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PENNSYLVANIA BULLETIN

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Agencies in this issue

The Governor
The Courts
Department of Agriculture
Department of Banking
Department of Environmental Protection
Department of General Services
Department of Health
Department of Public Welfare
Department of Revenue
Department of Transportation
Insurance Department
Patient Safety Authority
Pennsylvania Public Utility Commission
State Board of Chiropractic

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

No. 385, December 2006

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE GOVERNOR

GOVERNOR'S OFFICE

Proclamation of Disaster Emergency

December 15, 2006

Whereas, Heavy and continuous rainfall throughout the Commonwealth beginning on November 16, 2006, and continuing over two days, resulted in severe flooding in numerous northeastern counties; and

Whereas, the heavy and continuous rainfall has caused severe and widespread flash flooding in Bradford, Lackawanna, Luzerne, Schuylkill, Sullivan, Susquehanna, Wayne, and Wyoming Counties, resulting in extensive damage to public and private property; and

Whereas, the flash flooding has caused extensive damage to roads, streets, and bridges, private homes, and businesses, and may cause other adverse impact upon the general population of northeastern Pennsylvania; and

Whereas, the emergency situation caused by the rainfall and flash flooding was of such magnitude and severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans.

Now Therefore, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq.), I do hereby proclaim the existence of a disaster emergency in the Commonwealth of Pennsylvania and I direct all Commonwealth departments and agencies to utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

Further, I hereby transfer up to \$1 million in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses that may be incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516.

Further, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner that he deems necessary, to ensure that all state highways in the disaster-affected areas are cleared of debris and any other obstructions resulting from this severe storm and to ensure that highways, bridges, roadbeds, and related facilities and structures, including Federal-aid highways, that have sustained damage in the disaster-affected areas are immediately repaired, maintained, reconstructed, or replaced or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs and clearing and removal of debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of

Transportation. This assistance, however, does not apply to privately owned highways, roads, streets, or other types of property; and I hereby authorize the Secretary of Transportation, in his sole discretion, to waive any provision of the Vehicle Code or any other law or regulation which he is authorized by law to administer or enforce as may be necessary to respond to this emergency.

Still Further, I hereby urge the governing bodies and executive officers of all political subdivisions that may be affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this proclamation, namely: by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, on this fifteenth day of December in the year of our Lord two thousand and six, and of the Commonwealth the two hundred and thirty-first.



Governor

[Pa.B. Doc. No. 06-2544. Filed for public inspection December 29, 2006, 9:00 a.m.]

Amendment to Proclamation of Disaster Emergency

December 18, 2006

Whereas, On June 28, 2006, I declared a State of Disaster Emergency in Adams, Armstrong, Bedford, Berks, Blair, Bradford, Bucks, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York Counties, resulting in extensive damage to public and private property; and

Whereas, this Proclamation was amended on September 26, 2006; and

Whereas, the amended Proclamation expires on December 26, 2006.

Now Therefore, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq. as amended), I do hereby amend my Proclamation of June 28, 2006, as follows:

The period of the state of disaster emergency is extended from December 26, 2006 to March 26, 2007.

I hereby direct that the other operational provisions of the June 28, 2006, Proclamation that remain applicable to the current emergency circumstances in the counties shall continue in full force and effect.

THE GOVERNOR

This amendment to Proclamation shall take effect on December 26, 2006.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, this eighteenth day of December in the year of our Lord, two thousand six and of the Commonwealth, the two hundred and thirty-first.



Governor

[Pa.B. Doc. No. 06-2545. Filed for public inspection December 29, 2006, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 211]

Judicial Salaries

Annex A

TITLE 204. JUDICIAL SYSTEM PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 211. CONSUMER PRICE INDEX

The Court Administrator of Pennsylvania has computed the annual judicial salaries effective January 1, 2007 for publication in the *Pennsylvania Bulletin*.

The Act of November 16, 2005, P. L. 385, No. 72 ("Act 72") has presumptively repealed Section 1810 of the Act of July 7, 2005, P. L. 201, No. 44 ("Act 44") relating to the judicial COLA and reenacted Section 2.1(i) of the Public Official Compensation Law, Act of September 30, 1983, P. L. 160, No. 39, added by the Act of October 19, 1995, P. L. 324, No. 51 ("Act 51"), 65 P. S. § 366.1, et seq.

In *Stilp v. Commonwealth*, 588 Pa. 539, 905 A.2d 918 (2006), the Supreme Court of Pennsylvania enjoined Act 72 insofar as it repealed Sections 1801-09 of Act 44. However, the Supreme Court declined to address the constitutional argument concerning the adjustment provisions of Act 44's formula for future judicial compensation as set forth in Section 1810.¹

The Court Administrator of Pennsylvania has determined that the judicial COLA provided for in Section 2.1(i) of Act 51 and the judicial COLA provided for in Section 1810 of Act 44 are identical for calendar year 2007.

The Court Administrator of Pennsylvania reports that the percentage increase in the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U), for the 12-month period ending October 2006, was 2.0 percent. (See U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, October 2006, published Thursday, November 16, 2006).

The Court Administrator of Pennsylvania hereby reports that the following judicial salaries are effective January 1, 2007.

§ 211.2. Judicial salaries effective January 1, 2007.

(a) *Supreme Court.*

(1) The annual salary of a justice of the Supreme Court shall be \$175,236.

(2) The annual salary of the Chief Justice of the Supreme Court shall be \$180,336.

(b) *Superior Court.*

(1) The annual salary of a judge of the Superior Court shall be \$165,342.

(2) The annual salary of the President Judge of the Superior Court shall be \$170,442.

(c) *Commonwealth Court.*

(1) The annual salary of a judge of the Commonwealth Court shall be \$165,342.

(2) The annual salary of the President Judge of the Commonwealth Court shall be \$170,442.

(d) *Courts of common pleas.*

(1) The annual salary of a judge of the court of common pleas shall be \$152,115.

(2) The annual salary of the President Judges of the Court of Common Pleas shall be in accordance with the following schedule:

(i) Allegheny County, \$154,665.

(ii) Philadelphia County, \$155,175.

(iii) Judicial districts having six or more judges, \$153,441.

(iv) Judicial districts having one to five judges, \$152,778.

(v) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of six or more judges, \$153,441.

(vi) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of five or less judges, \$152,778.

(vii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of six or more judges, \$153,441.

(viii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of five or less judges, \$152,778.

(e) *Philadelphia Municipal Court.*

(1) The annual salary of a judge of the Philadelphia Municipal Court shall be \$148,596.

(2) The annual salary of the President Judge of the Philadelphia Municipal Court shall be \$150,891.

(f) *Philadelphia Traffic Court.*

(1) The annual salary of a judge of the Philadelphia Traffic Court shall be \$79,934.

(2) The annual salary of the President Judge of the Philadelphia Traffic Court shall be \$80,597.

(g) *Magisterial district judge.* The annual salary of a magisterial district judge shall be \$76,058.

(h) *Senior judges.*

(1) The compensation payable to a senior judge of a court of common pleas, a senior Commonwealth Court judge, a senior Superior Court judge and a senior Supreme Court justice, assigned pursuant to 42 Pa.C.S. § 4121 (relating to assignment of judges) and a senior Philadelphia Municipal Court judge assigned pursuant to 42 Pa.C.S. § 4124 (relating to assignment of senior Philadelphia Municipal Court judges) shall be \$466 per day. In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not, when added to retirement income

¹ "We make no determination because the issue is not properly before us, the parties were not asked to brief it, and it is speculative whether such an issue will ripen." 905 A.2d at 981.

paid by the Commonwealth, for the senior judge, exceed the annual salary payable by the Commonwealth to a judge then in regular active service on the court from which the senior judge retired.

(2) In any calendar year, the amount of compensation which a senior judge assigned to serve on a court referred to in 42 Pa.C.S. § 1806 (relating to Philadelphia Municipal Court), 42 Pa.C.S. § 1807 (relating to Philadelphia Traffic Court) or 42 Pa.C.S. § 1808 (relating to magisterial district judges) shall be permitted to earn as a senior judge shall not, when added to retirement income paid by the Commonwealth to that senior judge, exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which that senior judge retired.

(3) A senior judge who so elects may serve without being paid all or any portion of the compensation permitted.

[Pa.B. Doc. No. 06-2546. Filed for public inspection December 29, 2006, 9:00 a.m.]

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CHS. 1 AND 3]

Amendment to the Rules of Procedure of the Court of Judicial Discipline; Doc. No. 1 JD 94

Order

Per Curiam

And Now, this 13th day of December, 2006, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having proposed amendments to Rules of Procedure Nos. 110 and 302, as more specifically hereinafter set forth, *It Is Hereby Ordered:*

That Court Administrator Wanda W. Sweigart provide for the publication of the Amendment in the *Pennsylvania Bulletin*, and

That interested parties shall submit suggestions, comments, or objections no later than thirty days from the publication of this Order in the *Pennsylvania Bulletin*.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

IN GENERAL

Rule 110. Entry of Appearance.

* * * * *

(B) The entry of appearance shall include counsel's name, address, phone number, and Pennsylvania Supreme Court Identification Number. Admission Pro Hoc Vice shall be in accordance with the Pennsylvania Bar Admission Rules.

[*Official Note:* Counsel should file an entry of appearance within 15 days of service of the Board Complaint or a Preliminary Conference Judge will be appointed in accordance with Rule 301(B).]

* * * * *

ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

CHAPTER 3. INITIATION OF FORMAL CHARGES

Rule 302. Contents of Board Complaint.

* * * * *

[(B) The Board Complaint shall contain a notice to the Judicial Officer advising the Judicial Officer to engage an attorney to represent him or her before the Court in connection with the charges set out in the Board Complaint and directing that the attorney shall file an entry of appearance within 15 days of the service of the Board Complaint. The notice shall be substantially in the following form:

You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline within 15 days of the service of this Complaint in accordance with C.J.D.R.P. No. 302(B).

(C) If an entry of appearance is not filed within the time specified in paragraph (B), the Clerk shall immediately notify the President Judge.

(D) Within five (5) days of notification by the Clerk as in paragraph (C), the President Judge shall appoint a member of the Court to serve as Preliminary Conference Judge. The Preliminary Conference Judge shall then proceed in accordance with C.J.D.R.P. No. 301(C).]

[(E)] (B) * * *

[(F)] (C) * * *

[Pa.B. Doc. No. 06-2547. Filed for public inspection December 29, 2006, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 400]

Amendment of Rule 400.1 Governing Service of Original Process to Include the Fifth Judicial District (Allegheny County); Proposed Recommendation No. 220

The Civil Procedural Rules Committee is proposing that Rule of Civil Procedure 400.1 governing service of original process in the First Judicial District be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than February 16, 2007 to:

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

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

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 400. SERVICE OF ORIGINAL PROCESS

SERVICE GENERALLY

Rule 400.1. Provisions for [**All Courts of**] the First **and Fifth** Judicial [**District**] **Districts**.

(a) In an action commenced in the First **or Fifth** Judicial District, original process may be served

(1) within the county by the sheriff or a competent adult, or

(2) in any other county by deputized service as provided by Rule 400(d) or by a competent adult forwarding the process to the sheriff of the county where service may be made.

Official Note: See Rule 76 for the definition of “competent adult.”

The First **and Fifth** Judicial [**District is**] **Districts** are comprised of Philadelphia **and Allegheny Counties, respectively**.

(b) In an action commenced in any other county, original process may be served in Philadelphia **or Allegheny** County by deputized service as provided by Rule 400(d) or by a competent adult.

* * * * *

Explanatory Comment

The Civil Procedural Rules Committee is proposing the amendment of Rule 400.1 governing service of original process following a request by the President Judge of the Fifth Judicial District (Allegheny County) “to allow actions commenced in the Fifth Judicial District to be served within the county by a competent adult and in any other county by a competent adult forwarding the process to the sheriff of the county where service may be made.” The amendment was requested in light of the inability of the Sheriff’s Office to provide security in the Civil Division and Administrative Offices of the judicial district due to “budgetary constraints and understaffed work force.”

Attorneys would have the option to have original process served by the sheriff under the amended rule.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 06-2548. Filed for public inspection December 29, 2006, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Rules of the Court of Common Pleas; No. 2 of 2006 Rules Doc.

Amended Order of Court

And Now, this 29th day of November, 2006, my Order of Court dated October 17, 2006, is amended to read in its entirety as follows:

By vote of the Board of Judges on October 4, 2006, it is hereby *Ordered* and *Decreed* that all Civil Court Rules, Rules 1915.15(a)(1) and 1915.16(c) only of the Family Court Rules, and all Magisterial District Judge Rules are rescinded, and the Civil and Family Court Rules and Magisterial District Judge Rules attached to my October 17, 2006 Order of Court are adopted.

This Order is promulgated in accordance with Pa.R.C.P. No. 239 and shall become effective December 4, 2006, which is thirty (30) days after publication of the adopted rules in the *Pennsylvania Bulletin*. This Order shall be filed with the Prothonotary of Allegheny County in the Rules Docket, and copies submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil and Family Court Procedural Rules Committees.

By the Court

JOSEPH M. JAMES,
President Judge

[Pa.B. Doc. No. 06-2549. Filed for public inspection December 30, 2006, 9:00 a.m.]

Title 255—LOCAL COURT RULES

NORTHAMPTON COUNTY

Administrative Order 2006-15—Fee Schedule, Civil/ Prothonotary; C-48-CV-2006-10178

Order of Court

And Now, this 13th day of December, 2006, *It Is Hereby Ordered* that the current schedule of fees charged by the Clerk of Courts—Civil Division/Prothonotary shall continue until December 31, 2006. The attached schedule of fees for the Clerk of Courts—Civil Division/Prothonotary shall take effect January 1, 2007.

A copy of this administrative order and the schedule of fees shall be published in the *Northampton County Reporter*.

By the Court

ROBERT A. FREEDBERG,
President Judge

**NORTHAMPTON
COUNTY—CIVIL/PROTHONOTARY FEE
SCHEDULE AS OF JANUARY 1, 2007**

	FEES
ACKNOWLEDGMENT OF DEEDS	\$9.25
AFFIDAVITS—RETAKE PRIOR NAME	\$9.25
APPEALS:	
APPEAL—BOARD OF VIEW	\$15.25
APPEAL—HIGHER COURT (Plus \$60.00* (includes JCP Fee) payable to the higher court)	\$57.25
APPEAL—DISTRICT JUSTICE	\$121.75
APPEAL—LICENSE SUSPENSION	\$127.50
ARBITRATION PRAECIPE	\$28.75
Appeal from Arbitration-Arbitrators compensation upon appeal \$375.00 plus any additional compensation that may have been authorized, but total not exceed 50% of the amount of covers. THIS SHALL NOT BE TAXABLE AS COSTS No appeal fee, bond or accrued costs required.	
ASSIGNMENTS	\$9.25
BUILDING AGREEMENTS (Waiver of Liens, Stipulation, etc.)	\$19.00
CERTIFICATIONS:	
Certifying copy of any paper	\$5.75
Additional pages, each	\$1.25
Certification of Notary or District Justice	\$3.50
Exemplification of records including judgments	\$19.00
Certification of Satisfaction/ Discontinuance	\$5.75
COMMENCEMENT OF ACTIONS:	
Commencement of actions at Law or Equity	\$122.00
Custody or Visitation	\$128.50
Divorce—No additional counts	\$132.00
Plus below extra counts in complaint:	
Alimony	\$38.75
Alimony pendente lite, counsel fees and costs	\$38.75
Domestic Relations APL	\$30.75
Custody	\$45.25
Support	\$38.75
Equitable Distribution	\$38.75
Other, each	\$38.75
District Justice Appeals	\$121.75
Protection from Abuse (plus \$25.00 Pa State Police Surcharge and additional Sheriff Service Fees)	\$132.00
Open or Strike Judgment	\$95.00
Proceedings on any lien other than revival	\$95.00

FEES**COURT MINUTES:**

Letters Rogatory (Additional \$3.50 per subpoena)	\$38.75
Award of Ownership	\$122.00
Declaration of Taking	\$122.00
Eminent Domain Proceedings	\$122.00
Petition for Appointment of Board of View—per property	\$122.00
Appeal from Board of View	\$21.25
Petition for Name Change	\$83.25
Appointment of Special Policeman	\$34.75
Financial Statements	\$15.25
Power of Attorney	\$25.00

DIVORCE DEPOSITS:

Regular Deposit	\$250.00
Special Deposit	\$750.00
Praecipe to Transmit Record (Plus Additional fees for Docket Entries, Certification of Docket Entries and A Divorce Decree)	\$25.00
Divorce Decree	\$9.25
Foreign Divorce	\$25.00

DOCKET ENTRIES

(Requesting by mail—initial page \$1.00 plus \$0.30 per additional page)	\$0.30
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EXECUTIONS & ATTACHMENTS

Writ of Execution	\$28.75
Writ of Execution with attachment (Plus add \$60.00 for each garnishee)	\$29.25
Political Subdivision	\$12.00
Political Subdivision with attachment (Plus add \$60.00 for each garnishee)	\$12.50

JUDGMENTS

All judgments of decrees which are final	\$17.25
Bail Bonds	\$33.25
Complaint and Confession	\$43.25
Confessions (notes, bonds, etc.)	\$38.25
District Justice Transcripts	\$33.00
Domestic Relations (Arrearages)	\$33.25
Default, Non Pros, Verdict Award, etc.	\$17.25
Court Order, Agreement, Stipulation, etc.	\$17.25
Transferred judgments (from other counties)	\$33.25
Political Subdivision (New Filing)	\$24.50
Political Subdivision (other)	\$12.00
Release of Judgment	\$9.25
Subordinations, withdrawals, postponements	\$9.25
Revival (amicable)	\$17.25
Writ of Revival (adverse)	\$28.75
Political Subdivision	\$12.00

LIENS

Municipal	\$24.50
Mechanics Lien—without complaint (Complaint filed at later date)	\$33.25
Mechanics Lien—with complaint	\$95.00
Political Subdivision	\$128.25
Federal and Commonwealth of PA	\$24.50
Suggestions of Non-Payment	\$18.00
IRS refilings	\$12.00

	<i>FEES</i>
Housing Rehab Assistance Lien	\$24.50
District Justice Transcript—Political Subdivision	\$24.50
NOTARY SIGNATURE REGISTRATION PHOTOCOPIES	\$3.50
If made by prothonotary's office—each page	\$1.25
If made by person on public copies—each page	\$.25
REVIVALS	
Amicable	\$17.25
Adverse (Writ of Revival)	\$28.75
REISSUANCE OF WRIT AND REINSTATEMENT OF COMPLAINT	\$6.00
SATISFACTIONS	
Entering satisfactions, releases, postponements, assignments, subordinations, of all encumbrances or liens by Power of Attorney of otherwise: or settlements, discontinuances, ending or termination of any civil action at law or equity	\$9.25
Certificate of Satisfaction	\$5.75
SUBPOENAS	
Attend and Testify	\$3.50
Produce Documents or things for Discovery	\$3.50
TRANSFERS	
To transfer case to another county	\$19.00
To transfer judgment to another county	\$19.00

Fees for services not herein specifically provided or included in any other service shall be the same as for similar services.

Payments must be made in cash, business checks, money orders, traveler's checks or certified checks made payable to Prothonotary of Northampton County or Northampton County Clerk of Court—Civil. A fee of \$30.00 will be charged for all returned checks.

[Pa.B. Doc. No. 06-2550. Filed for public inspection December 29, 2006, 9:00 a.m.]

NORTHAMPTON COUNTY

Administrative Order 2006-16—Fee Schedule Criminal Division; AD-379-2006

Amended Administrative Order 2006-16

And Now, this 12th day of December, 2006, on application of Patricia A. Pulley, Clerk of Courts—Criminal Division, the Court of Common Pleas of Northampton County hereby approves the following schedule effective January 1, 2007.

By the Court

ROBERT A. FREEDBERG,
President Judge

**Northampton County Criminal Division
Fee Schedule 2007**

Clerk Fees

Appeal (LCB)	\$ 25.00
Appeal (Summary Conviction)	\$ 45.00
Appeal (Superior Court)	\$ 50.00
Bench Warrant (Clerk Fees)	\$ 5.00
Certification	\$ 9.00
Charges (Before Trial)	\$ 135.00
Charges (Trial)	\$ 180.00
Charges (ARD/DUI)	\$ 120.00
Criminal Record Search	\$ 10.00
Detective License Fee (Corporate)	\$ 345.00
Detective License Fee (Individual)	\$ 230.00
Postage (Each Case)	\$ 2.00
Poundage/Bail Fee:	
10% Bail	20.0%
Cash Bail (First Thousand)	4.5%
Every Thousand After	1.5%
Misc. (Expungement, Roads, etc.)	\$ 15.00
Subpoenas	\$ 2.00
	(Each)
Summary (Each Charge)	\$ 20.00
Xerox Copies	\$.50
	(Page)
Automation Fee (Each Case)	\$ 5.00

[Pa.B. Doc. No. 06-2551. Filed for public inspection December 30, 2006, 9:00 a.m.]

WESTMORELAND COUNTY

Adopting Rule WJUV 1167; Miscellaneous 7 of 2006

Order

And Now, this 13th day of December, 2006, *It Is Hereby Ordered* that Westmoreland County Rule of Juvenile Procedure WJUV 1167 is adopted effective on February 1, 2007.

By the Court

DANIEL J. ACKERMAN,
President Judge

Rule WJUV 1167

The Court of Common Pleas of Westmoreland County shall serve all court notices and documents through either the Westmoreland County Children's Bureau or the Westmoreland County Juvenile Probation Office.

[Pa.B. Doc. No. 06-2552. Filed for public inspection December 30, 2006, 9:00 a.m.]

WESTMORELAND COUNTY

Adoption of Westmoreland Rule of Orphans' Court WO510; No. 65-96-214

Order

And Now this 13th day of December, 2006 it is *Hereby Ordered* that new Westmoreland Rule of Orphans' Court

WO510 is adopted. The effective date is 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

DANIEL J. ACKERMAN,
President Judge

W0510 REPORTS

(a) Guardian of the Estate and Guardian of the Person Reports required pursuant to 20 Pa.C.S.A. § 5521, although separate reports, shall be filed on the same date as hereinafter set forth in subsections (b) and (c). The original Reports must be filed with the Register of Wills, and a copy of each Report must be filed with the Office of the Court Administrator, Orphans' Court Division.

(1) The Orphans' Court Administrator shall review each report.

(2) The Orphans' Court Administrator shall bring to the attention of the court any report the contents of which do not conform to report criteria.

(b) Guardians of the Estate Reports must be filed within 90 days of the Order Appointing a Guardian, and on each annual anniversary of the Order.

(c) Guardian of the Person Reports must be filed on each annual anniversary of the Order Appointing a Guardian.

[Pa.B. Doc. No. 06-2553. Filed for public inspection December 30, 2006, 9:00 a.m.]

RULES AND REGULATIONS

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 168]

Child Care

The Department of Public Welfare (Department), under the authority of Articles II and IV of the Public Welfare Code (code) (62 P. S. §§ 201—211 and 401—493), amends Chapter 168 (relating to child care) to read as set forth in Annex A.

Notice of proposed rulemaking was published at 36 Pa.B. 3262 (July 1, 2006).

Purpose of Final-Form Rulemaking

The purpose of this final-form rulemaking is to establish consistent policies for administration and payment for subsidized child care within the Office of Income Maintenance and the Office of Child Development that best meet the needs of families receiving subsidized child care and improve child care services to families receiving Temporary Assistance for Needy Families (TANF), General Assistance (GA) and Food Stamp (FS) benefits. Families receive subsidized child care under this chapter after being determined eligible for cash assistance or FS benefits. Those recipients also must have an approved Agreement of Mutual Responsibility (AMR) or an Employment Development Plan (EDP) under Chapter 165 (relating to road to economic self-sufficiency through employment and training (RESET) program). Subsidized child care is one of the supportive services provided to cash assistance and FS recipients to enable them to meet employment and training requirements. Eligibility for all special allowances for supportive services is determined under Chapter 165.

The Department's goal is to establish for cash assistance and FS recipients a "user-friendly" child care system that is accessible to eligible families who need help finding and paying for quality child care that is responsive to their needs. The final-form rulemaking supports families and children by making consistent administrative and payment policies for families receiving subsidized child care.

Affected Individuals and Organizations

The final-form rulemaking will, on a monthly basis, affect approximately 47,000 children who receive subsidized child care, 27,650 families who apply for or receive subsidized child care and 158 agencies authorized by the Department to administer subsidized child care, including 59 Child Care Information Services (CCIS) agencies.

Children and families are affected by the provisions in the final-form rulemaking that specify the requirements that they must meet to access subsidized child care. Agencies authorized by the Department to administer subsidized child care are affected since the final-form rulemaking changes the process and requirements regarding child care payment.

The Department has worked closely with families who access the subsidized child care program, child development and community service advocates, providers, agencies authorized by the Department to administer subsidized child care and other interested stakeholders to listen and respond to the needs, concerns and suggestions of each of these groups.

Accomplishments and Benefits

The final-form rulemaking benefits, on a monthly basis, approximately 47,000 children and 27,650 families of low income by allowing easier access to affordable, quality child care.

Fiscal Impact

The final-form rulemaking will result in no additional costs to parents receiving subsidized child care or providers. During a phase-in period in the first year, the estimated net cost is \$3.526 million for additional staff and related operating costs.

Paperwork Requirements

There are no changes in paperwork requirements as a result of the final-form rulemaking.

Public Comment

Written comments, suggestions and objections regarding the proposed rulemaking were requested within a 30-day period following publication. The Department received a total of 15 comments within the 30-day comment period. The Department received comments from every sector of the community that will be affected by the final-form rulemaking, including child development and community service advocates, providers and CCIS agencies.

Public commentators included 12 comment letters from individual entities, including one legal services agency, two child advocate associations, six CCIS agencies, one United Way organization, one provider and the Income Maintenance Advocacy Committee. The Department also received three comment letters from organizations on behalf of 128 member agencies.

The majority of the comments supported the final-form rulemaking. The United Way of Pennsylvania, on behalf of 80 United Way agencies, urged approval of the rulemaking, as did Quality Early Education through Salaries and Training (QUEST), on behalf of itself and 45 member entities.

Keystone Christian Education Association, the Pennsylvania Family Institute and REACH Alliance submitted one comment letter in which all three joined to collectively voice concern regarding a parent's right to choose a faith-based facility for child care.

The majority of the commentators, including the Pennsylvania Child Care Association (PACCA), QUEST and the United Way of Pennsylvania, indicated that the final-form rulemaking will enable the Department to integrate child care services for the children, parents and providers in the subsidized child care program. In addition, it will provide a seamless and fully coordinated child care system in this Commonwealth.

Discussion of Comments and Major Changes

This final-form rulemaking is more limited in scope than the proposed rulemaking. This final-form rulemaking achieves the major goals of changes in administrative and payment processes for subsidized child care for families receiving TANF, GA and FS benefits. These changes include the addition of § 168.3 (relating to authority to administer subsidized child care). Coordinating changes were made in several sections to reflect the Department's authority to delegate administrative responsibility to the CCIS.

Additional changes to make policies consistent for families receiving subsidized child care include: the requirement of a face-to-face interview; the change in co-payment from monthly to weekly and the requirement that a family select a provider within 30 days following the date the Department notifies the family the child may be enrolled in care.

The following is a summary of comments received and the Department's response to those comments regarding this final-form rulemaking. A summary of major changes from the proposed rulemaking is also included.

General—Workload

Two commentators, including QUEST, expressed concern that the CCIS agencies may be overburdened with additional cases and suggested that the Department monitor staffing levels at the CCIS to ensure that the additional workload is handled efficiently.

Response

The Department will monitor staffing levels at the CCIS in conjunction with its overall auditing of CCIS agreements.

General—Business Practices and Procedures

Two commentators requested clarification regarding policy, business practices and procedures for interacting with TANF, GA and FS clients and the role of the CCIS versus the County Assistance Office (CAO). Also, commentators requested clarification regarding funding to administer the subsidized child care program given the additional clients. PACCA suggested the Department seek input from the CCIS agencies regarding payment, but did not elaborate on the suggestion.

Response

The Department will provide training to clarify policy, business practices and procedures for interacting with TANF, GA and FS clients and the role of the CCIS versus the CAO. The training will occur prior to implementation of the final-form rulemaking. Section 168.3 provides authority for the Department to delegate the responsibilities in this chapter to another approved entity, including a CCIS.

Funding issues are outside the scope of this final-form rulemaking.

General—Editorial Suggestions

Two commentators suggested a redraft of the rulemaking with a variety of editorial suggestions. The Independent Regulatory Review Commission (IRRC) suggested using the term "parent/caretaker" rather than "parent" throughout the final-form rulemaking.

Response

The Department decided to continue to use the term "parent/caretaker" in the final-form rulemaking.

General—Provision of Subsidized Child Care

Two commentators requested a provision allowing subsidized child care for individuals who need regular mental health or behavioral health treatment to move toward self-sufficiency, but who cannot obtain this treatment because they lack child care.

Two commentators requested a provision allowing care of dependent disabled adult household members when necessary for the FS household member to participate in an employment and training program. In addition, they requested the same provision when a TANF or GA household member participates in a work activity.

Response

Although the Department appreciates these comments, the suggested changes are outside the scope of the final-form rulemaking. Department policy does not provide for payment of child care for purposes other than participation in employment or training. Special allowances for care of a disabled adult are provided under Chapter 165.

General—Suggested Addition of Cross-Reference to 7 CFR 273.7

Two commentators suggested a cross-reference to 7 CFR 273.7 (relating to work provisions) be added to seven sections of the final-form rulemaking. However, they offered no rationale for this recommendation.

Response

The Department has determined that it is unnecessary to add repeated cross-references to Federal FS employment and training regulations. It is clear throughout this chapter and in Chapter 165 that the provisions apply to an FS recipient who has an approved EDP.

General Provisions

§ 168.1(a). Policy on payment of child care.

Two commentators suggested that payment for child care be made to enable a parent not only to participate in a work activity but also to volunteer. The commentators stated that since TANF, GA and FS regulations allow parents to volunteer to participate in approved education and training programs and to receive supportive services, child care should be offered in these circumstances.

Response

If the volunteer activity is part of the parent's AMR or EDP, subsidized child care is provided to support this activity. Providing subsidized child care for volunteer activities not included in the AMR or EDP is outside the scope of this final-form rulemaking.

§ 168.1(b). Policy on payment of child care.

One commentator requested clarification of when and how often advance payment will occur. Another commentator supported the provision regarding advance payment in paragraph (3), but suggested the provision be revised as a separate section.

Response

With regard to when and how often advance payment will occur, the section cross-references § 165.42 (relating to advance payment of special allowances for supportive services), which limits the circumstances in which advance payment is made. The Department will provide more clarification in training, which will occur prior to implementation of the final-form rulemaking.

With regard to the suggestion to revise paragraph (3) as a separate section, the Department found that this would require a major change in formatting. It is more appropriate to keep paragraph (3) in this subsection since it describes information the Department provides to the parent in need of child care.

§ 168.1(c). Policy on payment of child care.

Two commentators suggested addition of the term "EDP." Another commentator requested clarification regarding the roles of the CAO and CCIS in providing a family with information about child care allowances.

Response

With regard to adding a reference to the EDP, the Department has not made this change and is using the language in the current regulation.

With regard to the request for clarification of the roles of the CAO and CCIS in providing a family with information on child care allowances, the CAO informs eligible families of the availability of child care allowances when the AMR or EDP is completed. The CCIS informs the family of their child care choices and how to obtain child care benefits.

§ 168.1(f). *Policy on payment of child care.*

Two commentators suggested including the term “EDP.” In addition, a commentator requested clarification of the CAO and CCIS roles.

Response

With regard to the request to add the term “EDP,” the Department has not made this change and is using the language in the current regulation. As previously stated, the Department has clarified the roles and responsibilities of the CAO and CCIS in response to the public comment.

§ 168.2. *Definitions.*

IRRC stated the term “AMR” is defined in greater detail in § 165.2 (relating to definitions) and suggested the definition should include a reference to § 165.2.

Response

The Department has not made this change and is using the language in the current regulation.

§ 168.2. *Definitions.*

Two commentators suggested revising the definition of “budget group” by deleting the cross-reference to § 183.2 (relating to definitions). The commentators stated that the definition in § 183.2 omits a child on Supplemental Security Income and that subsidized child care should be available for these children.

Response

The Department has not made this change and is using the language in the current regulation. The Department deleted the cross-reference to § 183.2.

§ 168.2. *Definitions.*

Two commentators suggested the inclusion of a definition for “care and control” as “exercising responsibility for the care and control of the child. This means actually participating in making plans for the support, education and maintenance of the child and supervising and carrying out the plans.” The commentators stated that the definition comes from the definition of “specified relative” in § 151.42 (relating to definitions). The commentators further stated that this suggestion is consistent with their suggested revision of the definition of “parent.”

Response

The Department has not made this change.

§ 168.2. *Definitions.*

IRRC suggested the use of the phrase “subsidized child care” in the definition of “co-payment” and, for consistency, throughout the rulemaking.

Response

This change was made.

§ 168.2. *Definitions.*

Two commentators suggested defining “EDP (Employment Development Plan).” IRRC suggested that a definition for EDP be added and should reflect the definition in Chapter 165.

Response

The Department has not made this change.

§ 168.2. *Definitions.*

IRRC stated that the citation of 7 CFR 273.1(a)(2) in the definition of “household” was too specific and indicated agreement with the Department’s plan to broaden the reference to include other paragraphs of 7 CFR 273.1.

Response

The Department has not added the definition of “household,” as the final-form rulemaking does not include this term.

§ 168.2. *Definitions.*

One commentator recommended that the definition of “nontraditional hours” should also include the statement “and meets the standards as set forth by CCIS regulations.”

Response

The Department finds it is unnecessary to include this statement. Hours of care are defined by time. All care must meet applicable standards of care, regardless of whether the hours are traditional or nontraditional.

§ 168.2. *Definitions.*

IRRC recommended including the term “caretaker” and the concept of “care and control” in the definition of “parent.” IRRC also questioned the use of the term “TANF specified relative” in the definition and stated “TANF” does not appear in § 151.42, but the term “specified relative” does appear.

Eleven commentators, including PACCA, QUEST and the United Way of Pennsylvania, supported the definition of “parent.” Three commentators opposed the definition and voiced concern about situations in which a parent is denied subsidy because another individual in the home is expected to care for the child although the individual is not legally responsible for the child.

Response

The Department has not made this change. The Department is using the term “parent/caretaker” that exists in the current regulation, making this definition unnecessary.

§ 168.2. *Definitions.*

IRRC stated the definition of “preexpenditure approval” is unclear and indicated that if the definition is retained the wording and intent must be clarified.

One commentator requested clarification regarding the definition. Other commentators opposed the definition of “preexpenditure approval.” The commentators who opposed the definition suggested the definition be deleted.

Response

The Department deleted the definition.

§ 168.2. *Definitions.*

IRRC questioned the contents of the “provider agreement” and suggested that if the terms of the agreement are binding on providers, the contents or basic requirements should be in the regulations.

Response

The Department deleted this definition. With regard to the question pertaining to the contents of the provider agreement, there are three types of provider agreements: in-home; relative/neighbor and regulated provider. The provider agreement contains recordkeeping, reporting and billing requirements and payment rates. It also includes health and safety requirements for participation. Flexibility to amend these agreements is essential to the efficient and effective administration of the subsidized child care program.

Accordingly, the Department has determined it is not appropriate to put the terms of the provider agreement in regulations. To do so would impede prompt amendment of that agreement when change is required by Federal law or is desired for efficient administration of the program. The Department notes that agreements for other providers and vendors are not promulgated as regulations.

§ 168.11(a). General requirements.

IRRC requested clarification regarding how the Department intends to address eligibility for nonprofit providers who are not certified or registered under the existing child care facilities regulations. IRRC noted the concern of several commentators that they might be excluded from the list of eligible providers. IRRC also noted the recent decision of the Commonwealth Court in *St. Elizabeth's Child Care Center v. Department of Public Welfare*, 895 A.2d 1280 (2006). That decision held that the Department could not require a nonprofit religious child day care center to obtain a Certificate of Compliance to operate. One commentator also expressed a concern that religious facilities operating without a license would be excluded as an option for parents to choose to provide care for a child receiving subsidized child care services.

IRRC also questioned as unnecessary use of the phrase "specifically exempt" in subsection (a)(4) and (5).

Response

The *St. Elizabeth's* litigation is not relevant in the context of the child care subsidy regulation. Articles II and IV of the code provide full statutory authority for the Department to promulgate the child care subsidy regulation. The *St. Elizabeth's* court recognized that the Department has full power to regulate nonprofit facilities. Further, the law of the case in *St. Elizabeth's* currently is that the Department has an automatic stay of the Commonwealth Court decision. See *Public Advocate v. Philadelphia Gas Commission*, 646 A.2d 19 (Pa. Cmwlth. Ct. 1994). See 284 MAL 2006 Pa. Supreme Ct. filed April 24, 2006. The current standards for receipt of subsidy are neutral with respect to religion.

The Department is not amending this regulation except to delete the phrase "special allowances" and replace it with the word "payment."

§ 168.11(b). General requirements.

IRRC requested clarification regarding the difference between requirements for providers and the Department's standards for provider participation. IRRC suggested that cross-referencing might be helpful. IRRC recommended that requirements and standards for provider participation be set forth in the final-form rulemaking.

IRRC and two commentators suggested that the word "may" be replaced with the terms "shall have the right to." The commentators explained that states must allow a parent the opportunity to choose among the various types of providers under Federal law governing subsidized child

care in 45 CFR 98.30(e) (relating to parental choice). The commentators further stated that the language should reflect the language in § 3041.13 (relating to parent choice).

Response

The Department has deleted the reference to standards for provider participation. Requirements for provider participation are in § 168.19 (relating to child care arrangements), as well as in the provider agreement. Standards for provider participation vary appropriately with provider type. Providers not subject to regulation must comply with standards set forth in the provider agreement (for example, have a working telephone and smoke detectors).

The Department has determined it is not appropriate to put the terms of the provider agreement in regulations. To do so would impede prompt amendment of that agreement when change is required by Federal law or is desired for efficient administration of the program. The Department notes that agreements for other providers and vendors are not promulgated as regulations.

With regard to the request to include cross-reference to § 168.19, the Department has not made this change. The Department has replaced the term "may" with the terms "shall have the right to."

§ 168.11(c). General requirements.

Commentators requested clarification regarding the provision pertaining to preexpenditure approval. One commentator opposed the provision and suggested deletion.

Response

The Department deleted the provision.

§ 168.17(2). Eligible children.

IRRC stated that the reference to 7 CFR 273.1(b) (relating to household concept) was incomplete. IRRC indicated its agreement with the Department's plan to change that reference to 7 CFR 273.1(b)(1)(iii). Commentators suggested deleting the provision because they believed it to be confusing. The commentators stated that the provision does not seem to apply to non-FS households and appears to be unnecessary for FS households.

Response

The Department deleted subparagraph (ii)(B) which contained the cross-reference to 7 CFR 273.1(b). In addition, the Department reformatted paragraph (2)(ii) by eliminating the clauses.

§ 168.17(4)(iii). Eligible children.

IRRC and one commentator recommended that paragraph (4)(iii) be revised as new paragraph (5). Other commentators suggested revising the language to state "if the child does not have age-appropriate immunizations and is not exempt from immunization, child care shall be authorized and the parent shall be given 90 days to obtain immunizations for the child and self-certify that the child has the required immunizations or is exempt from immunization."

Response

The Department has not added paragraph (4). In final-form rulemaking, the Department has retained paragraph (3) in the current regulation, which addresses immunization.

§ 168.18(a). *Need for child care.*

Two commentators suggested that payment for child care be made to enable a parent not only to participate in a work activity but also to volunteer. The commentators stated that since TANF, GA and FS regulations allow parents to volunteer to participate in approved education and training programs and to receive supportive services, child care should be offered in these circumstances. The same commentators also suggested that payment for child care be made to enable a parent to participate in medical treatment that is needed for rehabilitation or to ameliorate their disabilities.

Response

Subsidized child care under this final-form rulemaking is provided for approved activities included in the parent's AMR or EDP, including volunteer activities. Enlarging the type of activities that can be approved in an AMR or EDP is outside the scope of this final-form rulemaking.

§ 168.18(b)(1). *Need for child care.*

Two commentators requested clarification regarding whether care would be provided for a single parent with a disability at the initial request for care.

Response

This provision did not change. A single parent with a disability can qualify for subsidized child care as needed to participate in an approved work activity in the AMR or EDP.

§ 168.18(b)(2). *Need for child care.*

Commentators requested clarification regarding the family composition and eligibility requirements regarding a teen parent.

Response

The Department has retained the language in the current regulation. Eligibility requirements for teen parents have not changed. The CAO will continue to determine a family's eligibility for subsidized child care.

§ 168.18(f). *Need for child care.*

IRRC recommended the Department clarify in the final-form rulemaking that the parent is required to attend the face-to-face interview with the CCIS and requested clarification regarding the procedures a CCIS will follow to avoid disruption in child care services when a parent cannot get transportation to the face-to-face interview or experiences other legitimate problems in completing the interview that are beyond the parent's control.

Commentators, including PACCA, QUEST and the United Way of Pennsylvania, supported the requirement as written. One commentator requested clarification regarding data collection and management. Other commentators suggested that time spent in the face-to-face interview should count as time spent in a work activity.

One commentator suggested revising the language to allow for subsidy suspension following failure to meet the face-to-face requirement until the date the parent attends a face-to-face interview or otherwise meets the requirement. Another commentator suggested that eligibility be reinstated retroactive to the date the parent failed to meet the requirement if the parent later meets the requirement.

Some commentators opposed the face-to-face requirement, but suggested the following changes if the requirement remained intact: count the face-to-face interview as

an excused work absence; make the CCIS staff available to interview parents at EARN contractor sites; count time spent in the face-to-face interview as work participation and waive the requirement for parents who have formerly attended a face-to-face interview with the CCIS.

Response

As previously stated, the Department will provide training that will include clarification regarding data collection and management, including the face-to-face interview. The training will occur prior to implementation of the final-form rulemaking.

The face-to-face interview is essential to providing counseling and information to the parent regarding quality child care and additional resources available to the family. Accordingly, the Department has determined that it is not appropriate to eliminate the face-to-face requirement, suspend eligibility or allow retroactive eligibility for a parent who fails to complete the face-to-face interview within 60 days.

The regulation provides for an additional 30 days to complete the face-to-face interview if the parent has a hardship, such as transportation or another legitimate problem. In addition, it provides for use of a telephone interview after two 30-day periods for a face-to-face interview if scheduling a face-to-face interview would require the parent to miss work. The Department finds that the accommodations for parents are flexible and provide adequate time for parents to meet the face-to-face requirement.

Counting attendance at the face-to-face interview as a work activity for employment and training purposes is outside the scope of this final-form rulemaking. As to the suggestion that appearance at a face-to-face interview be counted as an excused work absence, that is a matter for the employer.

§ 168.19(2)(i). *Child care arrangements.*

Commentators suggested that the term "biological or adoptive parent" continue to be used.

Response

The Department agrees and retained this language in this final-form rulemaking.

§ 168.20(c) and (d). *Child care co-payment.*

Two commentators suggested that the language reflect that a change in co-payment may happen as the result of a partial redetermination in addition to a full redetermination.

Commentators also suggested that the terms "written advance notice" replace the term "notification" in subsection (d). The commentators offered no rationale for these changes.

Response

The Department finds that it is unnecessary to modify the term "redetermination." The term "redetermination" encompasses both partial and complete redeterminations.

With regard to the suggestion to replace the term "notification," the Department has made this change.

§ 168.21(a). *Ineligibility for failure to pay co-payment.*

Commentators questioned whether the provision permitting satisfactory arrangements to pay delinquent co-payment reflects current CCIS policy or regulation.

Response

This regulation is consistent with current CCIS policy.

§ 168.41(3). *Verification requirements.*

One commentator opposed the use of a collateral contact with the provider as a means to verify child care costs.

Response

The Department believes the use of a collateral contact is acceptable. Paragraph (4) clarifies that when payment is made based on a collateral contact, the provider must submit written information within 30 days. Furthermore, the provision for collateral contact is included in the regulation to address circumstances in which a provider has submitted monthly the Attendance Invoice but there are issues pending resolution. The collateral contact supplements the Attendance Invoice in these circumstances.

§ 168.43. *Verification of the disability of a child.*

IRRC recommended revising the title of the section by replacing the term “disability” with the term “injury or impairment.” IRRC and one commentator requested clarification regarding to whom the parent must submit the verification.

Other commentators suggested revising the language to state “For a child between the ages of 13 and 19 to be eligible for care pursuant to § 168.17(3)(ii) (relating to eligible children), a . . .” The commentators also suggested the inclusion of the term “herself” in addition to the term “himself.”

Response

The Department has not made this change and is using the language in the current regulation.

§ 168.44. *Verification of the disability of a parent/ caretaker.*

IRRC and one commentator requested clarification regarding to whom the parent must submit the verification.

Other commentators suggested deleting the section, but offered no rationale for the suggestion.

Response

The Department has not made this change and is using the language in the current regulation.

§ 168.49. *Verification of payment of co-payment for the employed budget group.*

Most commentators supported the provision, but two commentators opposed it and stated that satisfactory arrangements to pay a delinquent co-payment are unacceptable and do not reflect current CCIS policy or regulation.

Response

The Department has not changed this section. The provision permitting satisfactory arrangements to pay a delinquent co-payment is consistent with current CCIS policy.

§ 168.61. *Reporting requirements.*

IRRC requested clarification regarding to whom the parent must report changes in child care arrangements.

Response

Currently, parents report changes in child care arrangements to the CAO. In the future, responsibility for administration of subsidized child care for TANF, GA and FS recipients will be assumed by the CCIS. At that time, parents must begin reporting changes to the CCIS. The

Department has revised the language to clarify that the parent must submit verification to the Department or its designated agent.

§ 168.71(3). *Monthly payment determination.*

Commentators suggested keeping this provision, but offered no rationale for the suggestion.

Response

The Department has not changed this paragraph.

§ 168.72. *Determining monthly child care costs.*

One commentator requested revision of this section. The commentator stated that the wording “The actual child care costs reported and verified as paid or incurred in a month are considered. Actual child care costs include: . . .” does not accurately reflect the payment policies currently used by the CCIS.

Response

The Department agrees and deleted the language in question.

§ 168.72(2). *Determining monthly child care costs.*

IRRC recommended that the Department consider revising the language to include provision for specific reasons for absences beyond illness. Some commentators suggested keeping the term “vacation and the like.” The commentators stated that under § 3041.19(a) (relating to absence), the Department will pay for up to ten consecutive absences for any reason and believe this language should be mirrored in this final-form rulemaking. The commentators further stated that they believe this language is more restrictive and keeping the terms would permit a child’s spot to be retained when a child’s absence is for a legitimate, family-related reason.

Response

The Department has revised the language to not restrict the reasons the child was not in attendance.

§ 168.81. *Payment methods.*

One commentator requested clarification regarding this provision. The commentator believed the section should be revised to more clearly reflect that all providers must participate in the vendor payment system (that is, sign a provider agreement).

Response

The Department finds that this section clearly reflects that all providers participate in vendor payment. Exceptions for payment to the parent are limited to those in the regulation. Accordingly, the Department finds that no change in content is necessary. The Department reformatted for clarity.

§ 168.82. *Time frames for authorization of payment.*

IRRC questioned as unnecessary the inclusion of this section and requested clarification if the Department retains the section. Some commentators suggested the deletion of the section. Other commentators suggested including a new section stating that “Coverage of child care costs shall begin on the date the family began to incur child care costs for a work activity approved on the AMR or EDP.”

Response

The section was not added in this final-form rulemaking. In addition, the request for an additional section is outside the scope of this final-form rulemaking. The determination of when a parent is eligible for child care

and on what date the child care need begins is made by the CAO under Chapter 165.

§ 168.91. *Restitution.*

One commentator requested clarification regarding this section. The commentator believes the section is ambiguous and not understandable.

Response

The Department finds that Chapter 255 (relating to restitution), cross-referenced in this section, clarifies the requirements regarding restitution.

Additional Changes

In addition to the major changes previously discussed, the Department made several changes in preparation of the final-form rulemaking including correcting typographical errors and revising language to enhance clarity and conform to the changes previously discussed.

The Department deleted the definitions of “regulated care,” “self-certification,” “service month” and “unregulated care,” as the terms are not used in the final-form rulemaking. The Department also deleted the definitions of “CAO,” “disability” and “family” as unnecessary. In addition, the Department changed the definition of “in-home care” and “relative/neighbor care” for clarity.

Regulatory Review Act

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on November 8, 2006, the Department submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 3262, to IRRC and the Chairpersons of the House Committee on Children and Youth and the Senate Committee on Public Health and Welfare for review and comment.

Under section 5(c) of the Regulatory Review Act (71 P. S. § 745.5(c)), IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.1) and (j.2) of the Regulatory Review Act, on November 21, 2006, the final-form rulemaking was approved by the Senate Committee on Public Health and Welfare. On November 29, 2006, the final-form rulemaking was deemed approved by the House Committee on Children and Youth. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 30, 2006, and approved the final-form rulemaking.

Findings

The Department finds that:

(1) The public notice of intention to amend the administrative regulations by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) known as the Commonwealth Documents Law (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2

(2) The adoption of this rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of Articles II and IV of the code.

Order

The Department, acting under Articles II and IV of the code, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapter 168, are amended by amending §§ 168.1, 168.2, 168.11, 168.17, 168.18, 168.20, 168.21, 168.41, 168.61, 168.71, 168.72, 168.74 and 168.81 and by adding § 168.3 to read as set forth in Annex A.

(Editor’s Note: The proposal to amend §§ 168.19, 168.43, 168.44, 168.49, 168.51, 168.91 and 168.101, to add §§ 168.4 and 168.82 and to delete § 168.45, included in the proposed rulemaking at 36 Pa.B. 3262, have been withdrawn by the Department.)

(b) The Secretary of the Department shall submit this order and Annex A to the Offices of General Counsel and Attorney General for approval as to legality and form as required by law.

(c) The Secretary of the Department shall certify and deposit this order and Annex A with the Legislative Reference Bureau as required by law.

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

ESTELLE B. RICHMAN,
Secretary

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 7777 (December 16, 2006).)

Fiscal Note: 14-505. (1) General Fund;

	<i>Cash Grants</i>	<i>Child Care Services</i>
(2) Implementing Year 2006-07 is	\$0	\$0
(3) 1st Succeeding Year 2007-08 is	\$619 million	\$3.910 million
2nd Succeeding Year 2008-09 is	\$3.172 million	\$6.143 million
3rd Succeeding Year 2009-10 is	\$3.965 million	\$6.327 million
4th Succeeding Year 2010-11 is	\$4.758 million	\$6.517 million
5th Succeeding Year 2011-12 is	\$5.551 million	\$6.712 million
	<i>Child Care Services (State)</i>	<i>Cash Grants (State)</i>
(4) 2005-06 Program—	\$80.209 million	\$434.931 million
2004-05 Program—	\$60.877 million	\$384.182 million
2003-04 Program—	\$59.683 million	\$330.772 million

(7) Cash Grants, Child Care Services; (8) recommends adoption. Funds have been included in the 2005-2006 budget for this purpose. Funds have been included in the 2006-2007 budget for this purpose. This action will result in savings to the General Fund for County Assistance Offices estimated at \$1.003 million in 2006-2007 and \$3.398 million for each year thereafter.

Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart C. ELIGIBILITY REQUIREMENTS

CHAPTER 168. CHILD CARE

GENERAL PROVISIONS

§ 168.1. Policy on payment of child care.

(a) To the extent funds are available, payment for child care will be made to enable the parent/caretaker to

participate in work-related activities. To qualify for a child care payment, the individual must be eligible to receive cash assistance, including persons who do not receive a cash payment due to the minimum monthly check requirement or due to a month of zero cash payment. Child care payments are considered a reimbursement for past or future child care expenses for food stamp eligibility purposes.

(b) The Department will promptly inform a recipient of food stamps or cash assistance who is in need of child care about the following:

- (1) The types and locations of child care providers.
- (2) The services available from the CCIS, for help in finding and selecting a child care provider.
- (3) Child care payments will be paid in advance of the date that payment is required by the provider, consistent with the requirements and time frames in § 165.42 (relating to advance payment of special allowances for supportive services), to ensure that the participant will have access to the child care provider of the participant's choice. The advance payment requirement does not apply to vendor payments for child care. Advance payments are considered a reimbursement of future child care expenses for food stamp eligibility purposes.

(i) The Department will make an exception to the provisions which limit advance payment to instances in which the provider requires it, and which restrict advance payment for providers enrolled in the child care vendor payment system for a TANF budget group determined prospectively ineligible as a result of starting new employment under § 168.71(1)(ii) (relating to monthly payment determination).

(ii) The Department will make an advance payment from the first day of employment until the date of discontinuance if the information is verified through a collateral contact consistent with § 168.41(4) (relating to verification requirements).

(c) At application, reapplication and whenever the agreement of mutual responsibility is developed or revised, the CAO will inform applicants and recipients in writing and orally of the availability of child care allowances.

(d) Determination of eligibility and notification of approval or denial of child care payments will be done in accordance with § 165.43 (relating to special allowances for supportive services and time frames for eligibility determinations).

(e) Authorization of payment for child care will be done based on time frames consistent with § 165.45 (relating to time frames for authorization of special allowances for supportive services).

(f) The Department will discuss the maximum child care allowances and the co-payment sliding fee scale in Chapter 3041, Appendix B (relating to co-payment chart, family co-payment scale), whenever the Agreement of Mutual Responsibility (AMR) is developed or revised and reflects a need for child care. The Department will advise clients that copies of the maximum child care allowances and the co-payment sliding fee scale are available upon request at the CAO.

(g) The Department will provide help in finding and selecting a child care provider.

§ 168.2. Definitions.

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

Budget group—A group of persons receiving TANF. A child receiving SSI benefits and for whom child care payments are requested is included in the budget group.

CCIS—Child Care Information Services Agency—A public or private agency with which the Department has a contract to manage the subsidized child care program in part of a county, a county or several counties.

Co-payment—The weekly amount the family pays for subsidized child care.

Co-payment sliding fee scale—A scale based on family size and income from which a determination of the child care co-payment is made as set forth in Chapter 3041, Appendix B (relating to co-payment chart, family co-payment scale).

Full-time care—Child care of at least 5 hours per day.

In-home care—Child care provided by an individual in the child's home.

MCCA—Maximum child care allowance—The ceiling set by the Department for payment of child care services to budget groups eligible for child care payment.

Nontraditional hours—Hours of child care provided to a child whose parent/caretaker works on Saturday, Sunday or between the hours of 6 p.m. and 6 a.m.

Parental access—Access by the parent to the child at any time while the child is in care without the need for prior notification.

Part-time care—Child care of less than 5 hours per day.

Relative/neighbor care—Child care provided by an individual who cares for three or fewer children unrelated to the provider in the provider's home.

Restricted endorsement—A check made payable to two parties which requires the signature endorsement of both parties to cash the check.

Satisfactory arrangement—The plan made by the budget group to pay overdue fees which are acceptable to the child care provider.

Specified relative—The term as defined in Chapter 151 (relating to specified relatives).

Sleep-time—Care provided for a child when the parent's/caretaker's work shift ends between the hours of 12 a.m. and 9 a.m. to allow the parent/caretaker time to sleep.

TANF—Temporary Assistance for Needy Families Program—A Federal nonentitlement program under sections 401—409 of the Social Security Act (42 U.S.C.A. §§ 601—619) which provides cash assistance to families that include dependent children and an adult who is working toward self-sufficiency. Eligibility for TANF is determined by the local CAO.

Vendor payment—A child care payment made by the Department directly to a child care provider who has signed a provider agreement.

§ 168.3. Authority to administer subsidized child care.

The Department may delegate to another approved entity, such as the CCIS, the responsibilities in this chapter for the purpose of administering subsidized child care.

ELIGIBILITY REQUIREMENTS

§ 168.11. General requirements.

(a) Payment for child care is available for the following types of child care:

- (1) Center-based day care.
- (2) Group home day care.
- (3) Family day care.
- (4) Relative/neighbor care.
- (5) In-home care.

(b) The parent/caretaker shall have the right to choose from any type of child care that is available under this chapter and the right to choose any child care provider who meets the requirements of this chapter.

§ 168.17. Eligible children.

To be eligible for a child care payment, the budget group shall include a child who meets the following criteria. The child meets the following conditions:

(1) Is a TANF dependent child under Chapter 153 (relating to deprivation of support or care) and § 145.43(a)(1) (relating to requirements) or would qualify as a TANF dependent child under Chapter 153 and § 145.43(a)(1) except for receipt of SSI or foster care benefits.

(2) Meets one of the following conditions:

- (i) Is under 13 years of age.
- (ii) Is 13 years of age or older but under 19 years of age and is physically or mentally incapable of caring for himself as verified by a physician or licensed psychologist.
- (3) Is age appropriately immunized. If the child does not have age-appropriate immunizations, the parent/caretaker has 90 days to obtain and document immunizations for the child unless one of the following applies:

- (i) The parent/caretaker objects to immunizations on religious grounds.
- (ii) The child's medical condition contraindicates immunizations as verified by a physician.

§ 168.18. Need for child care.

(a) Child care must be needed to enable a member of the budget group to participate in a work-related activity.

(b) Child care services will not be considered as needed when an unemployed parent/caretaker of the child is in the home, unless one of the following applies:

- (1) The parent/caretaker is physically or mentally incapable of providing child care, as verified by a physician or licensed psychologist.
- (2) The parent/caretaker is involved in work-related activities or the custodial parent is participating in a Department of Education Pregnant and Parenting Youth Program.
- (3) The child is at risk because of suspected child abuse.

(c) Child care will be considered as needed for entry into or during breaks in approved work-related activities for up to 30 days.

(d) Child care will not be considered as needed when the biological or adoptive parent, specified relative or legal guardian of the child is the owner/operator of a child care business where care is available for the child.

(e) Subsidized child care may not be used as a substitute for a publicly funded educational program, such as kindergarten or a specialized treatment program.

(f) A parent/caretaker is ineligible for subsidized child care if he does not attend a face-to-face interview no later than 30 calendar days following the request for care. The Department may extend the 30-day time frame for the face-to-face interview if, on or before the 30th calendar day, the parent/caretaker claims hardship due to conflicts with the parent's/caretaker's working hours, transportation problems or illness of the parent/caretaker or another family member. At the time the parent/caretaker claims hardship, the Department may grant an additional 30 days from the date the hardship is claimed for the interview. The Department may substitute a telephone contact for a face-to-face interview if a face-to-face interview cannot be scheduled without the parent/caretaker having to take time off from work.

(g) A parent/caretaker is ineligible for subsidized child care if he does not select an eligible child care provider and enroll the child within 30 calendar days following the date the Department notifies the parent/caretaker that the child may be enrolled or that the family's current child care provider is ineligible to participate in the subsidized child care program.

§ 168.20. Child care co-payment.

(a) The employed TANF budget group shall pay the required co-payment toward the cost of child care.

(b) The co-payment is due on the first day of the service week and each week thereafter, regardless of the day the child is enrolled.

(c) If the co-payment is decreased as the result of a redetermination, the employed TANF budget group shall begin paying the reduced co-payment on the first day of the service week following the date of the redetermination.

(d) If the co-payment is increased as the result of a redetermination, the employed TANF budget group shall begin paying the increased co-payment on the first service day of the week following the notification advising the budget group of the co-payment increase.

(e) If the co-payments for 1 month are equal to or exceed the monthly payment for care, the family is not eligible for subsidized child care with that provider.

§ 168.21. Ineligibility for failure to pay co-payment.

Ineligibility for child care payment results when the TANF budget group is employed and fails to pay the required co-payment toward the cost of child care. The TANF budget group is ineligible until overdue co-payments are paid or satisfactory arrangements to pay overdue co-payments are made with the provider.

VERIFICATION

§ 168.41. Verification requirements.

The applicant or recipient is required, as a condition of eligibility, to cooperate in providing necessary information and verification to establish eligibility.

(1) Before authorizing the initial child care payment, the CAO will determine the following:

- (i) Whether the child care is necessary to participate in a work-related activity.
- (ii) The expected charge.
- (iii) The date the service is needed by the participant.

(iv) The date that payment for the service is required under the provider's usual payment policy or practice.

(2) When the parent/caretaker provides verification to the Department that indicates a change in eligibility, payment will be reduced, terminated or increased, as appropriate, upon issuance of appropriate notice to the parent/caretaker, in accordance with §§ 133.4 and 168.101 (relating to procedures; and appeal and fair hearing).

(3) Child care costs shall be verified monthly on a form specified by the Department or by a written statement signed by the provider or by a collateral contact by the Department with the child care provider.

(4) A collateral contact will be used whenever necessary to ensure that payment is made in advance of the date that payment is required by the child care provider consistent with § 168.1(b)(3) (relating to policy on payment of child care). When a child care payment is authorized based on a collateral contact with or by a written statement from the provider, verification of the charge for child care on a form specified by the Department shall be submitted to the Department within 30 days of the first day child care costs were incurred. The Department will assist the client, as needed, to obtain a completed verification form from the provider. Failure to provide verification within the specified time period could result in nonauthorization of the child care payment.

(5) Verification of factors other than cost relating to the need for child care shall consist of collateral contacts with, or written statements from, employers, prospective employers, physicians, licensed psychologists, school officials, training providers or pay stubs. Information previously verified need not be reverified unless it is subject to change.

REPORTING REQUIREMENTS

§ 168.61. Reporting requirements.

The budget group shall report changes in child care arrangements to the Department or its designated agent within 10 calendar days from the date the change occurred. Documentation of child care payment shall be retained in the case record in accordance with § 3041.85 (relating to record retention).

PAYMENT DETERMINATION

§ 168.71. Monthly payment determination.

The amount of the child care payment is determined for each month.

(1) The allowable child care payment is the rate the provider charges to the general public or the MCCA established by the Department, whichever is less.

(i) For participants in unpaid work-related activities, payment is the rate the provider charges to the general public or the MCCA established by the Department, whichever is less.

(ii) For participants in paid work-related activities, payment is made for the actual costs of child care up to the maximum allowance established by the Department or the rate charged the general public, whichever is less, minus the family co-payment as determined in § 168.74 (relating to determining weekly child-care co-payment for the employed TANF budget group).

(A) A TANF budget group determined prospectively ineligible for TANF benefits as a result of starting employment will have the co-payment waived from the first day of employment until the date of discontinuance

of the TANF benefits in accordance with § 183.105 (relating to increases in income), if the budget group has reported timely in accordance with § 125.24(d) (relating to responsibility for reporting changes).

(B) A TANF budget group determined prospectively eligible for TANF benefits when a parent/caretaker is starting employment will have the co-payment waived from the first day of employment until the last day of the calendar month in which the first pay is received, provided the TANF budget group has reported timely in accordance with § 125.24(d).

(2) When the month of child care eligibility is not a full calendar month, the child care payment is prorated for the number of calendar days for which the TANF budget group is eligible.

(3) Corrective or delayed payments are issued consistent with the requirements in Chapters 175 and 227 (relating to allowances and benefits; and central office disbursement).

§ 168.72. Determining monthly child care costs.

Child care costs include the following:

(1) A charge for child care during the hours of the work-related activity, including travel time and sleep-time.

(2) A charge for up to 10 consecutive days on which the child was not in attendance.

(3) A charge for transporting the child to or from care if the charge is included as part of the normal child care charge and not levied as a separate charge.

§ 168.74. Determining weekly child care co-payment for the employed TANF budget group.

The co-payment is determined weekly based upon gross monthly income and budget group size, using the co-payment sliding fee scale in Chapter 3041, Appendix B. Gross monthly income is determined based on anticipated or actual amounts as determined in accordance with Chapter 183 (relating to income).

(1) The co-payment is waived for the calendar month in which the first pay is received or until the date of discontinuance due to a prospective determination of ineligibility, in accordance with § 168.71 (relating to monthly payment determination). In the second month, the co-payment is determined using anticipated income, excluding the TANF grant as countable income.

(2) In the third month, the co-payment is determined using anticipated income and the TANF grant adjusted for earnings. This co-payment is used prospectively until the next redetermination, or the client requests a review of the co-payment amount, or there is a change in employment.

(3) If retroactive benefits are requested, the co-payment for each retroactive month will be determined using the actual income in the month of application.

CHILD CARE PAYMENT METHODS

§ 168.81. Payment methods.

(a) Subject to subsection (b), the Department will make a vendor payment for child care expenses incurred in a month.

(b) Payment is made to a vendor unless one of the following applies:

(1) Care is provided in the child's home.

(2) The parent/caretaker requires reimbursement for child care costs incurred during retroactive periods of eligibility.

[Pa.B. Doc. No. 06-2554. Filed for public inspection December 29, 2006, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 102]

Child Passenger Protection

The Department of Transportation, under 75 Pa.C.S. §§ 4581 and 6103 (relating to restraint systems; and promulgation of rules and regulations by department), amends Chapter 102 (relating to child passenger protection) to read as set forth in Annex A.

Purpose of Chapter 102

The purpose of Chapter 102 is to improve safety in transporting children by providing for exemption from the booster seat requirements in 75 Pa.C.S. (relating to Vehicle Code) (Vehicle Code) for children over a certain weight or height, or for children with a medical condition which makes use of a standard child passenger restraint system inappropriate.

Publication for Public Comment

Notice of proposed rulemaking was published at 34 Pa.B. 5684 (October 16, 2004) and the public was invited to submit comments. The proposed rulemaking was also submitted to the Independent Regulatory Review omission (IRRC) and to the House and Senate Transportation Committees. Comments were received from IRRC and from the public. The Department considered the written comments in formulating this final-form rulemaking.

Summary of Comments and Changes to Final-Form Rulemaking

Public comments were received from Ray F. Middleman, Esq. (on behalf of the Pennsylvania Taxi and Paratransit Association, The Yellow Cab Company of Pittsburgh, Airport Limousine Service, Inc., Checker Cab Company and YC Holdings, Inc.) and from the Pennsylvania Public Transportation Association (PPTA). Comments were also received from IRRC.

The Middleman comments urged that the rulemaking should exempt common carriers, such as the clients on whose behalf Middleman comments, from the requirements of the final-form rulemaking. The comment notes that carriers, particularly those in the business of call and demand transportation services, such as taxis, would have to be prepared with the various "appropriate" child passenger restraint systems to meet the range, in number and age, of child passengers they may possibly be asked to transport.

The Department recognizes the dilemma of call and demand carriers, but is without authority to include the recommended exception. Section 4581(a)(1) and (1.1) of the Vehicle Code, not the regulation, imposes the requirement to provide child passenger restraint on persons operating "a passenger car, Class I truck, Class II truck, classic motor vehicle, antique motor vehicle or motor home...." The provision does not exempt common carriers from the applicability of the requirements. The definition of "passenger car" in section 102 of the Vehicle Code

(relating to definitions) states that "a motor vehicle, except a motorcycle, designed primarily for the transportation of persons and designed for carrying no more than 15 passengers, including the driver, and primarily used for the transportation of persons." The definition does not exclude taxis. The Department cannot adopt a regulation contrary to the Vehicle Code and cannot, by regulation, provide an exemption from a statutory provision enacted by the General Assembly when the Legislature has not provided for an exemption.

It should be noted that the 2004 amendments to the Vehicle Code that prompted the promulgation of this final-form rulemaking added the provisions regarding children between 4 and 8 years of age. The requirement to provide restraint for children under 4 years of age had been in the Vehicle Code, and applicable to call and demand carriers, for some time.

The comments of the PPTA take the similar position that public transportation vehicles should be exempted from this final-form rulemaking. As noted, however, the applicability of the requirement to provide child passenger restraint is established by the Vehicle Code, not the regulations, and the Department is without authority to amend the statute by adoption of a regulation. Notably, the PPTA comments argue, at one point, "that public transportation providers must be exempt from this lawmaking." The exemption sought must come from the General Assembly and cannot legally be accomplished through a Department rulemaking.

It should be noted that not all vehicles used in public transportation are subject to the child passenger restraint requirements of the Vehicle Code. Only vehicles falling within the definitions of "passenger car," "Class I truck," "Class II truck," "classic motor vehicle," "antique motor vehicle" or "motor home" in the Vehicle Code would be subject to the statutory child passenger restraint requirement.

The PPTA comments also urge that the final-form rulemaking clarify that responsibility for the provision of the appropriate child passenger restraint system be placed on the passenger, presumably not the child but the adult responsible for the child. Again, the establishment of responsibility through regulation is beyond the authority of the Department. The statute places the onus of providing child passenger restraint on the person operating the vehicle. See section 4581 a(1) and (1.1) of the Vehicle Code. The Department cannot, through regulation, shift that onus to another person or persons.

In addition to the fiscal and logistical arguments raised in the PPTA comments in support of its request for exemption of public transportation providers, the PPTA urges that "it must be clearly stated that physician exemptions, and any changes thereto, are the responsibility of the passenger." With respect to the transportation of children by common carriers, the comment has some merit. Section 102.3(b) (relating to medical exemption from use of child passenger restraint system) has been amended to read: "The completed form must be in the possession of the vehicle operator or other adult traveling with the child whenever the child is being transported."

In its comments, IRRC noted that public commentators are not clear whether school buses, taxi cabs, limousines and other forms of public and private transportation fall under the final-form rulemaking and recommend that the Department include a section defining its scope. The Department does not believe this amendment is necessary. As previously noted, the Vehicle Code makes clear

the classes of vehicles to which the statutory requirements apply and the Vehicle Code includes definitions of those classes of vehicles. It would be redundant for the final-form rulemaking to repeat the language and definitions in the Vehicle Code.

IRRC also suggested that the Department should identify the number of call and demand service vehicles and quantify the costs associated with compliance with this final-form rulemaking by common carriers. In 2005 there were 2,561 limousines and 2,830 taxis registered in this Commonwealth. A booster seat can cost between \$25 and \$130. The aggregate cost to this segment of the regulated community to acquire one seat per vehicle is between \$134,775 and \$700,830.

IRRC has also noted the language in § 102.102 (relating to physical criteria for use of child passenger restraint system) requiring the child to be fastened in a restraint appropriate for the child's age, height and weight "in accordance with the recommendations of the manufacturer." IRRC questioned how the vehicle operator can demonstrate that the recommendations of the manufacturer have been followed. Labels on the equipment indicate the range of age, height and weight for which the equipment has been designed. In addition, child passenger restraint system provide instructions on the proper installation. The user and certainly law enforcement can key on visual cues such as whether the child's head is held too high above the device or if the shoulder belt restrains the child across the chest, as opposed to at the neck, to determine and demonstrate that the restraint is being properly used.

IRRC also commented that the final-form rulemaking appears only to provide exemption from use of a child passenger restraint system and not booster seats. In a related comment, IRRC noted some lack of clarity in the final-form rulemaking's use of the terms "child restraint system," "child passenger restraint system" and "child booster seat." In response to these comments, the definitions of "child booster seat" and "child passenger restraint system" have been amended to make clear that "child passenger restraint system" includes child booster seats. The term "child restraint system" is no longer used. These amendments clarify any ambiguity regarding the applicability of the exemption provisions.

Persons and Entities Affected

This final-form rulemaking will affect vehicle operators transporting children under 8 years of age.

Fiscal Impact

This final-form rulemaking will not require the expenditure of additional funds by the Commonwealth. The cost to the regulated community will be in the cost of a booster seat which range between \$25 and \$130. This final-form rulemaking may also result in marginal savings to parents with children falling within the exemptions who will not have to purchase booster seats.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 5, 2004, the Department submitted a copy of the notice of proposed rulemaking, published at 34 Pa.B. 4685, to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing

the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 29, 2006, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 30, 2006, and approved the final-form rulemaking.

Sunset Date

The Department is not establishing a sunset date for these regulations, as these regulations are needed to administer provisions required by the Vehicle Code. The Department will continue to closely monitor these regulations for their effectiveness.

Contact Person

The contact person for this final-form rulemaking is Lou Rader, Transportation Planning Manager, Bureau of Highway Safety and Traffic Engineering, Department of Transportation, Commonwealth Keystone Building, 400 North Street, 6th Floor, Harrisburg, PA 17120-0064, (717) 787-6853.

Order

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 102, are amended by deleting §§ 102.1—102.4 and by adding §§ 102.101—102.103 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form as required by law.

(c) The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

ALLEN D. BIEHLER, P.E.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 7777 (December 16, 2006).)

Fiscal Note: Fiscal Note 18-393 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VI. OPERATION OF VEHICLES

CHAPTER 102. CHILD PASSENGER PROTECTION

§§ 102.1—102.4. (Reserved).

§ 102.101. Definitions.

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

Child booster seat—A belt positioning seat designed and manufactured to meet Federal motor vehicle safety standards in 49 CFR 571.213 (relating to child restraint systems) to position a child to properly sit in a Federally-approved safety seat belt system.

Child passenger restraint system—

(i) A device or system to enhance the safety of children in motor vehicles which is designed and manufactured for use in motor vehicles equipped with a safety seat belt system and which meets the Federal motor vehicle safety standards in 49 CFR 571.213.

(ii) The term includes a child booster seat.

*Department—*The Department of Transportation of the Commonwealth.

*Safety seat belt system—*Any strap, webbing or similar device designed to secure a person in a motor vehicle to mitigate the results of any accident, including buckles, fasteners and all installation hardware as specified by 49 CFR 571.209 (relating to Standard No. 209; seat belt assemblies).

§ 102.102. Physical criteria for use of child passenger restraint system.

(a) *General criteria.* Children under 4 years of age shall be securely fastened in a safety seat belt system and a child passenger restraint system appropriate for their height and weight in accordance with the recommendations of the manufacturer. Children 4 years of age but younger than 8 years of age shall be securely fastened in a safety seat belt system and an appropriately fitting child booster seat in accordance with the recommendations of the manufacturer.

(b) *Exemption based on child's weight or height, or on vehicle characteristics.* Exemption from the general criteria in subsection (a) is as follows:

(1) Children 4 years of age but younger than 8 years of age who weigh less than 40 pounds may, in lieu of use of a booster seat, be securely fastened in a child passenger restraint system appropriate for their height and weight in accordance with the recommendations of the manufacturer.

(2) Children 4 years of age but younger than 8 years of age riding in a passenger position in the vehicle which was not originally equipped with a shoulder safety seat belt shall be fastened in the safety seat belt system without the use of a child booster seat or may be fastened in a child passenger restraint system appropriate for their height and weight in accordance with the recommendations of the manufacturer.

(3) Children 4 years of age but younger than 8 years of age who weigh more than 80 pounds or who are of a height of 4 feet 9 inches or taller may be fastened in the safety seat belt system without the use of a child booster seat.

(c) *Integrated child restraint or booster seat.* The requirements of this chapter may be satisfied by securing a child, in accordance with the recommendations of the manufacturer, in a child passenger restraint system or vehicle seat designed to accommodate children under 80 pounds, which is integrated into the design of the vehicle by the vehicle manufacturer.

§ 102.103. Medical exemption from use of child passenger restraint system.

(a) Exemption from the use of a child passenger restraint system for medical reasons may be obtained upon written certification by a physician that use of a child passenger restraint system is impractical. The certification must be made on a form developed by the Department which will require the following information:

- (1) The physician's name and practice address.
- (2) The date the form was completed.
- (3) The name, age and weight of the child.

(4) The medical or physical reasons that the use of a particular child passenger restraint system or systems is impractical.

(5) A recommendation of the type of passenger restraint the child should be fastened into or a statement that no appropriate passenger restraint system is known.

(6) A recommendation regarding the length of time the exemption should extend, or a statement of the conditions under which the exemption should be lifted.

(7) Other information deemed relevant by the physician, such as whether the child can be fastened into the child passenger restraint system but for only limited periods of time.

(b) The completed form must be in the possession of the vehicle operator or other adult traveling with the child whenever the child is being transported.

[Pa.B. Doc. No. 06-2555. Filed for public inspection December 29, 2006, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Interstate/International Quarantine Order; Vesicular Stomatitis

Recitals

A. Vesicular stomatitis is an infectious viral disease that primarily affects horses, cattle and swine.

B. Vesicular stomatitis is designated a "dangerous transmissible disease" of animals under 3 Pa.C.S. § 2321(a)(40) (relating to dangerous transmissible diseases).

C. The Department of Agriculture (Department) has broad authority under 3 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law) to regulate the keeping and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases. This includes the authority in 3 Pa.C.S. § 2329 (relating to quarantine) to issue the interstate/international quarantine order as follows.

D. Vesicular stomatitis exists in other states and nations, and the transporting of infected animals from these states or nations could spread that disease among susceptible domestic animals in this Commonwealth.

E. There are reasonable and relatively nonburdensome quarantine restrictions the Department can impose in order to prevent vesicular stomatitis from entering this Commonwealth.

F. On April 10, 2006, the Department issued an interstate/international quarantine order, imposing restrictions on hooved animals entering this Commonwealth. The order was published on April 22, 2006, at 36 Pa.B. 1906. The April 10, 2006 order provided that it would expire on December 31, 2006, unless extended by subsequent order.

G. The order below effectively extends the restrictions imposed by the April 10, 2006 order, and leaves these restrictions in effect until rescinded by subsequent order of the Department.

Order

The Department enters an interstate/international quarantine order with respect to vesicular stomatitis, incorporating the foregoing recitals into this order. This order is entered under authority of 3 Pa.C.S. § 2329 and establishes the following restrictions and conditions:

1. No hooved animals may enter this Commonwealth if vesicular stomatitis has been diagnosed within 10 miles of the premises of origin within the past 90 days.

2. All hooved animals entering this Commonwealth from a state in which vesicular stomatitis has been diagnosed within the past 12 months shall be examined by an accredited veterinarian to determine whether they are free from vesicular stomatitis, and shall be accompanied by a Certificate of Veterinary Inspection with the following written statement signed by that accredited veterinarian:

All animals identified on this Certificate of Veterinary Inspection have been examined and found to be free from vesicular stomatitis. During the past 90 days, these

animals have neither been exposed to vesicular stomatitis nor located within 10 miles of a site where vesicular stomatitis has been diagnosed.

3. This order will take effect as of December 31, 2006, and shall remain in effect until rescinded by the Department.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 06-2556. Filed for public inspection December 29, 2006, 9:00 a.m.]

Temporary Order Designating Dangerous Transmissible Diseases

The Department of Agriculture (Department) hereby issues a temporary order designating West Nile Encephalitis (WNE), Chronic Wasting Disease (CWD), Spring Viremia of Carp (SVC), Viral Hemorrhagic Septicemia (VHS), Lymphocytic Choriomeningitis Virus (LCMV) and the neurologic form of Equine Rhinopneumonitis or Equine Herpes Virus (EHV-1) as "dangerous transmissible diseases." These designations are made under the authority of 3 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law).

This temporary order is the successor to a previous temporary order with respect to these same diseases, as published at 36 Pa.B. 33 (January 7, 2006) that made the same dangerous transmissible disease designations. This previous temporary order will expire as of January 1, 2007.

Under 3 Pa.C.S. § 2327(a) (relating to disease surveillance and detection), the Department has authority to monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases of animals. Under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases), the Department has authority to declare a disease that has not been specifically identified in that statute as a "dangerous transmissible disease" to be a dangerous transmissible disease through issuance of a temporary order making that designation.

1. WNE

WNE is a disease of public health significance. It also poses a threat to domestic animal health and to the economic well being of domestic animal industries—particularly the equine industry. Section 2322(c) of 3 Pa.C.S. (relating to neoplastic diseases, metabolic diseases and heritable diseases) requires the Department to proceed with the agreement of the Department of Health (Health) when it adds a disease of public health significance to the list of designated dangerous transmissible diseases. Both the Department and Health agreed upon adding WNE to the list of dangerous transmissible diseases and to the reissuance of this temporary order.

WNE is an infection of the brain caused by the West Nile virus. Although West Nile virus has, in the past, been found most typically in Africa, Eastern Europe and West Asia, it was detected in the New York City area and in parts of New Jersey in 1999. It has spread across the United States since then. In mild cases of human disease, infection can cause fever, headache, body aches, skin rash and swollen lymph glands. In more severe cases, it can cause headache, high fever, neck stiffness, stupor, disori-

entation, coma, tremors, paralysis and occasional convulsions. In animals, horses and birds appear to be most susceptible to illness following infection, although reports of illness in other species are increasing.

Humans and animals can acquire West Nile virus through a bite from a mosquito that has bitten an infected bird. The designation of WNE as a "dangerous transmissible disease" will facilitate the Department's surveillance of birds, horses and other animals for the presence of the West Nile virus or WNE. The designation will also help the Department in providing assistance to Health and other public health agencies in monitoring and treatment efforts.

2. CWD

CWD is a disease of whitetail deer, elk and other cervids and is a member of the group of diseases known as transmissible spongiform encephalopathies (TSEs). Other more well-known TSEs are scrapie and bovine spongiform encephalopathy (BSE) or "mad cow" disease. All are thought to be caused by a protein that has converted to an abnormal infectious form known as a "prion." There is some evidence, in the case of BSE, that humans may become infected through consumption of meat products containing central nervous system tissues, thus there is a significant public health interest concerning all TSEs.

A number of states have, in recent years, instituted import regulations requiring that cervids entering those states: (1) originate from herds that are participating in a surveillance program; and (2) originate from states that have authority to take action in the event that CWD is diagnosed. The designation of CWD as a "dangerous transmissible disease" will facilitate the development and oversight of a surveillance program and will help the Department react and take action in the event CWD is detected.

3. SVC

SVC is caused by a ribonucleic acid virus known as *Rhabdovirus carpio* and is considered an emerging disease in the United States. SVC poses a threat to both domestic fish health and wild fish health in this Commonwealth and has the potential to create a significant adverse economic impact on this Commonwealth's aquaculture industry.

The SVC virus readily infects species of the *Cyprinidae* family (carp and minnows) and spreads through direct contact with infected fish and through shared infected water sources. Symptoms typically appear in the spring time as water temperatures increase. Symptoms in infected fish range from undetectable through mild disease to sudden massive die-off.

There is no specific treatment for fish infected with SVC and no vaccine to prevent the disease. Once natural water resources become infected, SVC may be impossible to eradicate and may pose a permanent threat to aquaculture facilities utilizing those water sources.

4. VHS

Viral hemorrhagic septicemia (VHS) virus is a serious pathogen of fresh and saltwater fish that is causing an emerging disease in the Great Lakes region of the United States and Canada. VHS virus is a rhabdovirus (rod shaped virus) that affects fish of all size and age ranges. It does not pose any threat to human health. VHS can cause hemorrhaging of fish tissue, including internal organs, and can cause the death of infected fish. Once a fish is infected with VHS, there is no known cure. Not all

infected fish develop the disease, but they can carry and spread the disease to other fish. The World Organization of Animal Health has categorized VHS as a transmissible disease with the potential for profound socio-economic consequences.

5. LCMV

LCMV is known to cause potentially fatal disease in humans and is capable of being spread by various rodent species. From time to time, outbreaks have occurred in the United States—necessitating swift investigation and disease containment strategies in order to protect human health.

6. Neurologic Form of EHV-1

EHV-1 is a highly contagious virus that is ubiquitous in horse populations worldwide. The age, seasonal and geographic distributions vary and are likely determined by immune status and concentration of horses. Infection with EHV-1 most commonly causes respiratory illness, characterized by fever, rhinopharyngitis and tracheo-bronchitis. Infection may also cause abortions in pregnant mares, following clinical or subclinical infection, and can be fatal to newborn foals. A further, infrequent clinical resultant effect of EHV-1 infection is the development of neurologic disease. Depending upon the location and extent of the lesions, signs of neurologic disease may vary from mild in coordination and posterior paresis to severe posterior paralysis with recumbency, loss of bladder and tail function, and loss of sensation to the skin in the perineal and inguinal areas, and even the hindlimbs. In exceptional cases, the paralysis may be progressive and culminate in quadriplegia and death.

Transmission of EHV-1 occurs by direct or indirect contact with infective nasal discharges, aborted fetuses, placentas or placental fluids. Transmission can occur by means of coughing or sneezing over a distance of up to 35 feet, as well as by direct contact with infected horses, feed and equipment.

There is currently no known method to reliably prevent the neurologic form of EHV-1 infection. Sound management practices, including isolation, are important to reduce the risk of infection with EHV-1. Maintaining appropriate vaccination protocols may also be prudent in an attempt to reduce the incidence of the respiratory form of EHV-1 infection, which may reduce the incidence of the neurologic form.

Order

The Department hereby designates WNE, CWD, SVC, VHS, LCMV and EHV-1 "dangerous transmissible diseases" under 3 Pa.C.S. § 2321(d). This order supplants any previous temporary order making a designation.

This order shall take effect as of January 1, 2007, and shall remain in effect until no later than January 1, 2008. This Department may: (1) reissue this temporary order to extend the designation beyond January 1, 2008; (2) allow this temporary order to expire on January 1, 2008; (3) supplant this temporary order with a formal regulation; or (4) modify this temporary order.

Questions regarding this temporary order may be directed to Paul Knepley, DVM, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-2852.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 06-2557. Filed for public inspection December 29, 2006, 9:00 a.m.]

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending December 19, 2006.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-13-06	Luzerne National Bank Luzerne Luzerne County <i>To:</i> Luzerne Bank Luzerne Luzerne County	118 Main Street Luzerne Luzerne County (Main Office)	Effective

Represents conversion from Nationally chartered banking association to a State-chartered, Federal Reserve member, bank and trust company. Luzerne Bank is wholly owned by Luzerne National Bank Corporation, Luzerne, an existing bank holding company.

Branches:

509 Main Road Dallas Luzerne County	67 Public Square Wilkes-Barre Luzerne County
1429 Highway 315 Plains Luzerne County	324 Wyoming Avenue Wyoming Luzerne County
801 Main Street Swoyersville Luzerne County	

Section 112 Applications

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
12-15-06	LeTort Management and Trust Company Camp Hill Cumberland County	Camp Hill	Approved

Represents application by G. Martin Eichelberger on behalf of the Eichelberger Family Limited Partnership, et al, for approval to transfer ownership resulting in a change of voting control and/or control of more than 10% interest of LeTort Group, LLC, and thereby voting control and/or more than 10% interest of LeTort Management and Trust Company, Camp Hill, PA.

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-4-06	Mid Penn Bank Millersburg Dauphin County	Millersburg	Effective

Purchase of assets/assumptions of liabilities of two branch offices of Omega Bank, State College
Located at:

51 South Front Street Steelton Dauphin County	1100 Spring Garden Drive Middletown Dauphin County
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Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-15-06	Penn Liberty Bank Wayne Delaware County	1301 Paoli Pike West Chester Chester County	Filed
12-15-06	Penn Liberty Bank Wayne Delaware County	2724 Ridge Avenue Trooper Montgomery County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-15-06	CommunityBanks Millersburg Dauphin County	<i>To:</i> Intersection of Derry Street and Nyes Road Harrisburg Swatara Township Dauphin County <i>From:</i> 6700 Derry Street Harrisburg Swatara Township Dauphin County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-14-06	Superior Credit Union Collegeville Montgomery County	2020 Swamp Pike Gilbertsville Montgomery County	Filed

The Department's website at www.banking.state.pa.us includes public notices for more recently filed applications.

VICTORIA A. REIDER,
Acting Secretary

[Pa.B. Doc. No. 06-2558. Filed for public inspection December 29, 2006, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the

Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062260 (Sewage)	Brookmont Health Care Center, Inc. P. O. Box 50 Brookmont Drive Effort, PA 18330	Monroe County Chestnuthill Township	Pohopoco Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0102652	Countryside Manufactured Home Community 117 Spring Forest Circle Littleton, NC 17850	McKean Township Erie County	UNT to Elk Creek 15-EC	Y
PA0221589	Tel-O-Post Linesville Facility 6060 Rockside Woods Boulevard Spectrum Building Suite 219 Independence, OH 44131	Linesville Borough Crawford County	Linesville Creek 20-A	Y

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

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

PA0032212, Sewage, **Mr. and Mrs. Lawrence Nelson**, 144 Silver Lake Lane, Fombell PA 16123. This application is for renewal of an NPDES permit to discharge treated sewage from Camp Silver Lake STP in Marion Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Connoquenessing Creek, 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: Beaver Falls Municipal Authority.

Outfall 001: existing discharge, design flow of 0.0016 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	9.0			18.0
(11-1 to 4-30)	25.0			50.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0205664, Sewage, **David J. D'Atri**, 320 Sunset Drive, Baden PA 15005. This application is for renewal of an NPDES permit to discharge treated sewage from Forest Brook Mobile Home Park STP in New Sewickley Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters known as Pine Run which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Nova Chemicals, BV Plant, on the Ohio River.

Outfall 001: existing discharge, design flow of 0.023 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	5.0			10.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.10			0.24
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 4006407, Sewerage, **Dallas Area Municipal Authority**, 530 S. Memorial Highway, Shavertown, PA 18708. This proposed facility is located in Dallas Township, **Luzerne County**, PA.

Description of Proposed Action/Activity: This project is for the upgrade to the existing Elmcrest Woods Pump Station and construction of a new gravity collection system to accommodate increased flows from Yalick Farms Development.

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

WQM Permit No. 6390201-A3, Industrial Waste, **Cooper US, Inc.**, 30 Curry Avenue, Canonsburg, PA 15317-2440. This existing facility is located in Canonsburg Borough, **Washington County**.

Description of Proposed Action/Activity: Application to amend permit is required to permit the installation and operation of the industrial wastewater treatment facility.

WQM General Permit No. WQG026110, Sewerage, **Beaver County Corporation for Economic Development**, 250 Insurance Street, Beaver, PA 15009. This proposed facility is located in Big Beaver Borough, **Beaver County**.

Description of Proposed Action/Activity: Application for construction and operation of a Pump Station.

WQM Permit No. 5606401, Sewerage, **Conemaugh Township**, 1120 Tire Hill Road, Johnstown, PA 15905. This proposed facility is located in Conemaugh Township, **Somerset County**.

Description of Proposed Action/Activity: construct gravity sewers, a force main and submersible type wastewater pumping station to serve the Benscreek Area Phase II Sewer System.

WQM Permit No. 6506405, Sewerage, **Penn Township Sewage Authority**, 1032 Nike Site Road, Irwin, PA 15642. This proposed facility is located in Penn Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for construction and operation of a Pump Station.

WQM Permit No. 0206407, Sewerage, **Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244. This proposed facility is located in Robinson Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for construction and operation of a Treatment Plant.

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

WQM Permit No. 1606404, Sewerage, **Shipperville Borough Municipal Authority**, P. O. Box 244, Shipperville, PA 16254. This proposed facility is located in Shipperville Borough, **Clarion County**.

Description of Proposed Action/Activity: This project is to permit the use of the abandoned sludge drying beds as alternative drying means when necessary.

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

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

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

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

PAG-12 Concentrated Animal Feeding Operations (CAFOs)

PAG-13 Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Permit No. 1406506, Construction Public Water Supply.

Applicant	The Pennsylvania State University
Township or Borough	College Township
County	Centre
Responsible Official	Robert E. Cooper, P.E. Manager of Engineering Services 101P Physical Plant Building University Park, PA 16802
Type of Facility	Public Water Supply-Construction
Consulting Engineer	Jeffrey S. Culton, P.E. Buchart-Horn, Inc. 445 West Philadelphia Street York, PA 17401
Application Received Date	December 14, 2006
Description of Action	Extension of raw water main and modification to chlorination facilities. The new raw waterline will be used to route water from the Big Hollow Well Field through the existing chlorination facility, and then to the water treatment plant.

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 remedi-

ate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Suburban Propane, Emmaus Borough, **Lehigh County**. Thomas Voss, Viron Consulting Group, LLC, 88 South Finley Avenue, Basking Ridge, NJ 07920 has submitted a Notice of Intent to Remediate (on behalf of his client, Sue Delia, Suburban Propane, LP, P. O. Box 206, 240 Route 10 West, Whippany, NJ 07981) concerning the remediation of soils found or suspected to have been impacted by arsenic and benzo(a)pyrene as the result of historical operations. The intended future use of the property will be nonresidential/industrial/commercial. The site is currently zoned as commercial/industrial and will remain as such. The applicant suggests the site will be remediated to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

05-05022C: Bedford Reinforced Plastics, Inc. (264 Reynoldsdale Road, Bedford, PA 15522-7401) for installa-

tion of three new fiberglass reinforced plastic pultrusion production lines at their facility in East Saint Clair Township, **Bedford County**. The plan approval and subsequent Title V operating permit amendment will include emission restrictions, work practice standards, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. This project is subject to 40 CFR Part 63, Subpart WWWW—National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.

06-0378B: Brush Wellman, Inc. (17876 St. Clair Avenue, Cleveland, OH 44110) for construction of a metal pickling line controlled by two scrubbers and two filters/fans at their Shoemakersville Plant in Perry Township, **Berks County**.

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

62-150B: Superior Tire and Rubber Corp. (1818 Pennsylvania Avenue West, Warren, PA 16365) for a waiver of VOC emission limitations at the superior tire and rubber facility, in the City of Warren, **Warren County**. The increase will make the facility a Major Title V entity for HAPs.

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.

09-0186: Kinder Morgan Bulk Terminals, Inc. (1 Sinter Lane, Fairless Hills, PA 19030) for modification of a bulk handling facility, to have the options of unloading, loading and transfer of materials to and from trucks, train cars, barges, and the like, as well as add other materials to the currently approved list of items that are approved for this operation. The facility will be located in Falls Township, **Bucks County**. The only pollutants of concern at this facility are PM and HAP emissions. The facility will have a potential-to-emit of 73.31 tons per year (TPY) for total PM, 19.98 TPY for PM₁₀, 4.53 TPY for PM_{2.5}, and 9.88 TPY for HAPs. Therefore, this facility is a non-Title V facility. PM and HAP emissions will be controlled by water suppression, chemical suppression, covers and barriers, as needed. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

46-0048C: Wyeth Pharmaceuticals (500 Arcola Road, Collegeville) for installation of two caterpillar 2,000-kW, No. 2 fuel oil fired, electric generators in Upper Providence, **Montgomery County**. 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.

46-0260: Durapax, LLC (400 Old Reading Pike, Pottstown, PA 19464) for installation of a coal tar based, rolled roofing manufacturing facility at their new facility in West Pottsgrove Township, **Montgomery County**. This facility is a non-Title V facility. A filter unit, mist eliminator and a carbon adsorption unit will reduce VOC

emissions from the rolled roofing line by 98% before discharge to the atmosphere. The Plan Approval will contain record keeping requirements, monitoring requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

Northwest Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.

40-317-030: Hershey Foods Corp. (125 Reese Avenue, P. O. Box 805, Hershey, PA 17033) for modification of two existing 21 mmBtu/hr boilers to burn biogas generated from an upgraded wastewater pretreatment facility and for installation of a candlestick flare to burn excess biogas during boiler downtime at their facility in the Humboldt Industrial Park in Hazle Township, **Luzerne County**. The facility is a Title-V facility. The boiler burners will be replaced with new low NO_x burners resulting in annual NO_x emissions of 6.50 tons, CO emissions of less than 2.0 tons and SO₂ emissions of less than 1 ton. The plan approval will include all appropriate restrictions, testing, monitoring, recordkeeping and reporting requirements designed to keep the process operating within all applicable air quality requirements.

45-313-014: Bio Spectra, Inc. (R.R. No. 2, Box 2129G, Stroudsburg, PA 18360) for installation and operation of pharmaceutical excipients manufacturing process lines and air cleaning devices to control emissions at their facility in Stroud Township, **Monroe County**. The company has proposed to install one urea dryer process line, one tris dryer process line and one tris-HCL dryer process line. An individual dust collector will control expected particulate emissions from each process line. Particulate emissions from each process line will be less than 0.02 grian/dscf. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. 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.

40-310-064: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 18823) for construction of a stone crushing plant with watersprays at the Hazleton Aggregates Facility in Hazle Township, **Luzerne County**. This facility is a non-Title V facility. The facility will be subject to NSPS Subpart OOO. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

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

62-0170: United Refining Co., 15 Bradley Street Warren, PA for modification of the Naphtha hydrotreater in the City of Warren, **Warren County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval to for the Warren Refinery in the City of Warren, **Warren County**. The facility was issued a Title V permit No.TV-62-00017 on December 26, 2000, which was revised on March 21, 2001, and again on December 18, 2001. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

Plan approval No. 62-00170 is for the modification of the Naphtha hydrotreater. In addition to the physical modifications to this unit, the refinery will experience an increase in emissions from the prefractionator 2 unit, the east and west reformers, and the sulfur recovery unit. The project is being proposed to enable United Refining to produce gasoline with sulfur levels of 30 ppm (annual average) and 80 ppm (maximum sulfur level). The sulfur will be removed from the existing stream by redirecting the light fluidized catalytic cracking naphtha to the existing Naphtha hydrotreater. United Refining also proposed modifications to the No. 4 boiler with installation of flue gas recirculation, but withdrew that proposal on December 7, 2006, and will submit a separate application for plan approval for the boiler at a later date.

The projected increase in emissions due to this project for NO_x is 35.3 tons per year, CO is 17.6 tons per year, PM is 11.3 tons per year, PM₁₀ is 11.2 tons per year and SO is 37.6 tons per year. The projected increase was determined based on the average of calendar year 2004 and 2005 actual emissions compared to the projected actual emissions in accordance with the Prevention of Significant Deterioration applicability procedures in 40 CFR Part 52. The NO_x and VOCs potential emissions remain unchanged. The plan approval does not trigger nonattainment new source review regulations or Prevention of Significant Deterioration regulations.

The permit will incorporate monitoring and recordkeeping requirements for the quantity of fuel burned, the heat content of the fuel, the hours of operation and the emissions from the heaters. The permit also incorporates the Federal maximum achievable control technology requirements for the Reformer and the Sulfur Recovery Unit (40 CFR Part 63, Subpart UUU) and the existing applicable requirements for the source from the Title V Operating Permit. The permit also incorporates conditions to ensure compliance with all applicable State and Federal Air Quality Requirements.

Copies of the applications, Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Northwest Regional Department Office, 230 Chestnut St., Meadville, PA 16335.

Persons wishing to provide the Department with additional information that they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit [Permit Nos. 62-0170].

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, when the Department determines telephone notification is sufficient. Written comments or requests for a public hearing should be directed to Matthew Williams, New Source Review, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Matthew Williams, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

If a plan approval has not undergone the previous public notice process the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in 25 Pa. Code §§ 127.421 to 127.431 for State-only operating permits or 25 Pa. Code §§ 127.521 to 127.524 for Title V operating permits.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.*

AMS 06021: Kinder Morgan Liquid Terminals, LLP (3300 North Delaware Avenue, Philadelphia, PA 19134) to accept facility-wide HAP emission limits of 10 tons per rolling 12-month period for each individual HAP and 25 tons per rolling 12-month period combined HAPs in the City of Philadelphia, **Philadelphia County**. The plan approval will contain testing, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdon Brown, Facilities Permitting Chief, (484) 250-5920.

46-00031: SmithKline Beecham Research Co. (1250 South Collegeville Road, Collegeville, PA) for a renewal of the Title V Operating Permit in Upper Providence, **Montgomery County**. The initial permit was issued on 12-28-2001. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

46-00035: SmithKline Beecham, d/b/a GlaxoSmithKline—Upper Merion (709 Swedeland Road, King of Prussia, PA) for renewal of the Title V Operating Permit in Upper Merion Township, **Montgomery County**. The initial permit was issued on 12-28-2001. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

09-00076: Cartex Corp. (200 Rock Run Road, Fairless Hills, PA) for renewal of the Title V Operating Permit in Falls Township, **Bucks County**. The initial permit was issued on January 22, 2001. As a result of potential emissions of VOCs, the facility is a major stationary

source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

46-00037: Cabot Supermetals (650 County Line Road, Boyertown, PA) for renewal of the Title V Operating Permit in Douglass Township, **Montgomery County**. The initial permit was issued on 12-31-2001. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

23-00012: Epsilon Products Co. (Blueball Avenue Post Road, Marcus Hook, PA) for renewal of the Title V Operating Permit in Marcus Hook Borough, **Delaware County**. The initial permit was issued on 6-04-2001. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

23-00016: PQ Corp. (1201 West Front Street, Chester) for renewal of the Title V Operating Permit in the City of Chester, **Delaware County**. The initial permit was issued on 7-06-2000. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

07-05008: Team Ten, LLC, 1600 Pennsylvania Avenue, P. O. Box 99, Tyrone, PA 16686 to modify a Title V Operating Permit for Team Ten, LLC, 1600 Pennsylvania Avenue, Tyrone, PA 16686. The Operating Permit is for the paper mill located in Tyrone Borough, **Blair County**.

The Team Ten Paper mill is a major facility and is subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code, Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permit requirements). Furthermore, the facility is subject to multiple State and Federal regulations. The modification involves the change in compliance assurance monitoring parameters for the No. 7 Power Boiler. The new parameters are more indicative of performance of the control device for particulate matter for this boiler. There will be no emission increase at the facility due to this modification.

Copies of the Title V modification application, proposed permit and other relevant information are available for public inspection at the Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Jennifer Troutman at (717) 705-4732 between 8:30 a.m. and 3:30 p.m., Monday through Friday except holidays.

Interested persons may submit written comments, suggestions or objections to Yasmin Neidlinger, Chief, Facilities Permitting Section, 909 Elmerton Avenue, Harrisburg, PA 17110-8200 within 21 days of this notice. Written comments should include the name, address and telephone number of the persons submitting the comments along with the reference number of the proposed permit.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.

55-00023: Kerrico Corp., 2254 Route 522, Selinsgrove, PA 17870, for operation of a cast polymer bathroom and kitchen vanity manufacturing facility in Penn Township, **Snyder County**.

The facility incorporates a gelcoat spray operation, a cast resin operation, a mold preparation operation, cleanup operations and 12 small natural gas-fired space heaters.

The air contaminant emissions from the facility are not expected to exceed 38.53 tons of VOCs, 37.55 tons of HAPs most of which will be styrene, 12.17 tons of PM including PM10 microns or less, 2.07 tons of NOx, .92 ton of CO and 10.0 tons of acetone per year.

The facility is a major (Title V) facility for HAPs.

The Department of Environmental Protection (Department) proposes to incorporate into the Title V operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously contained in Plan Approval 55-399-007, issued on February 7, 2006, and Plan Approval 55-399-007A, issued on August 1, 2006.

The conditions previously contained in Plan Approvals 55-399-007 and 55-399-007A include:

1. Conditions requiring all gelcoats applied in the facility to be applied in two spray booths with HVLP or high volume low pressure spray technology (or an equivalent technology) only.

2. Conditions requiring the air pressure of each HVLP spray system to be set so that the air pressure at the tip of the spray gun is between .1 psig and 10.0 psig and requiring each gun to be tested at least once per calendar quarter to determine the air pressure.

3. Conditions requiring the gelcoat spray booths to be equipped with spray booth filters and instrumentation to monitor the pressure differential across the filters.

4. A condition limiting the gelcoats to be applied in the facility to clear gelcoats with maximum VOC and volatile HAPs contents of 44% and 44% (by weight), respectively, white/off-white gelcoats with maximum VOC and volatile HAP contents of 30% and 30% (by weight), respectively, and pigmented gelcoats with maximum VOC and volatile HAP contents of 31% and 31% (by weight), respectively.

5. A condition requiring the facility's two-batch mixing machines to be equipped with covers having no visible gaps which are kept closed when mixing is occurring.

6. A condition limiting the resins used in the facility to marble or cultured resins with maximum VOC and volatile HAP contents of 32% and 32% (by weight), respectively and solid surface resins with maximum VOC and volatile HAP contents of 17% and 17% (by weight), respectively.

7. A condition prohibiting the mold release agents used at the facility from containing any volatile HAPs or having a vapor pressure in excess of 6.0 millimeters of mercury at 20° C.

8. A condition limiting the materials used to clean cured and uncured gelcoats and resins from application and mixing equipment to acetone and Super Oil Company "Super Blue LF Resin Cleaner" (or equivalent material) which contains no volatile HAPs and no more than 6.3% VOCs (by weight) except that methylene chloride can be used to cure resin from the mixing cylinder and associated auger of the facility's continuous casting machine.

9. A condition requiring all containers of VOC-containing materials, volatile HAP-containing materials and acetone-containing materials to be closed except when material is added or removed as well as requiring all spray guns and lines to be cleaned by flushing solvent through them into an enclosed container in a nonatomized manner or by soaking them in solvent.

10. A condition limiting the total combined facility-wide emissions of VOCs, volatile HAPs, acetone and methylene chloride to 38.53, 37.55, 10.0 and 1.43 tons, respectively, in any 12-consecutive month period.

11. A condition limiting the VOC and volatile HAP emissions resulting from gelcoat usage to 28.16 and 28.16 tons, respectively, in any 12-consecutive month period.

12. Conditions limiting the VOC and volatile HAP emissions resulting from resin usage to 6.5 and 6.5 tons, respectively, in any 12-consecutive 12-month period and the volatile HAP emissions resulting from resin usage in the facility's two batch mixers to 1.0 ton in any 12-consecutive month period.

13. A condition limiting the VOC and volatile HAP emissions resulting from the use of mold release agents and mold cleaners to 3.49 and 1.4 tons, respectively, in any 12-consecutive month period.

14. A condition limiting the VOC emissions from the use of cleaning solvents/materials, other than mold cleaners, to .32 ton in any 12-consecutive month period.

15. Conditions requiring the maintenance of records to demonstrate compliance with the limitations and requirements specified previously and the periodic reporting of this information to the Department.

The Title V operating permit will be submitted to the United States Environmental Protection Agency for approval as a permit issued in accordance with the permit program requirements of 40 CFR Part 70.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

56-00257: Department of Corrections (PDC 2520 Lisburn Road, Camp Hill, PA 17011) for their SCI-Laurel Highlands Correctional Facility, in Somerset, **Somerset County**. The facility's major sources of emissions include three Riley type R1 14WW coal-fired boilers rated at 550 HP and six emergency diesel generators (12-225 kw) which emit major quantities of SO_x and particulate. This is a Title V renewal.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

06-05149: Fleetwood Industries, Inc. (225 Peach Street, Leesport, PA 19533-8644) for operation of a wooden furniture surface coating facility controlled by various dry filters and low VOC content coatings in Ontelaunee Township, **Berks County**. The facility is a non-Title V (State-only) facility. The facility will be required to limit the annual emissions to less than 100 tons of particulate, SO₂, CO and NO_x; 50 tons of VOC; and 10/25 tons of HAPs. The permit will limit the VOC content of the various coatings applied to the furniture. The permit will require emission and coating usage recording on a monthly and 12-month rolling schedule. The permit will include monitoring, record keeping, work practices, testing and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

22-03046: Handwerk Materials, Inc. (P. O. Box 196, Skippack, PA 19474-0196) for operation of a crushing operation in Lower Swatara Township, **Dauphin County**. This action is a renewal of the previous permit issued in 2001.

36-03042: Handwerk Materials Inc. (P. O. Box 196, Skippack, PA 19479-0196) for operation of a crushing operation in Fulton Township, **Lancaster County**. This action is a renewal of the previous permit issued in 2001.

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 particu-

lar proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code

Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Effluent Limits—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.

11971301 and NPDES Permit No. PA0235423. TJS Mining, Inc. (2340 Smith Road, Shelocta, PA 15774). To renew the permit for the Morningstar Mine in Cresson Township, **Cambria County** and Juniata Township, **Blair County** and related NPDES permit. No additional discharges. Application received: November 30, 2006.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

4673SM15 and NPDES Permit No. PA0258237. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Renewal of a bituminous surface strip operation in Jay Township, **Elk County** affecting 173.8 acres. Receiving streams: UNT to Lick Run and UNT water supply intakes within 10 miles downstream. Renewal for reclamation only. Application received: December 8, 2006.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17960119 and NPDES No. PA0220469. TDK Coal Sales, Inc. (P. O. Box 259, Brockway, PA 15824). Permit renewal for the continued operation and restoration of a bituminous surface mine in Jordan Township, **Clearfield**

County, affecting 154.0 acres. Receiving streams: tributary to Comfort Run and Comfort Run to Witmer Run to Clearfield Creek to the West Branch of the Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 27, 2006.

17010112 and NPDES No. PA0243159. Hepburnia Coal Co. (P. O. Box 1, Grampian, PA 16838). Permit renewal for the continued operation and restoration of a bituminous surface mine in Chest Township, **Clearfield County**, affecting 141.0 acres. Receiving streams: Spring Run and Chest Creek to the West Branch of the Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 6, 2006.

17010109 and NPDES No. PA0243116. Forcey Coal Co. (P. O. Box 225, Madera, PA 16661). Permit renewal for the continued operation and restoration of a bituminous surface mine in Bigler Township, **Clearfield County**, affecting 168.3 acres. Receiving streams: Muddy Run and Clearfield Creek to the West Branch of the Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: December 4, 2006.

17010106 and NPDES No. PA0243086. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15850). Revision of an existing bituminous surface-auger mine to add Middle Kittanning Rider Coal Seam in Woodward Township, **Clearfield County**, affecting 299.0 acres. Receiving streams: UNT to Upper Morgan Run,

classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 4, 2006.

Noncoal Applications Received

Effluent Limits

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity ¹			
pH ¹		greater than 6.0; less than 9.0	

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

4875SM1A1C4 and NPDES Permit No. PA0612227. 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 York Township, **York County**, receiving stream: UNT to Mill Creek, classified for the following use: WWF.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommoda-

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:

tion to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E02-1553. Department of Transportation, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. To construct a bridge in South Fayette Township, **Allegheny County**, Pittsburgh ACOE District. (Canonsburg, PA Quadrangle N; 18.9 inches; W: 1.8 inches and Latitude: 40°21'15"—Longitude: 80° 08' 17"). The applicant proposes to construct and maintain a 32 ft. wide, 132 ft. long single span bridge skewed 31.5° with an underclearance of 13.0 ft. to replace the existing SR 3026, 44 ft. wide, 81 ft. long, single span bridge skewed 50° with an underclearance of 8.1 ft over Millers Run (WWF) with a drainage area of 28.1 square miles; construct and maintain associated rip rap scour protection; construct temporary cofferdams for abutment construction; fill and maintain the floodway to increase the elevation of the approach roads; and to construct and maintain adjoining stormwater outfalls. The project is located approximately 1.5 miles west of Bridgeville.

E32-477. LMC Enterprises and Heritage Oaks, LP, 1 Highpoint Place, P. O. Box 399, Indiana, PA 15701-3251. To place and maintain fill in 0.19 acre of wetlands in White Township, **Indiana County**, Pittsburgh ACOE District. (Indiana, PA Quadrangle, N: 22.4' W: 7.9' and Latitude 40° 37' 23", Longitude 79° 11' 00"). The applicant proposes to place and maintain fill in 0.19 acre of wetlands for the purpose of constructing two office/apartment buildings. The project is located at the eastern corner of Philadelphia Street and Heritage Run Road.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E14-487. Robert S. McGrail-Peasley, 2045 Runville Road, Bellefonte, PA 16823, Berm/bridge/culvert, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches).

To construct and maintain: 1) 340 foot long by 2 foot wide by 2 foot high earthen berm on the top of the right bank of a UNT to Wild Cat Run for the purpose of protecting an earthen road from flood waters; 2) a wooden pedestrian bridge with a 19-foot clear span and 4-foot underclearance across Wild Cat Run for private use; 3) a 24-inch diameter HDPE culvert with a rock headwall to make a new road crossing near the upstream limit of the

earthen berm, located 3,100 feet upstream of the intersection of Gum Stump Road and Runville Road (SR 144) (Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches) in Boggs Township, Centre County. This project proposes to impact 340 linear feet of the UNT to Wild Cat Run and 5 linear feet of Wild Cat Run that are tributaries to Wallace Run, which is classified as a HQ-CWF and proposes no wetland impacts.

ACTIONS

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

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0062481 (Minor Sewage)	Rico Carisch and Alessandra Bernasconi 20 Canal Road Easton, PA 18042	Williams Township Northampton County	Delaware River (02D)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0023931 Amendment No. 1	Cambridge Area Joint Authority 161 Carringer Street Cambridge, PA 16403'	Cambridge Springs Borough Crawford County	French Creek 16-A	Y

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

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

NPDES Permit No. PA0253022, Industrial Waste, **Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701. This proposed facility is located in White Township, **Indiana County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of general warehousing and transport.

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

NPDES Permit No. PA0239887, Sewage, **Marcell Ervig**, 328 Freeport Road, Butler, PA 16001. This proposed facility is located in Summit Township, **Butler County**.

Description of Proposed Action/Activity: This is a single residence sewage treatment plant discharging to a UNT to Coal Run in Watershed 20-C.

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

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

WQM Permit No. 3205201, Industrial Waste, **Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701. This proposed facility is located in White Township, **Indiana County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of general warehousing and transport.

WQM Permit No. WQG016128, Sewerage, **David Martelli, Jr.**, 424 Shirley Lane, Oakdale, PA 15071. This proposed facility is located in North Fayette Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the 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. 1006404, Sewerage, **Marcell Ervig**, 328 Freeport Road, Butler, PA 16001. This proposed facility is located in Summit Township, **Butler County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032106006	Rite Aid Corporation Store No. 07884-01 30 Hunter Lane Palmyra PA 17011	Cumberland	South Middleton Township	Letort Spring Run HQ-CWF

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

Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, Ext. 4.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045306009	Roulette Township P. O. Box 253 Roulette, PA 16746	Potter	Roulette Township	Lanniger Creek HQ-CWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Single Residence Sewage Treatment Plants
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-2**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Halifax Township Dauphin County	PAG2002206002(1)	Cedar Halifax II, LLC 3307 Trindle Road Camp Hill, PA 17011 and Aaron Boyer Patton Tire Co. 3604 Peters Mt. Road Halifax, PA 17032	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
East Hanover and West Hanover Townships Dauphin County	PAG2002206075	Kenneth E. Boltz USPFO Fort Indiantown Gap Building 11-12, Serice Road Annville, PA 17003	Manada Creek CWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
East Hanover Township Dauphin County	PAG2002206077	Kenneth E. Boltz USPFO Fort Indiantown Gap Building 11-12, Serice Road Annville, PA 17003	Manada Creek CWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
South Hanover Township Dauphin County	PAG2002206037	Fred Drenning Aikon, LP 2520 Knob Hill Road York, PA 17403	Kellock Run WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Northumberland County Point Township	PAG2004906012	Equestrian Heights Residential Development King and 16th Streets Northumberland, PA 17857	UNT to West Branch Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Northumberland County Point Township	PAG2004906013	Cannery Point Residential Development King and 16th Street Northumberland, PA 17857	UNT to West Branch Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4

NOTICES

7991

*Facility Location:
Municipality &
County*

Union County
East Buffalo Township

Permit No.
PAG2006006011

*Applicant Name &
Address*
Cristian Faust
138 Arbutas Park Road
Bloomsburg, PA 17815

*Receiving
Water/Use*
UNT to Susquehanna
River
WWF

*Contact Office &
Phone No.*
Union County
Conservation District
Union County
Government Center
155 North 15th Street
Lewisburg, PA 17837
(570) 524-3860

Butler County
Adams Township

PAG2001006028

Callery Road Area
Sewer Line Extension
Breakneck Creek
Regional Authority
P. O. Box 1180
Mars PA 16046

UNT to Kaufman Run
WWF

Butler Conservation
District
(724) 284-5270

Crawford County
Meadville City

PAG2002006007

Vukovich Center
Allegheny College
520 N. Main Street
Meadville, PA 16335

UNT French Creek
WWF

Crawford Conservation
District
(814) 763-5269

General Permit Type—PAG-3

*Facility Location &
Municipality*

Georges Township
Fayette County

Permit No.
PAR236132

*Applicant Name &
Address*
Hunter Panels, LLC
2000 Summit View
Drive
Smithfield, PA 15478

*Receiving
Water/Use*
Georges Creek

*Contact Office &
Phone No.*
Southwest Regional
Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000

Hempfield Township
Westmoreland County

PAR326110

Hanson Aggregates
BMC, Inc.
2200 Springfield Pike
Connellsville, PA 15425

UNT to Sewickley
Creek

Southwest Regional
Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745

Summit Township
Butler County

PAR208302

Bear Metallurgical
Company
679 East Butler Road
Butler, PA 16002-9127

Bonnie Brook

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942

Bradford Township
McKean County

PAR808314

Crossett Inc.
201 S. Carver Street
P. O. Box 946
Warren, PA 16365

Rutherford Run

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942

General Permit Type—PAG-4

*Facility Location
County &
Municipality*

Allegheny County
North Fayette
Township

Permit No.
PAG046328

*Applicant Name &
Address*
David Martelli, Jr.
424 Shirley Lane
Oakdale, PA 15071

*Receiving
Water/Use*
Drainage Swale to
Pinkertons Run

*Contact Office &
Phone No.*
Southwest Regional
Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000

<i>Facility Location County & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Indiana County Cherryhill Township	PAG046331	Delbert F. Coy 2330 Manor Road Clymer, PA 15728	Rose Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Pine Grove Township Warren County	PAG048421	Leah R. Bacchetti 139 Stony Road Lancaster, NY 14086	Wiltsie Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Delaware Township Mercer County	PAG048419	Roger L. Struthers 218 Haas Road Fredonia, PA 16124	UNT to Lawango Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

PUBLIC WATER SUPPLY (PWS)

PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 4606506 Public Water Supply.

Applicant	Superior Water Company, Inc. 1885 Swamp Pike, Suite 109 Gilbertsville, PA 19525
Township	Worcester
County	Montgomery
Type of Facility	PWS
Consulting Engineer	Entech Engineering, Inc. 4 South Forth Street Reading, PA 19525
Permit to Construct Issued	December 5, 2006

Permit No. 0906512, Public Water Supply.

Applicant	Pennsylvania American Water Company 800 W. Hershey Park Drive Hershey, PA 17033
Township	Lower Makefield
County	Bucks
Type of Facility	PWS
Consulting Engineer	Scott M. Thomas Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit to Construct Issued	December 15, 2006

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

09-320-061GP: Transcontinental Direct (75 Hawk Road, Warminster, PA 18974) on December 15, 2006, to operate a nonheatset web offset lithographic in Warminster Township, **Bucks County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

46-0037Y: Cabot Supermetals (County Line Road, Boyertown, PA 19512) on December 15, 2006, to operate wastewater discharge limits in Douglass Township, **Montgomery County**.

46-0259: PPL Distributed Generation LLC (660 Thomas Road, Lafayette Hill, PA 19444) on December 15, 2006, to operate a natural gas-fired engine in Whitmarsh Township, **Montgomery County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.

48-328-008: Bethlehem Renewable Energy, LLC (1300 North 17th Street, Suite 1600, Arlington, VA 22209) on December 5, 2006, to construct a combustion turbine at the Bethlehem Landfill facility in Lower Saucon Township, **Northampton County**.

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

10-281J: II-VI, Inc. (375 Saxonburg Boulevard, Saxonburg, Butler, PA 16056-9499) on December 12, 2006, to construct two additional zinc selenide furnaces and associated air pollution control devices at the Saxonburg facility in Clinton Township, **Butler County**.

42-004C: American Refining Group, Inc. (77 North Kendall Avenue, Bradford, PA 16701) on December 8, 2006, to construct Hydrogen Hydrotreater Unit and LO-CATII Desulfurization Unit with Liquid Absorber in Bradford City, **McKean County**. The source will be subject to 40 CFR 60 Subpart J and GGG. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.

- No person may permit the emission into the outdoor atmosphere of particulate matter in a manner that the concentration of particulate matter in the effluent gas exceeds 0.02 grain per dry standard cubic foot.

- Subject to 25 Pa. Code § 129.58(g)
- Heaters subject to 40 CFR 60.104(a)
- Heaters subject to 40 CFR 60.105(a)(4) and (e)
- Heaters subject to 40 CFR 60.106(e)
- Heaters subject to 40 CFR 60.107(e) and (f)
- Heaters subject to 40 CFR 60.108(a)
- Subject to 40 CFR 60 Subpart GGG
- The permittee shall maintain a record of all preventative maintenance inspections of the source. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, and any routine maintenance performed.
- The permittee shall maintain a record of the following from the operational inspections:
 - The performance of an operational inspection
 - Perform a stack test for VOC emissions
- The permittee shall perform a daily operational inspection of the source for any day the source is in operation.
- All gauges employed shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within the manufacturer's accuracy specifications.
- The permittee shall maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

09-0110B: Riverside Construction Materials, Inc. (355 Newbold Road, Fairless Hills, PA 19030) on December 15, 2006, to operate a material handling system in Bristol Township, **Bucks County**.

09-0126A: Air Liquide Electronics U. S., LP (19 Steel Road West, Morrisville, PA 19067) on December 15, 2006, to operate a wet scrubber S-7 in Falls Township, **Bucks County**.

46-0035B: SmithKline Beecham d/b/a GlaxoSmith-Kline (709 Swedeland Road, King of Prussia, PA 19406) on December 15, 2006, to operate an emergency electric generator in Upper Merion Township, **Montgomery County**.

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

01-05016G: ISP Minerals, Inc. (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) on November 18, 2006, to install a new Headlap Plant in Hamiltonban Township, **Adams 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.

41-00013: Coastal Aluminum Rolling Mills, Inc. (2475 Trenton Avenue, Williamsport, PA 17701) on December 11, 2006, by means of a Department-initiated modification, to clarify stack testing requirements for a coil coating line (Line No. 8) in the City of Williamsport, **Lycoming County**.

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

61-185C: Heath Oil Co. (SR 8, Barkeyville, PA 16038) on November 30, 2006, for the post construction approval of the bulk storage terminal, tank wagon loading rack, and vapor balancing and burn off system in Barkeyville Borough, **Venango County**. This is a State-only facility.

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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

46-00253: Valley Forge, Inc. (450 East Valley Forge Road, King of Prussia, PA 19406) on December 13, 2006, for a non-Title V Facility, State-only, Synthetic Minor Operating Permit in Upper Merion Township, **Montgomery County**. Valley Forge, Inc., recycles used concrete, asphalt, brick, and block and crushes it for use in road sub-base and other construction products; grinds green waste into mulch; and processes compost and topsoil. The facility's major sources of emissions are the engines, from which the main pollutant emitted is NOx. Valley Forge, Inc., will limit the hours of operation in order to limit their facility NOx emissions to less than 11.1 tons per year. The permit will contain monitoring, recordkeeping, reporting, and work practice 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.

38-03017: Keystone Spikes Corp. (255 North Lincoln Avenue, Lebanon, PA 17046-3949) on December 12, 2006, to manufacture iron and steel forgings for the railroad industry in City of Lebanon, **Lebanon 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.

30-00116: Columbia Gas Transmission Corp. (1700 MacCorkle Avenue South East, Charleston, WV 25314-1518) on December 8, 2006, to operate five natural gas fired turbines along with smaller ancillary natural gas fired units at the Waynesburg Compressor Station in Waynesburg Borough, **Greene County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

09-00016: Exelon Generating Station—Croydon Generating Station (955 River Road, Croydon, PA 19020) on December 13, 2006, to modify an existing regenerative cycle turbine to a simple cycle turbine in Bristol Township, **Bucks County**. The company operates a power generating facility. The permit is being amended to incorporate changes approved under plan approval PA-09-0016A. The modification will not result in emission increase of any pollutants.

The following conditions have been addressed in the amended Title V Operating Permit, as outlined:

i. Source ID:033, Section A and D, Source Name—Revised the name of the source from “*Regenerative Cycle Turbine No. 21*” to “*Simple Cycle Turbine No. 21.*”

Note: Similarly the term “*regenerative*” was changed to the term “*simple*” in Conditions No. 001, No. 004, No. 005, No. 007 and No. 012—No. 019.

Source ID: 033, Section D, Condition #004—Revised the NOx emission limit from 1.7 pounds per million Btu (lbs/mmBtu) or 1,117 pounds 09-00016: Exelon Generating Station (Croydon Generating Station) (955 River Road, Croydon, PA 19020) located in Bristol Township, Bucks County. The company operates a power generating facility. The permit is being amended to incorporate changes approved under plan approval PA-09-0016A for the modification to an existing regenerative cycle turbine to a simple cycle turbine. The modification will not result in emission increase of any pollutants.

The following conditions have been addressed in the amended Title V Operating Permit, as outlined:

i. Source ID:033, Section A and D, Source Name—Revised the name of the source from “*Regenerative Cycle Turbine #21*” to “*Simple Cycle Turbine #21.*”

Note: Similarly the term “*regenerative*” was changed to the term “*simple*” in Conditions No. 001, No. 004, No. 005, No. 007, No. 012, No. 013, No. 014, No. 015, No. 016, No. 017, No. 018 and No. 019.

ii. Source ID: 033, Section D, Condition #004—Revised the NOx emission limit from 1.7 pounds per million Btu (lbs/mmBtu) or 1,117 pounds per hour (lbs/hr) to 0.7 lb/mmBtu or 587 lb/hr.

iii. Source ID: 033, Section D, Condition No. 008—Revised the language for testing requirement to specify that the source testing shall be conducted at least twelve months prior to the expiration of this permit and that the stack test results shall be submitted, to the Department for review, no later than 6 months before the permit expiration.

Note: The source testing requirements for Source ID(s): 031 and 032, 034—038 have also been revised as previously described.

iv. Source ID: 033, Section D, Condition No. 014(b)—Revised this condition as follows: “The NOx emission factor used in subparagraph (a), shall be from the most recent stack test results.”

v. per hour (lbs/hr) to 0.7 lb/mmBtu or 587 lb/hr.

vi. Source ID: 033, Section D, Condition #008—Revised the language for testing requirement to specify that the source testing shall be conducted at least 12 months prior to the expiration of this permit and that the stack test results shall be submitted, to the Department for review, no later than 6 months before the permit expiration.

Note: The source testing requirements for Source ID(s): 031, 032, 034, 035, 036, 037, and 038 have also been revised as previously described.

vii. Source ID: 033, Section D, Condition #014(b)—Revised this condition as follows: “The NO_x emission factor used in subparagraph (a), shall be from the most recent stack test results.”

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.

37-002423: INMETCO (1 Inmetco Drive, Ellwood City, PA 16117) on December 12, 2006, the Department modified Title V Operating Permit Number 37-00243, for Inmetco in the Ellwood City Borough, **Lawrence County**. This modification is to incorporate synthetic minor emission limits for three date eligible sources, so that the facility will fall under the BART (Best Available Retrofit Technology) applicability threshold. The combined NO_x and PM₁₀ emissions from Source ID: 101-Materials Handling, Source ID: 102-Rotary Hearth Furnace and Source ID: 103-Submerged Electric Arc Furnace, have been limited to no more than 250 tons per year for each pollutant.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.

11051301 and NPDES Permit No. PA0235652. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650). To operate the Cresson Mine in Cresson and Sankerton Boroughs and Cresson, Allegheny, Washington, and Musser Townships, **Cambria County** a new mine and related NPDES permit. Surface Acres Proposed 73.9, Underground Acres Proposed 4733.4, SCP Acres Proposed 4339.4. Receiving Stream: UNT to Little Conemaugh River, classified for the following use: CWF. Application received: May 3, 2005. Permit issued: December 13, 2006.

11991301 and NPDES Permit No. PA0215210. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). To renew and revise the permit for the Twin Rocks Mine in Blacklick Township, **Cambria County** to add surface acres for haul-road and mine water treatment. SCP Acres Proposed 87.8. Receiving Stream: UNT to South Branch Blacklick Creek, classified for the following use: CWF. Application received: January 21, 2005. Permit issued: December 13, 2006.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

56040106 and NPDES No. PA0234931. Fieg Brothers (3070 Stoystown Road, Stoystown, PA 15563). Transfer of an existing bituminous surface mine from Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530 in Brothersvalley Township, **Somerset County**, affecting 4.1 acres. Receiving streams: UNTs to/and Hays Run, UNTs to/and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: May 23, 2006. Permit issued: December 11, 2006.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

10840111 and NPDES Permit No. PA0602361. Thomas E. Siegel (208 Woodland Road, Shippenville, PA 16254) Renewal of an existing bituminous strip and auger operation in Parker Township and Bruin Borough, **Butler County** affecting 207.8 acres. Receiving streams: Two UNTs to Bear Creek and Bear Creek. Application received: October 23, 2006. Permit issued: December 12, 2006.

24010101 and NPDES Permit No. PA0241857. Energy Resources, Inc. (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous strip, auger and clay removal operation in Horton Township, **Elk County** affecting 264.3 acres. Receiving streams: UNTs to Mead Run and UNTs to Johnson Run. Application received: October 17, 2006. Permit issued: December 12, 2006.

33010104 and NPDES Permit No. PA0241997. Reichard Contracting, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal of an existing bituminous strip operation in Clover Township, **Jefferson County** affecting 29.5 acres. This renewal is issued for reclamation only. Receiving streams: UNT to No. 1 to Runaway Run. Application received: October 18, 2006. Permit issued: December 14, 2006.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17960104 and NPDES No. PA0220281. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Permit renewal for the continued operation and restoration of a bituminous surface-auger mine in Beccaria Township, **Clearfield County**, affecting 79.0 acres. Receiving streams: Cofinan Run to Clearfield Creek to West Branch of Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 24, 2006. Permit issued: December 7, 2006.

17010101 and NPDES No. PA0243035. Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830). Revision of an existing bituminous surface mine to add 2.5 acres, in Lawrence and Pike Townships, **Clearfield County**, affecting 70.2 acres. Receiving streams: Hogback Run to the West Branch of the Susquehanna River. Application received: June 13, 2005. Application returned: November 29, 2006.

Government Financed Construction Contract

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

Bell Resources, Inc., GFCC No. 17-04-05. Pike Township, **Clearfield County** (Kratzer Run and Porter Run—Upper West Branch Watershed): A Government-Financed Construction Contract has been awarded to Bell Resources, Inc., that will result in the reclamation of over 800 feet of highwall, approximately 6.5 acres of aban-

doned mine lands and 3-4 acres of abandoned underground mines. The site is located in Pike Township Clearfield County. The reclamation of the abandoned mine lands will restore positive drainage by returning the area to approximate original contour. The revegetation of the site will also reduce the amount of sediment entering Kratzer Run and Porter Run. The value of this reclamation is estimated at \$57,000.

Noncoal Permits Actions

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

08062803. Gigliello Topsoil (39 Pittston Avenue, Yatesville, PA 18640). Commencement, operation, and restoration of a quarry operation (Bluestone) in Pike Township, **Bradford County**, affecting 5.0 acres. Receiving stream: UNT to Rockwell Creek. Application received April 20, 2006. Permit issued: December 12, 2006.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

15060301. Limestone Properties, LLC (1020 Broad Run Road, Landenburg, PA 19350). Commencement, operation and restoration of a quarry operation in Avondale Borough, **Chester County** affecting 26.56 acres; receiving stream: none. Application received: September 5, 2006. Permit issued: December 11, 2006.

58060861. Anthony P. Bennett (R. R. 4, Box 4056, Wyalusing, PA 18853). Commencement, operation and restoration of a quarry operation in Middletown Township, **Susquehanna County** affecting 2.0 acres; receiving stream: none. Application received: August 16, 2006. Permit issued: December 11, 2006.

58060862. Robert K. Volk (R. R. 4, Box 56B, Montrose, PA 18801). Commencement, operation, and restoration of a quarry operation in Middletown Township, **Susquehanna County** affecting 5.0 acres; receiving stream: none. Application received: August 30, 2006. Permit issued: December 11, 2006.

58060863. Dean M. Mack (R. R. 2, Box 199, Kingsley, PA 18826). Commencement, operation, and restoration of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 5.0 acres; receiving stream: none. Application received: September 5, 2006. Permit issued: December 11, 2006.

40960302C2 and NPDES Permit No. PA0223671. Hanover Nursery (5 Crystal Street, Wilkes-Barre, PA 18702): Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Plymouth Township, **Luzerne County**, receiving stream: Susquehanna River. Application received: October 26, 2006. Renewal issued: December 12, 2006.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P. S. §§ 151—161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

21064196. Newville Construction Service, Inc. (9408 Mohawk Road, Newville, PA 17241-94240). Blasting activity permit issued for utility development in North Middleton Township and Carlisle Borough, **Cumberland**

County. Blasting activity permit end date is December 5, 2007. Permit issued: December 6, 2006.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17064002. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Overburden blasting for the Long Run GFCC, located in Bradford Township, **Clearfield County** with an expiration date of December 31, 2008. Application received: November 6, 2006. Permit issued: November 9, 2006.

14064021. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866). Construction blasting for Spring Hollow Estates located in Patton Township, **Centre County** with an expiration date of November 20, 2007. Application received: November 16, 2006. Permit issued: November 20, 2006.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

15064132. Brubacher Excavating, Inc. (P. O. Box 528, Bowmansville, PA 17507). Construction blasting for Applecross Golf Course in East Brandywine Township, **Chester County** with an expiration date of December 31, 2007. Permit issued: December 11, 2006.

22064129. John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013). Construction blasting for Hershey Parking Lot in Derry Township, **Dauphin County** with an expiration date of June 15, 2007. Permit issued: December 11, 2006.

360641121. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603). Construction blasting for Stoney Battery Corporate Center in West Hempfield Township, **Lancaster County** with an expiration date of December 15, 2007. Permit issued: December 11, 2006.

09064134. Eastern Blasting Co., Inc. (1292 Street Road, New Hope, PA 18938). Construction blasting for Chanticleer Development in Lower Makefield Township, **Bucks County** with an expiration date of December 31, 2007. Permit issued: December 12, 2006.

35064121. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122). Construction blasting for Fabcor Project in Moosic Borough, **Lackawanna County** with an expiration date of December 7, 2007. Permit issued: December 12, 2006.

35064122. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122). Construction blasting for Fabcor Commons in Moosic Borough, **Lackawanna County** with an expiration date of December 9, 2007. Permit issued: December 12, 2006.

45064172. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting at Timber Ridge in Jackson Township, **Monroe County** with an expiration date of December 7, 2007. Permit issued: December 12, 2006.

64064119. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for a home in Paupack Township, **Wayne County** with an expiration date of June 30, 2007. Permit issued: December 12, 2006.

64064120. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435). Construction blasting for Bob Schaeffer Excavating in Manchester Township, **Wayne County** with an expiration date of December 5, 2007. Permit issued: December 12, 2006.

09064135. Ed Wean Drilling & Blasting, Inc. (112 Ravine Road, Stewartsville, NJ 08886). Construction blasting for Milford Trumbauersville Pumping Station in Milford Township and Trumbauersville Borough, **Bucks County** with an expiration date of December 13, 2007. Permit issued: December 13, 2006.

45064173. Explosive Services, Inc. (7 Pine Street, Bethany, PA 18431). Construction blasting for at Monroe Lake in Middle Smithfield Township, **Monroe County** with an expiration date of December 11, 2007. Permit issued: December 13, 2006.

15064133. Rock Work, Inc. (1257 DeKalb Pike, Blue Bell, PA 19422). Construction blasting for Nivin View Subdivision in London Britain Township, **Chester County** with an expiration date of January 1, 2008. Permit issued: December 14, 2006.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E36-811: Department of Transportation, 2140 Herr Street, Harrisburg, PA 17103-1699 in **Dauphin County**, ACOE Baltimore District.

To 1) remove the existing one-lane, one-span, steel truss bridge with five concrete T-beam approach spans that crosses over Pequea Creek having a total span of 250.0 feet, a width of 14.0 feet, and an underclearance of 13.2 feet; and 2) construct and maintain a four span steel beam structure having a total span of approximately 250.0 feet, a width of 35 feet, and a minimum underclearance of 14.1 feet carrying SR 0324, over Pequea Creek (WWF) at a point approximately 200.0 feet upstream from its confluence with the Susquehanna River (Conestoga, PA Quadrangle N: 2.27 inches; W: 16.36 inches, Latitude 39° 53' 15"; Longitude: 76° 22' 00") in Conestoga and Martic Townships, Lancaster County. This permit also authorizes the installation of a temporary cofferdam for the purpose of constructing the new bridge and removing the old bridge. 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)).

E21-390: Department of Transportation, 2140 Herr Street, Harrisburg, PA 17103-1699 in **Dauphin County**, ACOE Baltimore District.

To extend the downstream side of a 10-foot wide by 6-foot high box culvert by 28.25 feet to have a total length of 75.75 feet within UNT to Cedar Run (CWF) located approximately 125 feet east of the intersection of Hartzdale Drive and SR 2025 (Slate Hill Road) on Hartzdale Drive (Lemoyne, PA Quadrangle, Latitude: 40° 12' 43" Longitude: 76° 56' 40" North: 15.8 inches; West: 9.8 inches) in Lower Allen Township, Cumberland County.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E17-423. Clearfield County, 203 East Market Street, Clearfield, PA 16830. Burnside Township Road No. 315 (T-315) Bridge Replacement across West Branch Susquehanna River in Burnside Township, **Clearfield County**, ACOE Baltimore District (Burnside, PA Quadrangle N: 7.9 inches; W: 3.2 inches).

To remove an existing structure and construct, operate and maintain a two-span prestressed spread box beam bridge to carry T-315 over West Branch Susquehanna River (WWF). The two-span bridge shall be constructed with a minimum clear span of 170 feet along the roadway centerline, and an underclearance of 14.1 feet. Construction of in-stream bridge appurtenances and temporary structures shall be conducted during stream low flow, and dry work conditions by dams and pumping, fluming or

diverting stream flow around work areas. The bridge replacement project will permanently impact 0.05 acres of wetlands and 110 feet of stream channel that is located at the western right-of-way of SR 0219, at the intersection of T-315 and SR 0219. This permit also authorizes construction, operation, maintenance and removal of temporary cofferdams, stream diversions and roadway crossings. All temporary structures shall be constructed of clean rock, which is free of fines. Upon project completion, all temporary structures shall be removed with the disturbed areas restored to original contours and elevations. The Department deems the 0.05 acre of wetland permanently impacted by the project as de minimis, and as such, the permittee shall not be required to construct replacement wetland to mitigate the permanent impact.

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

E04-310. Divergent Concepts, LLC, 3572 Broadhead Road, Monaca, PA 15061. To construct a residential development in Center Township, **Beaver County**, Pittsburgh ACOE District. (Beaver, PA Quadrangle N: 5.5 inches; W: 5.8 inches and Latitude: 40° 39' 21"—Longitude: 80° 17' 29"). The Department hereby denies Permit Application E04-310 which requests approval to relocate 609 feet of a UNT to Moon run, fill 231 feet of a UNT to Moon Run, stabilize the bank of a UNT to Moon Run for 30 feet, and impact 0.14 acre of wetlands for the purpose of constructing a residential development.

E11-318. Clearfield Creek Watershed Association, 216 Beldin Hollow Road, Ashville, PA 16613. To construct Klondike Acid Drainage Treatment Project in Dean and Gallitzin Townships, **Cambria County**, Pittsburgh ACOE District. (Altoona, PA Quadrangle N: 9.5 inches; W: 17.3 inches and Latitude: 40° 33' 11"—Longitude: 78° 29' 56"). To place and maintain fill in 0.08 acre of wetlands and to restore and maintain approximately 900 linear feet of a UNT to Little Laurel Run (CWF) for the purpose of constructing the Klondike Acid Drainage Treatment Project located on the north side of SR 36, approximately 2,000 feet northeast from the intersection of SR 36 and T-742, and will impact approximately 900.0 linear feet of stream channel. Several culverts will also be constructed and maintained in said stream. These culverts are waived as per 25 Pa. Code § 105.12(a)(2). To compensate for the wetland impacts, the applicant proposes to construct and maintain 0.22 acre of replacement wetlands.

E56-340. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676. To fill wetland in Allegheny Township, **Somerset County**, Baltimore ACOE District. (New Baltimore, PA Quadrangle starting at N: 15.0 inches, W: 13.6 inches, Latitude: 39° 57' 26" and Longitude: 78° 50' 54"; and ending at N: 19.2 inches, W: 5.1 inches, Latitude 39° 59' 00" and Longitude: 78° 47' 24"). To fill and maintain 0.13 acre of PEM/POW wetland, and construct and maintain 0.13 acre of replacement PEM/POW wetland; to construct and maintain a total of 160 LF of 18" to 36" culvert; temporarily divert or relocate 80 LF of stream, reline or replace a total of 185 LF of existing 18" to 54" culvert; and remove a total of 384 LF of existing 15" to 48" culvert in drainage areas less than 100 acres in UNTs to the Raystown Branch Juniata River (CWF), Wambugh Run (CWF), and Three Lick Run (CWF). The project is associated with a 1.3 mile relocation and a 0.8 mile relocation of the Pennsylvania Turnpike west bound lanes to an alignment adjacent to

the east bound lanes, and other improvements between New Baltimore Borough and the Allegheny Tunnel from mile post 123.34 to 129.93.

E65-901. Rostraver Township Commissioners, 201 Port Royal Road, Belle Vernon, PA 15012. To widen Finley Road in Rostraver Township, **Westmoreland County**, Pittsburgh ACOE District. (Donora, PA Quadrangle N: 2.0 inches; W: 13.0 inches and Latitude: 40° 08' 10"—Longitude: 79° 50' 34"). To construct the following activities for rehabilitation of 1.65 miles of Finley Road from SR 0201 to SR 3011/S.R. 0070 interchange in Rostraver Township:

1. Extend the existing bridge having a normal clear span of 11.8 feet and an underclearance of 6.8 feet on the downstream side for a length of 17 feet with a box culvert having an opening of 11.8 feet wide by 7 feet high in Speers Run Tributary No. 3 (WWF), for the purpose of widening of Finley Road. The proposed structure includes rock riprap for outlet channel protection.

2. Remove the existing pipe culvert on Finley Road and to construct and maintain a 92 foot long 48 inch diameter concrete pipe culvert in Speers Run Tributary 2.

3. Extend an existing 54 inch concrete pipe culvert 18.5 linear feet upstream located on the entrance drive to Vesley Moving and Storage in a UNT to Speers Run Tributary 2. The structure includes rock riprap for outlet protection.

4. Construct and maintain 500 linear feet of rock embankment along the north side of a UNT to Speers Run Tributary 2 to accommodate the widening of Finley Road.

5. Impact 0.03 acre of PEM wetland.

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

E25-706, Edinboro Family Homes, LP, 502 East 12th Street, Erie, PA 16503. Edinboro Family Homes in the Borough of Edinboro, **Erie County**, ACOE Pittsburgh District (Cambridge Springs NE, PA Quadrangle N: 2.5 inches; W: 16.6 inches).

The applicant proposes to fill 0.311 acre of PEM wetland and 0.167 acre of PSS wetland and to construct and maintain 0.478 acre of PSS wetlands as mitigation associated with the construction of a 29 single family home residential housing subdivision (general occupancy development with comprehensive supportive services to assist low-income residents) located adjacent to and directly south of the intersection of Scots Glen Drive and Dunbarton Road. The project includes construction and maintenance of a 20-inch diameter sanitary sewer line PSS wetland crossing, a stormwater outfall to the PSS wetland, and an access road across the PSS wetland to the community area. The project proposes to directly impact 0.311 acre of PEM wetland and 0.167 acre of PSS wetland.

SPECIAL NOTICES

Public Meeting and Request for Comment for the Proposed Total Maximum Daily Load (TMDL) for the Laborde Branch Watershed in Clearfield County

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

The Department of Environmental Protection (Department) will hold a public meeting to discuss and accept comments on a proposed TMDL for the Laborde Branch

Watershed in Clearfield County. The meeting will be held on February 7, 2007, beginning at 2 p.m. at the Moshannon District Mining Office on Enterprise Drive in Philipsburg, PA. Individuals who plan to make a presentation at the public meeting should contact John Mital, Moshannon District Mining Office at (814) 342-8200 no later than 4 p.m. on Friday, February 2, 2007. The Department will consider all comments in developing the final TMDL for the Laborde Branch Watershed, which will be submitted to the Environmental Protection Agency for approval.

The proposed TMDL for the Laborde Branch Watershed was established in accordance with the requirements of the Clean Water Act, Section 303(d). Two stream segments in each of Laborde Branch Watershed have been identified as impaired on the 1996 Pennsylvania Section 303(d) list due to depressed pH and/or high concentrations of metals. The listed segment and miles degraded are shown in the following table:

<i>Stream Code (Segment ID)</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
48803	Laborde Branch	3.9
48807	Luthersburg Branch	1.3

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese, and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/ Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was mined for coal in the 1900s. The effects of this are still present.

The proposed TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the proposed TMDL. The proposed TMDL for the Laborde Branch Watershed sets allowable loading rates for metals and acidity at specified points in the watershed. Field data collected over the past 3 years was used to establish the proposed TMDL for the Laborde Branch Watershed. The data and all supporting information used to develop the proposed TMDL are available from the Department.

The Department will accept written comments on the proposed TMDL for the Laborde Branch Watershed. All written comments must be postmarked by March 2, 2007 and sent to: John Mital, Licensed Professional Geologist, Department of Environmental Protection, Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200, jmital@state.pa.us.

To request a copy of the proposed TMDL and associated information sheet or to obtain directions to the Moshannon District Mining Office, contact John Mital at the phone number or e-mail address indicated previously.

The proposed TMDL for the Laborde Branch Watershed can be accessed through the Department's website (www.dep.state.pa.us) by typing "TMDL" in the DEP Keyword field, and clicking GO. Persons with a disability who require accommodations to attend this meeting should contact the department at (814) 472-1900 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

[Pa.B. Doc. No. 06-2559. Filed for public inspection December 29, 2006, 9:00 a.m.]

Air Quality Technical Advisory Committee Meeting

The Air Quality Technical Advisory Committee (Committee) will meet at 9 a.m. on Thursday, January 4, 2007, in Conference Rooms B and C, Administration Building, Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110. At this meeting, the Committee will take formal action on the draft final Nonattainment New Source Review rulemaking and on the draft proposed Clean Air Interstate Rule, along with other agenda topics.

An agenda and meeting materials for the January 4, 2007, meeting will be available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: "Public Participation, Participate") prior to the meeting.

Questions concerning the January 4, 2007, meeting should be directed to Terry Black at (717) 787-2030 or tblack@state.pa.us. Individuals in need of accommodations as provided for in the Americans With Disabilities Act should contact Wick Havens at (717) 787-9495, jhavens@state.pa.us 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. 06-2560. Filed for public inspection December 29, 2006, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keyword: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2007.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance

DEP ID: 363-0300-002. Title: Pennsylvania Stormwater Best Management Practices Manual. Description: This manual establishes recommended guidance for stormwater management utilizing best management practices (BMPs) in this Commonwealth. Due to the increased need to maintain water quality and protect water resources through improved stormwater runoff management, the manual provides the planning concepts and design standards to guide local governments, planners, land developers, contractors and others involved with planning, designing, reviewing, approving and constructing land development projects in meeting those needs.

The manual advances the most recent innovations in stormwater management focusing on preserving onsite and offsite preconstruction hydraulic conditions, including volume, velocity, quality and rate management through local onsite management. Water quality components composed of structural and nonstructural techniques and technologies are emphasized and integrated into the manual. To further integrate stormwater management approaches, the Department will also publish a Stormwater Management Model Ordinance at a later date.

During the preparation of the manual, the Department established a Stormwater Management Oversight Committee and held 12 regional focus group meetings. Individuals representing academia, industry, environmental organizations, county conservation districts and State and Federal agencies participated by providing direction, guidance and expertise in the development of the manual. A summary of meeting agendas, minutes, comments and other information can be found on the Department's website at www.depweb.state.pa.us (DEP Keywords: "Stormwater"; select "General Information," then select "Stormwater Oversight Committee").

Notice of the draft version of the manual, including provision for public comment, was published at 36 Pa.B. 1797 (April 15, 2006). During the 90-day public comment period, 53 commentators provided comments to the Department on the draft manual. A majority of commentators encouraged the Department to ensure consistency between the Stormwater Manual and the Stormwater Model Ordinance, to simplify and clarify the criterion for Control Guidelines 1 and 2, to expand upon the need for a new direction in stormwater management and to clarify how the manual could be used to plan and design land development projects.

The Department has prepared a separate Comment and Response document, which addresses the comments submitted during the public comment period and is available on the Department's website at the address noted previously. In response to comments submitted, the Department made several modifications to the manual, including: changes in Chapters 1—3 to clarify the specific

applicability of Control Guidelines 1 and 2, including that Control Guideline 2 is limited to projects that disturb or convert 1 acre or less; modifications to Chapters 1 and 2 to clarify supplemental material; changes to Chapter 7 to expand upon the information on Special Management Areas, including Brownfields; and modifications to Chapters 5 and 6 to update and correct criterion for the individual BMPs. The Department also updated various areas of the manual to clarify its purpose and recommended use.

To ensure understanding of the BMPs identified in the manual, the Department will provide training at various locations throughout the Commonwealth in 2007. A list of scheduled training sessions is available on the Department's website at www.depweb.state.pa.us (DEP Keywords: "Stormwater Management"; select "DEP Stormwater Best Management Practices (BMP) Manual Training").

Contact: Kenneth Murin or Dennis Stum, Department of Environmental Protection, Bureau of Watershed Management, Division of Waterways, Wetlands and Stormwater Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 787-6827 or kmurin@state.pa.us or dstum@state.pa.us, respectively. Effective Date: December 30, 2006.

DEP ID: 392-0900-001. Title: Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines. Description: This guidance revises the Interim Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Interim Final Policy) (see 35 Pa.B. 5431 (October 1, 2005)) and the draft Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (see 36 Pa.B. 7178 (November 25, 2006)). It establishes the Department's final policy and guidelines for the trading of nutrient and sediment reduction credits.

Appendix A provides nutrient trading criteria specific to the Chesapeake Bay Watershed. The attachments to Appendix A include the Point Source Allocation Strategy, Overview of Wastewater Planning Program Procedures and the Overview of the Agriculture Sector's Participation in Nutrient Trading, which are implementation strategies derived from the proceedings of the point source and agriculture workgroups.

The Department engaged in extensive public participation and stakeholder workgroups to receive significant input on the implementation of the Chesapeake Bay tributary strategies and trading policy. Public participation included comments on the Interim Final Policy and input received at venues such as the Listening Sessions held in State College, Dauphin County and Lancaster County. Additionally, the Chesapeake Bay Tributary Strategy Steering Committee was expanded and reconvened in January 2006 to address the Tributary Strategy and potential revisions to the Department's nutrient and sediment trading program. Several workgroups were formed to address specific issues related to agriculture, stormwater, legacy sediment, trading, development and point sources. Proceedings from the workgroups can be found at www.dep.state.pa.us (DEP Keywords "Chesapeake Bay").

Notice of the draft version of the policy and guidelines, including provision for public comment, was published at 36 Pa.B. 7178 (November 25, 2006). During the 30-day public comment period, comments were received from

approximately 50 commentators. A majority of commentators requested the Department provide additional clarification on how the Nutrient Trading Program would be used in the Chesapeake Bay watershed, as well as in other areas of the Commonwealth. In response to the comments submitted, the Department made several modifications to the guidance, including: revising existing definitions and providing additional terms and definitions to clarify program mechanics; clarifying the baseline compliance standard for agriculture; refining the approval procedure for credit-generating projects and trade proposals and further explaining how credits may be used with an NPDES permit to meet effluent limits and sewage facilities planning requirements.

Comments received on both the draft and Interim Final Policy have been addressed by the Department in a separate Comment and Response document which is available on the Department's website at the address noted previously.

It is the responsibility of the Department to assure compliance with Federal and State water quality standards. The Department may implement measures different from, or beyond those set forth in this policy, as may be necessary or appropriate.

Contact: Ann Smith, Department of Environmental Protection, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-4785, annsmith@state.pa.us. Effective Date: December 30, 2006.

Draft Technical Guidance

DEP ID: 385-2000-011. Title: Pennsylvania Combined Sewer Overflow (CSO) Policy. Description: On March 1, 2002, the Department published a Combined Sewer Overflow (CSO) Policy to assist in meeting the goals of controlling and eliminating CSO discharges, as practical, and ultimately bringing all remaining CSO discharges into compliance with State water quality standards through the National Pollutant Discharge Elimination System (NPDES) permitting program. This revised draft policy updates the Department's former Combined Sewer Overflow Policy to further enhance and support compliance with CSO and NPDES permit conditions among the regulated community. This document replaces the Department's March 1, 2002, CSO Policy to establish the Department's policy regarding CSO Phase III permitting to implement, as appropriate, the Environmental Protection Agency's April 1994 National Combined Sewer Overflow Control Policy and the subsequent Wet Weather Water Quality Act of 2000 that codified that policy. The policy applies to Department staff and CSO system permittees regarding permit requirements for CSOs and the actions necessary to achieve compliance with the requirements of the CSO Phase III Program. This policy, once finalized, will be reviewed and revised at least once every 5 years to reflect expected changes to State or Federal CSO policies.

Written Comments: The Department is seeking public comments on the substantive revisions to technical guidance #385-2000-011. Interested persons may submit written comments by January 29, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to John

Wetherell, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, 11th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8467 or jwetherell@state.pa.us.

Contact: Questions regarding the draft technical guidance document should be directed to John Wetherell at (717) 705-0486 or jwetherell@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-2561. Filed for public inspection December 29, 2006, 9:00 a.m.]

Board and Committee Meeting Schedules for 2007

The following is a list of 2007 meetings of advisory and other boards and committees associated with the Department of Environmental Protection (Department). These schedules and an agenda for each meeting, including meeting materials, will be available through the Public Participation Center on the Department's website at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate). Prior to each meeting, the Department encourages individuals to visit its website to confirm meeting date, time and location.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the individual listed for each board or committee or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Agricultural Advisory Board

The Agricultural Advisory Board will hold bimonthly meetings on the following dates. The meetings will begin at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

February 21, 2007
April 18, 2007
June 13, 2007
August 22, 2007
October 10, 2007
December 19, 2007

Contact: Randal Adams, Bureau of Watershed Management, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-5668, ranadams@state.pa.us.

Air Quality Technical Advisory Committee

The Air Quality Technical Advisory Committee will meet at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 8, 2007
March 29, 2007
May 17, 2007
July 26, 2007
September 20, 2007
November 29, 2007

Contact: Terry L. Black, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-2030, tblack@state.pa.us.

Certification Program Advisory Committee (For Water and Wastewater System Operators)

The 2007 meetings of the Certification Program Advisory Committee will begin at 10 a.m. in Conference Room 105, First Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. The meeting dates are as follows:

January 19, 2007
 March 9, 2007
 June 29, 2007
 October 19, 2007 *Joint meeting with the State Board for Certification of Water and Wastewater Systems Operators

Contact: Cheri Sansoni, Bureau of Water Standards and Facility Regulation, Certification and Licensing, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 772-5158, csansoni@state.pa.us.

Chesapeake Bay Advisory Committee

The Chesapeake Bay Advisory Committee will hold quarterly meetings on the dates as follows. Meetings will be held from 9 a.m. until 12 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

March 1, 2007
 June 7, 2007
 September 6, 2007
 December 6, 2007

Contact: Dave Reed, Bureau of Watershed Management, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-5649, davreed@state.pa.us.

Citizens Advisory Council

Meetings of the Citizens Advisory Council (CAC) meetings are typically held the third Tuesday of the month in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA except where noted. The meetings typically begin at 11 a.m. Prior to the meeting, it is recommended individuals check the meeting information on the CAC's website at www.depweb.state.pa.us/cac/ under "Meeting Information" to confirm meeting date, time and location.

January 17, 2007 (3rd Wed.—due to Governor's Inauguration on 1/16)
 February 20, 2007
 March 21, 2007 (3rd Wed.—due to Governor's Outdoor Conference)
 April 17, 2007
 May 16, 2007 (3rd Wed.—due to Primary Election Day on 5/15)
 June 19, 2007
 July 17, 2007
 September 18, 2007
 October 16, 2007
 November 13, 2007 (2nd Tues.—due to Thanksgiving Holiday)

Contact: Stephanie Mioff, Citizens Advisory Council, P. O. Box 8459, Harrisburg, PA 17105-8459, (717) 787-4527, RA-epcontactcac@state.pa.us.

Cleanup Standards Scientific Advisory Board

The Cleanup Standards Scientific Advisory Board will hold its 2007 meetings as indicated. The meetings are expected to begin at 9:30 a.m. and will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

April 4, 2007
 September 19, 2007
 December 4, 2007

Contact: Marilyn Wooding, Land Recycling Program, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 783-7816, mwooding@state.pa.us.

Coal and Clay Mine Subsidence Insurance Fund Board

The annual meeting of the Coal and Clay Mine Subsidence Insurance Fund Board will be held on December 11, 2007, at 10 a.m. in the 10th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Contact: Lawrence Ruane, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 783-9590, lruane@state.pa.us.

Coastal Zone Advisory Committee

Meetings of the Coastal Zone Advisory Committee will be held as follows. The meetings will be held from 9:30 a.m. to 12 p.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Prior to each meeting, it is recommended that individuals visit the Department's website at www.depweb.state.pa.us (DEP Keywords: "Public Participation, Participate") to confirm meeting date, time and location.

January 17, 2007
 June 13, 2007

Contact: Andy Zemba or Jeff Dewey, Water Planning Office, P. O. Box 2063, Harrisburg PA 17105-2063, (717) 772-4785, azembastate.pa.us or jdewey@state.pa.us, respectively.

Energy Advisory Board

The 2007 meetings of the Energy Advisory Board have not been scheduled. Notices for upcoming meetings will be published in future editions of the *Pennsylvania Bulletin*.

Contact: Karen Miller, Office of Energy Technology Deployment, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 772-8908, karemillier@state.pa.us.

Environmental Justice Advisory Board

The Environmental Justice Advisory Board will hold its 2007 meetings as follows. The meetings are expected to begin at 9:15 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 13, 2007
 June 5, 2007
 August 14, 2007
 November 13, 2007

Contact: Doan D. Barefield, Office of Environmental Advocate, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 783-5630, dbarefield@state.pa.us.

Environmental Quality Board

Meetings of the Environmental Quality Board will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will begin at 9 a.m. Meetings will only be held when there are a sufficient number of agenda items for consideration. The meeting dates are as follows:

January 17, 2007 (3rd Wed.—due to Governor's Inauguration on 1/16)
 February 20, 2007
 March 20, 2007
 April 17, 2007
 May 16, 2007 (Wednesday—due to Primary Election Day on 5/15/07)
 June 19, 2007
 July 17, 2007
 August 21, 2007
 September 18, 2007
 October 16, 2007
 November 20, 2007
 December 18, 2007

Contact: Marjorie Hughes, Environmental Quality Board, P. O. Box 8477, Harrisburg, PA, 17105-8477, (717) 787-4526, mahughes@state.pa.us.

Laboratory Accreditation Advisory Committee

The Laboratory Accreditation Advisory Committee will hold meetings as follows. The meetings will be held from 10 a.m. until 3 p.m. in Room 206 of the Bureau of Laboratories Building, 2575 Interstate Drive, Harrisburg, PA 17110. The meeting dates are as follows:

March 13, 2007
 June 12, 2007
 September 11, 2007
 December 11, 2007

Contact: Richard Sheibley or Aaren Alger, Bureau of Laboratories, P. O. Box 1467, Harrisburg, PA 17105-1467, (717) 346-8215, rsheibley@state.pa.us or (717) 346-8212, aalger@state.pa.us, respectively.

Low-Level Waste Advisory Committee

The Low-Level Waste Advisory Committee will meet on September 28, 2007, from 10 a.m. to 2 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Contact: Rich Janati, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 787-9739, rjanati@state.pa.us.

Mining and Reclamation Advisory Board

The Mining and Reclamation Advisory Board will hold quarterly meetings as indicated as follows. Meetings will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will begin at 10 a.m., except for the July 12, 2007, meeting, as noted. The meeting dates are as follows:

January 25, 2007
 April 26, 2007
 July 12, 2007 Field Meeting—Location and time to be announced
 October 25, 2007

Contact: James Charowsky or Nicholle Harman, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103, jcharowsky@state.pa.us or nharman@state.pa.us, respectively.

Nonpoint Source Liaison Workgroup

The Nonpoint Source Liaison Workgroup meetings for 2007 will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meetings will be held from 10 a.m. to 2:30 p.m. on the following dates:

June 28, 2007
 October 23, 2007

Contact: Carl Rohr, Bureau of Watershed Management, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 772-5807, crohr@state.pa.us.

Oil and Gas Technical Advisory Board

The Oil and Gas Management Technical Advisory Board will hold two meetings as indicated. The meetings will be held from 10 a.m. to 1 p.m.

May 23, 2007 Moshannon District Office, 186 Enterprise Drive, Phillipsburg, PA 16866
 October 3, 2007 Rachel Carson State Office Building, 5th Floor Conference Room

Contact: Millie Raudabaugh, Bureau of Oil and Gas Management, P. O. Box 8765, Harrisburg, PA 17105-8765, (717) 787-4817, mraudabaugh@state.pa.us.

Radiation Protection Advisory Committee

The Radiation Protection Advisory Committee will meet at 9 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA on the dates indicated:

March 1, 2007
 July 19, 2007

Contact: Louis Ray Urciuolo, Bureau of Radiation Protection, P. O. Box 8469, Harrisburg, PA 17105-8469, (717) 787-3720, lurciuolo@state.pa.us.

Recycling Fund Advisory Committee

The Recycling Fund Advisory Committee will meet on the date listed. The meeting is expected to begin at 10 a.m. and will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

July 12, 2007

Contact: Patricia Stape or Gayle Leader, Bureau of Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9871 or pstape@state.pa.us or gleader@state.pa.us, respectively.

Regional Water Resources Committees (For the State Water Plan)

The following is a list of 2007 meetings of the six Water Resources Regional Committees, 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 regional committees' purpose is to develop the regional component of the overall plan and to provide recommendations to the Statewide Water Resources Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

Delaware Water Resources Regional Committee

Meetings of the Delaware Water Resources Regional Committee in 2007 will be held at 9:30 a.m. at various locations throughout the Delaware River Basin. The meeting dates are as follows:

February 9, 2007 PA DEP Southeast Regional Office
 2 East Main Street
 Norristown, PA 19401
 May 10, 2007 Sweet Arrow Lake County Park
 Clubhouse
 Clubhouse Road
 Pine Grove, PA 17963

August 2, 2007 PPL Wallenpaupack Environmental Learning Center
Route 6, 1/4 mile east of Route 590 Intersection
Hawley, PA 18428

November 8, 2007 PA DEP Southeast Regional Office
2 East Main Street
Norristown, PA 19401

Contact: Questions concerning these meetings should be directed to Leslie Sarvis, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, lsarvis@state.pa.us.

Great Lakes Water Resources Regional Committee

Meetings of the Great Lakes Water Resources Regional Committee in 2007 will be held at 10 a.m. at the Erie County Conservation District, Headwaters Park, 1927 Wager Road, Erie, PA 16509. The meeting dates are as follows:

February 6, 2007
May 8, 2007
August 7, 2007
November 6, 2007

Contact: Questions concerning these meetings should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Lower Susquehanna Water Resources Regional Committee

Meetings of the Lower Susquehanna Water Resources Regional Committee in 2007 will be held at 9:30 a.m. at the PA DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. The meeting dates are as follows:

February 12, 2007
May 14, 2007
August 13, 2007
November 19, 2007

Contact: Questions concerning these meetings should be directed to Rachel Delavan, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, rdelavan@state.pa.us.

Ohio Water Resources Regional Committee

Meetings of the Ohio Water Resources Regional Committee in 2007 will be held at 10 a.m. at the Cranberry Township Municipal Center, 2525 Rochester Road, Cranberry Township, PA 16066. The meeting dates are as follows:

February 5, 2007
May 7, 2007
August 20, 2007
November 5, 2007

Contact: Questions concerning these meetings should be directed to Lori Mohr, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4628, laumohr@state.pa.us.

Potomac Water Resources Regional Committee

Meetings of the Potomac Water Resources Regional Committee in 2007 will be held at 10 a.m. at various locations throughout the Potomac River Basin. The meeting dates are as follows:

February 16, 2007 Adams County Department of Emergency Services
230 Greenmyer Lane
Gettysburg, PA 17325

May 18, 2007 Adams County Agricultural and Natural Resource Center
670 Old Harrisburg Road
Gettysburg, PA 17325

August 17, 2007 Franklin County Administrative Annex Building
and
November 16, 2007 218 N. 2nd Street
Chambersburg, PA 17201

Contact: Questions concerning these meetings 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

Meetings of the Upper/Middle Susquehanna Water Resources Regional Committee in 2007 will be held at 10 a.m. at various locations throughout the Upper/Middle Susquehanna River Basin. The meeting dates are as follows:

February 21, 2007 PA DEP Northeast Regional Office
2 Public Square
Wilkes-Barre, PA 18711

May 16, 2007 PA DEP Northcentral Regional Office
208 West Third Street, Suite 101
Williamsport, PA 17701-6448

August 15, 2007 Centre County Solid Waste Authority
253 Transfer Road
Bellefonte, PA 16823

November 15, 2007 PA DEP Northeast Regional Office
2 Public Square
Wilkes-Barre, PA 18711

Contact: Questions concerning these meetings should be directed to Rachel Delavan, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-5634, rdelavan@state.pa.us.

Sewage Advisory Committee

The Sewage Advisory Committee will meet on the dates listed. Meetings will begin at 10:30 a.m. and will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

March 21, 2007
June 20, 2007
August 15, 2007
October 17, 2007

Contact: John McHale, Bureau of Water Standards and Facility Regulation, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 783-2290, jomchale@state.pa.us.

Small Business Compliance Advisory Committee

The Small Business Compliance Advisory Committee will hold quarterly meetings as indicated as follows. The meetings will begin at 10 a.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Prior to the meeting, it is recommended individuals visit the Department's website at www.dep.state.pa.us (DEP Keywords: "Small Business, Small Business Help"), to confirm meeting date, time and location.

January 24, 2007
 April 25, 2007
 July 25, 2007
 October 24, 2007

Contact: Ted Laubach, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-9257, glaubach@state.pa.us.

Small Water Systems Technical Assistance Center Advisory Board

The Small Water Systems Technical Assistance Center Advisory Board meetings for 2007 will be held at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

February 15, 2007
 May 17, 2007
 August 16, 2007
 November 15, 2007

Contact: Ray Braun, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 772-2186, rbraun@state.pa.us.

Solid Waste Advisory Committee

The Solid Waste Advisory Committee will meet on the following dates. All meetings are expected to begin at 10 a.m. and will be held in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

January 11, 2007
 February 14, 2007
 March 8, 2007
 April 11, 2007
 May 10, 2007
 July 12, 2007 (Recycling Fund Advisory Committee)

September 13, 2007
 November 8, 2007

Contact: Patricia Stape or Gayle Leader, Bureau of Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9871, pstape@state.pa.us or gleader@state.pa.us, respectively.

State Board for Certification of Sewage Enforcement Officers

The 2007 meetings of the State Board for Certification of Sewage Enforcement Officers have not been scheduled. Notices for upcoming meetings will be published in future editions of the *Pennsylvania Bulletin*.

Contact: Cheri Sansoni, Bureau of Water Standards and Facility Regulation, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 772-5158, csansoni@state.pa.us.

State Board for Certification of Water and Wastewater Systems Operators

The 2007 meetings of the State Board for Certification of Water and Wastewater Systems Operators will begin at 9:30 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105-8454, unless otherwise noted as follows. Conference Call Board meetings will begin at 10 a.m. in the 11th Floor Conference Room, Rachel Carson State Office Building. The meeting dates are as follows:

February 23, 2007
 April 27, 2007
 June 8, 2007 Conference Call
 July 13, 2007
 August 24, 2007 Conference Call

October 19, 2007 *Joint meeting with the Certification Program Advisory Committee (for Water and Wastewater System Operators), Room 105, Rachel Carson State Office Building, Harrisburg

December 14, 2007 Conference Call

Contact: Cheri Sansoni, Bureau of Water Standards and Facility Regulation, Certification and Licensing, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 772-5158, csansoni@state.pa.us.

Statewide Water Resources Committee

Meetings of the Statewide Water Resources Committee will begin at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

March 15, 2007
 June 21, 2007
 September 20, 2007
 December 20, 2007

Contact: Susan K. Weaver, Acting Division Chief, Division of Water Use Planning, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-8055, suweaver@state.pa.us.

Storage Tank Advisory Committee

Meetings of the Storage Tank Advisory Committee will be held in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, and will begin at 10 a.m. Meetings will only be held when there are a sufficient number of agenda items for consideration. The meeting dates are as follows:

February 20, 2007
 March 13, 2007
 June 12, 2007
 September 11, 2007
 December 11, 2007

Contact: Dyran Altenburg, Division of Storage Tanks, Bureau of Waste Management, P. O. Box 8762, Harrisburg, PA 17105-8762, (717) 772-5551, (800) 42-TANKS (within the Commonwealth) RA-STAC@state.pa.us

Technical Advisory Committee on Diesel-Powered Equipment

The Technical Advisory Committee on Diesel-Powered Equipment announces its schedule of 2007 meetings. All meetings will be held at 10 a.m. in the Fayette County Health Center in Uniontown, PA. The meeting dates are as follows:

January 10, 2007
 April 11, 2007
 July 11, 2007
 October 10, 2007

Contact: Allison Gaida, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7469, agaida@state.pa.us.

Water Resources Advisory Committee

The Water Resources Advisory Committee meetings for 2007 will be held at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The meeting dates are as follows:

<i>Matrix</i>	<i>Analyte</i>	<i>Matrix</i>	<i>Analyte</i>
	Radiochemistry⁴	SOLIDS	Vanadium
Drinking Water/NPW	Gross Alpha	SOLIDS	Zinc
Drinking Water/NPW	Gross Beta		
Drinking Water/NPW	Barium 133	SOLIDS	Misc Analytes
Drinking Water/NPW	Cesium 134	SOLIDS	Corrosivity (pH) *
Drinking Water/NPW	Cesium 137	SOLVENT	Cyanide, total *
Drinking Water/NPW	Cobalt 60		Ignitability (Flashpoint)
Drinking Water/NPW	Iodine 131		Volatile Aromatics²
Drinking Water/NPW	Radium 226	SOLIDS	Benzene
Drinking Water/NPW	Radium 228	SOLIDS	1,2-Dichlorobenzene
Drinking Water/NPW	Strontium 89	SOLIDS	1,3-Dichlorobenzene
Drinking Water/NPW	Strontium 90	SOLIDS	1,4-Dichlorobenzene
Drinking Water/NPW	Tritium	SOLIDS	Ethylbenzene
Drinking Water/NPW	Uranium (Natural)	SOLIDS	Naphthalene *
Drinking Water/NPW	Zinc 65	SOLIDS	Toluene
		SOLIDS	Xylenes, total ³
1) Total Petroleum Hydrocarbons per solvent extraction with silica gel clean-up followed by gravimetric or infra-red spectrometric technologies.			
2) Dichlorobenzenes per solvent extraction and semivolatiles analytical technologies.		SOLIDS	Volatile Halocarbons²
3) Laboratories seeking or maintaining accreditation for Non-Potable Water, 4-Methylphenol or the coeluting isomer pair of 3-Methylphenol and 4-Methylphenol must meet the PT requirements for this Field of Proficiency Testing (4-Methylphenol).		SOLIDS	Bromodichloromethane
4) The PT study samples available for the Radiochemistry group are acceptable for both the Drinking Water and Nonpotable water matrices.		SOLIDS	Bromoform
5) For volatiles, pesticides, base/neutrals, acids and herbicide PT samples, providers must include a minimum number of analytes using the same criteria described in the most recent NELAC Standard.		SOLIDS	Carbon tetrachloride
		SOLIDS	Chlorobenzene
		SOLIDS	Chloroform
		SOLIDS	Dibromochloromethane
		SOLIDS	1,1-Dichloroethane
		SOLIDS	1,2-Dichloroethane
		SOLIDS	Dichloromethane (Methylene chloride) *
		SOLIDS	1,2-Dichloropropane *
		SOLIDS	1,1,1,2-Tetrachloroethane
		SOLIDS	1,1,2,2-Tetrachloroethane
		SOLIDS	Tetrachloroethene
		SOLIDS	1,2,4-Trichlorobenzene *
		SOLIDS	1,1,1-Trichloroethane
		SOLIDS	1,1,2-Trichloroethane *
		SOLIDS	Trichloroethene
		SOLIDS	1,2,3-Trichloropropane *
			Volatile Ketone/Ethers²
		SOLIDS	Acetone *
		SOLIDS	2-Butanone (Methyl ethyl ketone) *
		SOLIDS	4-Methyl-2-pentanone (MIBK) *
		SOLIDS	Methyl-tert-butyl ether (MTBE) *
			Medium Level Volatile Aromatics² *
			Benzene
		SOLIDS	1,2-Dichlorobenzene
		SOLIDS	1,3-Dichlorobenzene
		SOLIDS	1,4-Dichlorobenzene
		SOLIDS	Ethylbenzene
		SOLIDS	Naphthalene *
		SOLIDS	Toluene
		SOLIDS	Xylenes, total ³
			Medium Level Volatile Halocarbons² *
			Bromodichloromethane
		SOLIDS	Bromoform
		SOLIDS	Carbon tetrachloride
		SOLIDS	Chlorobenzene
		SOLIDS	Chloroform
		SOLIDS	Dibromochloromethane
		SOLIDS	Dibromomethane *
		SOLIDS	1,1-Dichloroethane
		SOLIDS	1,2-Dichloroethane
		SOLIDS	Dichloromethane (Methylene chloride) *
		SOLIDS	1,2-Dichloropropane *
		SOLIDS	1,1,1,2-Tetrachloroethane

**Pennsylvania State (Chapter 252) Accreditation
Fields of Proficiency Testing
Solid and Chemical Materials
Effective January 1, 2007**

<i>Matrix</i>	<i>Analyte</i>
	Trace Metals
SOLIDS	Aluminum
SOLIDS	Antimony
SOLIDS	Arsenic
SOLIDS	Barium
SOLIDS	Beryllium
SOLIDS	Cadmium
SOLIDS	Calcium
SOLIDS	Chromium
SOLIDS	Chromium VI
SOLIDS	Cobalt
SOLIDS	Copper
SOLIDS	Iron
SOLIDS	Lead
SOLIDS	Magnesium
SOLIDS	Manganese
SOLIDS	Mercury
SOLIDS	Molybdenum
SOLIDS	Nickel
SOLIDS	Potassium
SOLIDS	Selenium
SOLIDS	Silver
SOLIDS	Sodium
SOLIDS	Strontium
SOLIDS	Thallium
SOLIDS	Tin

<i>Matrix</i>	<i>Analyte</i>		<i>Matrix</i>	<i>Analyte</i>	
SOLIDS	1,1,2,2-Tetrachloroethane				
SOLIDS	Tetrachloroethene				
SOLIDS	1,2,4-Trichlorobenzene	*	SOLIDS	Low Level PAHs²	*
SOLIDS	1,1,1-Trichloroethane		SOLIDS	Acenaphthene	
SOLIDS	1,1,2-Trichloroethane	*	SOLIDS	Acenaphthylene	
SOLIDS	Trichloroethene		SOLIDS	Anthracene	
SOLIDS	1,2,3-Trichloropropane	*	SOLIDS	Benzo(a)anthracene	
	Medium Level Volatile		SOLIDS	Benzo(b)fluoranthene	
	Ketone/Ethers²	*	SOLIDS	Benzo(k)fluoranthene	
SOLIDS	Acetone	*	SOLIDS	Benzo(g,h,i)perylene	
SOLIDS	2-Butanone (Methyl ethyl ketone)	*	SOLIDS	Benzo(a)pyrene	
SOLIDS	4-Methyl-2-pentanone (MIBK)	*	SOLIDS	Chrysene	
SOLIDS	Methyl-tert-butyl ether (MTBE)	*	SOLIDS	Dibenz(a,h)anthracene	
	Base/Neutrals²		SOLIDS	Fluoranthene	
SOLIDS	Acenaphthene		SOLIDS	Fluorene	
SOLIDS	Acenaphthylene		SOLIDS	Indeno(1,2,3-cd)pyrene	
SOLIDS	Anthracene		SOLIDS	Naphthalene	
SOLIDS	Benzo(a)anthracene		SOLIDS	Phenanthrene	
SOLIDS	Benzo(b)fluoranthene		SOLIDS	Pyrene	
SOLIDS	Benzo(k)fluoranthene			Pesticides²	
SOLIDS	Benzo(g,h,i)perylene		SOLIDS	Aldrin	
SOLIDS	Benzo(a)pyrene		SOLIDS	alpha-BHC	
SOLIDS	4-Bromophenyl-phenylether		SOLIDS	beta-BHC	
SOLIDS	Butylbenzylphthalate		SOLIDS	delta-BHC	
SOLIDS	bis(2-Chloroethoxy)methane		SOLIDS	gamma-BHC(Lindane)	
SOLIDS	bis(2-Chloroisopropyl)ether		SOLIDS	alpha-Chlordane	*
SOLIDS	2-Chloronaphthalene		SOLIDS	gamma-Chlordane	*
SOLIDS	4-Chlorophenyl-phenylether		SOLIDS	Chlordane, Technical	
SOLIDS	Chrysene		SOLIDS	4,4'-DDD	
SOLIDS	Dibenz(a,h)anthracene		SOLIDS	4,4'-DDE	
SOLIDS	Dibenzofuran		SOLIDS	4,4'-DDT	
SOLIDS	1,2-Dichlorobenzene ⁴	*	SOLIDS	Dieldrin	
SOLIDS	1,3-Dichlorobenzene ⁴	*	SOLIDS	Endosulfan I	
SOLIDS	1,4-Dichlorobenzene ⁴	*	SOLIDS	Endosulfan II	
SOLIDS	Diethylphthalate		SOLIDS	Endosulfan sulfate	
SOLIDS	Dimethylphthalate		SOLIDS	Endrin	
SOLIDS	Di-n-butylphthalate		SOLIDS	Endrin aldehyde	
SOLIDS	2,4-Dinitrotoluene		SOLIDS	Endrin ketone	*
SOLIDS	2,6-Dinitrotoluene		SOLIDS	Heptachlor	
SOLIDS	Di-n-octylphthalate		SOLIDS	Heptachlor epoxide (beta)	
SOLIDS	bis(2-Ethylhexyl)phthalate	*	SOLIDS	Methoxychlor	
SOLIDS	Fluoranthene		SOLIDS	Toxaphene	
SOLIDS	Fluorene			Herbicides²	
SOLIDS	Hexachlorobenzene		SOLIDS	2,4-D	
SOLIDS	Hexachlorobutadiene		SOLIDS	Dicamba	
SOLIDS	Indeno(1,2,3-cd)pyrene		SOLIDS	2,4,5-T	
SOLIDS	Naphthalene		SOLIDS	2,4,5-TP (Silvex)	
SOLIDS	Nitrobenzene			PCBs¹	
SOLIDS	N-Nitroso-di-n-propylamine		SOLIDS	Aroclor 1016	
SOLIDS	Phenanthrene		SOLIDS	Aroclor 1221	
SOLIDS	Pyrene		SOLIDS	Aroclor 1232	
SOLIDS	1,2,4-Trichlorobenzene		SOLIDS	Aroclor 1242	
	Acids²		SOLIDS	Aroclor 1248	
SOLIDS	4-Chloro-3-methylphenol		SOLIDS	Aroclor 1254	
SOLIDS	2-Chlorophenol		SOLIDS	Aroclor 1260	
SOLIDS	2,4-Dichlorophenol			PCBs in Oil¹	
SOLIDS	2-Methylphenol (o-Cresol)		OIL	Aroclor 1016	
SOLIDS	2-Nitrophenol		OIL	Aroclor 1242	
SOLIDS	4-Nitrophenol		OIL	Aroclor 1254	
SOLIDS	Phenol		OIL	Aroclor 1260	
SOLIDS	Pentachlorophenol			Petroleum Hydrocarbons	*
SOLIDS	2,4,5-Trichlorophenol		SOLIDS	Diesel Range Organics (DRO) ⁵	*
SOLIDS	2,4,6-Trichlorophenol		SOLIDS	Gasoline Range Organics (GRO) ⁶	*

<i>Matrix</i>	<i>Analyte</i>
SOLIDS	n-Hexane Extractable Material (O&G) ⁷ *
SOLIDS	non-Polar Extractable Material (TPH) ⁸ *

1) One sample in every study, containing one Aroclor, selected at random from among the Aroclors listed.

2) For volatiles, pesticides, base/neutrals, acids, herbicides and Low Level PAH PT samples, providers must include a minimum number of analytes using the same criteria described in the most recent NELAC Standard.

3) Volatile Aromatics must contain all three Xylene isomers. The concentration range of o-Xylene and m&p-Xylene is 20-200 ug/kg or 1,000-10,000 (Medium Level) each.

4) Dichlorobenzenes per solvent extraction and semivolatiles analytical technologies.

5) Diesel Range Organics (DRO) per solvent extraction followed by chromatographic analysis. DRO is defined as the carbon range between C₁₀ and C₂₈.

6) Gasoline Range Organics (GRO) per purge-and-trap extraction followed by chromatographic analysis. GRO is defined as the carbon range between C₅ and C₁₀.

7) n-Hexane Extractable Material (HEM) per solvent extraction followed by gravimetric or infrared spectrometric analysis (Oil & Grease).

8) non-Polar Extractable Material per solvent extraction and Silica Gel Treated (SGT) followed by gravimetric or infrared spectrometric analysis (Total Petroleum Hydrocarbons).

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-2563. Filed for public inspection December 29, 2006, 9:00 a.m.]

DEPARTMENT OF HEALTH

Approved Drugs for ALS Ambulance Services

Under 28 Pa. Code § 1005.11 (relating to drug use, control and security), the following drugs are approved for use by ground advanced life support (ALS) ambulance services and may be administered by EMT-paramedics, prehospital registered nurses and health professional physicians when use of the drugs is permitted by the applicable Department of Health (Department) approved regional medical treatment protocols:

1. Adenosine
2. Albuterol
3. Amiodarone
4. Aspirin
5. Atropine sulfate
6. Benzocaine—for topical use only
7. Bretylium
8. Calcium chloride
9. Dexamethasone sodium phosphate
10. Diazepam
11. Dilaudid—for interfacility transports only
12. Diltiazem
13. Diphenhydramine HCL
14. Dobutamine

15. Dopamine
16. Epinephrine HCL
17. Etomidate
18. Fentanyl
19. Furosemide
20. Glucagon
21. Heparin by intravenous drip—for interfacility transports only
22. Heparin lock flush
23. Hydrocortisone sodium succinate
24. Glycoprotein IIb/IIIa Inhibitors—for interfacility transports only
 - a. Abciximab
 - b. Eptifibatide
 - c. Tirofiban
25. Intravenous electrolyte solutions
 - a. Dextrose
 - b. Lactated Ringer's
 - c. Sodium chloride
 - d. Normosol
 - e. Potassium—for interfacility transports only
26. Ipratropium Bromide
27. Isoproterenol HCL—for interfacility transports only
28. Levalbuterol—for interfacility transports only
29. Lidocaine HCL
30. Lorazepam
31. Magnesium sulfate
32. Metaproterenol
33. Methylprednisolone
34. Midazolam
35. Morphine sulfate
36. Naloxone HCL
37. Nitroglycerin by intravenous drip—for interfacility transports only
38. Nitroglycerin ointment
39. Nitroglycerin spray
40. Nitroglycerin sublingual tablets
41. Nitrous oxide
42. Oxytocin
43. Phenergan
44. Pralidoxime CL
45. Procainamide
46. Sodium bicarbonate
47. Sodium thiosulfate
48. Sterile water for injection
49. Terbutaline
50. Tetracaine—for topical use only
51. Verapamil

This list supersedes the list of approved drugs published at 35 Pa.B. 4373 (August 5, 2005).

Change made is: (1) addition of etomidate.

Ambulance services are not authorized to stock drugs designated "for interfacility transports only." However, paramedics and health professionals may administer a drug so designated if the facility transferring a patient provides the drug, directs that it be administered to the patient during the transfer and the regional transfer and medical treatment protocols permit the administration of the drug by those personnel. See 28 Pa. Code § 1005.11(a)(3) and (d).

Section 1005.11 of 28 Pa. Code permits a ground ALS ambulance service to exceed, under specified circumstances, the drugs (taken from the master list) that a region's medical treatment protocols authorize for use

within the region. In addition, under 28 Pa. Code § 1001.161 (relating to research), the Department may approve an ambulance service to engage in a research project that involves use of a drug not included in a region's medical treatment protocols. Finally, under 28 Pa. Code § 1001.4 (relating to exceptions), a ground ALS ambulance service and its ALS service medical director may apply to the Department for an exception to a region's medical treatment protocols.

The list of drugs in this notice does not apply to air ambulance services. Under 28 Pa. Code § 1007.7(i)(2) (relating to licensure and general operating requirements), each air ambulance service is to develop its own medical treatment protocols which identify drugs that may be used by the air ambulance service. The air ambulance service is to then submit the protocols to the medical advisory committee of the appropriate regional emergency medical services council for the medical advisory committee's review and recommendations. Following its consideration of the recommendations, and after making further revisions if needed, the air ambulance service is to file the protocols with the Department for approval.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Robert Cooney at the Department of Health, Bureau of Emergency Medical Services, Room 1032, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA, 17120, (717) 787-8740. Speech or hearing impaired persons may use V/TT (717) 783-6154 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. 06-2564. Filed for public inspection December 29, 2006, 9:00 a.m.]

Cervical Cancer Task Force Meeting

The Cervical Cancer Task Force will hold a public meeting on Monday, January 24, 2007, from 10 a.m. to 2 p.m. at the Dixon University Center, Administration Building, Conference Room A, 2986 North Second Street, Harrisburg, PA 17103.

For additional information, contact Barbara Caboot, Public Health Program Administrator, Breast and Cervical Cancer Section, Division of Cancer Prevention and Control, Department of Health, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 346-3981.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Barbara Caboot, Public Health Program Administrator at (717) 346-3981 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. 06-2565. Filed for public inspection December 29, 2006, 9:00 a.m.]

Health Policy Board Annual Meeting Schedule for 2007

The Health Policy Board has set its calendar for the year 2007. The meeting dates are scheduled as follows:

March 14, 2007
June 13, 2007
September 12, 2007
December 12, 2007

Meetings will begin at 10 a.m. in Room 812, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA.

These meetings are subject to cancellation without notice.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Marina Matthew at (717) 772-5298, 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. 06-2566. Filed for public inspection December 29, 2006, 9:00 a.m.]

Prehospital Practitioner Scope of Practice

Under 28 Pa. Code §§ 1003.21(c)(13), 1003.22(e)(3), 1003.23(f), 1003.24(e) and 1003.25b(c), the Department of Health (Department) is publishing the scope of practice for ambulance attendants, first responders, emergency medical technicians (EMTs), EMT-paramedics and prehospital registered nurses (PHRNs) under the Emergency Medical Services Act (EMS Act) (35 P. S. §§ 6921—6938).

Skills identified may be performed by a prehospital practitioner at the practitioner's level of certification/recognition only if the practitioner has successfully completed training (cognitive, affective and psychomotor) on the specified skill, which includes training to perform the skill on adults, children and infants, as appropriate.

A PHRN with medical command authorization may perform, in addition to those services within an EMT-paramedic's scope of practice, other services authorized by The Professional Nursing Law (63 P. S. §§ 211—225.5) when authorized by a medical command physician through either online medical command or standing medical treatment protocols. To administer drugs in addition to those permitted by applicable medical treatment protocols, a PHRN must also have received approval to do so by the advanced life support service medical director of the advanced life support ambulance service under which the PHRN is functioning.

This list supercedes the list of skills in the scope of practice of prehospital personnel published at 36 Pa.B. 348 (January 21, 2006). Two changes are made. Use of the King LT AirwayTM is added to the EMT-paramedic scope of practice. Intraosseous needle placement and infusion into the humerus are also added to the EMT-paramedic scope of practice a route of administration for appropriate medications included on the approved drug list.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape,

Braille) should contact Robert Cooney, Department of Health, Bureau of Emergency Medical Services, Room 1032, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-8740. Speech or hearing impaired persons may call by using V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

Yes—The skill is in the scope of practice for the level of certification.

No—The skill is not in the scope of practice for the level of certification.

AA—Ambulance Attendant.

FR—First Responder.

EMT—Emergency Medical Technician.

EMT-P—Emergency Medical Technician Paramedic.

1—May assist higher level practitioner only when in the physical presence and under the direct supervision of the ALS practitioner.

2—Additional training and approval by service medical director required.

3—The skill may be performed by BLS personnel in accordance with Statewide BLS protocols or medical command order.

4—The skill is not approved for the level of certification regardless if taught in a course approved for that level of certification.

5—The acronym is explained following the table.

6—Skill may only be used when functioning with a licensed ambulance service or QRS that complies with Department requirements for performing this skill.

7—May only be done as a physician extender under the Medical Practice Act.

<i>Topic</i>	<i>Skill</i>	<i>AA</i>	<i>FR</i>	<i>EMT</i>	<i>EMT-P</i>
Airway/ventilation/oxygenation	Airway—Nonsurgical Alternative/Rescue Airway—dual lumen CombiTube™ or King LT Airway™	No	No	No	Yes
Airway/ventilation/oxygenation	Airway—oral & nasal	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Airway—pharyngeal tracheal lumen (PTL)	No	No	No	No ⁴
Airway/ventilation/oxygenation	Bag-valve-ETT/CombiTube® ventilation	No	Yes ¹	Yes ¹	Yes
Airway/ventilation/oxygenation	Bag-valve-mask—with in-line small-volume nebulizer	No	Yes ¹	Yes ¹	Yes
Airway/ventilation/oxygenation	Bag-valve-mask (BVM) ventilation	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Chest decompression—needle	No	No	No	Yes
Airway/ventilation/oxygenation	CPAP/BiPAP ⁵ —demonstrate application of	No	No	No	Yes
Airway/ventilation/oxygenation	Cricoid pressure (Sellick maneuver)	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Cricothyrotomy—needle	No	No	No	Yes
Airway/ventilation/oxygenation	Cricothyrotomy—open/surgical	No	No	No	Yes
Airway/ventilation/oxygenation	Cricothyrotomy—overwire (Seldinger) technique	No	No	No	Yes
Airway/ventilation/oxygenation	End tidal CO ₂ monitoring/capnography	No	Yes ¹	Yes ¹	Yes
Airway/ventilation/oxygenation	Esophageal obturator airway (EOA)/esophageal gastric tube airway (EGTA)	No	No	No	No ⁴
Airway/ventilation/oxygenation	Extubation	No	No	No	Yes
Airway/ventilation/oxygenation	Flow restricted oxygen powered ventilation device (demand valve)	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Gastric decompression—OG ⁵ & NG ⁵ tube (suction)	No	No	No	Yes
Airway/ventilation/oxygenation	Gastric tube insertion—nasal & oral	No	No	No	Yes
Airway/ventilation/oxygenation	Head-tilt/chin-lift	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Inspiratory Impedance Threshold Device (ITD)	No	No	No	Yes ²
Airway/ventilation/oxygenation	Intubation—digital & lighted stylet	No	No	No	Yes
Airway/ventilation/oxygenation	Intubation—endotracheal tube	No	No	No	Yes
Airway/ventilation/oxygenation	Intubation—medication paralytics assisted (RSI ⁵)	No	No	No	No ⁴
Airway/ventilation/oxygenation	Intubation—nasotracheal & orotracheal	No	No	No ⁴	Yes
Airway/ventilation/oxygenation	Intubation—retrograde	No	No	No	No ⁴
Airway/ventilation/oxygenation	Intubation—transillumination/lighted stylet	No	No	No	Yes
Airway/ventilation/oxygenation	Jaw thrust & modified jaw thrust (trauma)	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Laryngeal mask airway (LMA)	No	No	No	No ⁴
Airway/ventilation/oxygenation	Mouth-to-mouth, nose, stoma, barrier & pocket mask	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Obstruction—direct laryngoscopy (remove with forceps)	No	No	No	Yes
Airway/ventilation/oxygenation	Obstruction—manual (Heimlich, finger sweep, chest thrusts) upper airway	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—blow-by delivery	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—humidifiers	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—nasal cannula	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—non-rebreather mask	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—partial rebreather	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—regulators	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—simple face mask	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Oxygen therapy—Venturi mask	No	No	No	Yes

<i>Topic</i>	<i>Skill</i>	<i>AA</i>	<i>FR</i>	<i>EMT</i>	<i>EMT-P</i>
Airway/ventilation/oxygenation	Peak expiratory flow assessment	No	No	No	Yes
Airway/ventilation/oxygenation	Pulse oximetry	Yes ¹	Yes ²	Yes ²	Yes
Airway/ventilation/oxygenation	Suctioning—meconium aspiration	No	No	No	Yes
Airway/ventilation/oxygenation	Suctioning—stoma	No	No	Yes	Yes
Airway/ventilation/oxygenation	Suctioning—tracheobronchial	No	No	No	Yes
Airway/ventilation/oxygenation	Suctioning—upper airway (nasal)	No	Yes	Yes	Yes
Airway/ventilation/oxygenation	Suctioning—upper airway (oral)	Yes	Yes	Yes	Yes
Airway/ventilation/oxygenation	Transtracheal jet ventilation	No	No	No	Yes
Airway/ventilation/oxygenation	Ventilators—automated transport (ATV)	Yes ¹	Yes ²	Yes ²	Yes
Assessment of	Glasgow Coma Scale (GCS)	Yes	Yes	Yes	Yes
Assessment of	Level of consciousness (LOC)	Yes	Yes	Yes	Yes
Assessment of	Patient assessment skills identified in the NSC ⁵	Yes	Yes	Yes	Yes
Assessment of	Vital sign—body temperature	Yes	Yes	Yes	Yes
Assessment of	Vital sign—pulse	Yes	Yes	Yes	Yes
Assessment of	Vital sign—pupils	Yes	Yes	Yes	Yes
Assessment of	Vital sign—respirations	Yes	Yes	Yes	Yes
Assessment of	Vital sign—skin color/temperature & condition (CTC)	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Blood pressure—auscultation	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Blood pressure—electronic non-invasive	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Blood pressure—palpation	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Cardiac monitoring—apply electrodes	No	Yes ¹	Yes ¹	Yes
Cardiovascular/circulation	Cardiac monitoring—multi lead	No	No	No	Yes
Cardiovascular/circulation	Cardiac monitoring—single lead (interpretive)	No	No	No	Yes
Cardiovascular/circulation	Cardiopulmonary resuscitation (CPR) adult, infant, child, one & two person	Yes	Yes	Yes	Yes
Cardiovascular/circulation	Cardioversion—synchronized	No	No	No	Yes
Cardiovascular/circulation	Carotid massage (vagal maneuvers)	No	No	No	Yes
Cardiovascular/circulation	Defibrillation—Counter shock—manual	No	No	No	Yes
Cardiovascular/circulation	Defibrillation—automated external defibrillator (AED)	Yes ²	Yes ²	Yes ²	Yes
Cardiovascular/circulation	Hemodynamic monitoring/assist (Swan Ganz, arterial, central venous lines)	No	No	No	No ⁴
Cardiovascular/circulation	Intra-aortic balloon pump monitoring/assist	No	No	No	No ⁴
Cardiovascular/circulation	Mechanical CPR device	No	No	No	Yes
Cardiovascular/circulation	Military/Pneumatic Anti-Shock Trousers/Garment PASG/MAST ⁵)	No	No	Yes	Yes
Cardiovascular/circulation	Thrombolytic therapy—initiation	No	No	No	No ⁴
Cardiovascular/circulation	Thrombolytic therapy—monitoring	No	No	No	No ⁴
Cardiovascular/circulation	Transcutaneous pacing	No	No	No	Yes
Cardiovascular/circulation	Use a (cardiac) magnet to alter the mode of an AICD ⁵ or pacemaker	No	No	No	Yes
Communications	Verbal patient report to receiving personnel	No	Yes	Yes	Yes
Communications	Communications with PSAPs ⁵ , hospitals, medical command facilities	Yes	Yes	Yes	Yes
Documentation	Out-of-Hospital Do Not Resuscitate (DNR) orders (Act #59)	Yes	Yes	Yes	Yes
Documentation	Patient Care Report completion	No	Yes	Yes	Yes
Hazardous materials	Contaminated equipment disposal (sharps & PPE ⁵)	Yes	Yes	Yes	Yes
Hazardous materials	Decontamination	Yes	Yes	Yes	Yes
Hazardous materials	Disinfection	Yes	Yes	Yes	Yes
Hazardous materials	PPE ⁵ (personal protection equipment) use	Yes	Yes	Yes	Yes
Immobilization	PASG/MAST ⁵ —pelvic stabilization	No	No	Yes	Yes
Immobilization	Spinal immobilization—helmet stabilization or removal	No	No	Yes	Yes
Immobilization	Spinal immobilization—long board w/pt supine & standing	Yes	Yes	Yes	Yes
Immobilization	Spinal immobilization—manual stabilization & cervical collar	Yes	Yes	Yes	Yes
Immobilization	Spinal immobilization—rapid extrication	No	No	Yes	Yes
Immobilization	Spinal immobilization—seated patient (KED ⁶ , etc.)	No	No	Yes	Yes
Immobilization	Splinting—manual, ridged, soft, vacuum	Yes	Yes	Yes	Yes
Immobilization	Splinting—traction	Yes	Yes	Yes	Yes
IV Initiation/maintenance/fluids	Central venous cannulation (femoral vein only)	No	No	No	Yes
IV Initiation/maintenance/fluids	Central venous line- access of existing catheters	No	No	No	Yes
IV Initiation/maintenance/fluids	Clean technique	No	No	No	Yes
IV Initiation/maintenance/fluids	External jugular vein cannulation	No	No	No	Yes
IV Initiation/maintenance/fluids	Heparin/saline lock insertions as no-flow IV	No	No	No	Yes

<i>Topic</i>	<i>Skill</i>	<i>AA</i>	<i>FR</i>	<i>EMT</i>	<i>EMT-P</i>
IV Initiation/maintenance/fluids	Indwelling intravenous catheters as described 28 Pa. Code § 1003.23 (e) (2)	No	No	Yes	Yes
IV Initiation/maintenance/fluids	Intraosseous—needle placement & infusion—tibia, femur and humerus	No	No	No	Yes
IV Initiation/maintenance/fluids	Peripheral venous—initiation (cannulation)	No	No	No	Yes
IV Initiation/maintenance/fluids	Sub-cutaneous indwelling catheters—access of existing catheters	No	No	No	Yes
IV Initiation/maintenance/fluids	Vascular access devices in home healthcare—access of existing catheters	No	No	No	Yes
IV Initiation/maintenance/fluids	Venous (blood sampling)—obtaining	No	No	No	Yes
IV Initiation/maintenance/fluids	Venous central line (blood sampling)—obtaining	No	No	No	No ⁴
IV Initiation/maintenance/fluids	Arterial line—capped—transport	No	No	Yes	Yes
IV Initiation/maintenance/fluids	Arterial line—monitoring/assist	No	No	No	No ⁴
IV Initiation/maintenance/fluids	Blood/Blood -by-products	No	No	No	No ⁴
Lifting & moving	Patient lifting, moving & transfers per NSC ⁵	Yes	Yes	Yes	Yes
Lifting & moving	Patient restraints on transport devices	Yes	Yes	Yes	Yes
Medication administration routes	Endotracheal tube (ET)	No	No	No	Yes
Medication administration routes	Inhalation (aerosolized/nebulized)	No	No	No	Yes
Medication administration routes	Intramuscular (IM)	No	No	No	Yes
Medication administration routes	Intranasal	No	No	No	Yes
Medication administration routes	Intraosseous—tibia, humerus or femur	No	No	No	Yes
Medication administration routes	Intravenous (IV)—bolus	No	No	No	Yes
Medication administration routes	Intravenous (IV) infusion, including by intravenous pump	No	No	No	Yes
Medication administration routes	Nasogastric	No	No	No	Yes
Medication administration routes	Oral	No	No	No	Yes
Medication administration routes	Rectal	No	No	No	Yes
Medication administration routes	Subcutaneous	No	No	No	Yes
Medication administration routes	Sub-lingual	No	No	No	Yes
Medication administration routes	Topical	No	No	No	Yes
Medication administration routes	Auto-injectors	No	No	Yes ³	Yes
Medications	Activated charcoal	No	No	Yes ³	Yes
Medications	As published in the <i>Pennsylvania Bulletin</i> by PA DOH	No	No	No	Yes
Medications	Immunizations	No	No	No	Yes ⁷
Medications	Oral glucose	No	No	Yes ³	Yes
Medications	Over-the-counter medications (OTC)	No	No	No	No ⁴
Medications	Oxygen	Yes	Yes	Yes	Yes
Medications	Auto-injected epinephrine-primary use-not patient's own prescription	No	No	Yes ^{2,3,6}	Yes
Medications—Patient Assisted	Auto-injected epinephrine	No	No	Yes ³	Yes
Medications—Patient Assisted	Metered dose inhaler (MDI)—bronchodilator	No	No	Yes ³	Yes
Medications—Patient Assisted	Nitroglycerin	No	No	Yes ³	Yes
Patient assessment/management	Behavioral—Restrain violent patient	No	No	Yes	Yes
Patient assessment/management	Blood glucose assessment	No	No	No	Yes
Patient assessment/management	Burns—chemical, electrical, inhalation, radiation, thermal	Yes	Yes	Yes	Yes
Patient assessment/management	Childbirth—umbilical cord cutting	No	Yes	Yes	Yes
Patient assessment/management	Childbirth (abnormal/complications)	No	No	Yes	Yes
Patient assessment/management	Childbirth (normal)—cephalic delivery	Yes	Yes	Yes	Yes
Patient assessment/management	Dislocation reduction (shoulder)	No	No	No	No ⁴
Patient assessment/management	Eye irrigation/care	Yes	Yes	Yes	Yes
Patient assessment/management	Hemorrhage control—diffuse, direct, pressure point, tourniquet, bandaging	Yes	Yes	Yes	Yes
Patient assessment/management	Intracranial monitoring/assist	No	No	No	No ⁴
Patient assessment/management	As outlined in DOH approved regional & statewide tx ⁵ & transport protocols	Yes	Yes	Yes	Yes
Patient assessment/management	Multiple Casualty Incident (MCI)/Incident Command System (ICS)	No	Yes	Yes	Yes
Patient assessment/management	Triage (prioritizing patients)—use of tags	Yes	Yes	Yes	Yes
Patient assessment/management	Urinary catheterization	No	No	No	Yes
Rescue	Vehicle access & extrication	Yes	Yes	Yes	Yes

◀ Acronym

Explanation

AICD	Automatic Implantable Cardioverter Defibrillators
CPAP/BiPAP	Continuous positive airway pressure/biphasic positive airway pressure
KED	Kendrick Extrication Device
NSC	U.S. Department of Transportation National Standard Curriculum

◀ Acronym

OG & NG
 PASG/MAST
 PPE
 PSAP
 RSI
 TX

Explanation

Oral gastric and nasal gastric tube
 Pneumatic anti-shock garment/military anti-shock trousers
 Personal protective equipment
 Public safety answering point
 Rapid sequence induction
 Treatment

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

[Pa.B. Doc. No. 06-2567. Filed for public inspection December 29, 2006, 9:00 a.m.]

Preventive Health and Health Services Block Grant Advisory Committee Meeting

The Preventive Health and Health Services Block Grant Advisory Committee will hold a public meeting on Monday, February 26, 2007, from 10 a.m. to 2 p.m. The meeting will be held at the Dixon University Center, Administrative Building, Conference Room C, 2986 North Second Street, Harrisburg, PA, 17110.

For additional information contact Terry L. Walker, Administrative Officer, or Leslie A. Best, Director, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-6214.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Terry L. Walker, Administrative Officer at (717) 787-6214 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. 06-2568. Filed for public inspection December 29, 2006, 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 § 201.17 (relating to location).

Kindred Hospital Pittsburgh-North Shore
 1004 Arch Street
 Pittsburgh, PA 15212

The following long-term care nursing facility is seeking an exception to: 28 Pa. Code § 201.18(e) (relating to management).

Renaissance Gardens at Ann's Choice, Inc.
 16000 Anne's Choice Way
 Warminster, PA 18974
 FAC ID 18860201

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.26(e) (relating to laundry).

Millcreek Community Hospital Transitional Care Unit
 5515 Peach Street
 Erie, PA 16509

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the division at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 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. 06-2569. Filed for public inspection December 29, 2006, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Additional Class of Payments to Qualifying Acute Care General Hospitals for Obstetrical Services

The purpose of this notice is to announce that effective December 31, 2006, the Department of Public Welfare (Department) intends to establish an additional class of disproportionate share hospital (DSH) payments for acute care general hospitals enrolled in the Medical Assistance (MA) Program that provide a high volume of MA births to ensure the continued access to obstetrical services for MA patients.

The Department intends to consider an acute care general hospital eligible for this additional class of DSH payment, if the acute care general hospital meets all of the following criteria, based on the Fiscal Year 2003-04 MA Cost Report:

1. The hospital's ratio of MA nursery days to total nursery days is equal to or greater than the 95th percentile of the ratio of MA nursery days to total hospital nursery days provided by all enrolled general acute care hospitals that provide obstetrical services.

2. The hospital's ratio of MA discharges to total discharges exceeds the 99th percentile of the ratio of MA discharges to total hospital discharges of all enrolled general acute care hospitals that provide obstetrical services.

3. The hospital's combined MA revenue plus uncompensated care costs as a percentage of net patient revenue exceeds the 99th percentile of this percentage of all enrolled general acute care hospitals that provide obstetrical services. For this criterion, the uncompensated care costs are derived from the Pennsylvania Health Care Cost Containment Council's *Financial Analysis 2005*.

The Department intends to allocate \$2.2 million from the State General Fund for this additional class of payments. Payments will be divided proportionally between qualifying hospitals based on the percentage of each qualifying hospital's MA nursery days to the total MA nursery days of all qualifying hospitals. In making these payments, the Department will ensure that no acute care general hospital will receive any DSH payment that is in excess of its hospital-specific DSH upper payment limit and the Commonwealth will not exceed its aggregate annual DSH allotment.

Fiscal Impact

For Fiscal Year 2006-2007, the fiscal impact as a result of this additional class of DSH payments is \$4.841 million in total funds (\$2.2 million in State General funds and \$2.641 million in Federal funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-497. (1) General Fund; (2) Implementing Year 2006-07 is \$2,200,000; (3) 1st Succeeding Year 2007-08 is \$0; 2nd Succeeding Year 2008-09 is \$0; 3rd Succeeding Year 2009-10 is \$0; 4th Succeeding Year 2010-11 is \$0; 5th Succeeding Year 2011-12 is \$0; (4) 2005-06 Program—\$473,693,000; 2004-05 Program—\$531,785,000; 2003-04 Program—\$411,042,000; (7) Medical Assistance—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 06-2570. Filed for public inspection December 29, 2006, 9:00 a.m.]

Establishment of an Additional Class of Disproportionate Share Payments for Burn Center Services

The purpose of this notice is to announce that effective December 31, 2006, the Department of Public Welfare (Department) intends to establish an additional class of disproportionate share hospital (DSH) payments for certain qualifying Medical Assistance (MA) enrolled acute care general hospital burn centers (burn centers) to assure readily available and coordinated burn care of the highest quality to the MA population.

The Department intends to consider a burn center eligible for this additional class of DSH payment, if the burn center meets one of the following criteria:

1. Is recognized by the American Burn Association and participates in the American Burn Association's, "Burn Center Verification Program" effective July 2006.

2. Is certified and accredited as a Level I or Level II Trauma Center by the Pennsylvania Trauma Systems Foundation and has a minimum of 70 annual patient admissions in calendar year 2005, of individuals requiring burn care.

These annual payments to eligible burn centers will be contingent upon annual funding appropriations and will be allocated according to all of the following:

1. Fifty percent of the total amount available for eligible burn centers will be allocated equally among eligible burn centers.

2. Fifty percent of the total amount available for eligible burn centers will be allocated on the basis of each eligible qualified burn center's percentage of MA and uninsured burn cases and patient days compared to the Statewide total number of MA and uninsured burn cases and patient days for all eligible burn centers. The Department will use each eligible burn center's in-State and out-of-State cases and patient days for this calculation.

In making these payments, the Department will ensure that no acute care general hospital will receive any DSH payment that is in excess of its hospital-specific DSH upper payment limit and the Commonwealth will not exceed its aggregate annual DSH allotment.

Fiscal Impact

For Fiscal Year 2006-2007, the fiscal impact as a result of this additional class of DSH payments is \$11.002 million in total funds (\$5 million in State General funds and \$6.002 million in Federal funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-495. (1) General Fund; (2) Implementing Year 2006-07 is \$5,000,000; (3) 1st Succeeding

Year 2007-08 is \$0; 2nd Succeeding Year 2008-09 is \$0; 3rd Succeeding Year 2009-10 is \$0; 4th Succeeding Year 2010-11 is \$0; 5th Succeeding Year 2011-12 is \$0; (4) 2005-06 Program—\$0; 2004-05 Program—\$0; 2003-04 Program—\$0; (7) Hospital Based Burn Centers; (8) rec-

ommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 06-2571. Filed for public inspection December 29, 2006, 9:00 a.m.]

Medical Assistance Program Fee Schedule Additions

The purpose of this notice is to announce that the Department of Public Welfare (Department) is adding four laboratory procedure codes and accompanying modifiers and fees to the Medical Assistance (MA) Program Fee Schedule, effective January 2, 2007.

Fee Schedule Additions

The Department is adding four laboratory procedure codes as part of a quality improvement initiative and to further its commitment to providing quality care to MA recipients. The addition of procedure codes 87491 and 87591 will enable the Department to more accurately monitor the use of these screenings. The addition of procedure codes 87517 and 87522 will facilitate the Department's ability to collect quality indicators and better measure the delivery of follow-up treatment for these conditions.

The new procedure codes are as follows:

<i>Procedure Code</i>	<i>Informational Modifier</i>	<i>Procedure Description</i>	<i>MA Fees</i>
87491		Infectious agent detection by nucleic acid (DNA or RNA); Chlamydia trachomatis, amplified probe technique	\$5.20
87491	FP	Infectious agent detection by nucleic acid (DNA or RNA); Chlamydia trachomatis, amplified probe technique	\$5.20
87517		Infectious agent detection by nucleic acid (DNA or RNA); Hepatitis B, quantification	\$47.88
87522		Infectious agent detection by nucleic acid (DNA or RNA); Hepatitis C, quantification	\$47.88
87591		Infectious agent detection by nucleic acid (DNA or RNA); Neisseria gonorrhea, amplified probe technique	\$5.20
87591	FP	Infectious agent detection by nucleic acid (DNA or RNA); Neisseria gonorrhea, amplified probe technique	\$5.20

Fiscal Impact

The estimated cost for Fiscal Year 2006-2007 is \$0.312 million (\$0.148 million in State funds). The estimated cost for Fiscal Year 2007-2008 is \$0.936 million (\$0.446 million in State funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-498. (1) General Fund; (2) Implementing Year 2006-07 is \$148,000; (3) 1st Succeeding Year 2007-08 is \$446,000; 2nd Succeeding Year 2008-09 is \$447,000; 3rd Succeeding Year 2009-10 is \$447,000; 4th Succeeding Year 2010-11 is \$447,000; 5th Succeeding Year 2011-12 is \$447,000; (4) 2005-06 Program—\$945,950,000; 2004-05 Program—\$842,991,000; 2003-04 Program—\$677,979,000; (7) Medical Assistance—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 06-2572. Filed for public inspection December 29, 2006, 9:00 a.m.]

Medical Assistance Program Fee Schedule Revisions

The Department of Public Welfare (Department) announces that it is increasing fees on the Medical Assistance (MA) Program Fee Schedule for two enteral pediatric formulas, effective December 1, 2006. The fees are being increased after the Department received input from the Pennsylvania Association of Medical Suppliers.

Fee Schedule Revisions

The Department is increasing fees for the following Healthcare Common Procedure Coding System procedure codes:

Code	Description	Fee Revision	
		Previous	Current
B4103	Enteral formula, for pediatrics, used to replace fluids and electrolytes (e.g., clear liquids), 500 ml = 1 unit	\$0.72 per unit	\$2.92 per unit
B4161	Enteral formula, for pediatrics, hydrolyzed/amino acids and peptide chain proteins, includes fats, carbohydrates, vitamins and minerals, may include fiber, administered through an enteral feeding tube, 100 calories = 1 unit	\$1.24 per unit	\$1.74 per unit

Fiscal Impact

The estimated costs for these increases is \$0.051 million (\$0.023 million in State funds) in the Medical Assistance-Outpatient Program in Fiscal Year 2006-2007 and the annualized cost of \$0.102 million (\$0.047 million in State funds) in Fiscal Year 2007-2008.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515 Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered in any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require auxiliary aid or service may submit comments using the AT&T Relay Services, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-494. (1) General Fund; (2) Implementing Year 2006-07 is \$23,000; (3) 1st Succeeding Year 2007-08 is \$47,000; 2nd Succeeding Year 2008-09 is \$47,000; 3rd Succeeding Year 2009-10 is \$47,000; 4th Succeeding Year 2010-11 is \$47,000; 5th Succeeding Year 2011-12 is \$47,000; (4) 2005-06 Program—\$945,950,000; 2004-05 Program—\$842,991,000; 2003-04 Program—\$677,979,000; (7) Medical Assistance—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 06-2573. Filed for public inspection December 29, 2006, 9:00 a.m.]

Payment Allotment Increase to Certain Acute Care General Hospitals

The purpose of this notice is to announce that effective December 31, 2006, the Department of Public Welfare (Department) intends to make a one time increase to the allotment of disproportionate share hospital (DSH) payments to certain qualifying Medical Assistance (MA) enrolled hospitals from \$5.8 million to \$7.6 million.

Effective October 1, 2000, the Department established an additional class of DSH payments to certain qualifying hospitals, which the Department has determined advance the Department's goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth. Increases in MA eligibility and service costs require changes in the original amount allotted to guarantee access to care for MA recipients throughout this Commonwealth.

The Department will continue to use the current payment eligibility criteria and methodology to determine if an acute care general hospital is eligible for this additional class of disproportionate share.

In making these payments, the Department will ensure that no acute care general hospital will receive any DSH payment that is in excess of its hospital-specific DSH upper payment limit and the Commonwealth will not exceed its aggregate annual DSH allotment.

Fiscal Impact

For Fiscal Year 2006-2007, the fiscal impact as a result of this increase in DSH payment allotment is \$3.961 million in total funds (\$1.8 million in State General funds and \$2.161 million in Federal funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-496. (1) General Fund; (2) Implementing Year 2006-07 is \$1,800,000; (3) 1st Succeeding Year 2007-08 is \$0; 2nd Succeeding Year 2008-09 is \$0; 3rd Succeeding Year 2009-10 is \$0; 4th Succeeding Year 2010-11 is \$0; 5th Succeeding Year 2011-12 is \$0; (4) 2005-06 Program—\$474,693,000; 2004-05 Program—\$531,785,000; 2003-04 Program—\$411,042,000; (7) Medical Assistance—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 06-2574. Filed for public inspection December 29, 2006, 9:00 a.m.]

DEPARTMENT OF REVENUE

Interest Rate Notice

Under the provisions of sections 806 and 806.1 of the Fiscal Code (72 P. S. §§ 806 and 806.1), the Secretary of Revenue announces that, for the year commencing January 1, 2007, all underpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 8% per annum. All overpayments of the tax imposed under Article III of the Tax Reform Code of 1971 (72 P. S. §§ 7301—7361), which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 8% per annum. All other overpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 6% per annum. These rates will remain constant until December 31, 2007. These rates will be codified under 61 Pa. Code § 4.2(a) (relating to rate of interest).

These rates have been established based upon the rate established by the Secretary of the Treasury of the United States under the provisions of section 6621(a)(2) of the Internal Revenue Code to be effective January 1, 2007.

Although the Tax Reform Act of 1986 amended the Internal Revenue Code section 6621 by requiring that the Secretary of the Treasury of the United States establish quarterly rates of interest to become effective for Federal purposes on the first month of each calendar quarter, these amendments do not affect Commonwealth law. The Fiscal Code requires that the interest rate be established effective January 1 of each calendar year without regard to any change in the Federal interest rate during the calendar year.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-2575. Filed for public inspection December 29, 2006, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of 75 Pa.C.S. § 3368 (relating to speed timing devices), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following electronic speed-timing devices (radar); electronic speed-timing devices (nonradar), which measure elapsed time between measured road surface points by using two sensors; and electronic speed timing devices (nonradar), which calculate average speed between any two points.

Under 75 Pa.C.S. § 3368(c)(2), the Department has approved, for use only by members of the State Police, the following electronic speed-timing devices (radar) when used in the stationary mode only:

(1) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(2) H.A.W.K. Traffic Safety Radar System (identified on the radar housing as H.A.W.K.). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(3) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(4) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.

(5) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(6) KR-10SP, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.

(7) Pro 1000(DS), Manufactured by Kustom Signals, Incorporated, 1010 West Chestnut/ P. O. Box 947, Chanute, Kansas 66720.

(8) Model 100, Decatur RA-GUN (identified on the radar housing as RA-GUN). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(9) Genesis-I. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(10) Genesis Handheld (GHS). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(11) Genesis GHD Hand-held model. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(12) Genesis GVP-D battery operated model. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(13) Stalker Dual, Manufactured by Applied Concepts, Incorporated, 730 F, Avenue, Suite 200, Plano, Texas 75074.

(14) Stalker Dual SL. Manufactured by Applied Concepts, Incorporated, 730 F, Avenue, Suite 200, Plano, Texas 75074.

(15) Stalker Dual DSR, Manufactured by Applied Concepts, Incorporated, 730 F, Avenue, Suite 200, Plano, Texas 75074.

(16) TS-3. Manufactured by MPH Industries, Incorporated, 316 East 9th Street, Owensboro, Kentucky 42303.

(17) Vindicator, (VH-1), (Identified on the radar housing as Vindicator). Manufactured by MPH Incorporated, 316 East 9th Street, Owensboro, Kentucky 42303.

(18) MPH Model K-15. Manufactured by MPH Industries, Incorporated, 316 East 9th Street, Owensboro, Kentucky 42303.

(19) Stalker. Manufactured by Applied Concepts, Incorporated, 730 F, Avenue, Suite 200, Plano, Texas 75074.

(20) Eagle Plus. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215-3347.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which measure elapsed time between measured road surface points by using two sensors:

(1) Electrical Speed Timing System. Manufactured by Richard Hageman, 98 South Penn Dixie Road, Nazareth, Pennsylvania 18064.

(2) Model TK 100, Excessive Speed Preventor. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Pennsylvania 18822.

(3) Model TK 100, Excessive Speed Preventor. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, Pennsylvania 17756.

(4) Speed Chek (identified on the housing as Speed Chek model one, Mfd. for: The Union Agency, Unionville, Pa. 19375). Manufactured by Sterner Lighting Systems, Incorporated, 351 Lewis Avenue, Winsted, Minnesota 55395.

(5) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Pennsylvania 18822.

(6) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, Pennsylvania 17756.

(7) Enradd, Model EJU-91. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, Pennsylvania 17404.

(8) Enradd, Model EJU-91 with Non—Contact Road Switch System. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, Pennsylvania 17404.

(9) Enradd, Model EJU-91 Wireless System. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

Under 75 Pa.C.S. § 3368(c)(1) and (3), the Department has approved the use of electronic and mechanical stopwatches as speed-timing devices for use by any police officer. The Department has approved these speed-timing devices upon submission of a certificate of stopwatch accuracy indicating that a stopwatch has been successfully tested in accordance with the requirements of 67 Pa. Code, Chapter 105 (relating to mechanical, electrical and electronic speed-timing devices). The Department

issues an approved speed-timing device certificate for the device, as required by § 105.72 (relating to equipment approval procedure). The Department does not publish a listing of these approved speed-timing devices because they are approved individually by serial number and police department. Therefore, if a citation is contested, it is necessary for the police department to show both the certificate of stopwatch accuracy, which was issued within 60 days of the citation, and an approved speed-timing device certificate issued by the Department of Transportation, Bureau of Motor Vehicles.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing device (nonradar) which calculates average speed between any two points:

(1) VASCAR-plus. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

(2) VASCAR-plus II. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

(3) VASCAR-plus III. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated 3206 Lanvale Avenue, Richmond, Virginia 23230.

(4) VASCAR-plus IIIc. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated 3206 Lanvale Avenue, Richmond, Virginia 23230.

(5) V-SPEC—Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, Pennsylvania 17404.

(6) Tracker by Patco. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm Lenexa, Kansas 66215.

The Department of Transportation, under 75 Pa.C.S. § 3368(d) has appointed the following stations for calibrating and testing speed-timing devices until the next comprehensive list is published, subject to interim amendment.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for radar devices, which may only be used by members of the State Police:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969 (Appointed: 12/22/01, Station R8).

Guth Laboratories, Incorporated, 590 North 67th Street, Harrisburg, Dauphin County, PA 17111-4511 (Appointed: 01/27/97, Station R2).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063 (Appointed: 08/15/03, Station R11).

Simco Electronics, 2125 South West 28th Street, Allentown, Lehigh County, PA 18103 (Appointed: 09/19/96, Station R9).

Thomas Associates R & E Inc., 65 s Mountain Boulevard, Mountain Top, Luzerne County, PA 18707 (Appointed: 03/28/83, Station R7).

Wisco Calibration Services, Inc. 820 Washington Boulevard, Pittsburgh, Allegheny County, PA 15206 (Appointed: 07/14/99, Station R10).

YIS Inc., 1049 North Hartley Street, York, York County, PA 17402 (Appointed: 01/14/75, Station R3).

YIS/Cowden Group, Inc., 1049 North Hartley Street, York, York County, PA 17404. (Appointed 8/20/04 Station number R12).

The Department has appointed, under 75 Pa.C.S. § 3368(b), the following Official Speedometer Testing Stations:

Auto Electric & Speedometer Service, 7019 Beaver Dam Road, Levittown, Bucks County, PA 19057 (Appointed: 03/14/74, Station S54).

Auto Technology-Vocational Technical School Laboratory, 540 North Harrison Road, Pleasant Gap, Centre County, PA 16823 (Appointed: 02/10/69, Station S22).

Bob's Speedometer Service, Incorporated, 1920 West Marshall Street, Norristown, Montgomery County, PA 19403 (Appointed: 11/15/77, Station S79).

Briggs-Hagenlocher, 1110 Chestnut Street, Erie, Erie County, PA 16501 (Appointed: 03/25/93, Station S39).

James M. Coulston, Incorporated, 2915 Swede Road, Norristown, Montgomery County, PA 19401 (Appointed: 02/11/75, Station S49).

Dave's Service Center, 3617 Nicholas Street, Easton, Northampton County, PA 18045 (Appointed: 10/29/76, Station S33).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 11/25/63, Station S19).

Gabe's Speedometer Service, 2635 West Passyunk Avenue, Philadelphia, Philadelphia County, PA 19145 (Appointed: 06/03/97, Station S85).

Humenicks Auto Electric, 646 East Diamond Avenue, Hazleton, Luzerne County, PA 18201 (Appointed: 11/13/67, Station S74).

Izer Garage, 4616 Buchanan Trail East, Zullinger, Franklin County, PA 17272 (Appointed: 02/23/53, Station S106).

George's Garage, 868 Providence Road, Scranton, Lackawanna County, PA 18508 (Appointed: 04/15/98, Station S8).

K & M Automotive Electric Service, 1004-24th Street, Beaver Falls, Beaver County, PA 15010 (Appointed: 11/13/67, Station S23).

Mack Enterprises of Reading, 4226 Pottsville Pike, Reading, Berks County, PA 19605 (Appointed: 05/15/79, Station S1).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 01/03/84, Station S7).

Melody Lakes Tire & Auto Care, Incorporated, 1113 North West End Boulevard, Quakertown, Bucks County, PA 18951 (Appointed: 09/15/71, Station S38).

North Boro Speedometer Service, 547 California Avenue, Pittsburgh, Allegheny County, PA 15202 (Appointed: 11/02/78, Station S69).

Powl's Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, PA 17601—Also authorized to use mobile units (Appointed: 06/09/97, Station S82).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 06/29/62, Station S67).

S & D Calibration Services, 1963 Route 837, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/22/83, Station S35).

Stewart's Speedometer & Auto Parts, 112 South Third Street, Youngwood, Westmoreland County, PA 15601 (Appointed: 03/20/80, Station S58).

Thoman Auto Electric, Incorporated, 227 Valley Street, Lewistown, Mifflin County, PA 17044 (Appointed: 10/03/78, Station S104).

Thomas Auto Electric, 109 North 9th Street, Stroudsburg, Monroe County, PA 18360 (Appointed: 07/24/89, Station S105).

Y.I.S./Cowden Group Inc., 1049 North Hartley Street, York, York County, PA 17404. (Appointed 8/20/04, Station S9).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices, which measure elapsed time between measured road surface points by using two sensors:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 04/07/93, Station EL3).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EL22).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station EL1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EL11).

Speed Enforcement, Incorporated, R. D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, PA 18821—Also authorized to use mobile units (Appointed: 03/26/85, Station EL14).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, PA 18822—Also authorized to use mobile units (Appointed: 12/01/78, Station EL2).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station EL21).

Mahramus Specialty Auto Service, 285 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 07/31/97, Station EL18).

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 02/20/80, Station EL7).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Stopwatch Testing Stations:

Beerbower Incorporated, 1546 East Pleasant Valley Boulevard, Altoona, Blair County, PA 16602 (Appointed: 09/02/77, Station W14).

George L. Cogley, 1222 Liberty Avenue, Natrona Heights, Allegheny County, PA 15065 (Appointed: 09/27/77, Station W9).

Department of General Services Metrology, Room B-124, Transportation and Safety Building, Harrisburg, Dauphin County, PA 17120 (Appointed: 03/09/79, Station W18).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 10/28/77, Station W29).

Green Jewelers, Route 819, Armbrust, Westmoreland County, PA 15616 (Appointed: 06/23/78, Station W41).

Hostetter's Jewelers, 2 Hill Street, Shrewsbury, York County, PA 17361 (Appointed: 11/18/77, Station W30).

Leitzel's Jewelry, 422 East, Myerstown, Lebanon County, PA 17067 (Appointed: 09/01/87, Station W58).

Leitzel's Jewelry Store, 296 Center Street, Millersburg, Dauphin County, PA 19061 (Appointed: 07/28/77, Station W7).

Mount Jewelers, 153 North Hanover Street, Carlisle, Cumberland County, PA 17013 (Appointed: 09/21/87, Station W59).

Precision Watch Repair Company, 1015 Chestnut Street, Room 1010, Philadelphia, Philadelphia County, PA 19107 (Appointed: 09/24/80, Station W54).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 09/15/86, Station W56).

R & R Timing, 529 Freeport Road, New Kensington, Westmoreland County, PA 15068. (Appointed 6/16/04 Station W10).

Oscar Roth Jewelers, 659 Memorial Highway, Dallas, Luzerne County, PA 18612 (Appointed: 09/22/78, Station W47).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station W1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 10/10/89, Station W61).

Servinsky Jewelers, 610 Second Street, Cresson, Cambria County, PA 16630 (Appointed: 05/18/78, Station W40).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, PA 18822—Also authorized to use mobile units (Appointed: 04/22/91, Station W63).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station W64).

Wolf's Jewelry, 314 Market Street, Lewisburg, Union County, PA 17837 (Appointed: 10/06/77, Station W22).

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 08/30/89, Station W60).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices which calculates average speed between any two points:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 02/11/93, Station EM23).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EM22).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station EM1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EM6).

Speed Enforcement, Incorporated, R. D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, PA 18821—Also authorized to use mobile units (Appointed: 02/27/85, Station EM13).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, PA 18822—Also authorized to use mobile units (Appointed: 10/02/80, Station EM2).

Mahramus Specialty Auto Service, 285 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 08/13/97, Station EM12).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station EM21).

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 12/20/80, Station EM5).

Comments, suggestions or questions may be directed to Peter Gertz, Manager, Administrative and Technical Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or (717) 783-5842.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 06-2576. Filed for public inspection December 29, 2006, 9:00 a.m.]

INSURANCE DEPARTMENT

AF&L Insurance Company; Rate Increase Filing for Two LTC Return of Premium Riders; Rate Filing

AF&L Insurance Company is requesting approval to increase the premium on two return of premium riders. The company is requesting an increase of 575% on 123 policyholders of forms LTC-4, LTC-5 and LTC-93 in this Commonwealth who purchased rider RP-93. The company is also requesting an increase of 575% on 227 policyholders of forms NHP, LTC-5 and LTC-93 in this Commonwealth who purchased rider RPB.

Unless formal administrative action is taken prior to March 14, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actu-

ary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2577. Filed for public inspection December 29, 2006, 9:00 a.m.]

HealthAmerica; Base Rate Filing—Eastern Pennsylvania; Rate Filing

On December 21, 2006, the Insurance Department (Department) received from HealthAmerica a filing requesting to increase the Base group rates by 10.8%.

The proposed effective date is April 1, 2007. The filing will impact approximately 35,000 members.

Unless formal administrative action is taken prior to March 21, 2007 the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2578. Filed for public inspection December 29, 2006, 9:00 a.m.]

HealthAmerica Base Rate Filing—Southeastern Pennsylvania; Rate Filing

On December 21, 2006, the Insurance Department (Department) received from HealthAmerica a filing requesting to increase the Base group rates by 7.6%.

The proposed effective date is April 1, 2007. The filing will impact approximately 145 members.

Unless formal administrative action is taken prior to March 21, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Insurance Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

DIANE M. KOKEN,
Secretary

[Pa.B. Doc. No. 06-2579. Filed for public inspection December 29, 2006, 9:00 a.m.]

HealthAmerica Base Rate Filing—Western Pennsylvania; Rate Filing

On December 21, 2006, the Insurance Department (Department) received from HealthAmerica a filing requesting to increase the Base group rates by 10.3%.

The proposed effective date is April 1, 2007. The filing will impact approximately 26,000 members.

Unless formal administrative action is taken prior to March 21, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2580. Filed for public inspection December 29, 2006, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's 11 member Board of Directors on Tuesday, January 9, 2007, at 10:30 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HACC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

ALAN B. K. RABINOWITZ,
Administrator

[Pa.B. Doc. No. 06-2581. Filed for public inspection December 30, 2006, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by January 22, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-00123342. John R. Pierce (915 Penn Avenue, Pittsburgh, Allegheny County, PA 15222)—an individual—begin right to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Allegheny County, and from points in said county, to points in Pennsylvania, and return. David M. O'Boyle, Esquire, Wick, Streiff, Meyer, O'Boyle & Szeligo, P. C., 1450 Two Chatham Center, Pittsburgh, PA 15219-3427.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2582. Filed for public inspection December 29, 2006, 9:00 a.m.]

STATE BOARD OF CHIROPRACTIC

Bureau of Professional and Occupational Affairs v. Christopher J. Boucher, DC; Doc. No. 0245-43- 2006

On November 16, 2006, Christopher J. Boucher, DC license number DC-006930-L, of Philadelphia, Philadelphia County, was revoked, based upon his conviction in Federal court for health care fraud and for making fraudulent statements in the practice of chiropractic, submitting to third-party payers claims for service or treatment not actually provided, committing immoral or unprofessional conduct and failing to report this conviction to the State Board of Chiropractic (Board).

Individuals may obtain a copy of the adjudication by writing to Thomas A. Blackburn, Board Counsel, State Board of Chiropractic, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

JONATHAN W. MCCULLOUGH, DC,
Chairperson

[Pa.B. Doc. No. 06-2583. Filed for public inspection December 29, 2006, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

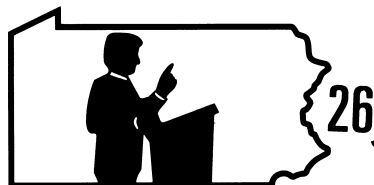
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
Location: Harrisburg, Pa.
Duration: 12/1/93-12/30/93
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

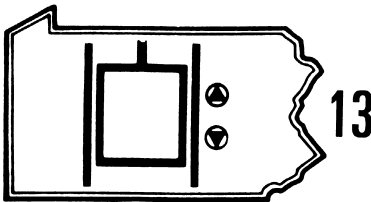
DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at www.patreasury.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

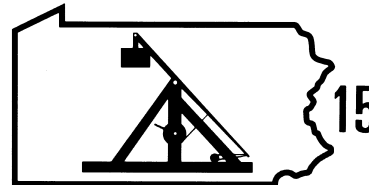
SERVICES



Elevator Maintenance

KUCC-0062 Elevator Modernization, KUCC-0062: Kutztown University is seeking qualified vertical transportation and electrical contractors who are interested in submitting bids for work associated with the modernization of two (2) passenger elevators and one (1) freight elevator at Kutztown University. The contractor selection process will be via sealed competitive bids. The vertical transportation work includes but is not limited to the furnishing of all labor, superintendence, materials, tools and equipment and performing all work necessary for the modernization and renovation of three elevators to meet current code standards. The electrical work includes but is not limited to the relocation and addition of electrical components in elevator machine rooms, hoistways, and lobby areas including smoke detectors. Bid packages are available for a non refundable fee of \$75.00 from: RPA Associates, 3 Park Plaza, Wyomissing, PA 19610, Phone (610) 374-6144, Attn: Dennis Baver. Bid packages are available January 10, 2007 through the Pre-Bid meeting. A MANDATORY pre-bid meeting is scheduled for January 24, 2007 at 1:30 PM in Old Main Room #26, Kutztown University. Bids from contractors who do not attend the mandatory pre-bid meeting will not be accepted. All questions must be submitted in writing to RPA Associates by 4:00 PM on January 26, 2007, to the attention of Dennis Baver, fax: (610) 374-6599, or email to dbaver@rpaengr.com. Bids are to be received no later than 2:00 PM, February 12, 2007 in Room 229, Facilities Project Services, Kutztown University. Persons with a disability, and who require accommodation, should notify the Disability Services Office two weeks prior to the pre-bid/proposal meeting, or bid/proposal due date, at 610-683-4108 or email accommodation@kutztown.edu, TDD number: 610-683-4499, in order to discuss accommodations. Every effort will be made to provide reasonable accommodations. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Kutztown, PA
Duration: May 2007—August 2007
Contact: Craig Kleinsmith, 610-683-4602



Environmental Maintenance Service

OSM 40(1372,1374)101.1 Abandoned Mine Reclamation Project, Humboldt Southwest. The principal items of work and approximate quantities include 1,617,850 cubic yards of Grading, 9,516 cubic yards of Drainage Excavation, 11,560 square yards of Rock Lining and 109 acres of Seeding. This project issues on December 22, 2006 and bids will be opened on January 23, 2007 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received.

Department: Environmental Protection
Location: Hazle Township, Luzerne County
Duration: 600 calendar days after the official starting date
Contact: Construction Contracts Section, 717-787-7820

BOGM 06-1R Description: Cleaning Out and Plugging Forty-Three (43) Abandoned Oil Wells, (Oil Creek State Park and The Pennsylvania Historical and Museum Commission Properties). The principal items of work include cleaning out and plugging forty-three (43) abandoned oil wells, estimated to be 600 feet each in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on December 22, 2006 and bids will be opened on January 23, 2007 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

Department: Environmental Protection
Location: Cherrytree Township, Venango County
Duration: 300 calendar days after the official starting date
Contact: Construction Contracts Section, 717-787-7820

[Pa.B. Doc. No. 06-2584. Filed for public inspection December 29, 2006, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Secretary

