not you file a Post-Sentence Motion, all issues raised before or during trial are preserved for appeal, except if you claim the Court abused its discretion in sentencing you. That issue must be raised in a Post-Sentence Motion before the trial judge before it can be raised on appeal to the Superior Court.

9. You have the right to assistance of counsel in the preparation of a Post-Sentence Motion in the Appeal you file. If you are unable to afford an attorney, you have the right to the assistance of counsel, free of charge through the Public Defender's Office throughout the appeal process. If you challenge the effectiveness of your attorney and cannot afford a new attorney, a new attorney will be appointed to represent you.

10. If you qualify for bail and are released on bail after sentencing, a condition of release will be that you either file a Post-Sentence Motion and, if that is not successful, an appeal or, when no Post-Sentence Motion is filed, that you file an Appeal within the thirty (30) day time period permitted by law.

I affirm that I have read the above information completely, that I understand its full meaning, and that I have been given a copy of this document for my records and review.

Date: \_\_\_\_\_  
Signature of Defendant

I, \_\_\_\_\_, Esquire, Attorney for \_\_\_\_\_

Date: \_\_\_\_\_  
Attorney for the Defendant

Form 704 B

**Rule 708. Probation/Parole/ Intermediate Punishment General Rules and Regulations.**

**A. Probation/Parole/Intermediate Punishment General Rules and Regulations**

The Court, whenever sentencing a defendant to probation or intermediate punishment or granting parole, shall state in its order that the general rules, regulations and conditions governing probation and parole in Crawford County shall be applicable and all of the following shall apply unless specifically deleted by the Court in its Order or in a subsequent order:

(1) The defendant will be in the legal custody of the Court until the expiration of the defendant's probation, parole or intermediate punishment or until further order of Court. The Probation or Parole Officer has the power at any time during this period, in cases of violation by the

defendant of any of the conditions of the defendant's probation, intermediate punishment or parole, to detain the defendant in a county prison and thereafter make a recommendation to the Court, which may result in the further detention of the defendant and ultimately the revocation of probation or parole and commitment to a penal or correctional institution for service of the defendant's sentence.

(2) The defendant will report regularly to the Probation/Parole Department, in person or in writing, and reply to any communication from the Court or the Probation/Parole Department.

(3) The defendant will live at an address provided to the Probation/Parole Department and may not change that residence without prior permission from that department.

(4) The defendant will not travel outside of Pennsylvania or the community to which he/she has been paroled or placed on probation as defined by his/her Probation/Parole Officer without prior permission.

(5) The defendant will comply with all municipal, county, state and federal criminal laws, and will abide by any additional written instructions of his/her Probation/Parole Officer. Pursuant to this rule, any such reasonable instruction shall be considered a special condition of supervision imposed by the Court. The defendant will immediately notify his/her Probation/Parole Officer of any arrest or investigation by law enforcement agencies.

(6) If the defendant is not employed, the defendant will make every effort to obtain and maintain employment and support any dependents of the defendant. The defendant will obtain written permission prior to changing employment. If the defendant loses a job, the defendant will immediately notify the defendant's Probation/Parole Officer and cooperate in any effort the parole officer may make to obtain employment for the defendant.

(7) The defendant shall abstain completely from the use and possession of controlled substances.

(8) If the defendant has ever been convicted of a felony or a misdemeanor involving the use or possession of a weapon, the defendant shall not be permitted to own, possess or have access to any firearm nor ammunition that can be used in any firearm.

If the defendant has been convicted of a non-weapons misdemeanor, with the advance permission of the defendant's Probation/Parole Officer, the defendant may possess weapons and ammunition for those weapons to be used exclusively for hunting or other sports activities. This decision shall be solely at the discretion of the defendant's Probation/Parole Officer.

(9) The defendant may not use alcoholic beverages nor may the defendant go into places where alcoholic beverages are sold unless, at the discretion of the Probation/Parole Department, this condition is totally or partially waived in writing.

(10) All fines, costs, restitution and Offender's Supervision Fees imposed upon the defendant by the Court must be paid immediately or in accordance with any schedule set up by the Court or the Probation/Parole Department before the defendant will be released from probation/parole.

(11) The defendant will submit to random and periodic testing to determine any use of illegal controlled substances and alcoholic beverages.

(12) The defendant will attend and pay all costs and fees of any therapeutic program offered by a recognized agency when directed to do so by the defendant's Probation/Parole Officer.

(13) The defendant will not annoy or harass any victim or witnesses of the defendant's crime and shall not solicit anyone else to do so.

(14) The defendant shall obey the law and be of good behavior generally.

(15) The defendant shall report to the Crawford County Probation/Parole Department within 24 hours after being released from any institution unless directed to report sooner by the Probation/Parole Officer and/or Order of the Court.

(16) The defendant shall comply with any curfew imposed by the Probation/Parole Department.

(17) Any defendant required to comply with the provisions of 44 Pa.C.S.A. Section 2316 regarding the mandatory submission of a DNA sample, shall do so and shall further pay the mandatory costs set forth in 44 Pa.C.S.A. Section 2322 unless the Court has found that undue hardship would result and has excused the payment of that fee.

(18) Any defendant subject to the registration requirements for sexual offenders pursuant to the provisions of 42 Pa.C.S.A Section 9791 et. seq. (as amended) (known as Megan's Law) shall at all times during the period of probation/parole comply with all such registration requirements.

(19) The defendant shall always be truthful and accurate in any written or oral statements the defendant makes to a Probation/Parole Officer or member of the staff of the Probation/Parole Department.

(20) The defendant shall receive a copy of these general terms and conditions of probation/parole at or about the time supervision commences.

(21) If the defendant believes that the defendant's rights have been violated as a result probation/parole supervision, the defendant must submit a timely complaint in writing, first to the Chief Probation/Parole Officer and then to the President Judge at the Crawford County Courthouse in Meadville, Pennsylvania, if the matter is not satisfactorily resolved.

#### B. Electronic Monitoring/House Arrest General Rules and Regulations.

Whenever the Court shall sentence a defendant to a sentence including Electronic Monitoring/House Arrest, the defendant will be subject to all of the following rules, regulations and conditions unless specifically deleted by the Court in its Order or any subsequent Order:

(1) The offender must remain at the indicated residence at all times except those times approved by the Crawford County Probation/Parole Department with the exception of a life threatening emergency. The offender may be required to furnish documentation to verify any emergency departures from the schedule. If an emergency situation exists, the offender is required to notify the Probation/Parole Department immediately.

(2) The offender agrees to maintain telephone service that is not equipped with the phone company's computerized answering service throughout the offender's participation in the Electronic Monitoring/House Arrest Program.

The offender may be required to provide documentation to verify this condition. Also the offender understands that ALLTEL Corporation or the equivalent service provider is not liable for any damages incurred as a result of wearing the equipment or participating in said program.

(3) No illegal drugs, alcohol, firearms or other weapons or ammunition for firearms are permitted in the residence. Additionally, the offender is prohibited from possessing or using any of these items at any time during the period of time on Electronic Monitoring/House Arrest.

(4) The Probation/Parole Department shall be permitted access to the residence during the term of this program. Additionally, the officers shall be permitted to search the residence, the offender and the offender's vehicle. The offender consents to all types of these searches and acknowledges that they may be conducted without a search warrant. Officers may restrict individuals from visiting the offender. Any non-compliance of the offender's family/friends is the offender's responsibility.

(5) The offender shall submit to drug and alcohol testing with the type of test to be selected by the supervising officer. Methods may include, but are not limited to, breath, urinalysis or blood testing.

(6) The offender will not move, disconnect or tamper with the monitoring equipment following installation.

(7) The offender will be held responsible for any damage other than normal wear to the equipment. If the equipment is not returned or it is not returned in good condition, the offender may be charged for replacement/repair and may be subject to civil and/or criminal penalties.

(8) The purpose of this monitoring equipment is to alert authorities of violations of the program. The offender agrees that the loss of a receiving signal and/or receipt of a tamper signal by the monitoring device shall constitute probable cause for a violation. It is agreed that the program's computer printout and/or a program official's and/or other sources of testimony may be used as evidence at a violation hearing to prove said violation.

(9) The Crawford County Probation/Parole Department and program associated agents are not liable for any damages incurred as a result of wearing or tampering with the equipment or any respective damages associated with the equipment that are the result of the offender's negligence.

(10) The offender must abide by all instructions, rules, regulations and directives of the Electronic Monitoring/House Arrest Officers or other officers of the Department acting for the assigned case officer.

(11) The offender shall comply with all municipal, county, state and federal laws. Any arrest, receipt of citation/summons or contact by law enforcement officials must be immediately reported to the offender's probation/parole officer.

(12) Approvals will be given for the defendant to leave the residence for employment. This employment may be full or part time, but must be a legitimate job where taxes are withheld or W-2 Forms are filed and verification is established. Other leaves will be limited to approved counseling, hospital/doctor appointments and a funeral of an immediately family member. Social leave will not be permitted, nor will leave to public or private events be permitted. All leave activity will be recorded in the daily logbook for the defendant.

(13) The offender will be assessed an installation fee and a daily use fee while enrolled in the Electronic Monitoring/House Arrest Program in amounts to be determined by administrative order entered by the President Judge.

(14) While in the Electronic Monitoring/House Arrest Program, the offender shall attend any recommended counseling and shall comply with the rules and regulations of any counseling agency, including compliance with the treatment plan.

(15) The offender shall always be truthful and accurate in any written or oral statements the offender makes to the probation/parole officer or member of the staff at the Probation/Parole Department. The offender understands that providing false information is a violation of and may result in the offender's removal from the program and return to the Crawford County Correctional Facility forthwith.

(16) The offender may be arrested with or without a warrant immediately following a violation, and that arrest will result in the offender's return to the Crawford County Correctional Facility forthwith until the matter can be brought before a judge for hearing.

(17) The offender will not leave the place of employment except to perform duties associated with employment unless otherwise permitted by the supervising probation/parole officer. The offender agrees to permit the supervising probation/parole officer to visit the place of employment to assure compliance and to permit the employer to notify the supervising probation/parole officer in the event the offender does not report to work as required or leaves work other than at the designated times in the normal workday.

(18) The offender is required to keep the supervising probation/parole officer informed of the location and directions to the place of employment or job site.

(19) The offender will provide a weekly work schedule to the supervising probation/parole officer in writing at least two working days in advance of the work schedule.

(20) If the offender believes the offender's rights have been violated as a result of the Electronic Monitoring/House Arrest supervision, the offender may submit a timely written complaint in writing, first to the Chief Probation/Parole Officer, and if the matter is not satisfactorily resolved, then to the President Judge at the Crawford County Courthouse, Meadville, Pennsylvania.

The offender shall have access to a digital pager with a number to be designated by the Adult Probation Department, to be used in EMERGENCY SITUATIONS ONLY! This pager is not to be used for schedule changes or personal requests. The offender must have a schedule change approved one day in advance during working hours. Any weekend schedule changes not requested prior to close of business on Friday will not be approved. The offender is cautioned, this pager is for EMERGENCY USE ONLY.

An EM Log will be provided to the offender at the time of the initial hook-up. The offender will be responsible for maintaining an accurate log with a detailed list of all daily events that occur outside the residence. The officer may apply the officer's own discretion in the maintenance of the log.

Religious leave may be permitted with a written and signed request from the pastor, priest, etc. and written documentation of any attendance with not more than two leaves per week permitted.

Any other proposed leave requests are subject to the approval of the Electronic Monitoring/House Arrest Department of the Probation/Parole Department.

**Rule 801. Qualifications for Defense Counsel in Capital Cases.**

The Court Administrator's Office shall maintain a list of Crawford County Attorneys who satisfy the educational requirements set forth in Pa.R.Crim.P. 801 and who have notified the Court Administrator they wish to be considered for appointment to representation of defendants in cases in which the death sentence is authorized.

*By the Court*

GORDON R. MILLER,  
*President Judge*

[Pa.B. Doc. No. 06-2057. Filed for public inspection October 20, 2006, 9:00 a.m.]

**MONTGOMERY COUNTY**

**Amendment to Local Rule of Civil Procedure 1301\*. Scope; 2006-00001**

**Order**

*And Now*, this 2nd day of October, 2006, the Court approves and adopts the Amendment to Montgomery County Local Rule of Civil Procedure 1301\*—Scope. The Amendment shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In further conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

*By the Court*

S. GERALD CORSO,  
*President Judge*

*Note:* Underscored material is added

**Rule 1301\*. Scope.**

(a) Pursuant to § 7361 of the Judicial Code, 42 Pa.C.S. § 7361 and Pa.R.C.P. 1301, et seq., all civil suits and actions in the Court of Common Pleas where the amount in controversy, exclusive of interest and costs, is fifty thousand dollars (\$50,000) or less per plaintiff, excepting those involving title to real estate and equity cases, shall first be tried and decided by a Board of Arbitrators consisting of three members of the Bar of this Court who are in the active practice of law maintaining their principal office within Montgomery County.

(b) ...

(c) ...

[Pa.B. Doc. No. 06-2058. Filed for public inspection October 20, 2006, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF HEALTH

[28 PA. CODE CHS. 101 AND 117]

### Sexual Assault Victim Emergency Services

The Department of Health (Department) proposes to amend Chapters 101 and 117 (relating to general information; and emergency services) to read as set forth in Annex A.

#### A. Purpose of the Proposed Rulemaking

The proposed rulemaking amends Chapter 117 to add minimum requirements for the physical and psychological treatment of sexual assault victims by hospitals in this Commonwealth. According to the State Police's Uniform Crime Reporting System, there were 3,341 rapes by force reported in this Commonwealth in calendar year 2005. In addition to these forcible rapes, there were 8,636 other sexual offenses. Although most hospitals currently do provide medical services to sexual assault victims, there are no standard requirements for what services must be provided. It is necessary to ensure that appropriate physical and psychological services are provided to the victims of sexual assault in an effort to minimize the effects of the traumatic event on the victim and to ensure the victim's health and safety. The proposed rulemaking provides minimum requirements for "sexual assault emergency services," which include services regarding assessment and prophylactic treatment of sexually transmitted diseases, counseling regarding the assault either onsite or at a rape crisis center and information and services regarding emergency contraception. Further, the proposed rulemaking takes into consideration the needs of law enforcement in protecting the community by making evidence gathering easier and helping in the prosecution of a violent crime.

The proposed rulemaking is also intended to address the physical and psychological needs of sexual assault victims, while at the same time taking into consideration issues of religious freedom. The proposed rulemaking includes an exemption from requirements regarding the provision of emergency contraception services for those hospitals that believe provision of that particular service would be contrary to the stated religious or moral beliefs of the hospital.

Finally, the proposed rulemaking requires hospitals choosing to provide sexual assault emergency services to also provide victims with certain written and oral information. This information includes information regarding sexually transmitted diseases, prophylactic treatment of those diseases, risks relating to that treatment and necessary future testing. Hospitals would also be required to provide written information regarding emergency contraception in a range of languages. Hospitals not providing sexual assault emergency services would be required to comply with certain notice and transport provisions.

#### B. Requirements of the Proposed Rulemaking

In developing this proposed rulemaking, the Department reviewed a variety of information regarding the subject, including language from statutes in other states which currently have these requirements, such as California, Illinois, Massachusetts, New Jersey, New Mexico, New York, South Carolina and Washington. The Department also reviewed language in proposed legislation in

the General Assembly, the United States Congress and model legislation proposed by sexual assault victim advocacy groups.

The Department proposes to add several definitions to § 101.4 (relating to definitions) made necessary by proposed §§ 117.51—117.58 (relating to sexual assault victims emergency services). Because the Department's proposed regulations focus on the provision of "sexual assault emergency services," the Department proposes a definition for that term. The Department is also proposing to add definitions for "emergency contraception," "rape crisis center," "sexual assault," "sexual assault counselor" and "sexual assault victim." Although some of these terms may have a common usage in either the medical community or law enforcement community or are defined in statutes or other regulations, they are not currently defined in the Department's regulations regarding general and special hospitals. These definitions are required to ensure the purposes of proposed §§ 117.51—117.58 are properly implemented.

Proposed § 117.51 (relating to principle) explains the scope of proposed regulations and clarifies that a hospital that chooses to provide sexual assault emergency services would be required to comply with the minimum standards in the proposed regulations. However, this section also provides that a hospital choosing to seek a religious or moral exemption under provisions existing elsewhere in the proposed regulations would not be required to provide certain services relating to emergency contraception. Further, this section provides that hospitals not providing sexual assault emergency services would be required to comply with certain notice and transport provisions.

Proposed § 117.52(a) (relating to minimum requirements for sexual assault emergency services) contains the minimum standards for sexual assault emergency services, which would be provided only with the consent of the sexual assault victim. These services include services to treat both the physical and the psychological health of the victim. This section requires testing to ensure the health, safety and welfare of the victim, the presence or absence of a sexually transmitted disease, the provision of information on sexually transmitted diseases and pregnancy and on medical procedures, medication and accepted contraindications of medication available for prevention or treatment of infection or disease resulting from the assault, the provision of prophylactic treatment against the transmission of sexually transmitted diseases and HIV and provision of information regarding the need for additional testing and treatment. A comprehensive approach to the treatment of the victim would maximize the benefits to the victim of seeking proper treatment for a sexual assault in a hospital.

Proposed subsection (a) would also require that a hospital choosing to provide sexual assault emergency services provide the victim with information on the availability of a rape crisis center or sexual assault counselor, provide the victim with the telephone number and contact a rape crisis center or sexual assault counselor at the victim's request. The proposed subsection would also require that the hospital provide the victim with the opportunity to consult with the rape crisis center or sexual assault counselor in person and in private while at the hospital.



Finally, this section takes into account the needs of law enforcement since prosecution of a violent crime remains important to the well-being of the victim and the community. Subsection (a) includes tests that may be used in evidence at a criminal proceeding in its list of minimum requirements that hospitals providing sexual assault emergency services are to provide. Currently, these tests may be conducted with the assistance of law enforcement and the procedures would not be impeded by this proposed rulemaking. The Department intends that hospitals coordinate with law enforcement to ensure that all appropriate tests are conducted to maintain the integrity of evidence collection and analysis. However, the proposed rulemaking does not require a hospital to contact law enforcement prior to conducting the tests, as on certain occasions a victim does not wish to report the crime to law enforcement. The examinations and tests conducted by the hospital would provide for some evidence to be collected in the event the victim later decides to report the crime to law enforcement and seek apprehension and prosecution of the offender. Further, subsection (b) requires that hospitals maintain records of all examinations, tests and services provided to a sexual assault victim and make the records available to law enforcement at the victim's request and with the victim's consent.

Proposed § 117.53(a) (relating to emergency contraception) requires that a hospital inform a female sexual assault victim of the availability, use, risks and efficacy of emergency contraception and offer and provide her emergency contraception onsite at her request, unless the medication is contraindicated. These services must be provided by a hospital that provides sexual assault emergency services, unless that hospital claims an exemption under proposed § 117.57 (relating to religious and moral exemptions).

Hospitals providing sexual assault emergency services, including those claiming a religious or moral exemption under proposed § 117.57, shall provide the victim with medically and factually accurate and objective written informational materials regarding emergency contraception. Proposed § 117.55 (relating to emergency contraception informational materials) sets forth the preparation of that material.

Subsection (b) allows a hospital to require a sexual assault victim to undergo a pregnancy test before providing her with emergency contraception. Subsection (b) also allows the hospital to refuse emergency contraception to the victim if she is pregnant. Emergency contraception is intended to prevent a pregnancy and will not have an effect on eliminating an already existing pregnancy.

The Department also proposes provisions regarding pregnancy to address some of the concerns of Catholic hospitals and the United States Conference of Catholic Bishops, as well as the Pennsylvania Catholic Conference. See *Ethical and Religious Directives for Catholic Health Care Services*, 4th Edition, June 15, 2001 ([www.nccbuscc.org/bishops/directives.shtml](http://www.nccbuscc.org/bishops/directives.shtml)) and *Guidelines for Catholic Hospitals Treating Victims of Sexual Assault*, September 23, 1998 ([www.pacatholic.org/pcha/statements/sexgdlines.htm](http://www.pacatholic.org/pcha/statements/sexgdlines.htm)). These guidelines include conducting a pregnancy test on the victim and prohibit Catholic hospitals from giving emergency contraception to a pregnant sexual assault victim.

Proposed § 117.54 (relating to prevention of sexually transmitted diseases) requires hospitals to perform sexually transmitted disease risk assessments on sexual assault victims according to recommendations from the United States Centers for Disease Control and Prevention

(CDC), to advise victims of the risk of transmission of sexually transmitted diseases and the availability of postexposure prophylaxis treatment for sexually transmitted diseases, the risks of deferral of the treatment and to provide postexposure prophylaxis treatment for sexually transmitted diseases with the consent of the victim. These requirements are proposed for the health of the victim and are intended to prevent and control the spread of sexually transmitted disease not only to the victim, but to the victim's future consensual sexual partners if the victim is untreated or unaware that a sexually transmitted disease may have been transmitted. In some cases, sexually transmitted diseases such as syphilis, Chlamydia and gonorrhea can lead to infertility and even death.

Proposed § 117.55 sets minimum standards for the development of medically and factually accurate and objective written informational materials regarding emergency contraception to be provided to sexual assault victims in accordance with proposed § 117.53(a)(1). Further, the informational materials would be required to be prepared and produced in clear and concise, readily comprehensible language and in varieties and forms as necessary to inform victims in English and languages other than English. The Department expects individual hospitals will determine which languages are appropriate based on the needs of the community the hospital serves.

The materials would explain what emergency contraception is and describe its use, risks and efficacy, as well as inform victims of locations where emergency contraception may be obtained in the event it is not obtained at the hospital. These requirements would ensure victims are fully aware of the use of emergency contraception in order to make an informed decision on whether taking the medication is desired. Further, providing information on alternate locations for obtaining emergency contraception would allow the victim to consider the information before taking the medication as well as reduce the strain in finding emergency contraception for those victims treated at hospitals that do not offer or provide emergency contraception to the victim under the religious and moral exemption in proposed § 117.57.

Proposed § 117.56 (relating to information regarding payment for sexual assault emergency services) requires hospitals to inform the sexual assault victim of the availability of known financial resources for services provided to the victim, including the victim's medical insurance provider, the Pennsylvania Crime Victim's Compensation Program and programs administered by the hospital. Informing the victim of these resources for payment for the services received at the hospital would further diminish the concern to the victim resulting from the criminal assault, and hopefully encourage victims to report the crimes to law enforcement to secure resources for payment of the services provided. The hospital would also provide the victim with any information required to obtain these services, including copies of itemized bills and medical records.

Proposed § 117.57 provides that a hospital would not be required to comply with § 117.53(a)(2) and (3) if doing so would be contrary to the stated religious or moral beliefs of the hospital. Offering and providing emergency contraception is well established to be a sensitive matter for certain religious groups and section 902 of the Health Care Facilities Act (act) (35 P. S. § 448.902) may mandate that the requirements of offering and providing emergency contraception would be unenforceable against hospitals able to establish that requirements are contrary to the hospital's stated religious or moral beliefs.

Although a hospital may be exempt from offering and providing emergency contraception under this section, it would still be required to provide all the other services required in the proposed rulemaking, including providing the victim with written and oral information about emergency contraception under § 117.55 and informing the victim of locations where emergency contraception may be obtained. Furthermore, this section requires a hospital that is exempt from offering and providing emergency contraception to a sexual assault victim under this section, to inform the victim of this fact and to arrange for transportation of the victim, at no cost, to a hospital in this Commonwealth that does provide the service. This section furthers the Department's goal of ensuring the appropriate treatment is provided to the sexual assault victim while attempting to avoid having hospitals decide against providing other sexual assault emergency services based on objections under section 902 of the act.

Recognizing that some of the hospitals in this Commonwealth are specialty hospitals with limited services and are not staffed and equipped to provide the services, proposed § 117.58 (relating to hospitals not providing sexual assault emergency services) allows a hospital to self-evaluate its facilities to determine if providing sexual assault emergency services at the hospital would be appropriate. Although ideally it would be of greater benefit to this Commonwealth to have sexual assault emergency services provided in as many locations as possible, there is a greater risk to the victim and the integrity of future criminal prosecution if a sexual assault victim is treated at a hospital without the appropriate staff and equipment. For example, the Department does not expect that hospitals not providing general emergency services, such as rehabilitation hospitals, would or could provide sexual assault emergency services.

Subsection (a) requires hospitals electing not to provide sexual assault emergency services to provide notification to the Department, law enforcement and ambulance and emergency medical care and transport services that these services will not be provided by the hospital. This notification must be in writing and provided within 30 days of the hospital's decision not to provide the services. Further, the Department will publish a notice in the *Pennsylvania Bulletin* to inform other facilities, local government and the general public that sexual assault emergency services are not provided at that facility. The notice published by the Department will differentiate between hospitals which elect not to provide emergency contraception under the religious and moral exemption in § 117.57 from those which do not provide any sexual assault emergency services under § 117.58.

Subsection (b) requires a hospital that elects not to provide sexual assault emergency services to inform the victim of this fact and to arrange for transportation of the victim, at no cost, to a hospital in this Commonwealth that does provide the service. This subsection ensures that a victim that presents at a hospital receives treatment at a facility that is properly staffed and equipped.

#### C. Affected Persons

This proposed rulemaking affects all Commonwealth hospitals which would be required to consider whether or not they will provide sexual assault emergency services. Hospitals that choose not to perform these services would be required to inform the Department, ambulance and emergency medical care and transport services and law enforcement agencies of this decision within a specified time frame. Further, hospitals choosing not to provide

these services, including those that choose to take an exemption under § 117.57, would be required to develop policies and procedures for informing sexual assault victims who present at those hospitals of the hospital's position on these issues and for transporting victims who request a transfer to hospitals that would provide the services.

Hospitals that choose to provide emergency sexual assault services would need to develop policies and procedures to comply with this proposed rulemaking, including those regarding provision of informational materials regarding emergency contraception, sexually transmitted diseases and pregnancy.

The proposed rulemaking also affects sexual assault victims who would be offered the same information and care at hospitals in this Commonwealth providing sexual assault services. Victims would also be offered the opportunity to be transported to hospitals that did offer these services, if they present at a hospital that does not do so.

Lastly, this proposed rulemaking affects law enforcement agencies and ambulance and emergency medical care and transport services, since these services would be required to be aware of the list of hospitals that have chosen to provide emergency sexual assault services, so that victims may be taken to these hospitals to ensure they receive sexual assault emergency services and information regarding those services.

#### D. Cost and Paperwork Estimate

##### Cost

*Commonwealth*—There will be additional costs to the Commonwealth resulting from this proposed rulemaking associated with the Department's need to enforce the proposed regulations. The Department estimates that an additional position for a Health Facility Quality Administrator would be required to survey and inspect hospitals to ensure compliance with the proposed rulemaking and respond to complaints regarding the manner in which the proposed regulations would be implemented by those hospitals. These costs include salary, benefits, workstation, computer, telephone, travel, training and other related costs. Reducing the effects a sexual assault would have on victims through implementation of the proposed regulations and the services offered through them, however, would outweigh the estimated costs.

*Local government*—There will be no additional cost to local government. Although the proposed regulations require that hospitals not providing sexual assault emergency services send notice to law enforcement agencies of their decision not to provide those services, and law enforcement agencies should be aware of this list to the extent that they transmit sexual assault victims to hospitals, this requires no additional work on the part of law enforcement agencies. The Department will publish a compiled list of these hospitals in the *Pennsylvania Bulletin*.

*Regulated community*—There will be additional cost to hospitals in this Commonwealth. The Department has estimated the costs of developing the informational materials that the proposed regulations would require hospitals providing sexual assault emergency services to distribute. The Department estimates that it would cost approximately \$7,500 to develop the written informational materials and approximately \$2,500 to print 5,000 brochures. These costs may be shared by the hospitals, however, if they join in developing standard information materials for all hospitals to utilize. Printing costs may

be lowered significantly if a hospital explores alternative methods for printing of the written materials.

In addition to these costs, hospitals could have additional costs of reviewing current procedures and making any changes necessary to comply with the proposed regulations once they are published in final form. These costs will depend upon what procedures individual hospitals in this Commonwealth currently have in place. However, as with the costs of developing and printing written informational materials, hospitals might be able to significantly reduce their costs by coordination of these efforts.

*General public*—There is no additional cost for the general public. In fact, since victims of rapes and other sexual offenses and their families are members of the general public and may be subject to serious medical and psychological effects as a result of the crime, including sexually transmitted disease and pregnancy, there would be a benefit to the general public from this proposed rulemaking. Because the proposed regulations also aid in gathering information necessary for investigation and successful prosecution of a violent crime, society as a whole would benefit from the implementation of the proposed regulation.

#### *Paperwork Estimates*

*Commonwealth*—To effectively survey and inspect hospitals for the purpose of enforcing the proposed regulations, the Department estimates additional survey and inspection time equivalent to an additional position for one Health Facility Quality Administrator would be necessary. There will be the need to review complaints in this additional area of proposed rulemaking. The Department, however, already has a process in place for the review and investigation of complaints against hospitals.

Further, the Department would be required to obtain and compile a list of hospitals that have decided not to provide sexual assault emergency services and to publish that list in the *Pennsylvania Bulletin*.

*Regulated community*—Hospitals would be required to either develop or obtain informational material on sexually transmitted diseases, pregnancy, emergency contraception and the need for additional testing. With respect to information regarding emergency contraception, the proposed regulations require that this written information be available in languages other than English. It is possible that this written information may be available in part from the CDC. It is also possible that hospitals may be able to join in developing standard information materials for all hospitals to utilize.

Hospitals would be required to review current policies and procedures and make any changes necessary to comply with the proposed regulations once they are adopted. Whether additional or revised policies or procedures are necessary would depend upon what policies and procedures each hospital currently has in place. However, as with the costs of developing and printing written informational materials, hospitals might be able to significantly reduce their costs by coordination of these efforts.

*Local government*—There is no additional paperwork requirement for local government. Although the proposed regulations require that hospitals not providing sexual assault emergency services send notice to law enforcement agencies of their decision not to provide sexual assault emergency services, and law enforcement agencies should be aware of this list to the extent that they transport sexual assault victims to hospitals, this re-

quires no additional work on the part of law enforcement agencies. The Department will publish a compiled list in the *Pennsylvania Bulletin*.

*General public*—There is no additional paperwork requirement for the general public.

#### *E. Statutory Authority*

Section 803(2) of the act (35 P. S. § 448.803(2)) authorizes the Department to promulgate, after consultation with the Health Policy Board, regulations necessary to carry out the purposes and provisions of the act. See section 601 of the act (35 P. S. § 448.601), which states that "The department, in the exercise of its duties under this act shall have the power to adopt such regulations as are necessary to carry out the purposes of this act." Section 801.1 of the act (35 P. S. § 448.801a) provides that a purpose of the act is to promote the public health and welfare through the establishment of regulations setting minimum standards for the operation of health care facilities. Section 801.1 of the act also provides that the minimum standards are to assure safe, adequate and efficient facilities and services and are also to promote the health, safety and adequate care of patients or residents of these facilities. The General Assembly has also stated that a purpose of the act is, among other things, to assure that all citizens receive humane, courteous and dignified treatment. See section 102 of the act (35 P. S. § 448.102). Finally, section 201(12) of the act (35 P. S. § 449.201(12)) provides the Department with explicit authority to enforce its rules and regulations promulgated under the act.

The Department also has the duty to protect the health of the citizens of this Commonwealth under section 2102(a) of The Administrative Code of 1929 (71 P. S. § 532(a)). The Department has general authority to promulgate regulations under section 2102(g) of The Administrative Code of 1929.

#### *F. Effectiveness/Sunset Dates*

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. No sunset date has been established. The Department will continually review and monitor the effectiveness of these regulations.

#### *G. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 11, 2006, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Health and Human Services Committee and the Senate Public Health and Welfare 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 Department, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *H. Contact Person*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed

rulemaking to Gerald Radke, Director, Bureau of Facility Licensure and Certification, Department of Health, Room 932, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA 17120, (717) 787-8015 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Persons with a disability who wish to submit comments, suggestions or objections regarding this proposed rulemaking may do so by using the previous telephone number or address or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT). Persons who require an alternative format of this proposed rulemaking should contact Gerald Radke at the previous address or telephone numbers so that necessary arrangements may be made.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

**Fiscal Note:** 10-182. (1) General Fund; (2) Implementing Year 2006-07 is \$78,000 (includes one time, nonrecurring costs); (3) 1st Succeeding Year 2007-08 is \$74,000; 2nd Succeeding Year 2008-09 is \$76,000; 3rd Succeeding Year 2009-10 is \$78,000; 4th Succeeding Year 2010-11 is \$80,000; 5th Succeeding Year 2011-12 is \$82,000; (4) 2005-06 Program—\$14,529,526; 2004-05 Program—\$14,157,071; 2003-04 Program—\$13,330,964; (7) Quality Assurance; (8) recommends adoption.

**Annex A**

**TITLE 28. HEALTH AND SAFETY**

**PART IV. HEALTH FACILITIES**

**Subpart B. GENERAL AND SPECIAL HOSPITALS**

**CHAPTER 101. GENERAL INFORMATION**

**GENERAL PROVISIONS**

**§ 101.4. Definitions.**

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

\* \* \* \* \*

**Emergency contraception**—A drug, drug regime or device approved by the Food and Drug Administration that is used after sexual intercourse to inhibit or prevent ovulation, fertilization or the implantation of a fertilized ovum within the uterus.

\* \* \*

**Rape crisis center**—An office, institution or center that offers assistance to a sexual assault victim or the victim's family through crisis intervention, medical and legal accompaniment and follow-up counseling.

\* \* \* \* \*

**Sexual assault**—An offense specified in 18 Pa.C.S. Chapter 31, Subchapter B (relating to definition of offenses).

**Sexual assault counselor**—A person who is engaged or employed by a rape crisis center that arranges for the provision of services to a sexual assault victim, who has undergone at least 40 hours of sexual assault training and is under the control of a direct services supervisor of a rape crisis center, whose primary purpose is the rendering of advice, counseling or assistance to victims of sexual assault.

**Sexual assault emergency services**—A medical examination, forensic examination or other procedure or service provided by a hospital to a sexual assault victim because of a sexual assault.

**Sexual assault victim or victim**—A person who has been sexually assaulted.

\* \* \* \* \*

**CHAPTER 117. EMERGENCY SERVICES  
SEXUAL ASSAULT VICTIMS EMERGENCY SERVICES**

*(Editor's Note: The following text is new. It is printed in regular type to enhance readability.)*

**§ 117.51. Principle.**

This section and §§ 117.52—117.58 establish requirements for a hospital that provides sexual assault emergency services and for the provision of information and services relating to emergency contraception and prevention of sexually transmitted diseases to sexual assault victims. A hospital that provides sexual assault emergency services to sexual assault victims shall comply with these sections, except that a hospital may be excluded from providing the services required by § 117.53(a)(2) and (3) (relating to emergency contraception) under § 117.57 (relating to religious and moral exemptions). All hospitals electing not to provide sexual assault emergency services under § 117.58 (relating to hospitals not providing sexual assault emergency services) shall comply with the notification and transfer provisions therein.

**§ 117.52. Minimum requirements for sexual assault emergency services.**

(a) Promptly upon a sexual assault victim's presenting to a hospital that provides sexual assault emergency services, the hospital shall, at a minimum, provide, with the consent of the sexual assault victim, the following:

(1) Medical examinations and laboratory or diagnostic tests required to ensure the health, safety and welfare of the sexual assault victim, or which may be used as evidence in a criminal proceeding against a person accused of the sexual assault, or both.

(2) Oral and written information concerning the possibility of sexually transmitted disease and pregnancy resulting from the sexual assault.

(3) Oral and written information concerning accepted medical procedures, medication, and possible contraindications of the medication available for the prevention or treatment of infection or disease resulting from the sexual assault.

(4) Medication as deemed appropriate by the attending physician, including HIV and sexually transmitted disease prophylaxis.

(5) A blood test to determine the presence or absence of sexually transmitted disease.

(6) Oral and written instructions indicating the need for additional blood tests at time periods after the sexual assault as medically indicated to determine the presence or absence of sexually transmitted disease.

(7) Information on the availability of a rape crisis center or sexual assault counselor and the telephone number of a local rape crisis center or sexual assault counselor. The hospital shall contact the local rape crisis center or sexual assault counselor at the request of the victim.

(8) The opportunity for the victim to consult with the rape crisis center or sexual assault counselor in person and in private while at the hospital.

(b) A hospital shall maintain records of the results of all examinations, tests and services provided to a sexual assault victim and make those records available to law enforcement officials upon the request and with the consent of the sexual assault victim.

**§ 117.53. Emergency contraception.**

(a) The hospital shall provide the following services to a female sexual assault victim in addition to the minimum requirements in § 117.52 (relating to minimum requirements for sexual assault emergency services):

(1) Provide the victim with medically and factually accurate written informational materials regarding emergency contraception prepared under § 117.55 (relating to emergency contraception informational materials).

(2) Orally inform the victim of the availability of emergency contraception, its use, risks and efficacy unless the hospital claims an exception in accordance with § 117.57 (relating to religious and moral exemptions).

(3) Offer emergency contraception to the victim and provide emergency contraception onsite upon the victim's request, unless contraindicated or unless the hospital claims an exception in accordance with § 117.57.

(b) Prior to providing emergency contraception to a sexual assault victim as required in subsection (a)(3), a hospital may require the victim to submit to a pregnancy test. A hospital is not required to provide emergency contraception to a pregnant sexual assault victim, but shall provide the victim with information regarding the pregnancy and information relating to appropriate medical care for the pregnancy.

**§ 117.54. Prevention of sexually transmitted diseases.**

(a) A hospital shall promptly provide a sexual assault victim with an assessment of the victim's risk for contracting a significantly prevalent sexually transmitted disease.

(b) The hospital shall base the risk assessment upon the following considerations:

(1) Available information regarding the assault as well as the subsequent findings from medical examination and tests that may be conducted.

(2) Established standards of risk assessment, including consideration of recommendations established by the United States Department of Health and Human Services Centers for Disease Control and Prevention.

(c) In addition to the assessment required in subsection (a), a hospital shall advise a sexual assault victim of significantly prevalent sexually transmissible diseases for which postexposure prophylaxis exists, and for which deferral of treatment would either significantly reduce treatment efficacy or would pose a substantial risk to the individual's health.

(d) Upon the victim's consent, the hospital shall provide the victim with postexposure prophylactic treatment for sexually transmissible diseases, except that a hospital will not be required to comply with this subsection when risk evaluation, adopted by the United States Department of Health and Human Services Centers for Disease Control and Prevention, clearly recommends against the application of postexposure prophylaxis.

**§ 117.55. Emergency contraception informational materials.**

(a) A hospital that provides sexual assault emergency services shall ensure that each member of the hospital personnel that provides the services is furnished with medically and factually accurate and objective written informational materials about emergency contraception developed by the hospital under this section.

(b) The hospital shall prepare, produce and distribute the written informational materials. The informational material must meet the following standards:

(1) Be in clear and concise language, readily comprehensible, in such varieties and forms as are deemed necessary to inform victims in English and languages other than English.

(2) Explain the nature of emergency contraception, including its use, risks and efficacy.

(3) Provide sexual assault victims with information on finding locations where emergency contraception may be obtained in the event it is not obtained at the hospital.

**§ 117.56. Information regarding payment for sexual assault emergency services.**

A hospital shall inform a sexual assault victim receiving sexual assault emergency services at the hospital of the availability of known financial resources for services provided to the victim due to the sexual assault, including payments by the victim's medical insurer, if applicable, the Crime Victim's Compensation Program administered by the Pennsylvania Commission on Crime and Delinquency, and any programs administered by the hospital. The hospital shall provide the victim information required to secure the services, including copies of itemized bills and medical records.

**§ 117.57. Religious and moral exemptions.**

In accordance with section 902(a) of the act (35 P. S. § 448.902(a)), a hospital is not required to comply with § 117.53(a)(2) and (3) (relating to emergency contraception) if providing those services would be contrary to the stated religious or moral beliefs of the hospital. If the hospital does not provide services under this religious and moral exemption, the hospital shall provide the following services:

(1) Provide individual oral and written notice to the sexual assault victim that those services are not provided at the hospital due to the services being contrary to the stated religious or moral beliefs of the hospital.

(2) Upon request of the victim, arrange for the immediate transfer of the victim, at no cost, to a hospital in this Commonwealth in close proximity that does provide those services.

**§ 117.58. Hospitals not providing sexual assault emergency services.**

(a) If a hospital otherwise governed by this subpart elects not to provide sexual assault emergency services to victims, including a hospital not providing certain emergency contraception services under § 117.57 (relating to religious and moral exemptions), the hospital shall provide the following notifications:

(1) The hospital shall notify the Department within 30 days of the hospital's decision not to provide sexual assault emergency services. The hospital shall address and send the written notice to the Division of Acute and Ambulatory Care. The Department will publish a list of

hospitals in the *Pennsylvania Bulletin* that have chosen not to provide sexual assault emergency services.

(2) The hospital shall notify the law enforcement agencies which may transport or refer a sexual assault victim to the hospital that the hospital has elected not to provide sexual assault emergency services. The written notice to law enforcement agencies shall be sent no later than 30 days after the hospital's decision not to provide those services.

(3) The hospital shall notify the ambulance and emergency medical care and transport services which may transport or refer a sexual assault victim to the hospital that the hospital has elected not to provide sexual assault emergency services. The written notice to ambulance and emergency medical transport and care services shall be sent no later than 30 days after the hospital's decision not to provide those services.

(b) If a hospital does not provide services under this section, the hospital shall do the following:

(1) Provide individual oral and written notice to the sexual assault victim that those services are not provided at the hospital.

(2) Upon request of the victim, arrange for the immediate transfer of the victim, at no cost, to a hospital in this Commonwealth in close proximity that does provide those services.

[Pa.B. Doc. No. 06-2059. Filed for public inspection October 20, 2006, 9:00 a.m.]

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

[52 PA. CODE CH. 75]

[Correction]

**Implementation of the Alternative Energy Portfolio Standards Act of 2004**

The document which appeared at 36 Pa.B. 6289 (October 14, 2006), regarding the implementation of the Alternative Energy Portfolio Standards Act of 2004, will be renumbered on final adoption as follows:

§§ 75.51—75.62 will be §§ 75.61—75.72

[Pa.B. Doc. No. 06-2018. Filed for public inspection October 13, 2006, 9:00 a.m.]

**STATE BOARD OF  
DENTISTRY**

[49 PA. CODE CH. 33]

**Sexual Misconduct**

The State Board of Dentistry (Board) proposes to add § 33.211a (relating to sexual misconduct) to read as set forth in Annex A.

*Effective Date*

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

*Statutory Authority*

Under section 3(c), (d), (d.1) and (o) of the Dental Law (63 P.S. § 122(c), (d), (d.1) and (o)), the Board has authority to establish standards of professional conduct for Board regulated practitioners under its jurisdiction. These individuals include dentists, dental hygienists and expanded function dental assistants (EFDA).

*Background and Purpose*

Over the past few years, the health-related boards within the Bureau of Professional and Occupational Affairs have been developing regulations regarding sexual misconduct. The purpose of this proposed rulemaking is to protect consumers of dental services and provide clear guidance to practitioners and the public that sexual misconduct by a dentist, dental hygienist or EFDA is prohibited.

The Board previously published a proposed rulemaking regarding sexual misconduct at 32 Pa.B. 5284 (October 26, 2002). The earlier version of the rulemaking prohibited sexual behavior with and sexual exploitation of patients. At that time, it was suggested by commentators that the definitions were somewhat vague and that the Board consider providing specific examples of prohibited conduct. It has been the Board's experience that when specific examples are used, courts interpreting the regulations often deem acceptable those situations not included in a list such as this. The Board does not wish to inadvertently approve sexual misconduct by omission, and therefore, chose not to provide specific examples of prohibited conduct. It would be virtually impossible to write regulations for sexual misconduct that clearly define every possible prohibited behavior and every possible innocent behavior. The Board believes the proposed rulemaking is flexible enough to cover most situations without being overly burdensome.

*Description of Proposed Rulemaking*

Proposed § 33.211a (relating to sexual misconduct) makes it clear that sexual misconduct constitutes unprofessional conduct and subjects the practitioner to disciplinary action.

The purpose of proposed § 33.211a is to better protect patients by providing guidance to the profession and the public that sexual conduct between practitioners and their current patients constitutes unprofessional conduct. This proposed section defines "sexual misconduct" as "[a]ny sexual conduct with a current patient, including words, gestures or expressions, actions or any combination thereof, which are sexual in nature, or which may be construed by a reasonable person as sexual in nature."

Proposed § 33.211a also defines "current patient" as one "that is in the process of dental treatment with a practitioner or who has been treated by the practitioner within the previous 3 months." The definition specifically excludes patients who affirmatively terminate the practitioner-patient relationship by becoming a patient of record at another dental office.

This proposed rulemaking further provides that Board regulated practitioners who engage in sexual misconduct with current patients will not be eligible for placement in the Board's impaired professional program instead of disciplinary or corrective actions. The impaired professional program is unable to effectively monitor Board regulated practitioners who have engaged in sexual misconduct.

The proposed rulemaking also provides that patient consent is not a defense to disciplinary action in these cases and specifically excludes conduct between a practitioner and the practitioner's spouse or a person cohabitating with the practitioner. The intent is to exclude spouses and people who live together on a permanent basis. Other types of more casual relationships are not excluded.

*Fiscal Impact and Paperwork Requirements*

The proposed rulemaking should have no fiscal impact on the Commonwealth or its political subdivisions. Likewise, the proposed rulemaking should not necessitate any legal, accounting, reporting or other paperwork requirements.

*Sunset Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 4, 2006, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Cynthia K. Montgomery, Counsel, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking.

SUSAN E. CALDERBANK, D.M.D.,  
*Chairperson*

**Fiscal Note:** 16A-4618. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 33. STATE BOARD OF DENTISTRY**

**Subchapter C. MINIMUM STANDARDS OF CONDUCT AND PRACTICE**

**§ 33.211a. Sexual misconduct.**

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Current patient*—

(i) A person that is in the process of dental treatment with a practitioner or who has been treated by the practitioner within the previous 3 months.

(ii) The term does not include a patient who has terminated the practitioner-patient relationship by being accepted as a patient of record at another dental office.

*Sexual misconduct*—Any sexual conduct with a current patient, including words, gestures or expressions, actions or any combination thereof, which are sexual in nature, or which may be construed by a reasonable person as sexual in nature.

(b) *Disciplinary action.* Unprofessional conduct, as defined in section 4.1(a)(8) of the act (63 P. S. § 123.1(a)(8)), includes sexual misconduct by a dentist, a dental hygienist or an expanded function dental assistant (EFDA), and subjects the practitioner to disciplinary action under sections 4.1(a)(8) and 10.1 of the act (63 P. S. §§ 123.1(a)(8) and 129.1).

(c) *Impaired professional program.* A practitioner who engages in conduct prohibited by this section will not be eligible for placement into an impaired professional program in lieu of disciplinary action or correction.

(d) *Consent.* Consent is not a defense to conduct prohibited by this section.

(e) *Exclusion.* This section does not apply to conduct between a practitioner and the practitioner's spouse or a person cohabitating with the practitioner.

[Pa.B. Doc. No. 06-2060. Filed for public inspection October 20, 2006, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

### DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 123]

#### Community Revitalization Program

The Department of Community and Economic (Department) amends Chapter 123 (relating to community revitalization program—statement of policy) to read as set forth in Annex A. The statement of policy is amended under the authority of section 1719-B of The Fiscal Code (act), as amended by the act of July 5, 2006 (P. L. 296, No. 66).

#### *Background*

Section 1719-B of the act requires the Department to publish Community Revitalization Program (Program) guidelines in the *Pennsylvania Bulletin* prior to the spending of the 2006-2007 moneys designated for the Program. This amended statement of policy updates the existing Program guidelines published in 2005.

The Program provides grants to eligible organizations consistent with Act 2A of 2006, which allocates money for grants for community revitalization and improvement projects which in the judgment of the Department will improve the stability of the community; promote economic development; improve existing and develop new civic, cultural, recreational, industrial and other facilities; assist in business retention, expansion, stimulation and attraction; promote the creation of jobs and employment opportunities; or enhance the health, welfare and quality of life of the citizens of this Commonwealth.

#### *Amendments*

Section 123.1 (relating to introduction) is amended to update the reference to the appropriation act and to the current fiscal year and to delete language specifying that not all applications will be funded.

Section 123.3 (relating to eligibility) is amended to update the reference to the appropriation act and to the current fiscal year; to broaden eligible projects to include community development projects and civic, cultural and recreational activities; to prohibit the funding of revolving loan programs; and to add funding restrictions for private clubs and organizations, religious organizations and fiduciary organizations.

Section 123.4 (relating to program requirements and instructions) is amended to require that applications be submitted online; to delete the specific types of additional information the Department may request; to modify the items which must be contained in the application narrative; and to specify the time during which applications will be accepted.

Section 123.5 (relating to application submission and approval procedure) is amended to update the reference to the current fiscal year, the grant award cycles and the proposed award dates, as well as to clarify that the assignment of account manager letter sent to the applicant constitutes confirmation of receipt of the application by the Department.

Section 123.6 (relating to procedures) is amended to delete language regarding the Commonwealth's Central Vendor Management Unit; to clarify that invoices cover goods and services; to require that audit be performed by independent certified public accounts as defined under Pennsylvania law; to clarify the ineligibility of organizations that are not compliant with audit or closeout report requirements on other Department contracts they received; and to delete the provision specifying that applications not acted on favorably will be considered denied and will not be considered for the next fiscal year.

Section 123.7 (relating limitations and penalties) is amended to require the grantee to place grant funds received into an interest bearing account and to return interest earned on grant funds to the Department.

Section 123.8 (relating to contact information) is amended to reflect that hard copies of applications may no longer be obtained from the Department; to clarify that the account manager is the Department contact; and provides that the applicant should have the application number available when contacting the account manager.

Section 123.9 (relating to vendor registration) is added to require that all applicants be registered with the Commonwealth's Vendor Registration System before they may receive a grant. This section also provides information on where and how to register and where to refer questions about the Commonwealth's Vendor Registration System.

#### *Fiscal Impact*

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

#### *Paperwork Requirements*

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

#### *Contact Person*

For further information regarding the amended statement of policy, contact Jill Busch, Deputy Chief Counsel, Office of Chief Counsel, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, Fourth Floor, Harrisburg, PA 17120-0225, (717) 787-3402.

#### *Findings*

The Department finds that delay in implementing the statement of policy will have a serious adverse impact on the public interest.

#### *Orders*

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

(1) The statement of policy of the Department, 12 Pa. Code Chapter 123, is amended by amending §§ 123.1 and 123.3—123.8 and by adding § 123.9 to read as set forth in Annex A.

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



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

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

DENNIS YABLONSKY,  
*Secretary*

**Fiscal Note:** Fiscal Note 4-87 remains valid for the final adoption of the subject regulations.

#### Annex A

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

#### PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

##### Subpart A. STRATEGIC PLANNING AND OPERATION

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

##### § 123.1. Introduction.

(a) The CRP provides grants for community revitalization and improvement projects throughout this Commonwealth. CRP funds may be used for projects consistent with Act 2A of 2006. Eligible projects are defined in § 123.3(b) (relating to eligibility).

(b) Assistance from the CRP is in the form of grants from the Commonwealth to eligible applicants for projects which, in the judgment of the Department, comply with Act 2A of 2006, are in accordance with the program guidelines in this chapter and meet the requirements of the Department Single Application for Assistance.

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

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

##### § 123.2. Definitions.

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

*Application*—The Department's Single Application for Assistance.

*CRP*—The Community Revitalization Program.

*Department*—The Department of Community and Economic Development of the Commonwealth.

##### § 123.3. Eligibility.

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

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

(2) Municipal and redevelopment authorities and agencies.

(3) Industrial development authorities and agencies.

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

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

(b) *Eligibility of projects.* CRP funds may be used for community revitalization and improvement projects consistent with Act 2A of 2006.

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

(i) Improve the stability of the community.

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

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

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

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

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

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

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

(c) *Conditions on certain applicants.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) The subgrantee's program goals.

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

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

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

The following requirements apply to CRP:

(1) Project applications shall be submitted using the Department's Electronic Single Application for Assistance by means of [www.NewPa.com/programFinder.aspx](http://www.NewPa.com/programFinder.aspx) or [www.NewPa.com](http://www.NewPa.com). Paper applications are no longer acceptable. Electronic applications will be accepted throughout the fiscal year up to the March 30, 2007, submission deadline.

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

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

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

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

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

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

(v) Documentation to support projected budget costs.

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

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

(4) Applications will be accepted throughout the fiscal year, subject to the provisions of § 123.5.

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

(a) The application is available on the Department's website at [www.newpa.com/programfinder.aspx](http://www.newpa.com/programfinder.aspx). Applications will be accepted throughout the fiscal year up to the March 30, 2007, submission deadline. Applications will be subject to § 123.7 (relating to limitations and penalties).

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

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

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

<i>Funding Round</i>	<i>Application Deadline Date</i>	<i>Target Announcement Date</i>
Round 1	September 29, 2006	November 2006
Round 2	December 29, 2006	February 2007
Round 3	March 30, 2007	May 2007

(1) The first round consideration will include all applications received between July 1, 2006, and September 29, 2006.

(2) The second round will include applications received by December 29, 2006, and applications not approved in the first round.

(3) The third round will include applications received by March 30, 2007, and applications not approved in the first and second rounds.

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

(e) Any CRP funds remaining after the third round may be awarded by the Department up to the lapsing date of funds for the 2006-2007 fiscal year appropriation.

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

(g) Applicants that do not receive funding during any of the three rounds will be notified to reapply during the following fiscal year.

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

#### **§ 123.6. Procedures.**

(a) CRP grant award notifications will be issued by letter. The applicant will thereafter receive a contract and a payment requisition form to be signed and returned to the Department for execution.

(b) The applicant will maintain full and accurate records with respect to the project. The Department will have full access to these records including invoices for goods and services and other relevant data and records, as well as the right to inspect all project work. Upon request of the Department, the applicant will furnish all data, reports, contracts, documents and other information relative to the project.

(c) Approved grants in the amount of \$100,000 or more require the grantee to provide an audit of the grant by an independent certified public accountant as defined under Pennsylvania law. (See The C.P.A. Law, 63 P. S. §§ 9.1—

9.16b and 49 Pa. Code Chapter 11 (relating to State Board of Accounting)). The Single Audit performed for Federal audit purposes (A133) will not be accepted.

(d) Grants under \$100,000 require the grantee to submit a close out report with appropriate documentation identifying use of State funds consistent with the contract.

(e) Funds will be disbursed according to the provisions in the contract between the applicant and the Department.

(f) Applications from organizations that are not compliant with audit or close out report requirements for other contracts received by them from the Department are ineligible to receive additional financial assistance until the audit or closeout report requirements are met.

#### **§ 123.7. Limitations and penalties.**

(a) When a project is funded, the grantee shall place the grant funds in an interest bearing account. Interest earned on the invested grant funds shall be returned to the Department.

(b) An applicant may not make or authorize any substantial change in an approved project without first obtaining consent of the Department in writing.

(c) If the full amount of the grant is not required for the project, the unused portion shall be returned to the Department.

(d) Failure to comply with procedures may result in penalties, including repayment of funds with interest.

#### **§ 123.8. Contact information.**

(a) Inquiries should be directed to:

Department of Community and Economic Development  
Customer Service Center  
Commonwealth Keystone Building  
400 North Street, Fourth Floor  
Harrisburg, Pennsylvania 17120-0225  
(800) 379-7448  
e-mail: ra-dced@state.pa.us

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

#### **§ 123.9. Vendor registration.**

(a) An applicant shall be registered with the Commonwealth's Vendor Registration System before it may receive a grant. This system tracks information regarding vendors that do business with or receive grant funds from the Commonwealth, by assigning a vendor number to the organization. In the event the application is funded, the organization shall be registered with this system before a contract can be issued.

(b) After submission of an application by means of the Department's Electronic Single Application for Assistance, an applicant will receive correspondence indicating its vendor registration status. The applicant should review this correspondence and follow the specified instructions.

(c) Questions regarding vendor registration status, should be referred to the Central Vendor Management Unit at the address and phone number in this section. Applicants should have their nine digit Federal identification number available when contacting the Central Vendor Management Unit.

Commonwealth of Pennsylvania  
Central Vendor Management Unit  
Bureau of Financial Management  
6th Floor, Verizon Tower  
Strawberry Square  
303 Walnut Street  
Harrisburg, PA 17101-1830  
(866) 775-2868

(d) Applicants who are not registered with the Commonwealth's Vendor Registration System should register at [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us), the Commonwealth of Pennsylvania's Vendor Registration website. Applicants should click on the Grantee Vendor Registration Form, and follow the instructions provided.

[Pa.B. Doc. No. 06-2061. Filed for public inspection October 20, 2006, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending October 10, 2006.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
10-5-06	Conestoga Bancorp, Inc., Chester Springs, to acquire 100% of the voting shares of PSB Bancorp, Inc., Philadelphia, under the provisions of section 115 of the Banking Code of 1965	Chester Springs	Filed

##### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-6-06	Vantage Point Bank Fort Washington Montgomery County <i>Correspondent:</i> Walter L. Tillman, Jr. 1300 Cedar Hill Road Lower Gwynedd, PA 19002	Fort Washington	Filed

##### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-3-06	Luzerne National Bank Luzerne Luzerne County <i>To:</i> Luzerne Bank Luzerne Luzerne County Application represents request to convert from a National banking association to a State-chartered bank and trust company.	Luzerne	Filed

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-4-06	Reliance Savings Bank Altoona Blair County Purchase of assets/assumption of liabilities of two branch offices of Susquehanna Bank, Hagerstown, MD Located at: 1254 Old Route 220 North Duncansville Blair County	Altoona	Approved
10-5-06	Fulton Bank Lancaster Lancaster County Purchase of essentially all the assets and assumption of essentially all the liabilities of Premier Bank, Doylestown, Bucks County, PA. Both institutions are wholly owned subsidiaries of Fulton Financial Corporation, Lancaster, PA.	3119 Pleasant Valley Boulevard Altoona Blair County Lancaster	Approved

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-5-06	Mid Penn Bank Millersburg Dauphin County  Purchase of assets/assumption of liabilities of two branch offices of Omega Bank, State College. Located at:  51 South Front Street Steelton Dauphin County	Millersburg      1100 Spring Garden Drive Middletown Dauphin County	Approved
10-5-06	Conestoga Bank, Chester Springs and First Penn Bank, Philadelphia Surviving Institution— Conestoga Bank, Chester Springs	Chester Springs	Filed
10-10-06	Graystone Interim Bank, Lancaster, and Graystone Bank, Lancaster Surviving Institution— Graystone Interim Bank, Lancaster, with a change in corporate title to Graystone Bank  As of the effective date of the merger, Graystone Bank, will become a wholly owned subsidiary of Graystone Financial Corp., Lancaster, a newly formed bank holding company.	Lancaster	Effective

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-2-06	Abington Savings Bank Jenkintown Montgomery County	Maris Grove Retirement Community 100 Maris Grove Way Glen Mills Delaware County (Limited Service Facility)	Opened
10-3-06	CommunityBanks Millersburg Dauphin County	915 West Postal Road Douglassville Amity Township Berks County	Filed
10-4-06	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	400 Adams Shoppes Mars Butler County	Approved
10-4-06	Farmers and Merchants Trust Company of Chambersburg Chambersburg Franklin County	Carlisle Crossing Shopping Center Carlisle Cumberland County	Approved
10-4-06	Royal Asian Bank Philadelphia Philadelphia County	232 Broad Avenue Palisades Park Bergen County, NJ	Approved
10-5-06	Northwest Savings Bank Warren Warren County	West 4th Street (State Route 22/522) Granville Township Mifflin County	Approved
10-5-06	First Priority Bank Malvern Chester County	1200 Broadcasting Road Wyomissing Berks County	Filed
10-6-06	Stonebridge Bank Exton Chester County	319 East Street Road Warminster Bucks County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-18-06	Union Bank and Trust Company Pottsville Schuylkill County	Weis Supermarket Route 61 and St. Clair Avenue Pottsville Schuylkill County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-6-06	Omega Bank State College Center County	Two branche offices Located at:  51 South Front Street Steelton Dauphin County 1100 Spring Garden Drive Middletown Dauphin County	Approved
10-6-06	Stonebridge Bank Exton Chester County	408 Lakeside Drive Southampton Bucks County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
10-4-06	Belco Community Credit Union Harrisburg Dauphin County	1758 Oregon Pike Lancaster Lancaster County	Approved

**Change of Principal Place of Business**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
10-6-06	Philadelphia Post Office Employees' Credit Union Philadelphia Philadelphia County	<i>From:</i> 2970 Market Street Philadelphia Philadelphia County  <i>To:</i> 401 Baily Road Yeadon Delaware County	Approved and Effective

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

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 06-2062. Filed for public inspection October 20, 2006, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of November 2006**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of November 2006 is 7 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.83 to which was added 2.50 percentage points for a total of 7.33 that by law is rounded off to the nearest quarter at 7 1/4%.

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 06-2063. Filed for public inspection October 20, 2006, 9:00 a.m.]

# DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Snowmobile and ATV Advisory Committee Meeting

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will hold a meeting on Tuesday, October 24, 2006, at 9 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to John Quigley at (717) 787-9632.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact John Quigley at (717) 787-9632 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 06-2064. Filed for public inspection October 20, 2006, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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## 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0034428 Renewal	Cove Haven, Inc. P. O. Box 400 Scotrun, PA 18355	Paupack Township Wayne County	UNT to Lake Wallenpaupack 01C	Y
PA0033472 Renewal	Camp Starlight, Inc. P. O. Box 33389 Palm Beach Gardens, FL 33420	Preston Township Wayne County	UNT to Shehawken Creek 01A	Y
PA0063479 Renewal	P & S Development Co. 2268 South 12th Street Allentown, PA 18103	Salem Township Wayne County	UNT to West Branch Wallenpaupack Creek 01C	Y
PA0060259 (Minor Sewage)	Tyler Hill Camp 85 Crescent Beach Road Glen Cove, NY 11542	Wayne County Damascus Township	Laurel Lake 1A	Y
PA0062286	Diocese of Scranton Church of Saint Benedict 300 Wyoming Avenue Scranton, PA 18503-1279	Newton Township Lackawanna County	UNT to Gardner Creek 4G	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0103152	Hydro-Pac, Inc. 7470 Market Road P. O. Box 921 Fairview, PA 16415	Fairview Township Erie County	UNT to Brandy Run 15-BR	Y

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

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

**PA0056472**, Industrial Waste, SIC 2011, **Devault Packing Company, Inc. d/b/a Devault Foods**, 1 Devault Lane, Devault, PA 19432. This proposed facility is located in Charlestown Township, **Chester County**.

Description of Proposed Activity: This proposed action is for the renewal of an NPDES permit for the discharge of stormwater from an industrial facility.

The receiving stream, Valley Creek (Pa. Stream Code 00991), is in the State Water Plan Watershed 3F and is classified for EV. The nearest downstream public water supply intake is located on the Schuylkill River.

The proposed effluent limits for Outfalls 001—003 are based on a stormwater event.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD <sub>5</sub>					Monitor and Report
COD					Monitor and Report
Oil and Grease					Monitor and Report
pH (Standard Units)					Monitor and Report

<i>Parameters</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 (mg/l)</i>
Total Suspended Solids					Monitor and Report
Total Kjeldahl Nitrogen					Monitor and Report
Fecal Coliform					Monitor and Report
Iron, Total					Monitor and Report
Total Phosphorus					Monitor and Report

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

**PA0055026**, Industrial Waste, **The Wrightstown Group, LP**, 1337 Wrightstown Road, Wrightstown, PA 18940. This existing facility is located in Wrightstown Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to remediate VOC impacted groundwater through an air stripper system. The site is located at 650 Durham Road in Wrightstown, PA.

The receiving stream, a UNT to Mill Creek, is in the State Water Plan Watershed 2F and is classified for WWF, migratory fishes, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua PA Southeast Division is located on Neshaminy Creek and is approximately 18 miles below the point of discharge.

The proposed effluent limits for Outfall 003 are based on a design flow of 0.058 million gpd. Outfalls 001 and 002 are inactive.

<i>Parameters</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 (mg/l)</i>
Tetrachloroethylene			ND*	ND*	
Trichloroethylene			0.005	0.01	
pH (Standard Units)			6.0, I-min.		9.0

\*Not detectable using EPA Method 624-GC/MS or an approved method of equal sensitivity.

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

1. Remedial Measures if Public Nuisance.
2. Necessary Property Rights.
3. BAT Reopener.
4. Change in Ownership.
5. Air stripper Tower Wastewater.
6. 2/Month Monitoring.
7. Specification of Test Methods.
8. Influent Sampling.
9. Monitoring Well Sampling.

**No. PA0027103**, Sewage, **Delaware County Regional Water Quality Control Authority**, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016-0999. This application is for renewal of an NPDES permit to discharge 44 million gpd of treated sewage to the Delaware River, Zone 4. This is an existing discharge to the Delaware River.

The receiving stream is classified for the following uses: WWF (maintenance only), migratory fishes (passage only), aquatic life and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 44 mgd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub>	30	45	60
BOD <sub>5</sub> Percent Removal	89 1/4%		
Total Suspended Solids	30	45	60
Suspended Solids Percent Removal	85%		
Total Residual Chlorine	0.5		1.0
Oil and Grease	15		30
pH (Standard)	6.0 Min.		9.0
Fecal Coliform	200 #/100 ml		
Chlorodibromomethane	Monitor and Report		
Dichlorobromomethane	Monitor and Report		
1,2 Dichloroethane	Monitor and Report		
Tetrachloroethylene	Monitor and Report		
Trichloroethylene	Monitor and Report		
Copper, Total	Monitor and Report		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Lead, Total	Monitor and Report		
Zinc, Total	Monitor and Report	<b>Maximum Daily</b>	
Ammonia as Nitrogen	Monitor and Report	Monitor and Report	
Total Kjeldahl Nitrogen	Monitor and Report	Monitor and Report	
Nitrite as Nitrogen	Monitor and Report	Monitor and Report	
Nitrate as Nitrogen	Monitor and Report	Monitor and Report	

The permit authorizes to discharge stormwater from around the sewage treatment plant through Outfalls 028—030 to the Delaware River, Zone 4.

Also, DELCORA is authorized to discharge Combined Sewer Overflows through Outfalls 002, 004—027 and are subject to the following condition:

All discharges of floating materials, oil, grease, scum, sheen, foam and substances which produce color, tastes, odors, turbidity or settle to form deposits shall be controlled to levels which will not be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life.

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

1. BOD<sub>5</sub> Percent Removal Requirements.
2. Pretreatment Program.
3. Watershed TMDL/WLA Data.
4. WET Testing Requirements.
5. Maximize Flow to Treatment Plant.
6. CSO Reopener.
7. Stormwater Outfalls Requirements.
8. Combined Sewer Overflows.
9. PCBs Requirements.

**NPDES Permit No. PA0020460**, Sewage, SIC 4952. **Pennridge Wastewater Treatment Authority (Pennridge Wastewater Treatment Authority Wastewater Treatment Plant)**, 180 Maple Avenue, Sellersville, PA 18960, Sellersville Borough and West Rockhill Township, **Bucks County**, PA.

Description of Activity: Renewal of Sewage Treatment Plant's NPDES Permit to discharge treated sewage effluent to East Branch Perkiomen Creek.

The receiving water, East Branch Perkiomen Creek, is in the State Water Plan Watershed 3E-Perkiomen and is classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua PA is located on Perkiomen Creek and is approximately 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an approved annual average flow of 4.325 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	15.0	22.5		30
Total Suspended Solids	20.0	30.0		40
Ammonia as N (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Phosphorus as P	1.5			3.0
Fecal Coliform*	200#/100 ml			Monitor and Report
Dissolved Oxygen	5.0 (Min.)			
Zinc, Total	Monitor and Report			
Copper, Total	Monitor and Report			
Chromium, Hexavalent	Monitor and Report			
Cyanide, Free	Monitor and Report			
pH (Standard Units)	6.0 (Min.)			9.0 (Max.)

\*Ultra-Violet Disinfection.

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

1. Discharge must not cause nuisance.
2. Operate Industrial Pretreatment Program.
3. Proper sludge disposal.
4. Conduct Whole Effluent Toxicity Tests for next permit renewal application.
5. Monitor Bradshaw Reservoir diversion to East Branch Perkiomen Creek.

**PA0026689**, Sewage, **City of Philadelphia Water Department**, ARAMARK Tower, 1101 Market Street, Philadelphia, PA 19107-2994. This application is for renewal of an NPDES permit to discharge treated sewage from the Northeast Water Pollution Control Plant in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to the Delaware River, Zone 3.

The receiving stream is classified for the following uses: WWF, aquatic life, water supply and recreation. The proposed effluent limits for Outfall 001, based on an average flow of 210 mgd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
CBOD <sub>5</sub> (% Removal)	≥86		
CBOD <sub>20</sub>	71,760 lbs/day		
Total Suspended Solids	30	45	60
Total Suspended Solids (% Removal)	≥85		
Fecal Coliform	#200/100 ml		#1,000/100* ml
pH	within limits of 6.0 to 9.0 Standard Units at all times		
Total Residual Chlorine	0.5		1.0
Dissolved Oxygen	Monitor and Report		Monitor and Report (1-Min.)
Ammonia as N	Monitor and Report	Monitor and Report (Daily Max)	
Nitrate as N	Monitor and Report	Monitor and Report (Daily Max)	
Nitrite as N	Monitor and Report	Monitor and Report (Daily Max)	
Total Kjeldahl Nitrogen	Monitor and Report	Monitor and Report (Daily Max)	
Phosphorus as P	Monitor and Report	Monitor and Report (Daily Max)	
Copper, Total	Monitor and Report		
Zinc, Total	Monitor and Report		
Lead, Total	Monitor and Report		
Iron	Monitor and Report		
Total	Monitor and Report		
Dissolved	Monitor and Report		
Phenols, Total	Monitor and Report		
Chloroform	Monitor and Report		
Dichlorobromomethane	Monitor and Report		
1,2-Dichloethane	Monitor and Report		
Tetrachloroethylene	Monitor and Report		
Trichloroethylene	Monitor and Report		
Benzidine	Monitor and Report		
Dieldrin	Monitor and Report		
Endrin	Monitor and Report		
Alpha BHC	Monitor and Report		
Beta BHC	Monitor and Report		
Chlordane	Monitor and Report		
4,4' DDE	Monitor and Report		
4,4' DDD	Monitor and Report		
4,4' DDT	Monitor and Report		
Heptachlor	Monitor and Report		
Lindane	Monitor and Report		
WET (Chronic)	Monitor and Report (Daily Max)		
WET (Acute)	Monitor and Report (Daily Max)		

\*Shall not exceed in more than 10% of samples.

The proposed effluent limitations for Outfall 061 (stormwater) are as follows:

<i>Parameter</i>	<i>Concentration Daily Maximum (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Kjeldahl Nitrogen (TKN)	Monitor and Report
Total Phosphorus	Monitor and Report
Fecal Coliform (#/100 ml)	Monitor and Report

The proposed effluent limitations for Combined Sewer Overflow Outfalls 002—008, 010—052 and 058—060 are as follows:

Discharges of floating materials, oil, grease, scum, foam, sheen and substances which produce color, tastes, odors, turbidity or settle to form deposits shall be controlled to level which will not be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life.

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

1. CSOs Requirements.
2. PCBs Requirements.
3. TSS % Removal.
4. BOD<sub>5</sub> % Removal.
5. Operator Training Plan.
6. Chronic WET Test Requirements.
7. Maximize Flow to Treatment Plant.
8. Approved Pretreatment Program.

EPA waiver is not in effect.

**PA0026671**, Sewage, **City of Philadelphia Water Department**, ARAMARK Tower, 1101 Market Street, Philadelphia, PA 19107-2994. This application is for renewal of an NPDES permit to discharge treated sewage from the Southwest Water Pollution Control Plant in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to the Delaware River, Zone 4.

The receiving stream is classified for the following uses: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 200 mgd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
CBOD <sub>5</sub> (% Removal)	≥89.25		
CBOD <sub>20</sub>	35,830 lbs/day		
Total Suspended Solids	30	45	60
Total Suspended Solids (% Removal)	≥85		
Fecal Coliform	#200/100 ml		#1,000/100 ml
pH	within limits of 6.0 to 9.0 Standard Units at all times		
Total Residual Chlorine	0.5		1.0
Dissolved Oxygen	Monitor and Report		Monitor and Report (I-Min.)
Ammonia as N	Monitor and Report	Monitor and Report (Daily Max.)	
Nitrate as N	Monitor and Report	Monitor and Report (Daily Max.)	
Nitrite as N	Monitor and Report	Monitor and Report (Daily Max.)	
Total Kjeldahl Nitrogen	Monitor and Report	Monitor and Report (Daily Max.)	
Phosphorus as P	Monitor and Report	Monitor and Report (Daily Max.)	
Copper, Total	Monitor and Report		
Zinc, Total	Monitor and Report		
Lead, Total	Monitor and Report		
Iron, Dissolved	Monitor and Report		
Phenols, Total	Monitor and Report		
Cyanide, Free	Monitor and Report		
Nickel, Total	Monitor and Report		
Selenium, Total	Monitor and Report		
Chloroform	Monitor and Report		
1,2-Dichloroethane	Monitor and Report		
Tetrachloroethylene	Monitor and Report		
Trichloroethylene	Monitor and Report		
Benzidine	Monitor and Report		
Dieldrin	Monitor and Report		
Alpha-Endosufan	Monitor and Report		
Beta-BHC	Monitor and Report		
Chlordane	Monitor and Report		
4,4' DDE	Monitor and Report		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
4,4' DDD	Monitor and Report		
4,4' DDT	Monitor and Report		
Heptachlor	Monitor and Report		
Lindane	Monitor and Report		
WET (Chronic)	Monitor and Report (Daily Max.)		
(Acute)	Monitor and Report (Daily Max.)		

The facility has one Emergency Relief Outfall 001A. The outfall is located at effluent pumping station, which discharges into Eagle Creek. The proposed effluent limitations are as follows:

<i>Parameter</i>	<i>Instantaneous Minimum</i>	<i>Concentration (mg/l) Average Monthly</i>	<i>Instantaneous Maximum</i>
Flow (mgd)		Monitor and Report	
Duration (Minute)		Monitor and Report Monthly Total	
Fecal Coliform (#/100 ml)		Monitor and Report	Monitor and Report
pH (Standard Units)	Monitor and Report		Monitor and Report

The facility has 16 stormwater outfalls, discharges into Eagle Creek. Since all outfalls are receiving stormwater from facility having similar operations, monitoring of only one outfall (SW1) is required.

The proposed effluent limitation for Outfalls SW1 through SW16 (stormwater) are as follows:

<i>Parameter</i>	<i>Concentration Daily Maximum (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Kjeldahl Nitrogen (TKN)	Monitor and Report
Total Phosphorus	Monitor and Report
Fecal Coliform (#/100 ml)	Monitor and Report

The proposed effluent limitations for combined sewer overflow Outfalls 001B, 002—047, 049—052, 054—072, 075, 078 and 082—084 are as follows:

Discharges of floating materials, oil, grease, scum, foam, sheen and substances which produce color, tastes, odors, turbidity, or settle to form deposits shall be controlled to levels which will not be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life.

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

1. CSOs Requirements.
2. PCBs Requirements.
3. TSS Percent Removal.
4. BOD<sub>5</sub> Percent Removal.
5. Operator Training Plan.
6. Chronic WET Test Requirements.
7. Maximize Flow to Treatment Plant.
8. Approved Pretreatment Program.

EPA waiver is not in effect.

**PA0026662**, Sewage, **City of Philadelphia Water Department**, ARAMARK Tower, 1101 Market Street, Philadelphia, PA 19107-2994. This application is for renewal of an NPDES permit to discharge treated sewage from the Southeast Water Pollution Control Plant in the City of Philadelphia, **Philadelphia County**. This is an existing discharge to the Delaware River, Zone 3.

The receiving stream is classified for the following uses: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 112 mgd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD <sub>5</sub>	30	45	60
BOD <sub>5</sub> (% Removal)	≥86		
CBOD <sub>20</sub>	33,600 lbs/day		
Total Suspended Solids	30	45	60
Total Suspended Solids (% Removal)	≥85		
Fecal Coliform	#200/100 ml		#1,000/100 ml
pH	within limits of 6.0 to 9.0 Standard Units at all times		
Total Residual Chlorine	0.5		1.0
Dissolved Oxygen	Monitor and Report		Monitor and Report (1-Min.)
Ammonia as N	Monitor and Report	Monitor and Report (Daily Max)	
Nitrate as N	Monitor and Report	Monitor and Report (Daily Max)	
Nitrite as N	Monitor and Report	Monitor and Report (Daily Max)	
Total Kjeldahl Nitrogen	Monitor and Report	Monitor and Report (Daily Max)	
Phosphorus as P	Monitor and Report	Monitor and Report (Daily Max)	
Copper, Total	Monitor and Report		
Zinc, Total	Monitor and Report		
Lead, Total	Monitor and Report		
Iron, Total	Monitor and Report		
Phenols, Total	Monitor and Report		
Chloroform	Monitor and Report		
Dichlorobromomethane	Monitor and Report		
1,2-Dichloethane	Monitor and Report		
1,1,2,2-Tetrachloroethane	Monitor and Report		
Tetrachloroethylene	Monitor and Report		
Trichloroethylene	Monitor and Report		
Benzidine	Monitor and Report		
Bis (2 Ethylhexyl) Phthalate	Monitor and Report		
Alpha BHC	Monitor and Report		
Gamma BHC	Monitor and Report		
Chlordane	Monitor and Report		
4,4' DDE	Monitor and Report		
4,4' DDD	Monitor and Report		
4,4' DDT	Monitor and Report		
Heptachlor	Monitor and Report		
Beta, Total (pci/l)	Monitor and Report		
WET (Chronic)	Monitor and Report (Daily Max)		
(Acute)	Monitor and Report (Daily Max)		

The proposed effluent limitation for Outfall 038 (stormwater) are as follows:

<i>Parameter</i>	<i>Concentration Daily Maximum (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Kjeldahl Nitrogen (TKN)	Monitor and Report
Total Phosphorus	Monitor and Report
Fecal Coliform (#/100 ml)	Monitor and Report

The proposed effluent limitations for Combined Sewer Overflow Outfalls 002—017 and 020—037 are as follows:

All discharges of floating materials, oil, grease, scum, foam, sheen and substances which produce color, tastes, odors, turbidity or settle to form deposits shall be controlled to level which will not be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life.

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

1. CSOs Requirements.
2. PCBs Requirements.
3. TSS % Removal.
4. BOD<sub>5</sub> % Removal.
5. Operator Training Plan.
6. Chronic WET Test Requirements.
7. Maximize Flows to Treatment Plant.
8. Approved Pretreatment Program..

The EPA waiver is not in effect.

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

**Application No. PA 0032557**, Sewage, **Logan Township Board of Supervisors**, 800 39th Street, Altoona, PA 16602-1799. This facility is located in Logan Township, **Blair County**.

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

The receiving stream Little Juniata River is in Watershed 11-A and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Water Authority is located on the Juniata River, approximately 120 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.14 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	20	30	45
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	8.0		16
Total Phosphorus	2.0		4.0
Total Residual Chlorine	Monitor and Report		
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	6,000/100 ml as a geometric average		

In addition to the effluent limits, the permit contains the following major special conditions: A total annual nitrogen loading limit of 13,832 lbs/year and a total annual phosphorus loading limit of 1,729 lbs/year will be in effect 1 year after the permit effective date.

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

The EPA waiver is not in effect.

**Application No. PA 0248185**, Sewage, **Jackson Township Authority**, 60 North Ramona Road, Myerstown, PA 17067. This facility is located in Jackson Township, **Lebanon County**.

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

The receiving stream a UNT to Tulpehocken Creek is in Watershed 3-C and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Western Berks Water Authority is located on the Tulpehocken Creek, approximately 32 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.50 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	16	25	32
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	5		10
(11-1 to 4-30)	15		30



## NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Phosphorus	1.0		2.0
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		4,800/100 ml as a geometric average	

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

The EPA waiver is in effect.

**Application No. PA 0248452**, Sewage, **Paul Gettle**, 480 Cornman Road, Carlisle, PA 17013. This facility is located in North Middleton Township, **Cumberland County**.

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

The receiving stream a UNT of Wertz Run is in Watershed 7-B and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Conodoguinet Creek, approximately 15 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0005 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N	Monitor and Report	Monitor and Report	Monitor and Report
Total Residual Chlorine	Monitor and Report	Monitor and Report	Monitor and Report
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		100,000/100 ml as a geometric average	

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

The EPA waiver is in effect.

**Application No. PA 0248428**, Concentrated Animal Feeding Operation (CAFO), **Mark Leinbach**, 105 Hoover Lane, Loysville, PA 17047.

Mark Leinbach has submitted an NPDES permit renewal application for the Mark Leinbach Farm located in Tyrone Township, **Perry County**. The CAFO is situated near a UNT of Muddy Run (Watershed 7-A), which is classified as a WWF. The CAFO has a target animal population of approximately 772 animal equivalent units consisting of 5,800 finishing swine. Manure is stored in shallow pits below each of three barns and in an HDPE-lined manure storage impoundment. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

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

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

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

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3664.*

**PA0113751**, Industrial Waste SIC, N/A, **Northrop Grumman Space and Mission Systems Corporation**, 1840 Century Park East, Los Angeles, CA 90067-2199. This existing facility is located in Danville Borough, **Montour County**.

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

The receiving stream is Susquehanna River and is in the State Water Plan Watershed 5E and classified for WWF. The nearest downstream public water supply intake for Merck & Company is located on Susquehanna River is 2 miles below the point of discharge.

The proposed effluent limits for Outfall 002 based on a design flow of 0.32 mgd.

Parameter	Mass Units lbs/day			Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	
pH			6.0			9.0
Vinyl Chloride					0.016	
1,1-Dichloroethene					0.036	
1,1-Dichloroethane					0.20	
t-1,2-Dichloroethene					0.30	
1,1,1-Trichloroethane					0.45	
Trichloroethene					0.525	
Polychlorinated Biphenyls					Nondetect	
Carbon Tetrachloride					0.30	
1,1,2-Trichloroethane					0.66	
1,2-dichloroethane					0.17	
cis-1,2-dichloroethene					0.27	
Chromium as Hex					Report	
Arsenic					Report	
Lead					Report	

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

**PA0218855**, Sewage, **Consol Pennsylvania Coal Company**, P. O. Box J, Claysville, PA 15323. This application is for renewal of an NPDES permit to discharge treated sewage from the Enlow Fork Mine 3 North No. 2 Portal Bathhouse STP in East Finley Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Rocky Run, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is in West Virginia.

*Outfall 001: existing discharge, design flow of 0.035 mgd.*

Parameter	Concentration (mg/l)			Instantaneous Maximum
	Average Monthly	Average Weekly	Maximum Daily	
CBOD <sub>5</sub> Day				
(5-1 to 10-31)	20			40
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.2			0.5
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0223034, Amendment No. 1, Industrial Waste. Dufenco Farrell Corp., 15 Roemer Blvd., Farrell, PA 16121-2299.** This proposed facility is located in City of Farrell, **Mercer County**.

Description of Proposed Activity: an existing discharge of treated industrial waste, noncontact cooling water and stormwater.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Shenango River and PA American Water Company intake located at New Castle, approximately 16 miles below point of discharge.

The receiving stream, Shenango River, is in Watershed 20-A and classified for WWF, aquatic life, water supply and recreation. This amendment removes the pH limits at both Suboutfalls 104 and 504. Compliance with the pH limits will be monitored at the main Outfall 004.

The EPA waiver is not in effect.

**PA0104442, Sewage. Breakneck Creek Regional Authority, P. O. Box 1180, Mars, PA 16046-1180.** This proposed facility is located in Adams Township, **Butler County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Beaver Falls Municipal Authority—Eastvale Plant intake located on the Beaver River and is approximately 34 miles below point of discharge.

The receiving stream is the Breakneck Creek and is in Watershed 20-C and classified for WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.0 mgd.

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX	XX			
CBOD <sub>5</sub>					
(5-1 to 10-31)	250	375	10	15	20
(11-1 to 4-30)	375	575	15	23	30
Total Suspended Solids	751	1,126	30	45	60
NH <sub>3</sub> -N					
(5-1 to 10-31)	37.5		1.5		3
(11-1 to 4-30)	82.6		3.3		6.6
Phosphorus as "P"	50		2		4
Chronic Whole Effluent Toxicity			1.09 TUc		
Fecal Coliform					
(5-1 to 9-30)					200/100 ml as a geometric average
(10-1 to 4-30)					2,000/100 ml as a geometric average
UV Light Intensity					Monitor and report the average intensity from the UV intensity meter in microwatts/square centimeter for each bank of modules on the monthly DMRs.
Dissolved Oxygen					Minimum of 6 mg/l at all times
pH					6.0 to 9.0 standard units at all times

XX—Monitor and report on DMRs.

The proposed effluent limits for Outfall 003 and 004 are based on a design flow of n/a mgd.

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)

These discharges shall consist of uncontaminated stormwater runoff from the Sewage Treatment Plant site.

*Special Conditions:*

1. Ultraviolet Disinfection.
2. Whole Effluent Toxicity Testing (for the NPDES renewal).
3. Stormwater.
4. Sanitary Sewer Overflow.
5. Chronic Whole Effluent Toxicity Limit.

The EPA waiver is not in effect.

**PA0101656**, Industrial Waste. **Dominion Transmission—Big Run Division V Wastewater Treatment Plant**, 654 Carson Hill Road, Luthersburg, PA 15848. This existing facility is located east of the intersection of SR 119 and 410 in Henderson Township, **Jefferson County**.

Description of Proposed Activity: an existing discharge of treated industrial waste.

For the purpose of evaluating effluent requirements for TDS, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Allegheny River and the Kittanning Suburban Joint Water Authority located at Kittanning, 74 miles below point of discharge.

The receiving stream is Stump Creek and is in Watershed 17-D and is classified for CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.01008 mgd.

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)		0.01008			
Oil and Grease			15		30
Total Suspended Solids			30		60
Total Iron			3.5		7.0
Cadmium			0.084	0.168	0.21
Barium			154	308	385
MBAS			12		24
Zinc			0.39		0.79
Acidity				Less than Alkalinity	
Alkalinity			XX		
Benzene			XX		
Acrylamide (Monomer)				Nondetectable	
Osmotic Pressure (mOs/kg)			XX		
pH					within limits of 6.0 to 9.0 at all times.

XX—Monitor and report on monthly DMRs.

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)

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

**WQM Permit No. 4006405**, Sewerage, **Little Washington Wastewater Co.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3420. This proposed facility is located in White Haven Borough, **Luzerne County**, PA.

Description of Proposed Action/Activity: This project consists of expansion of the White Haven Wastewater Treatment Plant capacity to 600,000 gpd. The proposed system upgrade will replace the existing Hickory Hills and Ag-Mar WWTPs in Foster Township with two pump stations and convey the wastewater generated from these development to the existing Powerhouse Road Pumping Station.

**WQM Permit No. 4006406**, Sewerage, **Foster Township**, 1000 Wyoming Avenue, P. O. Box 465, Freeland, PA 18224. This proposed facility is located in Foster Township, **Luzerne County**, PA.

Description of Proposed Action/Activity: This project consists of construction of two new pump stations serving Ag-Mar Estates and Hickory Hills developments and additional collection system to convey wastewater to the White Haven Wastewater Treatment Plant.

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

**WQM Permit No. 0393202-A1**, Industrial Waste, **Creekside Mushrooms, Ltd.**, One Moonlight Drive, Worthington, PA 16262. This proposed facility is located in West Franklin Township, **Armstrong County**.

Description of Proposed Action/Activity: Application for permit amendment.

**WQM Permit No. 0206406**, Sewerage, **Berkshires, LLC**, 409 Broad Street, Suite 200, Sewickley, PA 15143. This proposed facility is located in South Fayette Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of gravity sewers to serve a single-family homes of a residential housing development.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506076	Black Granite Village, LP 3441 St. Peters Road P. O. Box 428 St. Peters, PA 19470	Chester	Warwick Township	French Creek EV

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

*Wayne County Conservation District: 648 Park St., Honesdale, PA 18431, (570) 253-0930.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026406003	Department of Transportation District 4-0 55 Keystone Ind., Park Dunmore, PA 18512	Wayne	Dyberry Township	Big Brook HQ-CWF, MF Dyberry Creek HQ-CWF, MF Lackawaxen River HQ-CWF, MF

*Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025206011	Department of Transportation District 4-0 55 Keystone Ind., Park Dunmore, PA 18512	Pike	Delaware Lehman Township	Dingmans Creek Including Silverthread Falls HQ-CWF Hornbecks Creek HQ-CWF Briscoe Creek HQ-CWF Little Bushkill Creek EV Tributary to Delaware River HQ-CWF Toms Creek Including Bear Run Road EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032103003(1)	Sutliff Hummer, LLC 6462 Carlisle Pike Mechanicsburg, PA 17050	Cumberland	Silver Spring	Trindle Spring Run HQ-CWF

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

*Somerset County Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055606004	The Buncher Company 5600 Forward Avenue P. O. Box 81930 Pittsburgh, PA 15217	Somerset	Jefferson Township	Laurel Hill Creek HQ/CWF

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

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

**PUBLIC WATER SUPPLY (PWS)  
PERMIT**

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

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

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

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

**Permit No. 0206511**, Public Water Supply.

Applicant	<b>Coraopolis Water &amp; Sewer Authority</b> 1012 Fifth Avenue Coraopolis, PA 15108
Township or Borough	Coraopolis Borough
Responsible Official	Thomas Cellante, Manager Coraopolis Water & Sewer Authority 1012 Fifth Avenue Coraopolis, PA 15108
Type of Facility	Water treatment plant
Consulting Engineer	Lennon, Smith, Souleret Engineering Inc. 846 Fourth Avenue Coraopolis, PA 15108
Application Received Date	September 25, 2006

Description of Action	Demolish Fleming Street and cemetery tanks, construct .7 MG steel reservoir and .75 MG steel elevated tank at Cemetery. Install pressure reducing stations, clean and paint School St. tank, replace existing Fleming Street booster station.
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**Permit No. 0406504**, Public Water Supply.

Applicant	<b>Borough of Conway</b> 1208 Third Avenue Conway, PA 15027
Township or Borough	Conway Borough
Responsible Official	Gregory Ritorto, Council President Borough of Conway 1208 Third Avenue Conway, PA 15027
Type of Facility	Water treatment plant
Consulting Engineer	NIRA Consulting Engineers, Inc. 950 Fifth Avenue Coraopolis PA 15108
Application Received Date	September 5, 2006

Description of Action	Replacement and relocation of a pump station, replacement of a storage tank, installation of an emergency interconnection with the Ambridge Water Authority, replacement of selected existing water mains and installation of a limited amount of new water mains.
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*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Application No. 1006502**, Public Water Supply.

Applicant	<b>UMH Properties, Inc.</b>
Township or Borough	Cranberry Township <b>Butler County</b>
Responsible Official	Ayal Dreifuss, Regional Manager
Consulting Engineer	Robert L. Frey, Sr. Senior Project Engineer Morris Knowles & Assoc., Inc. 443 Athena Drive Delmont PA 15626
Application Received Date	10/10/2006
Description of Action	Treatment plant modification to include the addition of a sequestering agent for iron and manganese.

**WATER ALLOCATIONS**

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth**

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

**WA4-1007, Water Allocations. Borough of Conway,** 1208 Third Avenue, Conway, PA 15027, **Beaver County.** The applicant is requesting the right to purchase 210,000 gallons per day, peak month, on an emergency basis, from the Ambridge Water Authority.

## 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:

### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Applications for Determination of Applicability Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and residual waste regulations for a general permit to operate residual waste processing facilities and/or the beneficial use of residual waste other than coal ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGM002D002. Greentree Landfill Gas Company, LLC.,** 7913 Westpark Dr., Suite 101, McLean, VA 22102-4201.

General Permit Number WMGM002D002 is for the processing and beneficial use of landfill gas to produce medium to high Btu landfill gas, generated by the landfill disposal of municipal and residual waste, for use as a substitute for natural gas or other fuel. The Department of Environmental Protection determined the DOA application to be administratively complete on October 6, 2006.

Persons interested in obtaining more information about the general permit application may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472 at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application deemed administratively complete Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit Application No. 101685. Resource Recovery, LLC,** Peale Road and Gorton Road, Moshannon, PA 16859, located in Rush Township, **Centre County.** The permit application for a municipal waste landfill known as the Resource Recovery Landfill was deemed administratively complete by the Williamsport Office on October 2, 2006.

Comments concerning the application should be directed to David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public

comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

#### PLAN APPROVALS

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

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

**48-313-101: Praxair Distribution, Inc.** (145 Shimersville Road, Bethlehem, PA 18015) for reactivation of the acid gas scrubbing system at the facility in Bethlehem, **Northampton County**.

**45-310-044: Tarheel Quarry, LLC** (2000 Highway 35, Morgan, NJ 08879) for construction of a stone crushing operation and associated air cleaning device at their facility on Caughbaugh Road, Tobyhanna Township, **Monroe County**.

**54-399-040: Green Renewable Energy Ethanol and Nutrition-Holding, LLC** (1904 Tollgate Road, Palm, PA 18070) for construction of a bio-fuel processing and storage operation and associated air cleaning device at their facility on Route 209, Porter Township, **Schuylkill County**.

**40-317-031: The Hershey Company** (1025 Reese Avenue, Hershey, PA 17033) for construction of a waste sugar collection system and associated air cleaning device at the Hazleton Plant located in the Humboldt Industrial Park, Hazle Township, **Luzerne County**.

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

**01-03031B: ISP Minerals, Inc.** (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for use of an existing dryer and associated conveyors as standby/emergency equipment in Hamiltonban Township, **Adams County**. These sources will be controlled by the use of an existing fabric filter baghouse.

**28-03040: A & B Industrial Coatings** (9226 Mountain Brook Road, St. Thomas, PA 17252) for installation of a surface coating system in St. Thomas Township, **Franklin County**.

**38-05003E: Carmeuse Lime, Inc.** (3 Clear Springs Road, Annville, PA 17003) for use of cocoa waste as an alternate fuel in the No. 5 lime kiln at the Millard lime plant in North Londonderry Township, **Lebanon County**.

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

**08-00003E: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Towanda, PA 18848) to install a regenerative thermal oxidizer to control the air contaminant emissions from the Die Form Tempering Kiln at the Towanda facility in Wysox Township, **Bradford County**.

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

**11-00506B: Ebensburg Power Co.** (P. O. Box 845, 2840 New Germany Road, Ebensburg, PA 15931) for Coal Refuse Reclamation Project at Nanty Glo West Refuse Site in Nanty Glo Borough, **Cambria County**.

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

**25-053D: Urick Foundry Co.** (1501 Cherry Street, Erie, PA 16502) for construction of a new continuous shot blast system to be controlled by an existing baghouse in the City of Erie, **Erie County**. This is a State-only facility.



**25-648C: NEPA Energy LP** (South Lake Street, North East, PA 16428) plan approval for modification of an existing ABCO Boiler at the North East Plant, in the Borough of North East, **Erie 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.*

**01-03032A: Carma Industrial Coatings, Inc.** (710 Berlin Road, New Oxford, PA 17350) for installation of a surface coating system at their facility in Berwick Township, **Adams County**. VOC emissions from surface coating will be capped at 12 tons per year for the facility. The plan approval and subsequent State-only operating permit amendment will include emission limits, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**36-05028A: CNH America, LLC** (300 Diller Avenue, New Holland, PA 17557) for installation of a replacement surface coating system at their facility in New Holland Borough, **Lancaster County**. The facility's potential emissions will not be affected by this replacement. VOC emissions from surface coating will be capped at 180 tons per year. The plan approval and subsequent Title V operating permit amendment will include emission limits, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Surface coating activities at the facility are subject to 40 CFR part 63, Subpart M—National Emission Standards for hazardous Air Pollutants: Surface Coating of Miscellaneous Metal parts and Products.

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

**10-0281J: II-VI, Inc.** (375 Saxonburg Boulevard, Saxonburg, Butler, PA 16056-9499) for construction of three additional zinc selenide furnaces and associated air pollution control devices at their Saxonburg facility in Clinton Township, **Butler County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for the construction of three additional zinc selenide furnaces and associated air pollution control devices at the Saxonburg facility in Clinton Township, Butler County. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date.

**25-053D: Urick Foundry Company** (1501 Cherry Street, Erie, PA 16502), for the construction of a new continuous shot blast system to be controlled by an existing baghouse in the City of Erie, **Erie County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall

comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- The PM emissions from this source shall not exceed 0.015 grains per dry standard cubic foot.
- A broken bag detector shall be maintained in good working order, to monitor the condition of the control device. This detector system shall automatically alert the operator of a problem with the control device.
- The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the following:
  - The dates of the inspections.
  - The name of the person performing the inspection.
  - Any problems or defects and the actions taken to correct the problem or defects.
  - Record of any bag/cartridge replacement.
  - Any mechanical repairs and/or adjustments.
  - The date and time of any alarms sounded that indicate a problem with the control device and the corrective action taken.
  - Any routine maintenance performed.
- The permittee shall maintain records of the following from the operational inspections:
  - Pressure drop across the baghouse.
  - The permittee shall perform a daily operational inspection of the control device.
    - The permittee shall install a magnehelic gauge or equivalent to measure pressure drop across the control device. The gauge shall be maintained in good working order at all times. The permittee shall develop the normal operating range for the control device and shall submit the normal operating range to the Department for approval prior to applying for an operating permit.
    - All gauges employed (pressure drop) shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within  $\pm 2\%$  of full scale reading.
    - The permittee shall operate the control device at all times that the source is in operation.
    - The permittee shall keep on hand for emergency replacement, 25% of the total number of filter elements used for the control device.
    - The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

**10-345B: Allegheny Mineral Corporation—Murrinsville Plant** (102 Van Dyke Road, Harrisville, PA 16038) for modification of plan approval 10-345A conditions with regards to the rated capacity and the facility throughput limitation in Marion Township, **Butler County**. This is a State-only V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code

§ 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- The crushing/screening operation shall not exceed 800 tons of material per hour. This condition replaces the 600-tph limit from plan approval 10-345A.
- Annual production from the limestone crushing/screening plant shall not exceed 2.5 million tons during any consecutive 12-month period. This condition replaces the 1,000,000-tpy limit from plan approval 10-345A.
- All other conditions from plan approval 10-345A remain in effect.

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

**S06-005: Perfectseal** (9800 Bustleton Avenue, Philadelphia, PA 19116) for operation of a paper and paper products facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three boilers (less than 10 mmBtu/hr), five presses, one coater, one coater with 2 mmBtu/hr drying oven, trim systems, mixing operations, baghouse and two cyclones.

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

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

**AMS 06050: Sunoco, Inc.—R & M** (3144 Passyunk Avenue, Philadelphia, PA 19145) for installation of ReVAP technology on the 433 Hydrofluoric Acid Alkylation Unit (HFAU), including new storage and receiving facility for the ReVAP additive, and new cells for the 433 Cooling Tower, in the City of Philadelphia, **Philadelphia County**. The plan approval will also increase the maximum daily alkylate throughput capacity of the 433 HFAU from 22,500 barrels per day to 30,000 barrels per day on a rolling 365-day average and increase the permitted maximum operating limit of the 433 Isostripper H-1 Heater from 243 mmBtu/hr to 260 mmBtu/hr. Allowable emissions increases from the project will be 95.01 tons per year for NO<sub>x</sub>, 86.19 tons per year for CO, 7.35 tons per year for VOCs, 36.35 tons per year for SO<sub>x</sub> and 11.27 tons per year for PM.

Air Management Services proposes to place in the plan approval the following conditions to ensure compliance with all applicable regulatory requirements:

1. The HFAU shall be operated in accordance with the specifications in the application (as approved herein).
2. Sunoco, Inc. (R & M) (Sunoco) shall operate the HFAU in accordance with 40 CFR 60 Subparts A, GGG, 40 CFR 63 Subparts A, CC, 25 Pa. Code §§ 127.1, 123.13,

123.22, 123.41, 129.55, 129.58 and 129.91 and Air Management Regulation II, III and V whichever is more restrictive.

3. This plan approval may be terminated, suspended or revoked and reissued in accordance with 25 Pa. Code § 127.13a. If AMS or the Environmental Protection Agency determines that the owner or operator of Sunoco is liable for violations of the New Source Review or Prevention of Significant Deterioration Requirements, Sunoco shall submit an application to amend this plan approval and or any subsequently amended operating permit.

4. Upon notification, Sunoco shall remodel for SO<sub>2</sub> to demonstrate compliance with National Ambient Air Quality Standards (NAAQS) when AMS has cause to believe that the attainment or maintenance of the NAAQS is in jeopardy.

5. The allowable emissions for the H-1 Heater shall not exceed the following limits:

POLLUTANTS	EMISSION LIMITS	
	(lbs/ Concentration mmBtu) Tons/year	
Total PM/PM10	0.00745	8.5
SO <sub>2</sub>	0.033	37.6
CO	0.0985	112.2
NO <sub>x</sub>	0.035	39.9
VOC	0.0065	7.4

Notes:

a. Compliance with lbs/mmBtu emission limits shall be based on hourly continuous emission monitor data for NO<sub>x</sub> and three 1-hour stack tests, if required by AMS, for the other pollutants.

b. Tons per year emission limits are on a rolling 365-day basis. Compliance with these limits shall be based on continuous emission monitor data for NO<sub>x</sub> and stack test data (if required) or AP-42 emission factors, daily fuel usage, and fuel Btu content for the other pollutants.

c. Total PM/PM10 emission limits include filterable particulate, as measured by Method 5, and condensable particulate, as measured by Method 202.

d. PM, CO, and SO<sub>2</sub> concentration limits assure compliance with 25 Pa. Code §§ 123.11 and 123.22, AMR II § VII, and AMR VIII § II.

6. Sunoco may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following: (25 Pa Code § 123.41)

a. Equal to or greater than 20% for a period or periods aggregating more than three minutes in any 1 hour.

b. Equal to or greater than 60% at any time.

7. Sunoco shall not permit at any time the emission into the outdoor atmosphere of any malodorous air contaminants, in a manner that malodors are detectable outside its boundary. (25 Pa. Code § 123.31(b))

8. The HFAU production rate shall be limited to 30,000 barrels per day calculated on a 365-day rolling average basis.

9. The H-1 Heater shall operate with ultra low-NO<sub>x</sub> burners and with a heat input limit of 260 mmBtu/hr (24-hour average).

10. Fuel oil usage for the No. 3 Boiler House shall be limited to 18,611,250 gallons per rolling 12-month period.

11. Sunoco shall meet the requirements of 40 CFR 60, Subpart GGG (references VV) for fugitives associated with the 433 HFAU. For equipment in organic HAP service, Sunoco shall comply with the requirements for fugitives in 40 CFR 63, Subpart CC (references 40 CFR 60 Subpart VV).

12. In accordance with 25 Pa. Code § 129.55(d), the purging of VOCs during a unit turnaround shall be performed in a manner as to direct the volatile organic vapors to a fuel gas system, flare, or vapor recovery system until the initial pressure in the equipment reaches 19.7 psia.

13. If at any time AMS has cause to believe that air contaminant emissions from the H-1 Heater may be in excess of the limitations specified in Condition 5, Sunoco shall be required to conduct whatever test are deemed necessary by AMS to determine the actual emission rates

14. The H-1 Heater shall be equipped with NO<sub>x</sub> and O<sub>2</sub> continuous emission monitors and recorders at the outlet for compliance determination with the NO<sub>x</sub> emission limitation. The continuous monitors must conform to USEPA performance specifications in 25 Pa. Code § 123.31 and the PA DEP Continuous Source Monitoring Manual (PA CSMM). The Phase II performance testing of each continuous monitor shall occur within 60 days after achieving maximum production rate, but no later than 90 days after re-starting the unit.

15. Sunoco shall record the HFAU production rate daily and on a 365-day rolling average, calculated daily.

16. Sunoco shall record the H-1 Heater operating rate in mmBtu/hr hourly and on a 24-hour average, calculated hourly.

17. Sunoco shall calculate and record the fuel oil usage for the No. 3 Boiler House monthly for a rolling 12-month period.

18. Sunoco shall submit CEM and production reports to Air Management Services on a quarterly basis. CEM reports must meet the requirements of the PA CSMM.

19. Any notifications required, as a result of any condition herein should be directed to Chief of Source Registration, Air Management Services, 321 University Avenue, Philadelphia, PA 19104.

**AMS 06146: Geppert Brothers, Inc.** (2651 Southampton Road, Philadelphia, PA 19116) for installation of a Portable Eagle Concrete crusher with a 500 hp diesel engine in the City of Philadelphia, **Philadelphia County**. There will be a potential emission increase of 3.38 tons for NO<sub>x</sub> and 0.06 ton for PM for the facility. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

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

**11-00016: Allegheny Energy** (800 Cabin Hill Drive, Greensburg, PA 15601) for Mitchell Power Station in the municipality of Monongahela, **Washington County**. This is a Title V Operating Permit Renewal.

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

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

**46-00040: National Label Co., Inc.** (2025 Joshua Road, Lafayette Hill, PA 19444) for operation of a printing facility in Whitemarsh Township, **Montgomery County**. The renewal permit is for a non-Title V (State-only) facility. Sources of air emissions include 11 printing presses, 1 thermal oxidizer and various support sources. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. The facility was originally permitted under TVOP-46-00040, issued in November 2001. Since that time, the facility has begun to use more UV coatings and less solvent-based coating significantly reducing their air emissions.

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

**06-03130: Custom Design and Manufacturing Co., Inc.** (420 South Third Street, Hamburg, PA19526) for operation of a wooden cabinet coating operation known as Quaker Maid Cabinetry in the Hamburg Borough, **Berks County**. Emissions will be controlled by dry filters. The facility is not subject to Title V (State-only operating permit). The permit will include monitoring, recordkeeping, work practices and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**56743705 and NPDES permit to be assigned. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). To revise the permit for the Mine 78 CRDA in Paint Township, **Somerset County** to conduct refuse operations, add acreage and two NPDES points, and change operation name from Windber Mine No. 78 CRDA. CRDP Support Acres Proposed 29. Receiving stream: UNT to Paint Creek, classified for the following use: CWF. Application received: August 10, 2006.

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

**56980103 and NPDES No. PA0234699. Godin Brothers, Inc.** (128 Colton Drive, Stoystown, PA 15563). Revision of an existing bituminous surface mine to change the land use from woodland and wildlife habitat to pastureland in Lincoln and Jenner Townships, **Somerset County**, affecting 133.5 acres. Receiving streams: UNTs to Quemahoning Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received: September 29, 2006.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**30060101 and NPDES Permit No. PA0250970. SBX Corporation** (668 Lower Hildebrand Road, Morgantown, WV 2650). Application for commencement, operation and reclamation of a bituminous surface mine, located in Dunkard Township, **Greene County**, affecting 50.9 acres. Receiving stream: Meadow Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: September 27, 2006.

**03010103 and NPDES Permit No. PA0202991. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201). Renewal application for reclamation only to an existing bituminous surface mine, located in Kiskiminetas Township, **Armstrong County**, affecting 145.6 acres. Receiving streams: UNTs to Kiskiminetas River, Long run and Sulphur Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: September 28, 2006.

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

**40060201. New Generation Coal, Inc.** (183 Market Street, Suite 200, Kingston, PA 18704). Commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Hughestown and Duryea Borough, **Luzerne County** affecting 159.0 acres, receiving stream: none. Application received: October 2, 2006.

*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 <sup>1</sup>			
pH <sup>1</sup>		greater than 6.0; less than 9.0	

<sup>1</sup>The parameter is applicable at all times.

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

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

**4274SM11 and NPDES No. PA0212512. New Enterprise Stone & Lime Company Inc.**, (P. O. Box 77, New Enterprise, PA 16664). Revision of an existing noncoal surface mine to deepen the existing Roaring Spring quarry from the 900' MSL to the 850' MSL in the northern half (Phase I) of the quarry area for only the dolostone reserves in Taylor Township, **Blair County**, affecting 430.0 acres. Receiving streams: Halter Run and Plum Creek classified for the following use: CWF. Application received: September 25, 2006.

**Permit No. 6476SM12 and NPDES Permit No. PA0612464. N. L. Minich & Sons, Inc.**, (730 North College Street, Carlisle, PA 17013-1800). Renewal of NPDES Permit, North Middleton Township, **Cumberland County**. Receiving stream: Meetinghouse Run classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: September 28, 2006.

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

**7475SM3T and NPDES Permit No. PA0612308. Keystone Cement Company** (P. O. Box A, Bath, PA 18014). Transfer of an existing quarry operation from Keystone Cement Company in East Allen Township, **Northampton County** affecting 852.7 acres, receiving stream: Monacacy Creek, classified for the following use: CWF. Application received: October 4, 2006.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a

concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

## WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-999. JC Melrose CC, Inc.**, 7600 Tookany Creek Parkway, Cheltenham, PA 19012, Cheltenham Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a pedestrian bridge across Tacony Creek. The site is located approximately 1,200 feet southwest of the intersection of Levick Street and Tookany Creek Parkway. (Frankford, PA-NJ USGS Quadrangle N: 9.6 inches, W: 14.7 inches).

**EA46-016. Sapphire Development Company**, 357 S. Gulph Road, King of Prussia, PA 19401, New Hanover Township, **Montgomery County**, ACOE Philadelphia District.

To impact 0.06 acre of wetland (PSS) associated with the construction of a nonjurisdictional dam, which will facilitate a stormwater management basin in the proposed Trotter's Gait Residential Development. The work includes a proposal to construct 0.06 acre of replacement wetland onsite.

This site is located approximately 1,200 feet northwest of the intersection of Dotterer Road and Layfield Road (SR 0663), (Sassamansville, PA USGS Quadrangle N: 10.8 inches; W: 11.4 inches).

**E46-996. New Hanover Township**, 2943 Charlotte Street, Gilbertsville, PA 19525-9718, New Hanover Township, **Montgomery County**, ACOE Philadelphia District.

To place fill in 0.03 acre of wetland (PSS) associated with the widening of Dotterer Road, adjacent to the proposed trotter's gait residential development.

This site is located approximately 1,200 feet northwest of the intersection of Dotterer Road and Layfield Road (SR 0663), (Sassamansville, PA USGS Quadrangle N: 10.8 inches; W: 11.4 inches) in New Hanover Township, Montgomery County.

**E23-462. James Caufield, Section Chief, PA Historical and Museum Commission**, Baltimore Pike and Ring Road, Chadds Ford, PA 19317, Chadds Ford Township, **Delaware County**, ACOE Philadelphia District.

To construct and maintain a utility line crossing under existing culvert across UNT to Harvey Run. The proposed utility line crossing is required for water supply to Historical site for sprinkler system in State-owned historical buildings.

The site is located at crossing of Baltimore Pike and Ring Road (Wilmington North, DEL-PA USGS Quadrangle N: 22.10 inches W: 10.5 inches).

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

**E48-374. Stephen J. and Lisa K. Laubach**, 316 Persimmon Lane, Bangor, PA 18013-6039, in Upper Mount Bethel Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 4-inch diameter sanitary sewer line stream crossing in a tributary to Martins Creek (TSF) and adjacent wetlands. This work is associated with the construction of a proposed house on the east side of Township Road T743 (Fox Gap Road) (Stroudsburg, PA Quadrangle N: 7.3 inches; W: 12.0 inches).

**E13-153. Department of Conservation and Natural Resources, Bureau of Forestry—District 18**, 890 SR 0903, Jim Thorpe, PA 18229, in Lower Towamensing Township, **Carbon County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a dry hydrant in Buckwha Creek (HQ-CWF, MF), for the purpose of providing fire protection (Palmerton, PA Quadrangle N: 13.7 inches; W: 3.1 inches).

**E13-154. Department of Conservation and Natural Resources, Bureau of Forestry—District 18**, 890 SR 0903, Jim Thorpe, PA 18229, in Penn Forest Township, **Carbon County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a dry hydrant in Towamensing Lake (HQ-CWF), for the purpose of providing fire protection (Pohopoco Mountain, PA Quadrangle N: 21.3 inches; W: 10.3 inches).

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

**E67-807: Worthington Investments, LLP**, Eight Greenspring Valley Road, Suite 200, Owings Mills, MD 21117 in Conewago Township, **York County**, ACOE Baltimore District.

To construct and maintain a 6.0-foot high, 25.0-foot span, 55.0-foot long reinforced concrete box culvert with rip-rap rock aprons in Locust Run (TSF) at a point just East of Canal Road (Dover, PA Quadrangle N: 5.7 inches, W: 5.1 inches; Latitude: 40° 3' 50", Longitude: 76° 78' 40") in Conewago Township, York County.

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

**E17-421. Lilavati Corporation**, 1383 Treasure Lake, Dubois, PA 15801. Water Obstruction and Encroachment Joint Permit Application for hotel and restaurant/conference center complex, in Sandy Township, **Clearfield County**, ACOE Pittsburgh District (Falls Creek, PA Quadrangle N: 3.3 inches; W: 5.3 inches).

The applicant proposes to place and maintain fill within 0.52 acre of PSS/PEM wetlands, and redirect 150 feet of an ephemeral watercourse tributary to Slab Run for the purposes of constructing a 71-unit hotel and 200-patron restaurant/conference center complex on a 8.36 acres site. The wetlands are classified as "other wetlands" by the Department. The watercourse has a 6 acre drainage area at the site location. Slab Run has a 25 Pa. Code Chapter 93 water use protection designation of CWF. The project is sited immediately south of the SR 219 and Interstate 80 interchange, approximately 2,000 feet west of Falls Creek, PA. The applicant is proposing to replace the 0.52 acre wetland impact onsite through the construction of 0.56 acre of wetlands.

**E17-423. Clearfield County**, 203 East Market Street, Clearfield, PA 16830. Burnside Township Road No. 315 (T-315) Bridge Replacement across West Branch Susquehanna River in Burnside Township, **Clearfield County**, ACOE Baltimore District (Burnside, PA Quadrangle N: 7.9 inches; W: 3.2 inches).

To remove an existing structure and construct, operate and maintain a two-span prestressed spread box beam bridge to carry T-315 over West Branch Susquehanna River (WWF). The two-span bridge shall be constructed with a minimum clear span of 170 feet along the roadway centerline, and an underclearance of 14.1 feet. Construction of in-stream bridge appurtenances and temporary structures shall be conducted during stream low flow, and dry work conditions by dams and pumping, fluming or diverting stream flow around work areas. The bridge replacement project will permanently impact 0.05 acre of wetlands and 110 feet of stream channel that is located at the western right-of-way of SR 0219, at the intersection of T-315 and SR 0219. This permit also authorizes construction, operation, maintenance and removal of temporary cofferdams, stream diversions and roadway crossings. All temporary structures shall be constructed of clean rock, which is free of fines. Upon project completion, all temporary structures shall be removed with the disturbed areas restored to original contours and elevations. The Department of Environmental Protection deems the 0.05 acre of wetland permanently impacted by the project as de minimis, and as such, the permittee shall not be required to construct replacement wetland to mitigate the permanent impact.

**E60-179. Peter M. Brinkmann**, 110 Fisher Circle, Mifflinburg, PA 17844. Site Restoration, in West Buffalo Township, **Union County**, ACOE Baltimore District (Mifflinburg, PA Quadrangle N: 15.89 inches; W: 13.19 inches).

To construct, operate and maintain a rock-lined 100-foot long by 6-foot wide by 2-foot deep interceptor drainage ditch and its rock-lined outfall apron to a UNT to North Branch Buffalo Creek located 200 feet upstream of the second stream crossing of Fisher Circle Road. This project proposes to impact 8 linear feet of the left bank of the UNT tributary of North Branch Buffalo Creek that is classified as a HQ-CWF.

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

**E63-589. Columbia Gas of Pennsylvania, Inc.,** 150 Arentzen Boulevard, Charleroi, PA 15022. To construct and maintain a natural gas pipeline in Peters and North Strabane Townships, **Washington County**, Pittsburgh ACOE District. (Canonsburg, PA Quadrangle N: 3.6 inches; W: 1. 0 inches; and Latitude: 40° 16' 10" Longitude: 80° 07' 55.4"). The applicant proposes to construct and maintain a 4-inch diameter; natural gas pipeline along and across Canonsburg Lake on Chartiers Creek (WWF) for approximately 445 feet by means of the directional bore method.

**ENVIRONMENTAL ASSESSMENTS**

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

**EA48-008NE. Northampton County,** Greystone Building Complex, Nazareth, PA 18064. Upper Mount Bethel Township, **Northampton County**, United States Army Corps of Engineers Philadelphia District.

To restore and maintain: 1) a public boat launching facility; and 2) the alignment of Mill Creek to its pre-flood configuration, which were altered by recent floods. The project is located on County property at Doe Hollow Park, just southeast of the intersection of River Road and Riverton Road (Belvidere, PA-NJ Quadrangle N: 15.9 inches; W: 13.4 inches).

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

*SSIP*

<i>Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
06015	Sunnyside Ethanol, LLC 5000 McKnight Rd. Suite 405 Pittsburgh, PA 15237 Attn: Richard DeCesar	Clearfield	Curwensville Borough	Eight ASTs storing petroleum products and hazardous substances	1,264,400 gallons total petroleum products  90,200 gallons total hazardous substances

**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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0029874	Skytop Lodge Corporation 1 Skytop Skytop, PA 18357	Barrett Township Monroe County	Levitt Branch (1E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0082601 (Sewage)	James Decker, Jr. Hartslog Courts R. R. 7, Box 919 Altoona, PA 16601	Huntingdon County Porter Township	UNT Crooked Creek 11-B	Y
PA0081582 (Sewage)	William Horner Possum Valley Municipal Authority P. O. Box 420 Bendersville, PA 17306	Adams County Menallen Township	Opossum Creek 7-F	Y
PA0084221 (Sewage)	Reed Clingerman Hidden Springs Campground P. O. Box 190 Flintstone, MD 21530	Bedford County Southampton Township	Rocky Gap Run 13-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0114677	Coastal Aluminum Rolling Mills, Inc. 2475 Trenton Avenue Williamsport, PA 17701-7904	Lycoming County City of Williamsport	UNT to Fox Hollow SWP 10A	Y
PA0032352	Williamsport Area School District Hepburn Lycoming Elementary School R. R. 2 Cogan Station, PA 17728-9802	Lycoming County Hepburn Township	Lycoming Creek (10A)	Y
PA0033316	Knittle Enterprise Pine Crest Village MHP 170 Pinecrest Drive Williamsport, PA 17701-9325	Lycoming County Eldred Township	UNT to Millers Run (10B)	Y



<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0010430 IW	Hanover Foods Corporation P. O. Box 193 Centre Hall, PA 16828	Centre County Potter Township	Sinking Creek 6A	Y
PA0113069 SP	Greenwood Township Municipal Authority 90 Shed Road Millville, PA 17846	Columbia County Greenwood Township	Rickard Hollow 5C	Y
PA0110540 (NIWM)	Furman Foods Inc. P. O. Box 500 Northumberland, PA 17857-0500	Northumberland County Point Township	West Branch Susquehanna River 10D	Y
PA0209562 IW	Eagle Environmental II, LP 11 New Street Englewood Cliffs, NJ 07632	Clearfield County Chest Township	Chest Creek, Pine Run UNT to Pine Run and UNT to North Camp Run 8B	Y
PA0228435	Brady Township 1986 Elimsport Road Montgomery, PA 17752	Lycoming County Brady Township	UNT of Black Run 10C	Y
PA0114936 SP	BCI Municipal Authority Cressview Street Extension Irvona, PA 16656	Clearfield County Irvona Borough	Clearfield Creek 8C	Y
PA0044032 (Industrial Wastewater)	Fish and Boat Commission Upper Spring Creek State Fish Hatchery 1735 Shiloh Road State College, PA 16801-8495	Benner Township Centre County	Spring Creek 9C	Y
PA0039144 (Industrial Wastewater)	Fish and Boat Commission Oswayo State Fish Hatchery 96 State Route 244 East Coudersport, PA 16915-9646	Oswayo Township Potter County	Oswayo Creek 16C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0002593 Industrial Waste	Summerill Tube Corporation P. O. Box 302, Franklin Street Scottdale, PA 15683	Westmoreland County Borough of Scottdale	Stauffer Run	Y
PA0033219 Sewage	J. William Dyer P. O. Box 364 Sewickley, PA 15143-0364	Beaver County New Sewickley Township	UNT of Brush Creek	Y
PA0097799 Sewage	Jerry F. Smith 1001 Clubhouse Drive Donegal, PA 15628	Westmoreland County Donegal Township	Minnow Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0035581	Department of Transportation Bureau of Design McKean Co. Maintenance Building P. O. Box 3060 Harrisburg, PA 17105-3060	Lafayette Township McKean County	UNT to Three Mile Run 16-B	Y
PA0238414	Roger A. and Amy L. Sandak SFTF 124 Memory Lane New Castle, PA 16101	Waterford Township Erie County	LeBoeuf Creek 20-A	Y

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

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

**NPDES Permit No. PA0010944 Amendment No. 1, IW, Occidental Chemical Company, 375 Armand Hammer Boulevard, Lower Pottsgrove Township, Montgomery County.**

The following notice reflects changes to the notice published at 36 Pa.B. 2028 (April 29, 2006):

Trichloroethene (TCE) effluent limit = 0.0045 mg/l  
 Cis-1,2-Dichloroethene (DCE) effluent limit = 0.00275 mg/l  
 Addition of chemical addition monitoring for algae and fouling control.  
 VOC testing utilizing USEPA Method 624.  
 Addition of Best Management Practices to drainage swale.

**NPDES Permit No. PA0035769**, Industrial Waste, **Smithfield Beef Group, Inc. (Moyer Packing Company)**, P. O. Box 23000 Green Bays, WI 54305-3000. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility located at 741 Souder Road into the Skippack Creek in Watershed 3E.

**NPDES Permit No. PA0051713**, Industrial Waste, **Degussa Corporation**, 1200 West Front Street, Chester PA 19013. This proposed facility is located in the City of Chester, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal and increase the discharge from the facility into Delaware Estuary Zone 4 in Watershed 3G-Ridley.

**NPDES Permit No. PA0021857**, Sewage, **Souderton Borough**, 31 West Summit Street, Souderton, PA 18964. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into a UNT to Skippack Creek in Watershed 3E.Perkiomen Creek Watershed.

**NPDES Permit No. PA0025976**, Sewage, **Upper Moreland Hatboro Joint Sewer Authority**, 2875 Terwood Road, P. O. Box 535. Willow Grove, PA 19090-0535. This proposed facility is located in Upper Moreland Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into Pennypack Creek in Watershed 3J.

**NPDES Permit No. PA0058378**, Sewage, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester springs, PA 19425. This proposed facility is located in Upper Moreland Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated from a facility known as St. Andrews Brae STP into the Black Horse Creek in Watershed 3H.

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

**NPDES Permit No. PA0246867**, Transfer, Sewage, **Dusan Bratic, Plaza Management, Inc.**, 150 Nationwide Drive, Harrisburg, PA 17110. This proposed facility is located in Reed Township, **Dauphin County**.

Description of Proposed Action/Activity: Transfer of Permit.

**NPDES Permit No. PA0248029**, Sewage, **Hustontown Joint Sewage Authority**, P. O. Box 606, Hustontown, PA 17229. This proposed facility is located in Dublin and Taylor Townships, **Fulton County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT of the Lamberson Branch in Watershed 12-C.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-0530.*

**NPDES Permit No. PA0010553**, Industrial Wastewater (SIC code 0921), **Fish and Boat Commission**, Benner Springs State Fish Hatchery, 1735 Shiloh Road, State College, PA 16801-8495. This facility is located in Benner Township, **Centre County**.

Description of Action/Activity: The action is the renewal of NPDES permit (PA0010553) for two discharges (Outfall 001and Outfall 002) of treated industrial wastewater generated at the Benner Springs State Fish Hatchery.

he receiving stream, Spring Creek, is in the State Water Plan Watershed 9C and is classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is located on the West Branch Susquehanna River near Milton, PA. The discharge is not expected to affect the water supply.

The effluent limits for Discharge 001, based on a design flow of 9.216 mgd, are:

Parameter	Mass (lbs)		Mass (lb/day)		Concentration (mg/l)		
	Total Annual	Total Monthly	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum mg/l
Flow (mgd)			Report	Report	Within range 6.0 to 9.0		
pH (S.U.)					Report		
D.O.					Report		
CBOD <sub>5</sub>			384.3	768.6	5.0	10.0	12.5
TSS	Report	Report	461.2	922.3	6.0	12.0	15.0
Dissolved P			23.1	46.1	0.3	0.6	0.75
Total P	Report*	Report			Report		
NH <sub>3</sub> -N		Report	76.9	153.7	1.0	2.0	2.5
Formaldehyde			76.9	153.7	1.0	2.0	2.5

Parameter	Mass (lbs)		Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum mg/l
	Total Annual	Total Monthly	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Total N	Report*	Report			Report		
Kjeldahl N		Report			Report		
NO <sub>2</sub> /NO <sub>3</sub> -N		Report			Report		
Particulate Org Carbon	Report	Report	Report		Report		

\*Limits to be established after 2 years of monitoring.

The effluent limits for Discharge 002, based on a design flow of 1.296 mgd, are:

Parameter	Mass (lbs)		Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum mg/l
	Total Annual	Total Monthly	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Flow (mgd)			Report	Report			
PH (S.U.)					Within range 6.0 to 9.0		
D.O.					Report	Report	
CBOD <sub>5</sub>			54.0	108.0	5.0	10.0	12.5
TSS	Report	Report	64.9	129.7	6.0	12.0	15.0
Dissolved P			2.0	4.0	0.3	0.6	0.75
Total P	Report*	Report			Report		
NH <sub>3</sub> -N		Report	10.8	21.6	1.0	2.0	2.5
Formaldehyde			10.8	21.6	1.0	2.0	2.5
Total N	Report*	Report			Report		
Kjeldahl N		Report			Report		
NO <sub>2</sub> /NO <sub>3</sub> -N		Report			Report		
Particulate Org Carbon	Report	Report	Report		Report		

\*Limits to be established after 2 years of monitoring.

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

Part C I. Solids Management.

Part C II. Affirmative Defense Provisions.

Part C III. Therapeutic Chemical Use Requirements.

Part C IV. BMP Implementation to maintain liner and baffles in existing polishing pond and install high capacity microscreen or microfilter units.

Part C V. Schedule of Compliance and limits on biomass production if schedules are not maintained.

Part C VI. Allowable Annual TSS Effluent Loading—36,110 pounds per year.

Persons may make an appointment to review the Department files on this case by calling the file review coordinator at (570) 327-3693.

The EPA waiver is in effect.

**NPDES Permit No. PA0010561**, Industrial Wastewater (SIC code 0921), **Fish and Boat Commission**, 1735 Shiloh Road, State College, PA 16801-8495. This facility is the **Pleasant Gap State Fish Hatchery** located in Benner Township, **Centre County**.

Description of Action/Activity: The action is the renewal of NPDES permit (PA0010561) for two discharge points (Outfall 001 and Outfall 002) of treated industrial wastewater generated at the Pleasant Gap State Fish Hatchery. Outfall 002 is an alternate discharge point to Outfall 001, and is only used when the existing settling lagoons are being cleaned. Outfall 001 and Outfall 002 are not to be operated simultaneously.

The receiving stream, Spring Creek, is in the State Water Plan Watershed 9C and is classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is located on the West Branch Susquehanna River near Milton, PA. The discharge is not expected to affect the water supply.

The effluent limits for Discharge 001, based on a design flow of 5.508 mgd, are:

Parameter	Mass (lbs)		Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum mg/l
	Total Annual	Total Monthly	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Flow (mgd)			Report	Report			
PH (S.U.)					Within range 6.0 to 9.0		
D.O.					Report	Report	
CBOD <sub>5</sub>			230.0	460.0	5.0	10.0	12.5
TSS	Report	Report	275.6	551.2	6.0	12.0	15.0
Dissolved P			13.8	27.6	0.3	0.6	0.75
Total P	Report	Report			Report		
NH <sub>3</sub> -N		Report	46.0	92.0	1.0	2.0	2.5

Parameter	Mass (lbs)		Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum mg/l
	Total Annual	Total Monthly	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Formaldehyde			46.0	92.0	1.0	2.0	2.5
Total N	Report	Report			Report		
Kjeldahl N		Report			Report		
NO <sub>2</sub> /NO <sub>3</sub> N		Report			Report		
Particulate Organic Carbon	Report	Report	Report		Report		

The effluent limits for Discharge 002, based on a design flow of 5.508 mgd, are:

Parameter	Mass (lbs)		Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum mg/l
	Total Annual	Total Monthly	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Flow (mgd)			Report	Report			
PH (S.U.)					Within range 6.0 to 9.0		
D.O.					Report	Report	
CBOD <sub>5</sub>			230.0	460.0	5.0	10.0	12.5
TSS	Report	Report	275.6	551.2	6.0	12.0	15.0
Dissolved P			13.8	27.6	0.3	0.6	0.75
Total P	Report	Report			Report		
NH <sub>3</sub> -N		Report	46.0	92.0	1.0	2.0	2.5
Formaldehyde			46.0	92.0	1.0	2.0	2.5
Total N	Report	Report			Report		
Kjeldahl N		Report			Report		
NO <sub>2</sub> /NO <sub>3</sub> -N		Report			Report		
Particulate Org Carbon	Report	Report	Report		Report		

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

Part C I. Solids Management.

Part C II. Affirmative Defense Provisions.

Part C III. Therapeutic Chemical Use Requirements.

Part C IV. BMP Implementation to maintain liner and baffles in existing polishing pond and install high capacity microscreen or microfilter units.

Part C V. Schedule of Compliance and limits on biomass production if schedules are not maintained.

Part C VI. Allowable Annual TSS Effluent Loading—18,950 pounds per year.

Part C VII. Fish Biomass Quarterly Reporting.

Part C VIII. Outfall 001 and Outfall 002 are not to be operated simultaneously.

Persons may make an appointment to review the Department files on this case by calling the file review coordinator at (570) 327-3693.

The EPA waiver is in effect.

### 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. 2202405, Transfer 1, Sewerage, Dusan Bratic, Plaza Management, Inc.,** 150 Nationwide Drive, Harrisburg, PA 17110. This proposed facility is located in Reed Township, **Dauphin County**.

Description of Proposed Action/Activity: Transfer of Permit (Riverside Apartments).

**WQM Permit No. 2206403, Sewerage, Adelaide Fuhrman, Dauphin Borough,** P. O. Box 487, Dauphin, PA 17018. This proposed facility is located in Dauphin Borough, **Dauphin County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of sewerage facilities consisting of an aerated grit chamber, duplex pump station, and force main.

**WQM Permit No. 2803407, Transfer 1, Sewerage, Dorsey Builders, Inc.** 13090 Old Frederick Road, Skesville, MD 21784. This proposed facility is located in Mercersburg Borough and Peters Township, **Franklin County**.

Description of Proposed Action/Activity: Transfer of Permit (Findlay Park PS and Sewage System).

**WQM Permit No. 2906401, Sewerage, Hustontown Joint Sewage Authority,** P. O. Box 606, Hustontown, PA 17229. This proposed facility is located in Dublin and Taylor Townships, **Fulton County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of modification of the existing treatment plant to include construction of a new 0.028 mgd Sequencing Batch Reactor, chlorine disinfection, and direct discharge to a UNT of Lamberson Branch. Also, the existing Bioclere treatment units and the drain field will be abandoned..

**WQM Permit No. WQG02280605**, Sewerage, **Charles Goetz, Antrim Township Municipal Authority**, 10655 Antrim Church Road, P. O. Box 130, Greencastle, PA 17225. This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of Pembroke Development Pump Station No. 25.

**WQM Permit No. WQG02280603**, Sewerage, **Charles Goetz, Antrim Township Municipal Authority**, 10655 Antrim Church Road, P. O. Box 130, Greencastle, PA 17225. This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of the Rochester Place Pump Station.

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

**WQM Permit No. WQG01590602**, Sewerage, **United States Army Corps of Engineers**, R. D. 1, Box 65, Tioga, PA 16946-9733. This facility is located in Lawrence Township, **Tioga County**.

Description of Proposed Action/Activity: The applicant is approved for the use of a Water Quality Management General Permit to construct and operate an existing small flow treatment facility at the Cowanesque Dam. The treatment system consists of a septic tank, subsurface sand filter, chlorination and a discharge to the Cowanesque Lake (WWF).

**WQM Permit No. WQG01590603**, Sewerage, **United States Army Corps of Engineers**, R. D. 1, Box 65, Tioga, PA 16946-9733. This facility is located in Tioga Township, **Tioga County**.

Description of Proposed Action/Activity: The applicant is approved for the use of a Water Quality Management General Permit to construct and operate an existing small flow treatment facility at the Tioga-Hammond Dam. The treatment system consists of a septic tank, subsurface sand filter, chlorination and a discharge to the Tioga River (CWF).

**WQG Permit No. WQG 01170601**, Sewerage, **Travis P. Smith**, 211 Main Street, Troutville, PA 15866. This proposed facility will be located at Gearhart Lane, DuBois in Brady Township, **Clearfield County**.

Description of Proposed Action/Activity: Permit issuance for a small flow treatment facility consisting of a septic tank, effluent filter, sand filter, chlorination and discharge.

**WQM Permit No. WQG02590601**, Sewerage 4952, **Borough of Elkland, Tioga Township**, 105 Parkhurst Street, Elkland, PA 16920. This proposed facility will be located in Borough of Elkland, **Tioga County**.

Description of Proposed Action/Activity: The applicant is approved under the Water Quality Management General Permit to construct and operate the Pattison Avenue Pump Station and associated sanitary sewers.

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

**WQM Permit No. WQG016129**, Sewerage, **John I. Loughman**, 178 Maple Avenue, Washington, PA 15301-2032. This proposed facility is located in West Finley Township, **Washington County**.

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

**WQM Permit No. 5606404**, Sewerage, **Jonathan Hayman**, 1224 Dividing Ridge Road, Fairhope, PA 15538. This proposed facility is located in Brothersvalley Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence small flow sewage treatment plant.

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

**WQM Permit No. WQG018497**, Sewerage, **Andrew Durst**, 302 McKee Crossing, New Castle, PA 16105. This proposed facility is located in Neshannock Township, **Lawrence County**.

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

**WQM Permit No. WQG018496**, Sewerage, **James L. and Margaret M. Deily**, 131 Ninth Avenue, Pittsburgh, PA 15229-1352. This proposed facility is located in Borough of Utica, **Venango County**.

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

**WQM Permit No. WQG018498**, Sewerage, **James J. and Lena P. Silvis**, R. R. 1, Box 269, Tidioute, PA 16351. This proposed facility is located in Deerfield Township, **Warren County**.

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

**WQM Permit No. WQG018503**, Sewerage, **Clinton B. Warner**, 9267 Mercer Pike, Meadville, PA 16335. This proposed facility is located in Union Township, **Crawford County**.

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

**WQM Permit No. WQG018493**, Sewerage, **Vern Bechtel**, HC 2, Box 21, Tionesta, PA 16353. This proposed facility is located in Hickory Township, **Forest County**.

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

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

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011504091	Joe Budis 10 First Street Murray Hill, NJ 07974	Chester	Honeybrook Borough and Township	West Branch Brandywine Creek (HQ)
PAI011506027	Bently By Design 1595 Paoli Pike West Chester, PA 19380	Chester	Willistown Township	UNT West Branch Crum Creek (EV)
PAI011506057	Marco Equipment Sales, LLC 472 North Shirk Road New Holland, PA 17557	Chester	Honeybrook Township	Municipal Separate Storm Sewer
PAI011506060	Springs Development, LLC 215 South Broad Street, 10th Fl Philadelphia, PA 19107	Chester	Charlestown Township	UNT Pickering Creek (HQ-TSF)

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024503009-1	Richard Thulin Arcadia Properties, LLC Bethlehem, PA 18017	Monroe	Coolbaugh Township	Tobyhanna Creek HQ-CWF

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

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAR103947R	Nathan Yoder Susquehanna Valley Development Group 5960 Susquehanna Trail Turbotville, PA 17772	Lycoming	Williamsport	Daugherty Run WWF

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

*Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456, (724) 438-4497.*

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052606003	Dominion Transmission, Inc. 445 West Main Street Clarksburg, WV 26301	Fayette	Georges, North Union and Wharton Townships	Mill Run Laurel Run Lick Run (HQ-CWF)

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061606002	CBF Contracting Inc. P. O. Box 186 Sligo, PA 16255 and Sharp Properties, LP 1041 Sharp Avenue Ephrata, PA 17522	Clarion	Beaver Township	UNT Canoe Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062506002	Greater Erie Industrial Dev. Corp. 5240 Knowledge Parkway Erie, PA 16510-4658	Erie	Erie City	Cemetery and Motsch Runs Lake Erie WWF City of Erie Municipal Separate Storm Sewer GEIDC Private Storm Sewer

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

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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).

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#### List of NPDES and/or Other General Permit Types

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

#### *General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hilltown Township Bucks County	PAG20009030511	Toll Brothers, Inc. 3110 York Road Furlong, PA 18925	Pleasant spring Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown and East Rockhill Townships Bucks County	PAG2000904187	Prospect Acquisition, LP 404 Sumneytown Pike Suite 200 North Wales, PA 19454	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG2000906138	Verlis Corporation 4371 County line Road Chalfont, PA 18914	West Branch Neshaminy Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Richland Township Bucks County	PAG2000905118	Gunna-Quakertown, LLC 100 Chesterfield Parkway Suite 300 Chesterfield, MO 63005	Tohickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Perkasie Borough Bucks County	PAG2000906144	Perkasie Borough P. O. Box 96 Perkasie, PA 18944	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Rockhill Township and Sellersville Borough Bucks County	PAG2000906104	Hughes, LLC 1523 Ridge Road Perkasie, PA 18944	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Durham Township Bucks County	PAG2000906108	Howard Knuth 5065 Lehnenberg Road Kintnersville, PA 18930	Rodges Run (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Rockhill Township Bucks County	PAG2000905114	Rockhill Mennonite Community 3250 State Road Sellersville, PA 18960	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG2002306034	Concord Township 689 Smutbridge Road Glen Hills, PA 19342	West Branch Chester Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Chester Delaware County	PAG2002306052	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Delaware Estuary (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chadds Ford Township Delaware County	PAG2002306046	Joseph Meaney 396 Ring Road Chadds Ford, PA 19317	Harvey Run (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106038	School District of Philadelphia 440 North Broad Street 3rd Floor Philadelphia, PA 19130-4015	Combined Sewer Cobbs Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106052	Jewish Employment and Vocational Services 1845 Walnut St, 7th Floor Philadelphia, PA 19103	Byberry Creek Poquessing Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Foster Township Schuylkill County	PAG2005406022	Louis Denaples 400 Mill St. Dunmore, PA 18510	Swatara Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Centre County Boggs Township	PAG2001406017	Robert Jones CCDA Waters, LLC 1 Aqua Penn Drive Milesburg, PA 16853	Bald Eagle Creek WWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Montour County Derry Township	PAG2004706009	Peter Drost 4070 Mountain Street Beamsville, ORLOR1B7 Canada	Mud Creek WWF	Montour County Conservation District 112 Woodbine Lane, Suite 2 Danville, PA 17821 (570) 271-1140



<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Union County Kelly Township	PAG2006006010	Dave Hassehplag Maintenance Facility Expansion & Recreation 551 Zeigler Road Lewisburg, PA 17837	UNT to Susquehanna River WWF	Union County Conservation District 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Allegheny County Moon Township	PAR10A600	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Flaugherty Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Richland Township	PAG2000204048	SMG Development, LLC 120 Route 980 Ext. Tarentum, PA 15084	Glade Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Township	PAG2000204076	Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Robinson Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAG2000204108-1	Port Authority of Allegheny County 345 Sixth Avenue Third Floor Pittsburgh, PA 15222-2527	Allegheny River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County City of Duquesne	PAG2000205030-1	City of Duquesne 12 S. Second Street Duquesne, PA 15110	Monongahela River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Plum Borough	PAG2000206011	Doak Borst 970 Douglas Drive Pittsburgh, PA 15239	Plum Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Ohio Township	PAG2000206022	Green Valley Land Co., LLP 1700 North Highland Road Pittsburgh, PA 15241	Lowries Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Munhall Borough	PAG2000206028	Hardin Place, Inc. 2323 Macleer Road Sewickley, PA 15143	Monongahela River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Penn Hills	PAG2000206035	Errol S. Abdulla 101 Laurie Drive Pittsburgh, PA 15235	Thompson Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Jefferson Hills Borough	PAG2000206038	George A. Fedela 1645 State Route 885 Clairton, PA 15025	Lick Run (TSF)	Allegheny County CD (412) 241-7645
Allegheny County Ross Township	PAG2000206041	Simon Property Group 115 West Washington Street Indianapolis, IN 46204-3240	Thompson Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAG2000206043	Pittsburgh Water & Sewer Authority 441 Smithfield Street Pittsburgh, PA 15222	Chartiers Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Moon Township	PAG2000206047	Foltz Development P. O. Box 401 Bridgeville, PA 15017	Boggs Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAG2000206048	Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Brush Creek (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Moon Township	PAG2000206049	Newpointe Realty 3016 Fallbrook Drive Coraopolis, PA 15108	Flaugherty Run (WWF)	Allegheny County CD (412) 241-7645

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny County City of Pittsburgh	PAG2000206052	Noah Development, LLC 718 Mulberry Street Beaver, PA 15009	Sawmill Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Richland Township	PAG2000206055	Giant Eagle, Inc. 261 Kapp Drive RIDC Park Pittsburgh, PA 15238	Deer Creek (CWF)	Allegheny County CD (412) 241-7645
Allegheny County Stowe Township	PAG2000206056	Ohioview Housing Partners 100 Wood Street 7th Floor Pittsburgh, PA 15219	Ohio River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Jefferson Hills Borough	PAG2000206057	Columbus Family Partners, LP 3525 Lebanon Church Road West Mifflin, PA 15122	Peters Creek (TSF)	Allegheny County CD (412) 241-7645
Allegheny County City of Duquesne	PAG2000206059	American Textile Company 10 North Linden Street Duquesne, PA 15110	Monongahela River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAG2000206064	Oakview, LP Box 97 Nicholson Road Wexford, PA 15090	Big Sewickley Creek (CWF)	Allegheny County CD (412) 241-7645
Allegheny County City of Pittsburgh	PAG2000206067	PNC Realty Services 620 Liberty Avenue Pittsburgh, PA 15222	Allegheny River (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Monroeville	PAG2000206070	Daniel J. Crable 618 Greenleaf Drive Monroeville, PA 15146	Thompson Run (WWF)	Allegheny County CD (412) 241-7645
Allegheny County Scott Township	PAG2000206072	Walgreen Company 106 Wilmont Road Deerfield, IL 60015	Painters Run (WWF)	Allegheny County CD (412) 241-7645
Beaver County Center Township	PAG2000405006-1	Alan Patel—Forza Group 451 Washington Avenue Bridgeville, PA 15017	UNT to Moon Run (WWF)	Beaver County CD (724) 378-1701
Beaver County Center Township	PAG2000406014	Frank Zokaites Zokaites Contracting, Inc. 375 Gulfside Drive Wexford, PA 15090	UNT to Moon Run (WWF)	Beaver County CD (724) 378-1701
Somerset County Allegheny Township New Baltimore Borough	PAG2005606005	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Raystown Branch of the Juniata (CWF) Wambaugh and Three Lick Run (WWF)	Somerset County CD (814) 445-4652
Mercer County Grove City Borough	PAG2004306011	Mercer County 503 Mercer County Courthouse Mercer, PA 16137	Wolf Creek CWF	Mercer Conservation District (724) 662-2242

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bensalem Township Bucks County	PAR600031	Gougler Alwyn d/b/a Al's Auto Parts 4339 Old Lincoln Hwy. Trevose, PA 19053	Neshaminy Creek 2F Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Philadelphia Philadelphia County	PAR800111	Atlantic Aviation Corp 8375 Enterprise Ave. Philadelphia, PA 19153	Eagle Creek 3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Upper Providence Township Montgomery County	PAR140013	Bluegrass Folding Carton Co., LLC 1035 Longford Rd Phoenixville, PA 19460	Schuylkill River 3D Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
West Goshen Township Chester County	PAR200009	Metallurgical Products Co. P. O. Box 19381 West Chester, PA 19381	UNT to Chester Creek 3H Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Chester Township Delaware County	PAR140010	Smurfit Stone Container Enterprises, Inc. 100 McDonald Blvd. Aston, PA 19014	Chester Creek 3G Watershed	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Lancaster County Rapho Township	PAR803572	Con-Way Freight 110 Parkland Plaza Ann Arbor, MI 48103	Little Chickies Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
City of Williamsport Lycoming County	PAR144805	Smurfit-Stone Container Enterprises 2940 Reach Road Williamsport, PA 17701	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Williamsport Lycoming County	PAR204824	Coastal Aluminum Rolling Mills, Inc. 2475 Trenton Avenue Williamsport, PA 17701-7904	Fox Hollow Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Middlecreek Township Snyder County	PAR224811	Wood-Mode, Inc. One Second Street Kreamer, PA 17833	Middle Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Derry Township Westmoreland County	PAR116115	Airo Die Casting, Inc. 1004 Industrial Boulevard Loyalhanna, PA 15661	UNT to Saxman Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

NOTICES

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*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Cranberry Township Venango County	PAR128308	Rolling Frito Lay Sales, LP 800 Hickory Drive Aberdeen, MD 21001	UNT to Twomile Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Adams Township Butler County	PAR238327	James Austin Company P. O. Box 827 Mars, PA 16046-0827	Breakneck Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Corry Erie County	PAR208325	Corry Forge Company 441 East Main Street Corry, PA 16407	City of Corry Storm Sewers to Hare Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

*Facility Location &  
Municipality*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bedford County Kimmel Township	PAG043545	Dennis D. Cowher 2302 Schellsburg Road Queen, PA 16670	Beaverdam Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County North Newton Township	PAG043564	Daniel J. Kyle 6 Bridgewater Road Newville, PA 17241	UNT Green Spring Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Fannett Township	PAF043524	Alice M. Meloy 22448 Path Valley Road Doyleburg, PA 17219	Burns Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Tioga Township Tioga County	PAG045212	United States Army Corps of Engineers Tioga/Hammond Dam R. D. 1, Box 65 Tioga, PA 16946-9733	Tioga River CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Brady Township Clearfield County	PAG045225	Travis Smith 211 Main Street Troutville, PA 15866	UNT to Luthersburg Branch CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Washington County West Finley Township	PAG046329	John I. Loughman 178 Maple Avenue Washington, PA 15301-2032	UNT of Robinson Fork	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
West Salem Township Mercer County	PAG048785	Angela L. and Jeremy M. Gaus 153 North Good Hope Road Greenville, PA 16125	UNT to Big Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Neshannock Township Lawrence County	PAG049289	Andrew Durst 302 McKee Crossing New Castle, PA 16105	Neshannock Creek 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Borough of Utica Venango County	PAG049288	James L. and Margaret M. Deily 131 Ninth Avenue Pittsburgh, PA 15229-1352	French Creek 16-G	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Deerfield Township Warren County	PAG049290	James J. and Lena P. Silvis R. R. 1, Box 269 Tidioute, PA 16351	UNT to Snow Run 16-F	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Union Township Crawford County	PAG049294	Clinton B. Warner 9267 Mercer Pike Meadville, PA 16335	UNT to French Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Woodcock Township Crawford County	PAG048776	Gary Galford 20855 Fisher Road Meadville, PA 16335	UNT to Woodcock Creek 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hickory Township Forest County	PAG049285	Vern Bechtel HC 2, Box 21 Tionesta, PA 16353	Allegheny River 16-F	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Haverford Township	PAG050029	Sunoco, Inc. (R & M) 350 Eagleview Boulevard Suite 300 Exton, PA 19341	Darby Creek Via Storm Sewer	Southeast Regional Office 2 East Main Street Norristown, PA 19401

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Cressona Borough Schuylkill County	PAG082206	Cressona Borough Authority 68 S. Sillyman St. Cressona, PA 17929	Cressona Sewage Treatment Plant 78 S. Sillyman St. Cressona, PA 17929	NERO 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Conemaugh Township Indiana County	PAG086106	Redevelopment Authority of the City of Johnstown Public Safety Building 4th Floor 401 Washington Street Johnstown, PA 15901	Steele Farm	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-9*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Lycoming County Jackson Township	PAG-09-4838	Lynn Brion 1858 Brion Road Liberty, PA 16930	Brion Farm Lycoming County Jackson Township	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664

*General Permit Type—PAG-9 (SSN)*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Lycoming County Jackson Township	PAG-09-4838	Lynn Brion 1858 Brion Road Liberty, PA 16930	Brion Farm Lycoming County Jackson Township	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664

**PUBLIC WATER SUPPLY (PWS)**

**PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 4506503**, Public Water Supply.

Applicant	<b>The Chateau Resort</b> 300 Camelback Road Tannersville, PA
Township or Borough	Pocono Township
County	<b>Monroe County</b>
Type of Facility	Public Water System
Consulting Engineer	Niclaus Engineering Corp 804 Sarah Street Stroudsburg, PA
Permit to Construct Issued	September 14, 2006

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

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

Applicant	<b>Tylersville Mutual Water Association</b>
Township or Borough	Logan Township
County	<b>Clinton</b>
Responsible Official	Tylersville Mutual Water Association c/o Richard T. Miller, Operator Box 44 Tylersville, PA 17783-0044
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Patrick J. Ward, P. E. Uni-Tec Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801
Permit Issued Date	October 10, 2006
Description of Action	Rehabilitation of infiltration gallery.

#### **SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

##### *Plan Location:*

<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 Cumberland Chase subdivision consists of a 279-lot residential subdivision plus a community center. The proposal also includes hooking up the adjacent St. Katherine's Church, which is currently served by an onlot sewage disposal system, to the proposed sewage collection system. The proposed collection system includes a new sewage pump station and force main to be dedicated to the Silver Spring Township Authority, and with sewage treatment at the Silver Spring Township Sewage Treatment Plant. The Department's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

##### *Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Shrewsbury Township	121341 Susquehanna Trail South Glen Rock, PA 17327	York

*Plan Description:* Paul Blakemore Farm, A3-67955-214-2: The plan consists of a three lot single-family residential subdivision on 95.533 acres with total proposed sewage flows of 800 gpd to be treated by individual on-lot disposal systems. The subdivision will be served

with individual water supplies. The proposed development is located on the northwest and southeast sides of Valley Road and west side of Hametown Road in Shrewsbury Township, York County. The plan was disapproved because the hydrogeologic study contained in the planning information received by the Department and required by 25 Pa. Code § 71.62(c), contained information that the groundwater will be excessively polluted on a portion of the property and that the onsite sewage systems proposed for this subdivision will excessively pollute the waters of the Commonwealth in violation of The Clean Streams Law. The condition is considered a nuisance and is prohibited. Specifically, the groundwater easement in the proposal does not lay down-gradient of the primary or replacement on-lot sewage disposal systems and will not intersect the dispersion plumes.

## **LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

### **PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Pineville Lansdale Assoc., LP**, Lansdale Borough, **Montgomery County**. Harris Brody, Accredited Env. Technologies, Inc., 28 N. Pennell Rd., Media, PA 19063 has submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Kinelski Res.**, Towamencin Township, **Montgomery County**. Richard Trimpi, Trimpi Assoc., Inc. 1635 Old Plains Rd., Pennsburg, PA 18073 on behalf of Charles Kinelski, 2075 Creek Way, Lansdale, PA 19446 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Deckers Res.**, Doylestown Township, **Bucks County**. Staci Cottone, J & J Spill Service & Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Dulisse Res.**, North Coventry Township, **Chester County**. Gilbert J. Marshall, P. G., Marshall Geoscience, Inc. 170 E. First Ave., Collegeville, PA 19426 has submitted a 90 days Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**PECO Newtown MGP**, Newtown Borough, **Bucks County**. John Roberts, Jacques Whitford Company, 450 S. Gravers Road, Ste., 105, Plymouth Meeting, PA 19462 on behalf of Rabbi Yehuda Shemtov, Lubavithc of Bucks County/Glazier Jewish Community Ctr., 25 N. State Street, Newtown, PA 18940. has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PAHs. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Belmont Cleaners**, Lower Merion Township, **Montgomery County**. Michael Christie, Penn Env. & Remediation, Inc. 2755 Bergey Rd., Hatfield, PA 19440 on behalf of Michael Kirschner, Kirschner Brothers Co., 518 W. Lancaster Ave., P. O. Box, 525, Haverford, PA 19041 has submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with VOCs, chlorinated solvents and MTBE. The report is intended to document remediation of the site to meet the Site-Specific Standards.

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

**Former Techneglas Facility**, Jenkins Township, **Luzerne County**. Mike Antonetti, P. G., Malcolm Pirnie, Inc., 1603 Carmody Court, Suite 403, Sewickley, PA 15143 has submitted a combined Remedial Investigation Report and a Final Report (on behalf of his client, Marvin Katz, TGPI, Inc., 4300 Walnut Street, Westerville, OH 43081) concerning residual concentrations of inorganics in soils used in the former site operations and petroleum hydrocarbons as the result of historic releases. The reports were submitted to document attainment of the Site-Specific Soil and Groundwater Standard.

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

**Myers Adam Property**, Perry Township, **Berks County**. GemChem, Inc., 53 North Cedar Street, P. O. Box 384, Lititz, PA 17543-384, on behalf of Myers Adam, 109 Pine View Road, Shoemakersville, PA 19555, 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. The report was submitted within 90 days of the release.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.



The Department has received the following plans and reports:

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

**Stericycle Corp.**, Montgomery Township, **Montgomery County**. Thomas M. Hippensteal, P. G., Environmental Research, P. O. Box 940, Spring House, PA 19477 on behalf of Paul Hartman, Stericycle Corp., 257 Congdon Rd., Volutown, CT 06384 has submitted a Low Risk Property Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Low Risk Property Final Report was approved by the Department on August 7, 2006.

**Raser Res.**, North Coventy Township, **Chester County**. Richard M. Ley, P. G., RML, 1375 Steeple Chase Rd., Downingtown, PA 19335 on behalf of Cecelia Raser, 1069 Grandview Cir., Pottstown, PA 19465 has submitted a Low Risk Property Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Low Risk Property Final Report was approved by the Department on August 16, 2006.

*Northeast Regional Field Office, Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**2 Edie Lane/Szabo Property (former Lorenzo Residence)**, Palmer Township, **Northampton County**. Claude Vendever, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Final Report (on behalf of his client, Maria Szabo, 1514 Sculac Drive, Bethlehem, PA 18020) concerning the remediation of site soils impacted with home heating oil. The Final Report was submitted on September 27, 2006, to document the attainment of the residential Statewide Health Standard and was approved on October 4, 2006. Future use of the property will be for residential purposes.

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

**Suburban Heating Oil Partners Gettysburg**, Straban Township, **Adams County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Suburban PA Property Acquisitions, LLC, 5793 Widewaters Parkway, Suite 100, Syracuse, NY, 13214-2811, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 heating oil. The final report demonstrated attainment of the residential Statewide Health Standard, and was approved by the Department on October 2, 2006.

**Walter Stein Residence**, Oliver Township, **Mifflin County**. Marshall Miller Associates, 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 and Response Environmental, Inc., 912 Spring Circle, Mechanicsburg, PA 17055, on behalf of Walter Stein, 6157 US Highway 522 South, McVeystown, PA 17051, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The final report demonstrated attainment of the residential Statewide Health Standard, and was approved by the Department on October 3, 2006.

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

**Schlow Centre Region Library**, State College Borough, **Centre County**. Converse Consultants, 2738 W. College Avenue, State College, PA 16801 on behalf of Schlow Centre Region Library, 223 S. Allen St., State College, PA 16801 has submitted a Final Report concerning remediation of site soil contaminated with PCE fluid.

The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 2, 2006.

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

**Markovitz Enterprises—Flowline Division**, Shenango Township, **Lawrence County**. Bruce Shaw, American Geosciences Inc. 3925 Reed Blvd., Suite 400, Murrysville, PA 15668 on behalf of Markovitz Enterprises, Inc.—Flowline Division, 1400 New Butler Road, New Castle, PA 16107 has submitted a Site Specific Remedial Investigation Report concerning the remediation of site soil and groundwater impacted by chlorinated solvents as a result of historical use of a vapor degreaser. The report was received by the Department on September 29, 2006.

**US Bronze Foundry and Machine**, Woodcock Township, **Crawford County**. GeoSyntec Consultants, 10015 Old Columbia Road, Suite A-200, on behalf of US Bronze Foundry & Machine, Inc., 18649 Brake Shoe Road, Meadville, PA 16335 has submitted a Site Specific Remedial Investigation Report entitled "Site Characterization Report," concerning the remediation of the Slag Reclamation Bank, which was contaminated with lead, copper, zinc and antimony. The Department received the report on September 22, 2006.

**US Bronze Foundry and Machine**, Woodcock Township, **Crawford County**. GeoSyntec Consultants, 10015 Old Columbia Road, Suite A-200, on behalf of US Bronze Foundry & Machine, Inc., 18649 Brake Shoe Road, Meadville, PA 16335 has submitted a Site Specific Remedial Investigation Report entitled "Site Characterization Report," concerning the remediation of the foundry's soils and sediments, which were contaminated with lead. The Department received the report on September 22, 2006.

**US Bronze Foundry and Machine**, Woodcock Township, **Crawford County**. GeoSyntec Consultants, 10015 Old Columbia Road, Suite A-200, on behalf of US Bronze Foundry & Machine, Inc., 18649 Brake Shoe Road, Meadville, PA 16335 has submitted a Site Specific Remedial Investigation Report entitled "Site Characterization Report," concerning the remediation of the South Parking Lot, which was contaminated with lead copper and zinc. The Department received the report on September 22, 2006.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Draft permits issued, revised or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**PAD987266715. Safety Kleen Systems, Inc.** 77 Towpath Road, Fairless Hills, PA 19030, Falls Township, **Bucks County**. Draft permit prepared for renewal of the Fairless Hills Service Center's storage facility. Public comment period ends 45 days after date of this publication. Draft permit and fact sheet available at the Southeast Regional Office. Written comments may be sent to the Southeast Regional Office at the address noted. Draft permit issued on October 5, 2006.

**PAD000738849. Safety Kleen Systems, Inc.** 1140 Greenhill Road, West Chester, PA 19380, West Goshen Township, **Chester County**. Draft permit prepared for renewal of the West Chester Service Center's storage facility. Public comment period ends 45 days after date of this publication. Draft permit and fact sheet available at the Southeast Regional Office. Written comments may be sent to the Southeast Regional Office at the address noted. Draft permit issued on October 5, 2006.

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

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. 301291. Ashland Chemical Company,** 2650 Neville Road, Pittsburgh, PA 15225. Operation of a residual waste incinerator landfill in Neville Township, **Allegheny County**. Permit issued in the Regional Office on October 2, 2006.

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

**Permit Application No. 101684. Meadville Redi-Mix Concrete Inc.,** 19824 Cochran Road, Meadville PA 16335, West Mead Township, **Crawford County**. The application is for a new facility known as the Meadville Redi-Mix Construction/Demolition Waste Transfer Station. The permit was issued by the Northwest Regional Office on October 10, 2006.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**39-310-031GP3: Muschilitz Excavating, Inc.** (615 Moorestown Drive, Bath, PA 18014) on September 6, 2006, to construct and operate a portable stone crushing plant and associated air cleaning device at their Whitehall Cement Plant in Whitehall Township, **Lehigh County**.

**45-310-043GP3: Popple Construction, Inc.** (202 Main Street, Laflin, PA 18702) on September 26, 2006, to construct and operate a portable stone crushing plant and associated air cleaning device at their Arcadia North Business Park in Coolbaugh Township, **Monroe County**.

**45-310-042GP3: ER Linde Construction Corp.** (9 Collan Park, Honesdale, PA 18431) on September 26, 2006, to construct and operate a portable stone crushing plant at Quarry Lane Cresco in Barrett Township, **Monroe County**.

**35-310-045GP3: Haines and Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on September 6, 2006, to construct and operate a portable

stone crushing plant at Scranton Material in Ransom Township, **Lackawanna County**.

**39-302-186GP1: Nestle Waters North America Inc.** (405 Nestle Way, Breinigsville, PA 18031) on September 6, 2006, to construct and operate two Bryan natural gas fired boilers at their facility in Upper Macungie Township, **Lehigh County**.

**39-302-187GP1: Nestle Waters North America, Inc.** (405 Nestle Way, Breinigsville, PA 18031) on September 6, 2006, to construct and operate Cleaver Brooks Boiler No. 1 fired by natural gas and No. 2 fuel oil at their facility in Upper Macungie Township, **Lehigh County**.

**39-302-188GP1: Nestle Waters North America, Inc.** (405 Nestle Way, Breinigsville, PA 18031) on September 6, 2006, to construct and operate Cleaver Brooks Boiler No. 2 fired by natural gas and No. 2 fuel oil at their facility in Upper Macungie Township, **Lehigh County**.

**39-302-189GP1: Nestle Waters North America, Inc.** (405 Nestle Way, Breinigsville, PA 18031) on September 6, 2006, to construct and operate Cleaver Brooks Boiler No. 3 fired by natural gas and No. 2 fuel oil at their facility in Upper Macungie Township, **Lehigh County**.

**40-310-063GP3: Popple Construction, Inc.** (202 Main Street, Laflin, PA 18702) on September 26, 2006, to construct and operate a portable stone crushing plant and associated air cleaning device at the Pepsi Construction Site in Wright Township, **Luzerne County**.

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

**GP1-06-03006: Narrow Fabric Industries, Inc.** (701 Reading Avenue, West Reading, PA 19611) on October 5, 2006, for Small Gas and No. 2 Fired Combustion Units under GP1 in West Reading Borough, **Berks County**.

**GP1-31-05016: Juniata College** (1700 Moore Street, Huntingdon, PA 16652) on October 5, 2006, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Huntingdon Borough, **Huntingdon County**.

**GP3-21-03074: Haines and Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on October 2, 2006, for Portabale Nonmetallic Mineral Processing Plant under GP3 in Dickinson Township, **Cumberland County**.

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

**GP-43-347: Terra Resources—Taylor Mine** (2687 Valley Road, Fredonia, PA 16124 on September 30, 2006, for a portable mineral processing plant in Jefferson Township, **Mercer County**.

**GP-43-320: Vista Resources—Deer Creek Compressor Station** (Grange Road, Mercer, PA 16137) on October 31, 2006, for three natural gas fired compressor engines in Deer Creek Township, **Mercer County**.

**GP-25-058: VA Medical Center** (135 East 38th Street, Erie PA 16504) on October 1, 2006, with an effective date of November 30, 2006, for renewal to operate three natural gas fired boilers in Erie, **Erie 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.**

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

**48-306-011: Northampton Generation Co., LP** (1 Horwith Drive, Northampton, PA 18067) on September 25, 2006, to amend the existing emission limits of the power generation equipment at their facility in Northampton Borough, **Northampton County**.

**45-320-005: United Envelope, LLC** (P. O. Box 37, Mount Pocono, PA 18344) on September 12, 2006, to construct six flexographic printing presses at their facility in Coolbaugh Township, **Monroe County**.

**40-320-026: Quebecor World USA, Inc.** (Humboldt Industrial Park, P. O. Box 409Z, Hazleton, PA 18201) on September 7, 2006, to construct a cold set offset lithography printing press at their facility in Hazleton, **Luzerne County**.

**40-317-029: ADM Cocoa** (Humboldt Industrial Park North, North Park Drive, Hazleton, PA 18201) on September 25, 2006, to construct a cocoa manufacturing process and associated air cleaning devices at their facility in Hazle Township, **Luzerne County**.

**54-308-023: Alcoa Extrusions, Inc.** (53 Pottsville Street, Cressona, PA 17929) on September 18, 2006, to construct a billet furnace at their facility in Cressona Borough, **Schuylkill County**.

**40-399-058: Ohio Mattress Co.—Licensing and Components Group, Inc.** (Magic Industrial Park, Delano, PA 18220) on September 26, 2006, to construct three latex foam production lines and one (1) flexible foam line at their facility in Wright Township, **Luzerne County**.

**66-318-004: Procter and Gamble Paper Products Co.** (P. O. Box 32, Mehoopany, PA 18629) on September 18, 2006, to construct glue application stations to five existing paper machines at their facility in Washington Township, **Wyoming County**.

**66-399-005: Procter & Gamble Paper Products Co.** (P. O. Box 32, Mehoopany, PA 18629) on September 18, 2006, to install glue containment boxes to three existing paper machines at their facility in Washington Township, **Wyoming County**.

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

**06-05029C: Reading Truck Body, Inc.** (P. O. Box 650, Reading, PA 19607-0650) on October 4, 2006, to modify the Standard E-Coating Line and Oven and the entire facility in the City of Reading, **Berks County**.

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

**60-00001A: Bucknell University—Facilities Department** (Moore Avenue, Lewisburg, PA 17837) on September 19, 2006, to replace a combustion core in a natural gas/No. 2 fuel oil-fired turbine in East Buffalo Township, **Union County**.

**41-00010F: Andritz, Inc.** (35 Sherman Street, Muncy, PA 17756) on September 20, 2006, to construct a metal parts shot blasting system and an arc welding station and the installation of an air cleaning device (an existing fabric collector) on four existing metal parts grinding stations, four existing plasma cutting/welding stations, the proposed new shot blasting system and the proposed new arc welding station in Muncy Borough and Muncy Creek Township, **Lycoming County**.

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

**43-270E: CCL Container** (One Llodio Drive, Hermitage, PA 16148-9015) on September 22, 2006, to remove SOx testing requirement and add temporary total enclosures testing for control efficiency on Can Line No. 8 established in plan approval 43-270B in Hermitage City, **Mercer County**. This is a Title V facility.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**06-03113B: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) on August 28, 2006, to construct additional nonmetallic mineral crushing equipment controlled by a wet suppression system and two fabric collectors in Robeson Township, **Berks County**. This plan approval was extended.

**36-03080A: Rohrer's Quarry** (P. O. Box 365, 70 Lititz Road, Lititz, PA 17543) on September 30, 2006, to replace two 6-foot by 16-foot Hewitt Robins triple-deck screens with two 6-foot by 20-foot Metso Minerals triple-deck screens in Warwick Township, **Lancaster County**. This plan approval was extended.

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

**11-00515A: J-LOK Corp.** (258 Kappa Drive, PA 15238) on October 03, 2006, to allow the applicant time to complete and submit a State-only Operating Permit application at the Mine Bolt Resin Capsule Manufacturing Facility located in Cresson Township, **Cambria County**. This plan approval was extended.

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

**10-027E: Penreco** (138 Petrolia Street Karns City, PA 16041) on September 30, 2006, to construct a new gas/oil fired boiler rated at 91 mmBtu/hr to replace the existing coal fired boiler in Karns City Boro, **Butler County**. The new boiler is subject to the New Source Performance Standards for boilers greater than 10 mmBtu and less than 100 mmBtu. The facility is a Title V Facility.

**24-083D: Carbone of America—Graphite Materials Div.** (1032 Trout Run Road, St. Marys, PA 15857) on October 31, 2006, to construct a CBH Kiln in Benzinger Township, **Elk County**.

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

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**67-05042: Hanover Foods Corp.** (P. O. Box 334, 1550 York Street, Hanover, PA 17331) on October 6, 2006, to operate a vegetable canning facility in Penn Township, **York County**. This operating permit was administratively amended to incorporate the changes that have been made to 40 CFR Part 60 Subpart Dc.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.*

**18-00005: Dominion Transmission, Inc.** (625 Liberty Avenue, Pittsburgh, PA 15222) on September 19, 2006, to operate a natural gas compressor station (Finnecroff Compressor Station) in Leidy Township, **Clinton County**. This is a renewal.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**67-05064: York Building Products Co., Inc.** (P. O. Box 1708, York, PA 17405-1708) on October 5, 2006, to operate their asphalt plant in Spring Garden Township, **York County**. This is a renewal of the State-only operating permit.

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

**41-00051: Wirerope Works, Inc.** (100 Maynard Street, Williamsport, PA 17701) on September 5, 2006, to operate a wire rope manufacturing facility in the City of Williamsport, **Lycoming County**.

**17-00020: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on September 5, 2006, to operate an asphalt paving material production facility (Plant No. 4) in Sandy Township, **Clearfield County**.

**49-00025: Coal Township State Correctional Institution** (One Kelley Drive, Coal Township, PA 17866) on September 5, 2006, to operate a prison in Coal Township, **Northumberland County**.

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

**32-00227: Electro Mec, Inc.** (4470 Lucerne Road, Indiana, PA 15701) on September 27, 2006. The facility's major sources of emissions at this sandstone processing plant include a paint booth, a sandblasting unit, a curing oven, two drying ovens and two burn-off ovens in White Township, **Indiana County**.

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

**37-00234: Praxair, Inc.—Praxair Surface Technologies, Inc.—New Castle Plant** (3225 Honeybee Lane, New Castle, PA 16510-6502) on October 2, 2006, to reissue a Natural Minor Operating Permit Number to operate a metal coating operation in Wilmington Township, **Lawrence County**.

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

**N06-003: Delaware Valley Recycling, Inc.** (3107 South 61st Street, Philadelphia, PA 19153) on October 3, 2006, for the processes and recycles construction/demolition waste materials in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include equipment such as crushers and screens for construction/demolition waste materials processing and recycling.

**N06-002: SJA Construction Inc.** (3600 26th Street, Philadelphia, PA 19145) on October 3, 2006, to operate a concrete plant facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two cement bins, a mixer and baghouse.

**S04-014: Kraft Foods Global, Inc.** (12000 East Roosevelt Blvd. Philadelphia, PA 19116) on October 5, 2006, to operate a baking facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two 38.0 mmBtu/hr boilers, six nonyeast baking ovens, two yeast-baking ovens controlled by a catalytic oxidizer and material handling with a central vacuuming system, particulate controls and baghouse.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**49-00007: Merck and Co., Inc.** (P. O. Box 600, Danville, PA 17821) on September 29, 2006, to amend certain conditions of the wastewater treatment plant and the antibiotic campaign operations to reflect consistency between the operating permit and the submitted Notification of Compliance Status Reports required by the Pharmaceutical MACT Rule (40 CFR Part 63, Subpart GGG) in Riverside Borough, **Northumberland County**. The modified Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**55-00022: Schreck's Custom Trim Finishing, Inc.** (P. O. Box 6, Mt. Pleasant Mills, PA 17853) on October 5, 2006, to transfer an operating permit for a modular/mobile home wooden parts surface coating facility from Schreck's Painting to Schreck's Custom Trim Finishing, Inc. in Perry Township, **Snyder County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### *Coal Permits Actions*

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

**30743705 and NPDES Permit No. PA0214752. Dana Mining Company of PA, Inc.** (P. O. Box 1170, Morgantown, WV 26507). To renew the permit for the Mundell Hollow Refuse Disposal Area in Dunkard Township, **Greene County** and related NPDES Permit. No additional discharges. Application received: April 20, 2006. Permit issued: October 5, 2006.

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

**32010101 and NPDES No. PA0248916. Millwood Development, Inc.** (1293 Route 217, Derry, PA 15627). Transfer/renewal of an existing bituminous surface mine from Opal Industries, Inc., P. O. Box 980, Latrobe, PA 15650, located in Conemaugh Township, **Indiana County**, affecting 77.0 acres. Receiving streams: UNT to Kiskiminetas River and UNT to Blacklegs Creek classified for the following uses: WWF; CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 14, 2006. Permit issued: October 2, 2006.

**32010106 and NPDES No. PA0248983. Walter L. Houser Coal Company, Inc.** (13448 State Route 422, Suite 1, Kittanning, PA 16201). Permit renewal for reclamation only of a bituminous surface-auger mine in Washington Township, **Indiana County**, affecting 63.2 acres. Receiving streams: UNTs of South Branch Plum Creek and South Branch Plum Creek to Plum Creek to Crooked Creek to the Allegheny River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 11, 2006. Permit issued: October 4, 2006.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**02-04-03 and NPDES Permit No. PA0250686. Coventry Park, LLC** (533 Locust Place, Sewickley, PA 15143-1547). Government Financed Construction Contract issued for reclamation of approximately 40.9 acres of abandoned mine lands located in Robinson Township, **Allegheny County**. Receiving streams: Moon Run to the Ohio River. Application received: July 13, 2006. Contract issued: October 5, 2006.

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

**59060101 and NPDES Permit No. PA0256315. Phoenix Resources, Inc.** (782 Antrim Road, Wellsboro, PA 16901). Commencement, operation and restoration of a bituminous surface mine, with proposed post-mining land use which will be a sanitary landfill, in Duncan Township, **Tioga County**, affecting 76.5 acres. Receiving streams: Rock Run to Babb Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: February 13, 2006. Permit issued: September 29, 2006.

**17040106 and NPDES Permit No. PA0243809. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface mine in Chest Township, **Clearfield County**, affecting 50.0 acres. Receiving streams: Chest Creek, classified for the following use: CWF. Application received: July 30, 2004. Application returned: August 3, 2006.

**Permit No. 17850143 and NPDES No. PA0596663. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Permit renewal for the continued operation and restoration of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 150.7 acres. Receiving streams: Wolf Run to West Branch Susquehanna River, classified for the following uses: CWF to WWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 31, 2006. Permit renewed: August 13, 2006.

### *Coal Mining Permits Denied*

*California District Office: 25 Technology Drive, Coal Center, PA 15423.*

**56890703 and NPDES Permit No. PA0214141. Svonavec, Inc.** (150 West Union Street, Suite 201, Somerset, PA 15501), to renew the permit for the Milford No. 3 coal Refuse Disposal in Milford Township, **Somerset County** and related NPDES permit. No additional discharges. Application received August 2, 2004. Permit denied October 3, 2006.

### *Noncoal Permits Actions*

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

**20022805. R. Hunter, Incorporated** (29780 Hickory Corners Road, Guys Mills, PA 16327). Final bond release for a small noncoal mining operation in Woodcock Township, **Crawford County**. Restoration of 1.0 acre completed. Receiving streams: UNT to French Creek. Application received: June 13, 2006. Final bond release approved: September 28, 2006.

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

**64050805. Daniel W. Barnes**, (192 Criddle Road, Susquehanna, PA 18847). Commencement, operation and restoration of a quarry operation in Scott Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received: November 2, 2005. Permit issued: October 2, 2006.

**58052810. Powers Stone, Inc.** (R. D. 5, Box 124, Montrose, PA 18801). Commencement, operation and restoration of a quarry operation in Forest Lake, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: September 19, 2005. Permit issued: October 2, 2006.

**58062802. Powers Stone, Inc.** (R. D. 5, Box 124, Montrose, PA 18801). Commencement, operation and restoration of a quarry operation in Silver Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: March 23, 2006. Permit issued: October 2, 2006.

**58062803. Powers Stone, Inc.** (R. D. 5, Box 124, Montrose, PA 18801). Commencement, operation and restoration of a quarry operation in Jessup Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: March 23, 2006. Permit issued: October 2, 2006.

**58062806. Powers Stone, Inc.** (R. D. 5, Box 124, Montrose, PA 18801). Commencement, operation and restoration of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: April 24, 2006. Permit issued: October 2, 2006.

**58060845. Jeffrey C. Bennett** (P. O. Box 442, New Milford, PA 18834). Commencement, operation and restoration of a quarry operation in Gibson Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: June 7, 2006. Permit issued: October 3, 2006.

**58060848. Aldrich Farm, Inc.** (R. R. 1, Box 192, Montrose, PA 18801). Commencement, operation and restoration of a quarry operation in Bridgewater Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: June 19, 2006. Permit issued: October 3, 2006.

**58062808. Meshoppen Stone, Inc.** (P. O. Box 127, Meshoppen, PA 18630). Commencement, operation and restoration in Forest Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: July 12, 2006. Permit issued: October 3, 2006.

**58060854. Tammy Lynn Norton** (R. R. 2, Box 135 C, New Milford, PA 18834). Commencement, operation and restoration in Harford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received July 14, 2006. Permit issued October 3, 2006.

**52052801. Wayne D. Holbert** (115 Rocky Rift Farm Road, Lackawaxen, PA 18435). Commencement, operation and restoration of a quarry operation in Lackawaxen Township, **Pike County** affecting 5.0 acres, receiving stream: none. Application received: October 21, 2005. Permit issued: October 3, 2006.

**52052802. Wayne D. Holbert** (115 Rocky Rift Farm Road, Lackawaxen, PA 18435). Commencement, operation and restoration of a quarry operation in Lackawaxen Township, **Pike County** affecting 5.0 acres, receiving stream: none. Application received: November 7, 2005. Permit issued: October 3, 2006.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P. S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

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

**28064173. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241-9424). Blasting activity permit issued for utility in Greene Township, **Franklin County**. Blasting activity permit end date is August 30, 2007. Permit issued: October 2, 2006.

**21064184. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 157241-9424). Blasting activity permit issued for single dwelling in West Pennsboro Township, **Cumberland County**. Blasting activity permit end date is August 30, 2007. Permit issued: October 2, 2006.

**1064121. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033-9734). Blasting activity permit issued for residential development in Reading Township, **Adams County**. Blasting activity permit end date is September 30, 2007. Permit issued: October 2, 2006.

**21064183. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033-9734). Blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is September 30, 2007. Permit issued: October 2, 2006.

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

**25064004. Appalachian Geophysical Services, LLC** (2659 Star Route 60, P. O. Box 426, Killbuck, OH 44637-0426). Blasting activity for gas and oil exploration in Franklin Township, **Erie County**. This blasting activity permit will expire on December 31, 2006. Application received: October 4, 2006. Application issued: October 5, 2006.

**25064005. Appalachian Geophysical Services, LLC** (2659 Star Route 60, P. O. Box 426, Killbuck, OH 44637-0426). Blasting activity for gas and oil exploration in Conneaut Township, **Erie County**. This blasting activity permit will expire on December 31, 2006. Application received: October 4, 2006. Application issued: October 5, 2006.

**20064007. Appalachian Geophysical Services, LLC** (2659 Star Route 60, P. O. Box 426, Killbuck, OH 44637-0426). Blasting activity for gas and oil exploration in Beaver Township, **Crawford County**. This blasting activity permit will expire on December 31, 2006. Application received: October 4, 2006. Application issued: October 5, 2006.

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

**36064195. Brubacher Excavating, Inc.** (P. O. Box 528, Bowmansville, PA 17507). Construction blasting for Lancaster Mennonite School in Lancaster Township, **Lancaster County** with an expiration date of December 31, 2007. Permit issued: September 29, 2006.

**01064121. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033). Construction blasting for Hampton Heights in Reading Township, **Adams County** with an expiration date of September 30, 2007. Permit issued: October 2, 2006.

**40064133. Explosive Services, Inc.** (7 Pine Street, Bethany, PA 18431). Construction blasting for Ramblewood Estates in Dennison Township, **Luzerne County** with an expiration date of September 26, 2007. Permit issued: October 2, 2006.

**66064105. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for a home in Clinton Township, **Wyoming County** with an expiration date of December 31, 2006. Permit issued: October 2, 2006.

**67064135. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033). Construction blasting for Stone Hill Development in York Township, **York County** with an expiration date of September 30, 2007. Permit issued: October 2, 2006.

**39064116. Brubacher Excavating, Inc.** (P. O. Box 528, Bowmansville, PA 17507). construction blasting for Boulder D-2 Project in Upper Macungie Township, **Lehigh County** with an expiration date of December 31, 2007. Permit issued: October 4, 2006.

**39064117. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for residential development in North Whitehall Township, **Lehigh County** with an expiration date of December 31, 2006. Permit issued: October 4, 2006.

**39064118. Schlouch, Inc.** (P. O. Box 69, Blandon, PA 19510). Construction blasting for a residential development in Upper Saucon Township, **Lehigh County** with an expiration date of October 9, 2007. Permit issued: October 4, 2006.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E09-902. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Lower Makefield Township, Bucks County, ACOE Philadelphia District.**

To maintain the following activities associated with the reconstruction of the northbound I-95 ramps at the PA 332 interchange (Exit 49). The reconstruction activities include the provision of a new northbound off-ramp, two new northbound on-ramps from PA 332, and a new signalized intersection on PA 332 within the Buck Creek watershed (WWF). This site is located on the Langhorne, PA, USGS Quadrangle N: 20.0 inches and W: 1.0 inch, in Lower Makefield Township, Bucks County.

The work will include the following water obstruction and encroachment activities:

1. To authorize and maintain a stormwater management facility and a 30-inch diameter outfall discharging to a drainage channel to Buck Creek.
2. To authorize and maintain approximately 130 linear feet of 30-inch diameter stream enclosure to carry the drainage channel to Buck Creek under the I-95 northbound off-ramp.
3. To authorize realignment of the drainage channel to Buck Creek upon its exit of the above stream enclosure by redirecting flow into a new channel, and back to its original channel.
4. To authorize fill in two conveyance ditches distributing storm runoff flows to the drainage channel, eliminating a 55-foot long ephemeral ditch to the south of the channel, a 230-foot long ephemeral ditch to the north of the channel, and 0.04 acre of wetland (PEM), which formed within the ephemeral ditch to the north of the channel.
5. To realign and maintain approximately 350 linear feet of fill in a drainage channel connecting to a UNT to Buck Creek to the north of PA 332. The new ditch is constructed slightly to the east of the original ditch.

The amount of wetland impact is considered a de minimus impact of 0.04 acre and wetland mitigation is not required.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).



**E46-991. Worcester Township**, 1721 Valley Forge Road, P. O. Box 767, Worcester, PA 19490, Worcester Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a new pedestrian bridge across Zacharias Creek (TSF). The proposed bridge is 60 feet long by 6 feet wide and is part of the overall trail system through open space located within the 100-year flood plain. The site is located about 1,000 feet southeast of intersection of Skippack Pike and Green Hill Road (Lansdale, PA, USGS Quadrangle N: 14.5 inches, W: 15.7 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E15-743. Pulte Homes of PA Limited Partnership**, 1101 Northbrook Drive, Suite 2000, Trevoise, PA 19053, Charlestown Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain the following water obstructions associated with the proposed Deerfield Subdivision:

1. To relocate and enclose approximately 340 linear feet of an intermittent headwater tributary to Pigeon Creek (HQ-TSF) along Valley Hill Road (SR 1021). The watercourse will be directed to Inlet R2 along Valley Hill Road (SR 1021). Low flow will be routed in a 336-foot long 18-inch pipe to Inlets N2 and N3. Higher flows will be routed into Stormwater Basin 1. The enclosure and the basin will discharge to the watercourse via the Valley Hill Road culvert at Inlet N1.

2. To construct and maintain an on-stream non-jurisdictional dam as a stormwater management facility (Stormwater Basin 1).

3. To construct 28 linear feet of 19" by 30" oval culvert as a replacement structure for the existing culvert under Valley Hill Road (SR 1021).

4. To regrade and stabilize approximately 255 feet of an existing "grass waterway" for use as a stormwater swale.

This permit includes an Environmental Assessment approval for Item 2. The site is located on southwest corner of the intersection of the Valley Hill and Yellow Spring Roads (Malvern, PA, USGS Quadrangle N: 12.75 inches; W: 10.75 inches) in Charlestown Township, Chester County.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

**E14-488. Curtin Township Supervisors**, 351 Orviston Mountain Road, Howard, PA 16841. Marsh Creek Culvert in Curtin Township, **Centre County**, ACOE Baltimore District (Howard, PA Quadrangle N: 8 inches; W: 14.2 inches).

To operate and maintain a twin cell culvert crossing in Marsh Creek (CWF). The crossing was installed under Emergency Permit (EP1405503) during the summer of 2005. Obtaining the Joint Permit authorization was a final action of the Emergency Permit. This crossing consists of two 72" by 96" corrugated culvert pipes placed side by side with rock headwalls. The project impacted

700 square feet of Marsh Creek and is located just off Summit Hill Road on Yeager Road. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E14-493. Allen Sherman**, PO Box 432, Blanchard, PA 16826. Country Woodcrafts, in Liberty Township, **Centre County**, ACOE Baltimore District (Howard, PA Quadrangle N: 6 inches; W: 3.5 inches).

To construct and maintain two elevated structures in the floodway of Marsh Creek, located on Marsh Creek Road, 2 miles northwest of the intersection with SR 150. The structures will each be approximately 600 square feet and located within 50 feet of the top of the creek bank of Marsh Creek. This project proposes no permanent impact to Marsh Creek, which is designated a CWF stream and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E17-423. Clearfield County**, 203 East Market Street, Clearfield, PA 16830. Burnside Township Road No. 315 (T-315) Bridge Replacement across West Branch Susquehanna River in Burnside Township, **Clearfield County**, ACOE Baltimore District (Burnside, PA Quadrangle N: 7.9 inches; W: 3.2 inches).

To remove an existing structure and construct, operate and maintain a two-span prestressed spread box beam bridge to carry T-315 over West Branch Susquehanna River (WWF). The two-span bridge shall be constructed with a minimum clear span of 170 feet along the roadway centerline, and an underclearance of 14.1 feet. Construction of in-stream bridge appurtenances and temporary structures shall be conducted during stream low flow, and dry work conditions by dams and pumping, fluming or diverting stream flow around work areas. The bridge replacement project will permanently impact 0.05 acre of wetlands and 110 feet of stream channel that is located at the western right-of-way of SR 0219, at the intersection of T-315 and SR 0219. This permit also authorizes construction, operation, maintenance and removal of temporary cofferdams, stream diversions and roadway crossings. All temporary structures shall be constructed of clean rock, which is free of fines. Upon project completion, all temporary structures shall be removed with the disturbed areas restored to original contours and elevations. The Department deems the 0.05 acre of wetland permanently impacted by the project as de minimis, and as such, the permittee shall not be required to construct replacement wetland to mitigate the permanent impact.

**E55-208. Jackson Township Supervisors**, R. R. 1 Box 324A, Winfield, PA 17889. Tuscarora Creek Bridge Replacement, in Jackson Township, **Snyder County**, ACOE Baltimore District (Middleburg, PA Quadrangle N: 21.4 inches; W: 0.9 inch).

To remove the existing open grate steel deck bridge structure in its entirety, and to construct, operate and maintain a 63 foot precast reinforced concrete box culvert with a 1 foot depression. This permit also authorizes the realignment of 65 linear feet of stream channel to facilitate a better transition into the structure. There are no wetland impacts authorized under this permit and the temporary and permanent stream disturbances will total 130 feet of Tuscarora Creek which holds a water quality classification of CWF. This permit also includes 401 Water Quality Certification.

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



**E16-128, Salem Township**, P. O. box 70, 50 Community Rd., Suite 2, Lamartine, PA 16375. T-336 Bittersweet Road Across Beaver Creek, in Salem Township, **Clarion County**, ACOE Pittsburgh District (Knox, PA Quadrangle N: 41°, 14', 49"; W: 79°, 34', 43").

To remove the existing bridge and to install and maintain a 12.098 meter long precast reinforced concrete box culvert having a 6.706 meter wide by 1.834 meter high waterway opening in Beaver Creek (HQ-CWF) on T-336, Bittersweet Road, approximately 1.6 kilometers north of SR 208.

**E16-131, Farmington Township**, P. O. Box 148, 32691 Route 66, Leeper, PA 16233. Public Water and Sewer Extension Project, in Farmington Township, **Clarion County**, ACOE Pittsburgh District (Between Lucinda, PA Quadrangle N: 41°, 20', 22.4"; W: 79°, 21', 5" and Tylersburg, PA Quadrangle N: 41°, 23', 23"; W: 79°, 15', 47").

To construct and maintain a total of approximately 33,000 linear feet of extensions to existing sanitary sewer and potable water lines including seven stream crossings (Toby Creek (CWF), Foy Run (CWF), a tributary to Toby Creek (CWF) and a tributary to Grolemond Run (CWF)) and three wetland crossings by sewer and water lines in the area along SR 66 between the villages of Snydersburg and Crown.

**E20-548, Donald W. Heffernan & Margaret R. Heffernan**, 431 Gilfillian Street, Franklin, PA 16323-2929. Retaining Wall, in Summit Township, **Crawford County**, ACOE Pittsburgh District (Harmonsburg, PA Quadrangle N: 2.0 inches; W: 7.1 inches).

The applicant proposes to construct and maintain a 6-foot high, 2.1-foot thick retaining wall having a length of 80 feet, adjacent to Conneaut Lake and constructed a maximum distance of 3 feet in front of the existing retaining wall approximately 1 mile SE of the intersection of SR 18 and SR 618. Conneaut Lake is a perennial body of water classified as a high quality WWF.

**E42-323, Minard Run Oil Company**, P. O. Box 18, 609 South Avenue, Bradford, PA 16701. Kushequa Pipeline, in Hamlin Township, **McKean County**, ACOE Pittsburgh District (Cyclone, PA Quadrangle N: 41°, 45', 23.5"; W: 78°, 36', 18.27").

To install by directional boring and maintain a 6-inch natural gas gathering pipeline within a 10-inch diameter casing across Kinzua Creek and an adjacent 320-foot wide wetland approximately 0.5 mile northeast of the Village of Kushequa.

**61-268, United Refining Company of Pennsylvania**, P. O. Box 688, Warren, PA 16365. Kwik Fill/Red Apple Food Mart M29 Stream Enclosure, in Sandycreek Township, **Venango County**, ACOE Pittsburgh District (Franklin, PA Quadrangle N: 2.1 inches; W: 13.3 inches).

The applicant proposes to remove the existing structure and to construct and maintain a 258-foot long, 5.5-foot diameter reinforced concrete pipe stream enclosure in Chubb Run at the Kwik Fill/Red Apple Food Mart M29 approximately 0.15 mile NE of the intersection of SR 8 and SR 62. Project includes construction and maintenance of a trash rack, an approximately 60-foot long berm at the upstream end of the Kwik Fill Station, and an approximately 35-foot long hook type energy dissipator. Chubb Run is a perennial stream classified as a WWF. The project proposes to directly affect approximately 350 linear feet of stream.

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## SPECIAL NOTICES

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### Requests for Proposals

**Bid No. OSM PA(AMD-06)**. Notice is given that the Department of Environmental Protection is soliciting proposals for demonstration or implementation of new or innovative in-situ or ex-situ treatment or abatement technologies or enhanced metals recovery for acid mine drainage. Requests for Proposal (RFPs) may be requested by mail, fax or e-mail. Letters shall be sent to David J. Fromell, Project Coordinator, Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Division of Acid Mine Drainage Abatement, P. O. Box 8476, Harrisburg, PA 17105-8476. Faxed requests will be accepted at (717) 783-0470. Email requests (entitle subject line "OSM PA(AMD-06) RFP request") should be submitted to dfromell@state.pa.us Proposals in response to the RFP must be received by 2 p.m., December 8, 2006. Electronic versions of the RFP are available upon request.

**Bid No. OSM PA(DES-06)**. Notice is given that the Department of Environmental Protection is issuing a Request for Proposal (RFP) to retain up to five firms to provide professional design services, feasibility studies and other technical services as required for the reclamation of abandoned mine lands including surface mine reclamation, surface and underground mine fires, mine subsidence control, closure of mine openings, abatement or treatment of acid mine drainage (AMD) water pollution, evaluation and/or rehabilitation of existing passive and active AMD treatment systems and water supply replacement. The contracts will be financed in part by the Federal Government. The projects will be located in the bituminous coalfields of western and the anthracite coalfields of northeastern Pennsylvania. RFPs may be requested by mail, fax or e-mail. Letters shall be sent to David J. Fromell, Project Coordinator, Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Division of Acid Mine Drainage Abatement, P. O. Box 8476, Harrisburg, PA 17105-8476. Faxed requests will be accepted at (717) 783-0470. Email requests (entitle subject line "OSM PA(DES-06) RFP request") should be submitted to dfromell@state.pa.us Proposals in response to the RFP must be received by 2 p.m., November 28, 2006. Electronic versions of the RFP are available upon request.

[Pa.B. Doc. No. 06-2065. Filed for public inspection October 20, 2006, 9:00 a.m.]

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## DEPARTMENT OF HEALTH

### Metabolic Screening Technical Advisory Committee Meeting

The Newborn Screening and Follow-Up Program, established under the Newborn Child Testing Act (35 P. S. §§ 621—625), will hold a public meeting on Wednesday, November 15, 2006, 10 a.m. to 3:30 p.m. at The National Civil War Museum, Pennsylvania Room, 2nd Floor, 1 Lincoln Circle, Reservoir Park, Harrisburg, PA.

For additional information, contact Suzanne Bellotti, Public Health Program Administrator, Division of Newborn Disease Prevention and Identification at (717) 783-8143. R.S.V.P. by November 1, 2006, to Louise Banks at (717) 783-8143.

Persons with a disability and who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Suzanne Bellotti at (717) 783-8143 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 06-2066. Filed for public inspection October 20, 2006, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Joseph F. Mariani Contractors, Inc., Mariani Excavating, Inc. and Joseph Mariani, Individually	10 Mount Pleasant Drive Aston, PA 19014	6/27/2006

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 06-2067. Filed for public inspection October 20, 2006, 9:00 a.m.]

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Steve Meckley, Individually	936 Church Road York, PA 17404	10/6/2006

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 06-2068. Filed for public inspection October 20, 2006, 9:00 a.m.]

### Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Preferred Painting and Joseph Dougherty, Individually	55 Millrace Drive Langhorne, PA 19053	10/6/2006

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 06-2069. Filed for public inspection October 20, 2006, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Inpatient Hospitals Qualifying for Medical Assistance Disproportionate Share Payments

On July 1, 1988, the Department of Public Welfare (Department) implemented a disproportionate share payment system. Under 55 Pa. Code §§ 1151.54(i), 1163.67(k) and 1163.459(j) (relating to disproportionate share payments), the Department is required to annually publish the names of each inpatient acute care general hospital, rehabilitation hospital and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage.

#### A. *Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals.*

The following lists identify the inpatient acute care general hospitals, psychiatric units and rehabilitation units of acute care general hospitals, rehabilitation hospitals and private psychiatric hospitals eligible for disproportionate share payments for the period July 1, 2005, through June 30, 2006, and their respective payment percentages. For all inpatient facilities, disproportionate share payments are calculated as a percentage of projected MA inpatient income.

Payment period July 1, 2005, to June 30, 2006, disproportionate share payment percentages:

<i>Acute Care General Hospitals</i>	
ALBERT EINSTEIN MED CTR	4.45%
ALFRED I. DUPONT INSTITUTE	9.41%
BARNES KASSON HOSPITAL	4.59%
CHARLES COLE MEMORIAL HOSPITAL	4.83%
CHILDREN'S HOSPITAL OF PHILADELPHIA	8.47%
CHILDREN'S HOSPITAL OF PITTSBURGH	9.27%
CLEARFIELD HOSPITAL	4.78%
CROZER CHESTER MEDICAL CENTER	3.33%
DUBOIS REGIONAL MED CTR	10.00%
HIGHLAND HOSPITAL	3.08%
HOSPITAL UNIVERSITY OF PA	3.76%

INDIANA HOSPITAL	3.45%
JAMESON MEMORIAL	1.00%
KENSINGTON HOSPITAL	4.66%
MAGEE WOMEN'S	6.23%
MEMORIAL HOSPITAL—TOWANDA	5.46%
MERCY HOSP OF PHILA	4.75%
MONSOUR MEDICAL CENTER	6.04%
NPHS—GIRARD	1.00%
NPHS—ST. JOSEPH'S	7.44%
PRESBYTERIAN MED CTR OF UPHS	2.96%
PUNXSUTAWNEY AREA HOSPITAL	4.04%
TEMPLE EAST	3.99%
TEMPLE UNIVERSITY CHILDREN'S MEDICAL CTR	15.00%
TEMPLE UNIVERSITY HOSPITAL	6.29%
THS—HAHNEMANN UNIV HOSPITAL	3.58%
THS—ST. CHRISTOPHER'S	14.00%
THOMAS JEFFERSON	3.00%
TITUSVILLE AREA HOSP	4.81%
UPMC—BEDFORD	9.00%
UPMC—PRESBYTERIAN—SHADYSIDE	3.66%
VALLEY FORGE	6.05%
WAYNE COUNTY MEMORIAL	5.54%
WEST VIRGINIA UNIV HOSPITALS, INC.	5.48%

*Private Psychiatric Hospitals*

BELMONT CENTER	3.92%
BROOKE GLEN BEHAVIORAL HEALTH	6.51%
CLARION PSYCHIATRIC CENTER	6.33%
DEVEREAUX—MAPLETON PSYCH CTR	10.00%
FAIRMOUNT BHS	3.00%
FIRST HOSPITAL WYOMING VALLEY	5.60%
FOUNDATIONS BEHAVIORAL HEALTH	7.49%
FRIENDS HOSPITAL	2.60%
HORSHAM PSYCHIATRIC HOSPITAL	4.59%
KIDSPACE HOSPITAL	9.00%
MEADOWS PSYCHIATRIC CENTER	7.44%
MONTGOMERY COUNTY MH/MR ER SVS	4.85%
PHILHAVEN	5.60%
SOUTHWOOD PSYCHIATRIC HOSPITAL	7.25%

*Psychiatric Units of Acute Care Hospitals*

ALBERT EINSTEIN	2.97%
DIVINE PROVIDENCE—WILLIAMSPORT	3.83%
DUBOIS REGIONAL MEDICAL CENTER	3.02%
HIGHLAND HOSPITAL	2.19%
INDIANA HOSPITAL	2.03%
JAMESON MEMORIAL	1.65%
MERCY HOSP OF PHILADELPHIA	3.14%
MONSOUR MEDICAL CENTER	3.88%
NPHS—GIRARD	1.00%
PRESBYTERIAN MED CNTR OF UPHS	2.12%
TEMPLE UNIVERSITY HOSP	4.02%
THS—HAHNEMANN UNIV HOSP	2.47%

*Drug and Alcohol Units of Acute Care Hospitals*

NPHS—ST JOSEPH'S	9.00%
PRESBYTERIAN MED CNTR OF UPHS	2.24%
VALLEY FORGE	6.91%

*Private Drug and Alcohol Hospitals*

EAGLEVILLE HOSPITAL	3.57%
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*Medical Rehab Units of Acute Care Hospitals*

ALBERT EINSTEIN	4.50%
DUBOIS REGIONAL MEDICAL CENTER	4.63%
JAMESON MEMORIAL	1.00%
TEMPLE UNIVERSITY HOSP	7.26%

*Freestanding Rehab Hospitals*

CHILDRENS INSTITUTE OF PITTSBURGH	6.75%
CHILDRENS SEASHORE HOUSE	10.00%

*B. Additional Disproportionate Share Payments*

Additional disproportionate share payments are made to inpatient facilities, with a Medicaid inpatient utilization rate of not less than 1%, which have provided services to persons who have been determined to be low income by meeting the income and resource standards for the State's General Assistance Program.

The payment adjustments are paid directly proportional to the payment received for either general assistance recipients for all hospital services or Title XIX recipients, 21 years of age or older but under 65 years of age, for services rendered by institutions for mental diseases under the fee-for-service and capitation programs.

The following hospitals are eligible for this payment adjustment:

*Acute Care General Hospitals*

ABINGTON MEMORIAL HOSPITAL
ALBERT EINSTEIN MED CTR
ALFRED I. DUPONT INSTITUTE
ALIQUIPPA COMMUNITY HOSP
ALLEGHENY GENERAL HOSPITAL
ALLEGHENY KISKI
ALTOONA HOSPITAL
AMERICAN ONCOLOGIC
ARMSTRONG COUNTY MEMORIAL
SAINT CATHERINE HOSPITAL OF PENNSYLVANIA (formerly Ashland Regional)
BARNES KASSON HOSPITAL
BLOOMSBURG HOSPITAL
BRADFORD REGIONAL
BRANDYWINE HOSPITAL
BROOKVILLE HOSPITAL
BROWNSVILLE GENERAL HOSPITAL
BRYN MAWR HOSPITAL
BUCKTAIL MEDICAL CENTER
BUTLER COUNTY MEMORIAL
CANONSBURG GENERAL HOSPITAL
CARLISLE HOSPITAL
CENTRAL MONTGOMERY HOSP
CHAMBERSBURG HOSPITAL
CHARLES COLE MEMORIAL HOSPITAL
CHESTER COUNTY HOSPITAL
CHHS HOSP CO/CHESTNUT HILL HOSPITAL
CHILDREN'S HOSPITAL OF PHILADELPHIA
CHILDREN'S HOSPITAL OF PITTSBURGH
CHS—BERWICK HOSPITAL
CLARION HOSPITAL
CLEARFIELD HOSPITAL
COMMUNITY MED CTR—SCRANTON
CONEMAUGH VALLEY HOSP
CORRY MEMORIAL
CROZER CHESTER MEDICAL CENTER
DELAWARE COUNTY MEMORIAL
DIVINE PROVIDENCE—WILLIAMSPORT
DOYLESTOWN HOSPITAL
DUBOIS REGIONAL MED CTR
EASTON HOSPITAL
ELK REGIONAL
ELLWOOD CITY
ENDLESS MTS. HLTH SYS
EPHRATA COMMUNITY
EVANGELICAL COMMUNITY
FRANKFORD HOSPITAL
FRICK COMMUNITY

FULTON COUNTY MEDICAL CENTER  
 GEISINGER MEDICAL CENTER  
 GEISINGER WYOMING VALLEY  
 GETTYSBURG HOSPITAL  
 GNADEN HUETTEN MEMORIAL  
 GOOD SAMARITAN—LEBANON  
 GOOD SAMARITAN—POTTSVILLE  
 GRAND VIEW HOSPITAL  
 SOUTHWEST REGIONAL MEDICAL CENTER  
 (formerly Greene County Memorial)  
 HAMOT MED CTR  
 HANOVER HOSPITAL  
 HAZLETON GENERAL HOSPITAL  
 HEART OF LANCASTER REGIONAL MEDICAL  
 CENTER  
 HIGHLAND HOSPITAL  
 HOLY REDEEMER  
 HOLY SPIRIT HOSPITAL  
 HOSPITAL OF THE UNIVERSITY OF PENNA  
 INDIANA HOSPITAL  
 JAMESON MEMORIAL HOSPITAL  
 JC BLAIR  
 JEANES HOSPITAL  
 JEFFERSON HOSPITAL  
 JENNERSVILLE REGIONAL HOSP  
 JERSEY SHORE HOSPITAL  
 KANE COMMUNITY  
 KENSINGTON HOSPITAL  
 LANCASTER GENERAL  
 LANCASTER REGIONAL MED CTR  
 LANKENAU HOSPITAL  
 LATROBE AREA  
 LEHIGH VALLEY HOSP—MUHLENBERG  
 LEHIGH VALLEY HOSPITAL  
 LEWISTOWN HOSPITAL  
 LIFECARE HOSPITALS OF PITTSBURGH  
 LOCK HAVEN HOSP  
 M S HERSHEY MEDICAL CENTER  
 MAGEE WOMEN'S  
 MARIAN COMMUNITY  
 MEADVILLE MED CTR  
 MEDICAL CENTER, BEAVER. PA  
 MEMORIAL HOSP—YORK  
 MEMORIAL HOSPITAL—TOWANDA  
 MERCY CATHOLIC FITZGERALD  
 MERCY HOSP—NANTICOKE  
 MERCY HOSP—PGH  
 MERCY HOSP—WILKES-BARRE  
 MERCY HOSP OF PHILA  
 MERCY HOSPITAL—SCRANTON  
 MERCY JEANNETTE HOSPITAL  
 MERCY SUBURBAN—NORRISTOWN  
 MEYERSDALE COMMUNITY HOSPITAL  
 MID VALLEY HOSPITAL  
 MILLCREEK COMMUNITY HOSPITAL  
 MINERS HOSPITAL OF N CAMBRIA  
 MINERS MEMORIAL MEDICAL CENTER  
 MONONGAHELA VALLEY  
 MONSOUR MEDICAL CENTER  
 MONTGOMERY HOSPITAL MED CTR  
 MOSES TAYLOR  
 MT. NITTANY MED CTR  
 MUNCY VALLEY HOSPITAL  
 NASON HOSPITAL  
 NAZARETH HOSPITAL  
 NPHS—GIRARD  
 NPHS—ST. JOSEPH'S  
 OHIO VALLEY GENERAL  
 PALMERTON HOSPITAL  
 PAOLI MEMORIAL HOSPITAL  
 PENN PRESBYTERIAN MEDICAL CENTER OF UPHS  
 PHILIPSBURG AREA HOSPITAL  
 PHOENIXVILLE HOSPITAL OF UPHS  
 PINNACLE HEALTH HOSPITALS  
 POCONO MED CTR  
 POTTSTOWN MEMORIAL  
 POTTSVILLE HOSPITAL  
 PUNXSUTAWNEY AREA HOSPITAL  
 READING HOSPITAL AND MED CTR  
 RIDDLE MEMORIAL HOSPITAL  
 ROBERT PACKER HOSP  
 ROXBOROUGH MEMORIAL  
 SACRED HEART—ALLENTOWN  
 SAINT JOSEPH MED CTR—HAZLETON  
 SEWICKLEY VALLEY HOSPITAL  
 SHAMOKIN AREA COMMUNITY HOSPITAL  
 SHARON REGIONAL HEALTH SYSTEM  
 SOLDIERS AND SAILORS MEMORIAL  
 SOMERSET HOSPITAL  
 ST. CLAIR MEMORIAL  
 ST. JOSEPH MED CTR—READING  
 ST. LUKE'S—BETHLEHEM  
 ST. LUKE'S—QUAKERTOWN  
 ST. MARY'S—LANGHORNE  
 ST. VINCENT HLTH CTR  
 SUNBURY COMMUNITY  
 TEMPLE EAST  
 TEMPLE LOWER BUCKS HOSPITAL  
 TEMPLE UNIVERSITY CHILDREN'S MEDICAL CTR  
 TEMPLE UNIVERSITY HOSPITAL  
 THOMAS JEFFERSON UNIV HOSPITAL  
 THS—GRADUATE HOSPITAL  
 THS—HAHNEMANN UNIV HOSPITAL  
 THS—ST. CHRISTOPHER'S  
 THS—WARMINSTER  
 TITUSVILLE AREA HOSP  
 TROY COMMUNITY  
 TYLER MEMORIAL HOSPITAL  
 TYRONE HOSPITAL  
 UNIONTOWN HOSPITAL  
 UNITED COMMUNITY HOSPITAL  
 UNIVERSITY OF PENNSYLVANIA MEDICAL  
 CENTER—PENNSYLVANIA HOSPITAL  
 UPMC—BEDFORD  
 UPMC—BRADDOCK  
 UPMC—HORIZON  
 UPMC—LEE REGIONAL  
 UPMC—MCKEESPORT  
 UPMC—NORTHWEST MED CTR  
 UPMC—PASSAVANT  
 UPMC—PENNSYLVANIA HOSPITAL  
 UPMC—PRESBYTERIAN—SHADYSIDE UNIV HOSP  
 UPMC—SOUTH SIDE  
 UPMC—ST. MARGARET  
 VALLEY FORGE  
 WARREN GENERAL HOSPITAL  
 WASHINGTON HOSPITAL  
 WAYNE COUNTY MEMORIAL  
 WAYNESBORO HOSPITAL  
 WEST VIRGINIA UNIV HOSPITALS, INC.  
 WESTERN PENNSYLVANIA  
 WESTMORELAND REGIONAL  
 WILLIAMSPORT HOSPITAL & MED CTR  
 WILLS EYE HOSPITAL  
 WINDBER MED CTR  
 WYOMING VALLEY HLTH CARE SYS  
 YORK HOSPITAL  
*Private Drug and Alcohol*  
 EAGLEVILLE HOSPITAL

*Freestanding Rehab Hospitals*

ALLIED SERVICES REHAB HOSPITAL  
 BRYN MAWR REHAB HOSPITAL  
 CHHS REHAB COMPANY  
 CHILDREN'S HOME OF PITTSBURGH  
 CHILDREN'S INSTITUTE  
 CHILDREN'S SEASHORE HOUSE  
 GOOD SHEPHERD REHAB HOSPITAL  
 HEALTH SOUTH HARMARVILLE  
 HEALTH SOUTH LAKE ERIE INSTITUTE REHAB  
 HEALTH SOUTH MECHANICSBURG REHAB  
 HEALTH SOUTH PENN STATE GEISENGER REHAB  
 HOSP  
 HEALTH SOUTH READING REHAB HOSPITAL  
 HEALTH SOUTH REHAB HOSPITAL OF YORK  
 HEALTH SOUTH REHAB OF ALTOONA  
 HEALTH SOUTH REHAB OF NITTANY VALLEY  
 HEALTH SOUTH REHAB OF SEWICKLEY  
 JOHN HEINZ INSTITUTE  
 MAGEE MEMORIAL REHAB HOSPITAL  
 ST. VINCENT  
 THS WARMINSTER

*Private Psychiatric Hospitals*

BELMONT CENTER FOR COMP TREATMENT  
 BROOKE GLEN BEHAVIORAL HOSPITAL  
 CLARION PSYCHIATRIC CENTER  
 DEVEREUX—MAPLETON PSYCH CTR  
 FAIRMOUNT BHS  
 FIRST HOSPITAL  
 FOUNDATIONS BEHAVIORAL HEALTH  
 FRIENDS HOSPITAL  
 HORSHAM CLINIC  
 KIDSPEACE  
 KIRKBRIDE CENTER  
 MEADOWS PSYCHIATRIC CENTER  
 MONTGOMERY COUNTY EMERGENCY SERVICE, INC  
 PHILHAVEN  
 SOUTHWOOD PSYCH HOSPITAL

*Medical Rehab Units of Acute Care Hospitals*

ABINGTON MEMORIAL HOSP  
 ALBERT EINSTEIN  
 ALLEGHENY GENERAL HOSPITAL  
 ALTOONA  
 CARLISLE REGIONAL MEDICAL CENTER  
 CHAMBERSBURG HOSPITAL  
 CHARLES COLE  
 CONEMAUGH VALLEY HOSP  
 CROZER-CHESTER MED CNTR  
 DELAWARE CNTY MEM HOSP  
 DOYLESTOWN HOSPITAL  
 DUBOIS REG MED CNTR  
 EASTON HOSPITAL  
 GEISINGER—WYOMING VALLEY  
 GNADEN HUETTEN MEMORIAL HOSP—MRU  
 GOOD SAMARITAN HOSPITAL—LEBANON  
 HANOVER HOSPITAL  
 HAZELTON GENERAL HOSPITAL MRU  
 HOSP OF THE UNIV OF PA  
 JAMESON MEMORIAL  
 MERCY JEANNETTE HOSP  
 JEFFERSON HEALTH SERVICES  
 LANCASTER GENERAL HOSP  
 LANCASTER REGIONAL MEDICAL CENTER  
 MERCY CATHOLIC—FITZGERALD  
 MERCY HOSPITAL—PITTSBURGH  
 MILTON S. HERSHEY MED CTR  
 MONONGAHELA VALLEY HOSP  
 NAZARETH

OHIO VALLEY  
 PINNACLE HEALTH HOSPITALS  
 POTTSVILLE HOSPITAL  
 READING HOSPITAL  
 SEWICKLEY VALLEY HOSPITAL  
 ST MARY HOSP—LANGHORNE  
 ST VINCENT HEALTH CNTR  
 TEMPLE UNIVERSITY HOSP  
 THOMAS JEFFERSON UNIV HOSP  
 UPMC—HORIZON  
 UPMC—LEE HOSP  
 UPMC—MCKEESPORT  
 UPMC—NORTHWEST MED CTR  
 UPMC—PRESBYTERIAN SHADYSIDE  
 UPMC—SOUTHSIDE  
 UPMC—ST MARGARET  
 WESTMORELAND HOSPITAL  
 WILLIAMSPORT HOSPITAL

*Drug and Alcohol Units of Acute Care Hospitals*

ALQUIPPA COMMUNITY HOSPITAL  
 BUTLER COUNTY MEMORIAL  
 MEADVILLE MED CTR  
 MONSOUR MEDICAL CENTER D & A  
 NPHS—ST JOSEPH'S HOSP  
 PRESBY MED CTR OF UNIV OF PA HLTH SYST  
 VALLEY FORGE

*Psychiatric Units of Acute Care Hospitals*

ABINGTON MEMORIAL  
 ALBERT EINSTEIN  
 ALQUIPPA COMMUNITY HOSPITAL  
 ALLEGHENY GENERAL  
 ALLEGHENY—KISKI MED CTR  
 ALTOONA  
 ARMSTRONG COUNTY MEMORIAL  
 BERWICK HOSP CENTER  
 BLOOMSBURG HOSP  
 BRADFORD  
 BRANDYWINE HOSPITAL  
 BROWNSVILLE  
 BRYN MAWR HOSP  
 BUTLER COUNTY MEMORIAL  
 CHAMBERSBURG HOSPITAL  
 COMMUNITY MEDICAL CENTER  
 CONEMAUGH VALLEY  
 CORRY MEMORIAL  
 CROZER CHESTER  
 DIVINE PROVIDENCE—WMSPT  
 DUBOIS REGIONAL MED CNTR  
 EPHRATA COMMUNITY  
 FRANKFORD HOSP—BUCKS CO CAMPUS  
 GEISINGER MEDICAL CENTER  
 GEISINGER SOUTH WILKES-BARRE  
 (formerly Mercy Hospital—Wilkes-Barre)  
 GNADEN HUETTEN  
 GRANDVIEW  
 HIGHLAND HOSPITAL  
 HOLY SPIRIT  
 HOSP—UNIVERSITY OF PA  
 INDIANA HOSPITAL  
 J C BLAIR  
 JAMESON MEMORIAL HOSP  
 JEFFERSON HEALTH SERV  
 LANCASTER REGIONAL MED CTR  
 LANCASTER GENERAL  
 LATROBE AREA  
 LEHIGH VALLEY HOSPITAL  
 LEWISTOWN  
 MARIAN COMMUNITY HOSPITAL  
 MEADVILLE MED CNTR

MEDICAL CENTER, BEAVER PA., THE  
 MERCY CATHOLIC—FITZGERALD  
 MERCY HOSPITAL OF PHILADELPHIA  
 MERCY HOSPITAL—PGH  
 MERCY SPECIAL CARE HOSPITAL—NANTICOKE  
 MILLCREEK COMMUNITY HOSPITAL  
 MILTON S. HERSHEY MED CTR  
 MONONGAHELA VALLEY  
 MONSOUR MED CNTR  
 MONTGOMERY  
 MOSES TAYLOR  
 MOUNT NITTANY MEDICAL CENTER  
 NPHS—GIRARD  
 PENN PRESBYTERIAN MED CENTER  
 PINNACLE HEALTH HOSPITALS  
 POCONO HOSPITAL  
 POTTSTOWN MEMORIAL MED CTR  
 POTTSVILLE HOSPITAL  
 READING HOSPITAL  
 ROBERT PACKER  
 SACRED HEART HOSP—ALLENTOWN  
 SEWICKLEY VALLEY HOSP  
 SHAMOKIN AREA COMM HOSP  
 SHARON REGIONAL HLTH SYST  
 SOLDIERS AND SAILORS  
 SOMERSET HOSP CNTR FOR HEALTH  
 ST CLAIR MEMORIAL  
 ST JOSEPH MED CTR—READING  
 ST LUKES OF BETHLEHEM  
 ST LUKES—QUAKERTOWN  
 ST VINCENT  
 SUNBURY COMMUNITY  
 TEMPLE UNIVERSITY HOSPITAL  
 TEMPLE—LOWER BUCKS  
 THOMAS JEFFERSON  
 THS—HAHNEMANN UNIV HOSP  
 THS—WARMINSTER HOSPITAL  
 UNIVERSITY OF PENNSYLVANIA MEDICAL  
 CENTER—PENNSYLVANIA  
 UNIV OF PITT MED CTR—BRADDOCK  
 UNIV OF PITT MED CTR—MCKEESPORT  
 UPMC—NORTHWEST MED CTR  
 UPMC PRESBYTERIAN SHADYSIDE  
 WARREN GENERAL  
 WASHINGTON  
 WESTERN PENNSYLVANIA  
 WESTMORELAND  
 YORK HOSPITAL

*C. Additional Class of Disproportionate Share Payments*

Effective March 1, 1998, the Department established a new class of disproportionate share payments to hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of MA program revisions under the act of May 16, 1996 (P. L. 175, No. 35).

Effective January 15, 1999, the Department revised its previously established new class of disproportionate share payments to include a Charity Care component of the Community Access Fund. A disproportionate share payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. The Department also established a disproportionate share payment for those hospitals which the Department has determined advanced its goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The following hospitals qualify for this payment:

A I DUPONT  
 ABINGTON MEMORIAL  
 ALBERT EINSTEIN  
 ALLEGHENY GENERAL  
 ALLIQUIPPA COMMUNITY  
 BARNES KASSON  
 BRADDOCK MEDICAL CENTER  
 CHARLES COLE MEMORIAL  
 CHILDRENS HOSP OF PHILA  
 CLARION  
 CLEARFIELD  
 CROZER CHESTER MED CTR  
 DOYLESTOWN  
 DUBOIS REGIONAL MED CTR  
 EAGLEVILLE  
 EASTON HOSPITAL  
 EVANGELICAL COMMUNITY  
 FRANKFORD  
 FULTON COUNTY MEDICAL CTR  
 GEISINGER MEDICAL CENTER  
 GRADUATE HOSPITAL  
 HAMOT MEDICAL CENTER  
 HOSP OF THE UNIV OF PA  
 INDIANA HOSPITAL  
 J C BLAIR  
 JAMESON MEMORIAL  
 LANKENAU  
 LEHIGH VALLEY  
 LOCK HAVEN  
 MAGEE WOMENS  
 MEADVILLE MED CTR  
 MEMORIAL HOSP BEDFORD  
 MEMORIAL HOSP TOWANDA  
 MERCY CATHOLIC—FITZGERALD  
 MERCY HOSPITAL OF PHILA  
 MERCY HOSPITAL—PGH  
 MERCY JEANNETTE HOSPITAL  
 MILTON S. HERSHEY MED CTR  
 NORTH PHILA HEALTH SYSTEM  
 NPHS—GIRARD  
 PRESBYT MED CTR OF PHILA  
 PRESBYT UNIV HOSPITAL—PGH  
 PUNXSUTAWNEY  
 READING HOSPITAL  
 SOLDIERS AND SAILORS  
 ST LUKES OF BETHLEHEM  
 TEMPLE UNIVERSITY HSP  
 TEMPLE/EPISCOPAL  
 THOMAS JEFFERSON  
 THS—HAHNEMANN HOSPITAL  
 TITUSVILLE  
 UPHS—PENNSYLVANIA HOSPITAL  
 VALLEY FORGE  
 WAYNE COUNTY MEMORIAL  
 WEST VIRGINIA  
 WESTERN PENN  
 YORK HOSPITAL

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department at the following address: Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions of the notice.

Persons with a disability who require auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-486. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 06-2070. Filed for public inspection October 20, 2006, 9:00 a.m.]

### Payments to County Nursing Facilities; Proposed Rates for State Fiscal Year 2006-2007

This notice announces the Department of Public Welfare's (Department) proposed annual rates for State Fiscal Year 2006-2007 (FY 06-07), for county nursing facilities that participate in the Medical Assistance (MA) Program.

The rates will be calculated in accordance with 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting). As stated at 55 Pa. Code § 1189.91(a) (relating to per diem rates for county nursing facilities), the per diem rate paid to a county nursing facility for a rate year will be the facility's April 1, 2006, case-mix per diem rate as calculated under 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting) multiplied by a budget adjustment factor (BAF). The per diem rates for the quarter that began on April 1, 2006, were previously announced at 36 Pa.B. 1300 (March 18, 2006).

As required by 55 Pa. Code § 1189.91(d), the Department intends to follow the formula set forth in the Commonwealth's approved State Plan to determine the BAF for FY 06-07. The Department recently submitted State Plan Amendments 06-008 and 06-009 to the Federal Centers for Medicare and Medicaid Services to include, among other things, the BAF formula which the Department will use in FY 06-07. As set forth in Supplement III to SPA 06-008, the Department completed these steps to determine the BAF for county nursing facilities:

*Step 1:* The Department determined the total appropriated funds that will be allocated for MA payments to county nursing facilities for the 2006-2007 rate year as follows:

1. Each county nursing facility's projected MA days for the rate year were multiplied by the facility's April 1, 2006, MA per diem rate to obtain each facility's projected payments for the rate year.
2. The projected payments for all county nursing facilities were added to obtain the total projected county payments for the rate year.
3. Each nonpublic nursing facility's projected MA days were multiplied by the facility's April 1, 2006, MA per diem rate to obtain each facility's projected payments for the rate year.
4. The projected payments for all nonpublic nursing facilities were added to obtain the total projected nonpublic payments for the rate year.
5. The total projected county and the total projected nonpublic payments were added to obtain the Statewide total projected payments for all nursing facilities for the rate year.
6. The total projected county payments were divided by the Statewide total projected payments to obtain the county projected payment percentage.

7. The county projected payment percentage was multiplied by the total funds appropriated in the General Appropriations Act for MA nursing facility services for the rate year to determine the total appropriated funds allocated to county nursing facilities.

*Step 2:* The BAF for county nursing facilities was determined as follows:

The total allocated funds for county nursing facilities determined in Step 1-7 was added to the projected patient pay amount for county nursing facilities for the rate year and that amount was divided by the total projected county payments for the rate year as determined in Steps 1-1 through 1-2 to determine the budget adjustment factor to be used for the rate year.

Using the BAF formula set forth in the pending State Plan Amendments, the budget adjustment factor for county nursing facilities for FY 06-07 will be 1.04.

The proposed per diem rates for FY 06-07 are available on the website for the Office of Medical Assistance Programs at [www.dpw.state.pa.us/omap](http://www.dpw.state.pa.us/omap) and at local county assistance offices throughout this Commonwealth or by contacting Tom Jayson, Policy Unit, Bureau of Long Term Living Support at (717) 705-3705.

#### *Fiscal Impact*

The change in county nursing facility payment rates, effective July 1, 2006, is estimated to cost the Department \$23.704 million (\$10.772 million in State funds) in FY 06-07.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the proposed rates for FY 06-07 or the BAF formula, to the Department at the following address: Department of Public Welfare, Bureau of Long-Term Living Support, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-488. (1) General Fund; (2) Implementing Year 2006-07 is \$10,772,000; (3) 1st Succeeding Year 2007-08 is \$11,752,000; 2nd Succeeding Year 2008-09 is \$11,752,000; 3rd Succeeding Year 2009-10 is \$11,752,000; 4th Succeeding Year 2010-11 is \$11,752,000; 5th Succeeding Year 2011-12 is \$11,752,000; (4) 2005-06 Program—\$817,890,000; 2004-05 Program—\$476,116,000; 2003-04 Program—\$588,528,000; (7) Medical Assistance—Long-Term Care; (8) recommends adoption. Funds have been included in the current budget to cover the increase.

[Pa.B. Doc. No. 06-2071. Filed for public inspection October 20, 2006, 9:00 a.m.]

### Payments to Nonpublic Nursing Facilities; Proposed Rates for State Fiscal Year 2006-2007

The Department of Public Welfare's (Department) announces its proposed annual case-mix per diem payment rates for State Fiscal Year 2006-2007 (FY 06-07) for nonpublic nursing facilities that participate in the Medical Assistance (MA) Program.

As required by the case-mix payment methodology set forth in 55 Pa. Code Chapter 1187, Subchapter G (relat-

ing to rate setting), as amended at 36 Pa.B. 3207 (June 24, 2006), the Department intends to set a new annual MA per diem rate for each nonpublic nursing facility provider. Each facility's annual per diem rate will have four components: resident care; other resident related; administrative; and capital. For each quarter of FY 06-07, the Department will adjust the resident care component of each facility's rate by multiplying the resident care cost component by the facility's MA case-mix index (CMI) for the appropriate picture date. In addition, the Department will adjust each facility's CMI-adjusted quarterly rate by multiplying the rate by a "budget adjustment factor" (BAF).

As required by 55 Pa. Code § 1187.96(d)(iv) (relating to price and rate setting computations), the Department intends to follow the formula set forth in the Commonwealth's approved State Plan to determine the BAF for FY 06-07. The Department recently submitted State Plan Amendments 06-008 and 06-009 to the Federal Centers for Medicare and Medicaid Services to include, among other things, the BAF formula which the Department will use in FY 06-07. As set forth in Supplement III to SPA 06-008, the Department completed these steps to determine the BAF:

*Step 1:* The Department determined the total appropriated funds that will be allocated for MA payments to nonpublic nursing facilities for the 2006-2007 rate year as follows:

1. Each county nursing facility's projected MA days for the rate year were multiplied by the facility's April 1, 2006, MA per diem rate to obtain each facility's projected payments for the rate year.

2. The projected payments for all county nursing facilities were added to obtain the total projected county payments for the rate year.

3. Each nonpublic nursing facility's projected MA days were multiplied by the facility's April 1, 2006, MA per diem rate to obtain each facility's projected payments for the rate year.

4. The projected payments for all nonpublic nursing facilities were added to obtain the total projected nonpublic payments for the rate year.

5. The total projected county and the total projected nonpublic payments were added to obtain the Statewide total projected payments for all nursing facilities for the rate year.

6. The total projected county payments were divided by the Statewide total projected payments to obtain the county projected payment percentage.

7. The county projected payment percentage was multiplied by the total funds appropriated in the General Appropriations Act for MA nursing facility services for the rate year to determine the total appropriated funds allocated to county nursing facilities.

8. The total appropriated funds allocated to county nursing facilities were subtracted from the total funds appropriated in the General Appropriations Act for MA nursing facility services for the rate year to determine the total appropriated funds allocated to nonpublic nursing facilities.

*Step 2:* The BAF for nonpublic nursing facilities was determined as follows:

1. The MA per diem rate for the first quarter of the rate year for each facility was calculated in accordance with § 1187.96(a)—(d) and (e)(1).

2. The first quarter rate for each nursing facility was multiplied by the facility's projected days to obtain the facility's nonacuity adjusted projected payments for the rate year.

3. The nonacuity adjusted projected payments for all nonpublic nursing facilities were added to obtain a Statewide nonpublic facility nonacuity adjusted payment total.

4. The Department estimated the Statewide total acuity adjustment percent by calculating the Statewide change in payments for nonpublic nursing facilities from payments at the first quarter rate level to payments at an average of the facility's four quarterly rates for each of the prior 4 rate years. The acuity adjustment percent for each of the prior 4 years was calculated by dividing the Statewide payments calculated using four quarterly rates by the payments calculated using the first quarter rate. The Statewide total acuity adjustment percent estimate for the current rate year is an average of the percents calculated for the prior 4 years.

5. The Department applied the Statewide total acuity adjustment percent estimate to the Statewide nonpublic facility nonacuity adjusted payment total to obtain the acuity-adjusted projected payment amount for all nonpublic nursing facilities for the current rate year.

6. The total appropriated funds allocated to nonpublic nursing facilities determined in Step 1-8 was added to the projected patient pay amount for nonpublic nursing facilities for the rate year and that amount was divided by the acuity-adjusted projected payment amount determined in Step 2-5 to determine the BAF to be used for each quarter of the rate year.

Using the BAF formula set forth in the pending State Plan Amendments, the budget adjustment factor for nonpublic nursing facilities for FY 06-07 will be .93755.

The proposed annual per diem rates for FY 06-07 are available on the website for the Office of Medical Assistance Programs (OMAP) at [www.dpw.state.pa.us/omap](http://www.dpw.state.pa.us/omap) and at local county assistance offices throughout this Commonwealth or by contacting Tom Jayson, Policy Unit, Bureau of Long Term Living Support, at (717) 705-3705. In addition, the Department will calculate adjusted quarterly rates for the October, January and April quarters of FY 06-07 for each nonpublic MA nursing facility provider. These adjusted quarterly rates will be made available on the OMAP website, at local county assistance offices and from Tom Jayson.

#### *Fiscal Impact*

The change in payment rates, effective July 1, 2006, is estimated to cost the Department \$103.782 million (\$47.164 million in State funds) in FY 06-07.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the proposed annual rates for FY 06-07 or the BAF formula to the Department at the following address: Department of Public Welfare, Bureau of Long-Term Living Support, Attention Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*



**Fiscal Note:** 14-NOT-487. (1) General Fund; (2) Implementing Year 2006-07 is \$47,164,000; (2) 1st Succeeding Year 2007-08 is \$54,452,000; (3) 2nd Succeeding Year 2008-09 is \$54,452,000; 3rd Succeeding Year 2009-10 is \$54,452,000; 4th Succeeding Year 2010-11 is \$54,452,000; 5th Succeeding Year 2011-12 is \$54,452,000; (4) 2005-06 Program—\$817,890,000; 2004-05 Program—\$476,116,000; 2003-04 Program—\$588,528,000; (7) Medical Assistance—Long-Term Care; (8) recommends adoption. Funds have been included in the current budget to cover the increase.

[Pa.B. Doc. No. 06-2072. Filed for public inspection October 20, 2006, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Cash Cow 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 Cash Cow.
2. *Price:* The price of a Pennsylvania Cash Cow instant lottery game ticket is \$1.
3. *Play Symbols:* Each Pennsylvania Cash Cow instant lottery game ticket will contain one play area. The prize play symbols and play symbol and their captions located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$2,000 (TWO THO), and Barn symbol (BARN).
4. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$100 and \$2,000.
5. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania Cash Cow instant lottery game.
6. *Determination of Prize Winners:*
  - (a) Holders of tickets with three matching prize play symbols of \$2,000 (TWO THO) in the play area on a single ticket shall be entitled to a prize of \$2,000.
  - (b) Holders of tickets with three matching prize 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 prize play symbols of \$40\$ (FORTY) in the play area on a single ticket shall be entitled to a prize of \$40.
  - (d) Holders of tickets with two matching prize play symbols of \$20\$ (TWENTY) and a Barn play symbol (BARN) in the play area on a single ticket shall be entitled to a prize of \$40.
  - (e) Holders of tickets with three matching prize play symbols of \$20\$ (TWENTY) in the play area on a single ticket shall be entitled to a prize of \$20.
  - (f) Holders of tickets with two matching prize play symbols of \$10<sup>00</sup> (TEN DOL) and a Barn play symbol (BARN) in the play area on a single ticket shall be entitled to a prize of \$20.
  - (g) Holders of tickets with three matching prize play symbols of \$10<sup>00</sup> (TEN DOL) in the play area on a single ticket shall be entitled to a prize of \$10.
  - (h) Holders of tickets with two matching prize play symbols of \$5<sup>00</sup> (FIV DOL) and a Barn play symbol (BARN) in the play area on a single ticket shall be entitled to a prize of \$10.
  - (i) Holders of tickets with three matching prize play symbols of \$5<sup>00</sup> (FIV DOL) in the play area on a single ticket shall be entitled to a prize of \$5.
  - (j) Holders of tickets with three matching prize play symbols of \$4<sup>00</sup> (FOR DOL) in the play area on a single ticket shall be entitled to a prize of \$4.
  - (k) Holders of tickets with two matching prize play symbols of \$2<sup>00</sup> (TWO DOL) and a Barn play symbol (BARN) in the play area on a single ticket shall be entitled to a prize of \$4.
  - (l) Holders of tickets with three matching prize play symbols of \$2<sup>00</sup> (TWO DOL) in the play area on a single ticket shall be entitled to a prize of \$2.
  - (m) Holders of tickets with two matching prize play symbols of \$1<sup>00</sup> (ONE DOL) and a Barn play symbol (BARN) in the play area on a single ticket shall be entitled to a prize of \$2.
  - (n) Holders of tickets with three matching prize play symbols of \$1<sup>00</sup> (ONE DOL) in the play area on a single ticket shall be entitled to a prize of \$1.
  - (o) Holders of tickets with three matching prize play symbols of FREE (TICKET) in the play area on a single ticket shall be entitled to a prize of one Pennsylvania Cash Cow 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>Get:</i>	<i>Win:</i>	<i>Approximate Odds Of 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets</i>
3-FREE's	TICKET	15	640,000
3-\$1's	\$1	15	640,000
3-\$2's	\$2	42.86	224,000
2-\$1's w/BARN	\$2	33.33	288,000
3-\$4's	\$4	75	128,000
2-\$2's w/BARN	\$4	60	160,000
3-\$5's	\$5	75	128,000
3-\$10's	\$10	300	32,000

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds Of 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets</i>
2-\$5's w/BARN	\$10	300	32,000
3-\$20's	\$20	600	16,000
2-\$10's w/BARN	\$20	600	16,000
3-\$40's	\$40	2,182	4,400
2-\$20's w/BARN	\$40	2,087	4,600
3-\$100's	\$100	48,000	200
3-\$2,000's	\$2,000	240,000	40

BARN (BARN) = Win double that amount.

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 Cash Cow 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 Cash Cow, prize money from winning Pennsylvania Cash Cow 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 Cash Cow 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 (72 P. S. §§ 3761-101—3761-314), 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 Cash Cow or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 06-2073. Filed for public inspection October 20, 2006, 9:00 a.m.]

## Pennsylvania Deuces Wild 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 Deuces Wild.

2. *Price:* The price of a Pennsylvania Deuces Wild instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Deuces Wild instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3" and

"GAME 4." Each "GAME" is played separately. Each "GAME" features a "YOUR CARD" area and a "DEALER'S CARD" area. The play symbols and their captions located in the "YOUR CARD" area are: 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), Jack (JACK), Queen (QUEEN), King (KING), Ace (ACE) and 2 (DEUCE) card play symbols. The play symbols and their captions located in the "DEALER'S CARD" area are: 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), Jack (JACK), Queen (QUEEN) and King (KING) card play symbols. Aces are high.

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area of each "GAME" are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$80\$ (EIGHTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$2,000 (TWO THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$3, \$5, \$10, \$20, \$40, \$50, \$80, \$100, \$500 and \$2,000. The player can win up to 4 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Deuces Wild instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets where the "YOUR CARD" play symbol in any "GAME" beats the "DEALER'S CARD" play symbol in that same "GAME," and a prize symbol of \$2,000 (TWO THO) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$2,000.

(b) Holders of tickets where the "YOUR CARD" play symbol in any "GAME" beats the "DEALER'S CARD" play symbol in that same "GAME," and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets where the "YOUR CARD" play symbol in any "GAME" beats the "DEALER'S CARD" play symbol in that same "GAME," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with a 2 (DEUCE) card play symbol, and a prize symbol of \$50\$ (FIFTY) appearing in the "PRIZE" area to the right of that 2 (DEUCE) card play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets where the "YOUR CARD" play symbol in any "GAME" beats the "DEALER'S CARD" play symbol in that same "GAME," and a prize symbol of \$80\$ (EIGHTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$80.

(f) Holders of tickets with a 2 (DEUCE) card play symbol, and a prize symbol of \$40\$ (FORTY) appearing in the "PRIZE" area to the right of that 2 (DEUCE) card play symbol, on a single ticket, shall be entitled to a prize of \$80.

(g) Holders of tickets where the "YOUR CARD" play symbol in any "GAME" beats the "DEALER'S CARD" play symbol in that same "GAME," and a prize symbol of \$50\$ (FIFTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets where the "YOUR CARD" play symbol in any "GAME" beats the "DEALER'S CARD" play symbol in that same "GAME," and a prize symbol of \$40\$ (FORTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets with a 2 (DEUCE) card play symbol, and a prize symbol of \$20\$ (TWENTY) appearing in the "PRIZE" area to the right of that 2 (DEUCE) card play symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets where the "YOUR CARD" play symbol in any "GAME" beats the "DEALER'S CARD" play symbol in that same "GAME," and a prize symbol of \$20\$ (TWENTY) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets with a 2 (DEUCE) card play symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appearing in the "PRIZE" area to the right of that 2 (DEUCE) card play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets where the "YOUR CARD" play symbol in any "GAME" beats the "DEALER'S CARD" play symbol in that same "GAME," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets with a 2 (DEUCE) card play symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appearing in the "PRIZE" area to the right of that 2 (DEUCE) card play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets where the "YOUR CARD" play symbol in any "GAME" beats the "DEALER'S CARD" play symbol in that same "GAME," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets with a 2 (DEUCE) card play symbol, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appearing in the "PRIZE" area to the right of that 2 (DEUCE) card play symbol, on a single ticket, shall be entitled to a prize of \$4.

(p) Holders of tickets where the "YOUR CARD" play symbol in any "GAME" beats the "DEALER'S CARD" playing play symbol in that same "GAME," and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$3.

(q) Holders of tickets where the "YOUR CARD" play symbol in any "GAME" beats the "DEALER'S CARD" play symbol in that same "GAME," and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "PRIZE" area to the right of that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets with a 2 (DEUCE) card play symbol, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appearing in the "PRIZE" area to the right of that 2 (DEUCE) card play symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets where the "YOUR CARD" play symbol in any "GAME" beats the "DEALER'S CARD" play symbol in that same "GAME," and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "PRIZE" area to the right of that "GAME," 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 Your Card Beats The Dealer's Card Within The Same Game, Win With Prize(s) Of:*

\$1  
 \$1 x 2  
 \$1 w/"2"  
 \$2  
 \$1 x 4  
 \$2 x 2  
 \$2 w/"2"  
 \$2 + \$3  
 \$5  
 \$5 x 2  
 \$5 w/"2"  
 \$10  
 \$5 x 4  
 \$10 x 2  
 \$10 w/"2"

*Win:*  
 \$1  
 \$2  
 \$2  
 \$2  
 \$4  
 \$4  
 \$4  
 \$5  
 \$5  
 \$10  
 \$10  
 \$10  
 \$20  
 \$20  
 \$20

*Approximate Odds are 1 In:*  
 10  
 66.67  
 66.67  
 33.33  
 150  
 150  
 75  
 150  
 150  
 600  
 600  
 300  
 1,500  
 750  
 1,500

*Approximate No. Of Winners Per 12,000,000 Tickets*  
 1,200,000  
 180,000  
 180,000  
 360,000  
 80,000  
 80,000  
 160,000  
 80,000  
 80,000  
 20,000  
 20,000  
 40,000  
 8,000  
 16,000  
 8,000

*When Your Card Beats The Dealer's Card Within The Same Game, Win With Prize(s) Of:*

<i>Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets</i>
\$20	\$20	1,500	8,000
\$10 × 4	\$40	9,600	1,250
\$20 × 2	\$40	9,600	1,250
\$20 w/"2"	\$40	9,600	1,250
\$40	\$40	9,600	1,250
\$50	\$50	2,400	5,000
\$20 × 4	\$80	48,000	250
\$40 w/"2"	\$80	48,000	250
\$80	\$80	48,000	250
\$50 × 2	\$100	60,000	200
\$50 w/"2"	\$100	60,000	200
\$100	\$100	60,000	200
\$500	\$500	120,000	100
\$500 × 4	\$2,000	2,400,000	5
\$2,000	\$2,000	2,400,000	5

"2" (DEUCE) = Win double the prize shown for that game.

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 Deuces Wild 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 Deuces Wild, prize money from winning Pennsylvania Deuces Wild 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 Deuces Wild 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 (72 P. S. §§ 3761-101—3761-314), 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 Deuces Wild or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 06-2074. Filed for public inspection October 20, 2006, 9:00 a.m.]

**Pennsylvania \$50,000 Birthday Bucks 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 \$50,000 Birthday Bucks.

2. *Price:* The price of a Pennsylvania \$50,000 Birthday Bucks instant lottery game ticket is \$5.

3. *Play and Prize Play Symbols:*

(a) Each Pennsylvania \$50,000 Birthday Bucks instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania \$50,000 Birthday Bucks instant lottery game ticket will also contain a "Birthday Bonus Box" area.

(b) The prize play symbols and their captions located in the play area for "Game 1" are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$50,000 (FTY THO).

(c) The play symbols and their captions located in the play area for "Game 2" are: Balloon symbol (BALLOON) and an X symbol (XXX).

(d) The play area for "Game 3" will contain a "YOUR SYMBOLS" area and a "LUCKY SYMBOLS" area. The play symbols and their captions located in the "YOUR SYMBOLS" area and the "LUCKY SYMBOLS" area are: Rocket symbol (RCKT), Ice Cream Cone symbol (ICEC), Noisemaker symbol (NOISE), Money Bag symbol (SBAG), Bills symbol (BILLS), Stack symbol (STACK), Bow symbol (BOW), Hat symbol (HAT), Candle symbol (CANDL), Party Favor symbol (FAVOR), Cake symbol (CAKE), Gift symbol (GIFT), Horn symbol (HORN), Cupcake symbol (CUPC), Music symbol (MUSIC), Dance symbol (DANCE) and a Confetti symbol (CNFTI).

(e) The prize play symbols and the play symbol and their captions located in the "Birthday Bonus Box" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and NO BONUS (TRY AGAIN).

#### 4. Prize Symbols:

(a) The play area for "Game 2" will contain a "PRIZE" area. The prize symbols and their captions located in the "PRIZE" area for "Game 2" are: \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$50,000 (FTY THO).

(b) The play area for "Game 3" will contain six "Prize" areas. The prize symbols and their captions located in the six "Prize" areas for "Game 3" are: \$5<sup>.00</sup> (FIV DOL), \$10<sup>.00</sup> (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$50,000 (FTY THO).

5. Prizes: The prizes that can be won in "Game 1," "Game 2" and "Game 3" are: \$5, \$10, \$20, \$50, \$100, \$500 and \$50,000. The prizes that can be won in the "Birthday Bonus Box" area are: \$5, \$10, \$20, \$50, \$100 and \$500. The player can win up to eight times on a ticket.

6. Approximate Number of Tickets Printed For the Game: Approximately 4,800,000 tickets will be printed for the Pennsylvania \$50,000 Birthday Bucks instant lottery game.

#### 7. Determination of Prize Winners:

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching prize play symbols of \$50,000 (FTY THO) in the play area, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching prize play symbols of \$500 (FIV HUN) in the play area, on a single ticket, shall be entitled to a prize of \$500.

(3) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets with three matching prize play symbols of \$50\$ (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets with three matching prize play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets with three matching prize play symbols of \$10<sup>.00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets with three matching prize play symbols of \$5<sup>.00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Balloon (BALLOON) play symbols in the same row, column or diagonal, and a prize symbol of \$50,000 (FTY THO) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching Balloon (BALLOON) play symbols in the same row, column or diagonal, and a prize symbol of \$500 (FIV HUN) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$500.

(3) Holders of tickets with three matching Balloon (BALLOON) play symbols in the same row, column or diagonal, and a prize symbol of \$100 (ONE HUN) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets with three matching Balloon (BALLOON) play symbols in the same row, column or diagonal, and a prize symbol of \$50\$ (FIFTY) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets with three matching Balloon (BALLOON) play symbols in the same row, column or diagonal, and a prize symbol of \$20\$ (TWENTY) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets with three matching Balloon (BALLOON) play symbols in the same row, column or diagonal, and a prize symbol of \$10<sup>.00</sup> (TEN DOL) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets with three matching Balloon (BALLOON) play symbols in the same row, column or diagonal, and a prize symbol of \$5<sup>.00</sup> (FIV DOL) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$50,000 (FTY THO) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(3) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$20\$ (TWENTY) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) *Determination of prize winners for the "Birthday Bonus Box" are:*

(1) Holders of tickets with a prize play symbol of \$500 (FIV HUN) in the "Birthday Bonus Box" area, on a single ticket, shall be entitled to a prize of \$500.

(2) Holders of tickets with a prize play symbol of \$100 (ONE HUN) in the "Birthday Bonus Box" area, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets with a prize play symbol of \$50 (FIFTY) in the "Birthday Bonus Box" area, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets with a prize play symbol of \$20 (TWENTY) in the "Birthday Bonus Box" area, on a single ticket, shall be entitled to a prize of \$20.

(5) Holders of tickets with a prize play symbol of \$10 (TEN DOL) in the "Birthday Bonus Box" area, on a single ticket, shall be entitled to a prize of \$10.

(6) Holders of tickets with a prize play symbol of \$5 (FIV DOL) in the "Birthday Bonus Box" area, 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:

<i>Birthday Bonus Box</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win:</i>	<i>Approximate Odds are 1 In:</i>	<i>Approximate No. of Winners Per 4,800,000 Tickets</i>
\$5				\$5	20	240,000
	\$5			\$5	30	160,000
		\$5		\$5	30	160,000
			\$5	\$5	30	160,000
\$10				\$10	42.86	112,000
	\$10			\$10	200	24,000
		\$10		\$10	200	24,000
			\$10	\$10	200	24,000
\$5			\$5	\$10	150	32,000
			\$5 × 2	\$10	200	24,000
\$20				\$20	200	24,000
	\$20			\$20	200	24,000
		\$20		\$20	200	24,000
			\$20	\$20	300	16,000
\$10	\$5	\$5		\$20	200	24,000
\$10			\$5 × 2	\$20	200	24,000
			\$5 × 4	\$20	200	24,000
\$50				\$50	200	24,000
	\$50			\$50	600	8,000
		\$50		\$50	600	8,000
			\$50	\$50	600	8,000
\$5	\$20	\$20	\$5	\$50	600	8,000
\$10	\$10	\$10	\$10 × 2	\$50	600	8,000
\$20			\$5 × 6	\$50	600	8,000
			\$10 × 5	\$50	600	8,000
\$100				\$100	2,400	2,000
	\$100			\$100	2,400	2,000
		\$100		\$100	2,400	2,000
			\$100	\$100	2,400	2,000
\$10	\$20	\$20	\$10 × 5	\$100	2,400	2,000
\$20	\$20	\$20	\$20 × 2	\$100	2,400	2,000
\$50	\$50			\$100	2,400	2,000
			\$20 × 5	\$100	2,400	2,000
\$500				\$500	10,000	480
	\$500			\$500	10,000	480
		\$500		\$500	10,000	480
			\$500	\$500	10,000	480
			\$100 × 5	\$500	10,000	480
	\$50,000			\$50,000	960,000	5
		\$50,000		\$50,000	960,000	5
			\$50,000	\$50,000	960,000	5

GAME 1—Get 3 like amounts, win that prize.

GAME 2—Get three "BALLOON" (BALLOON) symbols in a row, column or diagonal, win prize shown.

GAME 3—When any of YOUR SYMBOLS match either LUCKY SYMBOL, win the prize shown under the matching symbol.

BIRTHDAY BONUS BOX—Reveal prize amount from \$5 to \$500 and win that prize.

Prizes, including the 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 \$50,000 Birthday Bucks 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 \$50,000 Birthday Bucks, prize money from winning Pennsylvania \$50,000 Birthday Bucks 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 \$50,000 Birthday Bucks 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 (72 P. S. §§ 3761-101—3761-314), 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 \$50,000 Birthday Bucks or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 06-2075. Filed for public inspection October 20, 2006, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Philadelphia County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Deputy Secretary for Highway Administration (Deputy Secretary) makes the following written finding:

The Department of Transportation (Department) plans to reconstruct Germantown Avenue, SR 4005, Section 15P, from Ashmead Place to South Church Lane in the City of Philadelphia. The Colonial Germantown Historic District and Historic Route 23 Trolley Line are within the project limits.

Design of the project will include paving materials in the Germantown Avenue roadway and adjacent sidewalks that are sympathetic to the historic district, reusing historic granite blocks from the roadway in parking lanes, using granite curbs, leaving a 0.5 to 1.0 inch space in the grouting and maintaining the Route 23 Trolley Line tracks in the roadway. Also, coordination with consulting parties and the public will continue throughout final design of the project.

The Deputy Secretary has considered the environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 and has concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effect.

RICHARD H. HOGG, P. E.,  
*Deputy Secretary for  
Highway Administration*

[Pa.B. Doc. No. 06-2076. Filed for public inspection October 20, 2006, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### PPL Brunner Island, LLC v. DEP; EHB Doc. No. 2006-214-MG

PPL Brunner Island, LLC has appealed the issuance by the Department of Environmental Protection of an NPDES permit to PPL Brunner Island, LLC for a facility in Manchester Township, York County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 06-2077. Filed for public inspection October 20, 2006, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market St., 14th Floor, in Harrisburg at 10:30 a.m. Note that the time and date of the meeting is tentative and interested parties are encouraged to contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us) to confirm that information. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

### Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
14-505	Department of Public Welfare Child Care	10/3/06	11/2/06
14-506	Department of Public Welfare Child Care Facilities	10/3/06	11/2/06
35-29	Pennsylvania Commission on Crime and Delinquency, Office of Victims' Services Crime Victims Compensation	10/4/06	11/16/06

### Final-Omit

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
8-11	Department of General Services Distribution of Federally Donated Foods to Needy Households	10/5/06	11/16/06
15-439	Department of Revenue School District Personal Income Tax	10/11/06	11/16/06

ALVIN C. BUSH,  
*Chairperson*

[Pa.B. Doc. No. 06-2078. Filed for public inspection October 20, 2006, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority

The Williamsport Home has applied for a continuing care provider Certificate of Authority to operate a facility located in Williamsport, PA. The filing was received on October 5, 2006, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in 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 to inform the Department of the exact basis of the statement. Written statements should be directed to Stephanie Ohnmacht, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or [sohnmacht@state.pa.us](mailto:sohnmacht@state.pa.us).

M. DIANE KOKEN,  
*Secretary*

[Pa.B. Doc. No. 06-2079. Filed for public inspection October 20, 2006, 9:00 a.m.]

### Application for Approval to Acquire Control

Anthony Joseph Bonomo has filed an application to acquire control of Pennsylvania Physicians Reciprocal Insurers, a Pennsylvania domiciled insurance reciprocal exchange. The filing was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition 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*. Each written statement must include the 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 Stephanie Ohnmacht, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or [sohnmacht@state.pa.us](mailto:sohnmacht@state.pa.us).

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-2080. Filed for public inspection October 20, 2006, 9:00 a.m.]



### Application for Approval to Redomesticate

United Casualty Insurance Company of America, a domestic stock property insurance company, has filed an application for approval of a plan of redomestication whereby the state of domicile would change from Pennsylvania to Illinois. The initial filing was made under the requirements set forth under 15 Pa.C.S. §§ 1101—4162 (relating to the Business Corporation Law of 1988). Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving the redomestication 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 Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-2081. Filed for public inspection October 20, 2006, 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) 783-530.

#### *Governor's Office*

Management Directive No. 310.23—Commonwealth Purchasing Card Program, Amended August 11, 2006.

Management Directive No. 530.11—Benefit Rights of Permanent and Nonpermanent Employees, Amended July 25, 2006.

Management Directive No. 580.31—Classified Service Temporary Appointments, Amended August 14, 2006.

Administrative Circular No. 06-14—2007-08 Budget Instructions, Dated August 15, 2006.

Administrative Circular No. 06-15—Holidays—2007, Dated August 31, 2006.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 06-2082. Filed for public inspection October 20, 2006, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Philadelphia County, Wine & Spirits Shoppe #5149, 4049 Market Street, Philadelphia, PA 19104.

*Lease Expiration Date:* 90-day since June 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within a 1/2-mile radius from the intersection of 42nd and Walnut Streets, Philadelphia.

*Proposals due:* November 10, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert Jolly, (215) 482-9671

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 06-2083. Filed for public inspection October 20, 2006, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's 11 member Board of Directors on Tuesday, November 14, 2006, at 10:30 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HACC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

ALAN B. K. RABINOWITZ,  
*Administrator*

[Pa.B. Doc. No. 06-2084. Filed for public inspection October 20, 2006, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Future Transfer of Property

**A-110300F0110, A-110400F0048 and A-110450F0023.**  
**Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company.** Application of Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company (Companies) for authority under 66 Pa.C.S. §§ 1102 and 2102 for the Future Transfer of Property that is used and useful in the public service. The Companies propose to

make these future transfers under a multi-utility agreement known as the Spare Transformer Sharing Agreement.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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, on or before November 6, 2006. The documents filed in support of the application 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 Applicant's business address.

*Applicants:* Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company

*Through and By Counsel:* Linda Evers, Esquire, FirstEnergy Service Company, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-2085. Filed for public inspection October 20, 2006, 9:00 a.m.]

## Investigation of Conservation, Energy Efficiency Activities and Demand Side Response by Energy Utilities and Ratemaking Mechanisms to Promote Those Efforts; Doc. No. M-00061984

Public Meeting held  
September 28, 2006

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

### Investigation Order

*By the Commission*

Through this order the Commission initiates an investigation into reasonable, cost-effective programs that electric distribution companies, electric generation suppliers, energy services providers and other stakeholders can implement to help retail electric customers conserve energy or use it more efficiently. This investigation shall also include an analysis of needed advanced metering infrastructure and appropriate ratemaking mechanisms that may remove any barriers to the development of energy efficiency, conservation, and demand side response. To expedite the investigation, we will reconvene the Demand Side Response Working Group ("DSR Working Group") for the purpose of investigating the specific issues addressed in this order. The Director of Operations will schedule meetings of the DSR Working Group, assign Commission staff to this investigation, develop a list of issues to investigate, solicit comments from interested parties, and provide specific recommendations to the Commission at the conclusion of the investigation.

### BACKGROUND

At the outset, we emphasize that this should not be an open-ended investigation with generic recommendations. These topics have been studied and explored for many years and we do not envision this investigation to be a "re-education" of what these programs are or a report on their generic pros and cons. Rather, we hope that the

DSR Working Group will provide us with specific recommendations for implementation.

We have reviewed the reports prepared by the DSR Working Group in 2004 on the subjects of technology deployment, cost-recovery, benefits of demand side response, and consumer surveys.<sup>1</sup> We appreciate all the hard work that the original DSR Working Group put forth over the years beginning with roundtable discussions in November 2000. At that time the DSR Working Group included representatives from electric distribution companies, electric generation suppliers, the Offices of Consumer Advocate and Small Business Advocate, Industrial Energy Consumers of Pennsylvania and the PUC. The collective work product of this group is very much appreciated and the information should be used as a starting point for moving forward. While this work product and these reports have been helpful in educating the Commission about these issues, we request that the DSR Working Group provide specific policy recommendations on the subjects addressed in this order.

We also note that the Commission is currently reviewing comments and reply comments from the en banc hearing on Policies to Mitigate Electric Price Increases at Docket No. M-00061957. The DSR Working Group is encouraged to review the record in the en banc proceeding and incorporate any recommendations therein.

### DISCUSSION

As most homeowners and businesses are well aware, energy prices have been at all-time highs. Natural gas prices continue to hover at historically high levels, and very little respite is in sight. For example, the U.S. Energy Information Administration is projecting a 2007 residential average natural gas price of \$13.53/Mcf.<sup>2</sup> While this price is slightly lower than the 2006 price (\$13.95/Mcf vs. \$13.53/Mcf), it is some 26% higher than the 2004 national average of \$10.75/Mcf and 166% higher than the inflation adjusted price in 1995<sup>3</sup> (the unadjusted price would be several times higher). These national averages appear generally to track our experience in the Commonwealth.

While electric customers in many parts of the Commonwealth are protected—for now—from the increases in electric generation prices, other areas, such as Pike County, are directly feeling the effects. Consequently, this Commission has begun a separate investigation to review steps that may be appropriate in order to mitigate the hikes that have occurred, as well as those that may occur upon the termination of price protection in the 2009-2010 timeframe.

Even though this Commission and many energy utilities have various ongoing programs to encourage customers to conserve or shift usage to lower cost periods, and to assist them in identifying ways of doing so, we need to explore additional means to promote energy efficiency, conservation, and demand side response in an expedited manner, as is discussed in greater detail in the following sections.<sup>4</sup> As part of this investigation, the DSR Working Group will consider what type of advanced metering infrastructure and rate making mechanisms are most conducive to these programs.

<sup>1</sup> See [http://www.puc.state.pa.us/electric/electric\\_dmndsideresp.aspx](http://www.puc.state.pa.us/electric/electric_dmndsideresp.aspx).

<sup>2</sup> EIA Short-Term Energy Outlook, August 8, 2006.

<sup>3</sup> EIA, Annual Energy Outlook 2006 (Dec. 12, 2005). The above figures are in 2004 dollars.

<sup>4</sup> For example, utility regulators from Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia, in collaboration with federal and regional authorities, are members of the Mid-Atlantic Distributed Resources Initiative which advocates accelerated implementation of distributed energy resources in the region.

### A. Efficient Energy Usage and Conservation

As we anticipate another winter of high energy prices, there is an acute need to find ways to assist utility customers in dealing with record high bills. Any comprehensive plan must necessarily include efforts to encourage customers to reduce their use of energy through conservation and energy efficiency. Although this Commission has been diligent in assuring that utility rates are only as high as they need to be to permit the utility to recover its actual costs and no more, those actual costs continue to increase at an alarming rate. And, for the most part, the increases are outside the control of Pennsylvania's energy utilities and this Commission. The best way to reduce a customer's energy bill in this environment of intensifying world energy prices is by continuing to educate customers on how to use less energy and to efficiently use only what is required.

There are numerous benefits that will accrue from pursuing an aggressive conservation program. While individual customers will obviously achieve benefits by reducing their overall energy bill, some studies indicate that such reductions can actually reduce natural gas prices for all customers.<sup>5</sup> Similar studies regarding electricity pricing have indicated that encouraging individual customers to reduce their usage at peak times can result in reductions in overall wholesale prices.<sup>6</sup>

One crucially important source of conservation assistance is the utilities themselves. They may be in the best position to know which customers would most benefit from assistance and what programs might work best on their system. Certainly, all of the major energy utilities have at least some programs to help customers, particularly low income customers, use energy more efficiently. Efficiency and conservation efforts can also be encouraged or provided by regional transmission organizations, the private sector, or non-profit organizations. This includes non-profit organizations created with specific conservation and efficiency goals, such as the New York State Energy Research and Development Authority and various sustainable energy boards.

We would like recommendations from the DSR Working Group on specific energy efficiency and conservation measures that can be implemented in a cost-effective manner for all customers. In the current environment, utility efforts to assist their customers to reduce usage (thereby helping them to reduce their bills) is as essential a part of the utility's public service obligation as is securing adequate sources of supply or maintaining a safe and reliable distribution network.<sup>7</sup>

### B. Demand Side Response

Another means of reducing energy costs is the reduction of energy use during peak periods of the day or year, when energy costs are highest. Currently, most electric utility customers pay a rate that is constant throughout the day, and even throughout the year, and thus they have little or no economic incentive to help reduce energy costs during peak cost periods. Many jurisdictions throughout the United States are increasingly looking at aligning the wholesale electricity costs of providing power with retail rates through innovative pricing programs,

<sup>5</sup> A 2003 study found that increasing energy efficiency by 5% could reduce natural gas prices by as much as 20%. Neal, Shipley & Brown, *Impact of Energy Efficiency & Renewable Energy on Natural Gas Markets*, American Council for an Energy Efficient Economy, September 12, 2003.

<sup>6</sup> See Eric Hurst, *Barriers to Price Responsive Demand in Wholesale Electricity Markets*, Edison Electric Institute, June 2002; Severin Borenstein, *The Trouble With Electricity Markets (and some solutions)*, University of California Energy Institute, January 2001.

<sup>7</sup> See 66 Pa.C.S. §§ 1301, 1501.

such as time-of-use rates, critical peak power rates, seasonal rates, and hourly pricing programs.

These programs include financial incentives that reward consumers for reducing energy usage during peak cost periods or for reliability purposes. These can be in the form of passive programs that permit the utility or a third party to reduce demand automatically (e.g., water heating or HVAC control programs), or voluntary/active programs (e.g., economic or emergency load response programs).

An example of this type of approach that the DSR Working Group should consider is a program offered by Toronto Hydro-Electric System Limited, which is referred to as the "10/10 Program." One of the most interesting aspects of this 10/10 Program is that it focuses on rewarding residential and small commercial customers for achieving specific conservation goals. Many believe that demand response programs have been the domain of large commercial and industrial customers. These larger customers are presumed to be the most cost conscious and the most responsive to economic signals. Because of this assumption, the potential for small customers to also participate in demand response programs has been greatly discounted. Some highlights of the 10/10 Program are:

- All residential and small commercial (<50 kW) customers are eligible.
- The customers are automatically enrolled.
- No special metering is required.
- Customers that reduce their consumption during the 10/10 Program period (July 15 to September 15) by 10 percent or more will be given an additional 10 percent rebate off their total bill for the program period.
- Customers that achieve less than the 10 percent reduction will not be eligible for any rebates, although they still have achieved the benefits of lower electricity charges.
- The costs of the program are allocated only to the two eligible customer classes.

The 10/10 Program also includes a potential for a Lost Revenue Adjustment Mechanism to address the loss of distribution revenues.

Proponents of 10/10 Program believe that it may encourage residential and small commercial customers to modify their electricity usage and become more aware of energy conservation and its benefits. They also hold that there will be a "spill over" benefit from other customers who may not achieve the targeted 10 percent reduction yet still benefit from lower electricity bills.

The DSR approaches of the type described above can reduce energy bills and enhance overall system reliability. The DSR Working Group should provide specific recommendations on the types of programs that should be implemented.

### C. Advanced Metering Infrastructure

Many demand side response strategies cannot be implemented without development of a robust and advanced metering infrastructure ("AMI") that can provide, at a minimum, hourly or sub-hourly metering information on a timelier basis. For example, time-based rates and many load response programs cannot be effectively administered without the availability of actual hourly usage

information.<sup>8</sup> Implementation of advanced metering systems can provide many secondary benefits such as enhanced reliability, improved customer service, and reduced operating costs. Often, these secondary benefits alone justify the long term investment in such metering systems.<sup>9</sup> Given the potential for these systems to help mitigate energy price increases and improve service in the future, we should examine more closely the potential benefits and costs for all utilities in Pennsylvania to develop our advanced metering infrastructure. The DSR Working Group should make specific recommendations regarding implementation, if appropriate, and look for new ways to communicate this information to utilities, customers, competitive energy suppliers, and other customer representatives.<sup>10</sup>

#### D. Ratemaking Mechanisms

The DSR Working Group should also explore the effective ratemaking mechanisms that remove any existing disincentives to utilities' pursuit of aggressive energy efficiency, conservation or demand side response initiatives.

Traditionally, a utility's base rates have been established on the basis of a typical (or "pro forma") level of test year sales. If the utility increased sales over that test year level, it increased its annual revenues, and, if all other parts of the ratemaking calculation remained the same, it earned a greater return for its investors. Conversely, if sales decreased in relation to test year levels, the utility collected fewer revenues than anticipated and, in turn, earned a lower return than it was given an opportunity to earn by the Commission in its rate case. For some utilities, lower sales may affect their ability to maintain a safe and reliable infrastructure. These ratemaking facts have led commentators to observe that utilities not only have no incentive to assist their customers to reduce usage, but actually have a strong incentive to increase usage on their systems, especially between base rate cases.<sup>11</sup>

Several major studies have investigated ratemaking policies and programs that can be implemented to reduce or eliminate this potential barrier to aggressive promotion of conservation and energy efficiency by utilities.<sup>12</sup> One mechanism that has been identified as useful in removing any disincentives has been dubbed "revenue decoupling," which has been described as preventing financial erosion from future reductions in consumption so that utilities will not be harmed by those reductions when revenues fall below the levels on which the utility's base rates were set.<sup>13</sup> The imposition of a decoupling mechanism permits a utility to recover its fixed and construction-related costs in the face of continual reductions in usage caused by the installation of more energy efficient appliances and prudent conservation steps. It is argued that the value to the customer of the increased conservation steps promoted or

made possible by the utility far outweighs any additional charge resulting from the decoupling mechanism.

Such mechanisms have been implemented by some states.<sup>14</sup> It is particularly noteworthy that an eminent environmental advocacy group like the Natural Resources Defense Council would advocate the adoption of ratemaking mechanisms to separate a utility's margin recoveries from throughput, thereby enabling the utility to aggressively promote conservation programs to help customers reduce their consumption.

On the other hand, such mechanisms have also been criticized by various parties. Criticisms include concerns that decoupling mechanisms create more volatile and unpredictable rates and reduce a utility's incentive to offer innovative services. There are also concerns about public reaction, in part because the concept may be difficult to explain to customers.<sup>15</sup> The DSR Working Group should fully investigate these concerns and provide specific recommendations for future action, if appropriate.

#### CONCLUSION

An investigation into efficient energy usage, conservation, demand side response, advanced metering infrastructure, and appropriate ratemaking mechanisms will permit the Commission to review available evidence of the necessity, costs and benefits of various programs and approaches. Doing so generically will prevent the specific facts and circumstances of individual utilities from skewing the results. The initiation of this investigation is not intended to preempt or prejudice any proposals by individual utilities or other stakeholders. Such requests, if they come before us, will be considered on the record before us in that proceeding; *Therefore:*

*It Is Ordered That:*

1. The Commission initiate an investigation of:

(a) Energy utilities' current efforts to assist their customers to reduce usage, increase energy efficiency, and implement demand side response programs (including implementation of time-based rates), and whether additional cost effective and reasonable steps can be taken to increase those efforts materially (and, if so, the nature of those activities and the costs that the utility or other entity and customers would incur to implement them); and

(b) Whether Advanced Metering Infrastructure should be developed by Pennsylvania utilities, and, if so, the timeline and standards that should be established for the implementation of these systems for the various customer classes and the methods of sharing this information with customers, competitive energy suppliers, and other customer representatives.

(c) Whether revenue decoupling or other similar mechanisms are necessary or appropriate to assure that energy utilities, and in particular natural gas utilities, aggressively encourage and implement conservation and energy efficiency in their service territories, and whether such mechanisms are fair to customers and otherwise in the public interest. At a minimum, the following legal and policy questions should be addressed: whether such mechanisms are legally permissible in Pennsylvania; whether such mechanisms are actually necessary in order to obtain the participation of energy utilities in conservation promotion activities; and whether the costs of implementing such mechanisms outweigh any benefits, and, if the benefits are greater, what type of decoupling approach is optimal.

<sup>8</sup> The DSR Working Group should address the effects of the Commission adopting flat rates instead of time-of-use rates for default service. Would other benefits of AMI (for example, reduced operational costs, improved customer service, quicker emergency response, improved reliability, better capability to participate in demand response programs and retail choice alternatives, and overall economies of scale in AMI) exceed the costs of such an investment in our utility infrastructure?

<sup>9</sup> Reply comments of the Pennsylvania Department of Environmental Protection on Policies to Mitigate Potential Electricity Price Increases, Docket No. M-00061957.

<sup>10</sup> Again, we do not envision this investigation as a generic exploration of the pros and cons of energy efficiency or demand side response programs. We encourage the DSR Working Group to examine the recent Federal Energy Regulatory Commission Staff Report on the Assessment of Demand Response & Advanced Metering at Docket No. AD-06-2-000 for general background information and resource guide.

<sup>11</sup> Joint Statement of the American Gas Association and the Natural Resources Defense Council on Energy Efficiency at 2 (July 2004).

<sup>12</sup> See National Regulatory Research Institute ("NRRI") Report 06-06: *Revenue Decoupling for Natural Gas Utilities* (April 2006). Based at Ohio State University, NRRI is the non-profit research arm of the National Association of Regulatory Utility Commissioners.

<sup>13</sup> *Id.*, at 9-10.

<sup>14</sup> *Id.*, at 4-6.

<sup>15</sup> *Id.*, at 18.

2. The Director of Operations reconvene the DSR Working Group for the purpose of investigating the issues addressed in this order. The Director shall schedule meetings of the DSR Working Group, assign Commission Staff to this investigation, provide a specific list developed by the working group of issues to investigate, solicit comments from interested parties, and provide specific recommendations to the Commission at the conclusion of the investigation, where working group consensus is attained. Where working group consensus is not attained, Commission Staff shall develop a strawman proposal for Commission review and allow parties to comment on the staff recommendation. The Director shall also develop a schedule for this investigation that will permit the Commission to issue findings and conclusions on or before May 15, 2007.

3. A copy of this order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-2086. Filed for public inspection October 20, 2006, 9:00 a.m.]

### Natural Gas Service

**A-121850F2039. National Fuel Gas Distribution Corporation.** Application of National Fuel Gas Distribution Corporation for approval of the abandonment of natural gas service to one natural gas service customer located in the City of Franklin, Venango County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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, on or before November 6, 2006. The documents filed in support of the application 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 applicant's business address.

*Applicant:* National Fuel Gas Distribution Corporation  
*Through and By Counsel:* Christopher M. Trejchel, Esquire, 1100 State Street, Erie, PA 16501

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-2087. Filed for public inspection October 20, 2006, 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 13, 2006.

Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-00123170. Rescue Tech, Inc.** (638 Stream Ridge Lane, Feasterville, Bucks County, PA 19053)—a corporation of the Commonwealth of Pennsylvania—persons in paratransit service from points in the Counties of Philadelphia, Bucks, Delaware, Chester and Montgomery, to points in Pennsylvania, and return.

**A-00123171. Low Road Enterprises, Inc.** (1438 Route 61 South, Pottsville, Schuylkill County, PA 17901)—persons, in limousine service, from points in the Counties of Schuylkill, Dauphin, Lehigh and Philadelphia, to points in Pennsylvania, and return. Attorney: Albert J. Evans, Esquire, Riley and Fanelli, PC, No. 1 Mahantongo Street, Pottsville, PA 17901

**A-00123173. Frank D. Slater** (1100 Springfield Road, Penn Run, Indiana County, PA 15765)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Indiana, to points in Pennsylvania, and return.

**A-00123174. Joseph M. Kilmer, Jr.** (R. R. 3, Box 1571, Port Royal, Juniata County, PA 17082)—persons, in paratransit service, from the County of Juniata, to points in Pennsylvania, and return.

**A-00123175. Alexis Fuentes-Vega** (513 West Green Street, Hazleton, Luzerne County, PA 18201)—persons, in paratransit service, from Hazleton, Luzerne County to Pittston, Luzerne County, Pennsylvania, and return.

**A-00123178. Francisco Duran** (662 North Locust Street, Hazleton, Luzerne County, PA 18201)—persons, in paratransit service, from Hazleton, Luzerne County to Pittston, Luzerne County, Pennsylvania, and return.

**A-00123182. Dewayne Royer** (177 Mackeyville Road, P. O. Box 62, Mackeyville, Clinton County, PA 17750)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Clinton to points in Pennsylvania, and return.

**A-00123183. Doris L. Palmer, t/a Deluxe Travel & Tours** (1516 N. 6th Street, Philadelphia, Philadelphia County, PA 19122)—persons in paratransit service from points in the Counties of Philadelphia, Bucks, Montgomery and Delaware, to points in Pennsylvania, and return.

**A-00123187. Shirley Ann Ritter** (1038 Barrville Road, Reedsville, Mifflin County, PA 17084)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Mifflin, to points in Pennsylvania, and return.

**A-00123188. Ismail Subasilar** (95 Penn Estates, East Stroudsburg, Monroe County, PA 18301)—persons, in limousine service, from points in the County of Monroe, to points in Pennsylvania, and return.

**A-00123191. David Marks Azar, t/d/b/a DMA Transportation** (P. O. Box 483, Bryn Mawr, Montgomery and Delaware Counties, PA 19301)—persons, in limousine service, in the Counties of Chester, Montgomery, Delaware and Bucks, and from said counties to points in Pennsylvania, and return.

**A-00123195. Michael Dean Axe** (1142 Lebanon Road, Manheim, Lancaster County, PA 17545)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Borough of Manheim, Lancaster County and within 10 statute miles of said borough, to points in Pennsylvania, and return.

**A-00123196 F.2. Eleanore Bartell, t/a Bartell Services** (333 Nicholas Street, Pottsville, Schuylkill County, PA 17545)—persons in paratransit service, from points in the County of Schuylkill, to points in Pennsylvania, and return.

**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-00122163, F.1, Am-A. Lifestar Ambulance, Inc.** (15 Ardrossan Avenue, West Chester, Chester County, PA 19382), a corporation of the Commonwealth—persons in paratransit service, from points in the County of Chester, to points in Pennsylvania, and return: *So as to permit the transportation of persons, in paratransit service, between points in the City and County of Philadelphia, and from said city and county, to points in Pennsylvania, and return.*

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.**

**A-00107326, F.4. Handy Delivery, Inc., t/a Handy Delivery** (2197 High Tech Road, State College, Centre County, PA 16803)—a corporation of the Commonwealth—persons in airport transfer service, from University Park Airport, Centre County, to points in Pennsylvania.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under the application.**

**A-00123180. Genco Enterprise, LLC, t/d/b/a Town & Country Moving & Storage** (612 Jeffers Circle, Exton, Chester County, PA 19341), a limited liability company of the State of Delaware—household goods in use: (1) between points in the Counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not including said places; (2) from points in the Counties of Philadelphia, Delaware, Chester, Montgomery and Bucks, included within a line which connects the municipal boundaries of Chester, West Chester, Paoli, Norristown, Doylestown and Morrisville, but not includ-

ing said places, to other points in Pennsylvania, and vice versa; (3) for the United States Department of Defense, between points in the Counties of Lehigh, Bucks, Chester, Montgomery, Delaware and Northampton, and within an airline distance of 25 statute miles of the limits thereof, and from points in said territory, to points in Pennsylvania, and vice versa; and (4) between points in the County of Chester, and from points in said county, to points in Pennsylvania, and vice versa; which is to be a transfer of all of the rights authorized under the certificate issued at A-00113767, issued to Town and Country Van Line, Inc., a corporation of the Commonwealth, subject to the same limitations and conditions. *Attorney:* John J. Gallagher, Suite 1100, 1760 Market Street, Philadelphia, PA 19103-4104.

**Applications 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 each application.**

**A-00120285. Daryl W. Jackson, t/a Daryl Jackson Amish Passenger Service** (470 Houtztown Road, Myerstown, Lebanon County, PA 17067)—certificate of public convenience to abandon/discontinue the rights to transport, as a common carrier by motor vehicle, persons whose personal convictions prevent them from owning or operating motor vehicles, in paratransit service, from points in the County of Lebanon to points in Pennsylvania, and return.

**A-00121486. Sunshine Partnership, LLC, t/a Superior Coach Service** (P. O. Box 1044, Uniontown, Fayette County, PA 15401)—certificate of public convenience to discontinue the right to transport, as a common carrier, persons in limousine service, between points in the County of Fayette, and from points in said county to points in the Counties of Allegheny, Washington, Westmoreland, Greene and Somerset, and return. *Attorney:* Morella & Associates, 706 Rochester Road, Pittsburgh, PA 15237.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-2088. Filed for public inspection October 20, 2006, 9:00 a.m.]

### Utility Propane Sales Service

**A-122050F2003. PPL Gas Utilities Corporation.** Application of PPL Gas Utilities Corporation for approval of the abandonment or discontinuance of Utility Propane Sales Service to 14 commercial customers in Snake Spring Valley Township, Bedford County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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, on or before November 6, 2006. The documents filed in support of the application 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 applicant's business address.

*Applicant:* PPL Gas Utilities Corporation

*Through and By Counsel:* John H. Isom, Esquire, Post & Schell, P. C., 17 North Second Street, 12th Floor, Harrisburg, PA 17101

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-2089. Filed for public inspection October 20, 2006, 9:00 a.m.]

### Water Service

**A-210104F0076. Aqua Pennsylvania, Inc.** Application of Aqua Pennsylvania, Inc. for approval to begin to offer, render, furnish and supply water service to the public in a portion of Caln Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 6, 2006. The documents filed in support of the application 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 applicant's business address.

*Applicant:* Aqua Pennsylvania, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-2090. Filed for public inspection October 20, 2006, 9:00 a.m.]

### Water Service

**A-210104F0077. Aqua Pennsylvania, Inc.** Application of Aqua Pennsylvania, Inc. for approval of: 1) the acquisition by Aqua Pennsylvania, Inc. of the water system assets of the estate of Brenda Davis; and 2) the right of Aqua Pennsylvania, Inc. to begin to offer, render, furnish or supply water service to the public in an additional portion of Palmyra Township, Wayne County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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, on or before November 6, 2006. The documents filed in support of the application 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 applicant's business address.

*Applicant:* Aqua Pennsylvania, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-2091. Filed for public inspection October 20, 2006, 9:00 a.m.]

### Water Service

**A-212840F2000 and A-213550F0024. The York Water Company and Spring Grove Water Company.** Application of The York Water Company and its wholly owned subsidiary Spring Grove Water Company for approval of: 1) the merger of Spring Grove Water Company with and into The York Water Company; 2) the right of The York Water Company to begin to supply water service to the public in the service area previously served by Spring Grove Water Company; and 3) the abandonment of water service of Spring Grove Water Company in this Commonwealth.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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, on or before November 6, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between of 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicants:* The York Water Company and Spring Grove Water Company

*Through and By Counsel:* Michael W. Gang, Esquire, Michael W. Hassell, Esquire, Post & Schell, P. C., 17 North 2nd Street, 12th Floor, Harrisburg, PA 17101-1601

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-2092. Filed for public inspection October 20, 2006, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #06-152.1, Replace O/H Steel Doors at Pier 80 S. until 2 p.m. on Thursday, November 16, 2006. 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 24, 2006. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% PA 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 November 2, 2006, 10 a.m. at Columbus Blvd. and Snyder Ave. (pier entrance gate north of Pier 78 S. Annex), Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 06-2093. Filed for public inspection October 20, 2006, 9:00 a.m.]

**Request for Bids**

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project #06-160.P, Purchase of Printer and Fax Cartridges, until 2 p.m. on Thursday, November 2, 2006. 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 2, 2006. The cost of the above bid documents is \$15 each (includes 7% PA Sales Tax) which is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 06-2094. Filed for public inspection October 20, 2006, 9:00 a.m.]

**Request for Bids**

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project #06-161.P Janitorial Supplies, until 2 p.m. on Thursday, November 2, 2006. 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 24, 2006. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 06-2095. Filed for public inspection October 20, 2006, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Ann Chan and Hong TK Pham t/d/b/a Victoria Nails; Doc. No. 0487-45-06

On September 20, 2006, Ann Chan and Hong Tk Pham t/d/b/a Victoria Nails, cosmetology license No. CZ-115246-L, of Philadelphia, Philadelphia County, was assessed a civil penalty of \$250 for failing to comply with a disciplinary order of the State Board of Cosmetology (Board).

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the

Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 06-2096. Filed for public inspection October 20, 2006, 9:00 a.m.]

### Bureau of Professional and Occupational Affairs v. Nicole Hopkins t/d/b/a 100% U, Inc.; Doc. No. 0024-45-2006

On July 18, 2006, Nicole Hopkins t/d/b/a 100% U, Inc., of Philadelphia, Philadelphia County, was assessed a civil penalty of \$947, based on her operating an unlicensed cosmetology shop.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 06-2097. Filed for public inspection October 20, 2006, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Melinda DuClos; Doc. No. 1499-51-06; File No. 05-51-09546

Melinda DuClos of Carson City, Nevada and Philadelphia, Philadelphia County was denied a professional nursing license in this Commonwealth because of disciplinary action on her Nevada nursing license.

Individuals may obtain a copy of the adjudication by writing to Carole L. Clarke, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Board of Nursing (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.

JOANNE L. SORENSEN, R. N., MS,  
*Chairperson*

[Pa.B. Doc. No. 06-2098. Filed for public inspection October 20, 2006, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

November 20, 2006	Lawrence Georgetti (D) (Service Transfer)	1 p.m.
November 21, 2006	Arthur Conn (D) (Change Retirement Option Selection)	1 p.m.
November 27, 2006	Lynn L. Fiedler (Multiple Service Election)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1

Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

ERIC HENRY,  
*Secretary*

[Pa.B. Doc. No. 06-2099. Filed for public inspection October 20, 2006, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

**Bureau of Professional and Occupational Affairs v.  
Christopher Santarelli; Doc. No. 0458-56-06, File  
No. 05-56-07622**

Christopher Santarelli, license no. RS-272560, of Leesport, Berks County, has been suspended for at least 3 years and until he can prove he is fit to practice for violating the terms of his Agreement.

Persons may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Real Estate Commission (Commission) decision in this matter. It may be appealed to the Commonwealth Court 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 of Pennsylvania must serve the Commission with a copy of the petition for review. The Commission contact for receiving service of the appeals is the previously named Commission counsel.

JOSEPH TARANTINO, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 06-2100. Filed for public inspection October 20, 2006, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

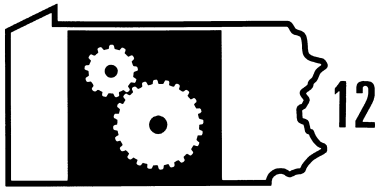
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at [www.patreaury.org](http://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

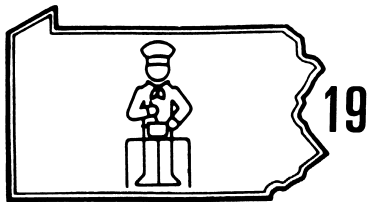
ROBERT P. CASEY, Jr.,  
*State Treasurer*



### Drafting and Design Services

**RFP# 10122424** Bloomsburg University is seeking an Architectural firm to design a new student housing apartments, bid document preparation, bid participation, construction observation and closeout responsibilities. The University desires to construct new student housing on a 15 acre site on the University's Upper Campus. The project will provide apartment style housing for approximately 525 students. The interior design and site layout will be based on the results of a survey of student preferences and preliminary design work. On site parking for the complex as well as community space for recreation and gathering must also be provided. The project completion is set for August 2009. To request a proposal, fax request to Bloomsburg University, ATTN: Diann Shamburg at 570-389-2017 and include email address with request. Pre-bid conference has been set for November 2, 2006 at 10:30 am, Bloomsburg University, Andruss Library, Schweiker Room, Bloomsburg, PA 17815 and proposal due date is November 22, 2006 at 1:00 pm.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, 400 E. Second Street, Bloomsburg, PA 17815  
**Duration:** Design and Construction to be completed August 2009  
**Contact:** Diann Shamburg, 570-389-4312



### Food

**CN00023246** SIX MONTH BID FOR BREAD AND ROLLS: JANUARY 01, 2006 THROUGH JUNE 30, 2006 BID OPENING—NOVEMBER 3, 2006.

**Department:** Public Welfare  
**Location:** EBENSBURG CENTER, DPW, 4501 ADMIRAL PEARY HIGHWAY, EBENSBURG, PA 15931  
**Duration:** six months  
**Contact:** MARILYN A. CARTWRIGHT, 814-472-0259

**CN 00023263** VENDOR WILL PROVIDE FOOD STUFFS INCLUDING, BUT NOT LIMITED TO: MEAT, POULTRY, SEAFOOD, BAKERY, DAIRY, MILK, FROZEN VEGETABLES AND FRUIT PRODUCTS TO THE STATE CORRECTIONAL INSTITUTION AT MAHANAY, 301 MOREA ROAD, SCHUYLKILL COUNTY, MAHANAY TOWNSHIP, FRACKVILLE, PA. BID PACKAGE TO BE REQUESTED IN WRITING TO THE PURCHASING AGENT OF THE INSTITUTION. BID DUE DATE: 10/24/06 @ 3 PM.

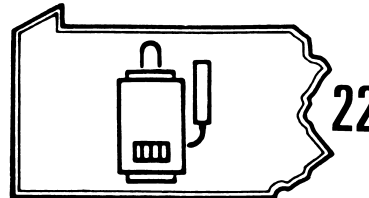
**Department:** Corrections  
**Location:** STATE CORRECTIONAL INSTITUTION AT MAHANAY, 301 MOREA ROAD, FRACKVILLE, PA 17932  
**Duration:** OCTOBER 24, 2006 TO DECEMBER 24, 2006  
**Contact:** Dawn M. Troutman, Purchasing, (570) 773-2158

**CN00023222** Frozen poultry commodity to be delivered to SCI Greene in Waynesburg, PA on 10/26/06 and 12/07/06.

**Department:** Corrections  
**Location:** SCI Greene, 169 Progress Dr., Waynesburg, PA 15370  
**Duration:** Bid opening: 10/17/06  
**Contact:** Laura Mohr, Purchasing Agent, 724/852-5534

**CN00023106** State Correctional Institution at Fayette will be soliciting bids for non-carbonated beverages to serve to the staff and inmates. The duration of the contract will be on a one-year basis. Interested vendors can call to request quotes for the beverages. If you are interested in bidding, you will need to have a state vendor number before you can request a bid.

**Department:** Corrections  
**Location:** State Correctional Institution Fayette, 50 Overlook Drive, LaBelle, PA 15450  
**Duration:** November 1, 2006—October 31, 2007  
**Contact:** Melissa Walker, 724-364-2200



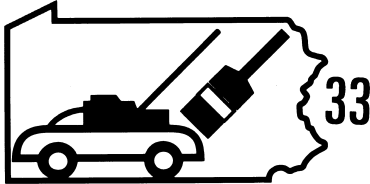
### HVAC Services

**409-MS** "Robinson Learning Center: Data Center Emergency Generator," Project 409-MS. Lock Haven University of Pennsylvania, part of the State System of Higher Education, is seeking bids for Electrical Construction. Brief description of project: Furnishing and installing a new 150 KW outdoor emergency generator, automatic transfer switch, panelboards, transformers, wiring/conduit, and related work. A pre-bid meeting will be held at the Robinson Learning Center's "Hall of Flags" (ground floor) on Thursday, October 26th, 2006 (1:30 p.m.). While not mandated for bidding, all prospective bidders are highly encouraged to attend the meeting and the site-tour which immediately follows. Bids are due on Thursday, November 9th, 2006 (2:00 PM) and are scheduled to be publicly opened shortly thereafter. For further information, or to request contract documents for a non-refundable fee of \$60, bidders can contact "W2A Design Group" 609 Hamilton Street, Suite 200; Allentown, PA 18101-2189; ph: 610.437.4450; fax: 610.437.2817. It is anticipated that bidding documents will be available from the Professional firm beginning October 16th, 2006. Contract Bonds, MBE/WBE solicitation, and Prevailing Minimum Wages apply to this project. The System encourages responses from small firms, minority firms, women-owned firms, and firms which may have not previously performed work for the System. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the State System of Higher Education.

**Department:** State System of Higher Education  
**Location:** Lock Haven University Main Campus—Clinton County, Robinson Learning Center Facility, Lock Haven, PA 17745  
**Duration:** It is anticipated that construction and installation shall be performed in late Winter/early Spring, 2007.  
**Contact:** W2A Design Group, 610-437-4450

**CN00023223** Provide complete HVAC Maintenance and Emergency Services for the Delaware Water Gap Welcome Center (site F) located on Interstate 80 in Smithfield Township, Monroe County, for a 3 year period, with an additional 2 year renewal with mutual consent between contractor and Department of Transportation. Bid Due Date is 11/2/2006, 10:00 A.M. Bid opening to be held at Penndot, Engineering District 5-0, Parkwood Annex, 2460 Parkwood Drive, Allentown, PA 18103, on November 2, 2006, 10:00 A.M.

**Department:** Transportation  
**Location:** Interstate 80, Smithfield Township, Monroe County  
**Duration:** 3 year purchase order period, with an additional 2 year renewal with mutual consent between contractor and dept.  
**Contact:** Ron Deusch, 610-791-6061



## Property Maintenance

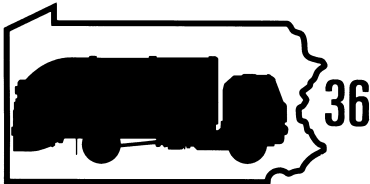
**CN00023241** Snow removal services—hauling, plowing, sidewalk snow removal, anti-skid application. Bid Opening Date: 10-19-06 Bid Opening Time: 2:00 P.M.

**Department:** Labor and Industry

**Location:** Unemployment Compensation Board of Review, 300 Kennedy Blvd., Pittston, PA 18640

**Duration:** One Year Contract Effective Date December 1, 2006.

**Contact:** Robyn Stacey, (717) 346-7667



## Sanitation

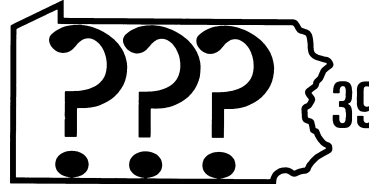
**SP354400003 REBID** The Pennsylvania Department of Environmental Protection, Northcentral Region, requires a contractor to provide services for the excavation, removal, transportation & disposal of construction, demolition & municipal wastes. There will be a mandatory pre-bid site inspection held at the site on Tuesday, October 10, 2006. Attendance at this meeting is required for bidding on the project. Bid must be received by 12:00 noon, Monday, October 16, 2006. Interested vendors should be registered with the Commonwealth of Pennsylvania Vendor Program prior to submitting their bid package. To register and obtain a PA vendor number, call 1-866-775-2868 or log in to [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us).

**Department:** Environmental Protection

**Location:** 1832 Continental Blvd., Danville, Pennsylvania 17821.

**Duration:** November 30, 2006

**Contact:** Teresa Woodring, 570-327-3637



## Miscellaneous

**CN00023229** Correctional Industries, Commissary Distribution Center is seeking contractors to renovate 3 existing buildings @ SCI Rockview. The contractor will be responsible for demolition, general construction, electrical, exterior fencing, and fire safety; interested parties can contact Sonya Schurtz for a copying of the proposal of the construction needed to be performed. Correctional Industries will be holding a MANDATORY pre-bid meeting scheduled, Thursday, October 12, 2006 from 10 am-12 pm @ SCI Rockview. The purpose of this conference is to provide opportunity for clarification of what is expected from contractors. In view of the limited facility availability for the conference/site visit, Offerers should limit their representation to two (2) individuals per Offerer. Attendance at the conference/site visit is MANDATORY. Interested contractors MUST ATTEND the conference/site visit to bid on the services. FAILURE TO ATTEND THE CONFERENCE/SITE VISIT AT THE INSTITUTION, SHALL DISQUALIFY AN OFFERER FROM CONSIDERATION FOR ANY CONTRACT TO BE AWARDED AND IF BID IS SUBMITTED WILL BE DISQUALIFIED FOR NO SHOW. Please fax (717-731-7008) or email Sonya Schurtz ([sschurtz@state.pa.us](mailto:sschurtz@state.pa.us)) on your company letterhead, the following information BY THE CLOSE OF BUSINESS, TUESDAY, OCTOBER 10, 2006 (This information is needed to arrange gate clearances): The names of the attendees, driver's license number of the attendees. THE FOLLOWING ITEMS WILL NOT BE ALLOWED TO ENTER THE INSTITUTION: Cameras, cell phones, weapons, and tools. If you need to bring any item beside paper, writing utensil, and driver's license, you need to get this PRE-APPROVED BEFORE ENTERING INSIDE THE INSTITUTION. Any questions or concerns, regarding this invitation to the MANDATORY PRE-BID CONFERENCE/SITE VISIT, please contact Sonya Schurtz by fax (717-731-7008) or email ([sschurtz@state.pa.us](mailto:sschurtz@state.pa.us)).

**Department:** Corrections

**Location:** Correctional Industries @ Rockview, Commissary Distribution Center Box A, Bellefonte, Pa 16823

**Duration:** PLEASE RESPOND IF YOU ARE INTERESTED IN ATTENDING THE MANDATORY PRE-BID CONFERENCE/SITE VISIT BY TUESDAY,

**Contact:** Sonya Schurtz, 717-731-7008

**RFP 31-06** The Department of Public Welfare, Office of Medical Assistance Programs, seeks proposals for Specialty Pharmacy Drug Program. Prospective vendors must register with the Integrated Enterprise System (IES) at [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us). DPW utilizes the information contained in the vendor master file for its procurement activities. Registered vendors who need to update or change the existing information in this file must contact IES and provide the changes or updates to IES. It is the vendor's responsibility to contact IES for changes, as DPW is unable to change vendor information. If you fail to update or change information, you may not receive requested bid information. Proposals must be received no later than November 3, 2006 at 2:00 p.m. Please check back often to this site. Updates will be posted as they occur.

**Department:** Public Welfare

**Location:** 42 Counties that do not have risk-based mandatory managed care (Health Choices). See Appendix B, Map of Medical Assistance Program Areas.

**Duration:** Two years from effective date with two (2) one-year renewal options

**Contact:** Ed Collins, 717-705-3878

**CN00022214** Section 2599.3(a) of the School Code directs the PA State Board of Education "to conduct or provide for a comprehensive State-wide costing-out study to arrive at a determination of the basic cost per pupil to provide an education that will permit a student to meet the State's academic standards and assessments." As provided by the statute, the study must review both the adequacy and equity of State and local funding support of the Commonwealth's public schools. Additional detail is provided in Part IV of this Request for Proposal. Questions must be submitted via e-mail by 9 a.m. on October 16, 2006; all questions and answers will be posted at this website by October 18 as an addendum to this RFP. NO PREPROPOSAL CONFERENCE IS PLANNED. Proposals must be submitted by 12:00 Noon on Nov. 8, 2006 as per instructions contained in the RFP.

**Department:** Education

**Location:** PA Dept. of Education, Bureau of Management Services—Procurement, 333 Market Street, 15th Floor, Harrisburg, PA 17126-0333

**Duration:** Not to exceed 12 months.

**Contact:** Cathy Anderson, Procurement Manager, (717) 783-9792

**41304** Sunroc water coolers. No substitutes.

**Department:** State System of Higher Education

**Location:** West Chester University of Pennsylvania, Purchasing Department, 201 Carter Dr. Suite 200, Room #228, West Chester, PA 19383

**Duration:** bid is due 10/16/06 at 2:00 PM ET

**Contact:** Karen Kehler, 610-436-2603

[Pa.B. Doc. No. 06-2101. Filed for public inspection October 20, 2006, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,  
*Secretary*