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# PENNSYLVANIA BULLETIN

Volume 35  
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Number 45  
Pages 6077—6216

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Pennsylvania Gaming Control Board's  
Amendment to Temporary Regulations

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State Board of Medicine

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**Latest Pennsylvania Code Reporter  
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**No. 372, November 2005**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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#### **Printing Format**

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

#### **Fiscal Notes**

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2005.

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300 ..... 10  
400 ..... 3218  
500 ..... 10

**Proposed Rules**

100 ..... 1974, 4306  
200 ..... 1560, 2258, 5679  
300 ..... 2258  
400 ..... 245  
500 ..... 2258

**249 Pa. Code (Philadelphia Rules)**

Unclassified . . . 1334, 1880, 1975, 1977, 2096, 2272, 2605,  
3290, 3404, 3658, 4088, 4179, 4182, 4186, 6091

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 1881, 2273

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

Unclassified . . . 12, 246, 247, 350, 501, 505, 647, 654, 736,  
1190, 1196, 1334, 1417, 1419, 1561, 1566, 1759, 1882,  
1883, 1978, 1979, 2097, 2099, 2390, 2618, 2722, 2727,  
2870, 2871, 2874, 2875, 2995, 3004, 3014, 3018, 3290,  
3291, 3660, 3921, 3922, 4088, 4594, 4595, 4709, 4920,  
5003, 5094, 5095, 5245, 5378, 5518, 5772, 5773, 5954,  
5982, 5983, 5984, 6091, 6092

# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 2]

Order Amending Rules 203, 205, and 206; No. 333  
Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the October 19, 2005 changes to Rules of Criminal Procedure 203, 205, and 206. The changes, which will be effective February 1, 2006, provide procedures for anticipatory search warrants. The Final Report follows the Court's Order.

### Order

*Per Curiam:*

Now, this 19th day of October, 2005, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 35 Pa.B. 2861 (May 14, 2005), and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules of Criminal Procedure 203, 205, and 206 are amended in the following form.

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

### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### CHAPTER 2. INVESTIGATIONS

#### PART A. Search Warrant

#### Rule 203. Requirements for Issuance.

\* \* \* \* \*

**(F) A search warrant may be issued in anticipation of a prospective event as long as the warrant is based upon an affidavit showing probable cause that at some future time, but not currently, certain evidence of a crime will be located at a specified place.**

#### Comment

\* \* \* \* \*

Paragraph (D) changes the procedure discussed in *Commonwealth v. Crawley*, 209 Pa. Super. 70, 223 A.2d 885 ([ Pa. Super. ] 1966), aff'd per curiam 432 Pa. 627, 247 A.2d 226 ([ Pa. ] 1968). See *Commonwealth v. Miliken*, 450 Pa. 310, 300 A.2d 78 ([ Pa. ] 1973).

\* \* \* \* \*

Paragraph (F) was added to the rule in 2005 to provide for anticipatory search warrants. The rule incorporates the definition of anticipatory search warrants set forth in *Commonwealth v. Glass*, 562 Pa. 187, 754 A.2d 655 (2000).

**Official Note:** Rule 203 adopted March 28, 1973, effective for warrants issued 60 days hence; renumbered Rule 203 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended October 19, 2005, effective February 1, 2006.

#### Committee Explanatory Reports:

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

\* \* \* \* \*

**Final Report explaining the October 19, 2005 amendments regarding anticipatory search warrants published with the Court's Order at 35 Pa.B. (November 5, 2005).**

#### Rule 205. Contents of Search Warrant.

Each search warrant shall be signed by the issuing authority and shall:

\* \* \* \* \*

(4) direct that the search be executed **either**:

(a) within a specified period of time, not to exceed 2 days from the time of issuance, **or**;

(b) **when the warrant is issued for a prospective event, only after the specified event has occurred;**

\* \* \* \* \*

#### Comment

Paragraphs (2) and (3) are intended to proscribe general or exploratory searches by requiring that searches be directed only towards the specific items, persons, or places set forth in the warrant. Such warrants should, however, be read in a common sense fashion and should not be invalidated by hypertechnical interpretations. This may mean, for instance, that when an exact description of a particular item is not possible, a generic description may suffice. See *Commonwealth v. Matthews*, 446 Pa. 65, 69—74, 285 A.2d 510, 513-14 ([ Pa. ] 1971).

Paragraph (4) is included pursuant to the Court's supervisory powers over judicial procedure to supplement *Commonwealth v. [McCante] McCants*, 450 Pa. 245, 299 A.2d 283 ([ Pa. ] 1973), holding that an unreasonable delay between the issuance and service of a search warrant jeopardizes its validity. Paragraph (4) sets an outer limit on reasonableness. A warrant could, in a particular case, grow stale in less than two days. If the issuing authority believes that only a particular period which is less than two days is reasonable, he or she must specify such period in the warrant.

**Paragraph (4)(b) provides for anticipatory search warrants. These types of warrants are defined in *Commonwealth v. Glass*, 562 Pa. 187, 754 A.2d 655 (2000), as "a warrant based upon an affidavit showing probable cause that at some future time (but not presently) certain evidence of crime will be located at a specified place."**

\* \* \* \* \*

**Official Note:** Rule 205 adopted October 17, 1973, effective 60 days hence; amended November 9, 1984, effective January 2, 1985; amended September 3, 1993, effective January 1, 1994; renumbered Rule 205 and amended March 1, 2000, effective April 1, 2001; amend **October 19, 2005, effective February 1, 2006.**

#### Committee Explanatory Reports:

\* \* \* \* \*

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

**Final Report explaining the October 19, 2005 amendments to paragraph (4) and the Comment published with the Court's Order at 35 Pa.B. 6088 (November 5, 2005).**

**Rule 206. Contents of Application for Search Warrant.**

Each application for a search warrant shall be supported by written affidavit(s) signed and sworn to or affirmed before an issuing authority, which affidavit(s) shall:

\* \* \* \* \*

(6) set forth specifically the facts and circumstances which form the basis for the affiant's conclusion that there is probable cause to believe that the items or property identified are evidence or the fruit of a crime, or are contraband, or are **or are expected to be** otherwise unlawfully possessed or subject to seizure, and that these items or property are **or are expected to be** located on the particular person or at the particular place described;

\* \* \* \* \*

**Comment**

\* \* \* \* \*

While this rule continues to require written affidavits, the form of affidavit was deleted in 1984 because it is no longer necessary to control the specific form of written affidavit by rule.

**The 2005 amendments to paragraph (6) recognize anticipatory search warrants. To satisfy the requirements of paragraph (6) when the warrant being requested is for a prospective event, the application for the search warrant also must include a statement explaining how the affiant knows that the items to be seized on a later occasion will be at the place specified. See *Commonwealth v. Coleman*, 574 Pa. 261, 830 A.2d 554 (2003), and *Commonwealth v. Glass*, 562 Pa. 187, 754 A.2d 655 (2000).**

\* \* \* \* \*

**Official Note:** Previous Rule 2006 adopted October 17, 1973, effective 60 days hence; rescinded November 9, 1984, effective January 2, 1985. Present Rule 2006 adopted November 9, 1984, effective January 2, 1985; amended September 3, 1993, effective January 1, 1994; renumbered Rule 206 and amended March 1, 2000, effective April 1, 2001; **amended October 19, 2005, effective February 1, 2006.**

*Committee Explanatory Reports:*

\* \* \* \* \*

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

**Final Report explaining the October 19, 2005 amendments to paragraph (6) and the Comment published with the Court's Order at 35 Pa.B. 6088 (November 5, 2005).**

**FINAL REPORT<sup>1</sup>**

***Amendments to Pa.Rs.Crim.P. 203, 205, and 206***

**Anticipatory Search Warrants**

On October 19, 2005, effective February 1, 2006, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules 203 (Requirements for Issuance), 205 (Contents of Search Warrant), and 206 (Contents of Application for Search Warrant) to provide procedures for anticipatory search warrants.

In response to *Commonwealth v. Glass*, 562 Pa. 187, 754 A.2d 655 (2000), and *Commonwealth v. Coleman*, 574 Pa. 261, 830 A.2d 554 (2003) in which the Court acknowledges the validity of anticipatory search warrants<sup>2</sup>, the Committee reviewed the search warrant rules, Part A (Search Warrants) of Chapter 2 (Investigations), to determine whether the rules required amendment to accommodate anticipatory search warrants.

As defined in *Glass*, an anticipatory search warrant is "a warrant based upon an affidavit showing probable cause that at some future time (but not presently) certain evidence of crime will be located at a specified place." *Coleman* provided further guidance concerning, inter alia, the requirements that (1) the execution of the warrant be explicitly conditioned upon the occurrence of a triggering event and (2) at the time of issuance, there be a fair probability that the event will actually occur.

The Committee, after reviewing *Glass* and *Coleman* and the search warrant rules, agreed the search warrant rules, in particular Rules 203, 205, and 206, in their current form could be read to prohibit anticipatory search warrants and thus would create confusion for members of the bench and bar and minor judiciary. Accordingly, the Committee recommended that Rules 203, 205, and 206 be amended to accommodate anticipatory search warrants as recognized in *Glass* and its progeny.

Rule 203 (Requirements for Issuance) is amended by the addition of a new paragraph (F) that provides the general authority for anticipatory search warrants, based on the definition contained in *Glass*. Proposed new paragraph (F) states:

A search warrant may be issued in anticipation of a prospective event as long as the warrant is based upon an affidavit showing probable cause that at some future time, but not currently, certain evidence of a crime will be located at a specified place.

A reference to *Glass* is added to the Comment to Rule 203.

Paragraph (4)(b) of Rule 205 is amended to make it clear that, when a warrant is issued for a prospective event, it may be executed only after the specified event has occurred. Thus, officers executing the warrant would not need further approval from or contact with the issuing authority in order to execute the warrant. The officers' decision to execute the warrant could be challenged by suppression motion. A citation to the *Glass* definition of "anticipatory search warrant" is also added to the Comment to Rule 205.

Paragraph (6) of Rule 206 is amended to include prospective events as a basis for the facts and circumstances that form the basis of the probable cause conclu-

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

<sup>2</sup> Pursuant to *Glass*, anticipatory search warrants are consistent with constitutional protections against unreasonable searches and seizures so long as the issuing authority is satisfied that the warrant will not be executed prematurely.

sion. The Comment is also revised to refer to *Glass* and *Coleman*, adding further refinement to the probable cause determination regarding anticipatory search warrants.

[Pa.B. Doc. No. 05-2011. Filed for public inspection November 4, 2005, 9:00 a.m.]

[234 PA. CODE CH. 5]

Order Amending Rules 514 and 517; No. 332 Criminal Procedural Rules; Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the October 19, 2005 changes to Rules of Criminal Procedure 514 and 517. The changes, which will be effective February 1, 2006, eliminate the term "alias warrants" from the rules as archaic, and replace the term in Rule 514 with a provision for the reissuance of a warrant and in Rule 517 with a provision for the issuance of a bench warrant. The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 19th day of October, 2005, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 35 Pa.B. 1558 (March 5, 2005), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules of Criminal Procedure 514 and 517 are amended in the following form.

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

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART B(3). Arrest Procedures in Court Cases

(a) Arrest Warrants

Rule 514. Duplicate and [ Alias ] Reissued Warrants of Arrest.

\* \* \* \* \*

(B) After service and execution of an original or duplicate warrant, [ an alias warrant may be issued ] the issuing authority may reissue the warrant if the purpose for which the original or duplicate has been issued has not been accomplished.

Comment

This rule permits the use of advanced communication technology for the issuance of duplicate and [ alias ] reissued arrest warrants.

Under this rule, warrant information transmitted by using advanced communication technology has the same force and effect as a duplicate or [ alias ] reissued arrest warrant. This rule does not require that the transmitted warrant information be an exact copy of the original warrant for purposes of execution under Rule 515. Nothing in this rule, however, is intended to curtail the Rule 540(C) requirement that the issuing authority

provide the defendant with an exact copy of the warrant at the preliminary arraignment. See Rule 513 (Requirements for Issuance).

This rule originally used the term "alias warrant" to describe the reissuance of a warrant that has been served and executed but has not accomplished its original purpose. The term "alias warrant" is archaic and its meaning obscure, leading to potential confusion. With the 2005 amendments, the terminology of the rule has been simplified by deleting "alias warrant" and replacing it with "reissue," thereby retaining the underlying practice previously described by the term "alias warrant."

Official Note: Original Rule 113 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 113 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 121 September 18, 1973, effective January 1, 1974; amended August 9, 1994, effective January 1, 1995; renumbered Rule 514 and amended March 1, 2000, effective April 1, 2001; Comment revised May 10, 2002, effective September 1, 2002; amended October 19, 2005, effective February 1, 2006.

Committee Explanatory Reports:

\* \* \* \* \*

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

\* \* \* \* \*

Final Report explaining the October 19, 2005 amendments to paragraph (B) deleting "alias warrant" published with the Court's Order at 35 Pa.B. 6090 (November 5, 2005).

Rule 517. Procedure in Court Cases When Warrant of Arrest is Executed Outside Judicial District of Issuance.

\* \* \* \* \*

(E) When a defendant who has posted bail and been released from custody before preliminary arraignment thereafter fails to appear at the time fixed, the proper issuing authority in the judicial district where the warrant was issued shall forthwith cause the bail to be forfeited according to law, and issue [ an alias warrant of arrest ] a bench warrant. If the defendant is thereafter arrested outside the judicial district where the [ alias ] bench warrant was issued, the defendant shall not be entitled to post bail in the judicial district where arrested, but shall be taken as soon as practicable to the judicial district where the [ alias ] bench warrant was issued for preliminary arraignment by the proper issuing authority.

\* \* \* \* \*

Comment

\* \* \* \* \*

Section 8953 of the Judicial Code, 42 Pa.C.S. § 8953, provides for the execution of warrants of arrest beyond the territorial limits of the police officer's primary jurisdiction. See also Commonwealth v. Mason, 507 Pa. 396, 490 A.2d 421 ([ Pa. ] 1985).

Paragraph (E) originally used the term "alias warrant" to describe the type of warrant issued when a defendant is arrested outside the judicial

**district of issuance, is released on bond by a magisterial district judge in the judicial district of arrest conditioned on the defendant's appearance at a preliminary arraignment in the judicial district of issuance, and then fails to appear. Because the term "alias warrant" is an archaic term that refers to the reissuance of a warrant when the original purpose of the warrant has not been achieved, and the warrant issued in paragraph (E) is issued for the failure to appear as contemplated by Rule 536(A)(1)(b), paragraph (E) was amended in 2005 by changing the terminology to "bench warrant."**

**Official Note:** Original Rule 117 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 117 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 123 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; renumbered Rule 124 and amended August 9, 1994, effective January 1, 1995; amended December 27, 1994, effective April 1, 1995; renumbered Rule 517 and amended March 1, 2000, effective April 1, 2001; Comment revised May 10, 2002, effective September 1, 2002; **amended October 19, 2005, effective February 1, 2006.**

*Committee Explanatory Reports:*

\* \* \* \* \*

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

\* \* \* \* \*

**Final Report explaining the October 19, 2005 amendments to paragraph (E) changing "alias warrant" to "bench warrant" published with the Court's Order at 35 Pa.B. 6090 (November 5, 2005).**

#### FINAL REPORT<sup>1</sup>

#### *Amendments to Pa.Rs.Crim.P. 514 and 517*

#### **Alias Warrants**

On October 19, 2005, effective February 1, 2006, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules 514 (Duplicate and Alias Warrants of Arrest) and 517 (Procedure in Court Cases When Warrant of Arrest is Executed Outside Judicial District of Issuance) to eliminate the term "alias warrants" from the rules as archaic, and replace the term in Rule 514 with a provision for the reissuance of a warrant and in Rule 517 with a provision for the issuance of a bench warrant.

These amendments developed out of the Committee's ongoing review of the rules in general. When discussing the arrest warrant rules as part of the discussion about the use of advanced communications technology, several members questioned the meaning and use of the term "alias warrant" in Rules 514 and 517. Based upon a review of the origin of the term "alias warrant" and its usage in the rules, as explained below, the Committee concluded that the term should be eliminated as archaic from Rules 514 and 517, the only rules that use the term.

The term "alias," when used as an adjective to describe issued process such as a warrant, summons or writ, generally indicates process that is issued again after the first instrument has not been effective or has not resulted in action. This particular meaning is derived from the

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

Latin phrase "sicut alias praecipimus" meaning "as we previously commanded." Specifically in Rule 514, "alias warrant" describes the situation in which a duplicate of a warrant is issued after the original warrant is served and executed but has failed to achieve its original purpose.

The use of "alias warrant" in Rule 514 has not changed since the Court originally adopted the rule in 1964. From our research into the term, the Committee concluded the term is archaic and has fallen out of usage. The members of the Committee also noted from their experience that the use of "alias warrant" in the rules is a source of confusion for members of the bench and bar. In view of these observations, the Committee evaluated the purpose of Rule 514(B) that provides:

After service and execution of an original or duplicate warrant, an alias warrant may be issued if the purpose for which the original or duplicate has been issued has not been accomplished,

and concluded the circumstances contemplated by Rule 514 may be more simply defined as a "reissuance" of the original or duplicate warrant.

Accordingly, Rule 514(B) is amended by deleting the term "alias warrant." Instead, in those circumstances in which a warrant has been served or executed but the purpose of the warrant has not been accomplished, the rule would provide that the court may reissue the original warrant. The amendment does not contemplate the need to file a new affidavit in such circumstances.

"Alias warrant" is used differently in Rule 517 than in Rule 514. Rule 517 describes the procedures for arrest warrants that are executed outside of the judicial district of issuance. The rule provides for an apprehended defendant to be brought before an issuing authority in the judicial district of arrest for the purpose of posting bail. The term "alias warrant" in Rule 517(E) describes the type of warrant that is issued when a defendant, subsequent to release on bail, fails to appear for preliminary arraignment in the judicial district of issuance.

Unlike the definition of "alias warrant" gleaned from historical references and provided in Rule 514, the original warrant in a Rule 517 context has been served and executed and the purpose for which the warrant originally had been issued was accomplished with the arrest of the defendant and the defendant's appearance before an issuing authority. Rule 517 contemplates that a preliminary arraignment will be scheduled and that the release on bail at the initial appearance is conditioned on the defendant's appearance. It is the failure to appear at the preliminary arraignment that triggers the issuance of the warrant. This situation is more akin to the issuance of a new warrant under Rule 536(A)(1)(b) for failure to appear.

The Committee reviewed the Rule 517 history and found that the use of the term "alias warrant" in Rule 517(E) has not changed since the rule's inception in 1964. We did not uncover any reason for the use of this term in the context contemplated by Rule 517. In view of the Committee's research into both Rules 514 and 517, Rule 517(E) is amended by the deletion of the term "alias warrant," and that "bench warrant" as described in Rule 536(A)(1)(b) is used in place of "alias warrant." This is a more accurate description and avoids the use of an archaic and obscure terminology.

The reasons for replacement of the term are further elaborated in the Comments to both Rules 514 and 517.

[Pa.B. Doc. No. 05-2012. Filed for public inspection November 4, 2005, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

Adoption of Philadelphia Civil Rule 1920.51(f)(3)(x) and (xi); President Judge General Court Regulation No. 2005-06

#### Order

*And Now*, this 14th day of October, 2005, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on September 22, 2005 to adopt Philadelphia Civil Rule 1920.51(f)(3)(x) and (xi), *It Is Hereby Ordered* that Philadelphia Civil Rule 1920.51(f)(3)(x) and (xi) is adopted as follows.

This General Court Regulation is issued in accordance with Pa.R.Civil.P. No. 239 and shall become effective [thirty (30) days after publication in the *Pennsylvania Bulletin*]. As required by Rule 239, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Civil Procedural Rules Committee, the Administrative Office of Pennsylvania Courts, and shall be posted on the website of the Unified Judicial System at: <http://ujportal.pacourts.us>. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Inteligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District: <http://courts.phila.gov>.

*By the Court*

FREDERICA A. MASSIAH-JACKSON,  
*President Judge*

#### Philadelphia Rule of Civil Procedure

#### Family Court Division

#### Amendment to Local Rule 1920.51(f)(3)(x) and (xi)

#### Rule 1920.51 Hearing by the Court Appointment of Master. Notice of Hearing

(f)(3)(x) Either party may within [ **ten (10) days** ] **Twenty (20) days** after the mailing date of the Master's report and proposed Order, file with the [ **Prothonotary** ] **Clerk of Family Court** a praecipe for trial de novo by a Judge, and shall forthwith serve time-stamped copies thereof on the opposing counsel of record or unrepresented party, [ **the Clerk of Family Court,** ] and the Permanent Master. The case thereafter shall be listed before a Judge for a full evidentiary hearing.

(f)(3)(xi) In the event there is no demand for a trial filed within [ **ten (10) days** ] **Twenty (20) days** following mailing of the report and proposed Order of the Permanent Master, such report and proposed Order shall be submitted to the Court for approval and entry of a Decree.

[Pa.B. Doc. No. 05-2013. Filed for public inspection November 4, 2005, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

Arrest Procedures in Delinquency Cases—Designation of Issuing Authorities; No. AD 2-2005

#### Administrative Order No. 15-2005

*And Now*, this 19th day of October, 2005, in compliance with Pennsylvania Rule of Juvenile Court Procedure 210 (A) regarding arrest warrant applications for juveniles in delinquency matters, it is hereby

*Ordered and Decreed* that, effective immediately, the following are designated as issuing authorities for arrest warrants for juveniles in delinquency cases:

1. Any judge of the Court of Common Pleas of Carbon County—Fifty-Sixth Judicial District; and
2. Any magisterial district judge of Carbon County—Fifty-Sixth Judicial District.

*It is Further Ordered and Decreed* that when the Carbon County Courthouse is closed, applications under Rule 210 shall be submitted to the "on-duty" magisterial district judge.

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

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

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

[Pa.B. Doc. No. 05-2014. Filed for public inspection November 4, 2005, 9:00 a.m.]



## YORK COUNTY

**In the Matter of the Designation of Duty Magisterial District Judges as an Issuing Authority for Juvenile Warrants after Hours; No. CP-67-AD-32-2005**

**Administrative Order**

Pursuant to Rule 210 of the Pennsylvania Rules of Juvenile Procedure, the President Judge shall ensure twenty-four (24) hour availability of a designated issuing authority.

*Accordingly*, the undersigned as President Judge and on behalf of the 19th Judicial District of York County does hereby designate the duty Magisterial District Justices to receive and issue arrest warrants upon probable cause supported by one or more affidavits sworn to before the issuing authority after normal business hours. Said duty Magisterial District Judge shall further adhere to the secure document management system adopted by Court Administration to assure the confidentiality requirements as exist under the Juvenile Act.

*It Is Further Ordered* that in accordance with Pa.R.C.P. 239 the District Court Administrator shall:

(a) File 7 certified copies hereof with the Administrative Office of Pennsylvania Courts.

(b) Distribute 2 certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(c) File 1 certified copy hereof with the Juvenile Rules Committee.

(d) Cause a copy hereof to be published one time in the *York Legal Record* at the expense of the County of York.

(e) Supervise the distribution thereof to all Judges and all members of the Bar of this Court.

It is further *Ordered* that copies of this Order are directed to: The Court of Common Pleas; Magisterial District Judges; Court Administration, attn: J. Robert Chuk, District Court Administrator; York County District Attorney's Office; York County Public Defender's Office; and the York County Juvenile Probation Department.

*By the Court*

JOHN H. CHRONISTER,  
*President Judge*

[Pa.B. Doc. No. 05-2015. Filed for public inspection November 4, 2005, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Alexander B. Dranov having been suspended from the practice of law in the State of New Jersey for a period of three months by Order of the Supreme Court of New Jersey dated May 11, 2005, the Supreme Court of Pennsylvania issued an Order dated October 24, 2005, suspending Alexander B. Dranov from the practice of law in this Commonwealth for a period of three months, consecutive to the suspension ordered on October 15, 2004. In accordance with Rule 217(f),

Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 05-2016. Filed for public inspection November 4, 2005, 9:00 a.m.]

## ORPHANS' COURT PROCEDURAL RULES COMMITTEE

### Proposed Electronic Forms

The Orphans' Court Procedural Rules Committee is re-publishing the following forms in electronic format ("e-forms"). The Committee proposes to recommend these forms to the Supreme Court of Pennsylvania for adoption so that they can be used before the Orphans' Court Divisions and Registers of Wills of this Commonwealth. The Committee has revised several of the forms in response to the comments received from the bench and bar after their original publication on June 18, 2005. In addition, there are two new forms which have been added—a Petition for Adjudication in a Minor's Estate and an Inventory for Incapacitated Persons and Minors.

The Orphans' Court Procedural Rules Committee proposes to recommend adoption of the Orphans' Court e-forms to promote uniformity and standardize the content of pleadings and forms in use across the state without supplanting local forms. The Committee believes that the use of these forms will promote judicial economy and improve accessibility to the Orphans' Courts of this Commonwealth. The Register's forms vary only slightly from previously approved printed forms.

The draft statewide e-forms are posted on the website of the Administrative Office of Pennsylvania Courts ("AOPC") at the following internet address: [www.aopc.org/index/supctcmtes/orphctrules/eforms.asp](http://www.aopc.org/index/supctcmtes/orphctrules/eforms.asp), from which the forms can be downloaded and copies can be printed. Hard copies of the forms can also be obtained upon request by contacting the Committee.

The following draft statewide e-forms are submitted for comment:

#### *Administration—Audit Forms*

Petition for Adjudication—Decedent's Estate  
Petition for Adjudication—Trust Estate  
Petition for Adjudication—Guardian of Estate of Incapacitated Person  
Petition for Adjudication—Guardian of Estate of Minor  
Petition for Adjudication—Principal's Estate under Power of Attorney  
Charitable Gift Notice  
Notice of Claim

#### *Guardianship Forms*

Annual Report of Guardian of the Estate  
Annual Report of Guardian of the Person  
Inventory—For Incapacitate or Minor's Estate

*Forms for Register of Wills*

Estate Information Sheet  
Petition for Probate  
Oath of Subscribing Witness  
Oath of Non-Subscribing Witness  
Renunciation  
Rule 5.6 Notice  
Rule 5.7 Certification of Rule 5.6 Notice  
Inventory  
Rule 6.12 Status Report

The Committee solicits input from attorneys, judges and court administrators as to both the form and substance of these draft e-forms. All communications in reference to the proposed e-forms should be sent, no later than December 6, 2005, to the following address:

Dean R. Phillips, Chief Counsel  
Rebecca M. Darr, Deputy Counsel  
Orphans' Court Procedural Rules Committee  
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*Chair*

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# PROPOSED RULEMAKING

## DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]

### Amendment to the Basin Regulations—Water Supply Charges and Comprehensive Plan Relating to Certificates of Entitlement

The Delaware River Basin Commission (Commission) will hold a public hearing to receive comments on proposed amendments to the Commission's *Basin Regulations—Water Supply Charges and Comprehensive Plan* concerning certificates of entitlement. No changes in the substance or administration of the rule are proposed. The purpose of the proposed amendments is to clarify the language of the rule to conform to the Commission's past decisions and current practices in order to provide better notice to users as to how the Commission is implementing its entitlements program and to avoid future controversy.

#### *Supplemental Information*

The Delaware River Basin Compact (Compact), the 1961 statute that created the Commission and defined its powers, authorizes the Commission to charge for the use of facilities that it may own or operate and for products and services rendered thereby. Compact, § 3.7. Congress limited this authority by providing that the Commission cannot charge for water withdrawals or diversions that could lawfully have been made without charge as of the effective date of the Compact. Id., § 15.1(b).

By Resolution No. 64-16A in 1964 the Commission authorized a water charging program. It provided for the revenues generated by the program to be used for repayment of the nonfederal share of the investment cost of water supply storage facilities associated with federal projects within the Basin. In anticipation of Commission investment in storage at the Beltzville Lake and Blue Marsh Reservoir projects in Pennsylvania, the Commission by Resolution No. 1971-4 defined, among other things, the means by which it would establish water charging rates. Consistent with § 15.1(b) of the Compact, Resolution No. 1971-4 provided that charges would be applicable only to the amount of water withdrawn in excess of the amount taken or legally entitled to be taken by an entity during the preceding year. By Resolution No. 74-6, the Commission instituted a system of water supply charges for surface water withdrawals within the Basin. That resolution provided for the issuance of certificates of entitlement to then-current water users, establishing the amount of water each could lawfully take from the surface waters of the Basin without charge, consistent with § 15.1(b) of the Compact. The resolution provided that a certificate of entitlement was not transferable, except under limited circumstances set forth in enumerated exceptions.

Because entitlements treat users that commenced water withdrawals before the enactment of the Compact more favorably than users who commenced water withdrawals later, even though all users benefit equally from the facilities financed by water supply charges, courts and the Commission have emphasized the need to eliminate entitlements over time. Both the Commission and the courts have construed narrowly the exceptions to the rule that entitlements are not transferable, and the Commission

has in its decisions consistently held that changes in ownership or control would extinguish a certificate. However, the language of the regulations has never explicitly defined "changes in ownership or control." As a consequence, in the decisions that the Commission has been asked to make in its adjudicatory capacity and that the courts have subsequently been asked to decide, the matter of what constitutes a change of ownership or control has been controversial.

In 1994, in response to a ruling by the Third Circuit in *Texaco Refining and Marketing, Inc. v. DRBC*, 824 F. Supp. 500 (D.Del. 1993), aff'd., No. 93-7475 (3d Cir. June 24, 1994) (per curiam), the Commission adopted Resolution No. 94-20. That resolution incorporated an explicit "ownership and/or control" test and eliminated the merger exception included in the Commission's regulations at the time. In addition, the exception for corporate reorganizations embodied in Section 5.2.1.F.2 of the Water Charging Regulations was amended to apply only when the reorganization "does not affect ownership and/or control."

In spite of the 1994 amendment, some members of the Basin community have continued to interpret the language of the rule in a manner contrary to the Commission's consistent interpretation. To avoid further controversy, the Commission proposes a more thorough revision of the language, intended to remove any ambiguity.

In addition to defining "change in ownership and/or control" with much greater specificity, the proposed revisions also make clear that a merger at any tier in a corporate organization will extinguish a certificate held by a subsidiary in the same way as if the merger had occurred at the subsidiary level. Although the Commission has interpreted its rule this way in the past, the rules have never been explicit on this point.

The proposed amendments preserve and clarify the corporate reorganization exception contained in the current regulation. The Commission traditionally has not extinguished an entitlement in the case of an internal reorganization, and it does not propose a change in this practice.

The proposed amendments also preserve the existing exception for agricultural uses. Historically, agriculture has been treated differently than other uses. For purposes other than agriculture, an entitlement is issued to a user and would not be transferable to a different user, even if the use remained the same. In the case of agriculture, however, an entitlement effectively runs with the land, as long as the land remains in agriculture. The proposed amendments provide that an entitlement can be reissued to the successor of a holder of a certificate issued for agricultural water use, provided that the successor demonstrates that the water will continue to be used for agricultural irrigation purposes.

#### *Dates*

The public hearing on the proposed rule change will be held on Wednesday, December 7, 2005, at approximately 2:30 p.m. as part of the Commission's regularly scheduled business meeting. The time is approximate because the Commission will conduct hearings on several dockets (project approvals) beforehand, beginning at approximately 1:30 p.m.. The hearing will continue until all those who wish to testify are afforded an opportunity to do so. In the event that all those who wish to testify cannot be heard on December 7, the hearing will be

continued at a date, time and location to be announced by the Commission Chair that day. Persons wishing to testify at the hearing are asked to register in advance with the Commission Secretary by phoning (609) 883-9500, Ext. 224. Written comments will be accepted through Tuesday, January 10, 2006.

#### Addresses

The public hearing will be held in the Goddard Room at the Commission's office building, located at 25 State Police Drive in West Trenton, New Jersey. Directions to the Commission's office building are posted on the Commission's website at [www.drbc.net](http://www.drbc.net). Written comments should be addressed to the Commission Secretary as follows: by e-mail to [paula.schmitt@drbc.state.nj.us](mailto:paula.schmitt@drbc.state.nj.us); by fax to the Commission Secretary, (609) 883-9522; by United States mail to the Commission Secretary, DRBC, P. O. Box 7360, West Trenton, NJ 08628-0360; or by overnight mail to the Commission Secretary, DRBC, 25 State Police Drive, West Trenton, NJ 08628-0360.

#### Additional Information, Contact

The full text of the proposed amendment and the text of the current regulation are posted on the Commission's website, [www.drbc.net](http://www.drbc.net).

It is proposed to amend the *Basin Regulations—Water Supply Charges* as follows:

Sections 5.2.1.D through 5.2.1.F are proposed to be replaced with the following:

#### D. Limitations.

1. A certificate of entitlement is granted to a specific user for water withdrawals or diversions at a specific facility in the amount of the Legal Entitlement as defined in Section 5.1.3.B.

2. A certificate of entitlement shall not be applied, transferred or modified to apply to a facility other than the facility initially specified in the certificate.

3. A certificate of entitlement may not be transferred from the certificate holder to another user, except as provided in the Exceptions set forth in Section 5.2.1.F.

4. A certificate of entitlement does not exempt the certificate holder from paying water supply charges for any portion of water withdrawals or diversions used outside the facility specified in the certificate and any additional service area to which the facility supplied water as of October 27, 1961. For purposes of this Section 5.2.1.D.4, a certificate holder claiming an exemption from charges for water supplied within a service area shall submit proof satisfactory to the Commission identifying the facility's service area as of October 27, 1961. In the absence of proof of the service area as of October 27, 1961, the service area defined in the Commission docket, if any, for the facility in effect at the time the certificate was issued shall be deemed to be the facility's service area. In the absence of proof of a service area, the certificate shall only exempt the certificate holder from paying water supply charges for water used at the facility.

#### E. Termination of Certificate.

1. A certificate of entitlement terminates pursuant to this Section 5.2.1.E and without the need for Commission action if (i) the certificate holder dissolves or otherwise ceases to exist, (ii) the certificate holder ceases the withdrawals or diversions at the facility to which the certificate of entitlement applies for operational reasons including without limitation a shutdown of the facility for purposes other than maintenance or improvement, an abandonment of the intake without prompt replacement

or a change in process, (iii) the certificate holder through contract, lease or other agreement ceases to be the user or public water system supplier of the water withdrawn or diverted at the facility, (iv) the certificate holder changes the principal use of the facility or (v) there is a change in the ownership or control of the facility. Once terminated, a certificate of entitlement may not be reinstated or reissued.

2. A change in ownership or control of the facility includes, but is not limited to, any transaction, acquisition, merger or event (collectively "transaction") resulting in (i) a transfer of title to the facility, (ii) a person or entity or the shareholders or other owners of an entity becoming the beneficial owner, directly or indirectly, or acquiring alone or in concert the power or right to vote at least 20 percent of any class of ownership interest in a certificate holder or any of its parent entities, regardless of the tier in the corporate or entity structure at which the transaction occurs, or (iii) a change of the de facto controlling interest in a certificate holder or any of its parent entities, regardless of the tier in the corporate or entity structure at which the change occurs.

3. A change of the de facto controlling interest in an entity includes, but is not limited to, a change of the persons or entities with the ability or authority, expressed or reserved, to direct the management or policies of an entity and/or to take at least one of the following actions:

(i) amend or change the entity's identity;

(ii) appoint or remove at least 50% of the members of the Board of Directors or Trustees of a corporation, general partner of a partnership or a similar member of the governing body of an entity;

(iii) amend or change the by-laws, constitution, or other operating or management direction of the entity;

(iv) control the sale of, use of or access to any or all of the entity's assets;

(v) encumber the entity's assets by way of mortgage or other indebtedness;

(vi) control any or all of the assets or other property of the entity upon the sale or dissolution of the entity;

(vii) dissolve the entity;

(viii) arrange for the sale or transfer of the entity to a new ownership or control;

(ix) select or change the management of the entity or determine management compensation; or

(x) set operating policies, financial policies or budgets.

4. For purposes of applying the factors listed in Section 5.2.1.E.3, consideration may be given to circumstances particular to the person or entity and certificate holder involved, including without limitation the ability of that person or entity to take actions in light of the number of shares in the certificate holder or its parent entities that are actively voted, the practice of any majority shareholder in exercising or refraining from exercising majority rights, and any agreements giving the person or entity the right to control votes of others.

5. A series of transactions undertaken pursuant to a plan or that are otherwise related shall be considered a single transaction for purposes of this Section 5.2.1.E. For purposes of calculating the twenty percent threshold in Section 5.2.1.E.2(ii), the securities, shares or other interests held immediately prior to the transaction shall be added to the securities, shares or other interests acquired in the transaction. A transaction involving a change of the

de facto controlling interest within the meaning of Sections 5.2.1.E.2(iii) and E.3 shall constitute a change in ownership or control regardless whether or not the person or entity acquiring or transferring securities, shares or other interests owns at least twenty percent of the interests immediately before or after the transaction.

F. Exceptions.

1. Agricultural Exception.

(i) Whenever ownership or possession of land in agricultural use is transferred, any certificate of entitlement with respect to such land shall be deemed to run with the land, if but only if within sixty days following the land transfer the new user demonstrates to the Executive Director that it will continue to use the water withdrawn or diverted for agricultural irrigation. Following any such timely demonstration, the Executive Director shall transfer the certificate of entitlement to the new user. The Executive Director may extend the sixty day period for good cause shown.

(ii) A certificate of entitlement that has been transferred pursuant to Section 5.2.1.F.1(i) relieves the user of the obligation to pay water supply charges only with respect to the quantity of water in fact used by the new certificate holder for agricultural irrigation up to the Legal Entitlement specified in the certificate, and not with respect to the quantity of water used for any other purposes. The provisions of Section 5.3.3 shall apply to water uses outside the scope of the certificate of entitlement.

(iii) A certificate of entitlement that has been transferred pursuant to Section 5.2.1.F.1(i) terminates pursuant to this Section 5.2.1.F.1(iii) and without the need for Commission action if and when the certificate holder ceases using the water for agricultural irrigation, provided that if the cessation occurs in conjunction with a transfer of ownership or possession of the land in agricultural use, the certificate of entitlement may be transferred to a new user pursuant to Section 5.2.1.F.1(i). Once terminated, a certificate of entitlement may not be reinstated or reissued.

2. Corporate Reorganization Exceptions.

The following provisions apply where a corporate parent directly or indirectly owning 100% of each class of shares of all of its subsidiary corporations decides to reorganize those subsidiary corporations without affecting the corporate parent's 100% ownership interest.

(i) Whenever a corporate reorganization consists solely of a change of the name, identity, internal corporate structure, or place of organization of a corporate certificate holder, the Executive Director may reissue a certificate of entitlement in the name of the new owner of the facility, provided that the reorganization does not affect ownership and/or control by the certificate holder's corporate family of companies within the meaning of Sections 5.2.1.E.2, E.3, E.4 and E.5 and does not alter the corporate parent's 100% ownership interest.

(ii) A merger or other plan, transaction or series of transactions that effectuates a change of ownership or control within the meaning of Sections 5.2.1.E.2, E.3, E.4 and E.5 does not fall within the exemption of Section 5.2.1.F.2(i) on the basis that a corporate reorganization constitutes part of the merger, plan, transaction or series of transactions.

PAMELA M. BUSH,  
Secretary

**Fiscal Note:** 68-47. No fiscal impact; (8) recommends adoption.

**Annex A**

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

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

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A [ (2001) ] (2005) and the Water Code and Water Quality Standards as set forth in 18 CFR Part 410 [ (2001) ] (2005) are hereby incorporated by reference and made a part of this title.

**§ 901.3. Water supply charges.**

The Basin Regulations—Water Supply Charges as set forth in 18 CFR Part 420 [ (1994) ] (2005) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 05-2018. Filed for public inspection November 4, 2005, 9:00 a.m.]

**DEPARTMENT OF  
REVENUE**

[61 PA. CODE CH. 91]

**Realty Transfer Tax Amendments**

The Department of Revenue (Department), under authority in section 1107-C of the Tax Reform Code of 1971 (TRC) (72 P. S. § 8107-C), proposes to amend Chapter 91 (relating to Realty Transfer Tax) to read as set forth in Annex A.

*Purpose of Proposed Rulemaking*

The amendments to Chapter 91 are made to address numerous legislative changes and to bring the regulatory provisions into conformity with Departmental policy.

*Explanation of Regulatory Requirements*

Section 91.101 (relating to definitions) is amended by updating and adding several definitions in accordance with various legislative changes and court decisions. A summary of the amendments is as follows:

“Association” is amended to address a 1994 statutory amendment to 1 Pa.C.S. § 1991 (relating to definitions) and a 1997 statutory amendment to section 1101-C of the TRC (72 P. S. § 8101-C).

“Child” is added to address an issue raised in *Steidle v. Commonwealth*, 717 A.2d 1084 (Pa. Cmwlth. 1998).

“Conservancy” is added to address a 1989 statutory amendment to section 1102-C.3(18) of the TRC (72 P. S. § 8102-C.3(18)).

“Corporation” is added to address the 1994 statutory amendment to 15 Pa.C.S. § 8925 (relating to taxation of limited liability companies).

“Debt” and “financing transaction” are added for use in the regulations.

“Living trust” and “ordinary trust” are added to address the 1997 statutory amendment to section 1101-C of the TRC.

“Settlor” and “testamentary trust” are added for use in the regulations.

The Department is proposing numerous amendments to improve the clarity of various sections, including §§ 91.132, 91.135, 91.155, 91.162, 91.166 and 91.202.

Section 91.113(b) (relating to imposition of tax on declarations of acquisition) is amended to address the family farm partnership language in section 1102-C.5(b.1) of the TRC (72 P. S. § 8102-C.5(b.1)).

Section 91.115 (relating to publication of common level ratio factors) is added to codify the Department’s existing practice of annually publishing applicable common level ratio factors for each fiscal year.

Section 91.132 (relating to bona fide sale transactions) is subdivided and amended by adding subsection (c) to address the court decision in *Allebach v. Commonwealth*, 546 Pa. 146, 683 A.2d 625 (1996).

Section 91.136 (relating to appraisal) is subdivided and amended by adding paragraph (1) to incorporate the court decision in *Kennedy Boulevard Associates I, Limited Partnership v. Tax Review Board of Philadelphia*, 751 A.2d 719 (Pa. Cmwlth. 2000).

Additional guidance with regard to confirmatory deeds utilized in business mergers, consolidations and business form changes have been added to § 91.152 (relating to confirmatory deed).

Language clarifying the taxation regarding conversion of real estate between business entities and their owners is added to § 91.154 (relating to documents involving corporations, partnerships, limited partnerships and other associations).

Amendments have been made to § 91.155 (relating to timber and crops) to include natural resources, complete timber removal and products of the soil.

Section 91.156 (relating to trusts) is substantially amended to address the trust provisions in section 1101-C of the TRC and section 1102-C of the TRC (72 P. S. § 8102-C) and the Pennsylvania Supreme Court holdings in *Leigh v. Commonwealth*, 541 Pa. 187, 661 A.2d 1374 (1995) and *Holmes v. Commonwealth*, 539 Pa. 477, 653 A.2d 615 (1995).

Since its adoption in 1988, Table I in § 91.165 (relating to reservations or conveyances of life estates) has remained unchanged. In this proposed rulemaking, the Department is updating the table using factors based on the 2000 Federal census for a single life tenant, computed at 6% interest. In addition, to keep the table current, the Department is proposing in § 91.165(c) to update the table at least once every 5 years by published notice in the *Pennsylvania Bulletin*.

New § 91.170 (relating to the rule in *Baehr Bros. v. Commonwealth*, 493 Pa. 417, 426 A.2d 1086 (1981)) sets forth rules to determine whether a document is excludible or subject to tax. New § 91.171 (relating to transfers by operation of law) describes when a transfer by operation of law is and is not subject to tax.

Numerous amendments to § 91.193 (relating to excluded transactions) are proposed to bring the section into conformity with statutory changes from 1989-1997 to section 1102-C.3 of the TRC, as well as to clarify areas that have been the subject of taxpayer inquiry and to reflect the United States Bankruptcy Court holding in *Baltimore County v. Hechinger Liquidation Trust (In re Hechinger Inv. Co. of Del., Inc.)*, 335 F.3d 243 (3d Cir. Del. 2003). In the past, the Department would allow a transfer

to be exempt from Realty Transfer Tax as long as the parties involved in the transfer showed at the time of the transfer that a plan was agreed upon under Chapter 7 and 13 bankruptcies. However, the *Hechinger* decision now requires that bankruptcies under Chapter 7 and 13 be confirmed prior to changing the deed to be exempt from Realty Transfer Tax. Subsection (c) is added to promulgate the Department’s policy that the list of excluded transactions in subsection (b) does not apply to acquisitions of real estate companies.

Section 91.195 (relating to State-related universities and public charities) is added to explain the taxability of transfers involving State-related universities and public charities.

Section 91.211 (relating to family farm corporation) is amended and §§ 91.221—91.223 (relating to partnerships) are added to address statutory changes to sections 1101-C, 1102-C.3 and 1102-C.5(b.1) of the TRC, regarding family farm partnerships.

#### *Affected Parties*

Persons or entities transferring an interest in real property could be affected by the proposed rulemaking.

#### *Fiscal Impact*

The Department has determined that the proposed rulemaking will have no significant fiscal impact on the Commonwealth. A relatively small revenue loss could result from the updating of the table concerning the reservations or conveyances of life estates in § 91.165. Conversely, a positive revenue gain may result from the change regarding the treatment of timber in § 91.155. However, there also might be some transactions that would be excluded that were not previously. Finally, the impact of the United States Bankruptcy Court holding in *Baltimore County v. Hechinger Liquidation Trust (In re Hechinger Inv. Co. of Del., Inc.)* results in a more strict standard than the Department was currently using. However, there is no reason to believe that any substantial revenue impact would result from this amendment.

#### *Paperwork*

The proposed rulemaking will require no additional paperwork for the public or the Commonwealth.

#### *Effectiveness/Sunset Date*

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

#### *Contact Person*

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

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 21, 2005, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. A copy of this material is available to the public upon request.

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

GREGORY C. FAJT,  
*Secretary*

**Fiscal Note:** 15-429. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 61. REVENUE

#### PART I. DEPARTMENT OF REVENUE

#### Subpart B. GENERAL FUND REVENUES

#### ARTICLE IV. COUNTY COLLECTIONS

#### CHAPTER 91. REALTY TRANSFER TAX.

#### Subchapter E. GENERAL

#### § 91.101. Definitions.

The following words and terms, when used in this chapter, have the following meanings:

*Association—*

(i) An unincorporated enterprise owned or conducted by two or more persons, including, but not limited to, a partnership, limited partnership, **limited liability partnership, restricted professional company that is deemed to be a limited partnership under 15 Pa.C.S. § 8997 (relating to taxation of restricted professional companies)** or joint venture.

(ii) The term does not include an ordinary or living trust, **limited liability company**, decedent's estate, tenancy in common, tenancy by the entireties or joint tenancy.

**Child—A son or daughter by either natural birth or adoption. The term does not include:**

(i) A stepson or stepdaughter.

(ii) A son or daughter of an individual whose parental rights have been terminated.

**Conservancy—An entity which possesses a tax exempt status under section 501(c)(3) of the Internal Revenue Code (26 U.S.C.A. § 501(c)(3)) and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities.**

**Corporation—A corporation, joint-stock association, limited liability company, business trust or banking institution which is organized under the laws of the Commonwealth, the United States or any other state, territory or foreign country or dependency.**

**Debt—A legally enforceable obligation arising out of a genuine debtor-creditor relationship to pay a fixed or determinable sum of money at a future date.**

\* \* \* \* \*

**Financing transaction—An arrangement in which the following apply:**

\* \* \* \* \*

(iii) The debtor retains possession and beneficial ownership of the **[ realty ] real estate transferred before default.**

(iv) **The transferee obtains title or ownership to the real estate only so far as is necessary to render the instrument of transfer effective as security for the debt.**

(v) **The transferee or the transferee's successor is obligated to return the transferred real estate at no or only nominal consideration to the debtor upon payment of the debt before default.**

**Living trust—An ordinary trust:**

(i) **Which, throughout the settlor's lifetime, is revocable by the settlor without the consent of an adverse party.**

(ii) **Which vests no present interest in any of the trust assets in any person other than the settlor or trustee until the settlor dies.**

(iii) **All the corpus and income of which can be reached or materially affected by the settlor without revocation of the trust or the consent of an adverse party.**

(iv) **From which no transfer of property or money may be made by the trustee, at any time prior to the death of the settlor, to any person in the capacity of a beneficiary other than the settlor.**

(v) **Which the trustee or, if the settlor was the trustee, the successor trustee is required under the governing instrument to distribute the corpus and retained income upon the death of the settlor.**

**Ordinary trust—**

(i) **A private trust which takes effect during the lifetime of the settlor of the trust and for which the trustees of the trust take title to property primarily for the purpose of protecting, managing or conserving trust assets, under the ordinary rules applied in the orphan's court division of the court of common pleas or in other chancery or probate courts, until distribution to the beneficiaries of the trust.**

(ii) **The term does not include:**

(A) **Business trusts organized under 15 Pa.C.S. (relating to Associations Code), Massachusetts business trusts or associations using the forms and methods of an ordinary trust which have either of the following features:**

(I) **The treatment of beneficiaries as associates.**

(II) **Beneficial interests in the trust estate or profits that are evidenced by transferable shares, similar to corporate shares, or are otherwise treated as personal property.**

(B) **Minors' estates.**

(C) **Incompetents' estates.**

(D) **A resulting or constructive trust created by operation of law.**

(E) **A testamentary trust.**

**Settlor—One who creates and furnishes the consideration for the creation of a trust by the transfer of property to the trust.**

**Testamentary trust**—A private trust that is established by will or takes effect only at or after the death of the settlor.

**Subchapter F. IMPOSITION OF TAX**

**§ 91.113. Imposition of tax on declarations of acquisition.**

\* \* \* \* \*

(b) A family farm corporation or family farm partnership is subject to pay a State tax at the rate of 1% of the value of the family farm [ realty ] real estate held by the family farm corporation or the family farm partnership when it becomes an acquired company under §§ 91.212 and 91.222 (relating to acquired family farm corporations; and acquired family farm partnership). The tax shall be paid within 30 days after the family farm corporation or the family farm partnership becomes acquired.

**§ 91.115. Publication of common level ratio factors.**

The Department will publish the applicable common level ratio factors for each fiscal year beginning July 1 and ending June 30 and during the fiscal year, any changes thereto, in the *Pennsylvania Bulletin*.

**Subchapter G. VALUATION**

**§ 91.132. Bona fide sale transactions.**

(a) In a bona fide sale of [ realty ] real estate, the value of the [ realty ] real estate is the total agreed consideration for the sale which is paid or to be paid.

(b) This value includes liens existing before the transfer and not removed thereby—whether or not the underlying indebtedness is assumed—or a commensurate part of the liens, if they also encumber other [ realty ] real estate.

(c) This value does not include the value of consideration paid by a buyer's assignee, or a subsequent assignee thereof, for the right to have the seller convey the real estate to the assignee or subsequent assignee unless the seller is a party to the assignment and receives part or all of the consideration paid for the assignment. If the seller is a party to the assignment and receives part or all of the consideration paid for the assignment, the value shall include the value of the consideration that the seller receives.

\* \* \* \* \*

**§ 91.135. Judicial sales and other transactions.**

The value of [ realty ] real estate is its computed value where the [ realty ] real estate is transferred through any of the following:

(1) By execution upon a judgment or upon foreclosure of a mortgage or under a judicial sale or tax sale or a transfer to a transferee or assignee of a bid or other rights of a purchaser under a judicial or tax sale.

\* \* \* \* \*

**§ 91.136. Appraisal.**

The value of [ realty ] real estate shall be determined by appraisal only when [ the realty ] one of the following occurs:

(1) The real estate was transferred in lieu of foreclosure.

(2) The real estate is not the subject of a bona fide sale, cannot be valued under § 91.133 (relating to leases) and is not separately assessed for local real estate tax purposes.

**Subchapter H. SPECIAL SITUATIONS**

**§ 91.152. Confirmatory deed.**

(a) A deed made without consideration for the sole purpose of confirming a prior recorded document, including a deed that only asserts an existing survivorship interest, is not taxable. This [ exclusion ] subsection only applies if the following apply:

\* \* \* \* \*

(b) A deed made without consideration for the sole purpose of confirming real estate ownership following a merger, consolidation or change in the form or identity of a corporation or an association. This subsection only applies if all of the following occur:

(1) Record title to the subject real estate is in the entity as opposed to its owners.

(2) Without the making of any document:

(i) The resultant entity is vested with all the property, real, personal and mixed, and franchises of, and the debts due, the original association or, in the case of a merger or consolidation, each party thereto.

(ii) The resultant entity is subject to all the obligations of the original association or, in the case of a merger or consolidation, the parties thereto.

(iii) Liens upon the property of the original association or, in the case of a merger or consolidation, any party thereto, are not impaired by the change in form.

(iv) Any claim existing or action or proceeding pending by or against the original association or, in the case of a merger or consolidation, any party thereto, may be prosecuted to judgment against the resultant entity.

(3) The original entity or, in the case of a merger or consolidation, any party thereto, is not required to wind up its affairs or pay its liabilities and distribute its assets either because there is no break in the continuity of its existence or because its separate existence ceases with the reformation.

(4) Considering all the ownership interests in the original entity or, in the case of a merger or consolidation, any party thereto, there is no change in proportionate ownership interests resulting from the change in form.

(5) Title to real estate would not revert or be in any way impaired by reason of the merger, consolidation or change.

*Example 1.* A and B are equal partners in a general partnership known as AB, general partnership. One of the assets of the partnership is real estate. The real estate is titled in the names of A and B, individually, as co-tenants. A and B want to convert their general partnership to a limited partnership known as AB, LP. A and B set up an LLC to be the 1% general partner in the limited partnership. A and B will



have a 99% limited partnership interest in the limited partnership (that is, A and B each have a 49.5% limited partnership interest). In order to effectuate the conversion, A and B merge the partnership into the limited partnership. The limited partnership is the surviving entity of the merger. The general partnership ceases to exist as a result of the conversion. After the conversion, A and B prepare a deed for the partnership real estate to confirm the partnership's change of form to the limited partnership. The deed is taxable because legal title to the real estate was in the name of A and B individually. Legal title was never transferred to the general partnership.

*Example 2.* Assume the same facts as Example 1 except that general partnership AB purchased the real estate with partnership funds and titled the real estate in the name of the partnership. A and B have merely converted their form of organization from that of a general partnership to a limited partnership. It continues its same business and has all the same assets and liabilities as the general partnership. Further, ownership has not changed. A and B were equal partners in the general partnership and are equal general partners (through their equal ownership of the LLC) and limited partners. Because the general partnership held the real estate of record and there has only been a change in form of the business, the deed is not taxable.

*Example 3.* Assume the same facts as Example 2, except that A becomes the general partner and B becomes the limited partner. Each holds a 50% interest in the partnership's income. Although A and B each have an equal income interest, A now has sole control over the partnership as the general partner and B has only an income interest as a limited partner. In the general partnership, A and B had equal management and income interests. Because there is a change in ownership interests, the deed is taxable.

(c) A deed made without consideration for the sole purpose of confirming a change in place of organization.

(d) Notwithstanding the provisions of § 91.154 (relating to documents involving corporations, partnerships, limited partnerships and other associations), when determining if there is a change in proportionate ownership interests, corporations and associations will not be considered to be entities separate from their members, partners, stockholders or shareholders; and when determining if there is a change in proportionate ownership interests resulting from the change to a limited partnership, the interests of the limited partners and general partners will both be considered.

(e) A deed made without consideration for the sole purpose of confirming that a prior recorded document was void ab initio and revesting record title in the grantor is not taxable.

§ 91.154. Documents involving corporations, partnerships, limited partnerships and other associations.

(a) Corporations, joint-stock associations, business trusts, banking institutions, partnerships, limited part-

nerships, joint ventures and associations are entities separate from their stockholders, shareholders, partners and members. Transfers between these entities and their stockholders, shareholders, partners and members, including transfers between a subsidiary and a parent corporation and transfers in consideration of the issuance or cancellation of stock, are fully taxable, unless the transaction is excluded under § 91.193(b)(12) or (13) (relating to excluded transactions) or subsection (b) or (c).

(b) There is no tax upon the conversion of real estate from the separate property of a stockholder, shareholder, partner or member to the property of a corporation, joint-stock association, business trust, banking institution, partnership, limited partnership, joint venture or association, provided the conversion is neither effectuated by deed nor memorialized by a writing satisfying the requirements of the Statute of Frauds. However, any writing confirming such a conversion will not be excludible under either § 91.151 or § 91.152 (relating to correctional deeds; and confirmatory deeds).

(c) There is no tax upon the conversion of real estate from the property of a corporation, joint-stock association, business trust, banking institution, partnership, limited partnership, joint venture or association to the separate property of a stockholder, shareholder, partner or member, provided the conversion is neither effectuated by deed nor memorialized by a writing satisfying the requirements of the Statute of Frauds. However, any writing confirming such a conversion will not be excludible under either § 91.151 or § 91.152.

(d) Examples are as follows:

*Example 1.* A transfers real estate to A, B and C trading as XYZ Partnership or A, B and C, co-partners. The deed from A is fully taxable. Partnerships are separate entities from their partners.

*Example 2.* Assume the same facts as Example 1, except that A merely converts the real estate to the partnership's use by oral agreement. There is no deed or other writing that satisfies the requirements of the Statute of Frauds. Because record title remains with A, no tax is due.

*Example 3.* D, E and F are partners in both TUV and QRS partnerships. D, E and F, trading as TUV Partnership, transfer real estate to D, E and F trading as QRS Partnership. The deed is fully taxable because TUV Partnership and QRS Partnership are separate entities even though each has the same partners.

§ 91.155. Timber [ and ], crops and natural resources.

\* \* \* \* \*

(b) Standing timber [ and crops are ] is considered nontaxable personal property if the instrument provides for severance and complete removal [ within an immediate ascertainable date ] at once or as soon as it can be reasonably done. A transfer of standing timber is taxable if the transferee has discretion as to the time of removal, the instrument is indefinite as to the time for removal or the instrument provides more time for the removal than is reasonably necessary, considering the nature and extent of the land and the number of feet of merchantable timber to be removed.

(c) Products of the soil are considered nontaxable personal property if one of the following apply:

- (1) The products are planted annually and gathered during a single, annual season.
- (2) The products are propagated for the purpose of being transplanted or grafted.
- (3) The products require annual pruning, spraying or cultivation.
- (4) The products are the annual products of shrubs, trees or annual or perennial plants.

**§ 91.156. Trusts.**

(a) *Transfers to ordinary trusts.* A transfer to an ordinary trust is fully taxable, [except if] unless the transfer of the same property would be wholly exempt if the transfer were made directly from the grantor to all of the possible beneficiaries who have a remainder interest or who are otherwise entitled to receive the property or the proceeds from the sale of the property as a beneficiary under the terms of the trust, whether or not the beneficiaries are contingent or specifically named.

*Example:* G transfers property to a trust without consideration for the use of B, G's spouse, for life. Under the trust, the remainder interest is vested in G's church. As a direct transfer to the religious organization would be taxable, the transfer to the trust is fully taxable.

(b) *Contingent beneficiaries.* A trust provision which identifies a contingent beneficiary by reference to the heirs of the trust settlor as determined by the laws of intestate succession will by itself neither qualify nor disqualify a transfer from the exemption provided by subsection (a).

(c) *Transfers to living trusts.* A transfer for no or nominal actual consideration to a trustee of a living trust from the settlor of the living trust is exempt.

(d) *Transfers from ordinary trusts.* A transfer from [a] an ordinary trust is fully taxable except for a transfer for no or nominal actual consideration from the trustee to [a beneficiary specified in the original recorded trust agreement under which the property was initially conveyed into the trust] the person who has the vested remainder interest or who is otherwise entitled to receive the property or the proceeds from the sale of the property as a beneficiary under the terms of the trust.

(e) *Inter vivos transfers from living trusts.*

(1) A transfer for no or nominal consideration from the trustee of a living trust during the settlor's lifetime to a grantee other than the settlor will be treated as if the transfer were made directly from the settlor to the grantee.

(2) A transfer from the trustee of a living trust to its settlor is exempt if the settlor conveyed the property to the trust.

(f) *Transfers from testamentary trusts and living trusts after the death of the settlor.* A transfer of real estate from a testamentary trust or from a living trust after the death of its settlor is exempt from tax only if the transfer is made for no or nominal actual consideration and to the person who, under the governing instrument of the trust, has the vested remainder interest or who is otherwise entitled to receive the property or the pro-

ceeds from the sale of the property as a beneficiary under the terms of the trust.

(g) *Requirement for exemption.* An exemption will not be granted under this section unless the recorder of deeds is presented with a copy of the trust agreement.

**§ 91.162. Turnkey projects.**

A transfer of [realty] real estate to a developer or contractor who is required by contract to reconvey the [realty] real estate to the grantor after making contracted-for improvements to the [realty] real estate is not taxable if no beneficial interest in the real estate is transferred to the developer or contractor. The reconveyance to the grantor is also not taxable.

**§ 91.165. Reservations or conveyances of life estates.**

(a) [Table I is used in computing the tax base of a life estate or remainder interest in realty. If the transferor has conveyed only a life estate in realty, while reserving the remainder to himself, the transaction is taxable. The tax base is computed by multiplying the value of the realty as determined under § 91.135 (relating to judicial sales and other transactions) by the life estate factor, based on the age of the life tenant, taken from Table I.

*Example 1:* L conveys a life estate to T in realty that is valued under § 91.135 at \$100,000. T is 50 years old. Life estate factor is: .84743; Value = \$100,000 × .84743 = \$84,743.

(b) If the transferor of realty has reserved to himself a life estate, while conveying the remainder, the transaction is taxable. The tax base shall be computed by multiplying the value of the realty as determined under § 91.135 by the remainder factor, based on the age of the life tenant, taken from Table I.

*Example 2:* L conveys to T realty that is valued under § 91.135 at \$100,000 but reserves a life estate for himself. L is 50 years old. Remainder factor is .15257; Value = \$100,000 × .15257 = \$15,257.

TABLE I

1 Age	2 Life Estate	3 Remainder
0	.97188	.02812
1	.98988	.01012
2	.99017	.00983
3	.99008	.00992
4	.98981	.01019
5	.98938	.01062
6	.98884	.01116
7	.98822	.01178
8	.98748	.01252
9	.98663	.01337
10	.98565	.01435
11	.98453	.01547
12	.98329	.01671
13	.98198	.01802
14	.98066	.01934
15	.97937	.02063
16	.97815	.02185
17	.97700	.02300
18	.97590	.02410
19	.97480	.02520
20	.97365	.02635

TABLE I

1 Age	2 Life Estate	3 Remainder
21	.97245	.02755
22	.97120	.02880
23	.96986	.03014
24	.96841	.03159
25	.96678	.03322
26	.96495	.03505
27	.96290	.03710
28	.96062	.03938
29	.95813	.04187
30	.95543	.04457
31	.95254	.04746
32	.94942	.05058
33	.94608	.05392
34	.94250	.05750
35	.93868	.06132
36	.93460	.06540
37	.93026	.06974
38	.92567	.07433
39	.92083	.07917
40	.91571	.08429
41	.91030	.08970
42	.90457	.09543
43	.89855	.10145
44	.89221	.10779
45	.88558	.11442
46	.87863	.12137
47	.87137	.12863
48	.86374	.13626
49	.85578	.14422
50	.84743	.15257
51	.83874	.16126
52	.82969	.17031
53	.82028	.17972
54	.81054	.18946
55	.80046	.19954
56	.79006	.20994
57	.77931	.22069
58	.76822	.23178
59	.75675	.24325
60	.74491	.25509
61	.73267	.26733
62	.72002	.27998
63	.70696	.29304
64	.69352	.30648
65	.67970	.32030
66	.66551	.33449
67	.65098	.34902
68	.63610	.36390
69	.62086	.37914
70	.60522	.39478
71	.58914	.41086
72	.57261	.42739
73	.55571	.44429
74	.53862	.46138
75	.52149	.47851
76	.50441	.49559
77	.48742	.51258
78	.47049	.52951
79	.45357	.54643
80	.43659	.56341
81	.41967	.58033
82	.40295	.59705
83	.38642	.61358
84	.36998	.63002
85	.35359	.64641
86	.33764	.66236

TABLE I

1 Age	2 Life Estate	3 Remainder
87	.32262	.67738
88	.30859	.69141
89	.29526	.70474
90	.28221	.71779
91	.26955	.73045
92	.25771	.74229
93	.24692	.75308
94	.23728	.76272
95	.22887	.77113
96	.22181	.77819
97	.21550	.78450
98	.21000	.79000
99	.20486	.79514
100	.19975	.80025 ]

The value of a life estate or remainder interest in real estate will be the consideration paid or to be paid for the life estate or remainder interest.

(b) When no or nominal consideration or consideration less than actual monetary worth is paid for a life estate or remainder interest in real estate, the factors in Table I shall be multiplied by the real estate's computed value to calculate the value of a life estate or remainder interest.

*Example 1:* In an arm's length transaction for actual monetary worth, L conveys a life estate interest (or remainder interest, as the case may be) in real estate to T for \$50,000. The taxable value of the life estate is the consideration paid, that is \$50,000.

*Example 2:* L conveys a life estate interest in real estate to T for less than actual monetary worth. L reserves the remainder interest for himself. The computed value of the entire real estate is \$100,000. T is 50 years old. The life estate factor for T's life is .84743. Therefore, the taxable value of T's life estate interest is the computed value of the entire real estate multiplied by T's life estate factor (\$100,000 × .84743), or \$84,743.

*Example 3:* L conveys a remainder interest in real estate to T for less than actual monetary worth. L retains a life estate interest in the real estate. The computed value of the entire real estate is \$100,000. L is 50 years old. The life estate factor for L's life is .84743. The remainder factor for T's remainder interest is .15257. Therefore, the taxable value of T's remainder interest is the computed value of the entire real estate multiplied T's remainder factor (\$100,000 × .15257), or \$15,257.

Table I*		
Age	Life Estate Factor	Remainder Factor
0	0.95309	0.04691
1	0.995997	0.04003
2	0.95868	0.04132
3	0.95709	0.04291
4	0.95531	0.04469
5	0.95338	0.04662
6	0.95131	0.04869
7	0.94911	0.05089
8	0.94679	0.05321

**Table I\***

Age	Life Estate Factor	Remainder Factor
9	0.94433	0.05567
10	0.94171	0.05829
11	0.93896	0.06104
12	0.93606	0.06394
13	0.93307	0.06693
14	0.93003	0.06997
15	0.92697	0.07303
16	0.92392	0.07608
17	0.92084	0.07916
18	0.91773	0.08227
19	0.91452	0.08548
20	0.91119	0.08881
21	0.90772	0.09228
22	0.90412	0.09588
23	0.90036	0.09964
24	0.89643	0.10357
25	0.89232	0.10768
26	0.88801	0.11199
27	0.88348	0.11652
28	0.87876	0.12124
29	0.87383	0.12617
30	0.86871	0.13129
31	0.86339	0.13661
32	0.85786	0.14214
33	0.85210	0.14790
34	0.84612	0.15388
35	0.83989	0.16011
36	0.83342	0.16658
37	0.82669	0.17331
38	0.81969	0.18031
39	0.81241	0.18759
40	0.80484	0.19516
41	0.79695	0.20305
42	0.78875	0.21125
43	0.78023	0.21977
44	0.77140	0.22860
45	0.76228	0.23772
46	0.75286	0.24714
47	0.74318	0.25682
48	0.73322	0.26678
49	0.72298	0.27702
50	0.71244	0.28756
51	0.70162	0.29838
52	0.69054	0.30946
53	0.67922	0.32078
54	0.66766	0.33234
55	0.65587	0.34413
56	0.64383	0.35617
57	0.63156	0.36844
58	0.61911	0.38089
59	0.60650	0.39350
60	0.59376	0.40624
61	0.58086	0.41914
62	0.56777	0.43223
63	0.55450	0.44550
64	0.54105	0.45895
65	0.52745	0.47255
66	0.51366	0.48634
67	0.49966	0.50034
68	0.48548	0.51452
69	0.47115	0.52885
70	0.45675	0.54325
71	0.44233	0.55767
72	0.42794	0.57206
73	0.41360	0.58640
74	0.39927	0.60073

**Table I\***

Age	Life Estate Factor	Remainder Factor
75	0.38490	0.61510
76	0.37046	0.62954
77	0.35596	0.64404
78	0.34142	0.65858
79	0.32692	0.67308
80	0.31260	0.68740
81	0.29853	0.70147
82	0.28478	0.71522
83	0.27136	0.72864
84	0.25817	0.74183
85	0.24513	0.75487
86	0.23236	0.76764
87	0.22002	0.77998
88	0.20812	0.79188
89	0.19665	0.80335
90	0.18563	0.81437
91	0.17521	0.82479
92	0.16559	0.83441
93	0.15674	0.84326
94	0.14851	0.85149
95	0.14072	0.85928
96	0.13341	0.86659
97	0.12665	0.87335
98	0.12032	0.87968
99	0.11415	0.88585
100	0.10817	0.89183
101	0.10228	0.89772
102	0.09650	0.90350
103	0.09078	0.90922
104	0.08468	0.91532
105	0.07873	0.92127
106	0.07111	0.92889
107	0.06192	0.93808
108	0.04776	0.95224
109	0.02381	0.97619

\*Factors in Table I are based on the 2000 Federal census for a single life tenant, computed at 5% interest.

(c) The Department will update Table I at least once every 5 years by published notice in the *Pennsylvania Bulletin*.

§ 91.166. Life maintenance.

[ Conveyance ] A transfer of [ realty in ] real estate as consideration [ of ] for life maintenance is a taxable transaction. [ Tax shall ] The tax base will be computed based on the value of the [ interest in realty conveyed ] real estate as determined under § 91.135 (relating to judicial sales and other transactions).

§ 91.170. The rule in *Baehr Bros. v. Commonwealth*, 493 Pa. 417, 426 A.2d 1086 (1981).

(a) A document will be excludible from tax if each of the following requirements is satisfied:

(1) The document stands in the place of two or more other writings.

(2) Each of the writings for which the document stands would be excludible from tax under this article and effective notwithstanding the insolvency, bankruptcy or other legal disability of the signatories thereto.

(3) Title to the affected real estate would not revert or be in any way impaired or encumbered by reason of the recordation of the writings described in paragraphs (1) and (2).

(b) Separate transfers of a greater estate and a lesser estate in real property will be taxed as a single transfer of both estates if the transactions are entered into in contemplation of a merger thereof.

(c) Separate transfers of an interest in timber, coal, oil, gas, or other appurtenance to real estate and the real estate to which the interest is appurtenant will be taxed as a single transfer of both interests if the transactions are entered into in contemplation of their coinciding and meeting in the same person.

§ 91.171. Transfers by operation of law.

Except as provided in § 91.193(b)(1)(i), (7), (12) and (13) (relating to excluded transactions), any writing that satisfies the requirements of the Statute of Frauds and confirms or evidences a transfer that is accomplished by operation of law is taxable on the same basis as a document that effectuates a conveyance or transfer or vests title to real estate.

Subchapter I. EXCLUDED PARTIES AND TRANSACTIONS

§ 91.193. Excluded transactions.

\* \* \* \* \*

(b) *Additional exclusions.* Other transactions which are excluded from tax include:

(1) A transfer to the United States or the Commonwealth or to an instrumentality, agency or governmental body of either if the transfer is:

(i) In lieu or confirmation of a taking by eminent domain. To qualify for the exclusion, the deed shall be made under a prior statute, ordinance, resolution, plan or order for the condemnation, appropriation or acquisition of the real estate transferred by condemnation or [by condemnation or purchase] in lieu thereof. The statement of value accompanying a document that effectuates such a transfer shall contain a specific reference to the ordinance, resolution or other official action by which the grantee was authorized to file a declaration of taking of the transferred real estate.

\* \* \* \* \*

(2) A document which the Commonwealth is prohibited from taxing under the Constitution or statutes of the United States, including:

(i) A transfer under a bankruptcy plan confirmed under section 1129 of the act of November 6, 1978 (Pub. L. 95-598) (92 Stat. 2549), known as the Federal Bankruptcy Act (**Bankruptcy Act**) (11 U.S.C. § 1129) and exempt under section 1146(c) of [that act] the **Bankruptcy Act** (11 U.S.C. § 1146(c)). To claim this exclusion, a copy of the order [directing the transfer] and confirmed plan highlighting the specific provision in the plan authorizing the transaction and proof that the deed to be recorded was executed by the parties to the transaction subsequent to the plan confirmation shall accompany the statement of value. Transfers made prior to plan confirmation do not qualify for tax exemption. A transfer is made under a plan confirmed under section 1129 only when the transfer is

authorized by the specific terms of a previously confirmed Chapter 11 plan.

(ii) [A transfer under section 1153(a)(1) of the Northeast Rail Service Act of 1981 (45 U.S.C.A. § 1106(a)(1)).] A transfer under a bankruptcy plan confirmed under section 1225 of the Bankruptcy Act (11 U.S.C. § 1225) and exempt under section 1231(c) of the Bankruptcy Act (11 U.S.C. § 1231(c)). To claim this exclusion, a copy of the order and confirmed plan highlighting the specific provision in the plan authorizing the transaction and proof that the deed to be recorded was executed by the parties to the transaction subsequent to the plan confirmation shall accompany the statement of value. Transfers made prior to plan confirmation do not qualify for tax exemption. A transfer is made under a plan confirmed under section 1225 of the Bankruptcy Act only when the transfer is authorized by the specific terms of previously confirmed Chapter 12 plan.

(iii) Transfers made under the authority of sections 363 or 365 of the Bankruptcy Act (11 U.S.C. §§ 363 or 365) and occurring before the confirmation of a plan will not qualify for exemption under this clause.

\* \* \* \* \*

(6) Transfers between certain family members:

\* \* \* \* \*

(iii) The estate of a deceased family member is not a family member for purposes of claiming the familial exemption under this paragraph.

\* \* \* \* \*

(8) A transfer for no or nominal consideration to a trustee of an ordinary trust, where the transfer of the same property would be wholly excluded if the transfer were made directly by the grantor to all the possible beneficiaries who have remainder interests or are entitled to receive the property or the proceeds from the sale of the property as beneficiaries under the terms of the trust, whether or not the beneficiaries are contingent or specifically named. See § 91.156 (relating to trusts).

(9) A transfer for no or nominal actual consideration from a trustee [to a beneficiary to an ordinary trust] of an ordinary trust to a person who has the vested remainder interest or who is otherwise entitled to receive the property or the proceeds from the sale of the property as a beneficiary under the terms of the trust. See § 91.156.

\* \* \* \* \*

(18) [A transfer to a conservancy which possesses a tax exempt status under section 501(c)(3) of the Internal Revenue Code (26 U.S.C.A. § 501(c)(3)) and which has as its primary purpose preservation of land for historic, recreational, scenic, agricultural or open space opportunities.] A transfer to a conservancy, a transfer from a conservancy to the United States, the Commonwealth or to any of their instrumentalities, agencies or political subdivisions, or a transfer from a conservancy if the real estate is encumbered by a perpetual agricultural conservation easement as defined by the Agricultural Area Security Law (3 P. S. §§ 901-915) and

the conservancy has owned the real estate for at least 2 years immediately prior to the transfer.

\* \* \* \* \*

(26) The rescission, cancellation or abandonment of an existing lease or contract for a deed for no or nominal consideration.

\* \* \* \* \*

(32) Transfers for no or nominal actual consideration to the trustee of a living trust from the settlor of the living trust.

(33) Transfers for no or nominal actual consideration from the trustee of a living trust during the settlor's lifetime to the settlor of property conveyed to the trust by the settlor.

(34) Transfers for no or nominal actual consideration from the trustee of a testamentary trust or living trust after the death of the settlor to a person who has the vested remainder interest or who is otherwise entitled to receive the property or the proceeds from the sale of the property as a beneficiary under the terms of the trust.

(c) Documents that convey or evidence the transfer of real estate between the parties involved in the transactions enumerated in subsection (b) are excluded from tax. Subsection (b) has no application to acquisitions of real estate companies as provided in § 91.202.

§ 91.195. State-related universities and public charities.

(a) For purposes of §§ 91.192 and 91.193(a) (relating to excluded parties; and excluded transactions), institutions that are part of the State System of Higher Education constitute excluded parties. Transfers to those institutions by gift or dedication are excluded transactions.

(b) Other State-related universities, such as Lincoln University, the Pennsylvania State University and its affiliate, the Pennsylvania College of Technology, Temple University and its subsidiaries, Temple University Hospital, Inc., and Temple University Children's Medical Center, and the University of Pittsburgh do not constitute excluded parties.

(c) Transfers of property to an institution that is part of the State System of Higher Education other than gift or dedication and all transfers by those institutions are taxable upon the same basis as other transfers to or from excluded parties.

(d) Transfers by gift, dedication or otherwise to or from Lincoln University, the Pennsylvania State University or its affiliate, the Pennsylvania College of Technology, Temple University or its subsidiaries, Temple University Hospital, Inc., and Temple University Children's Hospital, Inc., the University of Pittsburgh or public charities are taxable upon the same basis as transfers between private parties.

Subchapter J. REAL ESTATE COMPANY

§ 91.202. Acquired real estate company.

\* \* \* \* \*

(c) A transfer of ownership interest between members of the same family is not considered a change in ownership interest.

Example: C and D each own [ 50 shares or 50% ] all of the stock of a corporation in equal shares. C and D transfer their stock to E, C's son, over a 3-year period. As C and E are members of the same family, the transfer between C and E is not a change in ownership interest. Thus, the stock transfers have the effect of transferring only 50% of the total ownership interest in the corporation and the corporation is not acquired.

\* \* \* \* \*

Subchapter K. FAMILY FARM CORPORATION AND FAMILY FARM PARTNERSHIP CORPORATIONS

§ 91.211. Family farm corporation.

\* \* \* \* \*

(b) To qualify as an asset devoted to the business of agriculture for the purpose of subsection (a), the assets shall be:

(1) Owned and either used directly by the corporation claiming the exemption or leased to, and used directly by, a member of the same family that owns at least 75% of each class of stock of the corporation claiming the exemption.

(2) Principally devoted by the corporation to the business of agriculture or used by the member for agricultural purposes.

(3) Property of the sort commonly used in the business of agriculture principally for agricultural purposes.

(4) [ Set ] Used by the member principally for agricultural purposes or set apart and directly used by the corporation primarily for commercial:

\* \* \* \* \*

(e) For the purposes of this section, the business of agriculture includes a leasing of property to a member of the family having the ownership of a least 75% of each class of its stock if the property is used by the member directly and principally for an agricultural purpose.

PARTNERSHIP

§ 91.221. Family farm partnership.

(a) An entity constitutes a family farm partnership only for so long as the following requirements are satisfied:

(1) At least 75% of the shares of the profits and surplus of the partnership are continuously owned by members of the same family.

(2) In the aggregate, the book value of the partnership's assets that are primarily devoted to the business of agriculture continuously comprise at least 75% of the book value of all of the partnership's assets.

(3) The entity is a general or common law partnership.

(b) Whether an asset is devoted to the business of agriculture shall be determined using the same rules as apply to the assets of family farm corporations. See § 91.211(b) (relating to family farm corporation).

§ 91.222. Acquired family farm partnership.

A family farm partnership becomes an acquired family farm when one of the following occur:

(1) Because of the acquisition or disposition of a partnership asset (including a transfer to a family member), the book value of the partnership's assets that are primarily devoted to the business of agriculture becomes less than 75% of the book value of all of the partnership's assets.

(2) Because of the assignment of an interest in profits or surplus or the death, retirement, bankruptcy, expulsion or addition of a partner, less than 75% of the shares of the profits and surplus of the entity is continuously owned by members of the same family.

(3) The partnership is voluntarily or involuntarily dissolved or otherwise ceases to operate in the form of a general partnership or common law partnership.

#### § 91.223. Declaration of acquisition.

A declaration of acquisition shall be filed in accordance with § 91.302 (relating to declaration of acquisition) with respect to family farm real estate held on the date the family farm partnership became acquired.

[Pa.B. Doc. No. 05-2019. Filed for public inspection November 4, 2005, 9:00 a.m.]

## GAME COMMISSION

[58 PA. CODE CH. 137]

### Wildlife

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 28, 2005, meeting, proposed to amend § 137.33 (relating to feeding of certain wildlife prohibited) to relocate the restriction on the feeding of elk outside of specified exceptions and to rescind § 137.32 (relating to feeding of elk prohibited) to eliminate duplication and redundancy of language in the regulations.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the June 28, 2005, meeting of the Commission. Comments can be sent until December 30, 2005, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

The Commission recently added § 137.33 to prohibit the feeding of bears outside of specified exceptions. This section was an addition to existing § 137.32, which prohibits the feeding of elk outside of specified exceptions. The Commission now recognizes the duplication and redundancy of maintaining both these provisions due to their similarity in language and restriction. Therefore, the Commission is proposing to combine these two provisions by rescinding § 137.32 and enlarging the scope of § 137.33 to include the elk feeding prohibition.

Section 103(a) of the code (relating to ownership, jurisdiction and control of game and wildlife) states that "The ownership, jurisdiction over and control of game or wildlife is vested in the commission as an independent

agency of the Commonwealth in its sovereign capacity to be controlled, regulated and disposed of in accordance with this chapter." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife... in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife... in this Commonwealth." The amendments to §§ 137.32 and 137.33 were proposed under this authority.

#### 2. Regulatory Requirements

The proposed rulemaking will rescind § 137.32 and amend § 137.33 to incorporate the provisions currently in § 137.32, which restrict the feeding of elk outside of specified exceptions. This amendment is essentially a relocation or restructuring of existing regulatory language that does not add or expand any requirements.

#### 3. Persons Affected

Persons living within areas where elk are located may be affected by the proposed rulemaking.

#### 4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

#### 5. Effective Date

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

#### 6. Contact Person

For further information regarding the proposed rulemaking, contact Michael A. Dubaich, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

VERNON R. ROSS,  
*Executive Director*

**Fiscal Note:** 48-213. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION PART III. GAME COMMISSION CHAPTER 137. WILDLIFE

§ 137.32. [Feeding of elk prohibited] (Reserved).

[Except as otherwise provided in this part or the act, it is unlawful to intentionally lay or place any food, fruit, hay, grain, chemical, salt or other minerals anywhere in this Commonwealth for the purpose of feeding elk found in a wild state in this Commonwealth, or to intentionally lay or place any food, fruit, hay, grain, chemical, salt or other minerals to cause elk found in a wild state within this Commonwealth to congregate or habituate an area. In the event of prolonged periods of deep snow or other inclement weather conditions which may prevent elk found in a wild state within this Commonwealth from obtaining an adequate natural supply of food to sustain them, the Director may declare an emergency to allow for the artificial feeding of elk.]

#### § 137.33. Feeding of certain wildlife prohibited.

It is unlawful to, except for normal or accepted farming, habitat management practices, oil and gas drilling, mining, forest management activities or other legitimate

commercial or industrial practices, intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals anywhere in this Commonwealth for the purpose of feeding bear **or elk**, or to intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals that may cause bear **or elk** to congregate or habituate an area. If songbird feeders are being used by bears, the Commission may issue a written notice prohibiting the songbird feeding. **In the event of prolonged periods of deep snow or other inclement weather conditions which may prevent elk found in a wild state within this Commonwealth from obtaining an adequate natural supply of food to sustain them, the Director may declare an emergency to allow for the artificial feeding of elk.**

[Pa.B. Doc. No. 05-2020. Filed for public inspection November 4, 2005, 9:00 a.m.]

## STATE BOARD OF EDUCATION

[22 PA. CODE CH. 4]

### Academic Standards and Assessment

The State Board of Education (Board) proposes to amend Chapter 4 (relating to academic standards and assessment) to read as set forth in Annex A. The Board is acting under the authority of section 2603-B of the Public School Code of 1949 (24 P. S. § 26-2603-B).

#### *Purpose*

Chapter 4 sets forth requirements for instruction, graduation, strategic planning and assessment based on academic standards for this Commonwealth's public schools.

#### *Requirements of the Proposed Rulemaking*

The proposed rulemaking amends the following items:

Throughout the chapter, when appropriate, the term "school entity" replaces the term "school district" to reflect that, in addition to school districts, intermediate units, area vocational-technical schools, cyber charter schools and independent schools are covered by the regulations.

§ 4.3 (*relating to definitions*). The Board amends the existing definitions for the terms "assessment" and "curriculum." The State Board also proposes to add new definitions for the terms "prekindergarten," "school entity" and "world language."

§ 4.4(d)(4)—(7) (*relating to general policies*). The Board proposes to reorder the sequence of § 4.4(d)(4)—(7) to clarify that parents and guardians may review State assessments and must review them if they wish to have their children excused from the assessment should it conflict with their religious belief.

§ 4.11(g)(10) (*relating to purpose of public education*). The Board proposes to delete world languages as one of the academic areas for which Board approved academic standards are to be issued. This proposed amendment has the effect of requiring school entities to offer world language instruction in at least two languages to all students.

§ 4.12(a) (*relating to academic standards*). The Board proposes to delete transitional provisions that are no longer necessary.

§ 4.12(a)(8). The Board proposes to delete world languages as one of the academic areas for which Board approved academic standards are to be issued.

§ 4.12(a)(8) and (9). The Board proposes to add reading, writing, speaking and listening, and mathematics to the list of areas for which academic standards are established. This proposed technical change is necessary to include these standards in the Board's periodic review of academic standards.

§ 4.12(g). The Board proposes to delete the implementation schedule under which the Secretary of Education is required to present academic standards to the Board.

§ 4.13 (*relating to strategic plans*). The Board proposes to amend the strategic planning requirements to focus school entity plans on strategic, rather than operational, issues and to enable the Department of Education (Department) to consolidate multiple strategic planning requirements into a single, comprehensive plan. The proposed amendments also require school entities to address how they will coordinate activities with the Commonwealth's priorities and major initiatives.

§ 4.21(a) (*relating to elementary education: primary and intermediate levels*). The Board proposes to add as an option that elementary education programs include prekindergarten.

§ 4.21(b). The Board proposes to extend the focus of the primary level elementary program to literacy skills.

§ 4.21(d). The Board proposes to amend this subsection to provide that primary level elementary instruction shall be standards-based and designed to prepare students to reach the proficient level on local and State assessments.

§ 4.21(b) and (e) and §§ 4.22(a) and (b) and 4.23(b) and (c) (*relating to middle level education; and high school education*). The Board proposes to amend these sections to include new language to clarify that curriculum and instruction are to be standards-based and instruction is to be aligned with State academic standards.

§ 4.21(e)(6) and (8). The Board proposes to amend and clarify the requirements for health, safety and physical education to include knowledge and practice of lifetime physical activity, personal fitness, basic movement skills and concepts, principles and strategies of movement, and safety practices in physical activity.

§ 4.23(c)(9). The Board proposes to amend § 4.23(c)(9) regarding family and consumer science instruction to include basic knowledge of early literacy skill development.

§ 4.25(a) (*relating to languages*). The Board proposes to add to subsection (a) a requirement that the Department issue standards for world language instruction and to define the requirements for these standards. The Board proposes to maintain the long-standing requirement that every school district provide planned instruction in at least two languages, one of which is to be in a modern language and one of which is to be offered in a 4-year sequence in the secondary program.

§ 4.27(b) (*relating to physical education and athletics*). The Board proposes to clarify the requirement that physical education shall be adapted for students who are medically unable to participate in the regular program.

§ 4.29(a) (*relating to HIV/AIDS and other life-threatening and communicable diseases*). The Board proposes to clarify that instruction in the prevention of HIV/AIDS and other life-threatening diseases shall be



provided to every student and the instruction must be aligned with the academic standards for health.

§ 4.29(b). The Board proposes to amend § 4.29(b) to emphasize that instruction and educational materials used in HIV/AIDS instruction are determined by the local school district in accordance with criteria in § 4.29(c)—(e).

§ 4.29(c). The Board proposes to amend language to recommend that a school district's age appropriate planned instruction conform to the Center for Disease Control and Prevention's guidelines and that school districts be permitted to omit instruction in the elementary grades respecting transmission of disease through sexual activity. The Board also proposes to amend § 4.29(c) to explain that instruction shall stress that abstinence from sexual activity is the only completely reliable means of preventing sexual transmission and that avoidance of illegal drug use is the only completely reliable means of preventing transmission through shared drug paraphernalia.

§ 4.29(d). The Board proposes to amend § 4.29(d) to provide that a student shall be excused from HIV/AIDS instruction when the instruction conflicts with religious beliefs, after an inspection of the instructional materials and upon receipt of a written request from the parents or guardians.

§ 4.29(e). The Board proposes to amend § 4.29(e) to provide that school entities shall publicize that detailed curriculum and materials used for HIV/AIDS instruction are available to parents and guardians for review during normal school hours or at teacher-parent conferences.

§ 4.31(a) (relating to vocational technical education). The Board proposes to add language clarifying that students who complete vocational-technical education programs are to have their occupational competency assessed through the Pennsylvania Skills Certificate Program or by another assessment program approved by the Department. The Board also proposes to amend § 4.31(a) to require students to demonstrate proficiency in meeting State academic standards.

§ 4.31(c). The Board proposes to add language to § 4.31(c) to encourage vocational-technical education programs to adopt industry recognized skill standards when available.

§ 4.33(c) (relating to advisory committees). The Board proposes to amend § 4.33(c) to clarify that the occupational advisory committee shall have a majority of its members who are employees and employers in the occupation for which training is provided.

§ 4.51(a)(1) (relating to State assessment system). The Board proposes to amend § 4.51(a)(1) to expand the purpose of the State assessment to include providing students, parents, educators and citizens with an understanding of student and school performance consistent with the No Child Left Behind Act of 2001 (Pub. L. No. 107-110, 115 Stat. 1425).

§ 4.51(b). The Board proposes to amend § 4.51(b) to clarify that State assessment instruments administered in grades 5, 8 and 11 for reading and mathematics, and in grades 6, 9 and 11 for writing, will be standards-based and include essay or open-ended responses in addition to other formats.

§ 4.51(d). The Board proposes to amend § 4.51(d) to require that the State assessment be administered in reading and mathematics in grades 3, 4, 5, 6, 7, 8 and 11; in writing in grades 6, 9 and 11; and in science in grades 4, 7 and 10.

§ 4.51(g)(1). The Board proposes to amend § 4.51(g)(1) to update the statutory reference to the Professional Educator Discipline Act (24 P. S. §§ 2070.1a—2070.18a).

§ 4.51(j). The Board proposes to amend § 4.51(j) to add a requirement that children with limited English proficiency be included in the State assessment as required by Federal law.

§ 4.52(c) (relating to local assessment system). The Board proposes to amend § 4.52(c) to clarify the requirements for when a school entity chooses to use a local assessment to determine whether a student is proficient for purposes of high school graduation. The proposed amendment would provide that the local assessment shall be described in the school entity's strategic plan, be comparable to the proficiency levels used for the State assessment, describe how an entity will be evaluated for compliance with the requirement and the consequence of any identified disparity between State and local proficiency levels.

§ 4.61(a) (relating to school profiles). The Board proposes to amend § 4.61(a) to align the requirements for school profiles with Federal and State law.

§ 4.83 (relating to implementation schedule). The Board proposes to delete the transitional provisions and implementation schedule that were needed when Chapter 4 was first promulgated in January 1999.

#### *Affected Parties*

The proposed rulemaking affects the student and professional employees of the public schools of this Commonwealth.

#### *Cost and Paperwork Estimates*

The proposed rulemaking will not result in added costs or savings to the Department or school entities since they clarify current requirements. One new report is required to be submitted to the Department by school entities that use local assessments to determine whether students are proficient in reading, writing and mathematics for purposes of graduation from high school. Any cost associated with the preparation and submission of this report is anticipated to be minimal.

#### *Effective Date*

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

#### *Sunset Date*

The Board will review the effectiveness of Chapter 4 every 4 years in accordance with the Board's policy and practice respecting all regulations promulgated by the Board. Thus, no sunset date is necessary.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 26, 2005, 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 and Senate Committees on Education. 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 Comments and Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333 within 30 days following publication in the Pennsylvania Bulletin.

Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling Jim Buckheit at (717) 787-3787 or TDD (717) 787-7367.

JIM BUCKHEIT,
Executive Director

Fiscal Note: 6-295. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subchapter A. MISCELLANEOUS PROVISIONS

CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT

GENERAL PROVISIONS

§ 4.3. Definitions.

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

\* \* \* \* \*

Assessment—A valid and reliable measurement of student performance on a set of academic standards in a subject area that captures student understanding of the set as a whole and the central concepts, knowledge and skills of each content area.

\* \* \* \* \*

Curriculum—A series of planned instruction aligned with the academic standards in each subject that is coordinated and articulated and implemented in a manner designed to result in the achievement at the proficient level by all students [of specific knowledge and skills and the application of this knowledge].

\* \* \* \* \*

Individuals with Disabilities Education Act—20 U.S.C.A. §§ 1400—148[ 5 ]2.

\* \* \* \* \*

PSSA—Pennsylvania System of School Assessment.

Planned instruction—Instruction offered by a [ school district or AVTS ] school entity based upon a written plan to enable students to achieve the academic standards under § 4.12 (relating to academic standards) and additional academic standards determined in strategic plans under § 4.13 (relating to strategic plans).

Prekindergarten—

(i) A program operated by a school entity or under contract from a school entity that is open to children up to 2 years prior to the school entity's entry age for kindergarten.

(ii) The program shall provide a comprehensive program appropriate for the age, developmental level and individual needs of each child, based on how young children develop and learn, and include instruction to support each child's development in the following areas:

- (A) Approaches to learning.
(B) Creative expression.
(C) Language and literacy.
(D) Math, logic and science.
(E) Social-personal development.
(F) Physical development and health.

\* \* \* \* \*

School entity—A local public education provider (for example, public school district, charter school, cyber charter school, AVTS or intermediate unit); provided, that this chapter applies to school entities only to the extent permitted by law.

\* \* \* \* \*

World language—The study of the language, cultures, traditions and histories of different communities of people who communicate in languages other than English. In this Commonwealth, American sign language is a world language.

§ 4.4. General policies.

(a) It is the policy of the Board that the local curriculum be designed by school [ districts (including charter schools) and AVTSs ] entities to achieve the academic standards under § 4.12 (relating to academic standards) and additional academic standards designated in strategic plans under § 4.13 (relating to strategic plans).

(b) It is the policy of the Board that local school [ districts (including charter schools) and AVTSs ] entities have the greatest possible flexibility in curriculum planning consistent with providing quality education and in compliance with the School Code, including requirements for courses to be taught (24 P. S. §§ 15-1501 and 16-1605)[ , ]; subjects to be taught in the English language (24 P. S. § 15-1511)[ , ]; courses adapted to the age, development and needs of the pupils (24 P. S. § 15-1512)[ , ]; minimum school year of 180 days and minimum of 900 hours of instruction at the elementary level and 990 hours of instruction at the secondary level (24 P. S. §§ 15-1501 and 15-1504)[ , ]; employment of sufficient numbers of qualified professional [ employes ] employees (24 P. S. § 11-1106) and superintendents to enforce the curriculum requirements of State law (24 P. S. § 10-1005)[ , ]; and this part.

\* \* \* \* \*

(d) School [ districts (including charter schools), AVTSs and intermediate units ] entities shall adopt policies to assure that parents or guardians have the following:

\* \* \* \* \*

(3) The right to have their children excused from specific instruction [ which ] that conflicts with their religious beliefs, upon receipt by the school [ district

(including charter schools), AVTS or intermediate unit ] entity of a written request from the parents or guardians.

(4) The right of the parent or guardian to review the State assessments in the school entity, at least 2 weeks prior to their administration, during convenient hours for parents and guardians. Necessary security requirements to maintain the validity of the assessment shall be taken in accordance with the State assessment administration instructions.

(5) If upon inspection of State assessments parents or guardians find the assessments in conflict with their religious belief and wish their student be excused from the assessment, the right of the parents or guardians will not be denied upon written request to the applicable school district superintendent or AVTS director.

[ (5) ] (6) Opportunity for involvement in the strategic planning process under § 4.13.

[ (6) ] (7) The right to have their children excluded from research studies or surveys conducted by entities other than [ the ] a school [ district (including charter schools), AVTS or intermediate unit ] entity unless prior written consent has been obtained.

[ (7) The right of the parent or guardian to review the State assessments in the school district 2 weeks prior to their administration during convenient hours for parents and guardians. All necessary security requirements to maintain the validity of the assessment shall be taken in accordance with the State assessment administration instructions. ]

ACADEMIC STANDARDS AND PLANNING

§ 4.11. Purpose of public education.

\* \* \* \* \*

(g) Public schools provide instruction throughout the curriculum so that students may develop knowledge and skills in the following areas:

\* \* \* \* \*

[ (10) World languages. ]

\* \* \* \* \*

§ 4.12. Academic standards.

(a) School [ districts (including charter schools) or AVTSs ] entities may develop, expand or improve existing academic standards in the following content areas [ until the Board adopts standards under subsection (g) and rescinds the description of the corresponding content areas ]:

\* \* \* \* \*

(8) [ World languages. Ability to communicate in a language other than English, including the ability to understand and interpret written and spoken language on a variety of topics and to develop knowledge and understanding of other cultures. ]

Reading, writing, speaking and listening.

(i) Reading. The application of phonemic awareness, phonics and word study, vocabulary, fluency and text comprehension in reading critically across subject areas; the interpretation and analysis of literary expression with analysis of the origins and

structures of the English language; and learning how to search a variety of texts to conduct research.

(ii) Writing. Narrative, informational and persuasive formal writing for an audience, including spelling and editing skills; and informal writing to capture and organize information for individual use.

(iii) Speaking and listening. Participation in conversation and formal speaking presentations.

(9) Mathematics. The understanding of fundamental ideas and the development of proficient mathematical skills in numbers, computation, measurement, statistics and data analysis, probability and predictions, algebra and functions, geometry, trigonometry and concepts of calculus. Using this content, students will learn to think, reason and communicate mathematically.

(b) In designing educational programs, school [ districts (including charter schools) and AVTSs ] entities shall provide for the attainment of the academic standards under subsections (a) and (c) and any additional academic standards [ which ] that they describe in their strategic plans under § 4.13(c) (relating to strategic plans). Attaining the academic standards in this section requires students to demonstrate the acquisition and application of knowledge.

(c) School [ districts (including charter schools) and AVTSs ] entities shall prepare students to attain academic standards in mathematics, reading, writing, speaking and listening as contained in Appendix A and incorporated here by reference and additional standards as may be adopted by the Board and promulgated as amendments to this chapter.

(d) A school [ district's (including charter schools) or AVTS's ] entity's curriculum shall be designed to provide students with planned instruction needed to attain these academic standards.

(e) School [ districts (including charter schools) and AVTSs ] entities shall apply academic standards for students in all areas described under subsections (a) and (c). The local assessment plan under § 4.52 (relating to local assessment system) shall include a description of how the academic standards will be measured and how information from the assessments is used to assist students having difficulty meeting the academic standards.

(f) School [ districts (including charter schools) and AVTSs ] entities shall assess the attainment of academic standards developed under subsections (a) and (c) and any other academic standards [ which ] that they develop and describe in their strategic plans under § 4.52(c) for purposes of high school graduation and strategies for assisting students to attain them. Plans for assessment developed by school [ districts (including charter schools) and AVTSs will ] entities must take into account that academic standards in subsections (a) and (c) may be attained by students in various ways and shall be assessed in various ways. Children with disabilities may attain the academic standards by completion of their Individualized Education Programs under the Individuals with Disabilities Education Act and this part.

(g) In [ developing ] planning any revision of the academic standards in subsection (a) content areas, the

Secretary will consult with educators, business and community leaders and parents. **[Academic standards in the following content areas will be developed by the Secretary and presented to the Board no later than the following schedule:**

- April, 1999**      **Science and Technology, Environment and Ecology, Health Safety and Physical Education, Civics and Government**
- June, 1999**      **Arts and Humanities**
- October, 1999**    **Family and Consumer Sciences, Economics, Geography**
- September, 2000** **History, Career Education and Work, World Languages ]**

(h) School **[districts (including charter schools) and AVTSs ] entities** are responsible under subsections (a), (c)[ , ] and (g), and § 4.13(c)(5) for assessing individual student attainment of academic standards and for assisting those students having difficulty attaining them. Upon request by a school **[ district (including charter schools) or AVTS ] entity**, the Department will provide the requestor with technical assistance in the development of academic standards and assessments that are sufficient to assure that students are making progress toward the attainment of standards required for high school graduation under subsection (f) and those identified in the strategic plan under § 4.13(c)(3).

\* \* \* \* \*

**§ 4.13. Strategic plans.**

(a) Every school district (including a charter **[schools ] school**) shall develop and file with the Department a strategic plan once every 6 years **[ and ]**, review that plan for revision at the mid-point **and update the plan as necessary each year** according to an implementation schedule developed by the Department **[ under § 4.83 (relating to implementation schedule) ]**. A school district plan shall incorporate appropriate components of the plan submitted under subsection (b) by an AVTS in which the district participates. In the development of a strategic plan, a school district (including a charter **[schools ] school**) will, upon request, receive technical assistance from the Department. **The plan shall be developed by a schedule to be determined by the Department.**

(b) Every AVTS, in conjunction with and with the approval of the majority of its participating school districts, shall develop and file with the Department a strategic plan once every 6 years **[ and ]**, review that plan at the mid-point **and update the plan each year** according to an implementation schedule developed by the Department **[ under § 4.83 ]**. The strategic plan shall incorporate appropriate components of the strategic plan submitted under subsection (a) by participating districts. In the development of the strategic plan, an AVTS will, upon request, receive technical assistance from the Department.

(c) The strategic plan shall be based upon an analysis of internal and external needs, leading to the specifications of priorities for action and action plans. **The analysis of needs and the specifications of priorities shall address student achievement; the school entity's core purpose; the quality of teaching and learning; the quality of leadership; the use of infrastruc-**

**ture; and, continuous professional learning and education.** The requirement in subsections (a) and (b) to develop plans every 6 years and revisions every 3 years does not limit a school **[ district's (including charter schools) or AVTS's ] entity's** ability to conduct a continuous strategic planning process. **Each plan, as received and filed by the Department, becomes an extension of this chapter uniquely adapted to each school entity and can only be changed by the strategic planning committee approved by the local school board.** The plan shall include the following components in addition to others the school **[ district (including charter schools) or AVTS ] entity** determines to include:

- (1) **[ A mission statement.**
- (2) **A listing of the school district's (including charter schools) or AVTS's educational and organizational goals as they relate to student achievement and high school graduation requirements.**
- (3) **A description of academic standards for student achievement which shall be consistent with those under § 4.12 (relating to academic standards).**
- (4) **The planned instruction to be offered and the instructional and assessment practices to be used to strive for the academic goals and attain academic standards under paragraph (3) and the high school graduation requirements under § 4.24 (relating to high school graduation requirements).**
- (5) **An assessment plan under § 4.52 (relating to local assessment system) to determine the degree to which students are achieving academic standards under paragraph (3) including descriptions of methods and measures used to determine achievement, how information from the assessments shall be used to assist students who have not demonstrated attainment of the academic standards at a proficient level or higher and how information from the assessments shall be made available to the public.**
- (6) **A plan for improving students' achievement, including specific, measurable goals for student growth and plans (including those listed in this section) that are designed to attain students' achievement goals. Achievement goals shall demonstrate a connection to the academic standards under § 4.12 including but not limited to annual improvement goals for student scores on State and local assessments.**
- (7) **The professional development plan under section 1205.1 of the School Code (24 P. S. § 12-1205.1) and § 49.17 (relating to continuing professional development) and the induction plan under § 49.16 (relating to approval of induction plans).**
- (8) **A description of the school district's (including charter schools) or AVTS's organization and organizational goals and their relationship to differing student needs within the school district's (including charter schools) or AVTS's goals under paragraph (2) and the attainment of academic standards under paragraph (3).**
- (9) **A description of the professional personnel, school library, classroom and other resources the school district (including charter schools) or AVTS plans to devote to the attainment of academic standards.**

(10) A brief description of the process used to develop the strategic plan, including a list of persons involved in its development.

(11) A plan for additional instructional opportunities for students not achieving at the proficient level including identification procedures, alternate instructional strategies, monitoring of assessment procedures and opportunities for extended learning time. ]

(1) *Core purpose.* A summary of the school entity's mission statement, educational vision and shared values.

(2) *Results for students.* A listing of the school entity's educational and organizational goals as they relate to student achievement including high school graduation requirements and for having students meet or exceed proficiency levels established for State academic standards in § 4.12 (relating to academic standards).

(3) *Academic standards.* A description of academic standards for student achievement, which must be consistent with those under § 4.12.

(4) *Measurable annual improvement targets.* A plan for improving students' achievement, including specific, measurable goals for student growth and plans (including those listed in this section) that are designed to attain students' achievement goals. Achievement goals shall demonstrate a connection to the academic standards under § 4.12, including, but not limited to, annual improvement goals for student scores on State and local assessments.

(5) *Curriculum, instruction and instructional materials.* A plan for providing all students access to a rigorous education program, including: curriculum that is aligned to the academic standards; the planned instruction to be offered and the instructional practices and instructional materials to be used to strive for the academic goals and attain academic standards under paragraph (3) and the high school graduation requirements under § 4.24 (relating to high school graduation requirements).

(6) *Assessments and public reporting.* An assessment plan that describes the local assessment system as required under § 4.52 (relating to local assessment system), including methods and measures used to determine the degree to which students are achieving academic standards under paragraph (3). The plan must include descriptions of methods and measures used to determine achievement; how information from the assessments shall be used to assist students who have not demonstrated attainment of the academic standards at a proficient level or higher; how all students as well as significant student subgroups are achieving as compared to the standards and annual improvement targets; and how information from the assessments shall be made available to the public and the parents or guardians of each student. This plan must address how assessment data, including value-added assessment data provided under § 403.3(d)(1)(iii) (relating to assessments), is shared with and used by district-level administrators, school administrators and professional educators to change instructional practice in order to address the learning needs of students.

(7) *Targeted assistance for struggling students.* A plan for additional instructional opportunities for students not achieving at the proficient level, including identification procedures, alternative instructional strategies, monitoring of assessment procedures and opportunities for extended learning time (including tutoring). This plan must describe how grade-level learning plans for students who have not achieved proficiency in reading and mathematics during their primary grades (K–3) under § 4.21(j) (relating to elementary education: primary and intermediate levels) have been implemented and specify the instructional opportunities for students who have not achieved proficiency in reading and mathematics by the end of grade 5 under § 4.21(k).

(8) *Qualified, effective teachers and capable instructional leaders.* A description of the school entity's goals, strategies and performance measures regarding provision of teachers and school leaders designed to ensure that all students attain the academic standards at a proficient level or higher. This description must specifically address how the school entity deploys its most effective and highly qualified teachers to meet the learning needs of students who are below proficiency or are at risk of not graduating.

(9) *Continuous professional education.* A professional education plan, including:

(i) Requirements under section 1205.1 of the School Code (24 P. S. § 12-1205.1) and § 49.17 (relating to continuing professional education).

(ii) The induction plan under § 49.16 (relating to approval of induction plans).

(iii) Professional education programs linked to the academic standards under § 4.12.

(iv) How to promote professional collaboration regarding continuous improvement of instruction and student achievement.

(10) *Organization and goals.* A description of the school entity's organization and organizational goals and their relationship to differing student needs within the school entity's goals under paragraph (2) and the attainment of academic standards under paragraph (3).

(11) *Utilization of resources.* A description of the resources the school entity plans to devote to the attainment of academic standards, including professional personnel, school library, classroom materials, educational technology, school facilities, budget and other resources available to the school entity.

(12) *Parent and community participation.* A description of the school entity's approaches for involving parents or guardians, community groups, businesses and institutions of higher education in the learning process, as appropriate.

(13) *Support for struggling schools.* A description of the school district's or area vocational technical school with multiple campuses' process for assisting schools that do not meet the annual student achievement improvement targets and school experiencing other challenges that deter student attainment of the academic standards at a proficient level or higher.

(14) **Milestones of progress.** A listing of the specific goals, tasks and initiatives that must be accomplished by a specified date within each year of the planning cycle. The goals, tasks and initiatives must be derived from the priorities described in the strategic plan, as locally appropriate benchmarks that ensure consistent monitoring and midcourse correction.

(15) **Planning process.** A brief description of the process used to develop the strategic plan, including a list of persons involved in its development.

(16) **Coordination with other programs.** A description of how the school district will accomplish coordination with the following before or after school programs and services for all grade levels, including prekindergarten, if offered, through 12:

- (i) Child care.
- (ii) After school programs.
- (iii) Youth workforce development programs.
- (iv) Tutoring.

(d) Strategic plans, the 6-year plan, mid-term review report, annual updates and all other revisions to the plan, shall be developed through active participation by parents, students, school directors, teachers from elementary schools, middle/junior high schools, senior high schools and AVTS, educational specialists (for example, school nurses, guidance counselors), school administrators, other school personnel, and business and community representatives. Teacher representatives shall be chosen by teachers[, and ]; educational specialists shall be chosen by educational specialists; administrative representatives shall be chosen by the administrative personnel[, ]; and school director representatives shall be chosen by the board of the school district or AVTS.

(e) Prior to its approval by the board of directors, the strategic plan and revisions of it shall be made available for public inspection in the school district's or AVTS's offices, on the entity's web site and nearest public library until the next regularly scheduled board meeting or a minimum of 28 days whichever comes first. The plan shall be filed with the Department after it is recommended by the school superintendent of record and is approved by the school district's or AVTS's board of directors. If the board of directors alters the proposed strategic plan developed under subsection (d), it shall consult with the committee which developed it to reach the greatest possible consensus prior to its submission and shall include any minority report which is developed.

\* \* \* \* \*

(g) As an extension of this chapter, the locally approved strategic plan shall be administered in the school entity under the authority of a commissioned officer, AVTS administrative director or cyber charter school chief executive officer and readily available to the public.

**CURRICULUM AND INSTRUCTION**

**§ 4.21. Elementary education: primary and intermediate levels.**

(a) The primary program shall ordinarily be completed by children who are approximately 8 years of age and may include prekindergarten. School districts shall provide opportunities for individualized rates of learning

and social and emotional development that reflect differing rates of development and learning styles of young children.

(b) Curriculum and instruction in the primary program [ shall ] must be standards-based and focus on introducing young children to formal education, developing an awareness of the self in relation to others and the environment, and developing skills of communication, thinking and learning. Literacy skills, including phonemic awareness, phonological awareness, fluency, vocabulary and comprehension and developmental writing will begin in prekindergarten and kindergarten, if offered, and developed appropriately for the primary grade level.

\* \* \* \* \*

(d) [ Curriculum ] Standards-based curriculum and instruction in the intermediate level [ shall continue the development of communication, thinking and learning skills and shall begin to focus on learning specific subject matter content ] must enable all students to reach the proficient level on the local assessment system and the Statewide assessment system. Academic standards will guide the focus on learning specific subject matter content.

(e) Planned instruction aligned with academic standards in the following areas shall be provided to every student every year in the primary program. Planned instruction may be provided as separate course or other interdisciplinary activity.

\* \* \* \* \*

(6) Health, safety and physical education, including instruction in concepts and skills which affect personal, family and community health and safety, nutrition, [ physical ] the prevention of alcohol, chemical and tobacco abuse, knowledge and practice of lifetime physical activities, personal fitness, basic movement skills and concepts, motor skill development, principles and strategies of movement, and safety practices in physical activity settings [ and the prevention of alcohol, chemical and tobacco abuse ].

\* \* \* \* \*

(f) Planned instruction in the following areas shall be provided to every student every year in the intermediate level program. Planned instruction may be provided as a separate course or as an instructional unit within another course or other interdisciplinary instructional activity:

\* \* \* \* \*

(3) Science and technology, including[, when appropriate, ] instruction about agriculture and agricultural science.

(4) Environment and ecology, including[, when appropriate, ] instruction about agriculture and agricultural science.

\* \* \* \* \*

(8) Health, safety and physical education, including instruction in concepts and skills which affect personal, family and community health and safety, nutrition, [ physical ] the prevention of alcohol, chemical and tobacco abuse, knowledge and practice of lifetime physical activities, personal fitness, basic movement skills and concepts, motor skill development, principles and strategies of movement, and safety practices in

physical activity settings [ **and the prevention of alcohol, chemical and tobacco abuse** ].

(g) Planned instruction **aligned with academic standards** in the following areas shall be provided to every student at least once by the end of elementary school. Planned instruction may be provided as a separate course or as an instructional unit within another course or other interdisciplinary instructional activity. See section 1511 of the School Code (24 P. S. § 15-1511).

\* \* \* \* \*

(h) This section does not preclude the teaching of other planned instruction designed to achieve a school [ **district's, including charter schools,** ] **entity's** mission, goals and academic standards.

\* \* \* \* \*

(j) [ **Beginning in the 2001-2002 school year, students** ] **Students** who have not achieved proficiency in reading and mathematics during their primary grades (K—3), as determined by the school [ **district, (including charter schools)** ] **entity,** shall be afforded additional instructional opportunities through a grade-level learning plan developed by the school [ **district (including charter schools)** ] **entity.** The plan will assist the student in acquiring the knowledge and skills necessary to achieve at the proficient level. Assessments to measure proficiency shall be described in the local assessment system under § 4.52 (relating to local assessment system).

(k) [ **Beginning in the 2001-2002 school year, students** ] **Students** who have not achieved proficiency in reading and mathematics by the end of grade 5 as determined on State assessments under § 4.51 (relating to State assessment system) shall be afforded instructional opportunities to develop knowledge and skills necessary to achieve the proficient level.

**§ 4.22. Middle level education.**

(a) The middle level [ **program ordinarily** ] **planned instruction aligned with academic standards** serves children who are approximately 11—14 years of age. School [ **districts, including charter schools,** ] **entities** may modify the grouping of students based upon student needs identified in their strategic plans under § 4.13 (relating to strategic plans).

(b) Curriculum and instruction in the middle level program shall **be standards-based and** focus on mastery of academic subjects, the development of critical and creative thinking, information literacy, good health and encourage active participation in the school and community.

(c) Planned instruction **aligned with academic standards** in the following areas shall be provided to every student in the middle level program. Planned instruction may be provided as a separate course or as an instructional unit within a course or other interdisciplinary instructional activity:

\* \* \* \* \*

(3) Science and technology, which involves active learning experiences and which may include laboratory experiments and [ **, when appropriate,** ] instruction in agriculture and agricultural science.

\* \* \* \* \*

(5) Environment and ecology, including social, political and economic aspects of ecology, and [ **when appropriate,** ] instruction in agriculture and agricultural science.

\* \* \* \* \*

(d) This section does not preclude the teaching of other planned instruction designed to achieve a school [ **district's, including charter schools,** ] **entity's** academic standards.

(e) School [ **districts, including charter schools,** ] **entities** shall determine the most appropriate way to operate their middle level programs to achieve the purposes under subsection (b) and the academic standards in their strategic plans under § 4.13.

**§ 4.23. High school education.**

\* \* \* \* \*

(b) Curriculum and instruction in the high school shall **be standards-based and** provide all students opportunities to develop the skills of analysis, synthesis, evaluation and problem-solving, and information literacy.

(c) Planned instruction **aligned with academic standards** in the following areas shall be provided to every student in the high school program. Planned instruction may be provided as a separate course or as an instructional unit within a course or other interdisciplinary instructional activity:

\* \* \* \* \*

(9) Family and consumer science, including principles of consumer behavior and basic knowledge of child health [ **and** ], child care [ **skills** ] and **early literacy skill development.**

\* \* \* \* \*

(f) This section does not preclude the teaching of other planned instruction designed to achieve a school [ **district's, including charter schools,** ] **entity's** academic standards.

(g) School [ **districts, including charter schools,** ] **entities** shall determine the most appropriate way to operate their high school programs to achieve the purposes under subsection (a) and the academic standards in their strategic plans under § 4.13 (relating to strategic plans).

**§ 4.24. High school graduation requirements.**

(a) Each school [ **district, including charter schools,** ] **entity** shall specify requirements for graduation in the strategic plan under § 4.13 (relating to strategic plans). Requirements shall include course completion and grades, completion of a culminating project and results of local assessments aligned with the academic standards. Beginning in the 2002-2003 school year, students shall demonstrate proficiency in reading, writing and mathematics on either the State assessments administered in grade 11 or 12 or local assessment aligned with academic standards and State assessments under § 4.52 (relating to local assessment system) at the proficient level or better to graduate. The purpose of the culminating project is to assure that students are able to apply, analyze, synthesize and evaluate information and communicate significant knowledge and understanding.

\* \* \* \* \*

(d) Each school [ **district, including charter schools,** ] **entity** shall describe in its strategic plan

under § 4.13 how its planned instruction is designed to prepare students to meet the requirements of subsection (a).

\* \* \* \* \*

§ 4.25. Languages.

(a) World language programs must prepare students to be proficient in meeting the World Language Standards issued by the Department. Every school district shall provide planned instruction in at least two languages in addition to English, at least one of which shall be a modern language, and at least one of which shall be offered in a minimum 4-year sequence in the secondary program (middle level and high school).

(b) World language planned instruction under subsection (a) may be offered beginning at any grade level, including the elementary grades.

(c) World Language Standards issued by the Department will address the ability of students to communicate in a language other than English, including the ability to understand and interpret written and spoken language on a variety of topics and to develop knowledge and understanding of other cultures.

§ 4.27. Physical education and athletics.

\* \* \* \* \*

(b) The physical education program must be adapted for students who are medically unable to participate in the regular physical education program.

\* \* \* \* \*

§ 4.29. HIV/AIDS and other life-threatening and communicable diseases.

(a) [Instruction] Planned instruction aligned with the academic standards for health regarding the prevention of human immunodeficiency virus (HIV) infection[ / ], acquired immunodeficiency syndrome (AIDS) and other life-threatening and communicable diseases shall be [ given for ] provided to every student in the primary, intermediate, middle school and high school [ education ] levels and shall follow the requirements of subsections (b) [ and ], (c), (d) and (e).

(b) Educational materials and instruction shall be determined by the local school district [ and be appropriate to the age group being taught ] in accordance with subsections (c), (d) and (e). [ The program of instruction shall include information about the nature of the diseases, treatments and cures, methods of transmission and how infection can be prevented. The school district may omit instruction in the elementary grades on transmission of disease through sexual activity. Programs discussing transmission through sexual activity shall stress that abstinence from sexual activity is the only completely reliable means of preventing sexual transmission. Programs shall stress that avoidance of illegal drug use is the only completely reliable means of preventing transmission of disease through shared drug paraphernalia. ]

(c) The program of instruction must include information about the nature of the diseases, treatments and cures, methods of transmission and how infection can be prevented. It is recommended that the school district's age appropriate planned curriculum conform to the "Guidelines for Effective School

Health Education to Prevent the Spread of AIDS," issued by the United State Centers for Disease Control and Prevention or other science-based guideline. The school district may omit instruction in the elementary grades (K-6) on transmission of disease through sexual activity. Programs discussing transmission through sexual activity shall stress that abstinence from sexual activity is the only completely reliable means of preventing sexual transmission. Programs must stress that avoidance of illegal drug use is the only completely reliable means of preventing transmission of disease through shared drug paraphernalia.

(d) A school [ district, including charter schools, ] entity shall excuse a pupil from HIV/AIDS instruction when, based upon an inspection of the instructional materials, the parents or guardians find that the instruction conflicts with [ the ] their religious beliefs [ or principles of the pupil or parent or guardian of the pupil and when excusal is requested in writing ], and the parents or guardians have delivered a written request for excusal to the school entity. [ Prior to the commencement of instruction, a school district shall publicize that detailed curriculum outlines and curricular materials used in conjunction with the instruction are available to parents and guardians during normal school hours or at teacher-parent conferences. ] Curricular materials, if practical, shall be made available by the school [ district ] entity for home instructional use by a parent or guardian [ of a ] if the student has been excused from the [ district's ] school entity's HIV/AIDS instruction.

(e) Before beginning HIV/AIDS instruction, a school entity shall publicize that detailed curriculum outlines and curricular materials used in conjunction with the planned instruction are available to parents and guardians for review during normal school hours or at teacher-parent conferences.

VOCATIONAL-TECHNICAL EDUCATION

§ 4.31. Vocational-technical education.

(a) Vocational-technical education courses shall be developed in the planned instruction format and shall be accessible to all high school students attending those grades in which vocational-technical education courses are offered. All students and their parents or guardians shall be informed of the students' rights to participate in vocational-technical education programs and courses. Students who complete approved vocational-technical education programs shall have their occupational competency assessed by completion of the appropriate assessment under the Pennsylvania Skills Certificate Program or by completion of another occupational competency assessment approved by the Department. Students shall also demonstrate proficiency in meeting academic standards as required under § 4.24(a) (relating to high school graduation requirements).

\* \* \* \* \*

(c) Vocational-technical education programs shall consist of a series of planned academic and vocational-technical education courses that are articulated with one another so that knowledge and skills are taught in a systematic manner. When appropriate, vocational-technical education programs must adopt, in program areas for which they are available, industry recog-



nized skills standards and may also include cooperative vocational-technical education and participation in vocational student organizations to develop leadership skills.

\* \* \* \* \*

§ 4.33. Advisory committees.

\* \* \* \* \*

(c) An occupational advisory committee shall be established for each vocational-technical education program or cluster of related programs offered by a school district or AVTS. The committee shall be appointed by the board of directors, and a majority of the members of the committee shall be employees and employers in the occupation for which training is provided. The committee shall meet at least [once] twice each year to advise the board, administration and staff on curriculum, equipment, instructional materials, safety requirement, program evaluation and other related matters and to verify that the programs meet industry standards and, if appropriate, licensing board criteria and that they prepare students with occupation related competencies.

ASSESSMENT

§ 4.51. State assessment system.

(a) The State assessment system shall be designed to serve the following purposes:

(1) Provide students, parents, educators and citizens with an understanding of student and school performance consistent with the No Child Left Behind Act of 2001, the act of January 8, 2002 (Pub. L. 107-110, 115 Stat. 1425).

\* \* \* \* \*

(3) Provide results to school [districts, including charter schools, and AVTSs] entities for consideration in the development of strategic plans under § 4.13 (relating to strategic plans).

\* \* \* \* \*

(6) Provide results to school [districts, including charter schools, and AVTSs] entities based upon the aggregate performance of all students, for students with an Individualized Education Program (IEP) and for those without an IEP.

(b) [All] State assessment instruments administered in reading and mathematics in grades 5, 8 and 11 and in writing in grades 6, 9 and 11 will be standards-based and criterion referenced and include essay or open-ended response items in addition to other item formats. The proportion of type of items will vary by grade level. Neither State assessments nor academic standards under § 4.12 [shall] may require students to hold or express particular attitudes, values or beliefs. The Department will make samples of assessment questions, instrument formats, and scoring guides available to the public after each administration of State assessments. The criteria for judging performance on State assessments are as follows:

\* \* \* \* \*

(2) Performance on State mathematics assessments shall be demonstrated by students' responses to questions about grade-appropriate content and by the quality of their responses to questions [which] that require a written solution to a problem.

\* \* \* \* \*

(d) The State assessments shall be administered annually and [shall] include assessments of the State academic standards in mathematics and reading at grades 3, 4, 5, 6, 7, 8 and 11 [and]; in writing at grades 6, 9 and 11; and in science at grades 4, 7 and 10. The purpose of State assessments administered in [1999] 2005 is to validate assessment instruments and to provide initial information to teachers and schools to guide the redesign of curricula and instructional strategies to enable all students to achieve at the proficient level on the academic standards.

\* \* \* \* \*

(f) [Expansion] The Board will authorize the expansion of the State assessment system [will be authorized by the Board] through a revision of this chapter.

(g) The Department will implement provisions for security of the State assessment system, including the following provisions:

(1) Action by a professional [employee] employee or commissioned officer [which] that is willfully designed to divulge test questions, falsify student scores or in some other fashion compromise the integrity of the State assessment system as determined by the school [district] entity shall be subject to disciplinary action under [sections 1259—1267 of the School Code (24 P. S. §§ 12-1259—12-1267)] the Professional Educator Discipline Act (24 P. S. §§ 2070.1a—2070.18a).

\* \* \* \* \*

(i) The Secretary will report each September to the Board and the General Assembly information and pertinent data relating to the State assessment system. The Secretary will also provide each school [district (including charter schools) and AVTS] entity information and pertinent data for the school [district or AVTS] entity and its students.

(j) Children with disabilities and children with limited English proficiency shall be included in the State assessment system as required by Federal law, with appropriate accommodations, [where] when necessary. As appropriate, the Commonwealth will develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in the State assessment as determined by each child's Individualized Education Program team under the Individuals with Disabilities Education Act and this part.

§ 4.52. Local assessment system.

(a) Each school [district, including charter schools, and AVTS] entity shall design an assessment system to do the following:

(1) Determine the degree to which students are achieving academic standards under §§ 4.12 and 4.13(c)(3) (relating to academic standards; and strategic plans). The school [district (including charter schools) or AVTS] entity shall provide assistance to students not attaining academic standards at the proficient level or better and the assistance to be provided shall be indicated in the strategic plan under § 4.13.

\* \* \* \* \*

(c) [The local assessment system shall be described in the district's (including charter schools) or AVTS's strategic plan under § 4.13(b)(5).] If a school entity chooses to use a local assessment to determine whether a student is proficient as outlined in § 4.24(a) (relating to high school graduation requirements), the local assessment must be described in the school entity's strategic plan and adhere to the following:

(1) Local assessments may be a single exam or a combination of assessment strategies, including, but not limited to:

- (i) A Nationally recognized standardized assessment.
- (ii) A locally developed standardized assessment.
- (iii) A portfolio assessment.

(2) The proficient level on the local assessment shall be comparable to the proficient level on the PSSA.

(3) The Department will determine whether a school entity is meeting the requirements of paragraph (2). School entities that use one or more local assessments for the purpose of determining whether a student is proficient as outlined in § 4.24(a) shall submit an annual report on a form and in a manner determined by the Department certifying the comparability or alignment between the PSSA and the local assessment or assessments and providing data specified by the Department to support the certification. The existence of significant numbers of students not achieving proficiency on the PSSA who are deemed proficient by a local assessment will raise an inference that the local assessment is not aligned with the PSSA or the PSSA's meaning of proficient. A school entity whose certification is rejected by the Department shall use the PSSA for the purposes of § 4.24(a) until the school entity receives Department approval that a local assessment or assessments meets the requirements of paragraph (2).

(4) If the report and certification are not submitted as required, or if the Secretary is not satisfied with the form or accuracy of the report and certification that have been submitted by the school entity, the Secretary will exercise the powers under section 2552 of the School Code (24 P. S. § 25-2552) regarding withholding State appropriations, in a manner that is consistent with law, until the Secretary is satisfied that the school entity is in compliance with this chapter.

(d) The local assessment system shall be described in the [district's (including charter schools) or AVTS's] school entity's strategic plan under § 4.13 (b)(5), including industry certifications earned by vocational-technical students, Pennsylvania skill certificates earned by vocational technical education students, and projects completed by vocational-technical education students which demonstrate their occupational competency.

[ (d) ] (e) \* \* \*

\* \* \* \* \*

**SCHOOL PROFILES**

**§ 4.61. School profiles.**

(a) School profiles developed by the Secretary will include [the following] information as required un-

der Federal and State law[, in addition to other information the Secretary deems appropriate:

(1) Results of State assessments under § 4.51 (relating to State assessment system).

(2) Results of local assessments under § 4.52 (relating to local assessment), which may not include student names, identification numbers or individually identifiable information.

(3) School performance improvement goals based on State assessment results under § 4.13 (relating to strategic plans).

(4) Class size.

(5) Information about the instructional program.

(6) Percentages of students who graduate or who drop out and the status of graduates the year after they leave high school.

(7) Student attendance.

(8) Teacher attendance.

(9) Information about fiscal support of the school, school district or AVTS [.

(b) In compiling school profiles under this chapter, the Department will provide school entities interpretive information to assist in using the profiles for strategic planning under § 4.13 (relating to strategic plans).

\* \* \* \* \*

**ENFORCEMENT AND IMPLEMENTATION**

**§ 4.81. Allegations of deficiencies.**

(a) The Secretary will receive and investigate allegations of curriculum deficiencies from professional [employees] employees, commissioned officers, parents of students or other residents of a school [district or AVTS] entity.

(b) The Secretary will notify the school [district or AVTS] entity's superintendent or chief executive of allegations and may require the superintendent or chief executive to submit one or more of the following:

\* \* \* \* \*

(c) If the Secretary determines that a curriculum deficiency exists, the school [district or AVTS] entity shall be required to submit to the Secretary for approval a plan to correct the deficiency.

(d) Within 1 year of the implementation of a corrective action plan under subsection (c), the Secretary will review the actions taken to correct the deficiency. If the deficiency remains uncorrected, the Secretary will send a formal notice of deficiency to the governing board of the school [district or AVTS board of school directors] entity, and the notice shall be announced at the [school board] meeting of the school entity's governing board immediately following its receipt.

(e) If the school [district or AVTS] entity does not take appropriate actions to correct the deficiency after the notice of deficiency is announced, the Secretary will take action under State law.

**§ 4.82. Exceptions.**

(a) The Secretary may grant exceptions to specific provisions of this chapter when it is necessary to adapt them to the curriculum needs of individual school [dis-

tricts or AVTSs ] entities or to facilitate transition to the revised provisions of this chapter. Specific exception may be made for school [ districts (including charter schools) and AVTSs which ] entities that develop or implement academic standards that are comparable to or exceed those found in § 4.12 (relating to academic standards). Exceptions may be granted under the following conditions:

\* \* \* \* \*

§ 4.83. [ Implementation schedule ] (Reserved).

[ (a) The strategic plans under § 4.13 (relating to strategic plans) shall be developed by a schedule to be determined by the Department. Plans addressing the requirements of this chapter shall be on file with the Department by September 30, 2002.

(b) In the school year in which a school district (including charter schools) or AVTS submits its initial strategic plan under § 4.13, it shall implement professional development, curriculum development and assessment development activities identified in the strategic plan and shall receive technical assistance from the Department. ]

[Pa.B. Doc. No. 05-2021. Filed for public inspection November 4, 2005, 9:00 a.m.]

[22 PA. CODE CH. 4]

Academic Standards and Assessment for Career Education and Work

The State Board of Education (Board) proposes to amend Chapter 4 (relating to academic standards and assessment) to add academic standards for Career Education and Work to read as set forth in Annex A. The statutory authority for this proposed rulemaking is the Public School Code of 1949 (24 P. S. §§ 1-101—27-2702).

Purpose

The proposed rulemaking will add academic standards for Career Education and Work. The purpose of adding these requirements is to specify academic standards to be achieved by students enrolled at various grade levels in the public schools of this Commonwealth.

The Board previously published proposed academic standards for Career Education and Work at 33 Pa.B. 1847 (April 12, 2003). However, the Board chose not to submit final regulations within the 2-year time frame required by the Regulatory Review Act (71 P. S. §§ 745.1—745.15) to permit the Board to consider emerging new policy initiatives that would affect high schools and career and technical education. A committee composed of Department of Education (Department) staff, representatives of business and schools and State education and business associations developed the revised academic standards for career education and work.

Requirements of the Regulations

Proposed amendments to Chapter 4 define the academic standards for Career Education and Work to be achieved by students enrolled at various grade levels in the public schools of this Commonwealth. Academic standards for Career Education and Work are organized into four areas: (1) career awareness and preparation; (2) career acquisition (getting a job); (3) career retention and advancement; and (4) entrepreneurship. Specific stan-

dards describe what students should know and be able to do by the end of third, fifth, eighth and eleventh grade.

Affected Parties

The proposed rulemaking affects the students and professional employees of the public schools of this Commonwealth (including intermediate units, area vocational-technical schools and cyber charter schools).

Cost and Paperwork Estimates

Costs to implement this proposed rulemaking may include curriculum development and the professional development of teachers. These costs may vary by school district. Curriculum development is an ongoing activity for schools and is typically part of their normal budgeting. Costs associated with aligning curricula with these standards at the local level will be minimized by technical assistance in curriculum development provided by Department and Intermediate unit staff using existing resources.

Professional development of teachers is an ongoing activity for schools and is addressed in the normal budgeting of school districts and the Department. Specific programs designed to support the implementation of these standards will minimize any financial impact on school districts.

Professional development is provided through the Governor's Institutes for Teachers and is included within current year appropriations. In addition, the act of November 23, 1999 (P. L. 529, No. 48) (Act 48) establishes a requirement for all educators to engage in continuing professional education. Act 48 also requires the Department to provide 40 hours of professional development annually at no cost to teachers. Online professional development courses may be developed on the Career Education and Work academic standards.

Effective Date

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

Sunset Date

In accordance with the terms and provisions of § 4.12(i) (relating to academic standards), the effectiveness of these academic standards will be reviewed by the Board every 3 years. Thus, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 26, 2005, 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 and Senate Committees on Education. 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 Comments and Contact Person

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

rulemaking to Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333 within 30 days following publication in the *Pennsylvania Bulletin*.

Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling Jim Buckheit at (717) 787-3787 or TDD (717) 787-7367.

JIM BUCKHEIT,  
*Executive Director*

**Fiscal Note:** 6-296. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 22. EDUCATION**

**PART I. STATE BOARD OF EDUCATION**

**CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT**

**APPENDIX E**

**Academic Standards for Career Education and Work**

**Proposed Academic Standards for Career Education and Work**

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**XXXVIII. INTRODUCTION**

The Academic Standards for Career Education and Work reflect the increasing complexity and sophistication that students experience as they progress through school. Career Education and Work Standards describe what students should know and be able to do at four grade levels (3, 5, 8 and 11) in four areas:

- 13.1 Career Awareness and Preparation
- 13.2 Career Acquisition (Getting a Job)
- 13.3 Career Retention and Advancement
- 13.4 Entrepreneurship

Pennsylvania’s economic future depends on having a well-educated and skilled workforce. No student should leave secondary education without a solid foundation in Career Education and Work. It is the rapidly changing workplace and the demand for continuous learning and innovation on the part of the workers that drive the need to establish academic standards in Career Education and Work.

Through a comprehensive approach, Career Education and Work Standards complement all disciplines and other academic standards. If Pennsylvania’s students are to succeed in the workplace, there are certain skills that they need to obtain prior to graduation from high school. These skills have been identified in the Career Education and Work Standards, but it is up to individual school districts to decide how they are to be taught. Districts can implement integration strategies within existing disciplines or can implement stand-alone courses to specifically address these standards.

A glossary is included to assist the reader in understanding terminology contained in the standards.

<b>13.1. Career Awareness and Preparation</b>			
<b>13.1.3. GRADE 3</b>	<b>13.1.5. GRADE 5</b>	<b>13.1.8. GRADE 8</b>	<b>13.1.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
<p>A. Recognize that individuals have unique interests.</p> <p>B. Recognize that the roles of individuals at home, in the workplace and in the community are constantly changing.</p> <p>C. Identify the range of jobs available in the community.</p> <p>D. Describe the work done by school personnel and other individuals in the community.</p> <p>E. Explore how people prepare for careers.</p>	<p>A. Describe the impact of individual interests and abilities on career choices.</p> <p>B. Relate the impact of change to both traditional and nontraditional careers.</p> <p>C. Describe the range of career training programs in the community such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Two-and-four year colleges</li> <li>• Career and technical centers</li> <li>• CareerLinks</li> <li>• Community/recreation centers</li> <li>• Faith-based organizations</li> <li>• Local industry training centers</li> <li>• Military</li> <li>• Registered apprenticeship</li> <li>• Vocational rehabilitation centers</li> <li>• Web-based training</li> </ul> <p>D. Describe the factors that influence career choices, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Geographic location</li> <li>• Job description</li> <li>• Salaries/benefits</li> <li>• Work schedule</li> <li>• Working conditions</li> </ul> <p>E. Investigate people's rationale for making career choices.</p>	<p>A. Relate careers to individual interests, abilities, and aptitudes.</p> <p>B. Explain how both traditional and nontraditional careers offer or hinder career opportunities.</p> <p>C. Explain the relationship of career training programs to employment opportunities.</p> <p>D. Analyze the economic factors that impact employment opportunities, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Competition</li> <li>• Geographic location</li> <li>• Global influences</li> <li>• Job growth</li> <li>• Job openings</li> <li>• Labor supply</li> <li>• Potential advancement</li> <li>• Potential earnings</li> <li>• Salaries/benefits</li> <li>• Unemployment</li> </ul> <p>E. Analyze the relationship of school subjects, extracurricular activities and community experiences to career preparation.</p>	<p>A. Relate careers to individual interests, abilities, and aptitudes.</p> <p>B. Analyze how the changing roles of individuals in the workplace relate to new opportunities within career choices.</p> <p>C. Evaluate school-based opportunities for career awareness/preparation, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Career days</li> <li>• Career portfolio</li> <li>• Community service</li> <li>• Cooperative education</li> <li>• Graduation/senior project</li> <li>• Internship</li> <li>• Job shadowing</li> <li>• Part-time employment</li> <li>• Registered apprenticeship</li> <li>• School-based enterprise</li> </ul> <p>D. Justify the selection of a career.</p> <p>E. Analyze the relationship between career choices and career preparation opportunities, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Associate degree</li> <li>• Baccalaureate degree</li> <li>• Certificate/licensure</li> <li>• Entrepreneurship</li> <li>• Immediate part/full time employment</li> <li>• Industry training</li> <li>• Military training</li> <li>• Professional degree</li> <li>• Registered apprenticeship</li> <li>• Tech Prep</li> </ul>

<b>13.1. Career Awareness and Preparation</b>			
<b>13.1.3. GRADE 3</b>	<b>13.1.5. GRADE 5</b>	<b>13.1.8. GRADE 8</b>	<b>13.1.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
F. Explain why education and training plans are important to careers.	F. Identify the components of a career plan, such as, but not limited to: <ul style="list-style-type: none"> <li>• Beginnings of career portfolio</li> <li>• Career goals</li> <li>• Individual interests and abilities</li> <li>• Training/education requirements and costs</li> </ul>	F. Create an individualized career plan including, such as, but not limited to: <ul style="list-style-type: none"> <li>• Assessment and continued development of career portfolio</li> <li>• Career goals</li> <li>• Cluster/pathway opportunities</li> <li>• Individual interests and abilities</li> <li>• Training/education requirements and financing</li> </ul>	F. Assess the implementation of the individualized career plan through the ongoing development of the career portfolio.

<b>13.2. Career Acquisition (Getting a Job)</b>			
<b>13.2.3. GRADE 3</b>	<b>13.2.5. GRADE 5</b>	<b>13.2.8. GRADE 8</b>	<b>13.2.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
A. Identify appropriate speaking and listening techniques used in conversation.  B. Discuss resources available in researching job opportunities, such as, but not limited to: <ul style="list-style-type: none"> <li>• Internet</li> <li>• Magazines</li> <li>• Newspapers</li> </ul> C. Compose a personal letter.	A. Apply appropriate speaking and listening techniques used in conversation.  B. Identify and review resources available in researching job opportunities, such as, but not limited to: <ul style="list-style-type: none"> <li>• Internet</li> <li>• Magazines</li> <li>• Newspapers</li> </ul> C. Compose and compare a business and a personal letter.	A. Identify effective speaking and listening skills used in a job interview.  B. Evaluate resources available in researching job opportunities, such as, but not limited to: <ul style="list-style-type: none"> <li>• CareerLinks</li> <li>• Internet (i.e. O-NET)</li> <li>• Networking</li> <li>• Newspapers</li> <li>• Professional associations</li> <li>• Resource books (that is <i>Occupational Outlook Handbook, PA Career Guide</i>)</li> </ul> C. Prepare a draft of career acquisition documents, such as, but not limited to: <ul style="list-style-type: none"> <li>• Job application</li> <li>• Letter of appreciation following an interview</li> <li>• Letter of introduction</li> <li>• Request for letter of recommendation</li> <li>• Resume</li> </ul>	A. Apply effective speaking and listening skills used in a job interview.  B. Apply research skills in searching for a job. <ul style="list-style-type: none"> <li>• CareerLinks</li> <li>• Internet (that is O-NET)</li> <li>• Networking</li> <li>• Newspapers</li> <li>• Professional associations</li> <li>• Resource books (that is <i>Occupational Outlook Handbook, PA Career Guide</i>)</li> </ul> C. Develop and assemble, for career portfolio placement, career acquisition documents, such as, but not limited to: <ul style="list-style-type: none"> <li>• Job application</li> <li>• Letter of appreciation following an interview</li> <li>• Letter of introduction</li> <li>• Postsecondary education/training applications</li> <li>• Request for letter of recommendation</li> <li>• Resume</li> </ul>

<b>13.2. Career Acquisition (Getting a Job)</b>			
<b>13.2.3. GRADE 3</b>	<b>13.2.5. GRADE 5</b>	<b>13.2.8. GRADE 8</b>	<b>13.2.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
<p>D. Identify the importance of developing a plan for the future.</p> <p>E. Discuss the importance of the essential workplace skills, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Dependability</li> <li>• Health/safety</li> <li>• Team building</li> <li>• Technology</li> </ul>	<p>D. Identify individualized career portfolio components, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Achievements</li> <li>• Awards/recognitions</li> <li>• Career exploration results</li> <li>• Career plans</li> <li>• Community service involvement/projects</li> <li>• Interests/hobbies</li> <li>• Personal career goals</li> <li>• Selected school work</li> <li>• Self inventories</li> </ul> <p>E. Apply to daily activities, the essential workplace skills, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Commitment</li> <li>• Communication</li> <li>• Dependability</li> <li>• Health/safety</li> <li>• Personal initiative</li> <li>• Scheduling/time management</li> <li>• Team building</li> <li>• Technical literacy</li> <li>• Technology</li> </ul>	<p>D. Develop an individualized career portfolio including components, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Achievements</li> <li>• Awards/recognitions</li> <li>• Career exploration results</li> <li>• Career plans</li> <li>• Community service involvement/projects</li> <li>• Interests/hobbies</li> <li>• Personal career goals</li> <li>• Selected school work</li> <li>• Self inventories</li> </ul> <p>E. Explain, in the career acquisition process, the importance of the essential workplace skills/knowledge, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Commitment</li> <li>• Communication</li> <li>• Dependability</li> <li>• Health/safety</li> <li>• Laws and regulations (that is Child Labor Law, Fair Labor Standards Act, OSHA, Material Safety Data Sheets)</li> <li>• Personal initiative</li> <li>• Scheduling/time management</li> <li>• Team building</li> <li>• Technical literacy</li> <li>• Technology</li> </ul>	<p>D. Analyze, revise, and apply an individualized career portfolio to chosen career path.</p> <p>E. Demonstrate, in the career acquisition process, the application of essential workplace skills/knowledge, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Commitment</li> <li>• Communication</li> <li>• Dependability</li> <li>• Health/safety</li> <li>• Laws and regulations (that is Child Labor Law, Fair Labor Standards Act, OSHA, Material Safety Data Sheets)</li> <li>• Personal initiative</li> <li>• Scheduling/time management</li> <li>• Team building</li> <li>• Technical literacy</li> <li>• Technology</li> </ul>

<b>13.3. Career Retention and Advancement</b>			
<b>13.3.3. GRADE 3</b>	<b>13.3.5. GRADE 5</b>	<b>13.3.8. GRADE 8</b>	<b>13.3.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
<p>A. Identify attitudes and work habits that contribute to success at home and school.</p> <p>B. Identify how to cooperate at both home and school.</p>	<p>A. Explain how student attitudes and work habits transfer from the home and school to the workplace.</p> <p>B. Explain the importance of working cooperatively with others at both home and school to complete a task.</p>	<p>A. Determine attitudes and work habits that support career retention and advancement.</p> <p>B. Analyze the role of each participant's contribution in a team setting.</p>	<p>A. Evaluate personal attitudes and work habits that support career retention and advancement.</p> <p>B. Evaluate team member roles to describe and illustrate active listening techniques:</p> <ul style="list-style-type: none"> <li>• Clarifying</li> <li>• Encouraging</li> <li>• Reflecting</li> <li>• Restating</li> <li>• Summarizing</li> </ul>

<b>13.3. Career Retention and Advancement</b>			
<b>13.3.3. GRADE 3</b>	<b>13.3.5. GRADE 5</b>	<b>13.3.8. GRADE 8</b>	<b>13.3.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
<p>C. Explain effective group interaction terms, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Compliment</li> <li>• Cooperate</li> <li>• Encourage</li> <li>• Participate</li> </ul> <p>D. Explain how money is used.</p> <p>E. Discuss how time is used at both home and school.</p> <p>F. Identify changes that occur at both home and school.</p> <p>G. Define and describe the importance of lifelong learning.</p>	<p>C. Identify effective group interaction strategies, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Building consensus</li> <li>• Communicating effectively</li> <li>• Establishing ground rules</li> <li>• Listening to others</li> </ul> <p>D. Explain budgeting.</p> <p>E. Develop a personal schedule based on activities and responsibilities at both home and school.</p> <p>F. Describe the impact of changes at home, school and work.</p> <p>G. Describe how personal interests and abilities impact lifelong learning.</p>	<p>C. Explain and demonstrate conflict resolution skills:</p> <ul style="list-style-type: none"> <li>• Constructive criticism</li> <li>• Group dynamics</li> <li>• Managing/leadership</li> <li>• Mediation</li> <li>• Negotiation</li> <li>• Problem solving</li> </ul> <p>D. Analyze budgets and pay statements, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Charitable contributions</li> <li>• Expenses</li> <li>• Gross pay</li> <li>• Net pay</li> <li>• Other income</li> <li>• Savings</li> <li>• Taxes</li> </ul> <p>E. Identify and apply time management strategies as they relate to both personal and work situations.</p> <p>F. Identify characteristics of the changing workplace and explain their impact on jobs and employment.</p> <p>G. Identify formal and informal lifelong learning opportunities that support career retention and advancement.</p>	<p>C. Evaluate conflict resolution skills as they relate to the workplace:</p> <ul style="list-style-type: none"> <li>• Constructive criticism</li> <li>• Group dynamics</li> <li>• Managing/leadership</li> <li>• Mediation</li> <li>• Negotiation</li> <li>• Problem solving</li> </ul> <p>D. Develop a personal budget based on career choice, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Charitable contributions</li> <li>• Fixed/variable expenses</li> <li>• Gross pay</li> <li>• Net pay</li> <li>• Other income</li> <li>• Savings</li> <li>• Taxes</li> </ul> <p>E. Evaluate time management strategies and their application to both personal and work situations.</p> <p>F. Evaluate strategies for career retention and advancement in response to the changing global workplace.</p> <p>G. Evaluate the impact of lifelong learning on career retention and advancement.</p>

<b>13.4. Entrepreneurship</b>			
<b>13.4.3. GRADE 3</b>	<b>13.4.5. GRADE 5</b>	<b>13.4.8. GRADE 8</b>	<b>13.4.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
<p>A. Define entrepreneurship.</p>	<p>A. Identify the risks and rewards of entrepreneurship.</p>	<p>A. Compare and contrast entrepreneurship to traditional employment, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Benefits</li> <li>• Job security</li> <li>• Operating costs</li> <li>• Wages</li> </ul>	<p>A. Analyze entrepreneurship as it relates to personal career goals and corporate opportunities.</p>



<b>13.4. Entrepreneurship</b>			
<b>13.4.3. GRADE 3</b>	<b>13.4.5. GRADE 5</b>	<b>13.4.8. GRADE 8</b>	<b>13.4.11. GRADE 11</b>
<b><i>Pennsylvania's public schools shall teach, challenge and support every student to realize his or her maximum potential and to acquire the knowledge and skills needed to:</i></b>			
<p>B. Describe the character traits of successful entrepreneurs, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Adaptability</li> <li>• Creative thinking</li> <li>• Ethical behavior</li> <li>• Leadership</li> <li>• Positive attitude</li> <li>• Risk-taking</li> </ul> <p>C. Describe age-appropriate entrepreneurial opportunities, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Bake sale</li> <li>• Crafts</li> <li>• Lemonade stand</li> <li>• Pet care</li> </ul>	<p>B. Discuss the entrepreneurial character traits of historical or contemporary entrepreneurs.</p> <p>C. Discuss the steps entrepreneurs take to bring their goods or services to market, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Marketing</li> <li>• Production</li> <li>• Research and development</li> <li>• Selection of goods and services</li> </ul>	<p>B. Evaluate how entrepreneurial character traits influence career opportunities.</p> <p>C. Identify and describe the basic components of a business plan, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Business idea</li> <li>• Competitive analysis</li> <li>• Daily operations</li> <li>• Finances/budget</li> <li>• Marketing</li> <li>• Productive resources (human, capital, natural)</li> <li>• Sales forecasting</li> </ul>	<p>B. Analyze entrepreneurship as it relates to personal character traits.</p> <p>C. Develop a business plan for an entrepreneurial concept of personal interest and identify available resources, such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• Community Based Organizations (that is chambers of commerce, trade/technical associations, Industrial Resource Centers)</li> <li>• Financial institutions</li> <li>• School-based career centers</li> <li>• Small Business Administration services (that is SCORE, Small Business Development Centers, Entrepreneurial Development Centers)</li> <li>• Venture capital</li> </ul>

**Academic Standards for Career Education Work**

**XXXIX. GLOSSARY**

- Aptitudes:** Capacity to learn and understand.
- Associate degree:** A postsecondary degree typically earned within a 2-year time frame.
- Baccalaureate degree:** A postsecondary degree, also known as a bachelor's degree, typically earned within a 4-year time frame from a college or university.
- Benefits:** Something of value that an employee receives in addition to a wage or salary. Examples include health and life insurance, vacation leave, retirement plans, and the like.
- Budget:** A financial plan that summarizes anticipated income and expenditures over a period of time.
- Business plan:** A prepared document detailing the past, present, and future of an organization.
- Career and technical centers:** Schools that educate secondary students and adults through academic instruction, job preparation and acquisition of occupational skills leading to credentials or employment, or both, in specific industries. The centers also provide opportunities for transition to postsecondary education and continuing education.
- Career cluster:** A grouping of related occupations, which share similar skill sets.
- Career days:** Special events that allow students to meet with employers, career development specialists, community-based organization representatives and postsecondary educators. Events are designed to encourage students to gain information about careers and job opportunities.

<b>Career plan:</b>	A document developed by the student that identifies a series of educational studies and experiences to prepare them for postsecondary education or work, or both, in a selected career cluster or area.
<b>Career portfolio:</b>	An ongoing, individualized collection of materials (electronic or hard copy) that documents a student's educational performance, career exploration and employment experiences over time. While there is no standard format that a career portfolio must take, it typically includes a range of work, containing assignments by the teacher/counselor and selections by the student. It serves as a guide for the student to transition to postsecondary education or the workplace, or both.
<b>Career retention and advancement:</b>	Career retention is the process of keeping a job. Career advancement is the process of performing the necessary requirements to progress in a career.
<b>CareerLinks:</b>	A cooperative system that provides one-stop delivery of career services to job seekers, employers and other interested individuals.
<b>Certificate/licensure:</b>	A document, issued by associations, employers, educational institutions, government, and the like, confirming that one has fulfilled the requirements and is able to perform to a specified level of proficiency within a career field.
<b>Child Labor Laws:</b>	Legislation governing the employment of children under 18 years of age.
<b>Competitive analysis:</b>	A tool that allows a business to identify its competitors and evaluate their respective strengths and weaknesses.
<b>Cooperative education:</b>	A structured method of instruction whereby students alternate or coordinate their high school studies with a job in a field related to their academic or career objectives.
<b>Entrepreneurs:</b>	Individuals who engage in the process of organizing, managing and assuming the risk of a business or enterprise.
<b>Entrepreneurship:</b>	The process of organizing, managing, and assuming the risks of a business or enterprise.
<b>Fair Labor Standards Act:</b>	A Federal law that defines overtime and wage requirements (26 U.S.C.A. §§ 201—219).
<b>Fixed/variable expenses:</b>	Fixed expenses are regular in their timing and amount, and include such things as rent, mortgage, car payment, and insurance. Variable expenses are irregular in their timing and amount, and include such things as food, clothing, home and car maintenance, entertainment and gifts.
<b>Global influences:</b>	Political and cultural changes, which impact the world and its economy.
<b>Gross pay:</b>	The amount earned before deductions, such as taxes, insurance and retirement/pension plan.
<b>Industrial resource centers:</b>	Nonprofit corporations, which provide assistance to improve the competitive position of small-to-medium sized manufacturers.
<b>Internship:</b>	A work experience with an employer for a specified period of time to learn about a particular industry or occupation, which may or may not include financial compensation. The workplace activities may include special projects, a sample of tasks from different jobs or tasks from a single occupation.
<b>Job shadowing:</b>	Typically as part of career exploration activities in late middle and early high school, a student follows an employee for one or more days to learn about a particular occupation or industry. Job shadowing is intended to help students explore a range of career objectives and to possibly select a career pathway.
<b>Labor supply:</b>	The number of persons either working or unemployed and actively seeking work.
<b>Marketing:</b>	The process or technique of promoting, selling, and distributing a product or service.
<b>Material Safety Data Sheets:</b>	Federally mandated listings of all hazardous materials that will impact the health and safety of the workers and that are required to be posted in the workplace.
<b>Mediation:</b>	Third-party intervention between conflicting parties to promote reconciliation, settlement or compromise.
<b>Net pay:</b>	The amount remaining after deductions, such as taxes, insurance and retirement/pension plan.
<b>Networking:</b>	The act of exchanging information, contacts and services.
<b>Non-traditional careers:</b>	Fields of work for which individuals from one gender comprise less than 25% of the individuals employed in those occupations or fields of work.
<b>O•NET:</b>	Occupational Information Network—A free public access online web-based system provided by the United States Department of Labor, which includes comprehensive up-to-date occupational information including skills, knowledge, abilities and tasks for more than 950 occupations.

<b>Operating costs:</b>	The funds necessary to operate a business, not including the cost of goods sold. This is also referred to as overhead.
<b>OSHA:</b>	Occupational Safety and Health Administration—A National agency with representatives in each state who monitor health and safety issues in the workplace.
<b>Professional associations:</b>	Organizations of people having common interests.
<b>Professional degree:</b>	A title conferred on students by a college, university or professional school upon completion of a program of study.
<b>Registered apprenticeship:</b>	A formal program registered with the United States Department of Labor's Bureau of Apprenticeship and Training and with the Pennsylvania Apprenticeship Council. This program must follow strict guidelines as to the types of training and amount of training time an apprentice receives and leads directly into occupations requiring that training for entry.
<b>Resume:</b>	A summary of one's personal qualifications, education/training and employment experience.
<b>Salaries/benefits:</b>	Financial compensation paid regularly for services (See "benefits" for definition).
<b>Sales forecasting:</b>	Predicting the number of services or units likely to be sold over a specified period of time.
<b>School-based career centers:</b>	Specialized areas in schools equipped with resources and materials used to research postsecondary and occupational opportunities.
<b>School-based enterprise:</b>	The production of goods or services as part of a school program.
<b>SCORE:</b>	Service Corps of Retired Executives—A Small Business Administration Federally-sponsored program to assist small-to-medium sized companies.
<b>Self inventories:</b>	Evaluations of an individual's strengths, weaknesses and interests, as it relates to career planning.
<b>Tech Prep:</b>	The name given to programs that offer at least 4 years of sequential course work at the secondary and postsecondary levels to prepare students for technical careers. The curricula are designed to build student competency in academic subjects, as well as to provide broad technical preparation in a career area.
<b>Technical literacy:</b>	The ability of individuals to use existing and emerging technologies, equipment, language, materials and manuals to participate intelligently in performing tasks related to everyday life, school or job.
<b>Time management strategies:</b>	Scheduling techniques used to effectively and efficiently direct or control activities.
<b>Traditional careers:</b>	Fields of work for which individuals from one gender comprise more than 25% of the individuals employed in those occupations or fields of work.
<b>Unemployment:</b>	Measurement of the number of people who are not working and who are actively seeking work.
<b>Venture capital:</b>	Public or private funds invested in a potentially profitable business enterprise despite risk of loss.
<b>Vocational rehabilitation centers:</b>	Educational facilities that provide life skills and occupational training services for individuals with special needs.
<b>Wages:</b>	Payments of money for labor or services according to contract and on an hourly, daily or piecework basis.
<b>Web-based training:</b>	Instruction that is available online.
<b>Work habits:</b>	Acquired behaviors that individuals regularly perform in completing tasks related to chores, school or job.
<b>Working conditions:</b>	The environment in which an individual is employed.

[Pa.B. Doc. No. 05-2022. Filed for public inspection November 4, 2005, 9:00 a.m.]

# STATE BOARD OF MEDICINE

## [49 PA. CODE CHS. 16 AND 18] Physician Assistants

The State Board of Medicine (Board) proposes to amend §§ 16.11 and 16.13 (relating to licenses, certificates and registrations; and licensure, certification examination and registration fees) and §§ 18.121, 18.122, 18.131, 18.141—18.145, 18.151—18.159, 18.161, 18.162, 18.171, 18.172 and 18.181 pertaining to physician assistants (PA) and their supervising physicians to read as set forth in Annex A.

### A. *Effective Date*

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

### B. *Statutory Authority*

Section 13 of the Medical Practice Act of 1985 (act) (63 P. S. § 422.13) authorizes the Board to promulgate regulations that define the services and circumstances under which a PA may perform a medical service and which define the supervision and personal direction required by the standards of acceptable medical practice embraced by the medical doctor community in this Commonwealth.

### C. *Background and Purpose*

Since the PA regulations were last amended in 1993, experience in the application of the regulations has demonstrated the need for amendments that reflect the current state-of-the-art of medical practice as can also be observed in the American Medical Association (AMA) guidelines for PAs. The existing regulations prevent the effective use of PAs to the full extent of their training. The Board notified the regulated community that it intended to propose updating its PA regulations and sought predraft input. Numerous medical doctors and physician organizations wrote to support the proposed amendments, noting that the current regulations are, in many ways, overly and unnecessarily restrictive.

### D. *Description of the Proposed Rulemaking*

There are extensive revisions proposed to these regulations. Some of the amendments are in the nature of editorial changes, mostly to conform the regulatory language to the 2002 amendments to the act. Other changes are more substantive in nature.

The following is a section-by-section summary of the proposed rulemaking by category.

The proposed rulemaking amends the term “physician assistant supervisor” to “supervising physician” in § 18.121 (relating to purpose) and at all other places it appears in Chapters 16 and 18. The amendment emphasizes that the PA’s supervisor must be a physician and eliminates the confusion that sometimes surrounded the term “physician assistant supervisor.”

Proposed § 18.122 (relating to definitions) would delete the definition of “direct supervision.” The term “direct supervision” is found only in § 18.162 (relating to emergency medical services), which the Board proposes to amend by deleting the requirement that PAs provide emergency services only under the direct supervision of the supervising physician.

The definition of “supervision” would also be amended to more accurately reflect how PAs are actually super-

vised and more clearly reflect the important responsibility that the PA assumes when serving in this role. The amendments primarily ease the need for the physical presence and intervention of the physician in oversight of the PA. The amended definition reiterates that the constant physical presence of the supervising physician is not required so long as the supervising physician and PA are or can easily be in contact with one another by radio, telephone or other telecommunication device.

Under examples of the “appropriate degree of supervision,” § 18.122(iii) would be amended to eliminate the requirement for weekly review of patient charts. The proposed amendment more closely aligns with the practicality of a physician’s practice. Current requirements of chart review and counter-signature of all PA charts are cumbersome and ineffective. A review of selected charts which have specific diagnoses or complex medical management would support a more effective use of physician time and promote quality assurance.

The definition of “medical regimen” would be changed to a therapeutic, corrective or diagnostic measure undertaken or ordered by a physician or PA acting within the PA’s scope of practice and in accordance with the written practice agreement between the supervising physician and the PA. Currently, the text reads that a medical regimen is ordered only by the supervising physician which is for the management of a specific condition and which is incorporated into the written agreement between the supervising physician and PA.

The proposed amendments would define “order” as “an oral or written directive for a therapeutic, corrective or diagnostic measure, including a drug to be dispensed for onsite administration in a hospital, medical care facility or office setting.” This new language would provide clarity as to the parameters of an order and provide a comprehensive foundation which lends itself to the expanded definition of a medical regime.

Proposed amendments to § 18.131 (relating to recognized educational programs) would change approval of PA training programs to recognition of those programs to more accurately reflect that the Board does not approve programs but rather recognizes those that are accredited, as mandated by section 36(b) of the act (§ 422.36(b)).

This proposed rulemaking updates the reference to the training program approvals for PAs by the AMA’s Committee on Allied Health Education and Accreditation (CAHEA), Commission for Accreditation of Allied Health Educational Programs (CAAHEP), Accreditation Review Commission (ARC-PA) or any successor organization. In 1994, the AMA made CAHEA, its accreditation body, independent and changed its name to CAAHEP. In 2000, ARC-PA was created due to the overwhelming growth of PA programs and the difficulties that developed in trying to evaluate them appropriately. The AMA and other physician groups remain active in the accreditation process and occupy seats on the committee.

Section 18.142(a)(2) (relating to written agreements) would be amended so the written agreement will no longer be specific as to the requirement for describing how the PA will assist each physician. The section would be amended to state that the agreement list functions that will be delegated to the PA, deleting the requirements that it also describe how the PA will assist each named physician and the details of how the supervising physician will be assisted. The amendments would also have the agreement signed only by each physician acting as a supervising physician or a substitute supervising

physician instead of by each physician and the PA. It would also describe how the PA "works with" instead of "assists" each physician. Currently, the regulations specify that the agreement contain procedures selected from the list in § 18.151 (relating to role of physician assistant), all other delegated tasks, instructions for use of the PA in the performance of delegated tasks and medical regimens to be administered or relayed by the PA. This requirement inhibits the effective utilization of PAs. In addition, it forces the Board to become more directly involved in the approval of practice guidelines for physicians and PAs rather than credentialing health care professionals.

Proposed amendments to §§ 18.144 and 18.155 (relating to responsibility of primary physician assistant supervisor; and satellite locations) eliminate the requirement for the supervising physician to see each patient on every third visit or at least once a year. The Board proposes in § 18.44(4) to require that the physician determine the need to see each patient based upon the patient's individual needs or at the patient's request. The amendment recognizes that the involvement of the supervising physician should be predicated on factors such as the practice type, site and the condition of the patient. This would also apply to satellite facilities. Because the existing requirement applies to all patients who are treated by a PA it includes within its application situations in which it is virtually impossible for a physician to meet. For example, if a patient is seen by a PA for a minor problem and does not return within a year to be seen by the physician, the physician cannot comply with the requirement. Attempts to meet the requirements of the existing regulation result in inefficient use of resources. The PA can easily manage a patient with a well-controlled chronic problem who is checked periodically to see if all is well. However, if the patient is checked only once annually, a physician must be involved due to the requirements of the existing regulation. Experience has demonstrated that the existing regulation is counter-productive. The option remains for the patient to request to be seen by the supervising physician.

The Board also proposes to amend § 18.151. This section currently includes a list of tasks that the PA can perform (subject to the proviso that the list is not all-inclusive). The list of tasks PAs can perform in the current regulations is somewhat limiting. Although the regulation states that the list is not intended to be all-inclusive, the Board is prohibited by court rulings from rendering advisory opinions. Therefore, one is left to speculate as to whether or not a given task not on the list, but critical to a particular practice, is permitted. The proposed rulemaking would replace the list with statements that the PA may practice medicine with physician supervision and perform duties as delegated by the physician. As amended, this section would establish as a baseline standard that the PA should be authorized to perform any medical service delegated by the physician.

Currently, § 18.152 (relating to prohibitions) prohibits a PA from pronouncing death. The amendments proposed to §§ 18.151 and 18.152 would allow a PA to pronounce a patient dead and also allow a PA to authenticate with his signature any form related to pronouncing death. PAs who practice in long term care facilities, hospital wards, hospice care or in hematology/oncology, among other specialties, encounter circumstances when they may be the only medical care provider available at the time of a patient's death. Allowing delegation of the pronouncement of death simplifies procedures for the patient's family at a difficult time. The amendment allows only pronouncement of death. Certification as to the cause of death

continues to be reserved for the supervising physician or a coroner as set forth in section 502 of the Vital Statistics Law of 1953 (35 P. S. § 450.502).

Amended § 18.151 would also allow the PA to sign any form that otherwise requires a physician's signature as permitted by the supervising physician, state or Federal law and facility protocol, if applicable. This will relieve the physician of much routine paperwork such as signing forms for school physicals.

Among the list of those things in § 18.152 that a PA may not do is the performance of a medical service without physician supervision as set forth in the written agreement.

The proposed amendments to § 18.153 (relating to executing and relaying medical regimens) change the 12-hour requirement for the PA to relate all medical regimens executed or relayed while the physician was not present to the supervising physician to 36 hours. This is also reflected in § 18.158 (relating to prescribing and dispensing drugs) for all medications prescribed or dispensed and is applicable to prescribing or dispensing "in accordance with the written agreement." The 12-hour time frame in both aspects of the current regulations proved to be overly restrictive. It is not uncommon that a treatment for a minor illness done late in the day goes unreported until the start of the next business day, more than 12 hours later. For PAs taking weekend call, the reporting for minor problems would not occur until the following Monday.

The Board proposes to amend § 18.153(b) by extending the period for reporting to the supervising physician from 12 to 36 hours in § 18.155(b)(4) and the outside period for countersignature from 3 to 10 days as in § 18.153(c). For satellite facilities, the proposed amendments would also lengthen the time for counter-signature to 10 days. During predraft input, the medical doctor community advised the Board that the current 3-day counter-signature requirement is too restrictive and causes compliance problems. The regulation does not take into consideration weekends or a supervising physician's vacation schedules. This is particularly troublesome for satellite facilities. By expanding to a 10-day signature, compliance becomes more practical. This amendment is also incorporated into §§ 18.142 and 18.158.

Current § 18.157 (relating to administration of controlled substances and whole blood and blood components) provides that a PA may administer controlled substances as well as whole blood and blood components if that authority is addressed in the written agreement and is separately ordered by the supervising physician specifying a named drug for a named patient. The Board proposes to eliminate the requirement for the separate order of the supervising physician specifying the drug and patient and allowing it to be addressed only in the written agreement and be administered by the PA on that authority. The Board believes that the current language creates an unnecessary barrier to utilization of PAs in surgical, hematology/oncology, pain management and hospice care.

Section 18.158 currently includes a formulary of categories of drugs that a PA may prescribe if permission is granted in the written agreement. The supervising physician reviews this formulary and chooses those categories of drugs that he will allow the PA to prescribe or dispense. The list becomes a part of the written agreement that must be submitted to the Board. The amendment would eliminate the formulary. Instead, new subsec-

tions (a) and (b) state that the physician can delegate prescribing, dispensing and administration of drugs and therapeutic devices to the PA if the drug or device is permitted under the written agreement. The PA would be subject to the regulations of the Board and the Department of Health regarding dispensing standards, prescribing and labeling. The proposed rulemaking would have the written agreement only contain a list of categories of drugs that the PA may not prescribe. The existing formulary suffers from the same limitations noted with the list of tasks a PA can perform. The current formulary is out-of-date and places restrictions on common drugs used to treat patient problems routinely managed by PAs. For example, the management of warfarin sodium therapy for atrial fibrillation, deep venous thrombosis and mechanical heart valves has become commonplace in the family practice setting. PAs are routinely called upon to adjust medication levels. The proposed rulemaking would delete current restrictions on prescribing of blood formation or coagulation drugs.

Currently, § 18.158(a)(4) creates a 90-day waiting period after approval by the Food and Drug Administration (FDA) for a new drug or new uses for a drug before a PA can prescribe it. The proposed rulemaking eliminates that waiting period. The original purpose has been overcome by practice in recent years. Because physicians provide ongoing input and oversight in the treatment of patients by the PAs, delaying the prescribing for 90 days is overly restrictive.

The proposed rulemaking also deletes a statement in § 18.158(b)(4) specifying that the supervising physician assumes responsibility for all prescriptions and dispensing of drugs by the PA. However, § 18.144 requires the supervising physician to assume responsibility for the performance of the PA, so this amendment is editorial in that it simply eliminates redundancy.

The proposed rulemaking deletes subsection (g), which states that the PA may only prescribe or dispense drugs for a patient under the care of the supervising physician. PAs often provide care to patients in a practice that are new patients or regularly see one of the primary supervisor's partners. This section is also redundant and limiting because the supervising physician assumes ultimate responsibility for every patient seen by the PA as set forth in § 18.402(a)(6) (relating to delegation) and section 17(c) of the act (63 P. S. § 422.17(a)).

The Board proposes to delete a prohibition in § 18.158(c)(4)(i) preventing a PA from prescribing or dispensing a pure form or combination of drugs. The Board finds the prohibition is vague and unnecessary due to the current state of training received by PAs. Predraft input suggested that experience has demonstrated that PAs have the knowledge and skill to properly perform this function.

The amendments in § 18.158(c)(4)(iii) and (iv) eliminate the statement in that a PA may not prescribe or dispense drugs not approved by the FDA. Existing law already prevents anyone, including physicians, from prescribing or dispensing drugs not approved by the FDA.

The proposed rulemaking removes from § 18.158(c)(4)(v) the prohibition on a PA prescribing or dispensing parenteral drugs other than insulin or emergency allergy kits or other approved drugs. Comments provided in pre-draft input advised that this regulation is overly restrictive.

Section 18.158(c)(4)(viii) currently states that a PA may not issue a prescription for more than a 30-day supply of

medication except in cases of chronic illness where the PA can write for a 90-day supply. It also states that the PA can authorize refills up to 6 months from the original prescription. This proposed rulemaking seeks to eliminate these limitations. The existing limitation proved too restrictive. For example, it is not unusual to prescribe contraceptives for a year for healthy individuals or prescribe medications for the management of stable chronic conditions. The existing limitations can cause patients to incur additional costs for unnecessary office visits in order to continue receiving the medication.

Section 18.158(a)(5) is amended to add a provision authorizing the PA to receive, sign for and distribute drug samples. This provision will allow the PA to relieve the supervising physician of this duty and allow the PA to dispense samples of medications he is already authorized to dispense.

In addition, proposed § 18.158(a)(6) specifically mentions that the PA who will prescribe controlled substances must register with the Federal Drug Enforcement Administration (DEA). Proposed § 18.158(b)(2) also specifies that space on prescription blanks must be provided for the PA to record his DEA number. This amendment reminds the PA of the requirement to register and serves to bring the PA's practice into conformance with Federal law.

The current regulations do not allow PAs to prescribe or dispense Schedule I or II controlled drugs. Proposed § 18.158(a)(3) calls for allowing them to prescribe or dispense Schedule II controlled drugs for initial therapy up to a 72-hour dose and requires that they notify the supervising physician within 24 hours. It would also allow the PA to write a prescription for a Schedule II controlled drug for up to a 30-day supply if originally ordered and approved for ongoing therapy by the supervising physician. There are many physician and PA specialties that deal with chronic pain management. In specialties such as oncology, surgery, anesthesiology or in the family practice setting, PAs are an integral part of patient care. Managing the patients' pain in these settings often requires the ability to write prescriptions for Schedule II narcotics on both a short and long-term basis. At times, patients may require therapy or need to renew prescriptions when the physician is not immediately available but his PA is available. Also, there are many PAs that work in settings such as emergency rooms, walk-in clinics and industrial clinics. The inability to write a prescription for a Schedule II narcotic impedes the care of the patient in these settings. Allowing for a 72-hour supply of medicine until a physician sees that patient enhances the care rendered by the PA.

Current § 18.158(c)(4)(iii) does not allow PAs to prescribe medications for uses not approved by the FDA. This proposed rulemaking would no longer prohibit this "off-label" prescribing, but instead mandates that the PA follow the supervising physician's instructions and the written agreement. The FDA approves uses of medications for the purpose of marketing by the manufacturer, not for use by physicians. Off-label use may represent the best standard of care. The decision to use a medication for this purpose should be left to the clinician. The best example of an off-label use of a drug is the millions of prescriptions for aspirin after myocardial infarction. Off-label use of drugs is common in areas such as AIDS-related treatment, oncology and pediatrics. In pediatrics, as many as 80% of drugs are administered off-label because manufacturers are understandably reluctant to enroll young children in clinical trials of many drugs.

The amendments to § 18.158 also would delete the prohibition against a PA compounding ingredients when dispensing drugs except for adding water in paragraph (4)(vii). There are several medication mixtures that are commonly used in practice. One is the mixture of Benadryl, viscous Lidocaine and Maalox in the treatment of stomatitis secondary to chemotherapy. Pediatric groups will typically combine decongestants and cough suppressants in other doses than commercially available.

Section 18.161(b) (relating to physician assistant employed by medical care facilities) currently calls for the PA to only be responsible to a maximum of three supervising physicians. The proposed amendment to § 18.161 allows supervising physicians to make that determination by deleting this requirement. Health professional regulations should allow for flexible and creative innovation and appropriate use of all members of the health care workforce. Medical facilities should be allowed some flexibility in staffing and team deployment so long as they maintain proper supervisory arrangements. The current regulation restricts the ability of the PA to serve as house staff in a medical care facility for more than three physicians. This is particularly true in the surgical subspecialty setting. PAs may rotate as frequently as every month to different surgical subspecialties and be responsible to multiple surgeons in the process. The current regulations restrict this ability.

This proposed rulemaking adds § 18.162(b) to address the practice of PAs in emergency situations. The emergency situations addressed are those in a disaster situation and not in the normal course of a medical practice. The additions allow for the use of those licensed in other states to function without the usual requirements for themselves and the physicians working with them.

The amendments to § 18.171 (relating to physician assistant identification) maintain the requirement that a PA wear an identification tag bearing the term "physician assistant" but would modify the requirement for it to be in 16 point or larger type to being an easily readable type. The typeface for 16 point is excessively large, particularly for individuals with lengthy or hyphenated names. Finally, the amendments render the regulations gender neutral.

E. Fiscal Impact and Paperwork Requirements

There is no adverse fiscal impact or paperwork requirement imposed on the Commonwealth, political subdivision or the private sector.

F. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 26, 2005, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria 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.

H. Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed rulemaking to Gerald S. Smith, Board Counsel, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication for the proposed rulemaking in the *Pennsylvania Bulletin*.

CHARLES D. HUMMER, Jr., M. D.,  
Chairperson

**Fiscal Note:** 16A-4916. 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 16. STATE BOARD OF MEDICINE-GENERAL PROVISIONS**

**Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS**

**§ 16.11. Licenses, certificates and registrations.**

\* \* \* \* \*

(b) The following nonmedical doctor licenses [ **and certificates** ] are issued by the Board:

\* \* \* \* \*

(2) Physician assistant [ **certificate** ] license.

(c) The following registrations are issued by the Board:

(1) Registration as a [ **physician assistant supervisor** ] **supervising physician** of a physician assistant.

\* \* \* \* \*

**§ 16.13. Licensure, certification, examination and registration fees.**

\* \* \* \* \*

(c) *Physician Assistant* [ **Certificate** ] **License**

\* \* \* \* \*

Registration, [ **physician assistant supervisor** ] **supervising physician**..... \$35

Registration of additional [ **supervisors** ] **supervising physicians** ..... \$5

\* \* \* \* \*

**CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS**

**Subchapter D. PHYSICIAN ASSISTANTS GENERAL PROVISIONS**

**§ 18.121. Purpose.**

This subchapter implements section 13 of the act (63 P. S. § 422.13) pertaining to physician assistants and provides for the delegation of certain medical tasks to qualified physician assistants by [ **physician assistant**

supervisors ] supervising physicians when the delegation is consistent with the written agreement.

**§ 18.122. Definitions.**

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

\* \* \* \* \*

**[ Direct supervision—The physical presence of the physician assistant supervisor on the premises so that the physician assistant supervisor is immediately available to the physician assistant when needed. ]**

\* \* \* \* \*

**Drug—A term used to describe a [ drug ] medication, device or agent which a physician assistant prescribes or dispenses under § 18.158 (relating to prescribing and dispensing drugs, pharmaceutical aids and devices).**

\* \* \* \* \*

**Medical regimen—A therapeutic, corrective or diagnostic measure [ ordered by a physician assistant supervisor which is required for the management of a specific condition and which is incorporated into the written agreement. ] performed or ordered by a physician, or performed or ordered by a physician assistant acting within the physician assistant's scope of practice, and in accordance with the written agreement between the supervising physician and the physician assistant.**

\* \* \*

**Order—An oral or written directive for a therapeutic, corrective or diagnostic measure, including a drug to be dispensed for onsite administration in a hospital, medical care facility or office setting.**

\* \* \* \* \*

**Physician assistant—An individual who is [ certified ] licensed as a physician assistant by the Board.**

**Physician assistant examination—An examination to test whether an individual has accumulated sufficient academic knowledge to qualify for [ certification ] licensure as a physician assistant. The Board recognizes the certifying examination of the NCCPA.**

**Physician assistant program—A program for the training and education of physician assistants which is [ approved ] recognized by the Board and accredited by the Committee on Allied Health Education and Accreditation (CAHEA), Commission For Accreditation of Allied Health Educational Programs (CAAHEP), Accreditation Review Commission (ARC-PA) or any successor agency.**

**[ Physician assistant supervisor—A physician who is identified as a supervising physician of a physician assistant in the written agreement and is registered with the Board as such. ]**

\* \* \* \* \*

**Primary [ physician assistant supervisor ] supervising physician—A [ physician assistant supervisor ] medical doctor who is registered with the Board and designated in the written agreement as having primary responsibility for directing and supervising the physician assistant.**

**Satellite location—A location, other than the primary place at which the [ physician assistant supervisor ] supervising physician provides medical services to patients, where a physician assistant provides medical services.**

**Substitute [ physician assistant supervisor ] supervising physician—A [ physician assistant supervisor ] supervising physician who is registered with the Board and designated in the written agreement as assuming primary responsibility for a physician assistant when the primary [ physician assistant supervisor ] supervising physician is unavailable.**

**Supervising physician—A physician who is identified in a written agreement as the physician who supervises a physician assistant.**

**Supervision—[ The control and personal direction exercised by the physician assistant supervisor over the medical services provided by a physician assistant. Constant physical presence of the physician assistant supervisor is not required so long as the physician assistant supervisor and the physician assistant are, or can easily be, in contact with each other by radio, telephone or telecommunications. Supervision requires the availability of the physician assistant supervisor to the physician assistant. ]**

**(i) Oversight and direction of, and responsibility for, the medical services rendered by a physician assistant. The constant physical presence of the supervising physician is not required so long as the supervising physician and the physician assistant are, or can be, easily in contact with each other by radio, telephone or other telecommunications device.**

**(ii) An appropriate degree of supervision includes:**

**[ (i) ] (A) \* \* \***

**[ (ii) ] (B) Immediate availability of the [ physician assistant supervisor ] supervising physician to the physician assistant for necessary consultations.**

**[ (iii) ] (C) Personal and regular [ —at least weekly— ] review by the [ physician assistant supervisor ] supervising physician of the patient records upon which entries are made by the physician assistant.**

**Written agreement—The agreement between the physician assistant and [ physician assistant supervisor ] supervising physician, which satisfies the requirements of § 18.142 (relating to written agreements).**

**PHYSICIAN ASSISTANT EDUCATIONAL PROGRAMS**

**§ 18.131. [ Approved ] Recognized educational programs/standards.**

**(a) The Board [ approves ] recognizes physician assistant educational programs [ developed ] accredited by the [ accreditation review committee for the physician assistant, and accredited by the ] American Medical Association's Committee on Allied Health Education and Accreditation (CAHEA) [ of the American Medical Association ], Commission for Accreditation of Allied Health Education Programs (CAAHEP), Accreditation Review Commission (ARC-PA) or any successor organization. Information**



regarding approved programs may be obtained directly from CAHEA, 515 North State Street, Chicago, IL 60610. **Information regarding approved programs may be obtained directly from ARC-PA at its website www.arc-pa.org.**

(b) The criteria for **[ certification ] recognition** by the Board of physician assistant educational programs will be identical to the essentials developed by the various organizations listed in this section or other accrediting agencies approved by the Board.

**[ CERTIFICATION ] LICENSURE OF PHYSICIAN ASSISTANTS AND REGISTRATION OF [ PHYSICIAN ASSISTANT SUPERVISORS ] SUPERVISING PHYSICIANS**

§ 18.141. Criteria for **[ certification ] licensure** as a physician assistant.

The Board will approve for **[ certification ] licensure** as a physician assistant an applicant who:

(1) Satisfies the **[ certification ] licensure** requirements in § 16.12 (relating to general qualifications for licenses and certificates).

(2) Has graduated from a physician assistant program **[ approved ] recognized** by the Board.

\* \* \* \* \*

**§ 18.142. Written agreements.**

(a) The written agreement required by section 13(e) of the act (63 P. S. § 422.13(e)) **[ shall satisfy ] satisfies** the following requirements. The agreement **[ shall ] must**:

(1) Identify and be signed by the physician assistant and **[ each physician the physician assistant who will be assisting ] each physician acting as a supervising physician.** At least one physician shall be a medical doctor.

(2) Describe the manner in which the physician assistant **[ will be assisting each named physician ] works with each supervising physician.** The description **[ shall ] must** list functions to be delegated to the physician assistant **[ , including**:

(i) **Selected procedures enumerated in § 18.151 (relating to the role of the physician assistant) and other delegated tasks.**

(ii) **Instructions for the use of the physician assistant in performance of delegated tasks.**

(iii) **Medical regimens to be administered or relayed by the physician assistant ]**.

\* \* \* \* \*

(4) Designate one of the named physicians who shall be a medical doctor as the primary **[ physician assistant supervisor ] supervising physician.**

(5) **Require that the supervising physician shall countersign the patient record completed by the physician assistant within a reasonable amount of time. This time period may not exceed 10 days.**

(6) Identify the locations and practice settings where the physician assistant will serve.

(b) The written agreement shall be approved by the Board **[ as satisfying the foregoing requirements in**

**subsection (a) and as being consistent with relevant provisions of the act and regulations contained in this subchapter ]**.

(c) A physician assistant or **[ physician assistant supervisor ] supervising physician** shall provide immediate access to the written agreement to anyone seeking to confirm the scope of the physician assistant's authority.

§ 18.143. Criteria for registration as **[ physician assistant supervisor ] a supervising physician.**

(a) The Board will **[ approve for registration as ] register** a **[ physician assistant supervisor an ] supervising physician** applicant who:

\* \* \* \* \*

(2) Has **[ submitted ] filed** a completed **[ application ] registration form** accompanied by the written agreement (see § 18.142 (relating to written agreements)) and the required fee under § 16.13 (relating to licensure, certification, examination and registration fees). The **[ application ] registration** requires detailed information regarding the physician's professional background and specialties, medical education, internship, residency, continuing education, membership in American Boards of medical specialty, hospital or staff privileges and other information the Board may require.

(3) Includes with the **[ application ] registration**, a list, identifying by name and license number, the other physicians who are serving as **[ physician assistant supervisors ] supervising physicians** of the designated physician assistant under other written agreements.

(b) If the **[ applicant ] supervising physician** plans to utilize physician assistants in satellite locations, the **[ applicant ] supervising physician** shall provide the Board with supplemental information as set forth in § 18.155 (relating to satellite locations) and additional information requested by the Board directly relating to the satellite location.

(c) The Board will keep a current **[ register of approved ] list of** registered supervising physicians. The **[ register ] list** will include the physician's name, the address of residence, current business address, the date of **[ approval ] filing**, satellite locations if applicable, the names of current physician assistants under **[ his ] the physician's** supervision and the physicians willing to provide substitute supervision.

§ 18.144. Responsibility of primary **[ physician assistant supervisor ] supervising physician.**

A primary **[ physician assistant supervisor ] supervising physician** shall assume the following responsibilities. The supervisor shall:

\* \* \* \* \*

(3) Arrange for a substitute **[ physician assistant supervisor ] supervising physician.** (See § 18.154 (relating to substitute **[ physician assistant supervisor ] supervising physician.**)

(4) **[ See each patient in his office every third visit, but at least once a year. ] Review directly with the patient the progress of the patient's care**

as needed based upon the patient's medical condition and prognosis or as requested by the patient.

\* \* \* \* \*

(7) Accept full professional and legal responsibility for the performance of the physician assistant and the care and treatment of [ his ] the patients.

§ 18.145. Biennial registration requirements; renewal of physician assistant [ certification ] license.

\* \* \* \* \*

(b) The fee for the biennial registration of a physician assistant [ certificate ] license is set forth in § 16.13 (relating to licensure, certification, examination and registration fees).

(c) To be eligible for renewal of a physician assistant [ certification ] license, the physician assistant shall maintain [ his ] National certification by completing current recertification mechanisms available to the profession and recognized by the Board.

(d) The Board will keep a current [ register ] list of persons [ certified ] licensed as physician assistants. The [ register ] list will include:

\* \* \* \* \*

(4) The date of initial [ certification ] licensure, biennial renewal record and current [ physician assistant supervisor ] supervising physician.

**PHYSICIAN ASSISTANT UTILIZATION**

§ 18.151. Role of physician assistant.

[ The physician assistant shall, under appropriate direction and supervision by a physician assistant supervisor, augment the physician's data gathering abilities in order to assist the physician in reaching decisions and instituting care plans for the physician's patients. Physician assistants may be permitted to perform the following functions. This list is not intended to be all-inclusive.

(1) Screen patients to determine need for medical attention.

(2) Review patient records to determine health status.

(3) Take a patient history.

(4) Perform a physical examination.

(5) Perform developmental screening examination on children.

(6) Record pertinent patient data.

(7) Make decisions regarding data gathering and appropriate management and treatment of patients being seen for the initial evaluation of a problem or the follow-up evaluation of a previously diagnosed and stabilized condition.

(8) Prepare patient summaries.

(9) Initiate requests for commonly performed initial laboratory studies.

(10) Collect specimens for and carry out commonly performed blood, urine and stool analyses and cultures.

(11) Identify normal and abnormal findings on history, physical examination and commonly performed laboratory studies.

(12) Initiate appropriate evaluation and emergency management for emergency situations, for example, cardiac arrest, respiratory distress, injuries, burns and hemorrhage.

(13) Perform clinical procedures such as:

(i) Venipuncture.

(ii) Intradermal tests.

(iii) Electrocardiogram.

(iv) Care and suturing of minor lacerations.

(v) Casting and splinting.

(vi) Control of external hemorrhage.

(vii) Application of dressings and bandages.

(viii) Administration of medications, except as specified in § 18.158 (relating to prescribing and dispensing drugs), intravenous fluids, whole blood and blood components except as specified in § 18.157 (relating to administration of controlled substances and whole blood and blood components).

(ix) Removal of superficial foreign bodies.

(x) Cardio-pulmonary resuscitation.

(xi) Audiometry screening.

(xii) Visual screening.

(xiii) Carrying out aseptic and isolation techniques.

(14) Provide counseling and instruction regarding common patient problems. ]

(a) The physician assistant practices medicine with physician supervision. A physician assistant may perform those duties and responsibilities, including the ordering, prescribing, dispensing, and administration of drugs and medical devices, as well as the ordering, prescribing, and executing of diagnostic and therapeutic medical regimens, as directed by the supervising physician.

(b) The physician assistant may provide any medical service as directed by the supervising physician when the service is within the physician assistant's skills, forms a component of the physician's scope of practice, is included in the written agreement and is provided with the amount of supervision in keeping with the accepted standards of medical practice.

(c) The physician assistant may pronounce death, but not the cause of death, and may authenticate with his signature any form related to pronouncing death.

(d) The physician assistant may authenticate with his signature any form that may otherwise be authenticated by a physician's signature as permitted by the supervising physician, State or Federal law and facility protocol, if applicable.

(e) The physician assistant shall be considered the agent of the supervising physician in the performance of all practice-related activities including the ordering of diagnostic, therapeutic and other medical services.

§ 18.152. Prohibitions.

(a) A physician assistant may not:

\* \* \* \* \*

(3) Maintain or manage a satellite location under § 18.155 (relating to satellite locations) unless **[ approved by ] the maintenance or management is registered with** the Board.

(4) Independently **practice or** bill patients for services provided.

\* \* \* \* \*

(8) **[ Pronounce a patient dead.**

(9) **] Perform a medical service without the supervision of a [ physician assistant supervisor ] supervising physician.**

(b) A **[ physician assistant supervisor ] supervising physician** may not:

\* \* \* \* \*

#### § 18.153. Executing and relaying medical regimens.

(a) A physician assistant may execute a **written or oral order for a** medical regimen or may relay a **written or oral order for a** medical regimen to be executed by a health care practitioner subject to the requirements of this section.

(b) **[ The ] As provided for in the written agreement, the** physician assistant shall report orally or in writing, to a **[ physician assistant supervisor ] supervising physician**, within **[ 12 ] 36** hours, **those** medical regimens executed or relayed by **[ him ] the physician assistant** while the **[ physician assistant supervisor ] supervising physician** was not physically present, and the basis for each decision to execute or relay a medical regimen.

(c) The physician assistant shall record, date and authenticate the medical regimen on the patient's chart at the time it is executed or relayed. The **[ physician assistant supervisor ] supervising physician** shall countersign the patient's record within a reasonable time not to exceed **[ 3 ] 10** days, unless countersignature is required sooner by regulation, policy within the medical care facility or the requirements of a third-party payor.

(d) A physician assistant or **[ physician assistant supervisor ] supervising physician** shall provide immediate access to the written agreement to anyone seeking to confirm the physician assistant's authority to relay a medical regimen or administer a therapeutic or diagnostic measure.

#### § 18.154. Substitute **[ physician assistant supervisor ] supervising physician.**

(a) If the primary **[ physician assistant supervisor ] supervising physician** is unavailable to supervise the physician assistant, the primary **[ physician assistant supervisor ] supervising physician** may not delegate patient care to the physician assistant unless **[ he has made ]** appropriate arrangements for substitute supervision **are** in the written agreement and the substitute physician is registered as a **[ physician assistant supervisor ] supervising physician** with the Board.

(b) It is the responsibility of the substitute **[ physician assistant supervisor ] supervising physician** to ensure that supervision is maintained in the absence of the primary **[ physician assistant supervisor ] supervising physician.**

(c) During the period of supervision by the substitute **[ physician assistant supervisor ] supervising physician**, **[ he ] the substitute supervising physician** retains full professional and legal responsibility for the performance of the physician assistant and the care and treatment of the patients treated by the physician assistant.

(d) Failure to properly supervise may provide grounds for disciplinary action against the substitute **[ physician assistant supervisor ] supervising physician.**

#### § 18.155. Satellite locations.

(a) **[ Approval ] Registration of satellite location.** A physician assistant may not provide medical services at a satellite location unless the supervising physician has **[ obtained specific approval from ] filed a registration with** the Board.

(b) **[ Separate application requirement ] Contents of statement.** A separate **[ application ] statement** shall be made for each satellite location. **[ To obtain approval for each satellite location a physician assistant supervisor shall ] The statement must** demonstrate that:

\* \* \* \* \*

(2) There is adequate provision for direct communication between the physician assistant and the **[ physician assistant supervisor ] supervising physician** and that the distance between the location where the physician provides services and the satellite location is not so great as to prohibit or impede appropriate support services.

(3) **[ The supervisor will see each patient every third visit, but at least once a year. ] The supervising physician shall review directly with the patient the progress of the patient's care as needed based upon the patient's medical condition and prognosis or as requested by the patient.**

(4) The **[ supervisor ] supervising physician** will visit the satellite location at least weekly and devote enough time onsite to provide supervision and personally review the records of **[ each patient ] selected patients** seen by the physician assistant in this setting. **The supervising physician shall notate those patient records as reviewed.**

(c) *Failure to comply with this section.* Failure to maintain the standards required for a satellite location may result not only in the loss of the privilege to maintain a satellite location but also may result in disciplinary action against the physician assistant and the **[ physician assistant supervisor ] supervising physician.**

#### § 18.156. Monitoring and review of physician assistant utilization.

(a) Representatives of the Board will be authorized to conduct scheduled and unscheduled onsite inspections of the locations where the physician assistants are utilized during the **[ physician assistant supervisors' ] supervising physician's** office hours to review the following:

(1) Supervision of the physician assistant. See §§ 18.144 and 18.154 (relating to responsibility of primary **[ physician assistant supervisor ] supervising**

physician; and substitute [ physician assistant supervisor ] supervising physician).

\* \* \* \* \*

(5) Compliance with [ certification ] licensure and registration requirements. See §§ 18.141 and 18.145 (relating to criteria for [ certification ] licensure as a physician assistant; and biennial registration requirements; renewal of physician assistant [ certification ] license).

(6) Maintenance of records evidencing patient and supervisory contact by the [ physician assistant supervisor ] supervising physician.

(b) Reports shall be submitted to the Board and become a permanent record under the [ physician assistant supervisor's ] supervising physician's registration. Deficiencies reported [ shall ] will be reviewed by the Board and may provide a basis for loss of the privilege to maintain a satellite location and disciplinary action against the physician assistant and the [ physician assistant supervisor ] supervising physician.

(c) The Board reserves the right to review physician assistant utilization without prior notice to either the physician assistant or the [ physician assistant supervisor ] supervising physician. It is a violation of this subchapter for a [ physician assistant supervisor ] supervising physician or a physician assistant to refuse to comply with the request by the Board for the information in subsection (a).

\* \* \* \* \*

§ 18.157. Administration of controlled substances and whole blood and blood components.

(a) [ The ] In a hospital, medical care facility or office setting, the physician assistant may order or administer, or both order and administer, controlled substances and whole blood and blood components if the authority to order and administer these medications and fluids is expressly set forth in the written agreement [ and the administration of these medications and fluids is separately ordered by the physician assistant supervisor and the physician assistant supervisor specifies a named drug for a named patient ].

(b) The physician assistant shall comply with the minimum standards for ordering and administering controlled substances specified in § 16.92 (relating to prescribing, administering and dispensing controlled substances).

§ 18.158. Prescribing and dispensing drugs, pharmaceutical aids and devices.

(a) [ The Board adopts the American Hospital Formulary Service (AHFS) Pharmacologic—Therapeutic Classification to identify drugs which a physician assistant may prescribe and dispense subject to the restrictions specified in subsection (c).

(1) Categories from which a physician assistant may prescribe and dispense without limitations are as follows:

- (i) Antihistamines.
- (ii) Anti-infective agents.
- (iii) Cardiovascular drugs.

(iv) Contraceptives—for example, foams and devices.

(v) Diagnostic agents.

(vi) Disinfectants—for agents used on objects other than skin.

(vii) Electrolytic, caloric and water balance.

(viii) Enzymes.

(ix) Antitussives, expectorants, and nucleolytic agents.

(x) Gastrointestinal drugs.

(xi) Local anesthetics.

(xii) Serums, toxoids and vaccines.

(xiii) Skin and mucous membrane agents.

(xiv) Smooth muscle relaxants.

(xv) Vitamins.

(2) Categories from which a physician assistant may prescribe and dispense subject to exclusions and limitations listed:

(i) *Autonomic drugs.* Drugs excluded under this category: Sympathomimetic (adrenergic) agents.

(ii) *Blood formation and coagulation.* Drugs excluded under this category:

(A) Anti-coagulants and coagulants.

(B) Thrombolytic agents.

(iii) *Central nervous system agents.* Drugs excluded under this category:

(A) General anesthetics.

(B) Monoamine oxidase inhibitors.

(iv) *Eye, ear, nose and throat preparations.* Drugs limited under this category: Miotics and mydriatics used as eye preparations require specific approval from the physician assistant supervisor for a named patient.

(v) *Hormones and synthetic substitutes.* Drugs excluded under this category:

(A) Pituitary hormones and synthetics.

(B) Parathyroid hormones and synthetics.

(3) Categories from which a physician assistant may not prescribe or dispense are as follows:

(i) Antineoplastic agents.

(ii) Dental agents.

(iii) Gold compounds.

(iv) Heavy metal antagonists.

(v) Oxytocics.

(vi) Radioactive agents.

(vii) Unclassified therapeutic agents.

(viii) Devices.

(ix) Pharmaceutical aids.

(4) New drugs and new uses for drugs will be considered approved for prescribing and dispensing purposes by physician assistants 90 days after approval by the Federal Drug Administration unless excluded in paragraphs (2) and (3).

(b) If the physician assistant supervisor intends to authorize a physician assistant to prescribe or dispense drugs, the supervisor shall:

(1) Establish a list of drugs, based on the categories listed in subsection (a), which the physician assistant may prescribe or dispense. The physician assistant supervisor shall assure that the physician assistant is able to competently prescribe or dispense those drugs.

(2) Submit the list of drugs to the Board, in duplicate, on a form supplied by the Board, and signed by both physician assistant supervisor and the physician assistant. The list will become part of the physician assistant's written agreement if it is consistent with the approved classification.

(3) Notify the Board, in duplicate, on a form supplied by the Board, of an addition or deletion to the list of drugs. The amendment will become part of the physician assistant's written agreement if it is consistent with the approved classification.

(4) Assume full responsibility for every prescription issued and drug dispensed by a physician assistant under his supervision.

(5) Maintain a copy of the list of drugs submitted to the Board in his principal office and at all locations where the physician assistant practices under his supervision for review or inspection without prior notice by patients, the Board or its agents. The physician shall provide a pharmacy with a copy of the drug list upon request by the pharmacist.

(6) Immediately advise the patient, notify the physician assistant and, in the case of a written prescription, advise the pharmacy, if the physician assistant is prescribing or dispensing a drug inappropriately. The physician shall advise the patient and notify the physician assistant to discontinue using the drug, and in the case of a written prescription, shall notify the pharmacy to discontinue the prescription. The order to discontinue use of the drug or prescription shall be noted in the patient's medical record by the physician.

(c) Restrictions on a physician assistant's prescription and dispensation practices are as follows:

(1) A physician assistant may only prescribe or dispense a drug approved by the Board from the categories specified in subsection (a).

(2) A physician assistant may only prescribe or dispense a drug for a patient who is under the care of the physician responsible for the supervision of the physician assistant and only in accordance with the physician's instructions and written agreement.

(3) A physician assistant shall comply with the minimum standards for prescribing and dispensing controlled substances specified in § 16.92 (relating to prescribing, administering and dispensing controlled substances) and the regulations of the Department of Health relating to Controlled Substances, Drugs, Devices and Cosmetics, 28 Pa. Code §§ 25.51—25.58 (relating to prescriptions), and packaging and labeling dispensed drugs. See §§ 16.93 and 16.94 (relating to packaging; and labeling of dispensed drugs) and 28 Pa. Code §§ 25.91—25.95 (relating to labeling of drugs, devices and cosmetics).

(4) A physician assistant may not:

(i) Prescribe or dispense a pure form or combination of drugs listed in subsection (a) unless the drug or class of drug is listed as permissible for prescription or dispensation.

(ii) Prescribe or dispense Schedule I or II controlled substances as defined by section 4 of the Controlled Substances, Drug, Device, and Cosmetic Act (35 P. S. § 780-104).

(iii) Prescribe or dispense a drug for a use not permitted by the Food and Drug Administration.

(iv) Prescribe or dispense a generic or branded preparation of a drug that has not been approved by the Food and Drug Administration.

(v) Prescribe or dispense parenteral preparations other than insulin, emergency allergy kits and other approved drugs listed in subsection (a).

(vi) Dispense a drug unless it is packaged in accordance with applicable Federal and State law pertaining to packaging by physicians. See §§ 16.93 and 16.94.

(vii) Compound ingredients when dispensing a drug, except for adding water.

(viii) Issue a prescription for more than a 30-day supply, except in cases of chronic illnesses where a 90-day supply may be prescribed. The physician assistant may authorize refills up to 6 months from the date of the original prescription if not otherwise precluded by law.

(d) The requirements for prescription blanks are as follows:

(1) Prescription blanks shall bear the certification number of the physician assistant and the name of the physician assistant in printed format at the heading of the blank, and a space for the entry of the Drug Enforcement Administration registration number as appropriate. The physician assistant supervisor shall also be identified as required in § 16.91 (relating to identifying information on prescriptions and orders for equipment and service).

(2) The physician assistant supervisor is prohibited from presigning prescription blanks or allowing the physician assistant to use a device for affixing a signature copy on the prescription. The signature of a physician assistant shall be followed by the initials "PA-C" or similar designation to identify the signer as a physician assistant.

(3) The physician assistant may use a prescription blank generated by a hospital if the information in paragraph (1) appears on the blank. ]

*Prescribing, dispensing and administration of drugs.*

(1) The supervising physician may delegate to the physician assistant the prescribing, dispensing and administering of drugs and therapeutic devices.

(2) A physician assistant may not prescribe or dispense Schedule I controlled substances as defined by section 4 of The Controlled Substances, Drug, Device, and Cosmetic Act (35 P. S. § 780-104).

(3) A physician assistant may prescribe a Schedule II controlled substance for initial therapy, up to a 72-hour dose. The physician assistant shall notify

the supervising physician of the prescription as soon as possible but in no event longer than 24 hours from the issuance of the prescription. A physician assistant may write a prescription for a Schedule II controlled substance for up to a 30-day supply if it was originally prescribed by the supervising physician and approved by the supervising physician for ongoing therapy.

(4) A physician assistant may only prescribe or dispense a drug for a patient who is under the care of the physician responsible for the supervision of the physician assistant and only in accordance with the supervising physician's instructions and written agreement.

(5) A physician assistant may request, receive and sign for professional samples and may distribute professional samples to patients.

(6) A physician assistant authorized to prescribe or dispense, or both, controlled substances shall register with the Drug Enforcement Administration.

(b) *Prescription blanks.* The requirements for prescription blanks are as follows:

(1) Prescription blanks must bear the license number of the physician assistant and the name of the physician assistant in printed format at the heading of the blank. The supervising physician shall also be identified as required in § 16.91 (relating to identifying information on prescriptions and orders for equipment and service).

(2) The signature of a physician assistant shall be followed by the initials "PA-C" or similar designation to identify the signer as a physician assistant. When appropriate, the physician assistant's DEA registration number must appear on the prescription.

(3) The supervising physician is prohibited from presigning prescription blanks.

(4) The physician assistant may use a prescription blank generated by a hospital provided the information in paragraph (1) appears on the blank.

(c) *Inappropriate prescription.* The supervising physician shall immediately advise the patient, notify the physician assistant and, in the case of a written prescription, advise the pharmacy, if the physician assistant is prescribing or dispensing a drug inappropriately. The supervising physician shall advise the patient and notify the physician assistant to discontinue using the drug, and in the case of a written prescription, shall notify the pharmacy to discontinue the prescription. The order to discontinue use of the drug or prescription shall be noted in the patient's medical record by the supervising physician.

[ (e) ] (d) *Recordkeeping requirements.* Recordkeeping requirements are as follows:

\* \* \* \* \*

(2) When dispensing a drug, the physician assistant shall record [ his ] the physician assistant's name, the name of the medication dispensed, the amount of medication dispensed, the dose of the medication dispensed and the date dispensed in the patient's medical records.

(3) The physician assistant shall report, orally or in writing, to the [ physician assistant supervisor ] su-

pervising physician within [ 12 ] 36 hours, a drug prescribed or medication dispensed by [ him ] the physician assistant while the [ physician assistant supervisor ] supervising physician was not physically present, and the basis for each decision to prescribe or dispense in accordance with the written agreement.

(4) [ The physician assistant supervisor shall countersign the prescription copy or medical record entry for each prescription or dispensation within a reasonable time, not to exceed 3 days, unless countersignature is required sooner by regulation, policy within the medical care facility or the requirements of a third-party payor. ] The supervising physician shall countersign the patient record within 10 days.

(5) The physician assistant and the [ physician assistant supervisor ] supervising physician shall provide immediate access to the written agreement to anyone seeking to confirm the physician assistant's authority to prescribe or dispense a drug. The written agreement must list the categories of drugs which the physician assistant is not permitted to prescribe.

(e) *Compliance with regulations relating to prescribing, administering, dispensing, packaging and labelling of drugs.* A physician assistant shall comply with §§ 16.92, 16.93 and 16.94 (relating to prescribing, administering and dispensing controlled substances; packaging; and labeling of dispensed drugs) and Department of Health regulations in 28 Pa. Code §§ 25.51—25.58 (relating to prescriptions) and regulations regarding packaging and labeling dispensed drugs. See § 16.94 and 28 Pa. Code §§ 25.91—25.95 (relating to labeling of drugs, devices and cosmetics).

§ 18.159. Medical records.

The [ physician assistant supervisor ] supervising physician shall timely review the medical records prepared by the physician assistant to ensure that the requirements of § 16.95 (relating to medical records) have been satisfied.

MEDICAL CARE FACILITIES AND EMERGENCY MEDICAL SERVICES

§ 18.161. Physician assistant employed by medical care facilities.

\* \* \* \* \*

(b) [ The physician assistant may not be responsible to more than three physician assistant supervisors in a medical care facility.

(c) [ This subchapter does not require medical care facilities to employ physician assistants or to permit their utilization on their premises. Physician assistants are permitted to provide medical services to the hospitalized patients of their [ physician assistant supervisor ] supervising physician if the medical care facility permits it.

§ 18.162. Emergency medical services.

(a) A physician assistant may only provide medical service in an emergency medical care setting if the physician assistant has training in emergency medicine, functions within the purview of his written agreement and is under the [ direct ] supervision of the [ physician assistant supervisor ] supervising physician.

(b) A physician assistant licensed in this State or licensed or authorized to practice in any other state of the United States who is responding to a need for medical care created by a declared state of emergency or a state or local disaster (not to be defined as an emergency situation which occurs in the place of one's employment) may render care consistent with relevant standards of care.

**IDENTIFICATION AND NOTICE RESPONSIBILITIES**

**§ 18.171. Physician assistant identification.**

(a) A physician assistant may not render medical services to a patient until the patient or the patient's legal guardian has been informed that:

\* \* \* \* \*

(2) The physician assistant may perform the service required as the agent of the physician and only as directed by the [physician assistant supervisor] supervising physician.

\* \* \* \* \*

(b) It is the [physician assistant supervisor's] supervising physician's responsibility to be alert to patient complaints concerning the type or quality of services provided by the physician assistant.

(c) In the [physician assistant supervisor's] supervising physician's office and satellite locations, a notice plainly visible to patients shall be posted in a prominent place explaining that a "physician assistant" is authorized to assist a physician in the provision of medical care and services. The [physician assistant supervisor] supervising physician shall display [his] the registration to supervise in [his] the office. The physician assistant's [certificate] license shall be prominently displayed at any location at which [he] the physician assistant provides services. Duplicate [certificates] licenses may be obtained from the Board if required.

(d) The physician assistant shall wear an identification tag which uses the term "Physician Assistant," in [16 point] easily readable type. The tag shall be conspicuously worn.

**§ 18.172. Notification of changes in employment.**

(a) The physician assistant is required to notify the Board, in writing, of a change in or termination of employment or a change in mailing address within 15 days. Failure to notify the Board in writing of a change in mailing address may result in failure to receive pertinent material distributed by the Board. The physician assistant shall provide the Board with [his] the new address

of residence, address of employment and name of registered [physician assistant supervisor] supervising physician.

(b) The [physician assistant supervisor] supervising physician is required to notify the board, in writing, of a change or termination of [his] supervision of a physician assistant within 15 days.

(c) Failure to notify the Board of changes in employment or a termination in the physician/physician assistant relationship is a basis for disciplinary action against the physician's license, [physician assistant supervisor] supervising physician's registration and the physician assistant's [certificate] license.

**DISCIPLINE**

**§ 18.181. Disciplinary and corrective measures.**

(a) A physician assistant who engages in unprofessional conduct is subject to disciplinary action under section 41 of the act (63 P. S. § 422.41). Unprofessional conduct includes the following:

(1) Misrepresentation or concealment of a material fact in obtaining a [certificate] license or a reinstatement thereof.

\* \* \* \* \*

(7) Impersonation of a licensed physician or another [certified] licensed physician assistant.

\* \* \* \* \*

(10) Continuation of practice while the physician assistant's [certificate] license has expired, is not registered or is suspended or revoked.

\* \* \* \* \*

(12) The failure to notify the [physician assistant supervisor] supervising physician that the physician assistant has withdrawn care from a patient.

(b) The Board will order the emergency suspension of the [certificate] license of a physician assistant who presents an immediate and clear danger to the public health and safety, as required by section 40 of the act (63 P. S. § 422.40).

(c) The [certificate] license of a physician assistant shall automatically be suspended, under conditions in section 40 of the act.

(d) The Board may refuse, revoke or suspend a physician's [approval to supervise a physician assistant] registration as a supervising physician for engaging in any of the conduct proscribed of Board-regulated practitioners in section 41 of the act [(63 P. S. § 422.41)].

[Pa.B. Doc. No. 05-2023. Filed for public inspection November 4, 2005, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending October 25, 2005.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
10-21-05	Northwest Bancorp, Inc., Warren, PA, to acquire 100% of the voting shares of Equinox Financial Corporation, Pembroke Pines, FL, under section 115 of the Banking Code of 1965	Warren, PA	Effective
10-20-05	Application of Relational Investors, LLC, San Diego, CA, for approval to solicit proxy authority to vote more than 10% of the outstanding shares of Sovereign Bancorp, Inc., Philadelphia, PA, under section 112 of the Banking Code of 1965	San Diego, CA	Filed

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-21-05	Northwest Savings Bank, Warren, PA, and Equinox Bank, F.S.B., Pembroke Pines, FL, Surviving Institution— Northwest Savings Bank, Warren, PA  <i>Branches Acquired by Means of Merger:</i>  1851 NW 125th Avenue, Suite 100 Pembroke Pines Broward County, FL  2000 North Flamingo Road Pembroke Pines Broward County, FL	Warren, PA	Effective
10-21-05	First Commonwealth Bank, Indiana, and First Commonwealth Trust Company, Indiana Surviving Institution— First Commonwealth Bank, Indiana	Indiana	Filed

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-14-05	First Commonwealth Bank Indiana Indiana County	Pittsburgh Mills Circle Frazer Township Allegheny County	Opened
10-17-05	West Milton State Bank West Milton Union County	U. S. Route 522 and Pine Street Beaver Springs Spring Township Snyder County	Opened
10-17-05	People's State Bank of Wyalusing Wyalusing Bradford County	118 College Avenue Factoryville Wyoming County	Opened
10-19-05	Nesquehoning Savings Bank Nesquehoning Carbon County	113 East Water Street Coaldale Schuylkill County	Approved



<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-21-05	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	Elmwood Plaza 791 East Route 70 Marlton Burlington Co., NJ	Opened

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-19-05	Northwest Savings Bank Warren Warren County	<i>To:</i> 70 West Columbus Avenue Corry Erie County  <i>From:</i> 150 North Center Street Corry Erie County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-19-05	Northwest Savings Bank Warren Warren County	1073 Park Avenue Meadville Crawford County (Drive-Up Facility)	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Conversions to Community Charters**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
10-3-05	Boeing Helicopters Credit Union Ridley Park Delaware County	Ridley Park	Filed Prohibited 10-24-05

Application represents proposed conversion from an occupation-based to a community charter serving Delaware County.

**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
10-19-05	Lee Hospital Credit Union Johnstown Cambria County	Amendment to Article 1 of the Articles of Incorporation provides for a change in corporate title to "HealthCare First Credit Union."	Approved and Effective

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 05-2024. Filed for public inspection November 4, 2005, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Revised Uniform County Application for Home- stead and Farmstead Exclusions

In accordance with section 341(h) of the Homeowner Tax Relief Act (act) (53 P. S. § 6925.341), the Department of Community and Economic Development (Department) gives notice of a revised County Application for Home-  
stead and Farmstead Exclusions for use by assessors

under section 341 (h) of the act. The application and instructions for completion of the application follow as Annex A. Electronic copies of the application are available at [www.newpa.com](http://www.newpa.com). This application replaces the application that was published at 34 Pa.B. 5272 (September 25, 2004). This form will remain in effect until changed by a notice in the *Pennsylvania Bulletin*.

Further information can be obtained from the Department of Community and Economic Development, Customer Service Center, Commonwealth Keystone Building, 400 North Street, Fourth Floor, Harrisburg, PA 17120-0225, (800) 379-7448, [ra-dcedcs@state.pa.us](mailto:ra-dcedcs@state.pa.us).

DENNIS YABLONSKY,  
*Secretary*

Annex A

PROPERTY TAX RELIEF
COUNTY
APPLICATION FOR HOMESTEAD AND FARMSTEAD EXCLUSIONS

Please read the instructions before completing this application.

Basic Information

- 1. Property Owner(s)
2. Property Address
3. Municipality
4. School District
5. Mailing Address of Property Owner
6. Phone Number of Property Owner: Daytime Evening

Homestead Information

- 7. Do you use this property your primary residence?
8. Do you claim anywhere else as your primary residence?
9. Is your residence part of a cooperative...
10. Is your property used for something other than your primary residence...
11. Please provide the tax parcel number for this property...

Farmstead Information

(Only applicable to buildings and structures used for commercial agricultural production.)

- 12. Does this property include at least ten contiguous acres of farm land?
13. Are there buildings and structures on the property that are used primarily to:
a. Produce or store any farm product...
b. House animals raised or maintained...
c. Store machinery or equipment...
14. If you answered yes to questions 13 a, b, or c, do any farm buildings or structures already receive a property tax abatement under any other law?

I hereby certify that all the above information is true and correct.

Signature(s) Date

This application must be signed by an owner for whom this property is the primary residence. Any person who knowingly files an application which is false in any material matter shall be subject to payment of taxes due, plus interest, plus penalty and shall be subject to prosecution as a misdemeanor of the third degree and a fine of up to \$2,500.

OFFICIAL USE ONLY

Table with 2 columns: Review/Approval fields (Date Filed, Reviewed by, Date Reviewed, Applicable Years, Approved, Denied) and Valuation/Assessment fields (Homestead Value, Farmstead Value, Assessment Information: Land, Improvements, TOTAL).

Revised 10-25-05

**Instructions**  
**Property Tax Relief**  
**Application for Homestead & Farmstead Exclusions**

**The Homeowner Tax Relief Act, Act 72 of 2004, was signed into law by Governor Rendell on July 5, 2004, to allow school districts to reduce property taxes by lowering your property tax bill; the legal term for this is a "homestead or farmstead exclusion."** Under a homestead or farmstead property tax exclusion, the assessed value of each homestead or farmstead is reduced by the same amount before the property tax is computed. Initial property tax reductions will probably not take effect until July 1, 2007. You are not guaranteed a homestead or farmstead exclusion unless the Legislature acts to revise Act 72 or enacts another measure to distribute funds for property tax relief.

To receive school property tax relief for tax years beginning July 1 or January 1, this form must be filed by the preceding March 1. Your school district is required to notify you by December 31 of each year if your property is not approved for the homestead or farmstead exclusion or if your approval is due to expire.

**BASIC INFORMATION**

1. Fill in your name and the name of other owners, such as a co-owner of the property. The application must be signed by an owner for whom the property is his or her primary residence. If the property has more than one owner, signatures of additional owners are not required.
2. Fill in the address of the property for which you are seeking an exclusion.
3. Fill in your municipality. If you are not sure what your municipality is, contact your local tax collector or county assessment office (\_\_\_\_-\_\_\_\_-\_\_\_\_).
4. Fill in your school district. If you are not sure what your school district is, contact your local tax collector or county assessment office (\_\_\_\_-\_\_\_\_-\_\_\_\_).
5. If your mailing address differs from the address of the property for which you are seeking a homestead exclusion, fill in your mailing address.
6. List phone numbers where you can be reached during the day, and the evening, if you are unavailable during the day.

**HOMESTEAD INFORMATION**

7. Only a primary residence of an owner of the property may receive the homestead exclusion. This is where you intend to reside permanently until you move to another home. You may be asked to provide proof that this property is your primary residence, such as your driver's license, your voter registration card, your personal income tax form or your local earned income tax form.
8. Do you have another residence which you claim as your primary residence? For instance, do you claim another state as your primary residence, or another county in Pennsylvania? The homestead exclusion can only be claimed once, for a place of primary residence. You may not claim this property as your primary residence if you claim another property as a primary residence or if you receive a homestead tax abatement or other homestead benefit from any other county or state.
9. If you live in a unit of a cooperative and you pay all or a portion of your real property taxes jointly through a management agent or association, rather than paying your taxes separately from other units, check yes. If you answered yes, please indicate your proportionate share of ownership. You may be asked to provide a contact to confirm this information.
10. Check yes if the property for which you are seeking a homestead exclusion is used for other purposes, such as a business or rental property. For example, do you claim part of your home as a home office or deduct expenses for the business use of your home on your state or federal tax? If you answered yes, please indicate what percentage of the property is used as business or rental property.
11. If known, fill in the parcel number of the property for which you are seeking a homestead exclusion. You can find the parcel number on your real property tax bill. If you do not have a real property tax bill, call your local tax collector or county assessment office (\_\_\_\_-\_\_\_\_-\_\_\_\_).

**FARMSTEAD INFORMATION**

**(Only applicable to buildings and structures used for commercial agricultural production.)**

Only complete this section (questions 13, 14 a, b, and c, and 15) if you are applying for a farmstead exclusion. If you answer yes to questions 13 a, b and c, you may be asked to provide proof that the buildings and structures are used for commercial agricultural activity, such as the net income or loss schedule from your state or federal income tax forms.

- 12. Only buildings and structures on farms which are at least ten contiguous acres in area and used as the primary residence of an owner are eligible for a farmstead exclusion. Land is not eligible for the farmstead exclusion. If your property includes at least ten contiguous acres of farm land, check yes.
- 13. Check yes if the buildings or structures are used primarily to:
  - a. Produce or store farm products produced on the farm for the purpose of commercial agricultural production.
  - b. House animals raised or maintained on the farm for the purpose of commercial agricultural production.
  - c. Store agricultural supplies or machinery and equipment used on the farm in commercial agricultural production.
- 14. Check yes if any farm buildings or structures receive an abatement of property tax under any other law.

**Change in Use**

If your property is approved as homestead or farmstead property and the use changes so that the property no longer qualifies for the homestead or farmstead exclusion, you must notify the assessor within 45 days of the change in use. If the use of your property changes and you are not sure if it still qualifies for the homestead or farmstead exclusion, you should contact the assessor.

**False or Fraudulent Applications**

The assessor may select, randomly or otherwise, applications to review for false or fraudulent information. Any person who files an application that contains false information, or who does not notify the assessor of a change in use which no longer qualifies as homestead or farmstead property, will:

- Be required to pay the taxes which would have been due but for the false application, plus interest.
- Be required to pay a penalty equal to 10% of the unpaid taxes.
- If convicted of filing a false application, be guilty of a misdemeanor of the third degree and be sentenced to pay a fine not exceeding \$2,500.

This application must be signed by an owner for whom this property is his or her primary residence. If the property has more than one owner, signatures of additional owners are not required. By signing this application, the applicant is affirming or swearing that all information contained in the application is true and correct.

Applications must be filed on or before March 1<sup>st</sup> of each year. Please return to:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

For Questions on the Homestead or Farmstead Exclusion, please contact your local tax collector or the \_\_\_\_\_ County Assessment office at \_\_\_\_-\_\_\_\_-\_\_\_\_, office hours \_\_\_\_\_ to \_\_\_\_\_, Monday through Friday.

[Pa.B. Doc. No. 05-2025. Filed for public inspection November 4, 2005, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, November 16, 2005, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 05-2026. Filed for public inspection November 4, 2005, 9:00 a.m.]

### 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, November 8, 2005, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Anthony DiGirolomo at (717) 772-9101.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Anthony DiGirolomo at (717) 772-9101 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

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

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 05-2027. Filed for public inspection November 4, 2005, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Franklin and Marshall College for Approval of Amendment of Its Articles of Incorporation

#### Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of Franklin and Marshall College for a Certificate of Authority approving the amendment to its Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protests and requests for hearing shall be filed by 4 p.m. on the date prescribed by this notice with Carol Gisselquist, Higher Education Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-4448. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist, (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D.Ed.,  
*Acting Secretary*

[Pa.B. Doc. No. 05-2028. Filed for public inspection November 4, 2005, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste,

discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

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

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

## **I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0029637 (Minor Industrial Waste)	Video Display Corporation P. O. Box 119 White Mills, PA 18473-0119	Wayne County Texas Township	Lackawaxen River (1B)	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>
PA0084247 (IW)	Nexans, Inc. 132 White Oak Road New Holland, PA 17557-8303	Lancaster County Earl Township	Conestoga River/7-J	Y
PA0023442 (Sew)	Wrightsville Borough Municipal Authority 129 South Second Street Wrightsville, PA 17368	York County Wrightsville Borough	Susquehanna River/7-I	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0098329	Hawthorn Area Water Authority—WTP P. O. Box 241 Hawthorn, PA 16230-0241	Redbank Township Armstrong County	Redbank Creek 17-C	Y

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

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

**PA0244031**, Sewage, **Chadds Ford Township**, 10 Station Way Road, P. O. Box 181, Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Proposed Activity: This application is for a new NPDES permit for a proposed discharge of treated sewage from Turner's Mill sewage treatment plant.

The receiving stream, Harvey Run, is in the State Water Plan Watershed 3H and is classified for: WWF, MF.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.140 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	
CBOD <sub>5</sub>	12.0	18.0	10.0	15.0	20.0
Total Suspended Solids	12.0	18.0	10.0	15.0	20.0
Ammonia as N					
(5-1 to 10-30)	1.8		1.5		3.0
(11-1 to 4-30)	5.3		4.5		9.0
Phosphorus	1.2		1.0		2.0
Fecal Coliform			50/100 ml		1,000/100 ml
Dissolved Oxygen			6.0 (min.)		
pH (Std Units)			6.0 (min.)		9.0
Total Residual Chlorine			0.5		1.2
Total Nitrogen	Monitor and Report		Monitor and Report		

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

1. Notification of Designation of Operator.
2. Remedial Measures if Unsatisfactory Effluent.
3. No Stormwater.
4. Acquire Necessary Property Rights.
5. Change of Ownership.
6. Total Residual Chlorine Requirement.
7. Sludge Disposal Requirement.
8. Imax Requirements.

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

**Application No. PA 0247910**, Sewage, **Bethel Township Municipal Authority**, P. O. Box 24, Bethel, PA 19507. This facility is located in Bethel Township, **Berks County**.

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

The receiving stream, Little Swatara Creek, is in Watershed 7-D, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Swatara Creek, approximately 35 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0724 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NO <sub>2</sub> -N + NO <sub>3</sub> -N		Monitor and Report	
Total Kjeldahl Nitrogen		Monitor and Report	
Total Phosphorus		Monitor and Report	
Total Residual Chlorine	0.5		1.6

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen			minimum of 5.0 at all times
pH			from 6.0 to 9.0 inclusive
Fecal Coliform			
(5-1 to 9-30)			200/100 ml as a geometric average
(10-1 to 4-30)			64,000/100 ml as a geometric average

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

The EPA waiver is in effect.

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

**PA0028631**, Sewerage 4952, **Mid-Cameron Authority**, 421 North Broad Street, Emporium, PA 15834. This notice is a reposted notice of a permit amendment, which was originally posted at 35 Pa.B. 5826 (October 22, 2005). The original notice was posted in error, and was inaccurate.

The existing facility is located in Shippen Township, **Cameron County**.

**Description of Proposed Activity:** The applicant wishes to amend the existing permit in light of treatment upgrades that are proposed for the facility. The proposed NPDES amendment will contain one outfall for treated (advanced secondary, with nutrient removal) sewage, and one outfall combined sewage overflow (primary treatment, plus disinfection) when necessary. The combined sewage overflow was previously untreated. The amendment also proposes an increase of flow capacity from 0.525 mgd to 1.0 mgd, and biological nutrient removal. There will be no change to the existing limits at the facility prior to the plant upgrades.

Discharge Parameters for Outfall 001 at 1.0 mgd annual average design flow (up to 3.7 mgd wet weather flow), following the treatment plant upgrades will be as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>
Flow		Monitor and Report
CBOD <sub>5</sub>	15	30
(10-1 to 4-30)	(18)	(36)
TSS	30	60
Fecal Coliform	200/1000ml	1,000/100ml
(10-1 to 4-30)	(2,000/1000ml)	10,000/100ml
Total Cl <sub>2</sub> Residual	0.36	1.18
pH	within the range of 6.0 to 9.0	
Kjeldahl-N	Monitor and Report	
NH <sub>3</sub> -N	6	12
Nitrite/Nitrate-N	Monitor and Report	
Total Nitrogen	17,100 lbs/year	
Total Phosphorus	2,140 lbs/year	

*Discharge Parameters for Outfall 002 (combined sewage overflow):*

<i>Parameter</i>	<i>Average Monthly (mg/L)</i>	<i>Daily Maximum (mg/L)</i>
Fecal Coliform		Monitor (1 per event)
Total Suspended Solids		Monitor (1 per event)
CBOD <sub>5</sub>		Monitor (1 per event)

*Special Condition Summary:*

1. Compliance Schedule.
2. Discharge Monitoring Reports.
3. Management and Control of Combined Sewage Overflows.
4. Implementation of Water Quality-Based Long Term Control Plan.
5. Requirements Applicable to Stormwater Outfalls.

The EPA waiver is not in effect.

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

**PA0217174**, Sewerage, **Elmor R. Ernst**, 268 Harrison Road, Elizabeth, PA 15037. This application is for renewal of an NPDES permit to discharge treated sewage from Ernst Small Flow STP in Lincoln Borough, **Allegheny County**.

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



Outfall 001: existing discharge, design flow of 0.0008 mgd.

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

The EPA waiver is in effect.

**PA0218693**, Sewage, **Luzerne Township Sewage Authority**, 415 Hopewell Road, Brownsville, PA 15417-9542. This application is for renewal of an NPDES permit to discharge treated sewage from Luzerne Township Sewage Authority Wastewater Treatment Facility in Luzerne Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA-American Water Company-Brownsville.

Outfall 001: existing discharge, design flow of 0.42 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform	200/100 ml as a geometric mean			
(5-1 to 9-30)	2,000/100 ml as a geometric mean			
(10-1 to 4-30)				
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.

**PA0000078**, Industrial Waste, **Welch Foods, Inc.**, P. O. Box 471, North East, PA 16428. This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Activity: existing discharge of noncontact cooling water.

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 PA/Canadian International Boundary and Lake Erie located approximately 4 miles below point of discharge.

The receiving stream, UNT to Sixteen Mile Creek, is in watershed 15 and classified for: WWF/migratory fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 1.2 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Daily Average	Instantaneous Maximum (mg/l)
Flow			
CBOD <sub>5</sub>	5		10
Total Suspended Solids	20		40
Dissolved Oxygen	minimum of 6 mg/l at all times		
Temperature			
January 1 to 31		38°F	
February 1 to 29		38°F	
March 1 to 31		43°F	
April 1 to 15		48°F	
April 16 to 30		54°F	
May 1 to 15		60°F	
May 16 to 31		60°F	
June 1 to 15		68°F	
June 16 to 30		72°F	
July 1 to 31		73°F	
August 1 to 15		73°F	

Concentrations

Parameter	Average Monthly (mg/l)	Daily Average	Instantaneous Maximum (mg/l)
August 16 to 31		71°F	
September 1 to 15		69°F	
September 16 to 30		63°F	
October 1 to 15		56°F	
October 16 to 30		51°F	
November 1 to 15		47°F	
November 16 to 30		43°F	
December 1 to 31		40°F	
pH	6.0 to 9.0 standard units at all times		

The proposed effluent limits for Outfalls 002 to 023 based on a design flow of n/a mgd.

Concentrations

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
These outfall shall consist of uncontaminated stormwater runoff only.			

XX—Monitor and report on 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)**

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

**WQM Permit No. 0905411**, Sewerage, **Telford Borough Authority**, 122 Penn Avenue, Telford, PA 18969-1912. This proposed facility is located in Telford Borough, **Bucks County**.

Description of Action/Activity: Transferring a portion of current Telford Wastewater Treatment Facility flow to the Pennridge Wastewater Treatment Authority Facility.

**WQM Permit No. 1505422**, Sewerage, **Antonio and Pamela Logioia**, 2606 Pheasant Run Lane, Spring City, PA 19475. This proposed facility is located in East Pikeland Township, **Chester County**.

Description of Action/Activity: Construction and operation of a small flow treatment facility.

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

**WQM Permit No. 4405401**, Sewerage, **Derry Township Sanitary Sewer Authority**, 15 West Mill Street, P. O. Box 465, Yeagertown, PA 17099. This proposed facility is located in Derry Township, **Mifflin County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of a sanitary sewage disposal service to the Maitland Area of Derry Township.

**WQM Permit No. 3605409**, Sewerage, **Leola Sewer Authority**, 36 Hillcrest Avenue, P. O. Box 325, Leola, PA 17540. This proposed facility is located in Upper Leacock Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of sewer facilities of a 64 home residential subdivision to be known as Wingate Stables on Horseshoe Road and Creek Hill Road.

**WQM Permit No. 2205201**, Sewerage, **Elizabethville Area Authority**, 4154 North Route 225, Elizabethville, PA 17023. This proposed facility is located in Washington Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction/Operation of a sewer extension and pump station to serve Wal-Mart No. 3412.

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

**WQM Permit No. 1405408** Sewage 4952, **Pennsylvania State University**, 201 Old Main, Physical Plant Building University Park PA, 16802-1503. This proposed facility is located in State College Borough, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a pump station located at the baseball stadium.

**WQM Permit No. 4705402**, Sewerage, **Clyde E. and Wanda L. Mingle**, 10 Mingle Road, Turbotville, PA 17772. This proposed facility is located in Anthony Township, **Montour County**.

Description of Proposed Action/Activity: Permit application for the construction of a Small Flows Treatment Facility incorporating a sand filter for a single residence.

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

**WQM Permit No. 0205411**, Sewerage, **Municipal Authority of Bethel Park**, 5100 West Library Avenue, Bethel Park, PA 15102. This proposed facility is located in South Park Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the modification of and addition to existing STP.

**WQM Permit No. 6389202-A1**, Industrial Waste, **PA Transformer Technology, Inc.**, 30 Curry Avenue, Canonsburg, PA 15317-0440. This proposed facility is located in Cecil Township, **Washington County**.

Description of Proposed Action/Activity: Application for the replacement of equipment within existing Treatment System 003 to accommodate the addition of three proposed sources to the existing system influent.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010905026	C & M Homes at Milford, LLC Milford Pointe Subdivision 2421 Bristol Road Warrington, PA 18976	Bucks	Milford Township	UNT Unami Creek and Perkiomen Creek (HQ-TSF)
PAI010905030	Sonya Koch Sonya Koch Subdivision 687 Headquarters Road Pipersville, PA 18947	Bucks	Tinicum Township	Tinicum Creek (EV)
PAI011503005A-1	Great Valley School District GVHS Fill Operation 47 Church Road Malvern, PA 19335	Chester	East Whiteland Township	Valley Creek (EV)
PAI011505079	Commerce Bank, NA Proposed Commerce Bank 11000 Atrium Way Mount Laurel, NJ 08054	Chester	Willistown Township	Crum Creek (HQ)
PAI011505080	Main Line health Paoli Hospital Expansion 937 Haverford Road Bryn Mawr, PA 19010	Chester	Willistown Township	Valley Creek (EV)

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

*Lackawanna County Conservation District: 1300 Old Plank Rd., Mayfield, PA 18433, (570) 281-9495.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10N030(1)	Edward P. Davailus Covington Lakes Estates, LLC R. R. 1, Box 1418-A Route 435 Gouldsboro, PA 18424	Lackawanna	Covington Township	Meadow Brook HQ-CWF

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

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

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### **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 per-

mit. 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

*Central Office: Bureau Director, Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467.*

##### Permit No. 9996540, Public Water Supply.

Applicant	<b>Frontenac Crystal Spring Water, Inc.</b>
Township or Borough	Claton, New York
Responsible Official	Joseph Colello, Vice President
Type of Facility	Out-of-State Bottled Water System
Application Received Date	October 17, 2005
Description of Action	Applicant requesting Department of Environmental Protection approval to sell bottled water in this Commonwealth under the brand name Frontenac Crystal Springs Natural Spring Water

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

##### Permit No. 4505507, Public Water Supply

Applicant	<b>Aqua Pennsylvania, Inc.</b> 204 East Sunbury Street Shamokin PA
Township or Borough	Ross Township
County	<b>Monroe</b>
Responsible Official	Richard T. Subasic, VP
Type of Facility	Public Water System
Consulting Engineer	Peter J. Lusardi, P. E. CET Engineering Services 1240 North Mountain Road Harrisburg, PA
Application Received Date	August 9, 2005
Description of Action	The drilling and use of a replacement well known as the Anchorage Street Well No. 2. The existing treatment equipment and well station building will be utilized.

<b>Permit No. 5205504,</b> Public Water Supply	
Applicant	<b>Matamoras Municipal Authority</b> 304 Pennsylvania Avenue Matamoras, PA 18336
Township or Borough	Matamoras Borough
County	<b>Pike</b>
Responsible Official	Katherine Foss, Office Manager
Type of Facility	Public Water System
Consulting Engineer	McGoey, Hauser & Edsall 507 Broad Street Milford, PA
Application Received Date	August 11, 2005
Description of Action	The construction of a new well source. The water is treated at the existing wellhouse.

### MINOR AMENDMENT

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

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

##### Application No. 1069502-MA3, Minor Amendment

Applicant	<b>PA American Water Co</b>
Township or Borough	Butler Township <b>Butler County</b>
Responsible Official	Kevin M Mortimer Operations Supervisor
Type of Facility	PWS
Application Received Date	10/20/2005
Description of Action	Rehabilitation of Southern Hills Tank to include blasting and repainting of interior and exterior of tank.

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

##### Application No. Minor Amendment.

Applicant	<b>Pennsylvania American Water</b>
Township or Borough	Wilkes-Barre City <b>Luzerne County</b>
Responsible Official	Paul A. Zielinski, Director Environmental Compliance and Management Pennsylvania American Water 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	PWS
Consulting Engineer	Scott M. Thomas, P. E. Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055
Application Received Date	October 19, 2005

Description of Action The applicant requests approval for blasting and painting of the interior and exterior of a 211,000 gallon ground storage tank known as the Georgetown Tank located in Wilkes-Barre City, Luzerne County.

**Application No. Minor Amendment.**

Applicant **Pennsylvania American Water**

Township or Borough **Bridgewater Township  
Susquehanna County**

Responsible Official Paul A. Zielinski, Director  
Environmental Compliance and Management  
Pennsylvania American Water  
800 West Hersheypark Drive  
Hershey, PA 17033

Type of Facility PWS

Consulting Engineer Scott M. Thomas, P. E.  
Pennsylvania American Water  
852 Wesley Drive  
Mechanicsburg, PA 17055

Application Received Date October 19, 2005

Description of Action This project involves interior and exterior painting, underdrain replacement, media replacement and minor sanitary, safety and structural modifications to the Montrose Filter No. 1. Rehabilitation of Filter No. 2 will occur on a future date.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any

contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**275 New Jersey Dr. Prop.**, Upper Dublin Township, **Montgomery County**. Michael Gross, Attorney, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004 on behalf of William Derrah, Laneko Realty Corp., 275 New Jersey Dr., Ft. Washington, PA 19034 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site was impacted with chlorinated solvents, PAH and No. 2 fuel oil. The proposed future use of the property will be nonresidential for executives' offices, light assembly of premanufactured goods and warehousing. A summary of the Notice of Intent to Remediate was reported to have been published in the *Ambler Gazette* on September 28, 2005.

**Lauer Prop.**, City of Philadelphia, **Philadelphia County**. Joseph Diamadi, Jr., Marshall Geoscience, Inc., 170 East First Ave., Collegeville, PA 19426 on behalf of Lionel Lauer, 7300 Bustleton Ave., Philadelphia, PA 19152 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site was impacted with leaded gasoline. The intended future use of the property is for continued use as a retail food market.

**Consolidated Rail Corp. Records Storage Bldg.**, City of Philadelphia, **Philadelphia County**. Chris McCardell, Shaw Env. & Infrastructure, Inc., 1161 McDermott Dr., Suite 101, West Chester, PA 19380 on behalf of Jon Gelesky, 717 S. Columbus Blvd, No. 1118, Philadelphia, PA 19147 has submitted a Notice of Intent to Remediate. Soil at the site was impacted with No. 2 fuel oil. The intended future use of the site is unknown. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on September 30, 2005.

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

**Bethany Children's Home**, Heidelberg Township, **Berks County**. Synergy Environmental Inc., 607 Washington Street, Reading, PA 19601, on behalf of Bethany Children's Home, 1863 Bethany Road, Womelsdorf, PA 19567-9214, submitted a Notice of Intent to Remediate groundwater contaminated with fuel oil. The applicant intends to document remediation of the site to a State-wide Health Standard.

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

**Daly Residence**, 101 North Main Street, Towanda, PA 18848, Towanda Borough, **Bradford County**. Chambers Environmental Consultant has submitted a Notice of Intent to Remediate soil contaminated with heating oil. This site is being remediated to meet a Statewide Health Standard.

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

**Application 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 Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 101538. WSI Sandy Run Landfill**, Broad Top Township, **Bedford County**. Major Permit Modification to Solid Waste Permit No. 101538 for the operation of Sandy Run Landfill, issued in accordance with Article V of the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003). This modification approves an increase in the average daily volume from 300 to 750 tons per day and the maximum daily volume from 400 to 1,000 tons per day. Compliance with the terms and conditions set forth in the permit is mandatory. Individuals have the right to file an appeal as to these terms and conditions.

### **AIR QUALITY**

#### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

##### **NEW SOURCES AND MODIFICATIONS**

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

#### **PLAN APPROVALS**

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**54-313-086: First Quality Nonwovens, Inc.** (101 Green Mountain Road, Humboldt Industrial Park, Hazleton, PA 18202) for construction of a polypropylene extrusion line at their facility in East Union Township, **Schuylkill County**.

**54-305-022: Wheelabrator Culm Services, Inc.** (475 Morea Road, Frackville, PA 17931) for construction of an anthracite coal culm processing plant at their facility in Mahanoy Township, **Schuylkill County**.

**48-328-008: Bethlehem Renewable Energy LLC** (1300 North 13th Street, Suite 1600, Arlington, VA 22209) for construction of a turbine to utilize landfill gas as a fuel at their facility at 2305 Applebutter Road, in Lower Saucon Township, **Northampton County**.

**48-311-005: Oldcastle APG-Northeast** (800 Uhler Road, Easton, PA 18040) for construction of a new concrete block manufacturing plant and associated air cleaning devices at their facility in Forks Township, **Northampton County**.

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

**34-05003B: Tedd Wood, Inc.** (P. O. Box 187, Johnstown Road, Thompsettown, PA 17094) for construction of two new coating booths at their facility in Delaware Township, **Juniata County**.

**67-03133: Separation Technologies, LLC** (101 Hampton Avenue, Needham, MA 02494) for construction of a fly ash processing facility at the Brunner Island Steam Electric Station in East Manchester Township, **York County**.

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

**47-399-016: Augusta Fiberglass Coatings, Inc.** (86 Lake Cynthia Road, Blackville, SC 29817) for construction of a temporary fiberglass stack liner manufacturing operation at PPL's Montour Steam Electric Station in Derry Township, **Montour County**.

**41-305-010B: Keystone Filler and Manufacturing Co., Inc.** (214 Railroad Street, Muncy, PA 17756) for construction of a portable coal crushing and screening system and two associated diesel engines in 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.*

**10-349B: Recmix of PA, Inc.** (725 Saxonburg Boulevard, Clinton, PA 16056) for installation of a natural gas fired thermal fluid heater and aggregate dryer at their Saxonburg facility in the Township of Clinton, **Butler County**.

**37-306B: Atlantic States Materials** (Taylor Run, Mercer PA 16137) for modification of Plan Approval 37-306A to increase CO emission limit from the diesel engine from 0.68 lb/hr to 0.90 lb/hr for the Taylor Run Plant in Scott Township, **Lawrence County**.

**43-305B: Champion Carrier Corp.** (2755 Kirila Road Hermitage PA 16148) for modification of a spray booth from a water booth to a dry filter booth by for their truck body manufacturer in Hermitage, **Mercer County**. The facility is currently permitted under a Natural Minor Operating Permit.

**25-987D: Hanes Erie, Inc** (7601 Klier Drive, Fairview, PA 16415) for construction of a new spray coating line for cosmetic containers in Fairview Township, **Erie County**. The facility is currently permitted under a Natural Minor Operating Permit.

**42-095B: Georgia-Pacific Corp.** (One Owens Way, Bradford, PA 16701) for modification of existing boilers to permit the burning of No. 6 fuel oil in addition to natural gas in Bradford City, **McKean County**. This modification will trigger NSPS Subpart Dc. This is a State-only facility.

**37-023D: Orion Power Midwest, LP—New Castle** (2189 SR 168 South, West Pittsburg, PA 16160-0325), for the permanent installation of the selective noncatalytic reduction (SNCR) systems on Units 3, 4 and 5 in Taylor Township, **Lawrence County**. This is a Title V facility.

**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.**

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

**46-0069C: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) for installation of a new

pulse-jet baghouse in Whitmarsh Township, **Montgomery County**. This installation of the pulse-jet baghouse may result in the emissions of 0.802 ton per year of particulate matter. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**46-0033E: Waste Management Disposal Services of Pennsylvania—Pottstown Landfill** (1425 Sell Road, Pottstown, PA 19464) for issuance of a plan approval which amends an existing Plan Approval, PA-46-0033B in West Pottsgrove Township, **Montgomery County** and in part of Douglass Township, **Berks County**. On September 30, 2005, the Pottstown Landfill ceased acceptance of waste. The landfill still generates landfill gas that requires collection, capture and control of the landfill gas including VOCs. The amendment allows 5,046 standard cubic feet per minute (SCFM) of landfill gas flow from the Eastern Expansion to the pipeline and the Eastern Expansion flare, on a combined basis. The amendment also allows a maximum of 2,254 SCFM of landfill gas, at 35% methane content, to be used at each of the turbines. The modification does not allow any change in the heat input rating of the turbines or any change in the emission values for any of the pollutants from any control devices or the landfill itself. The facility is a major facility. The landfill is subject to 40 CFR Part 60, Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills and 40 CFR Part 63, Subpart AAAA of the National Emission Standards for Hazardous Air Pollutants. The turbines are subject to 40 CFR Part 60, Subpart GG of the Standards of Performance for New Stationary Sources.

No new emission will be allowed under the proposed modification. The permittee will comply with the monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

**46-0251: Anders-Detweiler Funeral Home** (130 East Broad Street, Souderton, PA 18964) for installation of a 100-pound per hour, cremator for incineration of human remains at the State-only facility in Souderton Borough, **Montgomery County**. This installation will result in maximum NOx emissions of 0.7 ton per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**23-0009C: Boeing Aircraft and Military System Group** (P. O. Box 16858, Philadelphia, PA 19142) for modification of Building 3-80 Bay 2 to Aerospace NESHAPs Paint Booth controlled by a three-stage dry filter in Ridley Township, **Delaware County**. The permittee shall use compliant coatings under 25 Pa. Code § 129.73 and 40 CFR 63.745. The permit is for a Title V facility. The permit will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**36-05027G: RR Donnelley and Sons Co.** (216 Greenfield Road, Lancaster, PA 17601) for installation of a new heatset web offset printing press at their Lancaster West facility in Lancaster City, **Lancaster County**. This construction will result in 27.3 tons of VOC emissions per

year. The proposed emission increase will subject the facility to the major New Source Review requirements of 25 Pa Code, Chapter 127, Subchapter E, which requires the purchase of Emission Reduction Credits (ERCs). Based on the information provided by the applicant, and Departmental analysis, RR Donnelley & Sons will be required to purchase a minimum of 63.0 tons of ERCs prior to commencing operation of the new press and oxidizer.

#### OPERATING PERMITS

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

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

**06-05019: Hofmann Industries, Inc.** (P. O. Box 2147, Sinking Spring, PA 17608) for operation of their steel pipe and tubing manufacturing facility in Sinking Spring Borough, **Berks County**. This is a renewal of their State-only operating permit.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**32-00200: Indiana University of Pennsylvania, SW—Jack Cogeneration Plant** (425 Pratt Drive, Indiana, PA 15705) The facility's major sources of emissions include four internal combustion reciprocating engines and three natural gas boilers. The facility has the potential of emitting more than 50 tons of VOCs, 100 tons of NOx and 100 tons of CO located in Indiana Borough, **Indiana County**. This is a Title V facility.

##### **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.*

**46-00049: International Business Systems, Inc.** (431 Yerkes Road, King of Prussia, PA 19406) for operation of six lithographic printing presses, three parts cleaners, and an emergency generator in Upper Merion Township, **Montgomery County**. The permit is for a non-Title V State-only facility. The facility has the potential to emit below major thresholds for criteria pollutants; therefore the facility is a Natural Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Eric Gustafson Facilities Permitting Chief, (814) 332-6940.*

**37-00287: Ed and Don DeCarbo Funeral Home and Crematory, Inc.** (3000 Wilmington Road, New Castle, PA 16105) for a Natural Minor Permit for operation of a crematorium in Neshannock Township, **Lawrence County**.

**10-00237: Fox Funeral Home, Inc.** (410 West Main Street, Saxonburg, PA 16056) for a Natural Minor Permit to operate a crematorium in Saxonburg Borough, **Butler County**.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

*Effluent Limits*—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent



limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

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

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

**32031301 and NPDES Permit No. PA0235580, Britt Energies, Inc.**, (2450 Philadelphia Street, Indiana, PA 15701), to revise the permit for the Lowry Deep Mine in White Township, **Indiana County** and related NPDES permit to revise the erosion and sedimentation control plan for a spoils storage area. Surface acres proposed 19.8. Receiving stream: Yellow Creek, classified for the following use: TSF. Application received September 9, 2005.

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

**Permit No. 32000107, Kraynak Coal Company**, 3124 Firetower Road, Mahaffey, PA 15757, permit renewal for reclamation only of a bituminous surface auger mine in Grant Township, **Indiana County**, affecting 39 acres. Receiving stream: N/A, the permit was issued with nondischarge alternatives; the site is located in the drainage basin of East Run to Little Mahoning Creek, classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 12, 2005.

**32030106 and NPDES No. PA8249475, Thomas J. Smith, Inc.**, 2340 Smith Road, Shelocta, PA 15774, transfer of an existing bituminous surface-auger mine from Simpson Coal Company, R.R. 1, Box 244, New Alexandria, PA 15670 located in Young Township, **Indiana County**, affecting 9.3 acres. Receiving streams: UNT Blacklegs Creek to Blacklegs Creek to Kiskiminetas River to Allegheny River classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received October 13, 2005.

**56050109 and NPDES No. PA0249769, PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface mine in Somerset Township, **Somerset County**, affecting 104.6 acres. Receiving stream: Kimberly Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. The application includes a request to conduct blasting. The application also includes a stream variance request to construct erosion and sedimentation control structures within the

100 foot barrier but no closer than 25 feet of a UNT to Kimberly Run. Application received October 11, 2005.

**56040105 and NPDES No. PA0249602, Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, transfer of an existing bituminous surface auger mine from Berwind Coal Sales Company, 509 15th Street, Windber, PA 15963 located in Paint and Shade Townships, **Somerset County**, affecting 171.0 acres. Receiving stream: UNT to/and Shade Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Border Dam SWI. Application received October 19, 2005.

*Greensburg District Mining Office: R. R. 2, Box 603C, Greensburg, PA 15601, (724) 925-5500.*

**02050101 and NPDES Permit No. PA0250791, Robert B. Goodall** (725 Midway Candor Road, Bulger, PA 15019). Application for commencement, operation and reclamation of a bituminous surface mine, located in North Fayette Township, **Allegheny County**, affecting 75.5 acres. Receiving streams: North Branch Robinson Run and UNTs to North Branch Robinson 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: October 18, 2005.

**26050112 and NPDES Permit No. PA0250805, Amerikohl Mining, Inc.** (P. O. Box 260, Stahlstown, PA 15687). Application for commencement, operation and reclamation of a bituminous surface mine, located in Springhill Township, **Fayette County**, affecting 39.5 acres. Receiving streams: UNTs to Hope Hollow, classified for the following use: WWF. Public water supplies with intakes within 10 miles downstream from point of discharge: Point Marion Borough Water Service, East Dunkard Water Association and Dunkard Valley Water Authority. Application received: October 19, 2005.

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

**24900104 and NPDES Permit No. PA0208001, Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip, coal ash placement and beneficial use of lime mud operation in Horton Township, **Elk County** affecting 431.0 acres. Receiving streams: West Branch Walburn Run, Walburn Run, Vineyard Run to Little Toby Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: October 17, 2005.

**33050106 and NPDES Permit No. PA0258032, Mountain Coal Co., Inc.** (11931 SR 85, Kittanning, PA

16201). Commencement, operation and restoration of a bituminous surface strip and auger operation in Knox and Oliver Townships, **Jefferson County** affecting 75.3 acres. Receiving streams: UNT to Little Sandy Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 17, 2005.

**43020103 and NPDES Permit No. PA0242136. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous surface strip and coal ash placement operation in Sandy Lake Township, **Mercer County** affecting 95.4 acres. Receiving streams: UNT B to Sandy Creek, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to include a landuse change from forestland to unmanaged natural habitat. Application received: October 18, 2005.

**10840116 and NPDES Permit No. PA0602531. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Renewal of an existing bituminous surface strip and auger operation in Concord and Oakland Townships, **Butler County** affecting 224.8 acres. Receiving streams: Two UNTs to Connoquenessing Creek, classified for the following use: HQ-WWF. The first downstream potable water supply intake from the point of discharge is Western Pennsylvania Water Company. Application received: October 19, 2005.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**54663021R4. Reading Anthracite Company** (200 Mahantongo Street, P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in New Castle Township, **Schuylkill County** affecting 693.0 acres, receiving stream: none. Application received October 11, 2005.

**54900103R3. EOJ, Inc.** (2401 Summer Valley Road, New Ringgold, PA 17960), renewal of an existing anthracite surface mine operation in East Norwegian Township, **Schuylkill County** affecting 192.6 acres, receiving stream: none. Application received October 11, 2005.

**40793211T. Can Do Community Foundation** (1 South Church Street, 200 Renaissance Center, Hazleton, PA 18201), transfer of an existing coal refuse reprocessing operation from Jeddo-Highland Coal Company in Hazle Township, **Luzerne County** affecting 59.0 acres, receiving stream: none. Application received October 12, 2005.

*Noncoal Applications Received*

*Effluent Limits*

The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

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

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**16940308. County Environmental Services, Inc.** (344 Walley Run Drive, Leeper, PA 16233). Renewal of NPDES Permit No. PA0226939, Farmington Township, **Clarion County**. Receiving streams: UNT to Little Coon Run, UNT to Licking Creek, UNT to Toby Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received: October 14, 2005.

**16950306. Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254). Renewal of NPDES Permit No. PA0227005, Perry and Toby Townships, **Clarion County**. Receiving streams: UNT to Black Fox Run and Black Fox Run, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received: October 18, 2005.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**7775SM11A2C4 and NPDES Permit No. PA0595101. Glen-Gery Corporation**, (P. O. Box 7001, Wyomissing, PA 19610), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Heidelberg Township, **Berks County**, receiving streams: UNT to Cacoosing Creek, classified for the following use: TSF. Application received October 11, 2005.

**58020806. Chester E. Kilmer, Jr.** (R. D. 1 Box 1079A, Hop Bottom, PA 18834), Stages I and II bond release for a quarry in Harford Township, **Susquehanna County** affecting 1.0 acre on property owned by Joseph and Rebecca Mordent. Application received October 13, 2005.

**58980815. Robert A. Coleman** (P. O. Box 3, Susquehanna, PA 18847), Stages I and II bond release for a quarry in Great Bend Township, **Susquehanna County** affecting 3.0 acres on property owned by Jack Kisslinger. Application received October 14, 2005.

**40800304C and NPDES Permit No. PA0123765. Gigliello Topsoil** (39 Pittston Avenue, Yatesville, PA 18640), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Pittston City, **Luzerne County**, receiving stream: Lackawanna River, classified for the following use: CWF: Application received October 14, 2005.

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Depart-

ment 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.

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

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**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E46-984. Department of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406, East Norriton, Whitpain, Upper and Lower Gwynedd Townships, Montgomery and Upper Dublin Townships, ACOE Philadelphia District.

This application is part of an overall project to reconstruct, rehabilitate and maintain an approximately 8.4-mile segment of the SR 202 (SR 0202, Section 600). This project has been divided into four design/construction sections (65S, 61N, 61S and 65N). The limit for the entire project is between Johnson Highway in Norristown Borough (Lansdale, PA USGS Quadrangle N: 0.75 inch; W: 10.50 inches) and Bethlehem Pike (SR 0309) in Montgomery Township (Ambler, PA USGS Quadrangle N: 20.00 inches; W: 16.00 inches) and traverses through East Norriton, Whitpain, Lower Gwynedd and Upper Gwynedd Townships in **Montgomery County**. The project proposes to directly impact a total of approximately 0.37 acre of wetland. The construction of a total of 0.72 acre of wetland replacement is proposed in mitigation areas at the Wissahickon Creek site in Lower

Gwynedd Township, and at the Prophecy Creek site in Upper Dublin Township, which will compensate for the permanent wetland impact.

This permit is for Section 65S and is the first submission for the SR 0202—Section 600 reconstruction project. The limit of work extends between Morris Road (Lansdale, PA USGS Quadrangle N: 10.5 inches; W: 3.50 inches) in Lower Gwynedd Township and Hancock Road (Lansdale, PA USGS Quadrangle N: 15.87 inches; W: 0.25 inch) in Upper Gwynedd Township.

The reconstruction and rehabilitation work in Section 65S includes the following water obstruction and encroachment activities:

1. To place fill and impact 0.07 acre of isolated wetland (PFO) at Station 719+00 referred to as wetland No. 5.
2. To place fill and impact 0.03 acre of isolated wetland (PSS) at Station 722+00 referred to as wetland No. 6.
3. To remove an existing two span arch bridge structure which conveys Wissahickon Creek (TSF) and to construct and maintain, in its place, a 73-foot wide single span prestressed concrete bridge impacting 0.27 acre of wetland (PFO, POW) at approximately Station 636+50 referred to as wetland No. 10 associated with widening of SR 0202. The minimum underclearance of the proposed bridge will be approximately 10 feet. This work also includes the construction and maintenance of a temporary cofferdam.
4. To relocate 93 linear feet of Dekalb Run (TSF) at Station 656+00 on the upstream side associated with the stream alignment improvement. The proposed stream length will be approximately 65 linear feet. This work includes reconstruction of the headwall for the 6-foot span by 4-foot rise concrete box culvert, placement of rock apron at the existing culvert and construction and maintenance of a temporary stream crossing.
5. To replace and extend an existing 36-inch RCP with a 30-inch RCP, which conveys a UNT to Wissahickon Creek (TSF) at Station 620+00. The proposed pipe and associated rock apron will extend on the downstream side approximately 56 linear feet from the existing pipe outlet structure.
6. To extend and reconstruct the headwall for an existing 6-foot span by 4-foot rise concrete box culvert which conveys a UNT to Wissahickon Creek (TSF) at Station 660+00 on the upstream side associated with the proposed roadway cross section. The proposed pipe will extend approximately 2 linear feet from the existing pipe inlet structure. This work includes the installation of rock apron at the existing culvert.
7. To reconstruct the headwall for an existing 72-inch by 72-inch concrete box culvert which conveys a UNT to Wissahickon Creek (TSF) at Station 662+00 on the upstream side associated with the proposed roadway cross section. This work includes the installation of rock apron at the existing culvert.
8. To remove an existing 18-inch RCP which conveys UNT to Wissahickon Creek (TSF) and to construct and maintain, in its place, a 24-inch DIP and its associated rock apron at approximately Station 670+90.
9. To remove an existing 30-inch RCP which conveys UNT to Wissahickon Creek (TSF) and to construct and maintain, in its place, a 36-inch RCP and its associated rock apron at approximately Station 90+50 along Swedesford Road.

10. To install and maintain rock aprons at the base of various existing outlet structures associate with erosion and sediment control measures.

11. To construct and maintain various outfall structures and associated rock aprons along UNTs to Wisahickon Creek (TSF).

**E46-982. Douglas Township**, 1320 W. Philadelphia Avenue, P. O. Box 297, Gilbertsville, PA 19525, Douglass Township, **Montgomery County**, ACOE Philadelphia District.

To remove the existing Smith Road bridge crossing, and to construct and maintain a new 63-foot long by 56-foot wide, 7-foot high bridge across Swamp Creek (TSF-MF) in the same location. The bridge is located approximately 200 feet north of the intersection of Big road and Smith Road (Sassamansville, PA, N: 12.6 inches; W: 13.6 inches).

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

**E64-256. Fish and Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823-9620, in Mount Pleasant Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To repair and maintain the left and right streambanks at various locations within approximately a 3,000-foot reach of the west branch of Lackawaxen River (HQ-CWF), using R-6 and R-8 riprap stabilization. The total length of riprap to be placed is approximately 1,400 LF, some of which includes left and right sections of channel that are opposite each other. The project is located at the Pleasant Mount State Fish Hatchery along SR 371 (Forest City, PA Quadrangle N: 21.2 inches; W: 10.1 inches).

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

**E67-788: Springettsbury Township**, 1501 Mt. Zion Road, York, PA 17402 in Springettsbury Township, **York County**, ACOE Baltimore District.

To construct and maintain five 10-inch sanitary sewer line stream crossings; one wetland crossing which will temporarily impact 0.28 acre of palustrine emergent wetlands and install a 4-foot 10-inch diameter manhole in a wetland which will permanently impact 18 square feet of palustrine emergent wetlands all associated to a UNT to the Codorus Creek (WWF) (York, PA Quadrangle N: 21.0 inches; W: 13.5 inches) in Springettsbury Township, York County.

**E06-601: Commerce Bank**, 100 Senate Avenue, Camp Hill, PA 17011 in Spring Township, **Berks County**, ACOE Philadelphia District.

To construct a bank on a 1.81-acre vacant lot at the intersection of SR 724 and Bradley Avenue in Spring Township, **Berks County**. A water obstruction and encroachment permit application has been submitted to extend an existing culvert by approximately 180 feet to

allow for construction on the lot. A new precast box culvert structure is proposed to enclose an existing stormwater swale.

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

**E18-404. Jacob S. Fisher**, 70 Buggy Shop Lane, Loganton, PA 17747. Fisher's Dairy Farm bridge, in Greene Township, **Clinton County**, ACOE Baltimore District (Loganton, PA Quadrangle N: 5.00 inches; W: 8.38 inches).

To construct and maintain a steel-framed bridge deck with a 45 foot clear span, 10 foot minimum underclearance and R-6 riprap on both abutting stream banks across Fishing Creek located 2,500 feet southwest of the intersection of SR 880 and SR 477 to replace an existing agricultural ford crossing. This project proposes to impact 20 linear feet of Fishing Creek, which is classified as a HQ-CWF and should not impact any wetlands.

**E53-409. Austin Borough**, P. O. Box 2981 Scoville Street, Austin PA 16720. Austin Borough Water Filtration Project, in Austin Borough, **Potter County**, Baltimore ACOE District (Austin, PA Quadrangle N: 19.0 inches; W: 0.75 inch).

To place and maintain fill in the 100-year floodplain and wetlands associated to Freeman Run (HQ-CWF) for the construction, operation and maintenance of a public water filtration plant and its appurtenances. Fill within the 100-year floodplain shall be limited to R-6 riprap for embankment stabilization and R-4 riprap for rock aprons for various spring and treated water blow-off outfalls. Fill within wetlands shall be earth and rock fill. Placement of the fill shall not directly impact Freeman Run while resulting in 1,185 square feet of temporary and 1,252 square feet of permanent wetland impact. The water filtration plant construction project is located along the western right-of-way of SR 0872 approximately 0.60 mile west of SR 0607 and SR 0872 intersection. This permit authorizes 1,252 square feet of permanent wetland impact that the Department has determined de minimis, and the permittee shall not be required to provide replacement wetlands for mitigation.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D59-041. Keck's Food Service** (R. R. 1 Box 70, Millerton, PA 16936) To modify, operate and maintain Charavoyne Dam across Hammond Creek (CWF), impacting 30 linear feet of stream channel, for the purpose of increasing spillway capacity to current standards and improving the access road on the embankment. Work includes a new spillway consisting of twin 58" by 36" steel pipe arch culverts and associated riprap inlet and outlet protection. (Jackson Summit, PA Quadrangle N: 12.6 inches; W: 1.9 inches) in Jackson Township, **Tioga County**.

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**ACTIONS**


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**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**  
**FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE**  
**ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY**  
**MANAGEMENT (WQM) PERMITS**

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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**I. NPDES Renewal Permit Actions**


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*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>
PA0112747 SP	Mahaffey Borough Municipal Authority P. O. Box 202 Mahaffey, PA 15757-0113	Clearfield County Mahaffey Borough	West Branch Susquehanna River 8B	Y
PA0045969 IW	Sunoco Partners & Marketing Terminals LP 525 Fritztown Road Sinking Spring, PA 19608	Northumberland County Point Township	UNT to Susquehanna River 5E	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>
PA0090301 Industrial Waste	Solid Waste Disposal, Inc. 211 Brunner Road Zelienople, PA 16063	Beaver County Brighton Township	UNT to Sixmile Run	Y
PA0218081 Industrial Waste	WHEMCO-Steel Castings, Inc. 5 Hot Metal Street Suite 300 Pittsburgh, PA 15203-2351	Allegheny County West Homestead Borough	Streets and West Runs and Monongahela River	Y
PA0032395 Sewage	Richard T. Patik P. O. Box 511 Rumbaugh Avenue Mt. Pleasant, PA 15666	Fayette County Perry Township	UNT of Virgin Run	Y
PA0043036 Sewage	PA Conference Assoc. of Seventh Day Adventists, Inc. 720 Museum Road Reading, PA 19611	Indiana County Banks Township	Straight Run	Y
PA0090816 Sewage	51 Park Properties 3010 Homestead-Duquesne Blvd. West Mifflin, PA 15122	Allegheny County Forward Township	UNT to Gillespie Run	Y
PA0097691 Sewage	Richard D. McClair 7 KOA Road Washington, PA 15301	Washington County South Strabane Township	UNT of Little Chartiers Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0102431	Cedar Acres Mobile Home Park 1650 Harlansburg Road New Castle, PA 16101	Scott Township Lawrence County	UNT to Slippery Rock Creek 20-C	Y
PA0221783	Crystal Springs Estates Mobile Home Park 201 Crystal Lane P. O. Box 145 Forestville, PA 16035	Mercer Township Butler County	McDonald Run 20-C	Y
PA0024392	Borough of Rouseville P. O. Box 317 Rouseville, PA 16344-0317	Cornplanter Township Venango County	Oil Creek 16-E	Y
PA0221317	Allegheny-Clarion Valley Industrial Park P. O. Box 311 Foxburg, PA 16036	Allegheny Township Butler County	UNT to Little Scrubgrass Creek 16-G	Y
PA0101907	Emlenton Area Municipal Authority-Mariasville STP P. O. Box 408 Emlenton, PA 16373-0448	Salem Township, Clarion County	Richey Run 16-G	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. PA0011088**, Industrial Waste, **Kaneb Terminals/ST Services South Terminal**, 6850 Essington Avenue, Philadelphia, PA 19153. This proposed facility is located in City and **County of Philadelphia**.

Description of Proposed Action/Activity: Approval for the renewal and transfer to discharge stormwater runoff from Petroleum Marketing Terminal into a UNT to Mingo Creek and Schuylkill River in Watershed 3J.

**NPDES Permit No. PA0040436**, Sewage, **Chadds Ford Investment Company**, 514 McCue Road, Avondale, PA 19311. This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from Bowling Green of Brandywine STP into a UNT to East Branch White Clay Creek in Watershed 3E.

**NPDES Permit No. PA0050105**, Sewage, **Lower Frederick Township**, P. O. Box 253, Zieglerville, PA 19492. This proposed facility is located in Lower Frederick Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into the Perkiomen Creek in Watershed 3E Perkiomen.

**NPDES Permit No. PA0036412**, Sewage, **Tel Hai Retirement Community**, P. O. Box 190, Honey Brook, PA 19344. This proposed facility is located in Honey Brook Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into Two Log Run in Watershed 3H.

**NPDES Permit No. PA0020431**, Sewage, **Fox Valley Community Services, Inc.** P. O. Box 462, Chester Heights, PA 19017-0462. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into the West Branch Chester Creek in Watershed 3G.

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

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

**WQM Permit No. WQG010007**, Sewerage, **Michael and Cindy Trynieszewski**, 131 Shea Lane, Glenmoore, PA 19343. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Action/Activity: Construction and operation of a small flow treatment facility.

**WQM Permit No. 1505415**, Sewerage, **Westtown Township**, 1039 Wilmington Pike, West Chester, PA 19382. This proposed facility is located in Westtown Township, **Chester County**.

Description of Action/ Activity: Construction and operation of a wastewater pumping station to serve 22 lots of a 36 lot residential subdivision.

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

**WQM Permit No. 1405407**, Sewerage, **Monte D. and Jack D. Whitehill**, 905 Upper Georges Valley Road, Spring Mills, PA 16875. This proposed facility is located in Potter Township, **Centre County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a Small Flows Treatment Facility incorporating a peat filter for a single residence.

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

**WQG Permit No. WQG016113**, Sewerage, **Laura Ellek**, P. O. Box 158, Colliers, WV 26035. This proposed facility is located in Jefferson Township, **Washington County**.

Description of Proposed Action/Activity: Construction and operation of a single-residence sewage treatment plant.

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

**WQM Permit No. 6295415**, Sewerage, **Denise R. Eyler**, R. R. 4 Box 166, Forest Hill Road, Sugar Grove, PA 16350. This proposed facility is located in Freehold Township, **Warren County**.

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

**WQM Permit No. WQG018421**, Sewerage, **Jason E. and Tonya R. Theuret**, 488 Crissman Road, Rimersburg, PA 16248. This proposed facility is located in Toby Township, **Clarion County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

**WQM Permit No. 1605404**, Sewerage, **Clarview Nursing and Rehabilitation Center**, 14663 Route 68, Sligo, PA 16255. This proposed facility is located in Piney Township, **Clarion County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a sewage treatment facility to replace an existing facility at the Nursing Center.

### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Department Protocol (Y/N)</i>
PAI132240	Forest City Borough 535 Main St. Forest City, PA 18421	Susquehanna	Forest City Borough	Lackawanna River HQ-CWF	Y

### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
New Milford Borough P. O. Box 630 New Milford, PA 18822	Susquehanna	New Milford Borough	Salt Lick Creek Meylert Creek Smith Creek

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

## NOTICES

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

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAS10G527A-1	Toll PA II, LP Orleans at Upper Uwchlan, LP K. Hovnanian at Upper Uwchlan, LLC Allan A. Myers Byers Station—Parcel 6C 325 Fellowship Road Chester Springs, PA 19425	Chester	Upper Uwchlan Township	UNT Pickering Creek (HQ-TSF)
PAI011503072A-1	Cardile Mushroom, Inc. Cardile Mushroom, Inc. Site 540 Church Road Avondale, PA 19311	Chester	New Garden Township	East Branch White Clay Creek (EV)
PAI010904003	Daniel Rossetti Rossetti Subdivision 1810 Freier Road Quakertown, PA 18951	Bucks	Springfield Township	Tributary Cooks Creek (EV)

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

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI032105006	Carlisle Area Family YMCA 311 S. West Street Carlisle, PA 17013	Cumberland	South Middleton Township	Letort Spring Run (HQ-CWF)

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

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041705001	John Fudrow, Secretary Muddy Run Regional Authority P. O. Box 474 Madera, PA 16661-0474	Clearfield	Beccaria, Bigler Gulich Townships Ramey Borough	Clearfield Creek HQ-CWF
PAS10F089R	Daniel Hawbaker Gray's Woods Partnership P. O. Box 135 State College, PA 16804	Centre	Halfmoon and Patton Townships	Unt. Buffalo Run, Spruce Creek HQ-CWF

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

*Allegheny County Conservation District: Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208 (412) 241-7645.*

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI050205007	East Allegheny School District 1150 Jacks Run Road North Versailles, PA 15136-2797	Allegheny	North Versailles Township	Jacks Run (HQ-TSF)

*Fayette County Conservation District: 10 Nickman Plaza, Lemont Furnace, PA 15456, (724) 438-4497.*

## NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI052605001	William G. Lamberson 2023 County Line Road Champion, PA 15622	Fayette	Saltlick Township	Trout Run (HQ-CWF)
PAI052605003	Judson Anderson 295 Lakeview Road Confluence, PA 15424	Fayette	Wharton Township	Deadmans Run (HQ-CWF) Meadow 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>
PAI-062405003	Dents Run Remediation 3895 BioMost, Inc. 3016 Unionville Road Cranberry Township, PA 16066-0166	Elk	Benezette Township	Dents Run HQ-CWF
PAI062405004	Foxhead Industrial Park Expansion Fox Township 116 Irishtown Road P. O. Box 184 Kersey, PA 15846	Elk	Fox Township	Beaver Run CWF

### VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

#### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
AG-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-02

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hilltown Township Bucks County	PAG2000905102	Deep Run Sports Association Proposed Soccer Fields P. O. Box 380 Hilltown, PA 18927	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Bucks County	PAG2000905066	Cameron C. Triolo, Inc. 104 Pheasant Run Development P. O. Box 291 Yardley, PA 19067	Core Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Makefield Township Bucks County	PAG2000905039	Orleans Builders Troilo Tract 3333 Street Road Bensalem, PA 19020	Core Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Makefield Township Bucks County	PAG2000905045	JC McGinn Construction Company The Minehart Tract P. O. Box 237 Lahaska, PA 18931	Core Creek (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG2000905058	Guidi Homes, Inc. Rickert Farm Tract 291 North Bethlehem Pike Spring House, PA 19477	North Branch Neshaminy Creek and Deep Run (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Buckingham Township Bucks County	PAG2000905126	DeLuca Enterprises, Inc. Victoria Park Site 107 Floral Vale Boulevard Yardley, PA 19067	UNT Mill Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG2000905050	USS Real Estate Welded Wire Mill Expansion One Ben Fairless Drive Fairless Hills, PA 19030	UNT Delaware River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bristol Township Bucks County	PAG2000905075	Brown Realty Enterprises Sterling Helicopter Site 801 Columbus Boulevard Suite 1 Philadelphia, PA 19147		Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Bucks County	PAG2000904138	Woodbourne Development Corporation Cornerstone Executive Suites I and II 670 Woodbourne Road Langhorne, PA 19047	Mile Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Sadsbury Township Chester County	PAR10-G475	Total Systems Design, Inc. 308 commerce Drive Exton, PA 19341	Bucks Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Garden Township Chester County	PAG2001505049	DCW, Inc. P. O. Box 618 Kennett Square, PA 19348	UNT West Branch Red Clay Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Marlborough Township Chester County	PAG2001505045	Beiler Campbell Realtors 402 Bayard Road Suite 100 Kennett Square, PA 19348	UNT East Branch Red Clay Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Whiteland Township Chester County	PAG2001505087	West Whiteland Township 222 North Pottstown Pike Exton, PA 19341	West Valley Stream (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Londonderry Township Bucks County	PAG2001505057	James P. and Gail E. Ferver P. O. Box 586 Cochranville, PA 19330	Middle Branch White Clay Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New London Township Chester County	PAG2001505022	Gannon Company, LLC GliddenTract 10 Yorktown Drive Kennett Square, PA 19348	UNT Middel Branch White Clay Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Thornbury Township Delaware County	PAG2002304029	Wayne Megill 276 Dilworthtown Road West Chester, PA 19382	West Branch Chester Creek (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Thornbury Township Delaware County	PAG2002303049	Jay Neilon 35 Skyline Drive Glen Mills, PA 19342	Chester Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105016	Rite Aid of Pennsylvania, Inc. 5th and Annsbury Rite Aid Develop 11750 Bustleton Avenue Philadelphia, PA 19116	Delaware River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105023	The Renfrew Center Renfrew Center Expansion 475 Spring Lane Philadelphia, PA 19128-3918	UNT Schuylkill River (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105026	Apartments on Chestnut, LP The Apartments on Chestnut Develop 5847 San Felipe Suite 2600 Houston, TX 77057	Schuylkill River (CWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105031	Reliance Development Corporation Summer Hill Estates Development 828 Red Lion Road Philadelphia, PA 19115	Wooden Bridge Run (TSF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105037	Westrum Development Company Schuylkill Falls Housing Project 370 Commerce Drive Fort Washington, PA 19034	Schuylkill River (WWF, MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015105033	School District of Philadelphia Girard Academic Music Program 440 North Broad Street 3rd Floor Philadelphia, PA 19130	Delaware River (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hazle Township Luzerne County	PAG2024004001	Eagle Rock Resort Company (Phase 2—The Highlands) 1031 Valley of Lakes Hazleton, PA 18201	Black Creek (CWF)	DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Hampden Township Cumberland County	PAR10H240R	Good Hope Farms South Phase XIII  The McNaughton Company Francis McNaughton 4400 Deer Path Road, Suite 201 Harrisburg, PA 17110	Conodoguinet Creek WF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
North Newton Township Cumberland County	PAG2002105046	W. Irvin Nelson 88 North High Street Newville, PA 17241	Big Spring Creek CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Allen Township Cumberland County	PAG2002105043	Marriot Courtyard  Jelms Hotel Company, LP Peter Hulburt 1965 Waddle Road State College, PA 16803	Cedar Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Upper Allen Township Cumberland County	PAG2002105028	Upper Allen Township Greg Moll 100 Gettysburg Pike Mechanicsburg, PA 17055	Trout Run CWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Swatara Township Dauphin County	PAG2002205048	Craig Eshenhaur Rental, LLC 200 S. 41st St. Harrisburg, PA 17111	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100
Bern Township Berks County	PAG2000605084	Donald Eaton Eaton Farms 455 White Oak Lane Leesport, PA 19533	UNT to Schuylkill WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657 Ext. 201
Exeter Township Berks County	PAG2000605080	Leon Snyder Snyder Construction 230 Poplar Road Fleetwood, PA 19522	Trout Run WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657 Ext. 201
Bern Township Berks County	PAG2000605089	Charles Nifenecker Victory Baptist Church 25 Victory Circle Reading, PA 19605	UNT to Tulpehocken WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657 Ext. 201
Pequea Township Lancaster County	PAG2003605080	Preferred Self Storage 1761 Windy Hill Rd. Lancaster PA 17602	UNT Pequea Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd Rm. 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Colerain Township Lancaster County	PAG2003605086	Department of Transportation District 8-0 2140 Herr St. Harrisburg PA 17103	East Branch Octoraro Creek TSF, MF	Lancaster County Conservation District 1383 Arcadia Rd Rm. 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Pequea Township Lancaster County	PAG2003605100	PPL Electric Utilities Corp Genn 4 2 N. Ninth St. Allentown PA 18101	Silver Mine Run, Pequea Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd Rm. 6 Lancaster PA 17601 (717) 299-5361, Ext. 5

<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>
East Lampeter Township Lancaster County	PAG2003605103	Harvest Meadows LLC 1 Waterfront Estates Dr. Lancaster PA 17602	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd Rm. 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Lancaster City Lancaster County	PAG2003605125	Robert Lepore 162 East King St. Lancaster PA 17602	UNT Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd Rm. 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Columbia County North Centre Township	PAG2001905009	Robert G. Paden 1326 Orange St. Berwick, PA 18603	Cabin Run CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310
Beaver County Bridgewater Borough and Rochester Township	PAG2000405020	Charles A. Camp Beaver Co. Commissioners Beaver County Courthouse 810 Third Street Beaver, PA 15009	Beaver River (WWF)	Beaver County CD (724) 378-1701
Indiana County White Township	PAG2003205013	Ron Libby Regency Indiana Ent., Inc. 803 Commonwealth Drive Warrendale, PA 15086	Stoney Run (CWF)	Indiana County CD (724) 463-8547
Washington County South Strabane Township	PAG2006303004	Maronda Homes, Inc. Ph 3 202 Park West Drive Pittsburgh, PA 15275	Chartiers Crk (WWF)	Washington County CD (724) 228-6774
Washington County Cecil Township	PAG2006305028	Richard Bryan Bryan Investment Group 393 Venadium Road Pittsburgh, PA 15243	Millers Run (WWF)	Washington County CD (724) 228-6774
Washington County Canton Township	PAG2006305035	Michael Blonar Mountain Dream Dev., LLC 115 South Spring Valley Rd. McMurray, PA 15317	UNT to Chartiers Creek (WWF)	Washington County CD (724) 228-6774
Westmoreland County Murrysville	PAG2006505035	The Meritage Group 772 Pine Valley Drive Pittsburgh, PA 15239	Abers Creek (TSF)	Westmoreland County CD (724) 837-5271
Westmoreland County North Huntingdon Township	PAG2006505059	Bradley Heigel Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676	Brush Creek, Little Sewickley Creek (TSF)	Westmoreland County CD (724) 837-5271
Westmoreland County Unity Township Latrobe City	PAG2006505064	Peoples Natural Gas Co. 1201 Pitt Street Pittsburgh, PA 15221	Monastery Run and Loyalhanna Creek (WWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Ligonier Township	PAG2006505065	Gregory J. Podlucky Missy's Place Foundation 345 Cobblestone Lane Ligonier, PA 15658	Loyalhanna Creek (CWF)	Westmoreland County CD (724) 837-5271
Westmoreland County Rostraver Township	PAG2006505068	Westmoreland County Airport Authority—Phase 2 148 Aviation Lane Suite 103 Latrobe, PA 15650	Long Hollow (WWF)	Westmoreland County CD (724) 837-5271

*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>
Harborcreek Township Erie County	PAG2002505012	International Paper, Uniflow Center Room D 1525 E. Lake Road Erie, PA 16511	Scott Run CWF, MF	Erie Conservation District (814) 825-6403
Summit Township Erie County	PAG2002505027	NPA Development, LLP 835 E. Pittsburgh Greensburg, PA 15601	UNT Walnut Creek CWF, MF	Erie Conservation District (814) 825-6403
Millcreek Township Erie County	PAG2002505028	Campbell & Eighth Ross Rectenwald 2550 West 8th Street Erie, PA 16505	UNT Lake Erie CWF, MF	Erie Conservation District (814) 825-6403
Millcreek Township Erie County	PAG2002505032	Pat Kelley Mekis Construction Corp. 1595 Route 422 E Fenelton, PA 16034	UNT Lake Erie, WWF, MF	Erie Conservation District (814) 825-6403
Millcreek Township Erie County	PAG2002504039	Mike Redinger, 1533 West 38th Street Erie, PA 16508	Muni Separate Storm Sewer	Erie Conservation District (814) 825-6403
Millcreek Township Erie County	PAG200250442(1)	Matt Baldwin Millcreek Marketplace Erie PA 16501	UNT Walnut Creek CWF, MF	Erie Conservation District (814) 825-6403

*General Permit Type—PAG-3*

*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>
Wilkes-Barre City Luzerne County	PAR802249	Watkins Motor Lines, Inc. (Wilkes-Barre Terminal) 1144 West Griffin Road Lakeland, FL 33805	Susquehanna River	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Nazareth Borough Northampton County	PAR802250	Watkins Motor Lines, Inc. (Nazareth Terminal) 1144 West Griffin Road Lakeland, FL 33805	Jackson School Pond	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
York County York City	PAR603591	E & H Recycling Co., Inc. P. O. Box 291 York, PA 17405-0291	Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Sinking Spring Borough	PAR803685	Scranton Altoona Terminals Corporation 900 Eisenhower Boulevard Harrisburg, PA 17105	UNT to Tulpehocken Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
City of Williamsport Lycoming County	PAR804861	Fisher Mining Company 40 Choate Circle Montoursville, PA 17754	West Branch Susquehanna River (WWF)	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*Facility Location:  
Municipality &  
County*

Mount Carmel  
Township  
Northumberland  
County

*Permit No.*  
PAR234811

*Applicant Name & Address*  
Newspring Industrial  
Pactiv Corporation  
1900 West Field Court  
Lake Forest, IL 60045

*Receiving Water/Use*  
Locust Creek  
(CWF)

*Contact Office &  
Phone No.*  
Northcentral  
Regional Office  
Water Management  
Program  
208 West Third  
Street, Suite 101  
Williamsport, PA  
17701  
(570) 327-3664

McKees Rocks  
Borough  
Allegheny County

PAR236122

The Lane Construction  
Corporation  
965 East Main Street  
Meriden, CT 06450-6004

Ohio River

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

Springdale Borough  
Allegheny County

PAR216150

R. I. Lampus Company  
816 R. I. Lampus Avenue  
Springdale, PA 15144

Riddle Run to  
Allegheny River

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

*General Permit Type—PAG-4**Facility Location &  
Municipality*

108 Old Fort Road  
Spring Mills, PA  
16875  
Potter Township  
Centre County

*Permit No.*  
PAG045199

*Applicant Name & Address*  
Monte and Jack Whitehill  
905 Upper Georges Valley Road  
Spring Mills, PA 16875

*Receiving Water/Use*  
Potter Run  
(CWF)

*Contact Office &  
Phone No.*  
Northcentral Region  
208 West Third  
Street  
Williamsport, PA  
17701  
(570) 327-3636

Washington County  
Jefferson Township

PAG046310

Laura Ellek  
P. O. Box 158  
Colliers, WV 26035

UNT of Scott Run

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

Freehold Township  
Warren County

PAG048354

Denise R. Eyler  
R. R. 4 Box 166  
Forest Hill Road  
Sugar Grove, PA 16350

Stillwater Creek

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

Toby Township  
Clarion County

PAG049210

Jason E. and Tonya R. Theuret  
488 Crissman Road  
Rimersburg, PA 16248

UNT Cherry Run

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
(814) 332-6942

*Permit Type—PAG-5**Facility Location &  
Municipality*

Lancaster County  
Ephrata Borough

*Permit No.*  
PAG053586

*Applicant Name & Address*  
Compass Real Estate, LLC  
1435 Hunsicker Road

*Receiving Water/Use*  
Cocalico Creek  
WWF

*Contact Office &  
Phone No.*  
DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707

*General Permit Type—PAG-7*

<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>
West Cocalico Township Lancaster County	PAG073508	Ephrata Borough Authority 124 South State St. Ephrata, PA 17522	Ivan Z. Sensenig Farm West Cocalico Township. Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Ephrata Township Lancaster County	PAG073508	Ephrata Borough Authority 124 South State St. Ephrata, PA 17522	Walter M. Hurst Farm Ephrata Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
West Cocalico Township Lancaster County	PAG073508	Ephrata Borough Authority 124 South State St. Ephrata, PA 17522	Ervin S. Burkholder Farm West Cocalico Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-8*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
West Cocalico Township Lancaster County	PAG083565 PAG083566	Ephrata Borough Authority 124 South State St. Ephrata, PA 17522	Ivan Z. Sensenig Farm West Cocalico Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Ephrata Township Lancaster County	PAG083565 PAG083566	Ephrata Borough Authority 124 South State St. Ephrata, PA 17522	Walter M. Hurst Farm Ephrata Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
West Cocalico Township Lancaster County	PAG083565 PAG083566	Ephrata Borough Authority 124 South State St. Ephrata, PA 17522	Ervin S. Burkholder Farm West Cocalico Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-13*

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG132277	Hughestown Borough 42 Center St. Hughestown, PA 18640	Luzerne	Hughestown Borough	Susquehanna River WWF	Y
PAG132278	Luzerne County Commissioners Luzerne County Courthouse 200 North River St. Wilkes-Barre, PA 18711	Luzerne		Toby Creek CWF Huntsville Creek CWF Abrahams Creek CWF Wapwallopen Creek CWF Little Nescopeck Creek CWF Susquehanna River WWF	Y

**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**

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

**Operations Permit** issued to: **Borough of Zelenople**, 111 West New Castle Street, Zelenople, PA 16063, PWS ID No. 5100093, Zelenople Borough, **Butler County**, on October 21, 2005, for the modification of the existing interconnection with Marion Township to allow flow of water in either direction, and meter installation, as approved under Construction Permit No. 3007226-MA6.

**Operations Permit** issued to: **Pennsylvania American Water**, 800 West Hersheypark Drive, Hershey, PA 17033, PWS ID No. 6160001, Clarion Township, **Clarion County**, on October 21, 2005, for the renovation of interior and exterior of 500,00 gallon steel storage tank known as the "Clarion Tank" located on Greenville Avenue, as approved under Construction Permit No. 3419-T1-MA1.

**Permit No. 2005501-C1, Minor Amendment**

Applicant	<b>Conneaut School District</b>
Borough or Township	Spring Township
County	<b>Crawford</b>
Type of Facility	NTNC-Elementary School
Permit to Construct Issued	10/25/2005

**WATER ALLOCATIONS**

**Actions taken on 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 this Commonwealth**

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

**WA275 B**, Water Allocations. **Chester Water Authority**, 415 Welsh Street, Chester PA, 19016-0467 City of

Chester, Elk Township, Delaware County. A Modification Order has been issued to Chester Water Authority to include Elk Township, **Chester County** in their services territory.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hamilton Township	272 Mummerts Church Rd. Abbottstown, PA 17301	Adams

**Plan Description:** The approved plan provides for the installation of a small flow sewage treatment system to correct an active onlot malfunction at 250 Old Mill Rd in Hamilton Township, **Adams County**. The project name is Paul Graetz and the DEP code number is A3-01917-139-3s. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
South Creek Township	P. O. Box 60 Gillett PA 16925-0060	Bradford

**Plan Description:** The approved plan provides for the construction of a new 75,000 gallon per day sewage treatment plant, 36,500 linear feet of gravity sewers, 30 grinder pumps and one pump station to sewer the Villages of Gillett and Fassett. The project may need to be done in two phases. Sewering the 243 EDU's is estimated to cost \$4,408,000. This project will result in the elimination of numerous malfunctions in the service area.

The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**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.*

**Consolidated Rail Corp. Records Storage Bldg.,** City of Philadelphia, **Philadelphia County.** Chris McCordell, Shaw Env. & Infrastructure, Inc., 1161 McDermott Dr., Ste 101, West Chester, PA 19380 on behalf of Jon Gelesky, 717 S. Columbus Blvd, No. 1118, Philadelphia, PA 19147 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 Standard.

**Sellersville Ldfl,** Sellersville Borough, **Bucks County.** Mark Eschbacher, P. G., RT Env. Svc., Inc., 215 W. Church Rd., King of Prussia, PA 19406 on behalf of Bud Motes, Park 10 Assoc., 418 W. Main St., Lansdale, PA 19446 has submitted a Final Report concerning remediation of site soil contaminated with TCE and groundwater contaminated with volatile organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Sunoco, Inc. (R & M) Marcus Hook Refinery Phillips Island,** Marcus Hook Borough, **Delaware County.** Glenn C. Randall, P. G., URS Corp., 335 Commerce Dr., Suite 300, Ft. Washington, PA 19034 has submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals, pesticides, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons; and groundwater contaminated with lead, heavy metals solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Atlantic Station DUNS No. 0363-2759,** Doylestown Township, **Bucks County.** Marco Droese, P. G., Mulry & Cresswell Env., Inc., 1691 Horseshoe Pike, Manor Professional Bldg., Suite 3, Glenmoore, PA 19343 on behalf of Christopher Robbins, Capital Enterprises, Inc., 555 City Line Ave., Bala Cynwyd, PA 19004 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents, MTBE and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard and Site-Specific Standard.

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

**Former Teledyne-AMCO Facility,** Mohnton Borough, **Berks County.** MACTEC Engineering and Consulting, Inc., 5205 Militia Hill Road, Plymouth Meeting, PA 19462-1216, on behalf of TDY Industries, 1000 Six PPG Place, Pittsburgh, PA 15222, submitted a Remedial Investigation concerning remediation of site soils, groundwater and surface water contaminated with solvents. The applicant proposes to remediate the site to meet a combination of Statewide Health and Site-Specific Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and in-

clude 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:

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

**Defense Distribution Susquehanna PA, SWMU-17, Former Building T-21**, Fairview Township, York County, Defense Distribution Susquehanna Pennsylvania, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070, submitted a combined Remedial Investigation and Risk Assessment concerning remediation of site soils, groundwater and surface water contaminated with solvents. The applicant is seeking to remediate the site to a combination of Site-Specific and Statewide Health Standards, and the Remedial Investigation and Risk Assessment reports were approved by the Department of Environmental Protection on October 17, 2005.

**PPL Pole No. 35730S27867**, Rapho Township, Lancaster County. PPL Services Corporation, Two North Ninth Street, Allentown, PA 18101-1179 submitted a Final Report within 90 days of a release concerning remediation of site soils contaminated with PCBs. The Final Report demonstrated attainment of the residential Statewide Health standard, and was approved by the Department of Environmental Protection on October 19, 2005.

**Charles Chips Facility**, West Hempfield Township, Lancaster County. Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380, on behalf of QVC, Inc. 1200 Wilson Drive, Studio Park, West Chester, PA 19380 and Regency V, LP, 1899 Lititz Pike, Lancaster, PA 17601, submitted a Combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil, diesel fuel, PAHs, chlorinated solvents and other organics. The Final Report demonstrated attainment of the site-specific standard, and the combined report was approved by the Department of Environmental Protection on October 19, 2005.

#### 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. 300657. ALC**, Route 356 Landfill, 100 River Road, Brackenridge, PA, 15014-1597. Operation of a residential waste landfill in Allegheny Township, **Westmoreland County**. Permit renewal in the Regional Office on October 17, 2005.

This is a correction to the submission for Arden Landfill, the Permit ID No. should be 100172 instead of 100281. Correction follows.

**Permit ID. NO. 100172. Arden Landfill, Inc.**, 200 Rangos Lane, Washington, PA 15301. Operation of a municipal waste landfill in Chartiers Township, **Washington County**. Permit renewal issued in the Regional Office on October 17, 2005.

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

**Permit No. 101955. Clinton County solid Waste Authority—Wayne Township Landfill**, P. O. Box 209, McElhattan, PA 17748-0209-1100, located in Wayne Township, **Clinton County**. The major permit modification for an increased average and maximum daily volume approved to be disposed at the landfill was issued October 13, 2005, by the Williamsport Regional Office.

Persons interested in reviewing the permit may contact David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**GP3-38-03048: Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on October 19, 2005, for a Portable Nonmetallic Mineral Processing Plant under GP3 in Cornwall Borough, **Lebanon County**.

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

**GP5-32-00388: Philips Production Co.** (502 Keystone Drive, Warrendale, PA 15086) on October 19, 2005, for installation and operation of a Caterpillar G-342NA 225-bhp compressor engine at their Grove Compressor Site, Washington Township, **Indiana County**.

**GP5-30-00156: CNX Gas Co. LLC** (1800 Washington Road, Pittsburgh, PA 15241) on October 18, 2005, to install one Caterpillar CAT G3408 CLE, 425 bhp lean-burn engine at Station No. 10 in Freeport Township, **Greene County**, to meet the requirements of GP No. 5: Natural Gas Production Facilities.

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

**GP-10-332: TRM, Inc.—UPMC Passavant Cranberry** (1 St. Frances Way, Cranberry Township, PA 16066) on October 14, 2005, to operate Jet Fuel Storage Tanks in Cranberry Township, **Butler County**.

**GP-43-342: North Coast Energy, Inc.—Collins Compressor Station** (Kinsman Road, Mercer, PA 16137) on

October 31, 2005, to install two natural gas fired compressor engines in West Salem Township, **Mercer County**.

**GP-24-152: Atlas America Inc.—Boone Mountain Station** (County Line Road, St. Marys, PA 15857) on October 31, 2005, to install a natural gas fired compressor engine in Horton Township, **Elk County**.

**GP-16-143: EOG Resources, Inc.—North East Compressor Station** (Idle Road, New Bethlehem, PA 16242) on October 31, 2005, to install a replacement natural gas fired compressor engine in Redbank Township, **Clarion County**.

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**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.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**54-308-021: Alcoa Extrusions, Inc.** (53 Pottsville Street, Cressona, PA 7929) on September 22, 2005, to modify four aluminum melters at their facility in Cressona Borough, **Schuylkill County**.

**40-399-055: Cascades Tissue Group PA, Inc.** (901 Sathers Drive, Vogelbacher Industrial Park, Pittston, PA 18640) to establish a Plant-wide Applicability Limit (PAL Permit) at their facility in Pittston Township, **Luzerne County**.

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

**06-05063C: Boyertown Foundry Co.** (P. O. Box 443, New Berlinville, PA 19545-0443) on October 20, 2005, to modify their mold making operation by constructing a third mold making machine controlled by a wetted packed bed scrubber in the Borough of Boyertown and Colebrookdale Township, **Berks County**.

**67-05052B: New York Wire Co.** (P. O. Box 1749, York, PA 17405-1749) on October 17, 2005, for installation of a fabric collector to control particulate matter emissions from an existing powder coating line at their Weaving Facility in City of York, **York County**.

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

**56-00210A: PBS Coals, Inc.** (1576 Stoystown Road, Friedens, PA 15541) on October 19, 2005, to refurbish the coal processing equipment to process coal at their Cambria Preparation Plant, Stonycreek Township, **Somerset County**.

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**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.**

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**48-328-004: Lower Mount Bethel Energy LLC** (Two North Ninth Street, GEN PL 6, Allentown, PA 18101) on October 14, 2005, to construct a combined cycle power plant at Depues Ferry Road, Lower Mount Bethel Township, **Northampton County**. The Plan Approval has been extended.

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

**06-05002B: Lehigh Cement Co.** (537 Evansville Road, Fleetwood, PA 19522-8541) on October 14, 2005, to modify their Portland cement plant controlled by various controls in Maiden Creek Township, **Berks County**. This plan approval was extended.

**36-05015C: Dart Container Corp. of PA** (P. O. Box 546, Leola, PA 17540) on October 19, 2005, to use landfill gas as a fuel in their facility's boilers at their Leola plant in Upper Leacock Township, **Lancaster County**. This plan approval was extended.

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

**17-305-050: Penfield Collieries, LLC** (301 Market Street, Kittanning, PA 16201) on October 20, 2005, to operate a coal preparation plant on a temporary basis until February 17, 2006, in Huston Township, **Clearfield County**. The plan approval has been extended.

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

**56-00011B: New Enterprise Stone and Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on October 14, 2005, to construct a crushing plant at Central City Sand Plant in Shade Township, **Somerset County**. This is a plan approval extension.

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

**10-065A: Allegheny Mineral Corp.** (Camp Ground Road, Harrisville, PA 16038) on October 17, 2005, to construct a new limestone grinding mill and hot air generator controlled by a fabric collector in Mercer Township, **Butler County**. The facility is subject to New Source Performance Standards Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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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.*

**67-05029: NYW Realty, LLC** (500 East Middle Street, Hanover, PA 17331-2027) on October 20, 2005, to operate a woven wire cloth manufacturing facility in Hanover Borough, **York County**. This action is a renewal of the Title V Operating Permit.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**10-00037: Sonneborn, Inc.** (100 Sonneborn Lane, Petrolia, PA 16050) on October 18, 2005, the Department re-issued Title V Permit for their facility in the Borough of Petrolia, **Butler County**. The Title V Operating Permit replaces the permit previously issued to the facility.

**43-00310: Duferco Farrell** (15 Roemer Boulevard, Farrell, PA 16121) on October 24, 2005, to add two degreasers in their facility under 25 Pa. Code § 127.449. The total combined VOC emission from the two newly added degreasers is 0.087 ton VOC/yr. The degreasers are subject to the applicable requirements found in 25 Pa. Code § 129.63.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**46-00234: Conshohocken Steel Products, Inc.** (301 Randolph Avenue, Ambler, PA 19002) on October 20, 2005, to operate a facility that paints and repairs roll-off containers/dumpsters of a Natural Minor Operating Permit in Upper Dublin Township, **Montgomery County**.

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

**36-05101: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422-2303) on October 18, 2005, to operate their Lititz Asphalt Plant in Warwick Township, **Lancaster County**. This is a renewal of the State-only operating permit.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**03-00204: Equitrans, LP** (225 North Shore Drive, Pittsburgh, PA 15212) on October 18, 2005, for a State-only operating permit for an internal combustion engine at their Atwood Compressor Station in Atwood Borough, **Armstrong County**.

**03-00203: Equitrans, LP** (225 North Shore Drive, Pittsburgh, PA 15212) on October 24, 2005, for a State-only operating permit for two stationary reciprocating internal combustion engines at their Crooked Creek Compressor Station in Bethel Township, **Armstrong County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**42-00175: Federal Bureau of Corrections** (Route 59, Lewis Run, PA 16738) on October 18, 2005, for a Natural Minor operating permit for their Bradford facility near the City of Bradford, **McKean County**.

**43-00305: Champion Carrier Corp.** (2755 Kirila Blvd., Hermitage, PA 16148) on October 19, 2005, a State-only Operating Permit was issued for the operation of various surface coating sources and miscellaneous natural gas combustion sources in the City of Hermitage, **Mercer County**.

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

**36-05017: Conestoga Wood Specialties Corp.** (245 Reading Road, East Earl, PA 17519-0158) on October 24, 2005, to construct a new coating booth and to enlarge an existing booth, in East Earl Township, **Lancaster County**. This operating permit was administratively amended to incorporate plan approval 36-05017B. This is revision No. 1.

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

**59-00006: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301) on October 11, 2005, by means of the minor operating permit modification requirements of 25 Pa. Code § 127.462, to delete a 9.2 mm/Btu per hour natural gas-fired salt bath heater and a 220 horsepower natural gas-fired emergency generator and add a 5.613 mm/Btu per hour natural gas-fired indirect heater coil and a 400 horsepower natural gas-fired emergency generator at the Boom Compressor Station in Lawrence Township, **Tioga County**.

**49-00001: Mt. Carmel Cogen, Inc.** (Marion Heights Road, Marion Heights, PA 17832) on October 18, 2005, by means of the minor operating permit modification requirements of 25 Pa. Code § 127.462, to authorize the replacement of a Ward Industrial vertical shaft impact crusher with a CEMCO Turbo 80 vertical shaft impact crusher in a culm crushing plant at their anthracite culm-fired circulating fluidized bed cogeneration facility in Mt. Carmel Township,

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**03-00023: Allegheny Energy Supply Co LLC** (800 Cabin Hill Drive C109, Greensburg, PA 15601) on September 29, 2005, to incorporate the requirements of Plan Approval PA-03-0023A. PA-03-00023A was issued on June 19, 2002, to allow for the installation Rotating Over-Fire Air (ROFA) and Mobotec Rotomix™. This is a Title V facility.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**37-00248: United States Can Co.** (1902 Old Butler Road, New Castle, PA 16101) on October 24, 2005, the Department terminated the Title V Operating Permit for the United States Can Company in accordance with the company's request due to the permanent shut down of operations at their facility in Shenango Township, **Lawrence 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 Mining Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**30841307. Emerald Coal Resources, LP**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Greene and Franklin Townships, **Greene County**, ACOE Pittsburgh District. (Garards Fort, PA, quadrangle from N: 19.55 inches; W: 12.9 inches to N: 19.7 inches; W: 12.95 inches and from N: 22.2 inches; W: 17.0 inches to N: 23.7 inches; W: 17.15 inches and the Mather, PA quadrangle from N: 0.3 inch; W: 17.3 inches to N: 0.5 inch; W: 17.4 inches.)

This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15), and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the restoration of Coal Lick Run and Frosty Run in the event of stream pooling due to longwall mining.

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

**56040102 and NPDES No. PA0249564. Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530, revision of an existing bituminous surface mine to add mining activities on the Little Pittsburgh coal seam in Brothersvalley Township, **Somerset County**, affecting 51.3 acres. Receiving streams: Swamp Creek, UNTs to Swamp Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 18, 2005. Permit issued: October 17, 2005.

**56050103 and NPDES No. PA0214850. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, operation of a bituminous surface mine in Shade Township, **Somerset County**, affecting 43.8 acres. Receiving streams: Coal Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 31, 2005. Permit issued October 17, 2005.

**56040105 and NPDES Permit No. PA0249602. Berwind Coal Sales Company**, 509 15th Street, Windber, PA 15963, commencement, operation and restoration of a bituminous surface mine in Shade and Paint

Townships, **Somerset County**, affecting 170.5 acres. Receiving streams: UNTs to/and Shade Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Border Dam SWI. Application received August 16, 2004. Permit issued October 19, 2005.

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

**24743008 and NPDES Permit No. PA0127566. Fairview Coal Company** (P. O. Box R, Ridgway, PA 15853). Renewal of an existing bituminous surface strip and auger operation in Fox Township, **Elk County** affecting 66.0 acres. Receiving streams: UNT to Benninger Creek and Benninger Creek. Application for reclamation only. Application received: July 29, 2005. Permit issued: October 18, 2005.

**24990102 and NPDES Permit No. PA0241580. Tamburlin Bros. Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous strip and auger operation in Fox Township, **Elk County** affecting 136.0 acres. Receiving streams: Limestone Run. Application received: April 11, 2005. Permit Issued: October 17, 2005.

*Moshannon District Mining Office: 186 Enterprise Drive, Phillipsburg, PA 16866, (814) 342-8200.*

**17020114 and NPDES Permit No. PA0243361. Sky Haven Coal, Inc.**, 5510 State Park Road, Penfield, PA 15849, revision of an existing bituminous surface mine to remove the Lower Kittanning Nos. 2 and 3, and Lower Kittanning No. 4 coal seams from phase 1 mining plan and revise erosion and sedimentation control plans in Bradford Township, **Clearfield County**, affecting 85.7 acres. Receiving stream: Sulfur Run classified for the following use: CWF. Application received October 6, 2005.

**17020902 and NPDES Permit No. PA0243345. Johnson Brothers Coal Company, Inc.**, 1390 Lee Run Road, Mahaffey, PA 15757, revision of an existing incidental coal mine to revise the mining area in Lawrence Township, **Clearfield County**, affecting 5.0 acres. Receiving streams: Laurel Run which is tributary to Little Clearfield Creek which is tributary to Clearfield Creek. Application received October 6, 2005.

**17950102 and NPDES Permit No. PA0220001. Hilltop Coal Co.**, 12 Dutchtown Road, Houtzdale, PA 16651, permit renewal for the continued operation and restoration of a bituminous surface mine in Bigler Township, **Clearfield County** affecting 25.0 acres. Receiving streams: Upper Morgan Run, Alexander Run and Japling Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 20, 2005.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**35920101R2 and NPDES Permit No. PA0596060. Maco Associates, Inc.**, (400 Mill Street, Dunmore, PA 18512), renewal of an existing anthracite surface mine operation in Fell Township, **Lackawanna County** affecting 1,700.0 acres, receiving stream: Wilson Creek. Application received March 21, 2005. Renewal issued October 21, 2005.

### Noncoal Permits Actions

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 9621-3118.*

**35940301T. Carrier Coal Enterprises**, (400 Mill Street, Dunmore, PA 18512), transfer of a quarry operation in Mayfield Borough, **Lackawanna County** affecting 16.5 acres, receiving stream: none. Application received June 24, 2004. Transfer issued October 21, 2005.

**64050803. Glenn Sampson**, (985 Rock Lake Drive, Lakewood, PA 18439), commencement, operation and restoration of a quarry operation in Preston Township, **Wayne County** affecting 5.0 acres. Receiving stream: Little Equinunk Creek. Application received August 19, 2005. Permit issued October 21, 2005.

#### ABANDONED MINE RECLAMATION

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA, (814) 342-8200.*

Primary Bond Forfeiture Contract Award	<b>PBF 14850101.1</b>
Location	Rush Township <b>Centre County</b>
Description	Act 181, Bond Forfeiture Reclamation Vail Mine Power Operating Co., Inc.
Contractor	Junior Coal Constructing, Inc. 2330 Six Mile Road Philipsburg, PA 16866
Amount	\$22,000
Date of Award	October 18, 2004

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P. S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**09054114. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Snyder Tract Subdivision in Bedminster Township, **Bucks County** with an expiration date of December 16, 2005. Permit issued October 17, 2005.

**21054171. R & M Excavating**, (403 Hilltop Road, Newburg, PA 17240), construction blasting for Crossroad School Estates in West Pennsboro Township, **Cumberland County** with an expiration date of April 12, 2006. Permit issued October 17, 2005.

**39054119. Schlouch, Inc.**, (P. O. Box 69, Blandon, PA 19510), construction blasting for Liberty Village in Upper Saucon Township, **Lehigh County** with an expiration date of September 1, 2006. Permit issued October 17, 2005.

**39054121. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Highgate Development in Upper Macungie Township, **Lehigh County** with an expiration date of December 31, 2006. Permit issued October 17, 2005.

**45054146. Hayduk Enterprises**, (P. O. Box 554, Dalton, PA 18414), construction blasting for Winona Lake

Estates in Middle Smithfield Township, **Monroe County** with an expiration date of October 31, 2006. Permit issued October 17, 2005.

**46054135. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Cannon Hill in Upper Providence Township, **Montgomery County** with an expiration date of December 31, 2006. Permit issued October 17, 2005.

**48054115. Hayduk Enterprises**, (P. O. Box 554, Dalton, PA 18414), construction blasting for a home in Lower Mt. Bethel Township, **Northampton County** with an expiration date of June 30, 2006. Permit issued October 17, 2005.

**52054120. Hayduk Enterprises**, (P. O. Box 554, Dalton, PA 18414), construction blasting for Log Tavern Estates in Dingman Township, **Pike County** with an expiration date of October 31, 2006. Permit issued October 17, 2005.

**67054143. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241), construction blasting for Fox Farm Sewer Line in Newberry Township, **York County** with an expiration date of October 30, 2006. Permit issued October 17, 2005.

**67054144. Hall Explosives, Inc.**, (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Yellow Breech Pump Station in Carroll Township, **York County** with an expiration date of May 30, 2006. Permit issued October 17, 2005.

**67054145. Hall Explosives, Inc.**, (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Ore Bank Road Pump Station in Carroll Township, **York County** with an expiration date of May 30, 2006. Permit issued October 17, 2005.

**40054124. Hayduk Enterprises**, (P. O. Box 554, Dalton, PA 18414), construction blasting for Keystone Job Corporate Center in Butler Township, **Luzerne County** with an expiration date of December 31, 2006. Permit issued October 18, 2005.

**54054103. DC Guelich Explosives, Inc.**, (R. R. 3 Box 125A, Clearfield, PA 16830), construction blasting for a warehouse in the Humboldt Industrial Park in East Union Township, **Schuylkill County** with an expiration date of October 4, 2007. Permit issued October 18, 2005.

**15054124. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Highspire Estates in Wallace Township, **Chester County** with an expiration date of December 31, 2006. Permit issued October 19, 2005.

**35054119. Hayduk Enterprises**, (P. O. Box 554, Dalton, PA 18414), construction blasting for Verus Partners Warehouse in Jessup Borough, **Lackawanna County** with an expiration date of December 31, 2005. Permit issued October 19, 2005.

**38054127. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a Vet Clinic in Jackson Township, **Lebanon County** with an expiration date of December 30, 2005. Permit issued October 19, 2005.

**39054120. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Lehigh Valley Hospital in Salisbury Township and the City of Allentown, **Lehigh County** with an expiration date of October 10, 2006. Permit issued October 19, 2005.

**45054147. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting

for Moser Dairy in Smithfield and Stroud Townships, **Monroe County** with an expiration date of October 10, 2006. Permit issued October 19, 2005.

**09054015. Joao & Bradley Construction**, (P. O. Box 20345, Lehigh Valley, PA 18002), construction blasting at Bristol and Turk Road Water and Sanitary Sewer Extension in Warrington Township, **Bucks County** with an expiration date of January 30, 2006. Permit issued October 20, 2005.

**21054009. J. Roy's, Inc.**, (Box 125, Bowmansville, PA 17507), construction blasting at Rivendale Subdivision in Silver Spring Township, **Cumberland County** with an expiration date of October 15, 2006. Permit issued October 20, 2005.

**36054033. Warren's Excavating & Drilling, Inc.**, (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting at Cedar Chase Development in West Hempfield Township, **Lancaster County** with an expiration date of October 31, 2006. Permit issued October 20, 2005.

**36054034. J. Roy's, Inc.**, (Box 125, Bowmansville, PA 17507), construction blasting at Lafayette Place Subdivision in Millersville Borough, **Lancaster County** with an expiration date of October 15, 2006. Permit issued October 20, 2005.

**45054005. West End Drilling & Blasting**, (P. O. Box 1646, Brodheads ville, PA 18322), construction blasting at Grandview Terrace East and West Subdivision in East Stroudsburg Borough, **Monroe County** with an expiration date of November 11, 2006. Permit issued October 20, 2005.

**51054001. Explo-Craft, Inc.**, (P. O. Box 1332, West Chester, PA 19380), construction blasting for the University of PA Health System Center in the City of Philadelphia, **Philadelphia County** with an expiration date of October 31, 2006. Permit issued October 20, 2005.

**67054045. Explosives Experts, Inc.**, (P. O. Box 879, Sparks, MD 21152), construction blasting at 6 Farm Lane Estates in North Codorus Township, **York County** with an expiration date of May 31, 2006. Permit issued October 20, 2005.

**67054046. Explosives Experts, Inc.**, (P. O. Box 879, Sparks, MD 21152), construction blasting at Jackson Heights Development in Jackson Township, **York County** with an expiration date of May 31, 2006. Permit issued October 20, 2005.

**67054047. Warren's Excavating & Drilling, Inc.**, (P. O. Box 189, Bowmansville, PA 17507-0189), construction blasting at Buttermilk Falls in Fairview Township, **York County** with an expiration date of October 31, 2006. Permit issued October 20, 2005.

**06054115. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Lazy K Campground in Colebrookdale and Washington Townships, **Berks County** with an expiration date of December 31, 2006. Permit issued October 20, 2005.

**67054148. Hall Explosives, Inc.**, (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Yellow Breaches Pump Station in Carroll Township, **York County** with an expiration date of May 30, 2006. Permit issued October 20, 2005.

**67054149. Hall Explosives, Inc.**, (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Ore Bank Road Pump Station in Carroll Township, **York County** with an expiration date of May 30, 2006. Permit issued October 20, 2005.

**67054150. Hall Explosives, Inc.**, (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for a pool in Fairview Township, **York County** with an expiration date of November 30, 2005. Permit issued October 20, 2005.

**48054116. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Dutch Springs in Lower Nazareth Township, **Northampton County** with an expiration date of October 20, 2006. Permit issued October 22, 2005.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.



**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and notice of final action for certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E15-722. Robert Bruce Homes, Inc.**, 1223 West Chester Pike, West Chester, PA 19380, Caln Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain a triple span arch bridge, each span having a 20-foot clear span and 6-foot rise over a UNT to Beaver Creek (TSF-MF) to accommodate an access road, associated with the proposed Clarelyn Subdivision.

This permit also includes:

1. Installation and maintenance of an 8-inch DIP water line under the proposed culvert.
2. Installation and maintenance of an 8-inch concrete-encased sewer line approximately 35 feet north of the proposed culvert. The General Permit (GP051504341) is authorized for this activity.
3. Installation and maintenance of a temporary crossing immediately north of the proposed bridge to install the proposed bridge and utility lines.

Proposed activities will impact approximately 65 linear feet of watercourse and 0.05 acre of adjacent wetlands (PEM). The site is located on the west side of Lloyd Avenue approximately 3,000 feet southwest of the intersection of Lloyd Avenue and Route 322 (Downingtown, PA, USGS Quadrangle N: 0.7 inch; W: 13.5 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)).

**E15-730. Department of Transportation, District 6-0**, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Newlin Township, **Chester County**, ACOE Philadelphia District.

Remove the existing Green Valley Road Bridge (SR 3049, Section 48M), a 20-foot long, 22-foot wide structure and to replace with a 28-foot long, 28-foot wide structure with similar vertical and horizontal alignment across a UNT to the West Branch of the Brandywine Creek (CWF-MF). The site is located approximately 2,500 feet southwest of intersection of Brandywine Creek Road and Green Valley Road (Coatesville, PA, USGS Quadrangle N: 10.0 inches, W: 1.09 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)).

**E15-745. Willistown Township**, 688 Sugartown Road, Malvern, PA 19355, **Chester County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed Willistown Township Sanitary Sewer System Extension project:

1. To construct and maintain a 6-inch diameter sanitary sewer force main under the existing Sugartown Road culvert, which conveys the UNT to Crum Creek (EV).
2. To restore the banks of the UNT to Ridley Creek (HQ) by removing an existing outfall structure associated with removal of the existing sewage treatment plant.

This project also includes a utility line stream crossing previously registered as General Permit GP051505310 across a UNT to Ridley creek. The site is located approximately 1,000 feet northwest of the intersection of Paoli Pike and Line Road, (Malvern, PA USGS Quadrangle N: 1.7 inches; W: 4.3 inches).

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

**E22-490: City of Harrisburg, Martin Luther King Jr. City Government Center**, 10 North 2nd Street, Harrisburg, PA 17101-1677 in Harrisburg City, **Dauphin County**, ACOE Baltimore District.

To renovate and maintain City Island's baseball stadium called Commerce Bank Park by reconstructing the baseball field, clubhouses, grandstands, concessions, offices, parking lots and other related structures to upgrade its class to Class AAA facility located within the floodway and floodplain of the Susquehanna River (WWF) (Harrisburg West, PA Quadrangle N: 1.1 inches; W: 2.1 inches) in Harrisburg City, Dauphin County

**E67-776: Dover Township**, 2480 West Canal Road, Dover, PA 17315 in Dover Township, **York County**, ACOE Baltimore District.

To construct and maintain a 5-foot by 40-foot fabricated pedestrian footbridge using existing abutments over a UNT to Fox Run (TSF) located within Brookside Park (Dover, PA Quadrangle N: 40° 0' 7" W: 76° 49' 52") in Dover Township, York County.

**E31-202: Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Cromwell Township and Orbisonia Borough, **Huntingdon County**, ACOE Baltimore District.

To fill in 0.17-acre of wetland, the floodway and floodplain of, and provide 600-foot long rock riprap protection at the right bank of Blacklog Creek (CWF) and associated improvements to improve the roadway condition of SR 0522, Section 5BN located about 800 feet southeast of Orbisonia Borough (Orbisonia, PA Quadrangle N: 20.35 inches; W: 1.9 inches and N: 19.5 inches; W: 0.5 inch) in Cromwell Township, Huntingdon County. The wetland impact will be mitigated in Aughwick Creek Advance Wetland Replacement site.

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

**E12-157. Shippen Township**, 1681 Rich Valley Road, Emporium, PA 15834, T-389 Bridge Replacement, Shippen Township, **Cameron County**, ACOE Baltimore District (Rich Valley, PA Quadrangle N: 2.2 inches; W: 11.4 inches).

To remove an existing bridge and to construct, operate and maintain a single span concrete box beam bridge to carry T-389 across Jenks Run. The bridge across Jenks

Run shall be constructed with a minimum span of 30 feet, underclearance of 5.3 feet and skew of 90°. Construction and future repair work shall be completed during stream low flow. All in-stream structures shall be constructed in dry work conditions by dams and pumping or fluming stream flow around work areas. The bridge replacement project is located along the southern right-of-way SR 4004 approximately 2.8 miles west of T-389 and SR 4004 intersection. The 15 square feet of wetland impacts are deemed de minus, as such, the applicant will not be required to mitigate the impacts with replacement wetlands.

**E14-471. Curtin Township**, 351 Orviston Road, Howard, PA 16841. Sayer's Hill Road Stream Crossing, in Curtin Township, **Centre County**, ACOE Baltimore District (Howard, PA Quadrangle N: 12.07 inches; W: 9.83 inches).

To maintain a 96-inch by 74.4-inch by 30.03-foot corrugated metal arch-semicircular culvert and riprap the inlet and outlet embankments with R-7 riprap in Romola Branch as a public road crossing for Sayer's Hill Road

located 600 feet north on Sayer's Hill Road from Orviston Mountain Road (Howard, PA Quadrangle N: 12.07 inches; W: 9.83 inches) in Curtin Township, Centre County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E17-410. Muddy Run Regional Authority**, P. O. Box 474, Madera, PA 16661-0474. Muddy Run Regional Authority Wastewater Treatment Facility and Collection System, Beccaria Township, Bigler Township, Gulich Township and Ramey Borough, **Clearfield County**, ACOE Baltimore District (Ramey, PA Quadrangle N: 15.25 inches; W: 9.20 inches).

To construct, operate and maintain 250,000 linear feet of wastewater collection and conveyance lines within a 30-foot right-of-way; a treated wastewater effluent outfall; and a wastewater treatment facility in the 100-year floodplain for the treatment of municipal wastewater. Construction of the new wastewater collection, conveyance and treatment facilities will result in 66 stream and 32 wetland encroachments that are as follows:

<i>Stream/Wetland</i>	<i>Stream Classification</i>	<i>Latitude</i>	<i>Longitude</i>
Clearfield Creek	WWF	40° 49' 43.00"	78° 26' 11.70"
Japling Run	CWF	40° 49' 45.00"	78° 26' 10.00"
Japling Run	CWF	40° 49' 45.00"	78° 26' 10.30"
Alexander Run	CWF	40° 49' 44.20"	78° 25' 50.10"
Alexander Run	CWF	40° 49' 46.00"	78° 25' 47.30"
Alexander Run	CWF	40° 49' 51.00"	78° 25' 40.80"
Alexander Run	CWF	40° 49' 55.00"	78° 25' 38.70"
UNT-Alexander	CWF	40° 50' 08.80"	78° 25' 41.40"
UNT-Alexander	CWF	40° 50' 13.10"	78° 25' 40.80"
UNT-Alexander	CWF	40° 50' 08.70"	78° 25' 31.20"
UNT-Alexander	CWF	40° 50' 09.30"	78° 24' 56.60"
UNT-Alexander	CWF	40° 50' 09.90"	78° 24' 48.00"
UNT-Alexander	CWF	40° 50' 05.10"	78° 24' 48.60"
UNT-Alexander	CWF	40° 50' 04.60"	78° 24' 48.60"
UNT-Alexander	CWF	40° 50' 04.30"	78° 24' 34.00"
UNT-Morgan Run	CWF	40° 50' 18.90"	78° 24' 11.30"
UNT-Morgan Run	CWF	40° 50' 25.80"	78° 24' 10.30"
UNT-Morgan Run	CWF	40° 50' 26.80"	78° 24' 06.40"
UNT-Morgan Run	CWF	40° 50' 29.60"	78° 23' 52.80"
UNT-Morgan Run	CWF	40° 50' 33.60"	78° 23' 49.00"
UNT-Morgan Run	CWF	40° 50' 41.10"	78° 23' 43.40"
UNT-Morgan Run	CWF	40° 50' 40.50"	78° 23' 39.90"
UNT-Muddy Run	CWF	40° 49' 08.40"	78° 26' 07.40"
UNT-Muddy Run	CWF	40° 48' 44.20"	78° 26' 08.40"
UNT-Muddy Run	CWF	40° 48' 02.50"	78° 26' 02.40"
UNT-Muddy Run	CWF	40° 48' 09.10"	78° 25' 26.25"
UNT-Muddy Run	CWF	40° 48' 09.00"	78° 26' 59.00"
Clearfield Creek	WWF	40° 50' 05.20"	78° 26' 35.20"
UNT-Little Muddy	CWF	40° 47' 49.80"	78° 23' 54.60"
UNT-Little Muddy	CWF	40° 47' 51.30"	78° 24' 02.10"
UNT-Little Muddy	CWF	40° 47' 53.90"	78° 24' 09.00"
UNT-Little Muddy	CWF	40° 47' 53.80"	78° 24' 11.40"
UNT-Little Muddy	CWF	40° 48' 02.50"	78° 24' 24.20"
UNT-Little Muddy	CWF	40° 48' 35.00"	78° 24' 22.10"
UNT-Little Muddy	CWF	40° 48' 09.90"	78° 24' 19.40"
UNT-Little Muddy	CWF	40° 48' 14.40"	78° 24' 18.70"
UNT-Little Muddy	CWF	40° 48' 17.90"	78° 24' 18.10"
UNT-Little Muddy	CWF	40° 48' 11.70"	78° 24' 09.10"
UNT-Little Muddy	CWF	40° 48' 10.40"	78° 23' 33.90"
Muddy Run	CWF	40° 48' 06.50"	78° 25' 58.40"
UNT-Muddy Run	CWF	40° 47' 55.00"	78° 25' 42.50"
UNT-Muddy Run	CWF	40° 47' 48.90"	78° 25' 40.70"
UNT-Muddy Run	CWF	40° 47' 48.10"	78° 25' 40.70"
UNT-Muddy Run	CWF	40° 47' 47.50"	78° 25' 42.10"

<i>Stream/Wetland</i>	<i>Stream Classification</i>	<i>Latitude</i>	<i>Longitude</i>
UNT-Muddy Run	CWF	40° 47' 37.40"	78° 26' 00.80"
UNT-Muddy Run	CWF	40° 47' 36.30"	78° 26' 03.60"
UNT-Muddy Run	CWF	40° 47' 34.40"	78° 26' 08.40"
UNT-Muddy Run	CWF	40° 47' 33.10"	78° 26' 13.20"
UNT-Muddy Run	CWF	40° 47' 26.40"	78° 26' 23.20"
UNT-Muddy Run	CWF	40° 47' 22.20"	78° 26' 28.50"
UNT-Muddy Run	CWF	40° 47' 21.00"	78° 26' 32.80"
UNT-Muddy Run	CWF	40° 47' 19.30"	78° 26' 28.50"
UNT-Muddy Run	CWF	40° 46' 54.90"	78° 26' 28.50"
UNT-Muddy Run	CWF	40° 46' 52.20"	78° 26' 28.00"
UNT-Muddy Run	CWF	40° 46' 47.70"	78° 26' 25.70"
UNT-Muddy Run	CWF	40° 46' 45.30"	78° 26' 26.60"
UNT-Muddy Run	CWF	40° 46' 42.70"	78° 26' 27.80"
UNT-Muddy Run	CWF	40° 46' 18.40"	78° 26' 50.00"
UNT-Muddy Run	CWF	40° 46' 12.60"	78° 26' 52.80"
UNT-Muddy Run	CWF	40° 46' 10.30"	78° 26' 52.90"
Muddy Run	CWF	40° 46' 08.30"	78° 26' 50.90"
UNT-Muddy Run	CWF	40° 46' 39.00"	78° 26' 20.60"
Little Muddy Run	CWF	40° 45' 39.10"	78° 25' 28.90"
Little Muddy Run	CWF	40° 45' 38.20"	78° 25' 28.40"
UNT-Little Muddy	CWF	40° 45' 37.00"	78° 25' 27.70"
UNT-Little Muddy	CWF	40° 45' 34.20"	78° 25' 28.60"
UNT-Little Muddy	CWF	40° 45' 19.60"	78° 25' 55.50"
UNT-Little Muddy	CWF	40° 45' 22.40"	78° 25' 32.70"
UNT-Little Muddy	CWF	40° 46' 04.10"	78° 24' 58.50"
UNT-Little Muddy	CWF	40° 46' 09.10"	78° 24' 52.30"
UNT-Little Muddy	CWF	40° 46' 29.00"	78° 23' 46.10"
UNT-Little Muddy	CWF	40° 45' 59.10"	78° 24' 08.90"
UNT-Little Muddy	CWF	40° 45' 38.50"	78° 23' 57.60"
UNT-Little Muddy	CWF	40° 45' 37.40"	78° 23' 50.80"
UNT-Little Muddy	CWF	40° 45' 30.50"	78° 23' 45.00"
UNT-Little Muddy	CWF	40° 45' 44.00"	78° 23' 20.90"
UNT-Little Muddy	CWF	40° 45' 47.40"	78° 23' 15.80"
UNT-Little Muddy	CWF	40° 46' 18.00"	78° 22' 53.40"
Wetland A	CWF	40° 49' 33.00"	78° 26' 24.00"
Wetland B	CWF	40° 50' 00.60"	78° 25' 37.10"
Wetland C	CWF	40° 50' 17.90"	78° 25' 35.10"
Wetland D	CWF	40° 50' 06.20"	78° 24' 50.70"
Wetland E	CWF	40° 50' 05.80"	78° 24' 27.20"
Wetland F	CWF	40° 50' 32.60"	78° 23' 49.40"
Wetland G	CWF	40° 50' 48.70"	78° 26' 10.70"
Wetland H	CWF	40° 50' 48.70"	78° 26' 02.70"
Wetland DD	CWF	40° 48' 03.50"	78° 24' 23.20"
Wetland EE	CWF	40° 48' 07.90"	78° 23' 50.20"
Wetland FF	CWF	40° 48' 10.50"	78° 23' 34.60"
Wetland I	CWF	40° 48' 07.10"	78° 25' 58.90"
Wetland J	CWF	40° 47' 58.40"	78° 25' 42.40"
Wetland K	CWF	40° 47' 56.00"	78° 25' 42.20"
Wetland L	CWF	40° 47' 47.90"	78° 25' 41.40"
Wetland M	CWF	40° 47' 42.60"	78° 25' 48.20"
Wetland N	CWF	40° 47' 22.10"	78° 26' 20.70"
Wetland O	CWF	40° 46' 55.00"	78° 26' 25.30"
Wetland P	CWF	40° 46' 52.20"	78° 26' 28.00"
Wetland Q	CWF	40° 47' 05.46"	78° 26' 19.40"
Wetland R	CWF	40° 46' 42.70"	78° 26' 27.80"
Wetland S	CWF	40° 46' 36.10"	78° 26' 30.10"
Wetland T	CWF	40° 46' 04.50"	78° 26' 46.60"
Wetland U	CWF	40° 45' 51.60"	78° 26' 40.00"
Wetland V	CWF	40° 45' 50.40"	78° 26' 39.70"
Wetland W	CWF	40° 45' 35.70"	78° 26' 19.10"
Wetland X	CWF	40° 45' 33.70"	78° 26' 11.60"
Wetland Y	CWF	40° 45' 32.30"	78° 26' 12.30"
Wetland Z	CWF	40° 45' 19.60"	78° 25' 55.50"
Wetland AA	CWF	40° 45' 59.50"	78° 24' 11.50"
Wetland BB	CWF	40° 45' 50.30"	78° 24' 02.10"
Wetland CC	CWF	40° 45' 47.40"	78° 23' 15.80"

Wastewater collection and conveyance lines shall be installed beneath streambeds so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed or concrete encased. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. The project is located along the eastern and western right-of-way of SR 0453 with a project centroid approximately at the intersection of SR 4002 and SR 0453 in the Village of Smoke Run. Construction of the Muddy Run Regional Wastewater Treatment Facility results in 0.47 acre of permanent wetland impact, for which the permittee has agreed to mitigate with 0.566 acre of replacement wetland. The permittee shall commence construction of the 0.566 acre of replacement wetland prior to any encroachment activities authorized by this permit.

**E19-247. Department of Transportation**, P. O. Box 215, Montoursville, PA 17754-0218. Bridge Replacement, in North Centre Township, **Columbia County**, ACOE Baltimore District (Mifflinville, PA Quadrangle N: 12.70 inches; W: 12.35 inches).

1) To remove the existing concrete filled steel deck I beam bridge which has a normal span ranging from 10.5 feet to 11.0 feet with a curb-to-curb width of 33.8 feet and is on a 45° skew with the roadway. The minimum existing underclearance is 5.0 feet at the outlet and 7.1 feet at the inlet. The existing hydraulic opening is approximately 62.48 square feet. 2) To construct and maintain a 16 foot by 6 foot precast reinforced concrete box culvert on a 45° skew. The box will be submerged one foot to allow for the formation of a natural streambed in the culvert with an underclearance of 5 feet from the streambed to the low chord of the top slab. The hydraulic opening will be 80 square feet. The proposed box culvert will have a curb-to-curb width of 34.0 feet.

The culvert will cross a UNT to the North Branch of Briar Creek on SR 0093 about 1.14 miles southeast of the intersection of SR 0093 with SR 1012. The project will not impact wetlands while impacting about 105 feet of waterways and 0.1 acre of earth disturbance. The UNT to North Branch Briar Creek is a CWFs stream. This permit was issued under Section 105.13(e) "Small Projects."

**E41-552. SEDA-COG Joint Rail Authority**, 201 Furnace Road, Lewisburg, PA 17837. Water Obstruction and Encroachment Joint Permit, in City of Williamsport, **Lycoming County**, ACOE Susquehanna River Basin District (Williamsport, PA Quadrangle N: 20.0 inches; W: 10.3 inches).

To construct and maintain a rail line crossing measuring 32-feet long by 27-feet wide, consisting of four 33-inch by 49-inch aluminized squash pipes and concrete head and end walls within Reighards Run, located in the City of Williamsport, Lycoming County. This project proposes to have a minimal impact on Reighards Run, which is, designated a WWF. This project does propose to permanently impact 0.13 acre jurisdictional wetlands.

**E55-203. John Fisher**, P. O. Box 166, Beaver Springs, PA 17812. Fisher Crossing, in Spring Township, **Snyder County**, ACOE Baltimore District (McClure, PA Quadrangle N: 21.2 inches; W: 2.5 inches).

The permit authorizes the removal of an existing concrete ford crossing and the construction, operation and maintenance of a new private bridge structure over the South Branch of Middle Creek. The bridge will be a low flow structure that is designed to pass the 5-year storm event and will overtop during a 25-year storm event. This adjacent approach will be under water during a 5-year

event. The bridge structure will have a curb-to-curb width of 11 feet, have a length of 50 linear feet from approach to approach and have an underclearance of 2 feet. The overall width of the hydraulic opening will be 45 feet from abutment to abutment. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E60-176. Amos M. Stoltzfus**, 758 Wolfland Road, Lewisburg, PA 17837. Pasture Fill, in Buffalo Township, **Union County**, ACOE Baltimore District (Lewisburg, PA Quadrangle, N: 18.22 inches; W: 12.47 inches).

To place and maintain 400 cubic yards of earthen rock fill with a grass covered layer of 3-inch deep top soil over a 1/3 acre area of the right 100-year floodway to fill in low areas 60 feet to 135 feet from the right stream bank of Buffalo Creek located 300 feet north of the 90° bend in Wolfland Road. This permit was issued under Section 105.13(e) "Small Projects."

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

**E02-1505. J. West Corporation**, 222 Oxford Boulevard, Allison Park, PA 15101. To fill wetlands in McCandless Township, **Allegheny County**, Pittsburgh ACOE District. (Emsworth, PA Quadrangle N: 15.5 inches; W: 7.1 inches and Latitude: 40° 35' 06"—Longitude: 80° 03' 05"). To excavate, place and maintain fill in UNTs and/or their associated floodways within the Pine Creek Watershed (CWF), for the purpose of constructing the Cooper's Run single family residential subdivision and a stormwater detention pond. The project is located on the east side of Grosick Road, approximately 500 feet north-east from the intersection of Grosick Road and Donna Drive, and will impact approximately 600 linear feet of stream channels.

**E02-1506. Village at Pine, LP, LLC**, 11279 Perry Highway, Suite 509, Wexford, PA 15090-9308. To place fill in Pine Township, **Allegheny County**, Pittsburgh ACOE District. (Mars, PA Quadrangle N: 1.3 inches; W: 7.0 inches and Latitude: 40° 37' 56"—Longitude: 80° 03' 02"). To place and maintain fill in 0.57 acre of PEM/PSS wetlands associated with UNTs to North Fork Pine Creek (CWF) and a UNT to Wexford Run (CWF), and impact approximately 270 feet of UNTs to North Fork Pine Creek and Wexford Run that have drainage areas less than 100 acres for the purpose of constructing the Village at Pine Development. The project is located on the north side of SR 910, just north from the intersection of SR 910 and North Chapel Drive and will impact 270.0 linear feet of stream channel and 0.57 acre of wetlands. The applicant also proposes to construct and maintain 0.6 acre of replacement wetlands.

**E03-433. Equitable Gas Company**, 225 North Shore Drive, Pittsburgh, PA 15212. To construct two gas pipelines in Pine Township, **Armstrong County**, Pittsburgh ACOE District. (Templeton, PA Quadrangle N: 8.58 inches; W: 11.63 inches and Latitude: 40° 55' 20"—Longitude: 79° 27' 33"). To construct and maintain two gas pipelines over the channel of a UNT to the Allegheny River (WWF) for the purpose of replacing leaking gas pipelines. One pipeline is located approximately 615 feet upstream from the intersection of SR 1003 and SR 1030 and one pipeline is located approximately 1,140 feet upstream from said intersection and will impact approximately 40 linear feet of stream channel.

**E32-452. Canoe Township**, P. O. Box 355, Rossiter, PA 15772. To maintain two culverts in Canoe Township,

**Indiana County,** Pittsburgh ACOE District. (Punxsutawney, PA Quadrangle N: 3.0 inches; W: 13.7 inches; and Latitude: 40° 53' 29"—Longitude: 78° 58' 27"). To operate and maintain dual 40.0-foot corrugated metal pipe culverts in a UNT to Canoe Creek (CWF) located on Dunmire Road, approximately 0.5 mile west of SR 236.

**E32-470. Indiana County Airport Authority,** 801 Water Street, Indiana, PA 15701. To construct a pipe and fill wetlands in White Township, **Indiana County,** Pittsburgh ACOE District (Clymer, PA Quadrangle N: 1.3 inches; W: 14.3 inches and Latitude: 40° 38' 56"—Longitude: 79° 6' 20"). 1) To place and maintain fill in 0.29 acre of wetlands; 2) construct and maintain a 194-foot long, 36-inch diameter CM pipe in a UNT to Ramsey Run (CWF) on a proposed road; 3) extend by 90 linear feet, the existing 40 inches wide by 32 inches high CM pipe, and to maintain the new total length of 265-feet, in a UNT to Ramsey Run. The purpose of the project is the relocation of SR 1001 (Geesey Road) as part of safety improvement of Indiana County Jimmy Stewart Airport. The permittee will construct 0.35 acre of replacement wetland.

**E63-573. Chartiers Township,** 2 Buccaneer Drive, Houston, PA 15342. To construct a bridge in Chartiers Township, **Washington County,** Pittsburgh ACOE District. (Washington East, PA Quadrangle N: 20.2 inches; W: 16.5 inches and Latitude: 40° 14' 18"—Longitude: 90° 14' 36"). To construct and maintain a bridge (West Country Barn Bridge) having a clear span of 31.0 feet with a minimum underclearance of 7.5 feet across the channel of a UNT to Chartiers Creek (WWF), and to construct and maintain four gabion walls along the left and right banks of said stream (each wall 12.0 feet in length along the left and right banks on the downstream end of said bridge, 12.0 feet in length along the left upstream bank and 16.0 feet in length along the right upstream bank of said bridge) for the purpose of providing access to residential properties. The bridge is located on West Country Barn Road approximately 300 feet northeast from the intersection of Allison Hollow Road and Authurs Road and will impact approximately 55.0 linear feet of stream channel.

**E65-862. Sewickley Creek Watershed Association,** P. O. Box 322, Youngwood, PA 15697. To construct a mine drainage treatment system in Sewickley Township, **Westmoreland County,** Pittsburgh ACOE District. (Donora, PA Quadrangle N: 22.55 inches; W: 2.09 inches and Latitude: 40° 14' 57"—Longitude: 79° 45' 54"). To excavate and place fill in an approximately 0.79 acre of open water and 1.43 acres of wetland, to construct a mine drainage treatment system along Sewickley Creek. These activities will also affect approximately 995 linear feet of watercourse that currently carries the Marchand Mine discharge to Sewickley Creek (WWF). The project site is located along SR 3016, approximately 2,000 feet below the confluence between Sewickley Creek (WWF) and Little Sewickley Creek (TSF). The permittee will construct approximately 1.91 acres of replacement wetland.

**E65-876. Derry Township Municipal Authority,** P. O. Box 250, New Derry, PA 15671. To install a sanitary sewer line in Derry Township, **Westmoreland County,** Pittsburgh ACOE District. (Derry, PA Quadrangle N: 22.0 inches; W: 1.1 inches and Latitude: 40° 22' 16"—Longitude: 79° 15' 29"). To install and maintain an 8-inch PVC sanitary sewer under and across Trout Run (CWF) having a width of 20 feet for the purpose of connecting

two existing sewer lines together to provide sewage service to approximately 30 homes. The project is located off of Circle Drive.

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

**E24-242. Department of Transportation, District 2-0,** 1924 Daisy Street Extension, Clearfield, PA 16830. SR 0219, Section A04, Bridge Replacement, across Gallagher Run in Ridgway, **Elk County,** ACOE Pittsburgh District (Ridgway, PA Quadrangle N: 8.70 inches; W: 14.10 inches).

The Department of Transportation proposes to remove the existing structure and to construct and maintain a single span prestressed concrete adjacent plank beam bridge having a clear span of 14.59 feet and an under clearance of 4.69 feet on a 52° skew across Gallagher Run on SR 0219, Section A02.

According to 25 Pa. Code Chapter 93, Gallagher Run is classified as CWF. The project does not impact wetlands

**E25-694. Greater Erie Industrial Development Corporation,** 5240 Knowledge Parkway, Erie, PA 16510. City of Erie Brownfield Industrial Park, in the City of Erie, **Erie County,** ACOE Pittsburgh District (Erie North, PA Quadrangle N: 1.9 inches; W: 4.8 inches).

The applicant proposes to develop lots for redevelopment of a former industrial site adjacent to and northeast of the intersection E. 18th Street and Downing Ave involving to fill 0.72 acre of PSS wetland and to restore 0.72 acre of wetland on site. The project proposes to directly affect 0.72 acre of PSS wetlands and to restore 0.72 acre of wetland onsite

**E25-699. NPA Development Company, LP,** 835 Pittsburgh Street, Greensburg, PA 15601-3501. Limited Express Hotel, in Summit Township, **Erie County,** ACOE Pittsburgh District (Erie South, PA Quadrangle N: 8.5 inches; W: 11.5 inches).

The applicant proposes to construct a 100-room hotel in Summit Township, Erie County on the north side of Old Oliver Road approximately 0.2 mile SW of the intersection of SR 19 and US Interstate 90 (Erie South, PA Quadrangle N: 8.5 inches; W: 11.5 inches) in Summit Township involving: 1) to fill 0.042 acre (de minimis) of PEM wetlands and; 2) to fill a 0.69-acre pond. The project proposes to directly impact 0.042 acre of PEM wetland and a 0.69-acre pond.

**E43-321. Department of Transportation, District 1-0,** 255 Elm Street, Oil City, PA 16301-1412. SR 0208, Section A00, Springfield Township, **Mercer County,** ACOE Pittsburgh District (Mercer, PA Quadrangle 3.35 N; 4.15 W).

To construct and maintain an extension of the I-79 ramps, replacement of the SR 0208 Bridge over I-79 with a new 6-lane bridge, and improvements to the SR 0208/0258 intersection. The total length of SR 0208 (& SR 0258) to be improved is approximately 6,000 feet. The length of interchange ramps to be extended/reconfigured is approximately 13,000 feet. The project involves: (1) to fill 0.09 acre of palustrine wetlands; (2) to construct and maintain an 85-foot-long extension to the existing 6-foot-high by 10-foot-wide concrete box culvert (Culvert No. 5) in a UNT to Black Run; (3) to construct and maintain four culvert extensions having diameters from 1 to 3 feet in UNTs to Black Run with drainage areas less than 100 acres; and (4) to relocate 150 feet of UNT to Black Run with a drainage area of less than 100 acres.

Project includes payment into the PADEP Wetland Replacement Project Fund as mitigation for impacted wetlands.

## SPECIAL NOTICES

### Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Planning, Recycling and Waste Reduction Act

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

The Department of Environmental Protection (Department) approved the Dauphin County 2005 Construction and Demolition Waste Substantial Municipal Waste Plan Revision on October 19, 2005.

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 may 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 to 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.

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning this approval should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472 or to Mark Vottero, Regional Planning and Recycling Coordinator, Bureau of Land Recycling and Waste Management at the previous Regional Office.

[Pa.B. Doc. No. 05-2029. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Participate). The "Current Inventory" heading is the Governor's list of

nonregulatory guidance documents. The "Final Documents" heading is the link to a menu of the various Department bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2005.

### Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view guidance documents. When this option is not available, persons can order a bound paper copy of the latest inventory or an unbound paper copy of any of the final documents listed on the inventory by calling the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

### Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

### Final Guidance:

DEP ID: 562-4180-102. Title: Noncoal Compliance/Enforcement Procedures. Description: This document describes the methods to be utilized by the Department for citing violations at all noncoal mining operations, including blasting activities related to noncoal mining. The document is issued under the authority of the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326), The Clean Stream Law (35 P. S. §§ 691.1—691.1001) and 25 Pa. Code §§ 77.351 and 77.353 (relating to enforcement; and inspection—general), and is in conformance with the Department's Standards And Guidelines For Identifying, Tracking, And Resolving Violations, which was issued on April 6, 2004. Notice of availability of the draft version of this document was advertised at 35 Pa.B. 3601 (June 25, 2005). The Department did not receive any comments during the public comment period, which concluded on July 25, 2005. Contact: Questions regarding this technical guidance document should be directed to William Allen, Bureau of Mining and Reclamation, (717) 783-9580 or [wallen@state.pa.us](mailto:wallen@state.pa.us). Effective Date: November 5, 2005.

### Final Guidance—Minor Revision:

DEP ID: 563-2000-102. Title: Coal Exploration. Description: This draft guidance outlines the requirements and procedures for the review and approval of notices of intent and requests for permit waivers for coal exploration activities. It is issued under the authority of 25 Pa. Code §§ 86.131—86.137 (relating to coal exploration). Recent changes were made to the guidance to clarify that surface coal mining operators are not required to obtain a Surface Mining Operator's License in order to conduct exploration by drilling. Contact: Questions regarding this technical guidance document should be di-

rected to William Allen, Bureau of Mining and Reclamation, (717) 783-9580 or wallen@state.pa.us. Effective Date: November 5, 2005.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-2030. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Small Water Systems Technical Assistance Center Advisory Board Meeting

The Small Water Systems Technical Assistance Center Advisory Board's regular quarterly board meeting will be held on November 17, 2005, from 10 a.m. to 3 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the meeting may be directed to Ray Braun at rbraun@state.pa.us or (717) 772-2186. An agenda and meeting materials for the meeting will be available on the Department of Environmental Protection's (Department) website at www.dep.state.pa.us (DEP keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at the telephone number or e-mail address listed previously or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-2031. Filed for public inspection November 4, 2005, 9:00 a.m.]

### State Board for Certification of Water and Waste- water Systems Operators

The State Board for Certification of Water and Wastewater Systems Operators (Board) has scheduled a conference call on Wednesday, November 16, 2005. The Board's business is to approve certification licenses for water and wastewater operators.

The conference call will begin at 9 a.m. in the 11th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the meeting may be directed to Cheri Sansoni at (717) 772-5158 or csansoni@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Cheri Sansoni at (717) 772-5158 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users), to discuss how their needs may be accommodated.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-2032. Filed for public inspection November 4, 2005, 9:00 a.m.]

### State Water Plan; Water Resources Regional Committee Meetings Schedule for November 2005

The following is a list of November 2005 meetings for the six Water Resources Regional Committees (Committees) associated with the Department of Environmental Protection (Department). Notice of these meetings dates was previously published at 35 Pa.B. 794 (February 5, 2005). This notice provides details for all November 2005 meetings, including time and location for each regional meeting.

The following schedule, as well as an agenda for each meeting, including meeting materials, will be available through the Public Participation Center on the Department's website at www.dep.state.pa.us (DEP Keyword: Participate).

The Committees listed were created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water Plan (plan) for the Commonwealth. The Committees' purpose is to develop the regional component of the overall plan and to provide recommendations to the Statewide Water Resources Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

The November 2005 meeting dates of the six Committees are as follows:

#### *Ohio Water Resources Regional Committee*

The November meeting of the Ohio Water Resources Regional Committee will be held at 10 a.m. at the following location:

November 7, 2005 Cranberry Township Municipal  
Building  
2525 Rochester Road, Suite 400  
Cranberry Township, PA 16066

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

#### *Great Lakes Water Resources Regional Committee*

The November meeting of the Great Lakes Water Resources Regional Committee will be held at 10 a.m. at the following location:

November 8, 2005 Erie County Conservation  
District  
1927 Wager Road  
Erie, PA 16509

Questions concerning this committee should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

#### *Delaware Water Resources Regional Committee*

The November meeting of the Delaware Water Resources Regional Committee will be held at 10 a.m. at the following location:

November 10, 2005 DEP Southeast Regional Office  
2 East Main Street  
Norristown, PA 19401

Questions concerning this meeting should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, lsarvis@state.pa.us.

*Lower Susquehanna Water Resources Regional Committee*

The November meeting of the Lower Susquehanna Water Resources Regional Committee will be held at 9:30 a.m. at the following location:

November 21, 2005 DEP Southcentral Regional  
Office  
909 Elmerton Ave.  
Harrisburg, PA 17110

Questions concerning this meeting should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, lsarvis@state.pa.us.

*Upper/Middle Susquehanna Water Resources Regional Committee*

The November meeting of the Upper/Middle Susquehanna Water Resources Regional Committee will be held at 10 a.m. at the following location:

November 17, 2005 DEP Northcentral Regional  
Office  
208 West Third Street, Suite 101  
Williamsport, PA 17701

Questions concerning this meeting should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, lsarvis@state.pa.us.

*Potomac Water Resources Regional Committee*

The November meeting of the Potomac Water Resources Regional Committee meeting will be held at 10 a.m. at the following location:

November 18, 2005 Franklin County Administrative  
Annex  
218 North Second Street  
Chambersburg, PA 17201

Questions concerning this meeting should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Persons with a disability who require accommodations to attend any of the meetings listed previously should contact the Department at (717) 705-2425 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 05-2033. Filed for public inspection November 4, 2005, 9:00 a.m.]

Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

The facility is requesting a waiver of the comment period as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2034. Filed for public inspection November 4, 2005, 9:00 a.m.]

**Application of Bradford Regional Medical Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bradford Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2035. Filed for public inspection November 4, 2005, 9:00 a.m.]

**DEPARTMENT OF HEALTH****Application of Allegheny Regional Endoscopy for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allegheny General Endoscopy has requested an exception to the requirements of 28 Pa. Code § 555.31 (relating to principle).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of

**Application of Elk Regional Health Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Elk Regional Health Center has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of



Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2036. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Application of The Endoscopy Center of Bucks County for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Endoscopy Center of Bucks County has requested an exception to the requirements of 28 Pa. Code § 555.31 (relating to principle).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

The facility is requesting a waiver of the comment period as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2037. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Application of Excela RCL PET/CT Imaging, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Excela RCL PET/CT Imaging, LLC has re-

quested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2038. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Application of Frankford Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Frankford Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2039. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Application of Healthsouth Rehabilitation Hospital of Mechanicsburg for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Healthsouth Rehabilitation Hospital of Mechanicsburg has requested an exception to the requirements of 28 Pa. Code § 107.4(4) (relating to medical staff status).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2040. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Application of Lehigh Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lehigh Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.A4 (relating to handwashing stations).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the

previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2041. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Application of Mercy Jeannette Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mercy Jeannette Hospital has requested an exception to the requirements of 28 Pa. Code § 107.26 (b)(2) (relating to additional committees).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2042. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Application of Mt. Airy Ambulatory Endoscopy Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mt. Airy Ambulatory Endoscopy Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2043. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Application of Pennsylvania Hospital University of Pennsylvania Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pennsylvania Hospital University of Pennsylvania Health System has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2044. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Application of Physicians Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Physicians Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.22(3)(ii) (relating to criteria for performance of ambulatory surgery on pediatric patients).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

The facility is requesting a waiver of the comment period as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2045. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Application of Southwestern Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Southwestern Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 05-2046. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Application of Titusville Area Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Titusville Area Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2047. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Application of Tri County Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Tri County Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2048. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Application of UPMC St. Margaret for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC St. Margaret has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.A4 (relating to handwashing stations).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2049. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Application of Westmoreland Regional Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Westmoreland Regional Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.2.A4 (relating to handwashing stations), 7.2.B3 (relating to existing nurse office), 7.2.B6, 7 and 8 (relating to staff lockers/lounge and staff toilet room), 7.2.B9 (relating to conference room), 7.2.B10 (relating to exam room), 7.2.B15 (relating to clean utility room), 7.2.B16 (relating to multipurpose room), 7.2.B17 (relating to equipment storage rooms), 7.2.B19 (relating to tub/wheelchair toilet/training toilet room) and 7.2.C1 (relating to isolation room).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address and telephone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2050. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Electronic Reporting Requirements for Specified Diseases, Infections and Conditions

In accordance with 28 Pa. Code Chapter 27 (relating to communicable and noncommunicable diseases) specifically 28 Pa. Code § 27.4(b) (relating to electronic reporting), the Department of Health (Department), is giving notice that it will require electronic reporting of the following diseases, infections and conditions: AIDS; CD4 T-lymphocyte test results with a count of less than 200 cells/ul or less than 14% of total lymphocytes; HIV (human immunodeficiency virus); and perinatal exposure of a newborn to HIV.

Persons with questions regarding this notice or the Department's electronic reporting system should contact Veronica Urdaneta, M.D., M.P.H., State Epidemiologist and Director, Division of Infectious Disease Epidemiology, Room 933, Health and Welfare Building, Department of Health, 7th and Forster Streets, Harrisburg, PA 17108 (717) 787-3350 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

Persons who require an alternative format of this notice (for example, large print, audiotape, Braille) may contact Dr. Urdaneta at the address or telephone numbers listed previously so that necessary arrangements may be made.

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

[Pa.B. Doc. No. 05-2051. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, December 7, 2005, at 10 a.m. in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17108.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Cynthia Trafton, Bureau of Health Planning at (717) 772-5298, ctrafton@state.pa.us or for speech and/or hear-

ing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 05-2052. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Health Research Advisory Committee Meeting

The Health Research Advisory Committee (Committee), established under section 903(b) of the Tobacco Settlement Act (35 P.S. § 5701.903(b)), will hold a public meeting on December 16, 2005, from 9:30 a.m. to 1:30 p.m. in Room 812, Health and Welfare Building, Commonwealth Avenue and Forster Street, Harrisburg, PA.

The Committee will finalize the research priorities for the nonformula funds for the State Fiscal Year 2006-07. This meeting is open to the public. No reservations are required. The meeting is not a public hearing and therefore public testimony and/or comments are not part of the meeting agenda.

For additional information contact Patricia W. Potrzebowski, Director, Bureau of Health Statistics and Research or Robin C. Cohick, Administrative Officer, Bureau of Health Statistics and Research, 555 Walnut Street, 6th Floor, Harrisburg, PA 17101-1914, (717) 783-2548.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation should contact Patricia W. Potrzebowski or Robin Cohick at (717) 783-2548 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 05-2053. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meeting

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, November 16, 2005, from 9 a.m. to 2:30 p.m. at the Best Western Inn and Suites, 815 Eisenhower Boulevard, Middletown, PA 17057.

The Department reserves the right to cancel this meeting without prior notice.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17108, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Kenneth McGarvey at (717) 783-0572, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT & T Relay Services at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2054. Filed for public inspection November 4, 2005, 9:00 a.m.]

### **Newborn 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 16, 2005, from 10 a.m. to 3 p.m. at the Dixon University Center, Richards Recital Hall, 2986 North Second Street, Harrisburg, PA.

For additional information contact Karen Espenshade, Director, Division of Newborn Disease Prevention and Identification, at (717) 783-8143. Please R.S.V.P. by November 9, 2005, to Louise Banks at (717) 783-8143. Persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should contact the Newborn Screening Program 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 (TT).

The Department reserves the right to cancel this meeting without prior notice.

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

[Pa.B. Doc. No. 05-2055. Filed for public inspection November 4, 2005, 9:00 a.m.]

### **Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting**

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention, and Research Act (35 P.S. § 5633), will hold a meeting on Wednesday, December 7, 2005, from 7:45 a.m. to 12 p.m. at the Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Kathleen A. Zitka, Chief, Department of Health, Cancer Prevention and Control Section, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 787-5251 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 05-2056. Filed for public inspection November 4, 2005, 9:00 a.m.]

### **Requests for Exception; Long-Term Care Nursing Facilities**

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Berwick Retirement Village Nursing Home  
801-901 E. 16th Street  
Berwick, PA 18603  
FAC ID 281102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.3(a) (relating to oral and telephone orders).

Concordia Lutheran Ministries  
615 North Pike Road  
Cabot, PA 16023  
FAC ID 900202

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape, Braille) should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 05-2057. Filed for public inspection November 4, 2005, 9:00 a.m.]

### **Traumatic Brain Injury Advisory Board Meeting**

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Thursday, November 17, 2005, from 10 a.m. to 3 p.m. in the Richards Recital Hall, Dixon University Center, 2986 North Second Street, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Carolyn S. Cass, Director, Division of Child and Adult Health Services at (717) 783-5436. For speech and/or hearing impaired persons, contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 05-2058. Filed for public inspection November 4, 2005, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania E-I-E-I Dough Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania E-I-E-I Dough.

2. *Price:* The price of a Pennsylvania E-I-E-I Dough instant lottery game ticket is \$1.

3. *Play Symbols:*

(a) Each Pennsylvania E-I-E-I Dough instant lottery game ticket will contain one play area containing six prize play symbols and a separate "BONUS BARN" area. The prize play symbols and their captions located in the play area are: Free Ticket (TICKET), \$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), \$100 (ONE HUN) and \$2,000 (TWO THO). The play symbols and their captions located in the "BONUS BARN" area are: Corn symbol (CORN), Barn symbol (BARN), Pitchfork symbol (PFORK), Cow symbol (COW), Pig symbol (PIG) and a Tractor symbol (TRACTOR).

4. *Prize Symbols:* The prize symbols and their captions located in the "Prize" area of the "BONUS BARN" 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) and \$100 (ONE HUN).

5. *Prizes:* The prizes that can be won in this game are: Free Ticket, \$1, \$2, \$3, \$5, \$10, \$20, \$40, \$100 and \$2,000. The prizes that can be won in Bonus Barn are: \$1, \$2, \$3, \$5, \$10, \$20, \$40 and \$100.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania E-I-E-I Dough instant lottery game.

7. *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 a Tractor (TRACTOR) play symbol in the "BONUS BARN" and a prize symbol of

\$100 (ONE HUN) appears under the Tractor (TRACTOR) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) 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.

(e) Holders of tickets with a Tractor (TRACTOR) play symbol in the "BONUS BARN" and a prize symbol of \$40\$ (FORTY) appears under the Tractor (TRACTOR) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) 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.

(g) Holders of tickets with a Tractor (TRACTOR) play symbol in the "BONUS BARN" and a prize symbol of \$20\$ (TWENTY) appears under the Tractor (TRACTOR) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) 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.

(i) Holders of tickets with a Tractor (TRACTOR) play symbol in the "BONUS BARN" and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Tractor (TRACTOR) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) 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.

(k) Holders of tickets with a Tractor (TRACTOR) play symbol in the "BONUS BARN" and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Tractor (TRACTOR) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets with three matching prize play symbols of \$3<sup>00</sup> (THR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$3.

(m) Holders of tickets with a Tractor (TRACTOR) play symbol in the "BONUS BARN" and a prize symbol of \$3<sup>00</sup> (THR DOL) appears under the Tractor (TRACTOR) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(n) 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.

(o) Holders of tickets with a Tractor (TRACTOR) play symbol in the "BONUS BARN" and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the Tractor (TRACTOR) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) 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.

(q) Holders of tickets with a Tractor (TRACTOR) play symbol in the "BONUS BARN" and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the Tractor (TRACTOR) play symbol, on a single ticket, shall be entitled to a prize of \$1.

(r) 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 E-I-E-I Dough instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amount of prizes and approximate odds of winning:

<i>Win With Prizes of:</i>	<i>Win</i>	<i>Approximate Odds 1 in:</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
3-FREE's	TICKET	15	800,000
3-\$1's	\$1	60	200,000
\$1 w/TRACTOR (BONUS BARN)	\$1	60	200,000
3-\$2's	\$2	33.33	360,000
\$2 w/TRACTOR (BONUS BARN)	\$2	33.33	360,000
3-\$3's	\$3	60	200,000
\$3 w/TRACTOR (BONUS BARN)	\$3	60	200,000
3-\$5	\$5	150	80,000
\$5 w/TRACTOR (BONUS BARN)	\$5	150	80,000
3-\$10's	\$10	150	80,000
\$10 w/TRACTOR (BONUS BARN)	\$10	150	80,000
3-\$20's	\$20	600	20,000
\$20 w/TRACTOR (BONUS BARN)	\$20	600	20,000
3-\$40's	\$40	5,854	2,050
\$40 w/TRACTOR (BONUS BARN)	\$40	5,714	2,100
3-\$100's	\$100	34,286	350
\$100 w/TRACTOR (BONUS BARN)	\$100	34,286	350
\$2,000	\$2,000	1,200,000	10

TRACTOR = In BONUS BARN win prize under it automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania E-I-E-I Dough instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania E-I-E-I Dough, prize money from winning Pennsylvania E-I-E-I Dough instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania E-I-E-I Dough instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania E-I-E-I Dough or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-2059. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Pennsylvania Red Hot Dice 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 Red Hot Dice.

2. *Price:* The price of a Pennsylvania Red Hot Dice instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Red Hot Dice instant lottery game ticket will contain one play area consisting of ten separate "ROLLS." Each "ROLL" is played separately. The play symbols and their captions located in the play area for each "ROLL" are: 1 symbol (ONE), 2 symbol (TWO), 3 symbol (THREE), 4 symbol (FOUR), 5 symbol (FIVE), 6 symbol (SIX) and Hot Dice symbol (HOTDICE).

4. *Prize Symbols:* The prize symbols and their captions located in the prize area of each "ROLL" are: \$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\$ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$2,000 (TWO THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$500, \$2,000 and \$20,000. The player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Red Hot Dice instant lottery game.



7. *Determination of Prize Winners:*

(a) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$20,000 (TWY THO) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$2,000 (TWO THO) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$2,000.

(c) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the play symbols is a Hot Dice symbol (HOTDICE), and a prize symbol of \$50\$ (FIFTY) appears in each of the ten of the "PRIZE" areas on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with two identical play symbols in the same "ROLL," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with two identical play symbols in the same "ROLL," and a prize symbol of \$50\$ (FIFTY) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the play symbols is a Hot Dice symbol (HOTDICE), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in each of the ten of the "PRIZE" areas on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$50\$ (FIFTY) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the play symbols is a Hot Dice symbol (HOTDICE), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in all ten of the "PRIZE" areas on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$40\$ (FORTY) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets with two identical play symbols in the same "ROLL," and a prize symbol of \$20\$ (TWENTY) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets upon which any one of the play symbols is a Hot Dice symbol (HOTDICE), and a prize

symbol of \$4<sup>00</sup> (FOR DOL) appears in each of the ten of the "PRIZE" areas on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$20\$ (TWENTY) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets with two identical play symbols in the same "ROLL," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which any one of the play symbols is a Hot Dice symbol (HOTDICE), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in each of the ten of the "PRIZE" areas on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets with two identical play symbols in the same "ROLL," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the play symbols is a Hot Dice symbol (HOTDICE), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in each of the ten of the "PRIZE" areas on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$5.

(u) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$4.

(v) Holders of tickets with two identical play symbols in the same "ROLL," and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$4.

(w) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "PRIZE" area to the right side of that "ROLL," on a single ticket, shall be entitled to a prize of \$2.

(x) Holders of tickets where the sum of the play symbols totals 7 or 11 in the same "ROLL," and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "PRIZE" area to the right side of that "ROLL," 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:

<i>When Any Roll Totals 7 or 11, Win With Prize(s) of:</i>	<i>Win:</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 10,800,000 Tickets</i>
\$1 × 2	\$2	18.75	576,000
\$2	\$2	21.43	504,000
\$1 × 4	\$4	50	216,000
\$2 × 2	\$4	50	216,000
\$2 w/PAIR	\$4	50	216,000
\$4	\$4	50	216,000
\$1 × 5	\$5	75	144,000
\$5	\$5	75	144,000
\$1 × 10	\$10	375	28,800
\$1 × 10 w/HOT DICE	\$10	375	28,800
\$5 × 2	\$10	375	28,800
\$5 w/PAIR	\$10	375	28,800
\$10	\$10	375	28,800
\$2 × 10	\$20	750	14,400
\$2 × 10 w/HOT DICE	\$20	750	14,400
\$5 × 4	\$20	1,500	7,200
\$10 × 2	\$20	1,500	7,200
\$10 w/PAIR	\$20	750	14,400
\$20	\$20	750	14,400
\$4 × 10	\$40	1,791	6,030
\$4 × 10 w/HOT DICE	\$40	1,791	6,030
\$10 × 4	\$40	1,818	5,940
\$20 × 2	\$40	1,818	5,940
\$20 w/PAIR	\$40	1,791	6,030
\$40	\$40	1,791	6,030
\$5 × 10	\$50	2,400	4,500
\$5 × 10 w/HOT DICE	\$50	2,400	4,500
\$10 × 5	\$50	2,400	4,500
\$20 w/PAIR + \$10	\$50	2,400	4,500
\$50	\$50	2,069	5,220
\$10 × 10	\$100	10,000	1,080
\$10 × 10 w/HOT DICE	\$100	10,000	1,080
\$50 × 2	\$100	10,000	1,080
\$50 w/PAIR	\$100	10,000	1,080
\$100	\$100	10,000	1,080
\$50 × 10	\$500	120,000	90
\$50 × 10 w/HOT DICE	\$500	120,000	90
\$100 w/PAIR + \$100 × 3	\$500	120,000	90
\$500	\$500	120,000	90
\$100 × 5 + \$500 × 3	\$2,000	240,000	45
\$500 × 4	\$2,000	240,000	45
\$2,000	\$2,000	240,000	45
\$20,000	\$20,000	720,000	15

PAIR = Win double prize shown to the right of that roll.

HOT DICE = Win all 10 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Red Hot Dice 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 Red Hot Dice, prize money from winning Pennsylvania Red Hot Dice 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 Red Hot Dice instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Red Hot Dice or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-2060. Filed for public inspection November 4, 2005, 9:00 a.m.]

**Pennsylvania Sizzling 6's 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 Sizzling 6's.

2. *Price:* The price of a Pennsylvania Sizzling 6's instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Sizzling 6's instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 66 (SIXSIX).

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$6<sup>00</sup> (SIX DOL), \$10<sup>00</sup> (TEN DOL), \$12\$ (TWELV), \$24\$ (TWY FOR), \$60\$ (SIXTY), \$360 (THRHUNSXTY) and \$6,000 (SIX THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$6, \$10, \$12, \$24, \$60, \$360 and \$6,000. The player can win up to six times on the ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 24,000,000 tickets will be printed for the Pennsylvania Sizzling 6's instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 6 (SIX), and a prize symbol of \$6,000 (SIX THO) appearing in the prize area under that 6 (SIX) play symbol, on a single ticket, shall be entitled to a prize of \$6,000.

(b) Holders of tickets with a play symbol of 6 (SIX), and a prize symbol of \$360 (THRHUNSXTY) appearing in the prize area under that 6 (SIX) play symbol, on a single ticket, shall be entitled to a prize of \$360.

(c) Holders of tickets with a play symbol of 6 (SIX), and a prize symbol of \$60\$ (SIXTY) appearing in the prize

area under that 6 (SIX) play symbol, on a single ticket, shall be entitled to a prize of \$60.

(d) Holders of tickets with a play symbol of 6 (SIX), and a prize symbol of \$24\$ (TWY FOR) appearing in the prize area under that 6 (SIX) play symbol, on a single ticket, shall be entitled to a prize of \$24.

(e) Holders of tickets with a play symbol of 66 (SIXSIX), and a prize symbol of \$12\$ (TWELV) appearing in the prize area under that 66 (SIXSIX) play symbol, on a single ticket, shall be entitled to a prize of \$24.

(f) Holders of tickets with a play symbol of 6 (SIX), and a prize symbol of \$12\$ (TWELV) appearing in the prize area under that 6 (SIX) play symbol, on a single ticket, shall be entitled to a prize of \$12.

(g) Holders of tickets with a play symbol of 66 (SIXSIX), and a prize symbol of \$6<sup>00</sup> (SIX DOL) appearing in the prize area under that 66 (SIXSIX) play symbol, on a single ticket, shall be entitled to a prize of \$12.

(h) Holders of tickets with a play symbol of 6 (SIX), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appearing in the prize area under that 6 (SIX) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets with a play symbol of 6 (SIX), and a prize symbol of \$6<sup>00</sup> (SIX DOL) appearing in the prize area under that 6 (SIX) play symbol, on a single ticket, shall be entitled to a prize of \$6.

(j) Holders of tickets with a play symbol of 66 (SIXSIX), and a prize symbol of \$3<sup>00</sup> (THR DOL) appearing in the prize area under that 66 (SIXSIX) play symbol, on a single ticket, shall be entitled to a prize of \$6.

(k) Holders of tickets with a play symbol of 6 (SIX), and a prize symbol of \$4<sup>00</sup> (FOR DOL) appearing in the prize area under that 6 (SIX) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets with a play symbol of 66 (SIXSIX), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appearing in the prize area under that 66 (SIXSIX) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets with a play symbol of 6 (SIX), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appearing in the prize area under that 6 (SIX) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets with a play symbol of 66 (SIXSIX), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appearing in the prize area under that 66 (SIXSIX) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets with a play symbol of 6 (SIX), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appearing in the prize area under that 6 (SIX) play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prizes of:</i>	<i>Win</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 24,000,000 Tickets</i>
\$1	\$1	10	2,400,000
\$1 × 2	\$2	60	400,000
\$1 w/66	\$2	37.5	640,000
\$2	\$2	60	400,000
\$1 × 4	\$4	150	160,000

<i>Win With Prizes of:</i>	<i>Win</i>	<i>Approximate Odds of 1 in:</i>	<i>Approximate No. of Winners Per 24,000,000 Tickets</i>
\$2 × 2	\$4	150	160,000
\$2 w/66	\$4	150	160,000
\$4	\$4	150	160,000
\$1 × 6	\$6	300	80,000
\$2 × 3	\$6	300	80,000
\$3 w/66	\$6	300	80,000
\$6	\$6	300	80,000
\$2 × 5	\$10	300	80,000
\$10	\$10	300	80,000
\$2 × 6	\$12	1,500	16,000
\$4 × 3	\$12	1,500	16,000
\$6 w/66	\$12	750	32,000
\$12	\$12	1,500	16,000
\$4 × 6	\$24	3,000	8,000
\$6 × 4	\$24	3,000	8,000
\$12 w/66	\$24	1,500	16,000
\$24	\$24	3,000	8,000
\$10 × 6	\$60	24,000	1,000
\$12 × 5	\$60	24,000	1,000
\$12 w/66 × 2 + \$12	\$60	24,000	1,000
\$60	\$60	24,000	1,000
\$60 × 6	\$360	400,000	60
\$360	\$360	400,000	60
\$6,000	\$6,000	400,000	60

66 = Win double the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Sizzling 6's 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 Sizzling 6's, prize money from winning Pennsylvania Sizzling 6's 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 Sizzling 6's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Sizzling 6's or through normal communications methods.

GREGORY C. FAJT,  
Secretary

[Pa.B. Doc. No. 05-2061. Filed for public inspection November 4, 2005, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Delaware County Regional Water Quality Control Authority, et al. v. Commonwealth of Pennsylvania, Department of Environmental Protection; EHB Doc. No. 2005-115-K**

The Department of Environmental Protection (Department) and the Delaware County Regional Water Quality Control Authority, Exelon Generation Company LLC, National Railroad Passenger Corporation, Rohm and Haas Company, Sunoco, Inc. and Sunoco, Inc. (R & M) (collectively Appellants) have agreed to a settlement of the appeal noted previously. This appeal challenged the Total Maximum Daily Load (TMDL) for polychlorinated biphenyls for Zones 2—5 of the Tidal Delaware River (PCB TMDL) developed by the United States Environmental Protection Agency on December 15, 2003, with notice of the establishment of the PCB TMDL published by the Department at 35 Pa.B. 2649 (April 30, 2005).

The parties have signed a Stipulation of Settlement, under which the parties agree to dismiss the pending appeal with the express intention of preserving all issues raised by Appellants in this appeal, so that the dismissal of the appeal will not preclude litigation of the issues in a subsequent proceeding. In any such future proceeding, the Department shall retain its right to raise defenses thereto, however, the Department specifically agrees it will not, on the basis of this dismissal, raise defenses of administrative finality, res judicata, or collateral estoppel as a bar to the adjudication of any and all issues raised in this appeal, which have been preserved by the terms of

the Stipulation of Settlement. The Department further agrees that it will support Appellants in the assertion of the position that the issues raised in this appeal are preserved, in response to any claims to the contrary that may be raised by a third party in any subsequent proceeding before the Environmental Hearing Board (Board) and/or any subsequent proceeding in any other tribunal where the Department is a party.

The parties requested that 30 days after this notice is published in the *Pennsylvania Bulletin* the Board incorporate the parties' Stipulation of Settlement into an order dismissing the appeal without prejudice and subject to the Stipulation of Settlement. Copies of the full Stipulation of Settlement are in the hands of Martha E. Blasberg, Esquire, Department of Environmental Protection, Southeast Regional Counsel, 2 East Main Street, Norristown, PA 17401, (484) 250-5930; and Marc E. Gold, Esquire, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, (484) 430-5700. Copies of the full Stipulation of Settlement are also available at the office of the Board and may be reviewed by any interested party on request during normal business hours. Interested members of the public may comment to the Board on the Stipulation of Settlement for a period of 30 days from the date of this notice.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 05-2062. Filed for public inspection November 4, 2005, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The Health Care Cost Containment Council has scheduled the following meetings: Wednesday, November 2, 2005, Data Systems Committee meeting—10 a.m., Education Committee meeting—1 p.m.; Thursday, November 3, 2005, Council meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and want to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 05-2063. Filed for public inspection November 4, 2005, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, October 20, 2005, and announced the following:

### Action Taken—Regulation Approved:

Department of Labor and Industry #12-58: Boiler and Unfired Pressure Vessel Regulations (deletes 34 Pa. Code Chapter 3 and adds 34 Pa. Code Chapter 3a)

### Approval Order

Public Meeting held  
October 20, 2005

*Commissioners Voting:* John R. McGinley Jr., Esq., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; John F. Mizner, Esq.; Murray Ufberg, Esq.

*Department of Labor and Industry; Boiler and Unfired Pressure Vessel Regulations; Regulation No. 12-58*

On October 21, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Labor and Industry (Department). This rulemaking deletes Chapter 3 and adds Chapter 3a to Title 34 Pa. Code. The proposed regulation was published in the November 6, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 19, 2005.

This regulation implements the Boiler and Unfired Pressure Vessel Law, Act 85 of 1998 (35 P. S. §§ 1331.1—1331.19). The regulation sets forth requirements and procedures for the construction, installation, maintenance, repair, inspection and operation of boilers and unfired pressure vessels.

We have determined this regulation is consistent with the statutory authority of the Department (35 P. S. § 1331.14) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-2064. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations on the dates indicated. To obtain the date and time of the meeting at which the Commission will consider these regulations, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
7-392	Environmental Quality Board Environmental Laboratory Accreditation	10/26/05

*Final-Omit*  
*Reg. No.*                      *Agency/Title*                      *Received*

4-80                      Department of Community and Economic Development  
Community Development Grant Program

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 05-2065. Filed for public inspection November 4, 2005, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Inter-County Health Plan, Inc.; Application for Approval of Revised Rates for Its 65-Select (Health) Plans; Rate Filing

An error occurred in a notice that appeared at 35 Pa.B. 5436 (October 1, 2005). The requested rate adjustment percentages were correct but the company applied these percentages to the 2004 rates rather than the approved 2005 rates, resulting in requested rates that did not reflect the company's intended 2006 rate level. The corrected information is as follows:

Inter-County Health Plan, Inc. has filed filing no. MG Health 0905 for approval increased rates for its community-rated 65-Select program. The revised rates are to be effective on January 1, 2006, and reflect an average increase of 21.0% over the currently approved rates. The monthly premiums for subscribers enrolling at first eligibility are as follows:

	<i>Current Rate</i>	<i>Proposed Rate</i>	<i>Adjustment Percentage</i>
Plan A	\$59.80	\$73.80	23.4%
Plan B	\$62.25	\$76.80	23.4%
Plan C	\$71.15	\$85.45	20.1%
Plan D	\$64.60	\$79.70	23.4%
Plan E	\$62.25	\$76.80	23.4%
Plan H	\$76.40	\$94.25	23.4%

These rate adjustments will affect approximately 3,200 subscribers in this Commonwealth and will generate approximately \$624,000 in additional premium annually.

Unless formal administrative action is taken prior to January 3, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

In conjunction with this corrected notice, the Department is extending the deadline for submission of public input regarding this filing from October 31, 2005, to November 21, 2005. Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance

Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) by November 21, 2005.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 05-2066. Filed for public inspection November 4, 2005, 9:00 a.m.]

### Inter-County Hospitalization Plan, Inc.; Application for Approval of Revised Rates for Its 65-Select (Hospital) Plans; Rate Filing

An error occurred in a notice that appeared at 35 Pa.B. 5436 (October 1, 2005). The requested rate adjustment percentages were correct but the company applied these percentages to the 2004 rates rather than the approved 2005 rates, resulting in requested rates that did not reflect the company's intended 2006 rate level. The corrected information is as follows:

Inter-County Hospitalization Plan, Inc. has filed filing no. MG Hospital 0905 for approval of increased rates for its community-rated 65-Select program. The revised rates are to be effective on January 1, 2006, and reflect an average increase of 21.3% over the currently approved rates. The monthly premiums for subscribers enrolling at first eligibility are as follows:

	<i>Current Rate</i>	<i>Proposed Rate</i>	<i>Adjustment Percentage</i>
Plan A	\$41.05	\$54.15	31.9%
Plan B	\$60.45	\$81.90	35.4%
Plan C	\$77.45	\$93.35	20.6%
Plan D	\$77.90	\$93.80	20.4%
Plan E	\$82.15	\$99.00	20.5%
Plan H	\$168.50	\$190.05	12.8%

These rate adjustments will affect approximately 3,200 subscribers in this Commonwealth and will generate approximately \$720,000 in additional premium annually.

Effective January 1, 2006, subscribers will have the option of enrolling in Medicare Part D. Subscribers under Plan H who enroll in Medicare Part D will no longer receive prescription drug benefits under their Plan H coverage; the company proposes in this filing a 52.1% reduction in premiums for Plan H subscribers whose prescription drug coverage is eliminated from their plan benefits. The proposed Plan H first eligibility rates with and without prescription drug coverage are as follows:

	<i>Proposed Rate With Rx</i>	<i>Proposed Rate Without Rx</i>	<i>Adjustment Percentage</i>
Plan H	\$190.05	\$91.00	-52.1%

Unless formal administrative action is taken prior to January 3, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

In conjunction with this corrected notice, the Department is extending the deadline for submission of public

input regarding this filing from October 31, 2005, to November 21, 2005. Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us by November 21, 2005.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 05-2067. Filed for public inspection November 4, 2005, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Berks County, Wine & Spirits Shoppe #0615, 19 Douglassville Shopping Center, Douglassville, PA 19518-9663.

*Lease Expiration Date:* November 30, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 3,000 to 6,000 net useable square feet of new or existing retail commercial space located within 1.0 mile of the intersection of US Route 422 and SR 662, Douglassville.

*Proposals due:* December 2, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

Dauphin County, Wine & Spirits Shoppe #2214, Village of Oakhurst Shopping Center, 4404 Oakhurst Boulevard, Harrisburg, PA 17110-3452.

*Lease Expiration Date:* December 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 8,000 net useable square feet of new or existing retail commercial space located along SR 39 (Linglestown Road) bordered by North Progress Avenue to the east and Colonial Road to the west, Harrisburg.

*Proposals due:* December 2, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

Lehigh County, Wine & Spirits Shoppe #3906, Upper Saucon Township.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 8,000 to 13,000 net useable square feet of new or existing retail commercial space located along Center Valley Parkway, east of SR 309, Upper Saucon Township.

*Proposals due:* December 2, 2005, at 12 p.m.

**Department:** Liquor Control Board

**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

Lehigh County, Wine & Spirits Shoppe #3909, 906 Club Avenue, Allentown, PA 18109-2401.

*Lease Expiration Date:* 90-day status since August 1, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 10,000 to 13,000 net useable square feet of new or existing retail commercial space located within a 1/2-mile radius of the intersection of Club Avenue and Union Boulevard, Allentown.

*Proposals due:* December 2, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

Philadelphia County, Wine & Spirits Shoppe #5141, 4924 Baltimore Avenue, Philadelphia, PA 19143-3301.

*Lease Expiration Date:* 90-day status since February 1, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space within a 1/2-mile radius of 4924 Baltimore Avenue, Philadelphia.

*Proposals due:* December 2, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James M. Bradley, (215) 482-9671

Wayne County, Wine & Spirits Shoppe #6401, 510 Church Street, Hawley, PA 18428-1408.

*Lease Expiration Date:* April 30, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 8,000 to 13,000 net useable square feet of new or existing retail commercial space within the vicinity of Hawley.

*Proposals due:* December 2, 2005, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

JONATHAN H. NEWMAN,  
Chairperson

[Pa.B. Doc. No. 05-2068. Filed for public inspection November 4, 2005, 9:00 a.m.]

## MILK MARKETING BOARD

### Re-Opened Hearing and Presubmission Schedule; Milk Marketing Area No. 4

Under the Milk Marketing Law, (31 P. S. § 700j-101—700j-1302), the Milk Marketing Board (Board) will re-

open the public hearing for Milk Marketing Area No. 4 on December 7, 2005, at 9:25 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, Pennsylvania.

The purpose of re-opening the hearing is to receive testimony and exhibits concerning container costs in Milk Marketing Area No. 4. Evidence will be limited to year 2004 units at April 2005 container costs for the cross-section dealers utilized during the October 5, 2005, cost replacement hearing for Milk Marketing Area No. 4.

Parties who have already filed notices of appearance with the Board remain parties to the re-opening of the hearing. Other persons that may be affected by the Board order fixing prices in Area No. 4 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on November 14, 2005, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on November 14, 2005, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on November 23, 2005, each party shall file with the Board seven copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on December 2, 2005, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on November 18, 2005.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,  
Secretary

[Pa.B. Doc. No. 05-2069. Filed for public inspection November 4, 2005, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 28, 2005. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### **Applications of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.**

**A-00122185. Utopian Livery Service, LLC** (131 Hedgerow Lane, West Chester, Chester County, PA 19380), a Pennsylvania limited liability company—persons in limousine service, from points in the Counties of Chester, Delaware and Montgomery to points in Pennsylvania and return.

**A-00122189. Jack A. Carr** (22398 Little Cooley Road, Union City, Erie County, PA 16438)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Erie and Crawford.

**A-00122190. Barbara Ann Steel** (252 IV Enterline Road, Punxsutawney, Jefferson County, PA 15767)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Jefferson and Indiana to points in Pennsylvania and return.

**A-00122187. Sawink, Inc. t/d/b/a County Cab Co.** (25 S. Church Lane, Fernwood, Delaware County, PA 19050), a corporation of the Commonwealth—persons upon call or demand, in the County of Delaware, excluding the Townships of Radnor, Marple, Upper Providence and Newtown; which is to be a transfer of all the right authorized under the certificates issued at A-00116074, Fs. 1 and 2 to Audrey Cab, Inc. t/d/b/a County Cab Co., subject to the same limitations and conditions. Michael S. Henry, LLC, 2336 South Broad Street, Philadelphia, PA 19145.

**A-00122191. S. Erbrick Enterprises, Inc.** (P. O. Box 3403, Allentown, Lehigh County, PA 18106), a corporation



of the Commonwealth—persons, in paratransit service, from points in the Counties of Lehigh, Northampton, Berks and Bucks, to points in Pennsylvania, and return.

**A-00122188. Ronald Warren Bauer, Jr.** (817 Oak Grove Road, Lehighton, Carbon County, PA 18235)—persons in paratransit service, between points in Carbon County.

**A-00122184. Racing Limos of the Lehigh Valley and Pocono's, LLC** (5201 Lincoln Avenue, Whitehall, Lehigh County, PA 18052), a limited liability company of the Commonwealth—persons, in limousine service, from points in the Counties of Lehigh, Northampton, Carbon and Monroe, to points in Pennsylvania, and return.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Explorer Cartage, Inc.; Doc. No. A-00119200C0501*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Explorer Cartage, Inc., respondent, maintains a principal place of business at 2 Woodland Road, 2nd Floor, Wyomissing, PA 19610-1934.

2. That respondent was issued a Certificate of Public Convenience by this Commission on November 05, 2002, at Application Docket No. A-00119200.

3. That respondent has failed to maintain evidence of excess liability and property damage insurance on file with this Commission.

4. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00119200, for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes the additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge,

information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel

### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this complaint and notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty (20) days of the date of service of this Complaint. The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation & Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Upon receipt of the evidence of insurance from your insurer, the Complaint proceeding shall be closed. ACORD CERTIFICATES OF INSURANCE and FAXED FORM E's and H's ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience.

E. If you file an answer which contests the complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 05-2070. Filed for public inspection November 4, 2005, 9:00 a.m.]

## Telecommunications

**A-311160F7001. Verizon North Inc. and McGraw Communications, Inc.** Joint petition of Verizon North Inc. and McGraw Communications, Inc. for approval of an interconnection agreement and amendment no. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon North Inc. and McGraw Communications, Inc., by its counsel, filed on October 19, 2005, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of an interconnection agreement and amendment no. 1 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North Inc. and McGraw Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 05-2071. Filed for public inspection November 4, 2005, 9:00 a.m.]

# PHILADELPHIA REGIONAL PORT AUTHORITY

## Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for: Project #05-107.1, General Construction; Project #05-107.2, Mechanical; Project #05-107.4, Electrical—Addition of Heat and Humidity at Pier 40 South—until 2 p.m. on Thursday, November 22, 2005. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available November 8, 2005. 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% Pennsylvania Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department, in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department. A mandatory prebid job site meeting will be held on November 15, 2005, at 10 a.m. at Pier 40 South, Columbus Boulevard and Christian Street, Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 05-2072. Filed for public inspection November 4, 2005, 9:00 a.m.]

# PORT OF PITTSBURGH COMMISSION

## Independent Auditors' Report

Board of Directors  
Port of Pittsburgh Commission  
Pittsburgh, Pennsylvania

We have audited, in accordance with auditing standards generally accepted in the United States, the governmental fund balance sheet/statement of net assets of Port of Pittsburgh Commission (Commission), a component unit of the Commonwealth of Pennsylvania, as of June 30, 2005, and the related statement of governmental fund revenues, expenditures and changes in fund balance/statement of activities for the year ended (not presented herein); and, in our report dated September 9, 2005, we expressed an unqualified opinion on those financial statements.

As described below, the accompanying summary financial information of the Commission as of and for the year ended June 30, 2005, is not a presentation in conformity with accounting principles generally accepted in the United States. In our opinion, however, the accompanying summary financial information is fairly stated, in all material respects, in relation to the financial statements from which it has been derived.

Terry & Stephenson, P.C.  
429 Forbes Avenue, Suite 1600  
Pittsburgh, PA 15219

September 9, 2005  
Pittsburgh, Pennsylvania

**Port of Pittsburgh Commission**  
**Governmental Fund Balance Sheet/Statement of Net Assets**  
**June 30, 2005**

	<u>Special Revenue Fund</u>	<u>Adjustments</u>	<u>Statement of Net Assets</u>
<b>Assets</b>			
Cash and investments	\$2,011,144	\$ -	\$2,011,144
Capital assets, net of accumulated depreciation	-	1,600,998	1,600,998
Other assets	210,245	-	210,245
<b>Total Assets</b>	<b><u>\$2,221,389</u></b>	<b><u>\$1,600,998</u></b>	<b><u>\$3,822,387</u></b>
<b>Liabilities and Fund Balance/Net Assets</b>			
Liabilities	<u>2,135,814</u>	<u>27,708</u>	<u>2,163,522</u>
Fund balance (accumulated deficit)—Reserved for economic development	<u>85,575</u>	<u>(85,575)</u>	<u>-</u>
Net Assets:			
Restricted for economic development		2,057,867	2,057,867
Invested in capital assets, net of related debt		(399,002)	(399,002)
<b>Total Liabilities and Fund Balance/Net Assets</b>	<b><u>\$2,221,389</u></b>	<b><u>\$1,658,865</u></b>	<b><u>\$1,658,865</u></b>

**Port of Pittsburgh Commission**  
**Statement of Governmental Fund Revenues, Expenditures, and Changes**  
**in Fund Balance**  
**Statement of Activities for the Year Ended June 30, 2005**

	<u>Special Revenue Fund</u>	<u>Adjustments</u>	<u>Statement of Activities</u>
<b>Expenditures/Expenses:</b>			
Personnel	426,233	6,408	432,641
Operating	743,268	-	743,268
Other	38,655	90,703	129,358
<b>Total Expenditures/Expenses</b>	<b><u>1,208,156</u></b>	<b><u>97,111</u></b>	<b><u>1,305,267</u></b>
<b>Revenues and Other Financing Sources:</b>			
Revenues	282,048	-	282,048
Other financing sources	900,000	-	900,000
<b>Total Revenues and Other Financing Sources</b>	<b><u>1,182,048</u></b>	<b><u>-</u></b>	<b><u>1,182,048</u></b>
<b>Deficiency of Revenues and other Financial Sources under Expenditures/Expenses</b>			
Fund balance/net assets, beginning of year	(26,108)	(97,111)	(123,219)
Fund balance/Net Assets, End of Year	<u>111,683</u>	<u>1,670,401</u>	<u>1,782,084</u>
	<b><u>\$85,575</u></b>	<b><u>\$1,573,290</u></b>	<b><u>\$1,658,865</u></b>

The summary financial information shown above differs from accounting principles generally accepted in the United States. Differences include amounts grouped; captions summarized; footnote disclosures are omitted.

JAMES R. MCCARVILLE,  
*Executive Director*

[Pa.B. Doc. No. 05-2073. Filed for public inspection November 4, 2005, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School

Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

January 4, 2006	Fred D. Houston (Purchase of Service)	1 p.m.
January 14, 2006	Charles S. Morgante (Final Average Salary)	1 p.m.
February 1, 2006	Dennis J. Bixler (Final Average Salary)	1 p.m.

Persons with a disability who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 05-2074. Filed for public inspection November 4, 2005, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

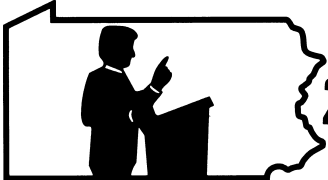
Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:  
 The payment date specified in the contract.  
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.  
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
 PA Department of Community and Economic Development  
 374 Forum Building  
 Harrisburg, PA 17120  
 800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department:	General Services			
Location:	Harrisburg, Pa.			
Duration:	12/1/93-12/30/93			
Contact:	Procurement Division			
	787-0000			

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.  
  
(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

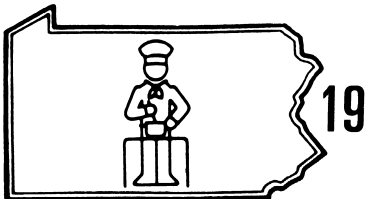
## DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at [www.patreaury.org](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*

## SERVICES



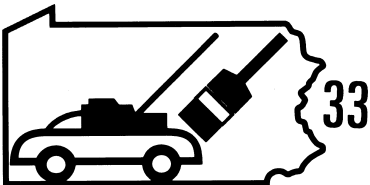
### Food

**HUNa1105-0606** Description: Dairy/Frozen Products: Broccoli Spears, Cauliflower, Ice-cream and any other frozen products needed to supply the Institutions Food Service department.

**Department:** Corrections  
**Location:** SCI-Huntingdon/Smithfield, 1100 Pike Street, Huntingdon, PA 16654  
**Duration:** November 1, 2005 through June 30, 2006.  
**Contact:** Susan Barben, PA1, (814) 643-2400, 305

**CN00017093** Description: Bread and bread products.

**Department:** Public Welfare  
**Location:** Polk Center, P.O. Box 94, Polk, PA 16342  
**Duration:** January 1, 2006 through June 30, 2006  
**Contact:** Marty DuPont, Purchasing Agent, (814) 432-0326



### Property Maintenance

**CL-624** Description: Replace DA Tank, Boiler House. Clarion University of Pennsylvania is soliciting bids for replacement of an existing deaerator tank in the boiler house on main campus on Clarion, PA. Two prime contracts will be awarded for: general construction to include removal of a roof section and replacement of same after the new tank has been installed; and mechanical construction to include installation of a new tank through the roof opening with reinstallation of all piping and trim. Plans cost: \$30.00, nonrefundable, by check payable to Clarion University and mailed to the attention of Judy McAninch, Contract Specialist, 218 Carrier Hall, Clarion University, Clarion, PA 16214. Pre-Bid meeting: 10:00 a.m., November 9, 2005. Bids Due: 2:00 p.m., November 23, 2005.

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion County, Clarion, PA  
**Duration:** 120 Days from Notice to Proceed  
**Contact:** Judy McAninch, (814) 393-2240



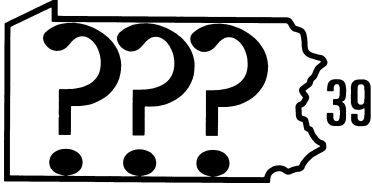
### Real Estate Services

**93917** Description: Lease office space to the Commonwealth. Proposals are invited to provide the Gaming Control Board with 8,500 useable square feet of office space in Allegheny County, PA within Cranberry Township, Greentree Borough, City of Pittsburgh (North Shore). Downtown locations will be considered. For more information on SFP #93917 which is due on 11/21/05 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) and click on "Real Estate" to download an SFP document or (717) 787-4396.

**Department:** Gaming Control Board  
**Location:** 505 North Office Building Harrisburg, PA 17125  
**Contact:** John Hocker, (717) 787-4396

**93918** Description: Lease office/storage space to the Commonwealth. Proposals are invited to provide the Gaming Control Board with 16,000 sq. ft. office space and 3,500 sq. ft. storage space. The offered space must be located within the city limits of Harrisburg and Swatara Township, Dauphin County, with availability of private and/or public parking. The site must also be accessible to public transportation. The offered space must have the capability to provide an additional 20,000 sq. ft. of office space based on the Gaming Control Board's future space needs and contain a 10' x 20' secure vault and loading dock adjacent to the office space. Downtown locations will be considered. For more information on SFP #93918 which is due on 11/28/05 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4396.

**Department:** Gaming Control Board  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** John Hocker



### Miscellaneous

**cn00017337** Description: PennDOT, Butler County Dist. 1020, is soliciting bids from individuals, firms and corporations to purchase (1) one heavy duty series of a tire changer feature to include the handles the rims sizes from 14" to 56" in diameter and tires up to 43" wide. Must include freight charges, set up the tire changer, and the training by a factory rep all must be register on line [www.vendorregistration.state.pa.us](http://www.vendorregistration.state.pa.us) to do business with the Commonwealth, please fax or e-mail your name and your company and the complete address, phone number and be fax @ 724-283-3571 or e-mail [askunda@state.pa.us](mailto:askunda@state.pa.us).

**Department:** Transportation  
**Location:** Department of Transportation, 351 New Castle Road, Butler, PA 16001  
**Duration:** Until the purchase order is approved and the tire changer is received and the department personnel is trained.  
**Contact:** Andy Skunda, (724) 284-8226

**SU-05-06** Description: SU-05-06 AccuTemp Steamers—Shippensburg University is seeking vendors interested in supplying Model #S62083D10-3020 AccuTemp Steam 'N' Hold Convection Countertop Steamers and Model #SNH21-00 AccuTemp Stands. Interested bidders may request a bid package by faxing a request to (717) 477-1350 or sending an e-mail to [kmsmit@ship.edu](mailto:kmsmit@ship.edu). Bids are due by November 10, 2005 4:00 p.m. and will be opened on November 11, 2005 2:00 p.m. All responsible bidders are encouraged to participate including MBE/WBE firms.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257  
**Contact:** Karen Smith, (717) 477-1386

[Pa.B. Doc. No. 05-2075. Filed for public inspection November 4, 2005, 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*





# Title 58—RECREATION

## PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS 401, 435 AND 461]

### Amendment to Temporary Regulations

Under the Pennsylvania Gaming Control Board's (Board) Resolution No. 2005-3 REG, entitled Adoption of Temporary Regulations, dated June 16, 2005, the Board has the authority to amend the temporary regulations, adopted on June 16, 2005, as it deems necessary in accordance with the purpose of the act of July 5, 2004 (P. L. 572, No. 71) (Act 71) and to further the intent of Act 71. Therefore the Board has decided to make editorial changes to the temporary regulations, dated June 16, 2005, as deposited with the Legislative Reference Bureau (Bureau) and published at 35 Pa.B. 4045 (July 16, 2005).

Therefore, the Board has deposited with the Bureau amendments to §§ 401.4, 435.2, 435.3, 435.4 and 461.2. The amendments are effective as of October 20, 2005.

The temporary regulations of the Board, Chapters 401, 435 and 461, are amended by amending §§ 401.4, 435.2, 435.3, 435.4 and 461.2 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

THOMAS A. DECKER,  
*Chairperson*

**Fiscal Note:** 125-5. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 58. RECREATION

#### PART VII. GAMING CONTROL BOARD

##### Subpart A. GENERAL PROVISIONS

#### CHAPTER 401. PRELIMINARY PROVISIONS

##### § 401.4. Definitions.

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

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

\* \* \* \* \*

#### Subpart B. LICENSING, REGISTERING AND PERMITTING CHAPTER 435. EMPLOYEES

##### § 435.2. Key employee qualifier license.

(a) All key employee qualifiers, including natural persons and entities, shall obtain a key employee qualifier license from the Board.

\* \* \* \* \*

##### § 435.3. Key employee license.

\* \* \* \* \*

(b) An application for licensure as a key employee shall be on a form prescribed by the Board and include the following:

\* \* \* \* \*

(13) History of insurance claims relating to the business activities of the applicant.

\* \* \* \* \*

##### § 435.4. Occupation permit.

\* \* \* \* \*

(b) An application for an occupation permit shall be on a form prescribed by the Board and include the following:

\* \* \* \* \*

(13) History of insurance claims relating to the business activities of the applicant.

\* \* \* \* \*

(i) For an individual with out-of-State convictions, if the Board provides the individual with the opportunity to demonstrate rehabilitation, the individual shall provide certification from the equivalent state or county board of probation or parole, whichever is applicable that all obligations for restitution, fines and penalties have been met. The Board will provide notice to the district attorney or equivalent thereof of the individual's place of conviction of the individual's request for a determination of rehabilitation. The district attorney or equivalent thereof shall have 15 days from receipt of the notice to provide input into the determination.

(j) Nothing in subsections (h) or (i) shall be construed to authorize the issuance of an occupation permit to an applicant who has been convicted of an offense under 18 Pa.C.S. (relating to crimes and offenses) or the criminal laws of any other jurisdiction which conviction indicates that the issuance of the occupation permit to the applicant would be inimical to the public policy of the act or this part.

#### Subpart E. SLOT MACHINE TESTING, CERTIFICATION AND CONTROL CHAPTER 461. SLOT MACHINE TESTING AND CERTIFICATION REQUIREMENTS

##### § 461.2. Testing and certification generally.

\* \* \* \* \*

(c) The Board has the authority to require either or both of the following procedures with respect to testing and certifying a slot machine:

\* \* \* \* \*

(2) Utilize the services of slot machine testing and certification facilities to conduct the testing until a slot machine testing and certification facility is created by the Board.

\* \* \* \* \*

[Pa.B. Doc. No. 05-2076. Filed for public inspection November 4, 2005, 9:00 a.m.]

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