

# PENNSYLVANIA BULLETIN

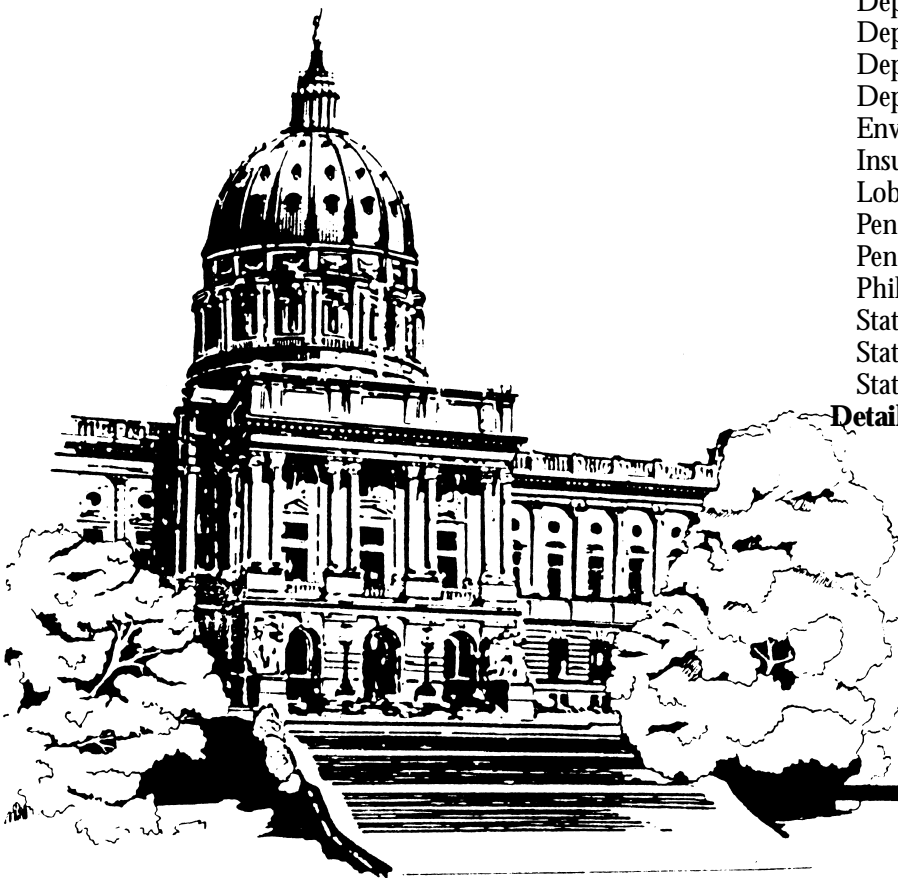
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for the Lobbying Disclosure  
Regulations Committee Proposed  
Lobbying Disclosure

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Pennsylvania Gaming Control Board  
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State Board of Nursing  
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**No. 398, January 2008**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2008.

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 200 ]

#### Amendment of Rule 240 Governing In Forma Pauperis; Proposed Recommendation No. 230

The Civil Procedural Rules Committee is proposing that Rule of Civil Procedure 240 governing in forma pauperis 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 March 3, 2008 to:

Karla M. Shultz  
Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 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 200. BUSINESS OF COURTS

#### Rule 240. In Forma Pauperis.

\* \* \* \* \*

(c) Except as provided by subdivision (d), the party shall file a petition and an affidavit in the form prescribed by subdivision (h). The petition may not be filed prior to the commencement of an action **or proceeding** or the taking of an appeal.

(1)(i) If the petition is filed simultaneously with the commencement of the action **or proceeding** or with the taking of the appeal, the prothonotary shall docket the **[action and petition or shall accept the appeal] matter** and petition without the payment of any filing fee.

(ii) If the court shall thereafter deny the petition, the petitioner shall pay the filing fee for commencing the action **or proceeding** or taking the appeal. A party required to pay such fee may not without leave of court take any further steps in the action, **proceeding** or appeal so long as such fee remains unpaid. Not sooner than ten days after notice of the denial of the petition pursuant to Rule 236, the prothonotary shall enter a judgment of non pros in the action **or proceeding** or strike the appeal if the fee remains unpaid. The action, **proceeding** or appeal shall be reinstated only by the court for good cause shown.

(2) If the action **or proceeding** is commenced or the appeal is taken without the simultaneous filing of a petition, the appropriate filing fee must be paid and shall not be refunded if a petition is thereafter filed and granted.

(3) **[The ] Except as provided by subparagraph (4), the court shall act promptly upon the petition and shall enter its order within twenty days from the date of the filing of the petition. If the petition is denied, in whole or in part, the court shall briefly state its reasons.**

**(4) If an action is commenced by writ of summons, the court shall not act on the petition until the complaint is filed. If the complaint has not been filed within ninety days of the filing of the petition, the court may dismiss the action pursuant to subdivision (j).**

\* \* \* \* \*

(f) A party permitted to proceed in forma pauperis shall not be required to

\* \* \* \* \*

(2) post bond or other security for costs as a condition for commencing an action **or proceeding** or taking an appeal.

\* \* \* \* \*

#### Explanatory Comment

Present subdivision (j) provides for a court, prior to acting on a petition to proceed in forma pauperis, to dismiss an action, proceeding, or appeal if the allegation of poverty in the petition is untrue, or if the court is satisfied that the action, proceeding, or appeal is frivolous. However, subdivision (j) did not consider the situation where an action is commenced by the issuance of a writ of summons. The proposed amendment to subdivision (c) would require the party commencing an action by writ of summons and seeking to proceed in forma pauperis to file the complaint within ninety days of filing the petition. The court would not make a determination on the petition until the complaint is filed. If the complaint is not filed within the ninety-day time period, the court may dismiss the petition pursuant to procedures set forth in subdivision (j).

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 08-86. Filed for public inspection January 18, 2008, 9:00 a.m.]

\_\_\_\_\_

#### PART I. GENERAL

[ 231 PA. CODE CH. 200 ]

#### Damages for Delay

#### Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

\* \* \* \* \*

#### Addendum to Explanatory Comment (2008)

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for

calculating damages for delay under Pa.R.C.P. 238 as revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

| <i>Date of Publication</i> | <i>Prime Rate Percentage</i> |
|----------------------------|------------------------------|
| January 2, 2008            | 7 1/4                        |
| January 2, 2007            | 8 1/4                        |
| January 3, 2006            | 7 1/4                        |
| January 3, 2005            | 5 1/4                        |
| January 2, 2004            | 4                            |
| January 2, 2003            | 4 1/4                        |
| January 2, 2002            | 4 3/4                        |
| January 2, 2001            | 9 1/2                        |
| January 3, 2000            | 8 1/2                        |
| January 4, 1999            | 7 3/4                        |
| January 2, 1998            | 8 1/2                        |

**Official Note:** The prime rate for the years 1980 through 1997 may be found in the Addendum to the Explanatory Comment published in the *Pennsylvania Bulletin*, volume 33, page 634 (2/1/03) and on the website of the Civil Procedural Rules Committee at <http://www.aopc.org>.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 08-87. Filed for public inspection January 18, 2008, 9:00 a.m.]

## Title 25—LOCAL COURT RULES CUMBERLAND COUNTY

**Local Rule 303-3; Civil Term; 96-1335 Civil**

### Order

*And Now*, this 13th day of December, 2007, effective December 13, 2007, or thirty (30) days after publication in the *Pennsylvania Bulletin*, Cumberland County Local Rule 303-3 is amended to read as follows:

### **Rule 303-3**

(a) A criminal trial list of all cases arraigned and undisposed of for the upcoming trial term shall be published and distributed by the District Attorney not later than the day before the pretrial conference scheduled for that term.

(b) The District Attorney's Office shall provide the Court Administrator's Office with a list of all undisposed cases arraigned for that trial term not later than 10:00 a.m. on the last working day before the trial term. The Court Administrator's Office shall publish and distribute not later than noon on the last working day before the trial term a schedule of all undisposed cases arraigned for that trial term. The District Attorney shall call cases for trial before the next available judge in the order scheduled. Any request for a continuance will be considered only after notice to the other party. Any continuance granted shall include an order to appear at the next term's pretrial conference date. A similar trial schedule shall be published for the second trial week of any term not later than the previous Thursday. The District Attorney shall coordinate the calling of cases for trial as scheduled with the Court Administrator.

Adopted September 25, 1989; effective October 30 1989; amended December 13, 2007.

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, together with a diskette, formatted in Microsoft Word for Windows reflecting the text in hard copy version, one (1) copy to the Supreme Court Civil Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the *Cumberland Law Journal*.

*By the Court*

EDGAR B. BAYLEY,  
*President Judge*

[Pa.B. Doc. No. 08-88. Filed for public inspection January 18, 2008, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 22—EDUCATION

### STATE BOARD OF EDUCATION

#### [ 22 PA. CODE CH. 36 ]

#### Foreign Corporation Standards

The State Board of Education (Board) amends Chapter 36 (relating to foreign corporation standards) to read as set forth in Annex A. Notice of proposed rulemaking was published at 36 Pa.B. 3280 (July 1, 2006) with an invitation to submit written comments.

Chapter 36 sets forth requirements for out-of-State based postsecondary degree-granting entities to conduct degree-granting programs within this Commonwealth. These requirements are in addition to other requirements that apply to both foreign corporations and other categories of postsecondary institutions as contained in Chapters 31, 32, 40 and 42.

#### *Statutory Authority*

The Board is acting under the authority of section 2603-B of the Public School Code of 1949 (School Code) (24 P. S. § 26-2603-B).

#### *Background*

The purpose of amending Chapter 36 is to update the regulations that establish requirements for the approval and operation of postsecondary degree-granting institutions in this Commonwealth.

Chapter 36 sets forth requirements for the corporate commitment, governance, curricula, faculty, admissions requirements, resources and facilities, and evaluation and approval of degree-granting postsecondary institutions either operated or owned by a foreign corporation. A foreign corporation is an entity that is registered or chartered by another state or country.

The rulemaking is designed primarily to align the regulations with section 2601-H of the School Code (24 P. S. § 26-2601-H). Enacted by section 20 of the act of June 25, 1997 (P. L. 297, No. 30), the section authorizes the Department of Education (Department) to authorize for-profit corporations to confer postsecondary degrees in this Commonwealth.

#### *Summary of Public Comments and Responses to Proposed Rulemaking*

The proposed rulemaking was published at 36 Pa.B. 3280. The proposed rulemaking was also available on the Department's website and notice was provided to the Board's stakeholder e-mail distribution list. The Board accepted formal written comments during a 30-day public comment period that began upon publication of the proposed rulemaking.

The Board received comments from the Disabilities Law Project (Project) and the Independent Regulatory Review Commission (IRRC).

Following is a summary of the comments and the Board's response to the comments.

#### *General*

*Comment:* The Project commented that Chapter 36 should provide students with disabilities the same level of protection as does Chapter 31.

*Response:* Chapter 31, in § 31.1 (relating to purpose and scope), clearly states it applies to all postsecondary institutions that operate within this Commonwealth, including foreign corporations, with the exception of community colleges. Therefore, there is no need to incorporate Chapter 31 requirements into Chapter 36.

*Comment:* IRRC noted numerous uses in the proposed rulemaking of the terms "Commonwealth enterprise" and "Commonwealth endeavor" and that neither term is defined. IRRC suggested that the terms be defined and that there be consistent use of terms in the regulations.

*Response:* The Board has revised the regulations to use one term throughout the chapter and has made reference to the definition in § 31.2 (relating to definitions).

#### *Section 36.2 (relating to corporate commitment)*

*Comment:* IRRC stated the phrase "provide adequate support to" is vague and should be deleted.

*Response:* The Board deleted the phrase as suggested.

*Comment:* IRRC suggested that a cross-reference be made to the section in Chapter 31 that outlines criteria for determining if an accrediting body is acceptable to the Department and questioned whether the Department is to provide a list of acceptable accrediting bodies on its website.

*Response:* Since Chapter 31 applies to foreign corporations and all other categories of postsecondary institutions, the Board does not believe such a reference is necessary. The Board added language that requires the Department to list acceptable accrediting agencies on its web site.

#### *Section 36.4 (relating to curricula)*

*Comment:* Subsection (d) states that evaluations are "to be conducted periodically, and at least once every 5 years." IRRC suggested that the term "periodically" is not needed and should be deleted.

*Response:* The Board deleted the term "periodically."

*Comment:* IRRC suggested the Board include cross-references to the appropriate criteria for Commonwealth approvals in Chapters 31, 36 and 42.

*Response:* Chapters 31, 32, 33, 40 and 42 apply to foreign corporations and all other categories of postsecondary institutions, except where otherwise provided. The six chapters of regulations do not stand alone; rather they work together to provide the body of regulations that govern postsecondary institutions operating in this Commonwealth. Each type of postsecondary institution, including foreign corporations, shall comply with the appropriate sections of each of the chapters when applicable. The Board believes that to include references to other chapters in Chapter 36 would necessitate doing the same for other categories of institutions, resulting in a jumbled mess of references in all six chapters that would confuse rather than help readers to understand the requirements applicable to a particular type of institution. The result would be confusing and not provide any real benefit to readers. Therefore, the Board did not insert the references as suggested.

#### *Section 36.7(a) (relating to resources and facilities)*

*Comment:* The Project suggested that language be added that facilities must be comparable to the standards prescribed in § 31.43 (relating to buildings and equip-

ment) regarding accessible buildings and equipment and integrated academic and nonacademic programs.

*Response:* Chapter 31, including § 31.43, already applies to foreign corporations. Therefore, adding the reference would merely duplicate the existing regulation.

*Comment:* The Project suggested that language be added that websites and Internet-delivered instruction be accessible to persons with disabilities in accordance with Federal and State laws and guidelines for accessibility established by the World Wide Web Consortium.

*Response:* The Board believes that since Federal and State laws for accessibility address delivery of educational services, it is not necessary to include this language in the regulation.

*Comment:* The Project suggested adding a new subsection that would require that student services for students with special needs be comparable to student services prescribed in § 31.33(b)(7) (relating to student records and services).

*Response:* Since § 31.33(b)(7) already applies to foreign corporations, there is no need to repeat the provision in Chapter 36.

#### *Section 36.8 (relating to evaluation and approval)*

*Comment:* IRRC suggested that subsection (g) be clarified as to when an objection received by the Department is considered timely. IRRC also suggested that the regulation include procedures that address how the Department will address objections raised regarding an institution's application to operate in this Commonwealth.

*Response:* The Board added language to address the manner in which the Department must handle a protest or objection.

#### *Miscellaneous*

In its letter regarding the Chapter 36 regulations, the Project shared that it had previously commented that Chapter 31 be strengthened to reflect the rights and protections to students with disabilities are entitled and attached a copy of its letter regarding Chapter 36. The comments were provided to the Board after it had already submitted the final form regulations for consideration and action by the House and Senate Education Committees and IRRC. A second jointly signed letter from the Project and Education Law Center was sent to the Board after IRRC approved Chapter 31 on June 1, 2006. The Project asserts that the Board committed to incorporate the recommendations made by the Project in a future review of Chapter 31.

The letter misrepresents the commitment the Board made at the IRRC meeting. The Project alleges the Board gave IRRC its assurance that "our proposed changes would be timely incorporated into a future form of the Chapter 31 regulations." The Board immediately replied to the letter refuting the statements made by the Project, stating that the Board had merely agreed to review the concerns expressed by the Project when it next reviews Chapter 31.

#### *Fiscal Impact and Paperwork Requirements*

Since the rulemaking clarifies current requirements, it does not impose any new costs or savings to the Department of Education or to postsecondary institutions.

#### *Effective Date*

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

#### *Sunset Date*

In accordance with its policy and practice respecting all regulations promulgated by the Board, every 4 years the Board will review the effectiveness of Chapter 36. Thus, no sunset date is necessary.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on June 19, 2006, the Board submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 3280, to IRRC and the Chairpersons of the House and Senate Committees on Education for review and comment.

Under section 5(c) of the 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 Board has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the act (71 P. S. § 745.5a(j.2)), on December 5, 2007, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the act, IRRC met on December 6, 2007, and approved the final-form rulemaking.

#### *Contact Person*

The official responsible for information on this final-form rulemaking is Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787, TDD (717) 787-7367.

#### *Findings*

The Board finds that:

(1) Public notice of the intention to adopt this final-form rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

(3) The final-form rulemaking is necessary and appropriate for the administration of the School Code.

#### *Order*

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 36, are amended by amending §§ 36.2—36.8 to read as set forth in Annex A.

(b) The Executive Director will submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

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

(d) This order is effective upon publication in the *Pennsylvania Bulletin*.

JIM BUCKHEIT,  
Executive Director

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 37 Pa.B. 6859 (December 22, 2007).)

**Fiscal Note:** Fiscal Note 6-302 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 22. EDUCATION**

**PART I. STATE BOARD OF EDUCATION**

**Subchapter C. HIGHER EDUCATION**

**CHAPTER 36. FOREIGN CORPORATION STANDARDS**

**§ 36.2. Corporate commitment.**

A foreign corporation having operations in this Commonwealth shall ensure compliance with the requirements of an accrediting body recognized by the United States Department of Education and acceptable to the Department, as well as with applicable Pennsylvania statutes and regulations. The Department will post a list of acceptable accrediting bodies on its website. The education enterprise shall be consistent with the statement of philosophy and objectives and equivalent to the commitment to similar programs conducted by the corporation on its main campus or as approved by the Department. The term "education enterprise" is defined in § 31.2 (relating to definitions).

**§ 36.3. Governance.**

(a) The board of trustees shall have approved the education enterprise of the institution and shall have authorized the request for approval of an educational enterprise in this Commonwealth.

(b) Planning, administration and evaluation of the education enterprise shall be an integral and continuous part of the corporation's normal procedures.

(c) If the educational enterprise includes course work creditable to a degree, an education program advisory committee of at least three persons shall be established and maintained, shall be based in this Commonwealth and consist of appropriately qualified Commonwealth residents who are not employed by the corporation. This committee shall assist the corporation in establishing quality off-campus educational activities and conduct periodic quality assessments.

(d) Institutional policies that govern the education enterprise must be in written form and, when applicable, have the approval of the education program advisory committee.

(e) Appropriately qualified, full-time administrative or supervisory personnel, or both, shall be employed and delegated responsibility for operating the education enterprise in this Commonwealth. The employees, the number depending on the size of the operation, shall be available onsite for academic advisement and consultation with enrollees and prospective enrollees.

**§ 36.4. Curricula.**

(a) Curricula shall have the approval of the faculty of the parent institution in the same manner as curricula offered at the parent campus and, when applicable, shall have the approval of the education program advisory committee.

(b) An educational enterprise which deals with the certification of professional personnel for Commonwealth public schools shall be in compliance with Chapter 49 (relating to certification of professional personnel).

(c) Graduate programs, courses and offerings must include the study of research techniques and results; and curricula beyond the master's level must include scholarly studies in the design, conduct and publication of research.

(d) The quality of each program, course or offering shall be evaluated at least once every 5 years by the education enterprise for compliance with Subpart C (relating to higher education) and institutional accreditation.

**§ 36.5. Faculty.**

(a) Faculty shall have experience and qualifications which are no less than those required of faculty at the parent institution and which are appropriate for the level of instruction.

(b) The total faculty load and related assignments of part-time faculty may not exceed the generally accepted standards for institutions of higher education.

(c) Full- and part-time faculty shall, in addition to classroom instruction, be available for academic advisement and interaction with students. Graduate programs shall be planned by faculty members and approved by a faculty committee. Guidance of thesis or dissertation studies shall be the responsibility of faculty members with appropriate specialization.

**§ 36.6. Admissions requirements.**

Admissions standards must be comparable to the standards for admissions prescribed by § 31.31 (relating to admissions requirements).

**§ 36.7. Resources and facilities.**

(a) Appropriate physical facilities and instructional equipment shall be adequate to initiate and continue the program, course or offering.

(b) Library and research resources shall be provided onsite by the education enterprise or by contract, or both, for each educational endeavor in accordance with standards of professional associations and learned societies.

(c) Library, learning and research resources must be sufficient in quality, number and currency to serve the program, course or offering at the required level of instruction. Records of materials provided and usage statistics shall be maintained to determine the adequacy and accessibility of library resources.

**§ 36.8. Evaluation and approval.**

(a) The chief administrative officer or designee of the applying institution shall be recognized by the Department as the liaison person. Negotiations for approval to operate in this Commonwealth shall be conducted with that person.

(b) The Department reserves the right to conduct an evaluation of the parent institution or, when applicable, its off-campus enterprises, or both.

(c) Following the initial approval to operate in this Commonwealth under this chapter and applicable provisions of this subpart, and after the issuance by the Department of State of a certificate of authority to operate, the institution shall be permitted to recruit and register students and begin its operation.

(d) During the first year of operation, a site visit shall be conducted by an evaluation committee in accordance with this chapter and this subpart.

(e) Materials relating to a site visit shall be received by the Department at least 60 calendar days prior to the site visit.

(f) Department site visits may be conducted jointly with other accrediting or approving agencies, but decisions and recommendations must be arrived at indepen-

dently by the Department evaluation committee. Site visit costs pertinent to the request of the applicant shall be borne by the applicant.

(g) Following submission of the evaluation committee's report to the institution, the institution shall within 60-calendar days of the receipt of the report file its response with the Department. Upon receiving a response satisfactory to the Department, the Department will publish its intent to approve the enterprise in the *Pennsylvania Bulletin* at least 30 days before the date of approval. The decision of the Secretary regarding approval of the enterprise will be rendered within 60-calendar days of publication of the notice in the *Pennsylvania Bulletin*. If a protest or objection is received, the Department will conduct hearing procedures in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) before making a final determination regarding the application.

(h) If an enterprise is not approved, the institution shall close its operation on a timetable to be established by the Department. The Department will take appropriate legal action against a foreign corporation operating an

educational enterprise in this Commonwealth without the express written approval of the Secretary.

(i) If an institution is approved to operate an educational enterprise in this Commonwealth, it shall file periodic progress reports as deemed necessary by the Department. The educational enterprise may be evaluated for cause at any time and will be reevaluated every 5 years in accordance with this subpart and this chapter. If the institution fails to maintain its enterprise according to this subpart and this chapter, authority to operate in this Commonwealth will be revoked as provided by 24 Pa.C.S. § 6506(a) (relating to visitation of institutions and revocation of authority).

(j) To withdraw from its approved enterprise in this Commonwealth, a foreign corporation shall have the approval of the Secretary and shall be in compliance with §§ 31.71 and 31.72 (relating to notification; obligations).

[Pa.B. Doc. No. 08-89. Filed for public inspection January 18, 2008, 9:00 a.m.]

# PROPOSED RULEMAKING

## PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CH. 461a ]

### Slot Machine Testing and Control

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 1207 (relating to regulatory authority of board) proposes to amend Chapter 461a (relating to slot machine testing and control) to read as set forth in Annex A.

#### *Purpose of the Proposed Amendments*

These proposed amendments add provisions governing how slot machine licensees should treat unredeemed gaming vouchers.

#### *Explanation of Amendments to Chapter 461a*

The Board's current regulations require that gaming voucher systems must be in compliance with the Board's technical standards. The Board has recently amended the technical standards related to gaming vouchers to eliminate the requirement that gaming vouchers have an expiration date. The Board also revised the technical standards to clarify that Article XIII.I of The Fiscal Code (code) (72 P. S. §§ 1301.1—1301.28a) regarding the disposition of abandoned and unclaimed property applies to unredeemed gaming vouchers.

Consistent with those changes the Board is proposing to amend §§ 461a.1 and 461a.8 (relating to definitions; and gaming vouchers). In § 461a.1, the Board is adding a definition of "unredeemed gaming voucher." In § 461a.8, the Board is adding new requirements which must be addressed in each slot machine licensee's internal controls. More specifically, slot machine licensees will be required to establish procedures: to pay the value of unredeemed gaming vouchers to patrons that can be identified by the slot machine licensee; to track unredeemed gaming vouchers and forward the unredeemed gaming vouchers to the State Treasurer as required by Article XIII.I of the code; and to file copies with the Board of any reports submitted to State Treasurer related to the unredeemed vouchers.

#### *Affected Parties*

Slot machine licensees will have clearer guidance as to how they should treat unredeemed gaming vouchers.

There are currently 11 slot machine licensees.

#### *Fiscal Impact*

#### *Commonwealth*

There will be no new costs to the Board or other Commonwealth agencies as a result of this amendment. Reports filed with the State Treasurer by the slot machine licensees will be handled by existing staff.

#### *Political Subdivisions*

This proposed rulemaking will have no fiscal impact on political subdivisions of this Commonwealth.

#### *Private Sector*

Slot machine licensees will be required to track unredeemed gaming vouchers and forward them to the State Treasurer as required by Article XIII.I of the code.

#### *General Public*

The Board anticipates that some patrons who did not redeem gaming vouchers issued to them will benefit by receiving the value of the unredeemed vouchers from the slot machine licensees.

#### *Paperwork requirements*

The proposed amendments will require slot machine licensees to annually prepare reports for the State Treasurer and submit copies of those reports to the Board.

#### *Effective Date*

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

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin* to Paul Resch, Secretary, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation No. 125-78.

#### *Contact Person*

The contact person for questions about this proposed rulemaking is Richard Sandusky, Director of Regulatory Review, at (717) 214-8111.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on January 9, 2008, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request.

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

MARY DIGIACOMO COLINS,  
*Chairperson*

**Fiscal Note:** 125-78. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT [ MACHINE TESTING, CERTIFICATION AND CONTROL ] MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 461a. SLOT MACHINE TESTING AND CONTROL

§ 461a.1. Definitions.

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

\* \* \* \* \*

**Unredeemed gaming voucher**—A gaming voucher that has not been presented to a slot machine licensee for redemption or a gaming voucher that has been found and returned to a slot machine licensee.

\* \* \* \* \*

§ 461a.8. Gaming vouchers.

\* \* \* \* \*

(b) The design specifications for a gaming voucher, [the expiration terms applicable thereto,] the voucher verification methodologies utilized and any limitation on the value of a gaming voucher must be in compliance with technical standards on gaming vouchers under § 461b.3 (relating to gaming vouchers).

\* \* \* \* \*

(d) Prior to issuing a gaming voucher, a slot machine licensee shall establish a system of internal controls for the issuance and redemption of gaming vouchers. The internal controls shall be submitted and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols) and address:

\* \* \* \* \*

**(9) Procedures for the payment of the value of unredeemed gaming vouchers to patrons whose identity can be determined by the slot machine licensee.**

**(10) Procedures for the retention, tracking and payment of the value of unredeemed gaming vouchers to the State Treasurer as required under Article XIII.I of The Fiscal Code (72 P. S. §§ 1301.1—1301.28a) regarding the disposition of abandoned and unclaimed property.**

**(11) Procedures for filing with the Board a copy of any report submitted to the State Treasurer as required by Article XIII.I of The Fiscal Code.**

\* \* \* \* \*

[Pa.B. Doc. No. 08-90. Filed for public inspection January 18, 2008, 9:00 a.m.]

STATE BOARD OF NURSING

[ 49 PA. CODE CH. 21 ]

Nursing Education Programs Examination Pass Rates

The State Board of Nursing (Board) proposes to amend §§ 21.1, 21.26, 21.33, 21.34, 21.141 and 21.162 and to add §§ 21.33a, 21.33b, 21.162a, 21.162b and 21.166, to read as set forth in Annex A. The proposed amendments set forth requirements and procedures for registered and practical nursing education programs on provisional approval status or subject to removal from approved lists and sets new minimum pass rates of program graduates on the licensing examination.

Effective Date

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

Statutory Authority

Section 6.1 of The Professional Nursing Law (RN act) (63 P. S. § 216.1) requires the Board to establish standards for the operation and approval of nursing education programs for the preparation of registered professional nurses. Section 9 of the Practical Nurse Law (LPN act) (63 P. S. § 659) authorizes the Board to approve all schools and institutions that educate practical nurses. The Board is further authorized to establish rules and regulations for the practice of professional nursing and the administration of the RN act under section 2.1(k) of the RN act (63 P. S. § 212.1(k)) and for the practice of practical nursing and the administration of the LPN act under section 17.6 of the LPN act (63 P. S. § 667.6).

Background and Purpose

The proposed amendments result from the Board's ongoing review of nursing education programs and the regulations that govern the programs. The Board published a proposed rulemaking at 31 Pa.B. 809 (February 10, 2001) representing a systematic revision of its registered nursing education program approval regulations. The proposed rulemaking included new requirements for continuing approval of registered nursing programs, including the pass rates of first-time examinees on the licensing examination. The Board withdrew the proposed rulemaking on March 12, 2003, with the intention of republishing the proposal as proposed with a new public comment period.

On April 23, 2004, a draft of the current proposal was sent to 29 agencies, associations, health care entities and individuals who have been identified as interested parties or who have expressed an interest in proposed rulemaking by the Board and to all 128 precicensure nursing education programs (78 RN and 50 LPN programs) which were on the Board's approved list as of December 22, 2003. The Board received three comments, which it reviewed at its meeting on May 27 and 28, 2004.

The Hospital and Healthsystem Association of Pennsylvania (HAP) supported the rulemaking and noted that percentages established by the Board were consistent with HAP's recommendations. HAP suggested that the Board clarify what actions a nursing education program would be required to take with regard to its enrolled students if a program were removed from the approved

list. The Board has addressed this issue in §§ 21.34(b) and (c) and 21.166(b) and (c) (relating to removal from approved list).

A nurse from Avoca, Pennsylvania commented that the draft rulemaking was sound and reasonable.

The practical nursing education program at Wilson College expressed concern for schools that currently calculate pass rates on a quarterly, rather than annual, basis. The commentator also suggested that any program with a pass rate lower than the State average be forbidden from having flexible scheduling of classes and be required to use standard daytime programming. In response to the concerns of Wilson College, the Board defined "examination year" in §§ 21.1 and 21.141 (relating to definitions). Proposed §§ 21.33a(d) and 21.162a(d) (relating to failure to comply with standards; and minimum rate for graduates of nursing education programs to pass the National licensure examination) would authorize the Board to place restrictions on nursing education programs that are on provisional approval status. One restriction might be to restrict the school to standard daytime programming, if such a restriction appeared to advance the objective of bringing the school into compliance with the regulations.

The Board intends to revise the requirements for all nursing education programs regarding the pass rates of program graduates on the National licensure examination. Under existing § 21.26 (relating to failing rate of a school in examination), an approved school for registered nurses is placed on provisional status if less than 60% of its first-time examinees pass the examination. A nursing program which fails to correct deficiencies within 2 years may be removed from the Board's list of approved programs under existing § 21.33(c) (relating to types of approval). The regulations pertaining to the approval of practical nursing education programs in § 21.162 (relating to types of approval) do not currently provide for placement on provisional approval status of a licensed practical nursing school based on failure rates of first-time examinees. The proposed rulemaking would standardize requirements for both registered and practical nursing education programs. In addition, the Board proposes to increase the minimum pass rate over a 2-year period. The pass rate to be initiated in the second year is consistent with the minimum pass rates in other states.

#### *Description of Amendments*

The Board is charged with the responsibility of approving and regulating nursing education programs in this Commonwealth. The Board has a three-category approval system—a new program is on initial approval status until it has graduated its first class and demonstrated an acceptable pass rate on the National licensure examination. At that time, the program is placed on full approval status. A program may be placed on provisional approval status if it fails to meet the standards in this chapter. Examples of reasons a program may be placed on provisional approval status include unacceptable student-faculty ratio, inability to conduct clinical educational experiences or failure to meet the minimum pass rate standards. The Board proposes to add a new subsection (b) to § 21.33 that requires a program to notify applicants for admission and students of the program's approval status.

One of the criteria used by the Board, as well as by many other state boards of nursing, in approving a nursing education program is the pass rate of graduates of the program who take the National licensure examination (NCLEX-RN and NCLEX-PN) for the first time.

Under existing § 21.26, the Board will downgrade a registered nursing (RN) education program from fully approved to provisionally approved status if 40% or more of its first time examinees fail the NCLEX. The Board proposes to rescind § 21.26 and move the minimum pass rate to § 21.33b (relating to minimum rate for graduates of nursing education programs to pass the National licensure examination). The Board also proposes to create the same requirements for LPN education programs by the addition of § 21.162b (relating to minimum rate for graduates of nursing education programs to pass the National licensure examination).

Under the proposal, the existing 60% minimum pass rate will continue in effect and will apply to practical nursing education programs on the effective date of this rulemaking. Beginning 1 year after final rulemaking is implemented, a nursing education program will be downgraded from full approval status to provisional approval status if less than 70% of its graduates pass the NCLEX when they take it the first time. Beginning 2 years after final-form rulemaking is implemented, a nursing education program will be downgraded from full approval status to provisional approval status if less than 80% of its graduates pass the NCLEX when they take it the first time.

The Board proposes this change for the following reasons. This Commonwealth's minimum pass rate is the least stringent standard in the Nation when compared with the 32 other states that use the NCLEX pass rate as a criterion for approving a nursing education program. At least seven states have established 75% as the minimum pass rate, at least eight states have established 80% as the minimum and at least four states have established 85% or greater as the minimum. Other states have established a percentage of the National pass rate as the minimum standard for program approval, but in no case less than 10% of the National pass rate. (Source: National Council of State Boards of Nursing Member Board Profiles.)

For the examination year October 1, 2005, to September 30, 2006, 21 of 56 jurisdictions had NCLEX-RN pass rates below that of this Commonwealth. The overall pass rate for first time examinees applying for RN licensure in this Commonwealth who were educated in programs in this Commonwealth during the examination year October 1, 2005, to September 30, 2006, was 87.00%. The overall pass rate for the United States in the same period was 88.11%.

For the examination year October 1, 2005, to September 30, 2006, 20 of 56 jurisdictions had NCLEX-PN pass rates below that of this Commonwealth. The overall pass rate for first time examinees applying for practical nursing licensure in this Commonwealth who were educated in the programs in this Commonwealth during the examination year October 1, 2005, to September 30, 2006, was 90.53%. The overall pass rate for the United States in the same period was 88.22%.

For the examination year October 1, 2005, to September 30, 2006, 16 of the Commonwealth's 80 RN education programs had examination pass rates below 80%. Of these, four were associate degree programs, seven were baccalaureate programs and four were hospital-based diploma programs. For the examination year October 1, 2005, to September 30, 2006, five of this 50 LPN education programs in this Commonwealth had examination pass rates below 80%. Of these, three were vocational-technical schools and two were private licensed schools. If the amendments were in effect and pass rates were

raised to 80% as proposed, these 21 programs would be placed on provisional status. These programs would be required to correct the deficiencies in the program that hinder the program's graduates from satisfactory performance on the NCLEX. If a program fails to achieve the minimum pass rate by a date specified, removal proceedings would commence in accordance with §§ 21.34 and 21.166. Removal proceedings include notice to the program and an opportunity for the program to show why it should not be removed. The Board considered lowering the proposed pass rates, but after consultation with the Board's education advisors, the Board believes that the schools are ready to meet the challenge of the higher pass rate and that the higher pass rate will benefit students in nursing education programs by ensuring the best chance of passing the examination and obtaining licensure. In addition, none of the schools of nursing provided negative comments regarding the proposed amendment to the minimum pass rate.

The proposed amendments will bring this Commonwealth's nursing education programs in line with Nationwide standards and will motivate any marginal programs to improve to the benefit of the students and the general public. A nursing education program unable to prepare at least 80% of its graduates to pass the entrance examination to the profession does its students, recipients of nursing care, and the resources of this Commonwealth, a great disservice. The Board believes that a number of programs are not providing sufficient support services for students which results in lower pass rates for their graduates. It is the Board's understanding that programs with higher pass rates do not necessarily have more resources available to them than programs with lower pass rates; these schools are simply more effective in using their resources. Programs will be given 2 years from the effective date of the amendments to improve pass rates to 80%, so that existing program approval will not be affected. For these reasons, the Board does not anticipate that any programs will necessarily be removed from the approved list based on these increased requirements.

The Board also proposes to clarify the requirements for a nursing education program on provisional approval status in §§ 21.33a and 21.162a. Sections §§ 21.34 and 21.166 will be amended to provide the detailed procedure the Board will follow in removal proceedings. Under the current § 21.34, the Board gives "sufficient" notice of its intent to remove a program. The LPN regulations are silent on the procedure. The proposed amendments will expand and clarify the Board's procedure for RN education programs and create a parallel section for LPN education programs. The proposed amendments will provide the nursing education program 45 days notice of the Board's intent to remove the program. The proposed amendments will specify that the program may appear at a hearing and that posthearing briefs may be filed. The proposal also clarifies that the Board will issue a written decision that may be appealed according to the Pennsylvania Rules of Appellate Procedure. Finally in §§ 21.34(b) and (c) and 21.166(b) and (c), the Board proposes amendments to set forth a program's responsibilities to students if the program is removed from the approved list.

*Fiscal Impact and Paperwork Requirements.*

The proposed amendments may have a fiscal impact on nursing education programs that fall below the minimum requirements and will impose no additional paperwork on those programs beyond what is already required for the maintenance of the nursing education program. The

amendments will not otherwise have any fiscal impact nor impose additional paperwork on the private sector, the general public and the Commonwealth and its political subdivisions.

*Sunset Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P.S. § 745.5(a)), on January 9, 2008, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

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

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Ann Steffanic, Board Administrator, State Board of Nursing, P. O. Box 2649, Harrisburg, Pennsylvania 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference (16A-5123) Nursing Education Programs Examination Pass Rates when submitting comments.

MARY E. BOWEN, RN, DNS, CNAA,  
*Chairperson*

**Fiscal Note:** 16A-5123. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 21. STATE BOARD OF NURSING**

**Subchapter A. REGISTERED NURSES**

**GENERAL PROVISIONS**

**§ 21.1. Definitions.**

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

\* \* \* \* \*

**Examination year**—The period beginning on October 1st of a year through September 30th of the following year.

\* \* \* \* \*



LICENSES

§ 21.26. [ Failing rate of a school in examination ] (Reserved).

[ If 40% or more of the first-time examinees of a school of nursing writing the examination in this Commonwealth fail the examination, the school will be placed on provisional approval status. The Board may consider additional documented statistics concerning the examination scores received in other states by Commonwealth graduates in determining the status of the school. ]

APPROVAL OF [ SCHOOLS OF ] NURSING EDUCATION PROGRAMS

§ 21.31. Surveys; list of approved schools.

\* \* \* \* \*

(d) For purposes of activities relating to the approval and status of nursing education programs, the term "Board" used in this subchapter may mean the Board's educational advisors appointed under section 2.1(j) of the act (63 P. S. § 212.1(j)). Only the Board may confer initial approval status on a proposed nursing education program and only the Board may remove a program from the approved list.

§ 21.33. Types of approval.

(a) The Board grants the following types of approval to nursing education programs:

(1) *Initial.* The Board may grant initial approval to a new [ schools ] nursing education program, with evidence that [ acceptable ] the standards of this subchapter are being met, for a period of time necessary to evaluate the results of the licensing examination taken by the [ first ] graduates from the program's first examination year. A program will not be placed on full approval status until it has graduated its first class and the class has achieved an acceptable rate of passing the National licensure examination, as set forth in § 21.33b (relating to minimum rate for graduates of nursing education programs to pass the National licensure examination). A program on initial approval status that fails to achieve an acceptable rate of passing the National licensure examination upon graduation of its first class will be placed on provisional approval status.

[ (b) ] (2) *Full.* The Board will place on full approval [ those schools ] a nursing education program which [ attain ] attains and [ maintain the acceptable ] maintains the standards [ and adhere to the policies and regulations of the Board considered essential for a sound program of nursing education ] of this subchapter.

[ (c) ] (3) *Provisional.* The Board may place on provisional approval a [ school ] nursing education program not meeting the [ acceptable ] standards of this subchapter. A nursing education program on full approval status will be placed on provisional approval status if the program fails to meet the provisions of § 21.33b. [ A period of 2 years will be the maximum time allowed for the correction of deficiencies resulting in provisional approval. If the standards are not met within this designated time, the school will be removed from the approved list. ]

(b) A nursing education program shall notify applicants for admission of the program's approval status and notify applicants and students whenever the program's approval status changes. The program shall provide the Board with a copy of the notice sent to applicants and students. A program shall provide additional notice to applicants and students at the direction of the Board.

§ 21.33a. Failure to comply with standards.

(a) Whenever the Board receives information suggesting that a nursing education program has not maintained the standards of this subchapter, the Board may request information from the program or conduct a site visit and may informally resolve any deficiency. The failure of a program to cooperate will be considered a violation of this section and may result in immediate referral of the program for removal from the approved list as provided in § 21.34 (relating to removal from approved list).

(b) If the Board determines that a nursing education program should be placed on provisional approval status, the Board will notify the program, in writing, that the program has been placed on provisional approval status.

(c) If the Board places a nursing education program on provisional approval status, the Board will notify the program, in writing, of the deficiencies and the amount of time that will be allowed for correction of the deficiencies that resulted in the program's placement on provisional approval status. The Board may extend the time period for correction of deficiencies at its discretion if the program is making demonstrable progress toward the correction of deficiencies. If additional deficiencies are identified, the existing provisional period may be extended at the discretion of the Board.

(d) The Board may place restrictions on a nursing education program on provisional approval status as deemed necessary by the Board to bring the program into compliance with this subchapter. The failure of a program to adhere to the restrictions mandated by the Board will be considered a violation of this section and may result in immediate referral of the program for removal from the approved list as provided in § 21.34.

(e) The Board may require that a nursing education program on provisional approval status prepare and submit additional reports. The failure of a program to timely provide reports required by the Board will be considered a violation of this section and may result in immediate referral of the program for removal from the approved list as provided in § 21.34.

(f) The Board may make announced or unannounced site visits to a nursing education program on provisional approval status.

(g) Two years will be the maximum time allowed for the correction of deficiencies resulting in provisional approval status.

(h) If the standards of this subchapter are met within the designated time, the nursing education program will be removed from provisional approval status and returned to the approved list. The Board will notify the program in writing of this action.

(i) If the standards of this subchapter are not met within the designated time, the nursing education program will be removed from the approved list as provided in § 21.34.

(j) A nursing education program may appeal the decision to place the program on provisional approval status in accordance with 1 Pa. Code § 35.20 (relating to appeals from actions of the staff).

§ 21.33b. Minimum rate for graduates of nursing education programs to pass the National licensure examination.

A nursing education program shall prepare its graduates to pass the National licensure examination at a rate at least equal to the minimum rate set by the Board. The minimum rate for graduates to pass the National licensure examination are as follows:

(1) A nursing education program shall achieve and maintain a minimum pass rate of 60% or more of its first-time examinees during an examination year.

(2) Beginning on October 1, \_\_\_\_\_ (*Editor's Note: The blank refers to the first October 1 that occurs after the effective date of adoption of this proposed rulemaking.*), a nursing education program shall achieve and maintain a minimum pass rate of 70% or more of its first-time examinees during an examination year.

(3) Beginning on October 1, \_\_\_\_\_ (*Editor's Note: The blank refers to a date 1 year after the date in paragraph (2).*), a nursing education program shall achieve and maintain a minimum pass rate of 80% or more of its first-time examinees during an examination year.

§ 21.34. Removal from approved list.

[The Board will give sufficient notification of intent of removal from the approved list and provide an opportunity for school officials to show cause as to why approval should not be withdrawn.]

(a) The Board may remove a nursing education program from the approved list in accordance with the following procedures if the program fails to meet and maintain minimum standards, including the minimum passing rates on the National licensure examination, as established by this subchapter.

(1) The Board will give a nursing education program notice of its intent to remove the program from the approved list.

(2) The notice of intent to remove a program from the approved list will set forth the alleged violations of the standards for nursing education programs.

(3) A program served with notice of intent to remove will be given 45 days in which to file a written answer to the notice.

(4) The nursing education program will be provided an opportunity to appear at a hearing to demonstrate why approval should not be withdrawn.

(5) The nursing education program and the Commonwealth will be provided an opportunity to file posthearing briefs.

(6) The Board will issue a written decision which will set forth findings of fact and conclusions of law.

(7) The Board's written decision is a final decision of a governmental agency subject to review under 2 Pa.C.S. § 702 (relating to appeals).

(b) If a nursing education program is removed from the approved list, the controlling institution shall provide for the completion of the program for students currently enrolled by placing the students in an approved program.

(c) If a nursing education program is removed from the approved list, the controlling institution shall provide for permanent retention of student and graduate records in conformance with §§ 21.123 and 21.125 (relating to access and use of records; and custody of records).

Subchapter B. PRACTICAL NURSES  
GENERAL PROVISIONS

§ 21.141. Definitions.

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

\* \* \* \* \*

*Examination year*—The period beginning on October 1st of a year through September 30th of the following year.

\* \* \* \* \*

APPROVAL OF PRACTICAL NURSING PROGRAMS

§ 21.162. Types of approval.

(a) The Board grants the following types of approval to nursing education programs:

(1) *Initial.* The Board may grant initial approval to a new [programs] nursing education program, with evidence that [acceptable] the standards of this subchapter are being met, for a period of time necessary to evaluate the results of the licensing examination [taken] by the [first] graduates from the program's first examination year. A program will not be placed on full approval status until it has graduated its first class and the class has achieved an acceptable rate of passing the National licensure examination, as set forth in § 21.162b (relating to minimum rate for graduates of nursing education programs to pass the National licensure examination). A program on initial approval status that fails to achieve an acceptable rate of passing the National licensure examination upon graduation of its first class will be placed on provisional approval status.

[ (b) ] (2) *Full.* The Board will place those nursing education programs on full approval status which attain and maintain the [acceptable] standards [and adhere to the policies and regulations of the Board considered essential for a sound program of practical nursing education] of this subchapter.

[ (c) ] (3) *Provisional.* The Board may place on provisional approval a nursing education program not meeting [acceptable] the standards of this subchapter. A nursing education program on full approval status will be placed on provisional approval status if the program fails to meet the provisions of § 21.162b.

[ Full approval status will not be granted until acceptable standards are met. If acceptable standards are not met, the program will be removed from the approved list. ]

(b) A nursing education program shall notify applicants for admission of the program's approval status and notify applicants and students whenever the program's approval status changes. The program shall provide the Board a copy of the notice sent to applicants and students. A program shall provide additional notice to applicants and students at the direction of the Board.

(c) For purposes of activities relating to the approval and status of nursing education programs, the term "Board" used in this subchapter may mean the Board's educational advisors appointed under section 2.1(j) of the act (63 P. S. § 212.1(j)). Only the Board may confer initial approval status on a proposed nursing education program and only the Board may remove a program from the approved list.

**§ 21.162a. Failure to comply with standards.**

(a) Whenever the Board receives information suggesting that a nursing education program has not maintained the standards of this subchapter, the Board may request information from the program or conduct a site visit and may informally resolve any deficiency. The failure of a program to cooperate will be considered a violation of this section and may result in immediate referral of the program for removal from the approved list as provided in § 21.166 (relating to removal from approved list).

(b) If the Board determines that a nursing education program should be placed on provisional approval status, the Board will notify the program, in writing, that the program has been placed on provisional approval status.

(c) If the Board places a nursing education program on provisional approval status, the Board will notify the program, in writing, of the deficiencies and the amount of time that will be allowed for correction of the deficiencies that resulted in the program's placement on provisional approval status. The Board may extend the time period for correction of deficiencies at its discretion if the program is making demonstrable progress toward the correction of deficiencies. If additional deficiencies are identified, the existing provisional period may be extended at the discretion of the Board.

(d) The Board may place restrictions on a nursing education program on provisional approval status as deemed necessary by the Board to bring the program into compliance with this subchapter. The failure of a program to adhere to the restrictions mandated by the Board will be considered a violation of this section and may result in immediate referral of the program for removal from the approved list as provided in § 21.166.

(e) The Board may require that a nursing education program on provisional approval status prepare and submit additional reports. The failure of a program to timely provide reports required by the Board will be considered a violation of this section and may result in immediate referral of the program for removal from the approved list as provided in § 21.166.

(f) The Board may make announced or unannounced site visits to a nursing education program on provisional approval status.

(g) Two years will be the maximum time allowed for the correction of deficiencies resulting in provisional approval status.

(h) If the standards of this subchapter are met within the designated time, the nursing education program will be removed from provisional approval status and returned to the approved list. The Board will notify the program in writing of this action.

(i) If the standards of this subchapter are not met within the designated time, the nursing education program will be removed from the approved list as provided in § 21.166.

(j) A nursing education program may appeal the decision to place the program on provisional approval status in accordance with 1 Pa. Code § 35.20 (relating to appeals).

**§ 21.162b. Minimum rate for graduates of nursing education programs to pass the National licensure examination.**

A nursing education program shall prepare its graduates to pass the National licensure examination at a rate at least equal to the minimum rate set by the Board. The minimum rate for graduates to pass the National licensure examination are as follows:

(1) A nursing education program shall achieve and maintain a minimum pass rate of 60% or more of its first-time examinees during an examination year.

(2) Beginning on October 1, \_\_\_\_\_ (*Editor's Note: The blank refers to the first October 1 after the effective date of adoption of this proposed rulemaking.*), a nursing education program shall achieve and maintain a minimum pass rate of 70% or more of its first-time examinees during an examination year.

(3) Beginning on October 1, \_\_\_\_\_ (*Editor's Note: The blank refers to a date 1 year after the date of the adoption of this proposed rulemaking.*), a nursing education program shall achieve and maintain a minimum pass rate of 80% or more of its first-time examinees during an examination year.

**§ 21.166. Removal from approved list.**

(a) The Board may remove a nursing education program from the approved list in accordance with the following procedures if the program fails to meet and maintain minimum standards, including the minimum passing rates on the National licensure examination, as established by this subchapter.

(1) The Board will give a nursing education program notice of its intent to remove the program from the approved list.

(2) The notice of intent to remove a program from the approved list will set forth the alleged violations of the standards for nursing education programs.

(3) A program served with notice of intent to remove will be given 45 days in which to file a written answer to the notice.

**(4) The nursing education program will be provided an opportunity to appear at a hearing to demonstrate why approval should not be withdrawn.**

**(5) The nursing education program and the Commonwealth will be provided an opportunity to file posthearing briefs.**

**(6) The Board will issue a written decision which will set forth findings of fact and conclusions of law.**

**(7) The Board's written decision will be a final decision of a governmental agency subject to review under 2 Pa.C.S. § 702 (relating to appeals).**

**(b) If a nursing education program is removed from the approved list, the controlling institution shall provide for the completion of the program for students currently enrolled by placing the students in an approved program.**

**(c) If a nursing education program is removed from the approved list, the controlling institution shall make provision for permanent retention of student and graduate records in conformity with §§ 21.233 and 21.234 (relating to custody or records; and access and use of records).**

[Pa.B. Doc. No. 08-91. Filed for public inspection January 18, 2008, 9:00 a.m.]

## STATE BOARD OF PHARMACY

### [ 49 PA. CODE CH. 27 ] Continuing Education

The State Board of Pharmacy (Board) proposes to amend §§ 27.1 and 27.32 (relating to definitions; and continuing education) to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

The proposed amendments are authorized under sections 3.1, 4(j) and 6(k)(1) and (9) of the Pharmacy Act (act) (63 P. S. §§ 390-3.1, 390-4(j) and 390-6(k)(1) and (9)).

#### *Background and Need for Amendment*

Pharmacists are required to certify proof of completion of continuing education hours on their biennial renewal forms. Every biennial renewal period the Board performs an audit of 5% of the licensee population. Through the course of past audits and resulting disciplinary actions for noncompliance with the regulations, it has come to the Board's attention that not all licensees understand that only courses offered by ACPE-accredited continuing education providers are acceptable continuing education. While § 27.32(h) does permit other non-ACPE accredited providers to apply to the Board for approval, to date the Board has not approved any other continuing education providers. In the past 5 years, the Board has not received an application for approval from a non-ACPE accredited provider of continuing education. Because ACPE is the National accrediting body for pharmacy-related continuing education, a vast majority of providers are ACPE-

accredited. Therefore, the Board proposes to amend the current regulation to make it clear that, in general, only ACPE-accredited providers of continuing education are acceptable. In addition, the Board has reviewed the regulation and determined that other updates are needed, specifically with regard to requiring continuing education in the area of patient safety, requiring applications for program approval to be submitted at least 60 days prior to the start of the program, and requiring any deficiencies in continuing education hours to be made up within 6 months of notification by the Board.

#### *Description of Proposed Amendments*

The proposed amendments amend § 27.1 to reflect the change of name for ACPE from the American Council of Pharmaceutical Education to the Accreditation Council for Pharmacy Education. The proposal would also amend § 27.32 to clarify that, with limited exceptions, the Board only accepts ACPE-accredited providers of continuing education. The proposal would further amend § 27.32 to delete the term "approved" after ACPE, as ACPE accredited providers instead of approving them.

The Board also proposes to add a requirement that 2 of the required 30 hours of continuing education be completed in courses under the ACPE topic designator "Patient Safety." Recently ACPE introduced new topic designators, which will make it easier for licensees and the auditing agents to determine if a continuing education course falls under a certain topic. The Board is concerned about medication errors and believes that pharmacists benefit from completing continuing education specific to these types of errors. The public benefits from having pharmacists aware of common errors and ways to prevent them. ACPE has indicated that the topic designator "Patient Safety" includes the prevention of healthcare errors, and the elimination or mitigation of patient injury caused by healthcare errors.

The Board proposes to codify in this rulemaking its current practice that any pharmacist found to be in noncompliance with the continuing education requirement shall make up the deficiency within 6 months. This provision would not apply to licensees who indicate on the renewal form that they have not met the continuing education requirements, as their licenses would not be renewed until 30 hours of continuing education can be verified. Any pharmacist found to be noncompliant with the continuing education requirements, either through the audit or some other means, would be required to make up the deficiency within 6 months from the notice of deficiency from the Board, notwithstanding any disciplinary action taken for the violation of the continuing education requirements.

Finally, the Board proposes to require applications for approval from continuing education program providers that are not ACPE-accredited be submitted to the Board at least 60 days prior to the start of the program. The Board proposes to add this requirement to the regulation to give the Board ample time to review a program for equivalency to ACPE standards before the program takes place.

#### *Fiscal Impact and Paperwork Requirements*

The proposed amendments will not have an adverse fiscal impact on the Commonwealth or its political subdivisions, as the Board is self-supporting. The proposed amendments will not impose any additional paperwork requirements upon the Commonwealth or its political subdivisions.

Sunset Date

The Board monitors its regulations on an ongoing basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (act) (71 P.S. § 745.5(a)), on January 9, 2008, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Melanie Zimmerman, Executive Secretary, State Board of Pharmacy, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

EDWARD J. BECHTEL, R.Ph.,  
Chairperson

**Fiscal Note:** 16A-5417. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 27. STATE BOARD OF PHARMACY  
GENERAL PROVISIONS

§ 27.1. Definitions.

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

ACPE—The [American Council of Pharmaceutical Education] Accreditation Council for Pharmacy Education.

\* \* \* \* \*

RENEWAL OF PHARMACIST LICENSE AND PHARMACY PERMIT

§ 27.32. Continuing education.

(a) The Board will renew the license of a pharmacist who has completed a minimum of 30 contact hours (3 CEU) of continuing education during the preceding biennial renewal period. **Beginning with the license period commencing on \_\_\_\_\_ (Editor's Note: The blank refers to the date of the first biennial renewal that occurs at least 2 years from the effective**

**date of adoption of this proposed rulemaking.), 2 of the required 30 contact hours shall be completed in courses from the ACPE topic designator "Patient Safety." [For ] In addition, for licensees with authority to administer injectable medications, biologicals and immunizations in accordance with section 9.2 of the act (63 P.S. § 390-9.2) and [ § 27.301 ] § 27.401 (relating to qualifications for authority), at least 2 of the required 30 hours [ shall ] must concern the administration of injectable medications, biologicals and immunizations, including, but not limited to, disease epidemiology, vaccine characteristics, injection technique, emergency response to adverse events [ , ] and related topics. [ Programs offered by providers accredited by the ACPE are approved by the Board. ] Except as provided in subsection (h), only continuing education programs offered by ACPE-accredited providers of continuing pharmaceutical education targeted toward pharmacists are acceptable to the Board.**

(b) A pharmacist shall prove compliance with [ the requirements of ] subsection (a) by completing and submitting a form provided to the pharmacist by the Board for that purpose with the renewal application. The certificates provided upon completion of an approved program shall be retained by a pharmacist for 2 years after renewal, and shall be produced upon demand by the Board or its auditing agents. The Board will utilize a random audit of 5% of renewals to determine compliance with [ the requirements of ] subsection (a), and may expand the audit if rates of noncompliance at 20% or more of the sample are revealed by the initial audit. Individuals selected for the audit will be required to produce certificates proving the information they provided to the Board on the form submitted with the renewal application. **Notwithstanding any disciplinary action taken under subsection (i), a pharmacist found to be in noncompliance with the continuing education requirements shall make up the delinquent contact hours within 6 months of the notice of deficiency from the Board.**

\* \* \* \* \*

(h) Continuing education program providers which are not ACPE [ approved ]-accredited may apply to the Board for approval, and shall make a showing of program accreditation substantially similar to ACPE accreditation standards. **Requests for approval shall be submitted to the Board at least 60 days prior to the start date of the program. Retroactive requests for approval will not be considered.** The Board will maintain a list of programs approved under this subsection.

\* \* \* \* \*

[Pa.B. Doc. No. 08-92. Filed for public inspection January 18, 2008, 9:00 a.m.]

[ 49 PA. CODE CH. 27 ]  
Pharmacist Breaks

The State Board of Pharmacy (Board) proposes to amend §§ 27.11 and 27.16 (relating to pharmacy permit and pharmacist manager; and construction and equipment requirements) to read as set forth in Annex A. The proposed rulemaking would set standards for a pharma-

cist to take a 30-minute break, but still be available for emergencies or counseling if needed.

#### *Effective Date*

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

#### *Statutory Authority*

The amendments are authorized under sections 4(j) and 6(k)(1) and (9) of the Pharmacy Act (act) (63 P.S. §§ 390-4(j) and 390-6(k)(1) and (9)).

#### *Background and Need for Amendment*

Currently, the Board does not have regulations pertaining to when and how a sole pharmacist on duty may take a break while the pharmacy remains open. The Board's regulations only state that a pharmacy may not be open without a licensed pharmacist present and on duty. This has created a disparity among different types of pharmacies. In traditional "drug stores" the entire building is licensed as a pharmacy, therefore a pharmacist may take a break anywhere in the store and still be in the pharmacy. However, in large retail establishments only the area containing the pharmacy is licensed. Retail establishments include large wholesale stores, grocery stores and retail stores. Because the regulation mandates that the pharmacy must be closed when the pharmacist is not present in the pharmacy, the pharmacy must close if the pharmacist leaves the pharmacy to take a break in another area of the retail store. This has put retail establishments at a disparity with the more traditional drug stores.

#### *Description of Proposed Amendments*

The Board proposes to amend § 27.11(c) to state that the prescription area of a pharmacy may not be open without a licensed pharmacist on duty at all times. This is to clarify that the retail area in a traditional drug store where the whole building is licensed as a pharmacy may still be open when the prescription area is closed. The prescription area is already defined in § 27.1 (relating to definitions) as the area of the pharmacy used for compounding, legend drug storage and other activities necessary to the practice of pharmacy. The term prescription area does not include waiting counters or display space attached to the waiting counters. The Board also proposes to amend § 27.11(c) to allow a sole pharmacist on duty in a pharmacy to take up to a 30-minute break. The proposed amendment does not affect multiple pharmacists on duty taking staggered breaks. If only one pharmacist is on duty, the pharmacist shall remain in the building containing the pharmacy during the break. For pharmacies where the entire building is licensed this does not change current practice. However for pharmacies located in large retail establishments and institutions, the pharmacist shall remain in the immediate building. The immediate building is defined as the physical structure that contains the pharmacy. For example in a large retail, wholesale or grocery store, the pharmacist shall remain in that store. In an institution, the pharmacist shall remain in the building containing the pharmacy, so that in institutions on a campus with multiple buildings, the pharmacist could not go to another building during a break. Pharmacies located in malls are not included in the class of pharmacies that only have a portion of the store licensed, as those pharmacies are typically the traditional retail pharmacy where the entire store is licensed. If a large retail establishment with a pharmacy inside is attached to a mall, the restriction that the pharmacist shall remain in the retail establishment ap-

plies. The pharmacist should not leave the store to go into the mall while the pharmacy remains open.

The Board proposes to add § 27.11(c)(2) to allow a pharmacy to remain open during a sole pharmacist's break to receive new written prescriptions, prepare prescriptions for final verification by the pharmacist and to deliver prescription medications that have already been verified by the pharmacist.

Finally, the Board proposes to amend § 27.16(b)(2)(iii) to cross reference § 27.11(c)(1) and add and define the term "immediate building."

With the implementation of these standards, the Board intends to allow pharmacists to take breaks as needed while still being available for counseling or other emergencies. The public is protected because while the pharmacist is away from the pharmacy, no prescriptions could be delivered to a patient that were not first verified by the pharmacist; however new written prescriptions could be accepted and pharmacy technicians and pharmacy interns may prepare prescriptions for final verification.

#### *Fiscal Impact*

The proposed amendments will have no fiscal impact on the Board or the regulated community.

#### *Paperwork Requirements*

The proposed amendments will impose no paperwork requirements on the Board or the regulated community.

#### *Sunset Date*

The Board monitors its regulations on an ongoing basis. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P.S. § 745.5(a)), on January 9, 2008, the Board submitted a copy of these proposed amendments and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

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

#### *Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Melanie Zimmerman, Executive Secretary, State Board of Pharmacy, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed amendments in the *Pennsylvania Bulletin*.

EDWARD J. BECHTEL, R.Ph.,  
*Chairperson*

**Fiscal Note:** 16A-5420. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 27. STATE BOARD OF PHARMACY

GENERAL PROVISIONS

§ 27.11. Pharmacy permit and pharmacist manager.

\* \* \* \* \*

(c) [ A ] The prescription area of a pharmacy may not be open without a licensed pharmacist on duty at all times. A sole pharmacist on duty may take up to a 30-minute break while working in a pharmacy consistent with the following:

(1) The pharmacist shall remain in the pharmacy or, in the case of a pharmacy located within a retail establishment or institution, in the immediate building containing the pharmacy, and shall be accessible for emergencies or for counseling, if requested. For purposes of this paragraph, the term "immediate building" means the physical structure that contains the pharmacy. A pharmacy located at a complex consisting of multiple retail and other business establishments, such as a mall, is not considered to be "located within a retail establishment." In that case, the entire store containing the pharmacy is licensed, and the pharmacist shall remain in the store during a break.

(2) The pharmacy may remain open during the pharmacist's break for patient-related services, including:

(i) The receipt of new written prescriptions.

(ii) The preparation of prescriptions for final verification by the pharmacist.

(iii) The delivery of prescription medications that have been verified by the pharmacist.

\* \* \* \* \*

§ 27.16. Construction and equipment requirements.

\* \* \* \* \*

(b) Building standards. The following apply to building standards:

\* \* \* \* \*

(2) Pharmacies in retail establishments. Pharmacies located within retail establishments whose business hours differ shall adhere to the following standards:

\* \* \* \* \*

(iii) The pharmacy shall be closed whenever a licensed pharmacist is not present in the immediate building and on duty. For purposes of this section, the term "immediate building" has the same meaning given to it in § 27.11(c)(1) (relating to pharmacy permit and pharmacist manager).

\* \* \* \* \*

[Pa.B. Doc. No. 08-93. Filed for public inspection January 18, 2008, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

#### [ 58 PA. CODE CH. 461b ]

#### Technical Standards

The Pennsylvania Gaming Control Board, at its December 18, 2007, public meeting, amended the technical standards concerning gaming vouchers.

The Board's regulations in § 461a.8(b) and (c) (relating to gaming vouchers) provide that design specifications for gaming vouchers and gaming voucher systems must be in compliance with the technical standards under § 461b.3 (relating to gaming vouchers). The existing technical standards require that gaming vouchers must expire within 180 days of the date of issuance.

There has been confusion amongst the slot machine licensees as to what to do with the winnings that these unredeemed vouchers represent after the expiration date of the gaming voucher. It is the position of the State Treasurer that Article XIII.I of The Fiscal Code (code) (72 P. S. § 1301.1—1301.28a) governs the disposition of expired gaming vouchers. The Board concurs with this position. However, the Board also believes that every effort should be made to allow the owner of the voucher to redeem an unredeemed voucher. Accordingly, the Board is amending the existing technical standards relating to gaming vouchers to eliminate the requirement that gaming vouchers expire. The technical standards are also being amended to require that the value of vouchers that have not been redeemed within 5 years be forwarded to the State Treasurer as required by Article XIII.I of the code.

#### *Fiscal Impact*

The amendment in this statement of policy provides guidance as to how gaming vouchers that are not redeemed are to be treated by the slot machine licensees. The amendment will have no significant fiscal impact on the slot machine licensees or the Commonwealth because the slot machine licensees already track unredeemed gaming vouchers and with the limited number of slot machine licensees, the State Treasurer's existing staff will be able to process the required reports.

#### *Contact Person*

The contact persons for questions about this statement of policy are Kevin Hayes, Director of Gaming Operations, (717) 214-9529 and Richard Sandusky, Director of Regulatory Review, (717) 214-8111.

#### *Effective Date*

This statement of policy will take effect December 18, 2007.

MARY DIGIACOMO COLLINS,  
*Chairperson*

**Fiscal Note:** 125-77. No fiscal impact; (8) recommends adoption.

*(Editor's Note:* Title 58 of the Pa. Code is amended by amending a statement of policy in § 461b.3 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.)

#### Annex A

#### TITLE 58. RECREATION

#### PART VII. GAMING CONTROL BOARD

#### Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

#### CHAPTER 461b. TECHNICAL STANDARDS—STATEMENT OF POLICY

#### § 461b.3. Gaming vouchers.

(a) A gaming voucher may not expire. The value of gaming vouchers that have not been redeemed within 5 years of the date of issuance and a report containing the information required under subsection (b)(1)—(4) shall be forwarded to the State Treasurer as required under Article XIII.I of The Fiscal Code (72 P. S. §§ 1301.1—1301.28a) regarding the disposition of abandoned and unclaimed property.

\* \* \* \* \*

(d) Any system of internal controls over the issuance and redemption of gaming vouchers must provide for the following:

\* \* \* \* \*

(3) Notwithstanding paragraph (2), the slot machine licensee shall maintain an unredeemed gaming voucher record containing the information required in subsection (b)(1)—(5), for gaming vouchers that have been issued but not redeemed. The record shall be stored in the system for a period of time approved by the Board, which must be at least 5 years from the date of issuance of the gaming voucher, provided that:

(i) Any unredeemed gaming voucher record removed from the system after 5 years shall be stored and controlled in a manner approved by the Board.

\* \* \* \* \*

[Pa.B. Doc. No. 08-94. Filed for public inspection January 18, 2008, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF BANKING

### Actions 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 January 8, 2008.

#### BANKING INSTITUTIONS

##### Interim Charter Applications

| <i>Date</i> | <i>Name of Bank</i>                                      | <i>Location</i> | <i>Action</i>                |
|-------------|--|-----------------|------------------------------|
| 1-4-08      | Integrity Interim Bank<br>Camp Hill<br>Cumberland County | Camp Hill       | Approved<br>and<br>Effective |

Incorporation of an interim bank in conjunction with the reorganization of Integrity Bank, Camp Hill, into a bank holding company form of business whereby Integrity Bank will become the wholly-owned subsidiary of Integrity Bancshares, Inc., a new holding company in formation.

##### Holding Company Acquisitions

| <i>Date</i> | <i>Name of Corporation</i>   | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 12-24-07    | First Priority Financial Corp.,<br>Malvern, to acquire 100% of Prestige<br>Community Bank, Newtown | Malvern         | Filed         |

##### Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i>   | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 12-24-07    | First Priority Bank, Malvern, and<br>Prestige Community Bank, Newtown<br>Surviving Institution:<br>First Priority Bank, Malvern | Malvern         | Filed         |

##### Branch Applications

| <i>Date</i>   | <i>Name of Bank</i>  | <i>Location</i>   | <i>Action</i> |
|---|--|---|---------------|
| 12-10-07  | Prestige Community Bank<br>Newtown<br>Bucks County         | 5936 Easton Road<br>Pipersville<br>Bucks County         | Opened        |
| Establishment of the branch office was approved with the initial incorporation of Prestige Community Bank, Newtown. |  |   |               |
| 1-2-08  | Clarion County Community Bank<br>Clarion<br>Clarion County | 592 Main Street<br>Rimersburg<br>Clarion County         | Filed         |
| 1-2-08  | Nova Savings Bank<br>Philadelphia<br>Philadelphia County   | 920 South Street<br>Philadelphia<br>Philadelphia County | Filed         |

##### Branch Discontinuances

| <i>Date</i> | <i>Name of Bank</i>                          | <i>Location</i>                                       | <i>Action</i> |
|-------------|--|---|---------------|
| 12-31-07    | Fulton Bank<br>Lancaster<br>Lancaster County | 2901 Horseshoe Pike<br>Campbelltown<br>Lebanon County | Closed        |

## NOTICES

## SAVINGS INSTITUTIONS

No activity.

## CREDIT UNIONS

## Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Credit Union</i>   | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 1-4-08      | Butler Armco Employees Credit Union, Butler and Deshon V.A. Employees Federal Credit Union, Butler<br>Surviving Institution:<br>Butler Armco Employees Credit Union, Butler | Butler          | Approved      |
| 1-8-08      | Butler Armco Employees Credit Union, Butler and Deshon V.A. Employees Federal Credit Union, Butler<br>Surviving Institution:<br>Butler Armco Employees Credit Union, Butler | Butler          | Effective     |
| 1-3-08      | Riverset Credit Union, Pittsburgh, and Duke Federal Credit Union, Pittsburgh<br>Surviving Institution:<br>Riverset Credit Union, Pittsburgh                                 | Pittsburgh      | Filed         |

## Articles of Amendment

| <i>Date</i> | <i>Name of Credit Union</i>                             | <i>Purpose</i>   | <i>Action</i> |
|-------------|---|--|---------------|
| 12-3-07     | Riverset Credit Union<br>Pittsburgh<br>Allegheny County | Amendment to the 8th Article of the Articles of Incorporation provides for service to the underserved/low-income area served by Duke Federal Credit Union ("Duke"), subsequent to merger between Riverset Credit Union and Duke. | Filed         |

The Department's website at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-95. Filed for public inspection January 18, 2008, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of February 2008

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of January 2008 is 6 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.34 to which was added 2.50 percentage points for a total of 6.84 that by law is rounded off to the nearest quarter at 6 3/4%.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-96. Filed for public inspection January 18, 2008, 9:00 a.m.]

# DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Snowmobile and ATV Advisory Committee; Meeting Cancellation

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) meeting scheduled for Thursday, January 24, 2008, at 9 a.m., in Room 105, Rachel Carson State Office Building, Harrisburg, PA has been cancelled due to insufficient agenda items.

Questions concerning this meeting or agenda items can be directed to John Quigley at (717) 787-9632.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact John Quigley at (717) 787-9632 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 08-97. Filed for public inspection January 18, 2008, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final

determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

### I. NPDES Renewal Applications

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                            | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|--------------------------------------|--------------------------------------|-----------------------------|
| PA0043206                   | Trails End Camp, Inc.<br>1714 Wantagh Avenue<br>Wantagh, NY 11793 | Berlin Township<br>Wayne County      | UNT to Beach Lake<br>1A              | Y                           |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>    | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|---|--------------------------------------|-----------------------------|
| PA0082228<br>(SEW)          | Herbert Hess<br>Hilltop Acres Mobile Home Park<br>1546 Newport Road<br>Manheim, PA 17545 | Lancaster County<br>Rapho Township      | Chickies Creek<br>7-G                | Y                           |
| PA0087696<br>(SEW)          | GSP Management Company<br>P. O. Box 677<br>Morgantown, PA 19543-0677                     | Dauphin County<br>East Hanover Township | UNT Manada Creek<br>7-D              | Y                           |
| PA0247111<br>(CAFO)         | Star Rock Dairy, Inc.<br>37 Chestnutt Grove Road<br>Conestoga, PA 17516                  | Lancaster County<br>Manor Township      | Fisherman Run<br>7-J                 | Y                           |
| PA0031950<br>(SEW)          | Little Buffalo State Park<br>1579 State Park Road<br>Newport, PA 17074-9428              | Perry County<br>Juniata Township        | Little Buffalo Creek<br>12-B         | Y                           |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i>               | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|--|--------------------------------------|-----------------------------|
| PA0112119<br>(Nonmunicipal) | All American Travel Plaza, Inc.<br>1201 Harrisburg Pike<br>Carlisle, PA 17013         | Northumberland<br>County<br>Turbot Township        | Limestone Run<br>10D                 | Y                           |
| PA0112810<br>(Nonmunicipal) | Kipps Run MHP<br>46 Stacey Road<br>Barto, PA 19504                                    | Northumberland<br>County<br>Riverside Borough      | Kipps Run<br>5E                      | Y                           |
| PA0228672<br>(Sewage)       | Muddy Run Regional Authority<br>Glen Hope STP<br>P. O. Box 474<br>Madera, PA 16661    | Glen Hope Borough<br>Township<br>Clearfield County | Clearfield Creek<br>CWF              | Y                           |
| PA0229237<br>IW             | Clearfield Municipal Authority<br>107 East Market Street<br>Clearfield, PA 16830-2405 | Lawrence Township<br>Clearfield County             | Moose Creek<br>8B                    | Y                           |

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

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

**PA0244325**, Industrial Waste, **Naval Facilities Engineering Command (NAVFAC) Mid-Atlantic**, 4911 South Broad Street, Philadelphia, PA 19112. This proposed facility is located in Warminster Township, **Bucks County**.

Description of Proposed Activity: An application for an NPDES permit to discharge treated groundwater from the former Naval Air Warfare Center to a UNT to Little Neshaminy Creek in Warwick Township, Bucks County.

The receiving stream, a UNT (Stream Code 02647) to Little Neshaminy Creek, is in the State Water Plan Watershed 3F and is classified for: WWF, MF. The nearest downstream public water supply intake for Aqua Pennsylvania—Trevose is located on Neshaminy Creek.

The proposed effluent limits for Outfall 001 are based on an average flow of 150,000 gpd.

| Parameter              | Mass (lbs/day)  |               | Concentration (mg/l)                   |               |                              |
|------------------------|-----------------|---------------|--|---------------|------------------------------|
|                        | Average Monthly | Maximum Daily | Average Monthly                        | Maximum Daily | Instantaneous Maximum (mg/l) |
| 1,1-Dichloroethylene   |                 |               | 0.0003                                 | 0.0006        | 0.0008                       |
| Carbon Tetrachloride   |                 |               | 0.0014                                 | 0.0028        | 0.0035                       |
| Chromium, VI           |                 |               | 0.0150                                 | 0.0300        | 0.0375                       |
| Tetrachloroethylene    |                 |               | 0.0045                                 | 0.0090        | 0.0113                       |
| Trichloroethylene      |                 |               | 0.0150                                 | 0.0300        | 0.0375                       |
| Iron, dissolved        |                 |               | 0.440                                  | 0.880         | 1.100                        |
| Iron, total            |                 |               | 2.20                                   | 4.40          | 5.50                         |
| Total Suspended Solids |                 |               | 30                                     | 60            | 75                           |
| pH                     |                 |               | Not less than 6.0 nor greater than 9.0 |               |                              |

In addition to the effluent limits, the permit contains the following major special conditions:

1. Remedial Measures.
2. Acquire Necessary Property Rights.
3. BAT/BCT Reopener.
4. EPA Test Methods.
5. Change of Ownership.
6. Proper Sludge Disposal.
7. Stripping Tower Wastewater.

**PA0058556**, Industrial Waste, SIC 4941, **Downingtown Municipal Water Authority**, 100 Waterplant Way, Downingtown, PA 19335. This existing facility is located in Downingtown Borough, **Chester County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge filter backwash, clarifier backwash and sludge drying bed filtrate from a sludge thickening/holding tank of a water filtration plant.

The receiving stream, a UNT to Beaver Creek, is in the State Water Plan Watershed 3H and is classified for: TSF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua, PA, Inc.'s Ingrams Mill Plant is located on East Branch Brandywine Creek and is approximately 4.2 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an average annual design flow of 0.05 mgd.

| Parameters              | Mass (lb/day)   |               | Concentration (mg/l) |               |                              |
|-------------------------|-----------------|---------------|----------------------|---------------|------------------------------|
|                         | Average Monthly | Maximum Daily | Average Monthly      | Maximum Daily | Instantaneous Maximum (mg/l) |
| Total Suspended Solids  |                 |               | 30                   | 60            | 75                           |
| pH (Standard Units)     |                 |               | 6.0, I-minimum       |               | 9.0                          |
| Total Residual Chlorine |                 |               | 0.5                  | 1.0           | 1.25                         |
| Iron, Total             |                 |               | 2.0                  | 4.0           | 5.0                          |
| Aluminum, Total         |                 |               | 4.0                  | 8.0           | 10.0                         |
| Manganese, Total        |                 |               | 1.0                  | 2.0           | 2.5                          |
| Total Dissolved Solids  |                 |               | 1,000                | 2,000         | 2,500                        |

In addition to the effluent limits, the permit contains the following major special conditions:

1. Remedial Measures if Public Nuisance.
2. BAT Reopener.
3. Laboratory Certification.
4. Change in Ownership.
5. Proper Sludge Disposal.
6. TMDL/WLA Analysis.

EPA review is not waived.

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

**Application No. PA0088692**, CAFO, **Frey Dairy Farms**, 2646 River Road, Conestoga, PA 17516.

Frey Dairy Farms, Inc. has submitted an NPDES permit renewal application for Frey Dairy Farms, an existing dairy operation located in Manor Township, **Lancaster County**. The CAFO is situated near Manns and Wisslers Runs (Watershed 7-J), which are classified as a WWF and a HQ-CWF, respectively. The CAFO has a target animal population of approximately 2,185 animal equivalent units consisting of 1,231 adult cows, 786 heifers and two bulls.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

Persons may make an appointment to review the Department's files by calling the file review coordinator at (717) 705-4732.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**Application No. PA0259829**, CAFO, **Armstrong Valley Farms**, 299 Shoop Road, Halifax, PA 17032.

Armstrong Valley Farms, Inc. has submitted an NPDES permit renewal application for Armstrong Valley Farms, an existing swine, beef and dairy operation in Jackson Township, **Dauphin County** that plans to undergo an expansion. The CAFO is situated near Armstrong Creek, which is classified as a CWF. The CAFO has a target animal population of approximately 700 animal equivalent units consisting of 2,180 finishing swine, 220 adult dairy cows, 70 dairy heifers and calves, 20 beef cows, 50 beef calves, 50 beef steers and one bull.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

Persons may make an appointment to review the Department's files by calling the file review coordinator at (717) 705-4732.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**Application No. PA0260207**, CAFO, **Felton Pig Farm**, 1068 Main Street Ext., Felton, PA 17322.

Michael Jasienski has submitted an NPDES permit renewal application for Felton Pig Farm, an existing swine operation in Chanceford Township, **York County**. The CAFO is situated near a UNT of Carter Creek, which is classified as a CWF. The CAFO has a target animal population of approximately 403 animal equivalent units consisting of 3,000 finishing swine and five dry cows.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

Persons may make an appointment to review the Department's files by calling the file review coordinator at (717) 705-4732.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**Application No. PA0259781**, CAFO, **Penn Valley Swine, LLC**, 32 Phillips Road, Mohrsville, PA 19541.

Jeffrey Rohrer, Penn Valley Swine, LLC, has submitted an NPDES permit renewal application for Penn Valley Pork Farm, an existing swine, beef and poultry operation in Conestoga Township, **Lancaster County**. The CAFO is situated near Leshar Run, which is classified as a WWF. The CAFO has a target animal population of approximately 787 animal equivalent units consisting of 1,400 sows, 4,750 nursery pigs, 450 gilts and four boars.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

Persons may make an appointment to review the Department's files by calling the file review coordinator at (717) 705-4732.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**Application No. PA0085782**, Sewage, **Ruscombmanor Township**, 204 Oak Lane, Fleetwood, PA 19522. This facility is located in Ruscombmanor Township, **Berks County**.

Description of activity: The application is for of an NPDES permit amendment to expand an existing discharge of treated sewage from 0.025 mgd to 0.0645 mgd.

The receiving stream, a UNT to Furnace Creek, is in Watershed 3-D and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Works is located on the Schuylkill River, approximately 40 miles downstream. The discharge is not expected to affect the water supply.

The proposed Interim effluent limits for Outfall 001 for a design flow of 0.0645 mgd are:

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i> | <i>Average<br/>Weekly (mg/l)</i>    | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|-----------------------------------|-------------------------------------|---|
| CBOD <sub>5</sub>       | 25                                |                                     | 50                                      |
| Total Suspended Solids  | 30                                |                                     | 60                                      |
| NH <sub>3</sub> -N      |                                   |                                     |   |
| (5-1 to 10-31)          | 5                                 |                                     | 10                                      |
| (11-1 to 4-30)          | 15                                |                                     | 30                                      |
| Total Residual Chlorine | 0.34                              |                                     | 1.1                                     |
| Dissolved Oxygen        |                                   | Minimum of 5.0 at all times         |   |
| pH                      |                                   | From 6.0 to 9.0 inclusive           |   |
| Fecal Coliform          |                                   |                                     |   |
| (5-1 to 9-30)           |                                   | 200/100 ml as a Geometric Average   |   |
| (10-1 to 4-30)          |                                   | 4,300/100 ml as a Geometric Average |   |

The proposed Final effluent limits for Outfall 001 for a design flow of 0.0645 mgd are:

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i> | <i>Average<br/>Weekly (mg/l)</i>    | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|-----------------------------------|-------------------------------------|---|
| CBOD <sub>5</sub>       | 25                                |                                     | 50                                      |
| Total Suspended Solids  | 30                                |                                     | 60                                      |
| NH <sub>3</sub> -N      |                                   |                                     |   |
| (5-1 to 10-31)          | 3.0                               |                                     | 5.0                                     |
| (11-1 to 4-30)          | 9.0                               |                                     | 15.0                                    |
| Total Residual Chlorine | 0.076                             |                                     | 0.218                                   |
| Dissolved Oxygen        |                                   | Minimum of 5.0 at all times         |   |
| pH                      |                                   | From 6.0 to 9.0 inclusive           |   |
| Fecal Coliform          |                                   |                                     |   |
| (5-1 to 9-30)           |                                   | 200/100 ml as a Geometric Average   |   |
| (10-1 to 4-30)          |                                   | 2,000/100 ml as a Geometric Average |   |

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

The EPA waiver is in effect.

**Application No. PA0008281, Amendment No. 1, Industrial Waste, Sewage and Stormwater, PPL Brunner Island, LLC** (Brunner Island Steam Electric Station), Two North Ninth Street, GENPL-6, Allentown, PA 18101-1179. This facility is located in East Manchester Township, **York County**.

Description of activity: The Department of Environmental Protection (Department), Southcentral Regional Office Water Management Program, is proposing to amend NPDES Permit No. PA0008281 to include a new outfall for the discharge of treated wastewater generated by two flue gas desulfurization (scrubber) towers. A new industrial wastewater treatment plant will be constructed to treat the wastewater.

The receiving streams, Susquehanna River, Conewago Creek and Hartman Run, are in Watersheds 7-F and 7-H, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Supply Co. is located on the Susquehanna River, approximately 10 miles downstream.

The proposed effluent limits for Outfall 007 (scrubber wastewater) for a design flow of 0.52 mgd are:

| <i>Parameter</i>       | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i>               | <i>Instantaneous<br/>Maximum</i> |
|------------------------|----------------------------|--|----------------------------------|
| pH                     |                            | 6.0 to 9.0 Standard Units at all times |                                  |
| Total Suspended Solids | 30                         | 100                                    | 100                              |
| Oil and Grease         | 15                         | 20                                     | 30                               |
| Total Copper           | 0.45                       | 0.9                                    | 1.1                              |
| Total Lead             | 0.4                        | 0.8                                    | 1.0                              |

Monitoring requirements are proposed for Temperature, Total Phosphorus, Total Kjeldahl Nitrogen, Nitrate and Nitrite-Nitrogen, Total Nitrogen, Total Aluminum, Total Antimony, Total Arsenic, Total Boron, Total Cadmium, Total Chromium, Total Iron, Total Mercury, Total Molybdenum, Total Nickel, Total Selenium, Total Thallium, Total Zinc, Chloride and Fluoride. In addition, an annual mass limitation for Total Phosphorus is proposed.

Persons may make an appointment to review the Department's files by calling the file review coordinator at (717) 705-4732.

The EPA waiver is not in effect.

**Application No. PA0246441, CAFO, Drew Derstein Farm**, 10049 Ferguson Valley Road, Lewistown, PA 17044.

Deer Stone Ag., Inc. has submitted an NPDES CAFO permit renewal application for the Drew Derstein Farm, an existing swine operation located in Granville Township, **Mifflin County**. The existing operation includes three swine barns and a two stage, high-density polyethylene (HDPE) lined manure storage lagoon. The CAFO is situated near a

UNT to Strodes Run (Watershed 12-A), which is classified as HQ-CWF. The CAFO has a target animal population of approximately 711 animal equivalent units consisting of 1,200 gestating sows, 200 sows with litter, 10 boars, 4,000 nursery pigs and 60 gilt developer pigs. The HDPE lined lagoon is the only liquid manure storage facility on the farm. A leak detection system is installed beneath the lagoon. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

Persons may make an appointment to review the Department's files by calling the file review coordinator at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Watershed Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**Application No. PA0026972**, Sewage, **Exeter Township, Berks County Authority**, 4975 DeMoss Road, Reading, PA 19606. This facility is located in Exeter Township, **Berks County**.

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

The receiving stream, Schuylkill River, is in Watershed 3-D and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Borough of Pottstown Water and Sewer Authority is located on the Schuylkill River, approximately 8 miles downstream. The discharge is not expected to affect the water supply.

The proposed Interim effluent limits for Outfall 001 for a design flow of 1.2 mgd are:

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i>    | <i>Average<br/>Weekly (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|--------------------------------------|----------------------------------|---|
| CBOD <sub>5</sub>       | 25                                   | 40                               | 50                                      |
| Total Suspended Solids  | 30                                   | 45                               | 60                                      |
| NH <sub>3</sub> -N      | Monitor and Report                   |                                  |   |
| Total Copper            | 0.057                                |                                  | 0.114                                   |
| Total Residual Chlorine | 0.4                                  |                                  | 0.9                                     |
| Total PCBs              | Monitor and Report                   |                                  |   |
| Dissolved Oxygen        | Minimum of 5.0 at all times          |                                  |   |
| pH                      | From 6.0 to 9.0 inclusive            |                                  |   |
| Fecal Coliform          | 200/100 ml as a Geometric Average    |                                  |   |
| (5-1 to 9-30)           | 10,000/100 ml as a Geometric Average |                                  |   |
| (10-1 to 4-30)          |                                      |                                  |   |

The proposed Final effluent limits for Outfall 001 for a design flow of 1.2 mgd are:

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i>   | <i>Average<br/>Weekly (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|----------------------------------|---|
| CBOD <sub>5</sub>       | 25                                  | 40                               | 50                                      |
| Total Suspended Solids  | 30                                  | 45                               | 60                                      |
| NH <sub>3</sub> -N      | 20                                  |                                  | 40                                      |
| Total Copper            | 0.057                               |                                  | 0.114                                   |
| Total Residual Chlorine | 0.4                                 |                                  | 0.9                                     |
| Total PCBs              | Monitor and Report                  |                                  |   |
| Dissolved Oxygen        | Minimum of 5.0 at all times         |                                  |   |
| pH                      | From 6.0 to 9.0 inclusive           |                                  |   |
| Fecal Coliform          | 200/100 ml as a Geometric Average   |                                  |   |
| (5-1 to 9-30)           | 2,000/100 ml as a Geometric Average |                                  |   |
| (10-1 to 4-30)          |                                     |                                  |   |



The proposed Interim effluent limits for Outfall 002 for a design flow of 5.9 mgd are:

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i>    | <i>Average<br/>Weekly (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|--------------------------------------|----------------------------------|---|
| CBOD <sub>5</sub>       | 25                                   | 40                               | 50                                      |
| Total Suspended Solids  | 30                                   | 45                               | 60                                      |
| Total Copper            | 0.057                                |                                  | 0.114                                   |
| Total Residual Chlorine | 0.4                                  |                                  | 0.9                                     |
| Total PCBs              | Monitor and Report                   |                                  |   |
| Dissolved Oxygen        | Minimum of 5.0 at all times          |                                  |   |
| pH                      | From 6.0 to 9.0 inclusive            |                                  |   |
| Fecal Coliform          | 200/100 ml as a Geometric Average    |                                  |   |
| (5-1 to 9-30)           | 10,000/100 ml as a Geometric Average |                                  |   |
| (10-1 to 4-30)          |                                      |                                  |   |

The proposed Final effluent limits for Outfall 002 for a design flow of 5.9 mgd are:

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i>   | <i>Average<br/>Weekly (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|----------------------------------|---|
| CBOD <sub>5</sub>       | 25                                  | 40                               | 50                                      |
| Total Suspended Solids  | 30                                  | 45                               | 60                                      |
| NH <sub>3</sub> -N      | 20                                  |                                  | 40                                      |
| Total Copper            | 0.057                               |                                  | 0.114                                   |
| Total Residual Chlorine | 0.4                                 |                                  | 0.9                                     |
| Total PCBs              | Monitor and Report                  |                                  |   |
| Dissolved Oxygen        | Minimum of 5.0 at all times         |                                  |   |
| pH                      | From 6.0 to 9.0 inclusive           |                                  |   |
| Fecal Coliform          | 200/100 ml as a Geometric Average   |                                  |   |
| (5-1 to 9-30)           | 2,000/100 ml as a Geometric Average |                                  |   |
| (10-1 to 4-30)          |                                     |                                  |   |

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

The EPA waiver is not in effect.

**Application No. PA0246646**, Sewage, **Copart Auto Auction**, Eight Park Drive, Grantville, PA 17028. This facility is located in East Hanover Township, **Lebanon County**.

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

The receiving stream, UNT Swatara Creek, is in Watershed 7-D and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Swatara Creek, approximately 17 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0017 mgd are:

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i>   | <i>Average<br/>Weekly (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|----------------------------------|---|
| CBOD <sub>5</sub>       | 25                                  |                                  | 50                                      |
| Total Suspended Solids  | 30                                  |                                  | 60                                      |
| Total Residual Chlorine | 0.5                                 |                                  | 1.63                                    |
| Dissolved Oxygen        | Minimum of 5.0 at all times         |                                  |   |
| pH                      | From 6.0 to 9.0 inclusive           |                                  |   |
| Fecal Coliform          | 200/100 ml as a Geometric Average   |                                  |   |
| (5-1 to 9-30)           | 2,000/100 ml as a Geometric Average |                                  |   |
| (10-1 to 4-30)          |                                     |                                  |   |

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

The EPA waiver is in effect.

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

**PA0004740**, Sewage, **Charles D. Rupp**, P. O. Box 334, Templeton, PA 16259. This application is for renewal of an NPDES permit to discharge treated sewage from Nautical Mile Marina STP in Pine Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Allegheny River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Kittanning Borough Suburban Joint Water Authority.

*Outfall 001:* existing discharge, design flow of 0.005 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>            |                           |                          |                                  |
|-------------------------|--|---------------------------|--------------------------|----------------------------------|
|                         | <i>Average<br/>Monthly</i>             | <i>Average<br/>Weekly</i> | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| CBOD <sub>5</sub>       | 25                                     |                           |                          | 50                               |
| Suspended Solids        | 30                                     |                           |                          | 60                               |
| Fecal Coliform          | 200/100 ml as a Geometric Mean         |                           |                          |                                  |
| (5-1 to 9-30)           | 2,000/100 ml as a Geometric Mean       |                           |                          |                                  |
| (10-1 to 4-30)          |  |                           |                          |                                  |
| Total Residual Chlorine | 1.4                                    |                           |                          | 3.3                              |
| pH                      | not less than 6.0 nor greater than 9.0 |                           |                          |                                  |

The EPA waiver is in effect.

**PA0021610**, Sewage, **Blairsville Municipal Authority**, 203 East Market Street, Blairsville, PA 15717. This application is for renewal of an NPDES permit to discharge treated sewage from Blairsville Municipal Authority STP in Burrell Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Conemaugh River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority, Freeport Plant, in the Allegheny River.

*Outfall 001:* existing discharge, design flow of 0.903 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>            |                           |                          |                                  |
|-------------------------|--|---------------------------|--------------------------|----------------------------------|
|                         | <i>Average<br/>Monthly</i>             | <i>Average<br/>Weekly</i> | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| CBOD <sub>5</sub>       | 25                                     | 37.5                      |                          | 50                               |
| Suspended Solids        | 30                                     | 45                        |                          | 60                               |
| Fecal Coliform          | 200/100 ml as a Geometric Mean         |                           |                          |                                  |
| (5-1 to 9-30)           | 2,000/100 ml as a Geometric Mean       |                           |                          |                                  |
| (10-1 to 4-30)          |  |                           |                          |                                  |
| Total Residual Chlorine | 0.5                                    |                           |                          | 1.6                              |
| pH                      | not less than 6.0 nor greater than 9.0 |                           |                          |                                  |

Outfalls 002—011, 013, 016 and 017, which discharge to the receiving waters known as Sulphur Run and the Conemaugh River, serve as combined sewer overflows necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. These combined sewer overflows are permitted to discharge only for such reason. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

The EPA waiver is in effect.

**PA0026425**, Sewage, **Municipality of Penn Hills**, 12245 Frankstown Road, Pittsburgh, PA 15235. This application is for renewal of an NPDES permit to discharge treated sewage from Lincoln Road STP in Penn Hills Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Shades 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 City of Pittsburgh.

*Outfall 001:* existing discharge, design flow of 0.24 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>            |                           |                          |                                  |
|-------------------------|--|---------------------------|--------------------------|----------------------------------|
|                         | <i>Average<br/>Monthly</i>             | <i>Average<br/>Weekly</i> | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| CBOD <sub>5</sub>       | 25                                     | 37.5                      |                          | 50                               |
| Suspended Solids        | 30                                     | 45                        |                          | 60                               |
| Fecal Coliform          | 200/100 ml as a Geometric Mean         |                           |                          |                                  |
| (5-1 to 9-30)           | 2,000/100 ml as a Geometric Mean       |                           |                          |                                  |
| (10-1 to 4-30)          |  |                           |                          |                                  |
| Total Residual Chlorine | 1.0                                    |                           |                          | 3.3                              |
| pH                      | not less than 6.0 nor greater than 9.0 |                           |                          |                                  |

The EPA waiver is in effect.

**PA0091219**, Sewage, **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15239. This application is for renewal of an NPDES permit to discharge treated sewage from Laurel Gardens STP in Plum Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Little Plum 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 Wilkinsburg-Penn Joint Water Authority on the Allegheny River.

*Outfall 001:* existing discharge, design flow of 0.014 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 <sub>5</sub>               | 25                                     |                       |                      | 50                           |
| Suspended Solids                | 30                                     |                       |                      | 60                           |
| Fecal Coliform<br>(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.

**PA0092487**, Sewage, **Nino J. Barsotti**, 546 Three Mile Hill Road, Mt. Pleasant, PA 15666. This application is for renewal of an NPDES permit to discharge treated sewage from Nino's Restaurant STP in Bullskin Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Jacobs 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 McKeesport Municipal Water Works.

*Outfall 001:* existing discharge, design flow of 0.007 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 <sub>5</sub>                  | 25                                     |                       |                      | 50                           |
| Suspended Solids                   | 30                                     |                       |                      | 60                           |
| Ammonia Nitrogen<br>(5-1 to 10-31) | 10.0                                   |                       |                      | 20.0                         |
| (11-1 to 4-30)                     | 20.0                                   |                       |                      | 40.0                         |
| Fecal Coliform<br>(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.

**PA0094315**, Sewage, **Thomas I. Wiles**, 110 Sandy Creek Road, Verona, PA 15147-1728. This application is for renewal of an NPDES permit to discharge treated sewage from Thomas Wiles Sewage Treatment Plant in the Municipality of Penn Hills, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Sandy 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 Wilkinsburg-Penn Joint Water Authority.

*Outfall 001:* existing discharge, design flow of 0.0004 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 <sub>5</sub>               | 25                                     |                       |                      | 50                           |
| Suspended Solids                | 30                                     |                       |                      | 60                           |
| Fecal Coliform<br>(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         | Monitor and Report                     |                       |                      |                              |
| pH                              | not less than 6.0 nor greater than 9.0 |                       |                      |                              |

The EPA waiver is in effect.

**PA0098299**, Sewage, **East Haven Developments, LLC**, 212 Snyder Road, Donegal, PA 15628. This application is for renewal of an NPDES permit to discharge treated sewage from Laurel Highlands Personal Care Home STP in Donegal Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Drainage Swale Tributary to Fourmile Run, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Latrobe Municipal Authority on Loyalhanna Creek.

Outfall 001: existing discharge, design flow of 0.022 mgd.

| Parameter               | Concentration (mg/l)                   |                |               |                       |
|-------------------------|--|----------------|---------------|-----------------------|
|                         | Average Monthly                        | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD                    | 25                                     |                |               | 50                    |
| Suspended Solids        | 30                                     |                |               | 60                    |
| Ammonia Nitrogen        |  |                |               |                       |
| (5-1 to 10-31)          | 2.5                                    |                |               | 5.0                   |
| (11-1 to 4-30)          | 7.5                                    |                |               | 15.0                  |
| 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 | 1.4                                    |                |               | 3.3                   |
| 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.

**PA0217719**, Sewage, **Michele R. Love**, 295 Tunnel Road, Smithfield, PA 15478-1471. This application is for renewal of an NPDES permit to discharge treated sewage from Riviera Mobile Home Court STP in Dunkard Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the East Dunkard Water Association on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.01 mgd.

| Parameter               | Concentration (mg/l)                   |                |               |                       |
|-------------------------|--|----------------|---------------|-----------------------|
|                         | Average Monthly                        | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD <sub>5</sub>       | 25                                     |                |               | 50                    |
| Suspended Solids        | 30                                     |                |               | 60                    |
| Fecal Coliform          |  |                |               |                       |
| (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.

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

**PA0240061**, Sewage, **Country Acres Personal Care Home**, 2017 Meadville Road, Titusville, PA 16354. This proposed facility is located in Cherrytree Township, **Venango County**.

Description of Proposed Activity: a new discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the General Authority of Franklin intake on French Creek is located in Franklin, PA and is approximately 20.0 miles below point of discharge.

The receiving stream, the UNT to Prather Creek, is in Watershed 16-D and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00815 mgd.

| Parameter              | Concentrations         |                       |                              |
|------------------------|------------------------|-----------------------|------------------------------|
|                        | Average Monthly (mg/l) | Average Weekly (mg/l) | Instantaneous Maximum (mg/l) |
| Flow                   | XX                     |                       |                              |
| CBOD <sub>5</sub>      | 25                     |                       | 50                           |
| Total Suspended Solids | 30                     |                       | 60                           |
| NH <sub>3</sub> -N     |                        |                       |                              |
| (5-1 to 10-31)         | 8.5                    |                       | 17                           |

| Parameter   | Concentrations         |  |                              |
|---|------------------------|--|------------------------------|
|   | Average Monthly (mg/l) | Average Weekly (mg/l)  | Instantaneous Maximum (mg/l) |
| Fecal Coliform<br>(5-1 to 9-30)<br>(10-1 to 4-30) |                        | 200/100 ml as a Geometric Average<br>2,000/100 ml as a Geometric Average |                              |
| Total Residual Chlorine                           | 0.5                    |  | 1.2                          |
| pH  |                        | 6.0 to 9.0 Standard Units at all times                                   |                              |

XX—Monitor and report on monthly DMRs.  
The EPA waiver is in effect.

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

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

**WQM Permit No. 5108401**, Sewerage, **Philadelphia Water Department**, 1101 Market Street, Aramark Tower, 2nd Floor, Philadelphia, PA 19107. This proposed facility is located in Philadelphia City, **Philadelphia County**.

Description of Action/Activity: Construct a 3+ million gallon offline storage basin to contain combined sewer overflows during peak storm events.

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

**WQM Permit No. 6708401**, Sewerage, **York City Sewer Authority**, 345 East Market Street, York, PA 17403. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for the construction/upgrade for the York City WWTP.

*Northwest Region: Oil and Gas Management Program Manager; 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.*

**WQM Permit No. 6107403**, Sewerage, **County Acres Personal Care Home**, 2017 Meadville Road, Titusville, PA 16354. This proposed facility is located in Cherrytree Township, **Venango County**.

Description of Proposed Action/Activity: A new discharge of treated sewage from a Nonmunicipal STP to be constructed at a nursing home.

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

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

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

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

*Lehigh County Conservation District: Lehigh Agricultural Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

| NPDES Permit No. | Applicant Name & Address   | County | Municipality             | Receiving Water/Use           |
|------------------|--|--------|--------------------------|-------------------------------|
| PAI023907031     | Hal Bendit<br>Macungie Medical Realty<br>P. O. Box 487<br>Macungie, PA 18062                   | Lehigh | Lower Macungie Township  | Little Lehigh Creek<br>HQ-CWF |
| PAI023907032     | Jim Gentile<br>Polaris Properties, Inc.<br>7562 Penn Drive<br>Suite 100<br>Allentown, PA 18106 | Lehigh | South Whitehall Township | Cedar Creek<br>HQ-CWF         |

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

| NPDES Permit No. | Applicant Name & Address   | County | Municipality    | Receiving Water/Use    |
|------------------|--|--------|-----------------|------------------------|
| PAS10S124R       | Briland Development, LLC<br>8 Abeel Road<br>East Stroudsburg, PA 18301 | Monroe | Pocono Township | Pocono Creek<br>HQ-CWF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                                | <i>County</i> | <i>Municipality</i>    | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|------------------------|----------------------------|
| PAI032208001            | Joshua and Sarah Spicher<br>921 Red Hill Road<br>Dauphin, PA 17018 | Dauphin       | Middle Paxton Township | Clark Creek HQ             |

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

*Montour County Conservation District: 112 Woodbine Lane, Suite 2, Danville, PA 17821, (570) 271-1140.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                                   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>  |
|-------------------------|---|---------------|---------------------|---|
| PAI044708001            | Dawn E. Quinn-Doiron<br>150 East Ninth Street<br>Bloomsburg, PA 17815 | Montour       | Mayberry Township   | Trib 27465 to South Branch Roaring Creek HQ-CWF<br>Trib 18601 to Shamokin Creek WWF |

**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**

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

|  |  |
|--|--|
| <b>Permit No. 6707514</b> , Public Water Supply. |  |
| Applicant  | <b>The York Water Company</b>  |
| Municipality                                     | West Manheim Township  |
| County   | <b>York</b>  |
| Responsible Official                             | The York Water Company<br>Vice President—Engineering<br>130 East Market Street<br>P. O. Box 15089<br>York, PA 17405-7089 |
| Type of Facility                                 | Public Water Supply  |
| Consulting Engineer                              | Mark S. Snyder, P. E.<br>The York Water Company<br>130 East Market Street<br>P. O. Box 15089<br>York, PA 17405-7089      |
| Application Received:                            | December 11, 2007  |
| Description of Action                            | Construction of the West Manheim Booster Station with fluoridation.  |

**MINOR AMENDMENT**

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

|  |  |
|--|--|
| <b>Application No. 4300503-T1-MA2</b> , Minor Amendment. |  |
| Applicant  | <b>Aqua PA, Inc.</b>   |
| Township or Borough                                      | City of Sharon   |
| Responsible Official                                     | <b>Mercer County</b><br>Peter J. Kusky, P. E.<br>Aqua PA Service Center<br>6650 South Avenue<br>Boardman, OH 44512 |
| Type of Facility   | Public Water Supply  |
| Application Received Date                                | December 18, 2007  |

Description of Action     Repainting interior and exterior of welded steel reservoir, known as "Carnegie View Steel Reservoir"

#### WATER ALLOCATIONS

#### Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. § 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

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

**WA-585**, Water Allocation, **Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, Levittown, PA 19058, Tullytown Borough, **Bucks County**. The application is for renewal of allocation permit to continue the peak day withdrawal of 15.0 mgd from the Delaware River.

**WA-51-165B**, Water Allocation, **Philadelphia Water Department**, Aramark Tower, 1101 Market Street, Philadelphia, PA 19107, City of Philadelphia, **Philadelphia County**. The application is for renewal of an allocation permit to continue the peak day withdrawal of 258 mgd from the Schuylkill River.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

#### PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a

summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

**Endless Mountain Health Systems**, Montrose Borough, **Susquehanna County**. Karl Pfizenmayer, Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090 has submitted a Notice of Intent to Remediate (on behalf of his client, Endless Mountain Health Systems, 3 Grow Avenue, Montrose, PA 18801), concerning the remediation of soils and groundwater found or suspected to have been impacted by No. 2 heating oil as a result of an accidental release. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for both soils and groundwater. The intended future use of the property in the near term is expected to remain as a combined hospital, clinic, pharmacy and offices; however, future use of the property is unknown. 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.

**Seventh Day Adventist Church**, Hanover Township, **Northampton County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Notice of Intent to Remediate (on behalf of his client, Seventh Day Adventist Church, 1175 Macada Road, Bethlehem, PA 18017), concerning the remediation of soils found or suspected to have been impacted by No. 2 fuel oil as a result of a leaking underground storage tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soils. The proposed future use of the property will be institutional. A summary of the Notice of Intent to Remediate was published in the *Express-Times* on October 29, 2007. A Final Report was simultaneously submitted.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Corning Frequency Control Plant 1**, Mount Holly Springs Borough, **Cumberland County**. Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380, on behalf of Corning Incorporated, HP-ME-03-079, Corning, NY 14831, submitted a revised Notice of Intent to

Remediate site soils and groundwater. Historic releases of industrial materials, including solvents and solid wastes, have reportedly occurred near Plant 1. The site is expected to be used in the future for industrial/commercial purposes. The site will be remediated to a combination of Statewide Health and Site-Specific Standards.

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

**Application deemed complete under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit Application No. 101217.** Northern Tier Solid Waste Authority submitted an application for permit reissuance and name change of the Wellsboro Area Transfer Station, located in Delmar Township, **Tioga County**, to the Tiadaghton Area Transfer Station. This application was deemed complete by the Williamsport Regional Office on December 26, 2007.

Comments concerning the application should be directed to David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**AIR QUALITY**

**PLAN APPROVAL AND OPERATING PERMIT  
APPLICATIONS**

**NEW SOURCES AND MODIFICATIONS**

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating

permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

**PLAN APPROVALS**

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

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

**66-315-050: Procter & Gamble Paper Products Co.** (P. O. Box 32, Mehoopany, PA 18629-0032) for modification of their existing pulp handling equipment at their facility in Washington Township, **Wyoming County**.

**39-302-193: St. Lukes Hospital** (1736 Hamilton Street, Allentown, PA 18104) for installation of three Cleaver Brooks boilers at their facility in Allentown, **Lehigh County**.

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

**06-05069N: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Deka Road, Lyon Station, PA 19536-0147) for modification of various sources at the assemble plant S-1 in Richmond Township, **Berks County**. The modifications include the following: new cast-on-strap machine, new fabric collector and control of existing grid casters. The modification should result in a net reduction in emissions. Some of the sources involved in the modification are subject to 40 CFR Part 60, Subpart KK, Standards of Performance for New Stationary Sources.

**36-03116B: Cargill Cocoa and Chocolate** (48 North Broad Street, Lititz, PA 17543) for modification of the previous plan approval (36-05116A issued in October of 2006) for the new roasting system at their chocolate manufacturing facility in Mount Joy Borough, **Lancaster County**.

**36-05096A: Pennsy Supply, Inc.—d/b/a McMinn's Asphalt** (P. O. Box 3331, Harrisburg, PA 17105) for modification to the Paradise HMA plant to use on-specification waste derived liquid fuel at their Paradise Township, **Lancaster County** facility.

**36-05097A: Pennsy Supply, Inc.—d/b/a McMinn's Asphalt** (P. O. Box 3331, Harrisburg, PA 17105) for modification to the Mason-Dixon HMA Plant to use



on-specification waste derived liquid fuel at their Fulton Township, **Lancaster County** facility.

**36-05099B: Pennsy Supply, Inc.—d/b/a McMinn's Asphalt** (P. O. Box 3331, Harrisburg, PA 17105) for modification to the East Petersburg HMA plant to use on-specification waste derived liquid fuel at their East Hempfield Township, **Lancaster County** facility.

**36-05123C: Corixa Corporation—d/b/a GlaxoSmith-Kline Biologicals** (325 North Bridge Street, Marietta, PA 17547-0304) for an emergency generator at the biological manufacturing facility in East Donegal Township, **Lancaster County**.

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

**32-00393A: Prime Metals & Alloys, Inc.** (101 Innovation Drive, P. O. Box 194, Lucememines, PA 15754) for installation and operation of new induction furnaces, an AOD, Annealing furnaces and various other processes at their site in Center Township, **Indiana County**.

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

**10-021Q: INDSPEC Chemical Corp.** (133 Main Street, Petrolia, PA 16050-0307) for modification existing conditions from plan approval 10-021I for the removal of nitrogen monitoring requirements associated with the Resorcinol storage vessel (Proc 190) in Petrolia Borough, **Butler County**. This is a Title V facility.

**10-281M: II-VI, Inc.** (375 Saxonburg Boulevard, Saxonburg, PA 16056) for construction of an additional Hydrogen Selenide production process in the existing DH building in Saxonburg, **Butler County**. This is a State-only V facility.

**20-194E: Lord Corp.—Saegertown Operations** (601 South Street, Saegertown, PA 16433-1050) for installation of a new 1,500 gallon reactor storage vessel to replace the existing two reactor vessels at their facility site in the Borough of Saegertown, **Crawford County**. This is a Title V facility.

**24-083N: Carbone of America Ind. Corp.** (215 Stackpole Street, St. Mary's, PA 15857) for installation of a regenerative thermal oxidizer and SO<sub>2</sub> scrubber to replace existing oxidizers (C129 and C129A) for the control of sources 129, 129A and 404 in St. Mary's City, **Elk County**. This is a Title V facility.

**25-987E: Hanes Erie, Inc.** (7601 Klier Drive, Fairview Business Park, Fairview, PA 16415-2449) to construct an additional spray coating line in the cosmetic container coating facility, Fairview Township, **Erie County**.

**42-028A: Saint-Gobain** (1 Railroad Avenue, Port Allegany, PA 16743) for a modified application for plan approval to increase production by adding electric boost on Furnace No. 3 at the container glass manufacturing facility in Port Allegany Borough, **McKean County**. This is a Title V facility, Permit No. 42-00028.

**42-028B: Saint-Gobain** (1 Railroad Avenue, Port Allegany, PA 16743) for a plan approval to rebrick and to install an Oxygen Enriched Air Staging System on Furnace No. 1 at the container glass manufacturing facility in Port Allegany Borough, **McKean County**. This is a Title V facility, Permit No. 42-00028.

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**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.**

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

**01-05033A: Knouse Foods Cooperative, Inc.** (P. O. Box 807, Biglerville, PA 17307) for replacing a 24.5 mmBtu/hr boiler with a new 29.05 mmBtu/hr boiler at the Peach Glen fruit processing facility in Tyrone Township, **Adams County**. In keeping with their synthetic minor plan approval application, the facility emissions shall be less than 100 tpy of SO<sub>x</sub>. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**37-243D: INMETCO** (One INMETCO Drive, Ellwood City, PA 16117) for installation of a 156,000 acfm baghouse to replace the current venturi scrubber system for the Rotary Hearth Furnace in Ellwood City Borough, **Lawrence County**. 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 BAT for the source:

- Emissions shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions respectively.

- Subject to 25 Pa. Code § 123.21

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

- A person may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following:

- Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any hour.

- Equal to or greater than 30% at any time.

- Emissions of NO<sub>x</sub> from this source shall not exceed 99.5 pounds per hour.

- The Rotary Hearth Furnace is permitted to process only the materials found on the following list. The list is consistent with those items listed in INMETCO's Hazardous Waste Part-B Permit.

- The following materials shall NOT be fed into the RHF:

- Separated plastic battery cases from industrial batteries and consumer (sealed) cell power packs.

- Wood, that is, pallets, boxes and skids.
- Shipping containers made of wood, plastic or large pieces of plastic that meet the 40 CFR 261.7 residues of hazardous waste in empty containers.
- Waste materials that do not meet the requirements of 40 CFR Subsection 266.100, "Hazardous Waste Burning in Boilers and Industrial Furnaces."
- Note: Materials fed to the RHF may contain small amounts of plastic, wood and/or cardboard that is intermittently mixed into and has become part of the feed, which cannot be removed or separated economically.
- The source shall be stack tested for total PM initially and at time of operating permit renewal.
- Install a CO CEM in accordance with the provisions of 25 Pa. Code Chapter 139.
- The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problems or defects and any routine maintenance performed.
- The permittee shall maintain records of the following from the operational inspections:
  - Pressure differential—daily.
  - Inlet temperature to baghouse—continuously.
  - Tribo guard bag failure indicator system.
  - The source is subject to CAM.
- The permittee shall perform a daily operational inspection of the control device.
- The permittee shall keep on hand, for emergency replacement, 25% of the total number of filter elements used for the baghouse.
- The control device shall be operated at all times the source is in operation.
- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
- The permittee shall adhere to the approved indicator range for the baghouse so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:
  - Pressure drop determined during initial stack testing.
  - Inlet temperature of less than 475° F.

**37-243E: INMETCO** (One INMETCO Drive, Ellwood City, PA 16117) for installation of two additional chambers to an existing inplant baghouse in Ellwood City Borough, **Lawrence County**. The baghouse will increase its capacity from 67,450 scfm to 87,060 scfm. 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 (per-

taining to plan approval terms and conditions) and will demonstrate BAT for the source:

- Emissions shall comply with 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 PM in a manner that the concentration of PM in the effluent gas exceeds 0.02 grain per dry standard cubic foot.
- A person may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following:
  - Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any hour.
  - Equal to or greater than 30% at any time.
- The PM10 emissions shall not exceed 50.0 tpy on a 12-month rolling basis.
- The source shall be stack tested for total PM initially and at time of operating permit renewal.
- The permittee shall maintain a log for the control device associated with this source. This record shall indicate at a minimum: the date of each monthly maintenance inspection; the name of the person performing the inspection; record of any bag/cartridge replacement; any mechanical repairs and/or adjustments; once a day record of the pressure drops across collector; and the date and time of problems with the control device and the corrective action taken.
- The permittee shall monitor, on a daily basis, the pressure drop across the control device, while the source and control device are operating. During the daily checks, the control device will be observed for any conditions that might indicate a need for further maintenance.
- The permittee shall perform monthly maintenance inspections of the fabric collector.
- The permittee shall keep on hand, for emergency replacement, 25% of the total number of filter elements used for each collector.
- The control device associated with this source is to be in operation at all times that the source is in operation.
- The control device associated with this source shall be maintained and operated in a manner consistent with good air pollution control practices.

#### OPERATING PERMITS

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

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

**22-05010: Texas Eastern Transmission—Grantville Compressor Station** (P. O. Box 1642, Houston, TX 77251-1642) for renewal of the Title V Operating Permit issued in April 2003 in East Hanover Township, **Dauphin County**. The facility's major sources of emissions include four natural gas fired gas turbines, which primarily emit NOx.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**09-00142: ML 35, LLC** (35 Runway Road, Levittown, PA 19057) for renewal of a State-only, Synthetic Minor Operating Permit in Bristol Township, **Bucks County**. The facility operates four diesel fired emergency generators at its facility to provide back-up electrical power. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**46-00155: Sermatech International, Inc.** (159 South Limerick Road, Royersford, PA 19468) for a State-only (Synthetic Minor) Operating Permit in Limerick Township, **Montgomery County** for Sermatech International, Inc. Sermatech applies extreme performance coatings to various components and parts for the aerospace and industrial gas turbine industries. The primary pollutants emitted from the facility are VOCs and PM, most of which result from the operation of two paint booths, a batch vapor degreaser (VOCs only), and a binder mix tank (PM only). The paint booths are equipped with paint arrestor filters and carbon filters to control PM and VOC emissions, respectively. To avoid being a major source of VOC emissions, the facility is subject to a VOC emission restriction of 18.4 tpy. Also, the paint booths are subject to source-level VOC emission restrictions of 3.5 and 2.6 tpy. The permit will contain monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

**40-00106: Unison Engine Components, Inc.** (710 Crestwood Drive, Mountain Top, PA 18707) for operation of a ring splitter saw and associated air cleaning device at their facility in the Crestwood Industrial Park, Wright Township, **Luzerne County**. This facility is currently operating under Operating Permit 40-399-056. All requirements of the current Operating Permit will be incorporated into a new State-only (Natural Minor) Operating Permit. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

**39-00056: Lehigh County Authority** (7676 Industrial Boulevard, Allentown, PA 18106) for operation of a Facility State-only Natural Minor Operating Permit for a waste water treatment facility in Upper Macungie Township, **Lehigh County**.

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

**22-05037: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105) for operation of the Paxton Street Concrete/Asphalt Plants. This action is a renewal of the State-only operating permit issued in 2003.

**38-03035: V & S Lebanon Galvanizing, LLC** (1000 Buckeye Park Road, Columbus, OH 43207) for operation of a hot dip galvanizing facility in Union Township,

**Lebanon County**. This is a renewal of the State-only operating permit issued in June 2002.

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

**55-00004: Colonial Furniture Company** (P. O. Box 117, Freeburg, PA 17827) for their wood furniture manufacturing facility in Freeburg Borough, **Snyder County**. The facility's main sources include four No. 2 fired combustion units, seven spray booths and various wood-working operations. The facility has the potential to emit PM<sub>10</sub>, NO<sub>x</sub>, CO, SO<sub>x</sub>, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**25-00964: FMCTI—Smith Meter** (16022 Wagner Avenue, Erie, PA 16514) the Department of Environmental Protection intends to reissue this Natural Minor Operating Permit. The facility's primary sources of emissions are facility heaters, two surface coating operations and associated equipment in the City of Erie, **Erie County**.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining

which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the

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

#### *Coal Applications Received*

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

| <i>Parameter</i>                             | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instantaneous<br/>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 <sup>1</sup>                              |                           | greater than 6.0;        | less than 9.0                    |
| Alkalinity greater than acidity <sup>1</sup> |                           |                          |                                  |

<sup>1</sup>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.*

**Permit Number 03971301 and NPDES Permit No. PA0215091, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to renew the permit for the Ridge Mine in South Bend Township, **Armstrong County** and Young Township, **Indiana County** and related NPDES permit. No additional discharges. Application received October 25, 2007.

**Permit Number 30831303 and NPDES Permit No. PA0013511, Cumberland Coal Resources, LP**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Center, Franklin and Wayne Townships, **Greene County** to add acreage for longwall mining. Underground Acres Proposed 4677.0, Subsidence Control Plan Acres Proposed 4677.0. No additional discharges. Application received June 19, 2007.

**Permit Number 30921301 and NPDES Permit No. PA0213900, River Processing Corporation**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to renew the permit for the Monongahela Resource Mine in Morgan and Jefferson Townships, **Greene County** and related NPDES permit for reclamation only. No additional discharges. Application received November 16, 2007.

**Permit Number 32850701 and NPDES Permit No. PA0213683, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to revise the permit for the Clymer Refuse Disposal Site in Cherryhill Township, **Indiana County** to expand the refuse disposal area and add discharges to related NPDES permit. Coal Refuse Disposal Support Acres Proposed 13.5, Coal Refuse Dis-

posal Acres Proposed 51.5. Receiving Streams: UNT to Dixon Run, classified for the following use: CWF and UNT to Buck Run, classified for the following use: CWF. Application received September 14, 2007.

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

**56010106, Marquise Mining Corporation**, 3889 Menoher Boulevard, Johnstown, PA 15905, permit renewal for reclamation only of a bituminous surface mine in Shade Township, **Somerset County**, affecting 325 acres. Receiving streams: Dixie Run and Fallentimber Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received December 19, 2007.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**03950113 and NPDES Permit No. PA0201529, Seven Sisters Mining Co., Inc.** (6608 US Route 22, P. O. Box 300, Delmont, PA 15626). Renewal application for a not-started bituminous surface mine, located in Burrell and South Bend Townships, **Armstrong County**, affecting 93 acres. Receiving streams: UNT to Crooked Creek and Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received December 31, 2007.

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

**17010104 and NPDES No. PA0243060, Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), permit renewal for the continued operation and restoration of a bituminous surface mine in Morris Township, **Clearfield County**, affecting 55.9 acres. Receiving streams: UNTs to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 18, 2007.

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

**54-305-006GP12. B-D Mining Company**, (10 Gilberton Road, Gilberton, PA 17934), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on existing Surface Mining Permit No. 54850202 in Mahanoy Township, **Schuylkill County**. Application received December 31, 2007.

*Noncoal Applications Returned*

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

| <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*<br>pH* |                       | greater than 6.0; less than 9.0 |                              |

\* The parameter is applicable at all times.

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

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

**32020301 and NPDES Permit No. PA0249149. Ridge Energy Company, Inc.**, 265 Swamp Road, Clymer, PA 15728, renewal of NPDES Permit in Cheryhill Township, **Indiana County**. Receiving streams: UNT to Penn Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is PA American Water Company—Indiana on Two Lick Creek. NPDES renewal application received December 20, 2007.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**03030401 and NPDES Permit No. PA0250333. Seven Sisters Mining Co., Inc.** (6608 US Route 22, P. O. Box 300, Delmont, PA 15626). Renewal application for a not-started noncoal surface mine, located in Burrell and South Bend Townships, **Armstrong County**, affecting 34.7 acres. Receiving stream: Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received December 31, 2007.

## 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

**08060812. Darlene W. Ellis** (R. R. 2, Box 213, Wyalusing, PA 18853), commencement, operation and restoration of a small, noncoal (bluestone) surface mine in Wilmot Township, **Bradford County**, affecting 5.0 acres. Receiving streams: Sugar Run Creek, UNT to Susquehanna River. Application received July 28, 2006. Application returned December 17, 2007.

*Noncoal Applications Received*

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

relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

## WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E05-343: Steckman Ridge, LP**, Rita V. Nguyen, 5400 Westheimer Court, Houston, TX 77056, Monroe Township, **Bedford County**, ACOE Baltimore District.

To conduct various activities as follows:

1. To construct and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 2.30 inches; W: 13.09 inches, Latitude: 39° 53' 17.57"; Longitude: 78° 20' 34.56").
2. To construct and maintain a 8-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 3.69 inches; W: 11.29 inches, Latitude: 39° 53' 42.15"; Longitude: 78° 19' 48.56").
3. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 3.52 inches; W: 14.27 inches, Latitude: 39° 53' 39.92"; Longitude: 78° 21' 4.89").
4. To replace and maintain a 8-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 1.68 inches; W: 12.89 inches, Latitude: 39° 53' 3.52"; Longitude: 78° 20' 29.39").
5. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 1.59 inches; W: 13.06 inches, Latitude: 39° 53' 1.82"; Longitude: 78° 20' 33.88").
6. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) and to temporarily impact a 0.03 acre of PEM wetland (Mench, PA Quadrangle, N: 7.53 inches; W: 12.18 inches, Latitude: 39° 54' 59.15"; Longitude: 78° 20' 11.38").
7. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) and to temporarily impact a 0.04 acre of PEM wetland (Mench, PA Quadrangle, N: 7.30 inches; W: 12.25 inches, Latitude: 39° 54' 54.61"; Longitude: 78° 20' 13.18").
8. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 4.07 inches; W: 14.37 inches, Latitude: 39° 53' 50.70"; Longitude: 78° 21' 7.58").
9. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 4.02 inches; W: 14.37 inches, Latitude: 39° 53' 49.82"; Longitude: 78° 21' 6.77").
10. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 3.33 inches; W: 14.16 inches, Latitude: 39° 53' 36.03"; Longitude: 78° 21' 2.05").
11. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 5.01 inches; W: 11.95 inches, Latitude: 39° 54' 9.46"; Longitude: 78° 20' 5.54").
12. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 3.61 inches; W: 12.31 inches, Latitude: 39° 53' 41.63"; Longitude: 78° 20' 14.61").
13. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 1.28 inches; W: 13.54 inches, Latitude: 39° 52' 55.63"; Longitude: 78° 20' 46.29").
14. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 0.79 inch; W: 13.89 inches, Latitude: 39° 52' 46.00"; Longitude: 78° 20' 55.09").
15. To replace and maintain a 8-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 2.06 inches; W: 12.19 inches, Latitude: 39° 53' 11.01"; Longitude: 78° 20' 11.70").
16. To replace and maintain a 8-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 2.41 inches; W: 14.62 inches, Latitude: 39° 53' 17.88"; Longitude: 78° 21' 13.92").
17. To replace and maintain a 8-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 2.82 inches; W: 14.73 inches, Latitude: 39° 53' 25.96"; Longitude: 78° 21' 16.72").
18. To replace and maintain a 16-inch diameter natural gas line temporarily impacting a 0.04 acre of PEM/PSS wetland of a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 5.59 inches; W: 13.24 inches, Latitude: 39° 54' 20.76"; Longitude: 78° 20' 38.62").
19. To replace and maintain a 16-inch diameter natural gas line temporarily impacting a 0.10 acre of PEM/PSS wetland of a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 5.51 inches; W: 13.23 inches, Latitude: 39° 54' 19.16"; Longitude: 78° 20' 38.48").
20. To replace and maintain a 8-inch diameter natural gas line temporarily impacting a 0.01 acre of PEM wetland of a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 3.23 inches; W: 14.54 inches, Latitude: 39° 53' 34.09"; Longitude: 78° 21' 11.81").

All activities are related to the improvements of an existing natural gas storage wells in Monroe Township, **Bedford County**.

**E21-401: Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103, North Middleton Township, **Cumberland County**, ACOE Baltimore District.

To remove an existing 190.0-foot long, two-span, steel thru-girder bridge with a clear span of 185.0 feet, an out-to-out width of 26.0 feet, and an average underclearance of 12.0 feet, carrying SR 0034 over Conodoguinet Creek (WWF) (Carlisle, PA Quadrangle: Latitude: 40° 14' 21"; Longitude: 77° 10' 49", North: 20.8 inches; West: 7.8 inches), and to construct and maintain a 189.0-foot long, two-span, prestressed concrete adjacent box beam bridge, with a clear span of 185.5 feet, an out-to-out width of 41.4 feet normal to the roadway centerline, and an average underclearance of 12.0 feet across Conodoguinet Creek (WWF) (Carlisle, PA Quadrangle: Latitude: 40° 14' 21"; Longitude: 77° 10' 49", North: 20.8 inches; West: 7.8 inches). The project involves permanent relocation of 150.0 feet of intermittent stream channel, 0.01 acre of PEM wetland fill for the purpose of roadway approach widening, temporary cofferdams and the use of a temporary causeway for demolition and construction of the pier. The project will result in approximately 95.0 linear feet of temporary perennial stream impact, 75.0 linear feet of permanent perennial stream impact, and 150.0 linear feet of permanent intermittent stream impact, for a cumulative impact of approximately 300.0 linear feet (0.12 acre)

in North Middleton Township, Cumberland County. The amount of wetland impact is de minimis and replacement is not required.

**E05-344: Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street Hollidaysburg, PA 16648, Hopewell Township, **Bedford County**, ACOE Baltimore District.

To remove a single span reinforced concrete T-beam bridge having a clear span of 24.0 feet and an underclearance of 4.0 feet carrying SR 0026 over Bank Run (HQ-CWF) (Hopewell, PA Quadrangle: Latitude: 40° 9' 27"; Longitude: 78° 18' 17", N: 5.9 inches; W: 7.7 inches) in and to construct and maintain a 64-foot long by 24-foot wide and 5-foot underclearance pre-cast concrete box culvert, to construct and maintain a temporary road crossing of Bank Run (HQ-CWF) (Hopewell, PA Quadrangle: Latitude: 40° 9' 27"; Longitude: 78° 18' 17", N: 5.9 inches; W: 7.7 inches) using three 36-inch diameter by 51.5-foot long pipes, to construct and maintain a temporary road crossing of a PEM wetland using an 18-inch diameter pipe, and to temporarily divert Bank Run (HQ-CWF) (Hopewell, PA Quadrangle: Latitude: 40° 9' 27"; Longitude: 78° 18' 17", N: 5.9 inches; W: 7.7 inches) using a 36-inch diameter by 195-foot long pipe. The project will permanently impact 0.5 acre PEM wetlands and 92.5 feet of perennial stream, and will temporarily impact 0.05 acre PEM wetlands and 195.0 feet of perennial stream in Hopewell Township, Bedford County. Compensatory mitigation for permanent wetland impacts will be provided at the Huntingdon Advanced Wetland Compensation Site.

**E29-094: Department of Conservation and Natural Resources**, Bureau of Forestry, James S. Smith, 440 Buchanan Trail, McConnellsburg, PA 17233-8204, Ayr Township, **Fulton County**, ACOE Baltimore District.

To construct and maintain a 4.0-foot wide single span footbridge having a normal span of 69.0 feet and a minimum underclearance of 5.70 feet across Big Cove Creek (CWF) (Big Cove Tannery, PA Quadrangle N: 15.8 inches; W: 6.9 inches, Latitude: 39° 50' 13"; Longitude: 78° 02' 57") for the purpose of improving a trail in Buchanan State Forest located in Big Cove Tannery Village, about 1 mile south of the PA 928 and PA 522 intersection in Ayr Township, **Fulton County**.

**E36-835: Marialice Hollinger**, 50 College Avenue, P. O. Box 347, Elizabethtown, PA 17022-0347, Elizabethtown Borough, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a: (1) 15-inch SLCPP pipe outfall and associated rip-rap protection; and (2) terraces and landscaping along and within the floodway of a UNT

to Conoy Creek (TSF) (Elizabethtown, PA Quadrangle N: 4.1 inches; W: 14.2 inches, Latitude: 40° 08' 49.48"; Longitude: 76° 36' 5.85") to enhance the aesthetics of the property and improve maintenance of the corridor at a point just west of the intersection of College Avenue and South Hanover Street, off of College Avenue, in Elizabethtown Borough, Lancaster County.

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

**E11-331. Department of Transportation, District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648. To construct a bridge in Clearfield Township, **Cambria County**, Baltimore ACOE District. (Ashville, PA Quadrangle N: 17.9 inches; W: 2.7 inches, Latitude: 40° 35' 55"; Longitude: 78° 31' 10"). The applicant proposes to construct and maintain a 98.5 ft. long by 29.4 ft. wide, 22.6 ft. minimum underclearance, single span replacement of the failed SR 1012, 100 ft. long by 20 ft. wide, single span bridge over Clearfield Creek (CWF) with a drainage area of 57 sq. miles, a 239 ft. long relocation of a UNT to Clearfield Creek with a drainage area of 20 acres; and a road stormwater outfall to Clearfield Creek. In addition, a total of 0.001 acre of de minimis Exceptional Value wetland fill will be replaced at the Department of Transportation's Cambria County wetland bank. This project provides for minor road realignment and replacement of the failed Clearfield Creek bridge that was removed January 2, 2008 under Emergency Permit 1107203. The project is located approximately 0.2 mile west of the Village of Dysart in Clearfield Township.

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

**E37-175, Valley View Downs, LP**, 10 West Market Street, Suite 200, Indianapolis, IN 46204. Valley View Downs, in Mahoning Township, **Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quadrangle N: 41° 03' 07"; W: 82° 27' 04").

The applicant is proposing to construct and maintain a 1,500 employee facility consisting of a one-mile horse track, grandstand, clubhouse, casino, parking, stormwater facilities, improvements of Baird Road and other infrastructure SW of the intersection of SR 422 and Baird Road involving to fill four PEM wetlands having areas of 0.37 acre, 0.41 acre, 0.04 acre and 0.01 acre respectively. Project includes mitigation by means of a \$12,450 payment to the Wetland Replacement Fund and a payment of \$80,550 to the Lawrence County Conservation District to manage, administer and distribute funds to a stream improvement project on Deer Creek. The project proposes to directly impact 0.83 acre of PEM wetland.

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## ACTIONS

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

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

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

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

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

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

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

### **I. NPDES Renewal Permit Actions**

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>    | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|---|--------------------------------------|----------------------------|
| PA0060186                   | Elk Meadows Homeowners Association<br>P. O. Box 248<br>Uniondale, PA 18470     | Herrick Township<br>Susquehanna County  | UNT of Tunkhannock Creek<br>4F       | Y                          |
| PA0061603                   | Eagle Lake Community Association<br>P. O. Box 305<br>Gouldsboro, PA 18444-0305 | Covington Township<br>Lackawanna County | UNT to Tamarack Creek<br>2A          | Y                          |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>  | <i>Stream Name<br/>(Watershed#)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|---------------------------------------|-------------------------------------|----------------------------|
| PA0033782<br>(Sewage)       | Timberend Estates, Inc.<br>548 Ruben Kehrer Road<br>Lot 100A<br>Muncy, PA 17756  | Fairfield Township<br>Lycoming County | UNT to Twin Run<br>WWF              | Y                          |
| PA0114693                   | Clymer Township Municipal Authority Sewage Treatment Plant<br>P. O. Box 62<br>Sabinsville, PA 16943-0062                           | Tioga County<br>Clymer Township       | Mill Creek<br>SWP 4A                | Y                          |
| PA0027677<br>IW             | US Department of the Interior<br>U.S.G.S. Northern Appalachian Research Laboratory<br>176 Straight Run Road<br>Wellsboro, PA 16901 | Shippen Township<br>Tioga County      | Marsh Creek<br>9A                   | Y                          |



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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>       | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N</i> |
|-----------------------------|--|--|--------------------------------------|---------------------------|
| PA0093475<br>Sewage         | Findlay Township<br>Municipal Authority<br>1271 Route 30<br>P. O. Box 409<br>Clinton, PA 15026 | Allegheny County<br>Findlay Township       | Potato Garden Run                    | Y                         |
| PA0205346<br>Sewage         | David M. Smith<br>139 Wilma Drive<br>Apollo, PA 15613  | Westmoreland County<br>Washington Township | UNT of Pucketa Creek                 | Y                         |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|-----------------------------|
| PA0014427                   | United States Fish<br>and Wildlife Service<br>Allegheny National<br>Fish Hatchery<br>1050 Hemlock Road<br>Warren, PA 16365 | Glade Township<br>Warren County      | Allegheny River<br>16-B              | Y                           |

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

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

**NPDES Permit No. PA0011011**, Sewage, **Plymouth Tube Company**, 29W150 Warrenville Road, Warrenville, IL 60555. This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated groundwater from an air stripping tower serving the former Plymouth Tube Company to a UNT to Park Creek in Watershed 2F—Neshaminy.

**NPDES Permit No. PA0050458**, Sewage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in East Brandywine Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from a facility known as Culbertson Run WWTP into Culbertson Run in Watershed 3H.

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

**NPDES Permit No. PA-0065200**, Sewage, **Omega Homes, Inc.**, 1150 South Cedar Crest Boulevard, Allentown, PA 18103-7909. This proposed facility is located in West Penn Township, **Schuylkill County**.

Description of Proposed Action: Issuance of NPDES Permit to discharge 0.09 mgd of treated sewage to Mahoning Creek.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327 3664.*

**PA0229211**, Industrial Waste, SIC 2899, **Bionol Clearfield, LLC**, 99 Longwater Circle, Norwell, MA 02061. This proposed facility is located in Clearfield Borough, **Clearfield County**.

Description of Proposed Activity: This proposed action is for issuance of an NPDES permit for a new discharge of blow down, treated industrial waste and stormwaters.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan Watershed 8B and classified for: WWF. The nearest downstream public water supply intake for Reliant Energy is located on West Branch Susquehanna River is 10 miles below the point of discharge.

The proposed effluent limits for Outfall 101 based on a design flow of 0.082 mgd.

| <i>Parameter</i>        | <i>Mass Units lbs/day</i>  |                          | <i>Concentration (mg/l)</i> |                            |                          |                                  |
|-------------------------|----------------------------|--------------------------|-----------------------------|----------------------------|--------------------------|----------------------------------|
|                         | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i> | <i>Minimum</i>              | <i>Average<br/>Monthly</i> | <i>Daily<br/>Maximum</i> | <i>Instantaneous<br/>Maximum</i> |
| pH                      |                            |                          | 6.0                         |                            |                          | 9.0                              |
| TSS                     |                            |                          |                             | 30                         | 60                       |                                  |
| Total Iron              |                            |                          |                             | 2.0                        | 4.0                      |                                  |
| Total Aluminum          |                            |                          |                             | 4.0                        | 8.0                      |                                  |
| Total Manganese         |                            |                          |                             | 1.0                        | 2.0                      |                                  |
| Total Residual Chlorine |                            |                          |                             | 0.5                        |                          |                                  |

| Parameter  | Mass Units lbs/day |               | Concentration (mg/l) |                 | Daily Maximum | Instantaneous Maximum |
|--|--------------------|---------------|----------------------|-----------------|---------------|-----------------------|
|  | Average Monthly    | Maximum Daily | Minimum              | Average Monthly |               |                       |
| The proposed effluent limits for Outfall 102 based on a design flow of 0.125 mgd.    |                    |               |                      |                 |               |                       |
| pH   |                    |               | 6.0                  |                 |               | 9.0                   |
| Total Residual Halogen   |                    |               |                      | 0.2             |               | 0.5                   |
| Temperature  |                    |               |                      | Report          | Report        |                       |
| The proposed effluent limits for Outfalls 002—004 based on a design flow of N/A mgd. |                    |               |                      |                 |               |                       |
| pH   |                    |               |                      |                 | Report        |                       |
| COD  |                    |               |                      |                 | Report        |                       |
| 5 Day CBOD   |                    |               |                      |                 | Report        |                       |
| TSS  |                    |               |                      |                 | Report        |                       |
| Total Recoverable  |                    |               |                      |                 | Report        |                       |
| Petroleum Hydrocarbons   |                    |               |                      |                 |               |                       |
| Ammonia-N  |                    |               |                      |                 | Report        |                       |
| Total Phosphorus   |                    |               |                      |                 | Report        |                       |

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

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

**WQM Permit No. 4907402**, Sewerage 4952, **Milton Regional Sewer Authority**, P. O. Box 433, Milton, PA 17847. This proposed facility is located in Milton Borough and West Chillisquaque Township, **Northumberland County**.

Description of Proposed Action/Activity: A permit has been issued for the construction of a wastewater pumping station and associated force main to convey noncontact cooling water from ConAgra Foods to the Milton Regional Sewer Authority wastewater treatment facility for treatment and discharge.

**WQM Permit No. 4107403**, Sewerage 4952, **Hughesville Wolf Township Joint Municipal Authority**, 547 Woolen Mill Road, Hughesville, PA 17737. This proposed facility is located in Wolf Township, **Lycoming County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a sewage collection system and grinder pump station serving the Tagge Development.

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

**WQM Permit No. 0207401**, Sewerage, **The McCandless Township Sewer Authority**, 418 Arcadia Drive, Pittsburgh, PA 15237-5506. This proposed facility is located in Marshall Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewer, sanitary force main and sewage pump station.

**WQM Permit No. 463S028-A1**, Sewerage, **Westmoreland Fayette Municipal Sewer Authority**, P. O. Box 126, Scottdale, PA 15683. This proposed facility is located in East Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and rerouting of STP outfall sewer.

**WQM Permit No. 6507401**, Sewerage, **City of Jeannette Municipal Authority**, P. O. Box 294, Penn, PA 15675. This proposed facility is located in the City of Jeannette, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for treatment plant improvements.

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

**WQM Permit No. WQG018596**, Sewerage, **Maureen Bergdahl**, 224 Elmhurst Circle, Cranberry Township, PA 16066. This proposed facility is located in Connoquenessing Township, **Butler County**.

Description of Proposed Action/Activity: A single residence Sewage Treatment Plant.

**WQM Permit No. WQG018535**, Sewerage, **Larry E. Shelhamer**, P. O. Box 323, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: A single residence Sewage Treatment Plant.

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

**WQM Permit No. 1594418**, Sewerage, Renewal, **Kennett Township and Suntech, Inc.**, P. O. Box 75, Suntech Associates, Westtown, PA 19395. This proposed facility is located in Kennett Township, **Chester County**.

Description of Action/Activity: Renewal of permit for the operation of the Ashford WWTP and associated subsurface disposal beds and trenches.

**WQM Permit No. 1504407**, Sewerage, Renewal, **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19335. This proposed facility is located in East Brandywine Township, **Chester County**.

Description of Action/Activity: Renewal of a large volume onlot disposal permit for Hideaway Farms disposal beds to dispose of 39,600 gpd of treated sewage from Culbertson Run WWTP.

**WQM Permit No. 1596401**, Sewerage, Renewal, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in East Brandywine Township, **Chester County**.

Description of Action/Activity: Renewal of a large volume onlot disposal permit for Culbertson Run WWTP.

#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>       | <i>Receiving Water/Use</i>                          |
|-------------------------|---|---------------|---------------------------|---|
| PAI011506071            | Emerson and Dennis Bealer<br>1220 East Cedarville Road<br>Pottstown, PA 19465 | Chester       | East Coventry Township    | Pigeon Creek<br>HQ-TSF                              |
| PAI011507046            | Uwchlan Township<br>715 North Ship Road<br>Exton, PA 19341                    | Chester       | Uwchlan Township          | Shamona Creek<br>HQ                                 |
| PAI012307001            | 211 Sycamore Mills Road, LLC<br>160 Park Place<br>Media, PA 19063             | Delaware      | Upper Providence Township | UNT Ridley Creek<br>HQ-TSF<br>UNT Crum Creek<br>WWF |
| PAI015107004            | HSP Gaming, LP<br>1600 Arch Street<br>Suite 300<br>Philadelphia, PA 19103     | Philadelphia  | City of Philadelphia      | Delaware River<br>WWF, MF                           |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>     | <i>Receiving Water/Use</i>            |
|-------------------------|---|---------------|-------------------------|---------------------------------------|
| PAI024806028            | Monocacy Heights, LP<br>4562 Steuben Road<br>Bethlehem, PA 18020                      | Northampton   | Plainfield Township     | Little Bushkill Creek<br>HQ-CWF, MF   |
| PAI024506028            | DEPG Stroud Associates, LP<br>625 Ridge Pike<br>Suite A-107<br>Conshohocken, PA 19428 | Monroe        | Stroud Township         | Wigwam Run<br>HQ-CWF                  |
| PAI024804012            | Northampton County<br>669 Washington St.<br>Easton, PA 18042-7465                     | Northampton   | Upper Nazareth Township | Monocacy Creek<br>Watershed<br>HQ-CWF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>                  | <i>Receiving Water/Use</i>                  |
|-------------------------|---|---------------|--------------------------------------|---|
| PAI033605007            | Salisbury Township<br>5581 Old Philadelphia Pike<br>Gap, PA 17527   | Lancaster     | Salisbury Township                   | Unnamed Branch of<br>Pequea Creek<br>HQ-CWF |
| PAI032806010            | Dennis Fleagle<br>South Mountain<br>Restoration Center<br>10058 South Mountain Road<br>South Mountain, PA 17261 | Franklin      | Guilford Township<br>Quincy Township | Rock Mountain Creek<br>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 Small Flow Treatment Facilities   |
| PAG-5       | General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems   |
| PAG-6       | General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)   |
| 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      | Concentrated Animal Feeding Operations (CAFOs)   |
| PAG-13      | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)  |

*General Permit Type—PAG-02*

| <i>Facility Location &amp; Municipality</i> | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water/Use</i>                         | <i>Contact Office &amp; Phone No.</i>   |
|---|-------------------|--|--|---|
| Parkesburg Borough<br>Chester County        | PAG2001506008     | Heritage Building Group, Inc.<br>2500 York Road<br>Jameson, PA 18929                     | UNT Bucks Run<br>TSF, MF                           | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| East Marlborough Township<br>Chester County | PAG2001507059     | East Marlborough Township<br>721 Unionville Road<br>Kennett Square, PA 19348             | West Branch Red Clay<br>Creek<br>TSF               | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Birmingham Township<br>Chester County       | PAG2001507064     | Aqua PA<br>762 West Lancaster Avenue<br>Bryn Mawr, PA 19010                              | Brandywine Creek<br>WWF, MF                        | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Bethel Township<br>Delaware County          | PAG20023040441    | Maple Zone, LLC<br>1451 Conchester Highway<br>Boothwyn, PA 19061                         | Naamans Creek<br>WWF                               | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Upper Gwynedd Township<br>Montgomery County | PAG2004607170     | Upper Gwynedd Township<br>P. O. Box 1<br>Parkside Place<br>West Point, PA 19486          | Towamencin Creek<br>TSF                            | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Franconia Township<br>Montgomery County     | PAG2004607058     | TH Properties<br>345 Main Street<br>Harleysville, PA 19438                               | Skippack Creek<br>TSF                              | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Upper Merion Township<br>Montgomery County  | PAG2004607165     | Upper Merion Township<br>175 West Valley Forge Road<br>King of Prussia, PA 19406         | Schuylkill River<br>CWF                            | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| City of Philadelphia<br>Philadelphia County | PAG2015107032     | A.P.M.<br>2147 North 6th Street<br>Philadelphia, PA 19122                                | City of Philadelphia<br>Wastewater Treatment Plant | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| City of Philadelphia<br>Philadelphia County | PAG2015107039     | Essington Avenue Partners, LP<br>2701 Renaissance Boulevard<br>King of Prussia, PA 19406 | Schuylkill Tidal<br>Watershed B<br>WWF, MF         | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |

| <i>Facility Location &amp; Municipality</i> | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water/Use</i>   | <i>Contact Office &amp; Phone No.</i>  |
|---|-------------------|--|--|--|
| Susquehanna Township<br>Dauphin County      | PAG2002207057     | Jerry L. Watson<br>Commerce Drive<br>Dauphin, LP<br>30 Marianne Drive<br>York, PA 17406                            | Paxton Creek<br>WWF  | Dauphin County<br>Conservation District<br>1451 Peters<br>Mountain Road<br>Dauphin, PA 17018   |
| Halifax Township<br>Dauphin County          | PAR10I283R        | Gary E. Lenker<br>DONCO Construction,<br>Inc.<br>720 Allegheny Street<br>P. O. Box 123<br>Dauphin, PA 17018        | Susquehanna River<br>WWF   | Dauphin County<br>Conservation District<br>1451 Peters<br>Mountain Road<br>Dauphin, PA 17018   |
| Derry Township<br>Dauphin County            | PAG2002207004     | Jeffrey Keiser<br>Derry Township<br>600 Clearwater Road<br>Hershey, PA 17033                                       | Spring Creek<br>WWF  | Dauphin County<br>Conservation District<br>1451 Peters<br>Mountain Road<br>Dauphin, PA 17018   |
| South Lebanon Township<br>Lebanon County    | PAG2003807029     | Mike Moore<br>Lebanon Valley Cold<br>Storage<br>P. O. Box 191<br>156 West Harrisburg<br>Avenue<br>Rheems, PA 17570 | Municipal Separate<br>Storm Sewer within<br>Quittapahilla Creek<br>TSF | Lebanon County<br>Conservation District<br>2120 Cornwall Road<br>Suite 5<br>Lebanon, PA 17042<br>(717) 272-3908, Ext. 4                  |
| Lebanon City<br>Lebanon County              | PAG2003807025     | Jason Giurintano<br>Habitat for Humanity<br>of Lebanon County, Inc.<br>235 South 12th Street<br>Lebanon, PA 17042  | Quittapahilla Creek<br>TSF   | Lebanon County<br>Conservation District<br>2120 Cornwall Road<br>Suite 5<br>Lebanon, PA 17042<br>(717) 272-3908, Ext. 4                  |
| Swatara Township<br>Lebanon County          | PAG2003807023     | Isaac B. Martin<br>1131 Hunters Chase<br>Lane<br>Lebanon, PA 17046   | UNT to Swatara Creek<br>WWF  | Lebanon County<br>Conservation District<br>2120 Cornwall Road<br>Suite 5<br>Lebanon, PA 17042<br>(717) 272-3908, Ext. 4                  |
| Hamilton Township<br>Franklin County        | PAG2002806007     | Warm Springs Road<br>Phase II<br>Tom Mongold<br>Divinity Investments<br>P. O. Box 1180<br>Chambersburg, PA 17201   | UNT to Back Creek<br>WWF   | Franklin County<br>Conservation District<br>100 Sunset<br>Boulevard West<br>Chambersburg, PA 17201<br>(717) 264-8074, Ext. 5             |
| Southampton Township<br>Franklin County     | PAG2002807029     | United Business Park<br>Joe Raccula<br>Duke Construction<br>5600 Blazer Parkway<br>Suite 100<br>Dublin, OH 43017   | Furnace Run<br>WWF   | Franklin County<br>Conservation District<br>100 Sunset<br>Boulevard West<br>Chambersburg, PA 17201<br>(717) 264-8074, Ext. 5             |
| Middle Paxton Township<br>Dauphin County    | PAG2002207052     | Richard Yingst<br>Fishing Creek Assoc., LP<br>4712 Smith Street<br>Harrisburg, PA 17109                            | Fishing Creek<br>WWF   | Dauphin County<br>Conservation District<br>1451 Peters<br>Mountain Road<br>Dauphin, PA 17018   |
| Jefferson Township<br>Berks County          | PAG2000607076     | Dr. Thomas A. Stewart<br>7173 Bernville Road<br>Bernville, PA 19506  | Northkill Creek<br>CWF   | Berks County<br>Conservation District<br>1238 County<br>Welfare Road<br>Suite 200<br>Leesport, PA 19533-9710<br>(610) 372-4657, Ext. 201 |

| <i>Facility Location &amp; Municipality</i>     | <i>Permit No.</i>                        | <i>Applicant Name &amp; Address</i>   | <i>Receiving Water/Use</i>              | <i>Contact Office &amp; Phone No.</i>   |
|---|--|---|---|---|
| York City<br>York County                        | PAG2006707077                            | Tim Rutter<br>M & G Realty, Inc.<br>2295 Susquehanna Trail<br>York, PA 17404                                    | Willis Run<br>WWF                       | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>(717) 840-7430             |
| Antis Township<br>Blair County                  | PAG2000707022                            | Raymond and<br>Pamela Tononi<br>Raystown Transit<br>Services, Inc.<br>9071 Old Route 22<br>Huntingdon, PA 16652 | Little Juniata River<br>TSF             | Blair County<br>Conservation District<br>1407 Blair Street<br>Hollidaysburg, PA 16648<br>(814) 696-0877, Ext. 5 |
| Penn Township<br>York County                    | PAG2006707080                            | SKF USA, Inc.<br>20 Industrial Drive<br>Hanover, PA 17331   | Gitts Run<br>WWF                        | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>(717) 840-7430             |
| Silver Spring<br>Township<br>Cumberland County  | PAG200210041                             | Cumberland Valley<br>School District<br>Mike Willis<br>6746 Carlisle Pike<br>Mechanicsburg, PA 17050            | Conodoguinet Creek<br>WWF               | Cumberland County<br>Conservation District<br>310 Allen Road<br>Carlisle, PA 17013<br>(717) 240-7812            |
| Penn Township<br>York County                    | PAG2006707079                            | Jason Myers<br>Victory Free Will Baptist<br>Church<br>25 Breezewood Drive<br>Hanover, PA 17331                  | Oil Creek<br>WWF                        | York County<br>Conservation District<br>118 Pleasant Acres Road<br>York, PA 17402<br>(717) 840-7430             |
| Tioga County<br>Chatham Township                | PAG2005907011                            | Chatham Township<br>Municipal Authority<br>1579 Blair Creek Road<br>Little Marsh, PA 16950                      | Crooked Creek<br>WWF                    | Tioga County<br>Conservation District<br>50 Plaza Lane<br>Wellsboro, PA 16901<br>(570) 724-1801, Ext. 3         |
| Armstrong County<br>Rayburn Township            | PAR10B050R                               | Rayburn Township<br>Municipal Authority<br>P. O. Box 776<br>Kittanning, PA 16201                                | Cowanshannock Creek<br>TSF              | Armstrong County CD<br>(724) 548-3425   |
| Fayette County<br>South Union<br>Township       | PAG2002607021                            | Emilio Ciarrocchi<br>121 Regency Drive<br>Uniontown, PA 15401   | UNT to Coal Lick Run<br>WWF             | Fayette County CD<br>(724) 438-4497   |
| Washington County<br>North Franklin<br>Township | PAG2006307038<br>Renewal of<br>PAR10W217 | Lewis and Cheryl Keith<br>2455 Park Avenue<br>Washington, PA 15301  | UNTB to Chartiers<br>Creek<br>WWF       | Washington County CD<br>(724) 228-6774  |
| Elk County<br>City of St. Mary's                | PAG2002407003                            | City of St. Marys<br>P. O. Box 1994<br>11 Lafayette Street<br>St. Marys, PA 15857                               | Elk Creek<br>CWF<br>Hellfire Run<br>CWF | Elk Conservation District<br>(814) 776-5373   |
| <i>General Permit Type—PAG-3</i>                |  |   |   |   |
| <i>Facility Location &amp; Municipality</i>     | <i>Permit No.</i>                        | <i>Applicant Name &amp; Address</i>   | <i>Receiving Water/Use</i>              | <i>Contact Office &amp; Phone No.</i>   |
| Dauphin County<br>Lykens Borough                | PAR203603                                | Alfa Laval, Inc.<br>P. O. Box 10<br>Lykens, PA 17048-0010   | Wisconisco Creek<br>WWF                 | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707                                       |
| Cumberland County<br>Lower Allen<br>Township    | PAR803706                                | Liberty Excavators, Inc.<br>4402 Gettysburg Road<br>Camp Hill, PA 17011   | UNT to Cedar Run<br>CWF                 | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707                                       |

| <i>Facility Location &amp; Municipality</i> | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water/Use</i> | <i>Contact Office &amp; Phone No.</i>  |
|---|-------------------|--|----------------------------|--|
| Bradford County<br>Sayre Borough            | PAR804857         | James M. Haggerty<br>318 North Elmer Avenue<br>Sayre, PA 18840-2108            | Municipal Storm Sewer      | Northcentral<br>Regional Office<br>Water Management<br>Program<br>208 West Third Street<br>Suite 101<br>Williamsport, PA 17701<br>(570) 327-3664 |
| New Sewickley<br>Township<br>Beaver County  | PAR606171         | Crows Run Auto<br>Recycling<br>320 Crows Run Road<br>Freedom, PA 15042         | Crows Run                  | Southwest Regional Office<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>(412) 442-4000       |
| Neville Township<br>Allegheny County        | PAR606143         | Heidelberg Metals<br>3100 Grand Avenue<br>Pittsburgh, PA 15225                 | Ohio River                 | Southwest Regional Office<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>(412) 442-4000       |
| Center Township<br>Indiana County           | PAR706117         | IA Construction<br>Corporation<br>P. O. Box 290<br>Homer City, PA 15748        | Two Lick Creek             | Southwest Regional Office<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>(412) 442-4000       |
| Green Township<br>Indiana County            | PAR226118         | Polyvision Corporation<br>2170 Barr Slope Road<br>Dixonville, PA<br>15734-0048 | UNT to Dixon Run           | Southwest Regional Office<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>(412) 442-4000       |

*General Permit Type—PAG-4*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water/Use</i>          | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|-------------------|---|---|---|
| Connoquenessing<br>Township<br>Butler County                | PAG049400         | Maureen Berghahl<br>224 Elmhurst Circle<br>Cranberry Township, PA<br>16066            | UNT to Connoquenessing<br>Creek<br>20-C | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |
| Farmington<br>Township<br>Warren County                     | PAG048876         | Janice K. Lauffenburger<br>2128 Valentine Run Road<br>Russell, PA 16345               | UNT to Rhine Run<br>16-B                | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |
| Sugar Grove<br>Township<br>Warren County                    | PAG048533         | Michael E. Leach<br>2460 Rounds Hill Road<br>Sugar Grove, PA<br>16350-9233            | Saunders Run<br>16-B                    | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |
| Hayfield Township<br>Crawford County                        | PAG048536         | Lisa H. and<br>Richard C. Schmalzried<br>13470 Foster Road<br>Conneautville, PA 16406 | UNT to Cussewago<br>Creek<br>16-D       | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |

*Facility Location:*

| <i>Municipality &amp; County</i>   | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>                       | <i>Receiving Water/Use</i>       | <i>Contact Office &amp; Phone No.</i>   |
|------------------------------------|-------------------|---|----------------------------------|---|
| Washington Township<br>Erie County | PAG049386         | Larry E. Shelhamer<br>P. O. Box 323<br>Edinboro, PA 16412 | UNT to Conneauttee Creek<br>16-A | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |

*General Permit Type—PAG-7*

| <i>Facility Location &amp; Municipality</i> | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Site Name &amp; Location</i>                               | <i>Contact Office &amp; Phone No.</i>   |
|---|-------------------|--|---|---|
| Southampton Township<br>Cumberland County   | PAG073513         | Borough of Shippensburg<br>111 North Fayette Street<br>P. O. Box 129<br>Shippensburg, PA 17257 | Shippensburg WWTP<br>963 Avon Drive<br>Shippensburg, PA 17257 | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA<br>17110-8200<br>(717) 705-4707 |

*General Permit Type—PAG-8*

| <i>Facility Location &amp; County/<br/>Municipality</i> | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>                                | <i>Site Name &amp; Location</i>   | <i>Contact Office &amp; Phone No.</i>   |
|---|-------------------|--|---|---|
| East Pennsboro Township<br>Cumberland County            | PAG083515         | East Pennsboro Township<br>98 South Enola Drive<br>Enola, PA 17025 | East Pennsboro Township WWTP<br>21 East Dulles Drive<br>Camp Hill, PA 17011 | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA<br>17110-8200<br>(717) 705-4707 |

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

## SAFE DRINKING WATER

### Actions taken under the Pennsylvania Safe Drinking Water Act

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

**Permit No. 0607515 MA, Minor Amendment, Public Water Supply.**

|                            |   |
|----------------------------|---|
| Applicant                  | <b>Shoemakers Borough</b>   |
| Municipality               | Shoemakersville Borough   |
| County                     | <b>Berks</b>  |
| Type of Facility           | This permit approves the use of caustic soda in place of soda ash for pH adjustment and the switch from chlorine gas to sodium hypochlorite for disinfection. |
| Consulting Engineer        | Michael J. Peleschak, P. E.<br>Alfred Benesch & Company<br>400 One Norwegian Plaza<br>Pottsville, PA 17901  |
| Permit to Construct Issued | December 21, 2007   |

**Permit No. 2907502 MA, Minor Amendment, Public Water Supply.**

|              |  |
|--------------|--|
| Applicant    | <b>McConellsburg Borough<br/>Municipal Authority</b> |
| Municipality | Todd Township  |
| County       | <b>Fulton</b>  |



Type of Facility Permit approves installation of a raw water transmission main from the future Stenger Well source to the site of the future treatment facilities.

Consulting Engineer David E. Marks, P. E.  
Gannett Fleming, Inc.  
P. O. Box 67100  
Harrisburg, PA 17106-7100

Permit to Construct Issued December 21, 2007

**Permit No. 2107509 MA, Minor Amendment, Public Water Supply.**

Applicant **North Middleton Authority**

Municipality North Middleton Township and Middlesex

County **Cumberland**

Type of Facility Commons at Parker Springs and Keystone Arms Interconnections.

Consulting Engineer Peter Lusardi, P. E.  
CET Engineering Services  
1240 North Mountain Road  
Harrisburg, PA 17112

Permit to Construct Issued December 27, 2007

**Permit No. 0607520, Public Water Supply.**

Applicant **Wissahickon Spring Water**

Municipality Hamburg Borough

County **Berks**

Type of Facility Addition of fluoride as a mineral to be injected into select bottled water products.

Consulting Engineer Kenneth M. Justice, P. E.  
AEON Geosciences, Inc  
2120 Bellemead Avenue  
Havertown, PA 19083-2250

Permit to Construct Issued December 27, 2007

**Permit No. 0607510, Public Water Supply.**

Applicant **Proto-Cast, LLC**

Municipality Douglass Township

County **Berks**

Type of Facility This application is for the addition of an arsenic treatment system to the existing water system located within the Proto-Cast facility in Douglassville, PA.

Consulting Engineer Karen Pollock, P. E.  
System Designs Engineering  
850 Park Road  
Wyomissing, PA 19610

Permit to Construct Issued January 4, 2008

**Permit No. 2207511, Public Water Supply.**

Applicant **Upper Dauphin Area School District**

Municipality Washington Township

County **Dauphin**

Type of Facility Addition of zinc orthophosphate as lead and copper treatment.

Consulting Engineer Thomas W. Schreffler, P. E.  
Light-Heigel & Associates, Inc.  
430 East Main Street  
Palmyra, PA 17078

Permit to Construct Issued January 8, 2008

**Permit No. 5007505 MA, Public Water Supply.**

Applicant **Bloomfield Borough Water Authority**

Municipality Bloomfield Borough

County **Perry**

Type of Facility New .300 mgd Storage Tank.

Consulting Engineer Harry E. Bingaman, P. E.  
Glace Assoc., Inc.  
3705 Trindle Road  
Camp Hill, PA 17011

Permit to Construct Issued December 21, 2007

**Operations Permit issued to: Superior Water Company, Inc., 3060137, Washington Township, Berks County on December 20, 2007, for the operation of facilities approved under Construction Permit No. 0605509.**

**Operations Permit issued to: Oregon Dairy, Inc., 7361076, Manheim Borough, Lancaster County on December 21, 2007, for the operation of facilities approved under Construction Permit No. 3606512.**

**Operations Permit issued to: Latte Luv Espresso, 7360725, Paradise Township, Lancaster County on December 26, 2007, for the operation of facilities approved under Construction Permit No. 3606513.**

**Operations Permit issued to: Pennsylvania American Water, 3060088, Exeter Township, Berks County on January 3, 2008, for the operation of facilities approved under Construction Permit No. 0607507.**

**Operations Permit issued to: Middle Spring Presbyterian Church, 7280953, Southampton Township, Cumberland County on December 21, 2007, for the operation of facilities approved under Construction Permit No. 2107507.**

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

**Permit No. M.A.—5906501—Operation, Public Water Supply.**

Applicant **Osceola Township Municipal Authority**

Township or Borough Osceola Township

County **Tioga**

Responsible Official John Seely  
Osceola Township Municipal Authority  
P. O. Box 115  
Osceola, PA 16942

Type of Facility Public Water Supply—Operation  
 Consulting Engineer Gregory M. Cummings, P. E.  
 Larson Design Group  
 34 Denison Parkway—West  
 P. O. Box 100  
 Corning, NY 14830

Permit Issued Date January 7, 2008

Description of Action Operation of the 210,000 gallon glass lined, bolted steel finished water storage tank.

**Permit No. 1807503—Construction, Public Water Supply.**

Applicant **Suburban Lock Haven Water Authority**

Township or Borough Lamar Township  
 County **Clinton**

Responsible Official Stuart Sibold, P. E.  
 EADS Group  
 1126 Eighth Avenue  
 Altoona, PA 16602

Type of Facility Public Water  
 Supply—Construction

Consulting Engineer Jack Peters  
 Suburban Lock Haven Water Authority  
 326 Main Street  
 Mill Hall, PA 17751

Permit Issued Date January 7, 2008

Description of Action Add an 850,000 gallon elevated finished water storage tank, upgrade the pumps and controls in the Salona Booster Station and add booster chlorination capabilities at the Salona station as well.

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

**Permit No. 2007504-C, Public Water Supply.**

Applicant **Guys Mills Mutual Water Association**

Borough or Township Randolph Township  
 County **Crawford County**

Type of Facility Municipal Water Association

Consulting Engineer Stephen R. Halmi, P. E.  
 Deiss & Halmi Engineering  
 105 Meadville Street  
 Edinboro, PA 16412

Permit to Construct Issued January 3, 2008

**Rescission of Operations Permit for Lake Properties Holdings, LLC, PWSID No. 6200012, Summit Township, Crawford County, Permit No. 2089501-T1, on January 2, 2008.** The Department of Environmental Resources has received notification and verified the proper abandonment of Well No. 1 and Well No. 2. The facility (former Jo Winn MHP) and none of the water system currently exist.

### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approval Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

#### Plan Location:

| Borough or Township | Borough or Township Address  | County          |
|---------------------|--|-----------------|
| Antrim Township     | P. O. Box 130<br>10655 Antrim Church Road<br>Greencastle, PA 17225 | Franklin County |

*Plan Description:* The approved plan, in the name of Molly Pitcher, provides for 500 residential dwellings and 20 commercial EDUs using ATMA sewer with sewage flows of 117,000 gallons per day. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the Authority.

### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

#### Plan Disapproval Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

#### Plan Location:

| Borough or Township   | Borough or Township Address   | County      |
|-----------------------|---|-------------|
| Peach Bottom Township | c/o Catherine M. Bilger,<br>Secretary<br>545 Broad Street Extended<br>Delta, PA 17314 | York County |

*Plan Description:* A3-67950-181-2, The Woods at Slate Ridge: The Official Plan revision consists of a five lot single-family residential subdivision on 24.4 acres with total proposed sewage flows of 2,000 gpd to be treated by individual onlot disposal system. The proposed development is located on the northwestern side of Quarry Road and the Pennsylvania/Maryland state line Peach Bottom Township, York County. The proposed plan revision was disapproved because the hydrogeologic study contained in the planning information received by the Department of Environmental Protection and required by Chapter 71, § 71.62(c), contained information that the groundwater will be polluted on a portion of the property and the onsite sewage systems proposed for a portion of this subdivision will pollute the Waters of the Commonwealth in violation of The Clean Streams Law. Such a condition is considered a nuisance and is prohibited. Specifically, all proposed lots must be individually sized to dilute the nitrates originating from each lot's system. This proposal included two lots that are too small to attenuate the nitrate-nitrogen being produced by the systems on these lots.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Notice of Prompt Interim Response

#### Everglade Junkyard—Barn Related Contamination Hempfield Township, Westmoreland County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) has initiated a prompt interim response at the Everglade Junkyard—Barn. This response has been initiated under Sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020-505(b)).

The Everglade Junkyard property is located on Everglade Road about 1 mile south of Route 30 in Hempfield Township, Westmoreland County. From the late 1940s and continuing into the 1980s the property was used as a transfer station for ferrous, nonferrous and alloy scrap (especially grindings) collected from different facilities for eventual transfer elsewhere for reuse, recycling, disposal and/or treatment. A barn located on the eastern edge of property appears to have been used in the scrap processing operation. Results of samples taken of the ash, soil and debris located in the barn indicate contamination above the Statewide Health Standards under the Land Recycling and Environmental Remediation Standards Act for PCBs, dioxin, mercury, lead and other metals. The barn is in poor structural condition and there is a concern that its collapse would result in contamination becoming exposed to the elements thereby increasing the threat to human health and the environment.

The objective and scope of the prompt interim response is demolition and cleanup of contamination related to the barn. All contaminated material, including the barn wood, will be properly handled and disposed. Contaminated soil immediately surrounding the barn will be excavated and properly disposed. If needed, clean soil will be used to cover any depressions that remain as a result of the demolition work.

The following alternatives were evaluated: (1) no action; (2) maintain existing fence around barn; and (3) demolish barn and dispose of contaminated material. The selected alternative is number three. This alternative was chosen because it complies with the applicable, relevant and appropriate requirements to the greatest extent compare to the other alternatives and is the most cost effective.

This notice is being provided under Section 506(b) of HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department's Pittsburgh Office at 400 Waterfront Drive, Pittsburgh, PA 15222 and is available for review Monday through Friday from 8 a.m. to 4 p.m.. Contact Dawn Saunders at (412) 442-4000 to schedule a review of this record.

The administrative record will be open for comment from January 19, 2008, until April 17, 2008. Persons may submit written comments into the record during this time only, by sending them to Dawna Saunders at the Department's Pittsburgh Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to this office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hear-

ing. The Department has scheduled the hearing on March 3, 2008, at the Hempfield Township Municipal Building, 1132 Woodward Drive, Greensburg, PA 15601 at 6:30 p.m. Persons wishing to present comments must register with Helen Humphreys by noon on March 3, 2008, at (412) 442-4000 or in writing at 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Helen Humphreys at (412) 442-4000 or through the Pennsylvania AT & T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

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Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Seventh Day Adventist Church**, Hanover Township, **Northampton County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Final Report (on behalf of his client, Seventh Day Adventist Church, 1175 Macada Road, Bethlehem, PA 18017), concerning the remediation of soils found or suspected to have been impacted by No. 2 fuel oil as a result of a leaking underground storage tank. The report was submitted to document attainment of the Residential Statewide Health Standard for soils. A public notice regarding the submittal of the Final Report was published in the *Express-Times* on October 29, 2007. A Notice of Intent to Remediate was simultaneously submitted.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Esbin Property**, West Lampeter Township, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Josephine Esbin, 1719 Pennsylvania Avenue, Lancaster, PA 17602-2603, submitted a Remedial Investigation Report and Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health and Site-Specific Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan,

is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Lyman Witmer Residence**, Pine Grove Township, **Schuylkill County**. Ryan C. Winnan, Storb Environmental, Inc., 410 North Easton Road, Willow Grove, PA 19090 submitted a Final Report (on behalf of his client, Lyman Witmer, 212 Tremont Road, Pine Grove, PA 17963) concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of an accidental release. The report demonstrated attainment of the Residential Statewide Health Standard for soils and was approved on January 2, 2008.

**Schoch, Inc.**, Hamilton Township, **Monroe County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 submitted a Final Report and an addendum (on behalf of his client, Rose Schoch, 4300 Manor Drive, Stroudsburg, PA 18360), concerning the remediation of soils found to have been impacted by diesel fuel as the result of an accidental release from a 55-gallon drum. The report demonstrated attainment of the Residential Statewide Health Standard for soils and was approved on January 7, 2008. The report was originally submitted within 90 days of the release.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Suburban Heating Oil Partners**, City of Lancaster, **Lancaster County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Esther M. Goropoulos, 8 Foxglove Circle, Hershey, PA 17033-2619 and Suburban Heating Oil Partners, 5793 Widewaters Parkway, Suite 100, Syracuse, NY 13214, submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soils and groundwater contaminated with petroleum product. The report and plan were approved by the Department of Environmental Protection on December 13, 2007. The applicant intends to remediate the site to the Site-Specific Standard.

**Steelton Highspire Elementary School**, Steelton Borough, **Dauphin County**. Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, on behalf of Steelton Highspire School District, Swatara Street and Reynders Avenue, Steelton, PA 17113, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils contaminated with PAHs and metals. The Remedial Investigation Report and Cleanup

Plan were approved by the Department of Environmental Protection on December 24, 2007. The applicant intends to remediate the site to the Site-Specific Standard.

**Gettysburg College**, Borough of Gettysburg, **Adams County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17103, on behalf of Gettysburg College, 300 North Washington Street, Campus Box 392, Gettysburg, PA 17325, submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with chlorinated solvents. The reports and plan were disapproved by the Department of Environmental Protection on January 7, 2008.

**David Yurista Residence**, West Hempfield Township, **Lancaster County**. Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518, on behalf of David Yurista, 3659 Horizon Drive, Lancaster, PA 17601-1115, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on January 7, 2008.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Gary Alexander Property**, Terry Township, **Bradford County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of Welles Mill Company, Inc., R. R. 6, Box 6024, Towanda, PA 18848 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on December 27, 2007.

**Robert F. Mitchell Oil Co. (Former)**, Decatur Township, **Clearfield County**. Marshall Miller & Assoc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011 on behalf of Carl Wright, Wright Philipsburg, LLC, 532 Bryn Mawr Avenue, Swarthmore, PA 19801 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with gasoline. The Final Report Demonstrated attainment of the Site-Specific Standard and was conditionally approved by the Department of Environmental Protection on January 4, 2008.

**J. F. Arms Enterprises I-80W MM 247 Accident**, Mifflin Township, **Columbia County**. Taylor Geo-Services, Inc., 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073 on behalf of J. F. Arms Enterprises, 5080 North Lakeview Road, Bloomington, IN 47404 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on December 27, 2007.

**Henkels & McCoy, Inc. Route 15S Truck Accident Site**, Shamokin Dam Borough, **Snyder County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Henkels & McCoy, Inc., P. O. Box 218, Burlington, NJ 08016 has submitted a Final Report concerning remediation of site soil contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on December 28, 2007.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**U. S. Bronze Foundry & Machine, Inc.—South Parking Lot Site**, Woodcock Township, **Crawford County**. Pneumo Abex, LLC, c/o Briggs & Morgan, P.A., 2200 IDS Center, 80 South 8th Street, Minneapolis, MN 55402 on behalf of U. S. Bronze Foundry & Machine, Inc., 18649 Brake Shoe Road, Meadville, PA 16335 has submitted a Cleanup Plan concerning the remediation of site soils contaminated with lead and chromium. The Cleanup Plan was approved by the Department of Environmental Protection on January 2, 2008.

**Former GTE Products Corporation Titusville Facility**, Oilcreek Township, **Venango County**. Malcolm Pirnie, 43 British American Boulevard, Latham, NY 12110 on behalf of GTE Operations Support, Inc., One Verizon Way VC34W453, Basking Ridge, NJ 07920-1097 has submitted a Remedial Investigation Report and Final Report concerning the remediation of site soil and site groundwater contaminated with CIS-1,2-dichloroethylene, tetrachloroethylene, trichloroethylene and vinyl chloride. The Remedial Investigation Report and Final Report demonstrated attainment of the Statewide Health Standard and Site-Specific Standard and was approved by the Department of Environmental Protection on December 12, 2007.

**OMG Americas**, Sugarcreek Borough, **Venango County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of OMG Americas, P. O. Box 111, Franklin, PA 16323 has submitted a Risk Assessment Report concerning the remediation of site soil, site groundwater, site surface water and site sediment contaminated with lead, heavy metals, solvents, BTEX, PHCs and Pahs. The Risk Assessment Report was disapproved by the Department of Environmental Protection on November 21, 2007.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Eastco Enterprises, Inc.**, Jackson Township, **Lebanon County Permit Number 300742**. This is to inform individuals that the Department of Environmental Protection has reviewed the application for a Permit Reissuance for the Quaker Alloy, Inc. residual waste landfill to determine whether it contains the information, maps, fees and other documents necessary to be considered administratively complete. Be advised that the application has been determined to be administratively complete.

#### **RESIDUAL WASTE GENERAL PERMITS**

**Permits Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Number WMGR039.** G & H Oil Company, 2553 Pennsylvania Avenue West, Warren, PA 16365-3620. General Permit Number WMGR039 authorizes operation of transfer facilities and rail transloading facilities for the processing of waste oil (including waste oil mixed with waste in accordance with 25 Pa. Code § 298.10(b)(2)(ii) or (iii)), waste oil/water mixtures and asphalt condensate from the manufacture of shingles prior to beneficial use. The approved processing is limited to collection, bulking, storage and passive oil/water separation. The permit was renewed by Central Office on December 24, 2007.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit Modification Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit Application No. 400593. Covanta Delaware Valley, LP,** 10 Highland Avenue, Chester, PA 19013, City of Chester, **Delaware County.** This application is for modification to the maximum daily volume and to the days and hours of waste acceptance and queuing area operations at the facility. The application was modified by Southeast Regional Office on January 2, 2007.

#### AIR QUALITY

**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, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**46-0147B: Chemalloy Co., Inc.** (P. O. Box 350, Bryn Mawr, PA 19010) on January 7, 2008, to operate a metal grinding and milling processing plant at an existing facility in Bryn Mawr, **Montgomery County.**

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

**40-305-027A: Mountaintop Anthracite, Inc.** (1550 Crestwood Road, Mountaintop, PA 18707) on December 19, 2007, to operate an anthracite coal drying, screening and packaging plant at their facility in Wright Township, **Luzerne County.**

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

**01-05016K: ISP Minerals, Inc.** (P. O. Box O, Blue Ridge Summit, PA 17214-0914) on January 2, 2007, to replace two screens and supporting conveyors and elevators. Replacement of existing equipment within existing sources will be controlled by the use of an existing fabric filter baghouse in Hamiltonban Township, **Adams County.**

**67-05083: Conective Mid-Merit, LLC** (P. O. Box 6066 92 DC 72, Newark, DE 19714-6066) on January 3, 2008, for construction of a combined cycle electric generating facility. The proposed facility is to be in Peach Bottom Township, **York County.** This is a modification of the plan approval application.

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

**08-00002C: E. I. DuPont de Nemours & Co., Inc.** (R. D. 1, Box 15, Towanda, PA 18848) on December 4, 2007, to modify a thermal colors filters coater (Coater No. 11) by increasing the allowable VOC emissions from less than 2.7 tpy to a maximum of 24.46 tons in any 12 consecutive month period and the allowable HAP emissions from less than 1 tpy for any individual HAP and less than 2.5 tpy for all HAPs combined to a maximum of 24.4 tons in any 12 consecutive month period as well as for the installation of an air cleaning device (a regenerative thermal oxidizer) on the respective coater in North Towanda Township, **Bradford County.**

**07-00005A: Glen-Gery Corp.** (P. O. Box 338, Bigler, PA 16825) on December 4, 2007, to construct a secondary clay and shale impact crusher in Bradford Township, **Clearfield County.**

**55-399-006A: Apex Homes, Inc.** (7172 Route 522, Middleburg, PA 17842) on December 4, 2007, to construct a modular home manufacturing operation in Middlecreek Township, **Snyder County.**

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

**AMS 07162: Sun Chemical Corporation** (3301 Hunting Park Avenue, Philadelphia, PA 19132) on January 3, 2008, to install one new Kady Mill (KM-12) in the City of Philadelphia, **Philadelphia County.** The Kady Mill will have the following potential annual emissions: 4.8 tons of VOCs, 4.6 tons of PM and 0.3 tons of HAPs.

**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, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**46-0025J: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) on January 2, 2008, to operate eight new tanks in Upper Merion Township, **Montgomery County.**

**46-0147: Chemalloy Co., Inc.** (P. O. Box 350, Bryn Mawr, PA 19010) on January 2, 2008, to operate a ball mills and dust collectors in Plymouth Township, **Montgomery County.**

**46-0037X: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on January 7, 2008, to operate a powder packaging unit in Douglass Township, **Montgomery County.**

**15-0114: Action Manufacturing Co.** (500 Bailey Crossroads Road, Atglen, PA 19310) on January 7, 2008, to operate a thermal treatment unit in West Fallowfield Township, **Chester County**.

**46-0037Q: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on January 7, 2008, to operate a wet dust Collector in Douglass Township, **Montgomery County**.

**46-0240: Smithfield Beef Group** (249 Allentown Road, Souderton, PA 18964) on January 7, 2008, to operate a 29.9 mmBtu/hr heat input boiler in Franconia Township, **Montgomery County**.

**46-0037V: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on January 7, 2008, to operate a gemco dryer in Building 19 in Douglass Township, **Montgomery County**.

**46-0198K: Blommer Chocolate Co.** (1101 Blommer Drive, East Greenville, PA 18041-2140) on January 7, 2008, to operate an expansion project in Upper Hanover Township, **Montgomery County**.

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

**36-05129A: Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) on January 3, 2008, to use alternative fuel sources for their existing Silver Hill Quarry batch asphalt plant in Brecknock Township, **Lancaster County**. This plan approval was extended.

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

**14-399-016A: Spectrum Control, Inc.** (1900 West College Avenue, State College, PA 16801) on January 2, 2008, to extend the authorization to operate various ceramic capacitor manufacturing operations on a temporary basis until May 1, 2008, in Ferguson Township, **Centre County**. The plan approval has been extended.

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

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**15-00010: ArcelorMittal Plate, LLC** (139 Modena Road, Coatesville, PA 19320) on January 7, 2008, this is a Title V facility in the City of Coatesville, **Chester County**. The Title V Operating Permit has been amended to incorporate conditions from Plan Approval Nos. 15-0010 and 15-0010A, for the modifications of two grit blast machines and two NAB furnaces. Under Plan Approval No. 15-0010, emissions of PM from the Vertical Grit Blast Machine increased from 0.84 tpy to 4.09 tpy. Under the same Plan Approval, emissions of PM from the Horizontal Grit Blast Machine increased from 0.84 tpy to 4.31 tpy. Under Plan Approval No. 15-0010A, the 145' NAB Furnace and the 200' NAB Furnace were made subject to new restrictions such that the combined emissions of NOx have been reduced from approximately 93.2 tons per 12-month rolling period to 64.3 tons per 12-month rolling period. All other emissions from the two NAB Furnaces will be reduced in proportion with the NOx emissions. All revisions to the Title V Operating Permit were made under 25 Pa. Code § 127.450.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Norman Frederick, Facilities Permitting Chief, (570) 826-2531.*

**40-00008: Offset Paperback Manufacturing, Inc.** (P. O. Box N, 101 Memorial Highway, Dallas, PA 18612) on December 31, 2007, to operate a facility Title V Operating Permit in Dallas, **Luzerne County**.

**40-00010: CertianTeed Corp.** (1220 Oak Hill Road, Mountaintop, PA 18707) on December 31, 2007, to operate a facility Title V Operating Permit in Wright Township, **Luzerne County**.

**40-00046: Wilkes-Barre General Hospital** (575 North River Street, Wilkes-Barre, PA 18764-0001) on December 17, 2007, to operate a facility Title V Operating Permit in City of Wilkes-Barre, **Luzerne County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**28-05003: Columbia Gas Transmission Corp.** (950 Manifold Road, Washington, PA 15301-9610) on December 31, 2007, for natural gas transmission and storage facilities in Montgomery Township, **Franklin County**. This is a renewal of the Title V operating permit.

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

**63-00070: Dyno Nobel, Inc.** (Dyno Nobel, Inc. 1320 Galiffa Drive, Donora, PA 15033) on January 1, 2008, for an operating permit renewal that includes a Best Available Retrofit Technology. The facility's major sources of emissions include a nitric acid plant, which emits major quantities of NOx. The permit includes all applicable emission restrictions, testing, monitoring, recordkeeping and reporting requirements. No emission changes are being approved in this action determination for their Donora Plant, in Donora Borough, **Washington County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**09-00059: Saint Mary Medical Center** (1201 Langhorne Newtown Road, Langhorne, PA 19047) on January 7, 2008, for a renewal Non-Title V Facility, State-only, Synthetic Minor Permit in Middletown Township, **Bucks County**. Saint Mary Medical Center is a general medical and surgical hospital. The facility has taken site level restrictions for natural gas and No. 2 fuel oil usage. The fuel restrictions will ensure that Saint Mary Medical Center remains under the emission thresholds. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**48-00081: NAPA Development Corp., Inc.** (P. O. Box 639, Wind Gap, PA 18091) on December 31, 2007, to issue a State-only (Natural Minor) Operating Permit for operation of a stone crushing operation and associated air cleaning devices in Plainfield Township, **Northampton County**.



**40-00047: Geisinger Health Group Dallas** (1000 East Mountain Drive, Wilkes-Barre, PA 18711-0027) on November 30, 2007, to operate a Facility State-only Natural Minor Operating Permit for quarry operation of boilers in Plains Township, **Luzerne County**.

**40-00067: Wyoming Valley Sanitary Authority** (P. O. Box 33A, Wilkes-Barre, PA 18703-1333) on November 30, 2007, to operate a Facility State-only Synthetic Minor Operating Permit for operation of an incinerator and scrubber in Hanover Township, **Luzerne County**.

**40-00049: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17104) on December 31, 2007, to operate a Facility State-only Natural Minor Operating Permit for quarry operation in Dorrance Township, **Luzerne County**.

**13-00010: Ametek Corp.—OFC** (42 Mountain Avenue, Green Acres Industrial Park, Nesquehoning, PA 18240) on December 31, 2007, to operate a Facility State-only Natural Minor Operating Permit for a Plastic Material and Resins operation in Nesquehoning Borough, **Carbon County**.

**48-00002: Stroehmann Bakeries** (2400 Northampton Street, Easton, PA 18042) on December 31, 2007, to operate a Facility State-only Synthetic Minor Operating Permit for a Bread and Roll product operation in Palmer Township, **Northampton County**.

**54-00001: Gold Mills, LLC** (P. O. Box 26969, Greensboro, NC 27419-6969) on December 31, 2007, to operate a Facility State-only Synthetic Minor Operating Permit for operation of a Textile and fabric finishing mill in Pine Grove Borough, **Schuylkill County**.

**54-00044: Middleport Materials, Inc.** (P. O. Box 189, Telford, PA 18969) on December 31, 2007, to operate a Facility State-only Natural Minor Operating Permit for operation of a portable cone crusher in Walker Township, **Schuylkill County**.

**39-00064: Cera-Met, LLC** (2175 Avenue C, Bethlehem, PA 18017-2119) on December 31, 2007, to operate a Facility State-only Synthetic Minor Operating Permit for operation of a Aluminum Foundry in the City of Bethlehem, **Lehigh County**.

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

**05-03006: Kennametal, Inc.** (442 Chalybeate Road, Bedford, PA 15522-8637) on December 27, 2007, to operate a foundry operation in Colerain Township, **Bedford County**.

**05-03010: New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664-0077) on January 7, 2008, to operate a limestone crushing plant, limestone wash plant, truck load out, two portable limestone crushing plants and a concrete plant in Snake Spring Township, **Bedford County**.

**67-03116: Surtech Industries, Inc.** (915 Borom Road, York, PA 17404-1382) on December 27, 2007, to operate an industrial manufacturing facility in the City of York, **York County**. This is a renewal of the State-only operating permit.

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

**14-00017: Supelco, Inc.** (595 North Harrison Road, Bellefonte, PA 16823) on December 4, 2007, to operate a

chromatographic equipment manufacturing facility in Spring Township, **Centre County**.

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

**20-00281: Channellock, Inc.** (1306 South Main Street, Meadville, PA 16335-3035) on January 3, 2008, to re-issue the Natural Minor Permit to operate a metal hand tool manufacturing facility in City of Meadville, **Crawford County**. The facility's major emission sources include miscellaneous natural gas combustion, waste incinerator, metal polishing and miscellaneous natural gas process use.

**25-00360: The Electric Materials Co.** (50 South Washington Street, North East, PA 16428) on December 26, 2007, to re-issue the State-only Operating Permit for operation of the facility's air contamination sources consisting of natural gas process units, annealing furnace, four cold batch degreasing units, open-top vapor degreaser, four brazing units, three paint booths, four induction furnaces, three core sand molding presses and a burn-off oven for the secondary metal production in the Borough of North East, **Erie County**.

**25-00886: Vincent Cross Paving, Inc.** (11620 Lake Pleasant Road, Union City, PA 16438), on December 20, 2007, to re-issue the Synthetic Minor Operating Permit for this asphalt paving material manufacturing plant in Venango Township, **Erie County**. The facility's primary sources of emissions are a hot mix asphalt batch plant and the associated equipment.

**43-00294: International Timber & Veneer, LLC** (75 McQuiston Drive, Jackson Center, PA 16133) on January 2, 2008, re-issue the State-only Operating Permit for operation of the facility's air contamination sources consisting of a 23.9 mmBtu/hr wood-fired boiler, 8.4 mmBtu/hr natural gas boiler, three space heater, four veneer dryers and sawing, grinding and chipping sources for the processing of hardwood logs into veneer in Jackson Township, **Mercer County**.

**43-00309: Bucks Fabricating, Inc.** (3547 Perry Highway, Hadley, PA 16130-7237) on January 2, 2008, to the issue a Natural Minor Operating Permit to operate a facility that fabricates Steel roll off dumpsters in Sandy Creek Township, **Mercer County**. The facility's primary emission sources include surface coating, assembly cleaning, a steam cleaning machine, an emergency generator and propane heaters.

**62-00149: Interlectric Corp., Inc.** (1401 Lexington Avenue, Warren, PA 16365) on January 3, 2008, to reissue a Synthetic Minor Permit to operate an electric lamp bulb and tube manufacturing company in the City of Warren, **Warren County**. The significant sources included, 1) Miscellaneous natural gas fired sources, 2) Flow application coating process, 3) Coating mixing room. The facility has taken a limitation on the facilities potential to emit VOCs not more than 49.9 tpy to qualify as synthetic minor status.

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

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



**36-05097: Pennsy Supply, Inc.** (P. O. Box 4688, Lancaster, PA 17604-4688) on January 3, 2008, for operation of an asphalt plant in Fulton Township, **Lancaster County**. This operating permit was administratively amended due to a change of ownership. This is Revision No. 1.

**36-05126: Pennsy Supply, Inc.** (P. O. Box 4688, Lancaster, PA 17604-4688) on January 3, 2008, for a batch asphalt plant controlled by a fabric filter at Donegal Quarry, Heisey Quarry Road in West Donegal Township, **Lancaster County**. This operating permit was administratively amended due to a change of ownership. This is Revision No. 1.

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

**10-00344: Fannie's Friends** (352 Railroad Street, Evans City, PA 16033) on January 2, 2008, a Natural Minor Operating Permit was administratively amended to incorporate a change of Responsible Official, located in Evans City, **Butler County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### *Coal Permits Actions*

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

**Permit Number 56743705 and NPDES No. PA0235695. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Mine 78 CRDA in Paint Township, **Somerset County** to conduct refuse operations, add acreage and two NPDES points and change operation name from Windber Mine No. 78 CRDA. Coal Refuse Disposal Support Acres Proposed: 29. Receiving stream: UNT to Paint Creek, classified for the following use: CWF. Application received August 10, 2006. Permit issued December 20, 2007.

**Permit Number 56971301 and NPDES Permit No. PA0214973. RoxCOAL, Inc.**, (P. O. Box 149, Friedens, PA 15541), to renew the permit for the Geronimo Mine in Jenner and Quemahoning Townships, **Somerset County** and related NPDES permit. No additional discharges. Application received December 21, 2006. Permit issued December 21, 2007

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**26020103 and NPDES Permit No. PA0250163. Stash Mining Company** (P. O. Box 20, Waltersburg, PA 15488). Permit renewal issued for reclamation only of an existing bituminous surface mining site located in Menallen Township, **Fayette County**, affecting 27.7 acres. Receiving stream: Redstone Creek. Application received September 28, 2007. Renewal issued January 3, 2008.

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

**17970110 and NPDES No. PA0220655. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650), permit renewal for the continued operation and restoration of a bituminous surface mine in Penn Township, **Clearfield County**, affecting 256.0 acres. Receiving streams: UNT to Bell Run to Bell Run to West Branch Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 6, 2007. Permit issued December 13, 2007.

**17910124 and NPDES No. PA0206725. 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 Brady Township, **Clearfield County**, affecting 393.0 acres. Receiving streams: UNT to Laurel Branch Run to Laurel Branch Run, UNT to Beech Run and Beech Run, Beech Run and Laurel Branch Run to East Branch Mahoning Creek, East Branch Mahoning Creek to Mahoning Creek, classified for the following use: HW-CWF. The first downstream potable water supply intake from the point of discharge is: Pennsylvania American Water Company intake on East Branch of Mahoning Creek in Big Run, PA. Application received June 6, 2007.

**17010115 and NPDES No. PA0243183. King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866), permit renewal for the continued operation and restoration of a bituminous surface mine in Morris and Boggs Townships, **Clearfield County**, affecting 190.1 acres. Receiving streams: Emigh Run to Moshannon Creek to West Branch Susquehanna, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received September 27, 2007.

**17000105 and NPDES No. PA0242926. Hilltop Coal Company, Inc.** (R. R. 1, Box 347, Houtzdale, PA 16651), permit renewal for reclamation only of a bituminous surface mine in Gulich Township, **Clearfield County**, affecting 48 acres. Receiving streams: East Branch Little Muddy Run to Little Muddy Run to Muddy Run to Clearfield Creek to the West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received December 10, 2007. Permit issued December 11, 2007.

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

**54860207R4. South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), renewal of an existing anthracite coal refuse reprocessing and disposal operation in West Penn Township, **Schuylkill County** affecting 65.0 acres, receiving stream: none. Application received April 10, 2007. Renewal issued December 31, 2007.

**40663031C6. Jeddo-Highland Coal Company**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), correction to an existing anthracite surface mine operation to include coal refuse reprocessing in Foster Township,

**Luzerne County** affecting 536.0 acres, receiving stream: none. Application received July 6, 2007. Correction issued January 7, 2008.

**19860101R4. Jac-Mar Coal Co. t/a L & E Coal**, (P. O. Box 353, Cresco, PA 18326), renewal of an existing anthracite surface mine operation in Conyngham Township, **Columbia County** affecting 190.0 acres, receiving stream: none. Application received April 3, 2006. Renewal issued January 7, 2008.

*Noncoal Permits Actions*

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

**64070817. Tompkins Bluestone Co., Inc.**, (P. O. Box 776, Hancock, New York 13783), commencement, operation and restoration of a quarry operation in Buckingham Township, **Wayne County** affecting 4.0 acres, receiving stream: none. Application received August 16, 2007. Permit issued December 31, 2007.

**58070855. Robert J. Hilling**, (R. R. 1, Box 163, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Oakland Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received October 1, 2007. Permit issued December 31, 2007.

**58070853. Adam Gregerson**, (R. R. 1, Box 1431, Laceyville, PA 18623), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County** affecting 1.0 acre, receiving stream: none. Application received September 11, 2007. Permit issued December 31, 2007.

**58070859. William M. Ruark**, (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received October 17, 2007. Permit issued January 2, 2008.

**58070860. William M. Ruark**, (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received October 17, 2007. Permit issued January 2, 2008.

**58070861. William M. Ruark**, (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received October 17, 2007. Permit issued January 2, 2008.

**66070806. William M. Ruark**, (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Meshoppen Township, **Wyoming County** affecting 5.0 acres, receiving stream: none. Application received October 17, 2007. Permit issued January 2, 2008.

**5278SM2C7 and NPDES Permit No. PA0595764. Hanson Aggregates Pennsylvania, Inc.**, (P. O. Box 231, Easton, PA 18044), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lake Township, **Wayne County**, receiving stream: UNT to Middle Creek. Application received November 15, 2007. Renewal issued January 2, 2008.

**40980301C3 and NPDES Permit No. PA0223867. Brdaric Excavating, Inc.**, (913 Miller Street, Luzerne, PA 18709), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in

Kingston Township, **Luzerne County**, receiving stream: UNT to Susquehanna River. Application received November 19, 2007. Renewal issued January 4, 2008.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

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

**21074175. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Hampden Township, **Cumberland County**. Blasting activity permit end date is December 31, 2008. Permit issued December 24, 2007.

**21074176. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for water service extension development in Middlesex Township, **Cumberland County**. Blasting activity permit end date is December 31, 2008. Permit issued December 24, 2007.

**01074122. Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for sewage treatment plant development in Bonneauville Borough, **Adams County**. Blasting activity permit end date is December 30, 2008. Permit issued December 27, 2007.

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

**52074133. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Twin Lake Road in Shohola Township, **Pike County** with an expiration date of June 30, 2008. Permit issued December 31, 2007.

**09074130. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Woodspring Meadows in West Rockhill Township, **Bucks County** with an expiration date of December 15, 2008. Permit issued January 2, 2008.

**360741133. Keystone Blasting Service**, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Hartman Station in East Lampeter and Upper Leacock Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued January 2, 2008.

**360741134. Keystone Blasting Service**, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for West Ridge Development in Ephrata Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued January 2, 2008.

**360741135. Keystone Blasting Service**, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Anglesea Development in West Earl Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued January 2, 2008.

**38074130. Keystone Blasting Service**, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Beckley's Corner Estates in South Lebanon Township,

**Lebanon County** with an expiration date of December 30, 2008. Permit issued January 2, 2008.

**38074131. Keystone Blasting Service**, (381 Reif-snyder Road, Lititz, PA 17543), construction blasting for Falcon Crest Development in South Lebanon Township, **Lebanon County** with an expiration date of December 30, 2008. Permit issued January 2, 2008.

**38074132. Keystone Blasting Service**, (381 Reif-snyder Road, Lititz, PA 17543), construction blasting for Iron Valley Development/Cornwall Estates in Cornwall Borough, **Lebanon County** with an expiration date of December 30, 2008. Permit issued January 2, 2008.

**38074133. Keystone Blasting Service**, (381 Reif-snyder Road, Lititz, PA 17543), construction blasting for Stone Hill Trailer Park in North Annville Township, **Lebanon County** with an expiration date of December 30, 2008. Permit issued January 2, 2008.

**46074129. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Coddington View in Upper Pottsgrove Township, **Montgomery County** with an expiration date of June 30, 2008. Permit issued January 2, 2008.

**46074130. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Parklands in Upper Hanover Township, **Montgomery County** with an expiration date of January 1, 2009. Permit issued January 2, 2008.

**46074006. Joao & Bradley Construction**, (P. O. Box 20345, Lehigh Valley, PA 18002) and AJT Blasting, LLC, (P. O. Box 20412, Bethlehem, PA 18002), construction blasting for the Horsham Township Water and Sewer Extension in Horsham Township, **Montgomery County** with an expiration date of September 30, 2008. Permit issued January 2, 2008.

**51074004. Explo-Craft, Inc.**, (P. O. Box 1332, West Chester, PA 19380), construction blasting at the Channel 6 Site in the City of Philadelphia, **Philadelphia County** with an expiration date of December 31, 2008. Permit issued January 2, 2008.

**09074131. Eastern Blasting Co., Inc.**, (1292 Street Road, New Hope, PA 18938), construction blasting for single dwelling in Buckingham Township, **Bucks County** with an expiration date of August 10, 2008. Permit issued January 3, 2008.

**360741132. Keystone Blasting Service**, (381 Reif-snyder Road, Lititz, PA 17543), construction blasting for Hempfield Crossings in East Hempfield Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued January 3, 2008.

**36084101. Keystone Blasting Service**, (381 Reif-snyder Road, Lititz, PA 17543), construction blasting for a single dwelling in West Hempfield Township, **Lancaster County** with an expiration date of April 30, 2008. Permit issued January 3, 2008.

**48074120. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Hanover Corporate Center in Lower Nazareth and Hanover Townships, **Northampton County** with an expiration date of December 31, 2008. Permit issued January 3, 2008.

**48084101. Schlouch, Inc.**, (P. O. Box 69, Blandon, PA 19510), construction blasting for Airport Commons in Hanover Township, **Northampton County** with an expiration date of January 2, 2009. Permit issued January 3, 2008.

**48084102. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Penn's Ridge in Forks Township, **Northampton County** with an expiration date of January 1, 2009. Permit issued January 3, 2008.

#### ABANDONED MINE RECLAMATION

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

|                  |  |
|------------------|--|
| Bond Forfeiture  | <b>PBF 57830101.3</b>  |
| Contract Awarded |  |
| Location         | Cherry Township<br><b>Sullivan County</b>  |
| Description      | Act 181, Bond Forfeiture Reclamation, Bernice Mining and Contracting, Inc., Surface Mining Permit No. 57830101     |
| Contractor       | Endless Mountain Business Holdings, Inc.<br>d/b/a Adams Enterprises<br>235 Bardwell Road<br>Factoryville, PA 18419 |
| Amount           | \$364,000.00   |
| Date of Award    | December 27, 2007  |

#### 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**

*Northeast Regional Office, Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E45-484. Hirshland & Company**, 1055 West Lakes Drive, Suite 300, Berwyn, PA 19312. Mt. Pocono Borough, **Monroe County**, United States Army Corps of Engineers Philadelphia District.

To place fill in approximately 0.07 acre of PEM wetlands for the purpose of constructing an entrance road for a proposed commercial development. The permittee is required to provide for 0.07 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is located on the south side of SR 0940, approximately 0.8 mile east of SR 0314 (Pocono Pines, PA Quadrangle N: 21.8 inches; W: 0.3 inches). (Subbasin: 1E)

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

**E17-438. Victory Energy Corporation**, 220 Airport Road, Indiana, PA 15701. Natural Gas Collection Pipeline Installation in Bell Township, **Clearfield County**, ACOE Baltimore District (Westover, PA Quadrangle; Latitude: 40° 51' 17"; Longitude 78° 41' 41").

The applicant proposed to operate and maintain a two-inch natural gas pipeline that extends approximately 2,000-feet to connect Thompson Wells No. 109 and No. 114. The site is located immediately to the east of SR 36 and the Crest Creek floodplain, approximately 2 miles south of the Borough of Mahaffey. This application was an after-the-fact submission to apply for authorization for the existing natural gas line. Original construction temporarily impacted 0.05 acre in two PEM/PSS wetlands. Onsite wetland restoration of 0.05 acre occurred to mitigate for the unauthorized wetland impact.

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

**E02-584-A3 Hanson Aggregates PMA, Inc.**, 2200 Springfield Pike, Connellsville, PA 15425, in Washington and Pine Townships, **Armstrong County**, Pittsburgh ACOE District (Templeton, PA Quadrangle N: 7.5 inches; W: 12.4 inches). To amend Permit E02-584, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties, to include Allegheny River Mile Points 54.7 to 55.0 right and left descending bank in Washington and Pine Townships, Armstrong County.

**Permit No. E02-584**

Attachment No. 1 Approved Dredging Areas by River Mile

| County    | River     | Pool | River Miles    | Municipalities                              | Comments/<br>Restrictions | Mussel Survey<br>Expiration Date |
|-----------|-----------|------|----------------|---|---------------------------|----------------------------------|
| Allegheny | Allegheny | 4    | 26.4 to 26.7 L | Allegheny Township<br>(Westmoreland County) |                           | 01/18/11                         |
|           |           |      | 26.8 to 27.2 R | Harrison Township                           |                           | 01/18/11                         |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

**Permit No. E02-584**

Attachment No. 2 Approved Dredging Areas by River Mile

| County | River | Pool       | River Miles    | Municipalities                       | Comments/<br>Restrictions                        | Mussel Survey<br>Expiration Date |
|--------|-------|------------|----------------|--------------------------------------|--|----------------------------------|
| Beaver | Ohio  | Montgomery | 19.2 to 20.2 R | Baden Borough                        |  | 04/12/11                         |
|        |       |            | 20.6 to 21.6 R | Conway Borough<br>Economy Borough    |  | 03/21/10                         |
|        |       |            | 21.0 to 21.1 L | Hopewell Township                    | Minimum 250<br>ft. Setback from<br>NP shoreline. | 05/16/09                         |
|        |       |            | 21.1 to 21.3 L | Hopewell Township                    |  | 05/16/09                         |
|        |       |            | 21.3 to 21.4 L | Hopewell Township<br>Center Township | Minimum 250<br>ft. setback from<br>NP shoreline. | 05/16/09                         |
|        |       |            | 21.4 to 21.6 L | Center Township                      | Minimum 200<br>ft. setback from<br>NP shoreline. | 05/16/09                         |
|        |       |            | 21.6 to 21.7 L | Center Township                      |  | 05/16/09                         |

| <i>County</i> | <i>River</i> | <i>Pool</i>       | <i>River Miles</i>      | <i>Municipalities</i>  | <i>Comments/<br/>Restrictions</i> | <i>Mussel Survey<br/>Expiration Date</i> |
|---------------|--------------|-------------------|-------------------------|--|-----------------------------------|--|
|               |              |                   | 26.2 to 27.2 L<br>and R | Beaver Borough,<br>Center Township,<br>Potter Township,<br>Vanport Borough |                                   | 04/12/11                                 |
|               |              |                   | 31.0 to 31.4 R          | Industry Borough   |                                   | 07/26/10                                 |
|               | Ohio         | New<br>Cumberland | 35.5 to 36.0 L<br>and R | Greene Township<br>Midland Borough<br>Shippingport Borough                 |                                   | 03/21/10                                 |
|               |              |                   | 36.6 to 36.8 R          | Midland Borough  |                                   | 05/22/08                                 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.  
"NP"—refers to normal pool

**Permit No. E02-584**

Attachment No. 3 Approved Dredging Areas by River Mile

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i>    | <i>Municipalities</i>                  | <i>Comments/<br/>Restrictions</i> | <i>Mussel Survey<br/>Expiration Date</i> |
|---------------|--------------|-------------|-----------------------|--|-----------------------------------|--|
| Armstrong     | Allegheny    | 8           | 52.8 to 53.3 L        | Boggs Township,<br>Washington Township |                                   | 09/17/08                                 |
|               |              |             | 54.7 to 55.0<br>L & R | Pine Township,<br>Washington Township  |                                   | 05/31/12                                 |
|               |              |             | 55.0 to 55.2<br>L & R | Pine Township,<br>Washington Township  |                                   | 10/08/11                                 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

**E02-919-A3 Tri-State River Products, Inc.**, Box 218, 334 Insurance Street, Beaver, PA 15009, in Washington and Pine Townships, **Armstrong County**, Pittsburgh ACOE District (Templeton, PA Quadrangle N: 7.5 inches; W: 12.4 inches). To amend Permit E02-919, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties, to include Allegheny River Mile Points 54.7 to 55.0 right and left descending bank in Washington and Pine Townships, Armstrong County.

**Permit No. E02-919**

Attachment No. 1 Approved Dredging Areas by River Mile

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i> | <i>Municipalities</i>                       | <i>Comments/<br/>Restrictions</i> | <i>Mussel Survey<br/>Expiration Date</i> |
|---------------|--------------|-------------|--------------------|---|-----------------------------------|--|
| Allegheny     | Allegheny    | 4           | 26.4 to 26.7 L     | Allegheny Township<br>(Westmoreland County) |                                   | 01/18/11                                 |
|               |              |             | 26.8 to 27.2 R     | Harrison Township                           |                                   | 01/18/11                                 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

**Permit No. E02-919**

Attachment No. 2 Approved Dredging Areas by River Mile

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i> | <i>Municipalities</i>                | <i>Comments/<br/>Restrictions</i>                | <i>Mussel Survey<br/>Expiration Date</i> |
|---------------|--------------|-------------|--------------------|--------------------------------------|--|--|
| Beaver        | Ohio         | Montgomery  | 19.2 to 20.2 R     | Baden Borough                        |  | 04/12/11                                 |
|               |              |             | 20.6 to 21.6 R     | Conway Borough<br>Economy Borough    |  | 03/21/10                                 |
|               |              |             | 21.0 to 21.1 L     | Hopewell Township                    | Minimum 250<br>ft. Setback from<br>NP shoreline. | 05/16/09                                 |
|               |              |             | 21.1 to 21.3 L     | Hopewell Township                    |  | 05/16/09                                 |
|               |              |             | 21.3 to 21.4 L     | Hopewell Township<br>Center Township | Minimum 250<br>ft. setback from<br>NP shoreline. | 05/16/09                                 |
|               |              |             | 21.4 to 21.6 L     | Center Township                      | Minimum 200<br>ft. setback from<br>NP shoreline. | 05/16/09                                 |

| <i>County</i> | <i>River</i>      | <i>Pool</i> | <i>River Miles</i>      | <i>Municipalities</i>  | <i>Comments/<br/>Restrictions</i> | <i>Mussel Survey<br/>Expiration Date</i> |
|---------------|-------------------|-------------|-------------------------|--|-----------------------------------|--|
|               |                   |             | 21.6 to 21.7 L          | Center Township  |                                   | 05/16/09                                 |
|               |                   |             | 26.2 to 27.2<br>L and R | Beaver Borough,<br>Center Township,<br>Potter Township,<br>Vanport Borough |                                   | 04/12/11                                 |
|               |                   |             | 31.0 to 31.4 R          | Industry Borough   |                                   | 07/26/10                                 |
| Ohio          | New<br>Cumberland |             | 35.5 to 36.0<br>L and R | Greene Township<br>Midland Borough<br>Shippingport Borough                 |                                   | 03/21/10                                 |
|               |                   |             | 36.6 to 36.8 R          | Midland Borough  |                                   | 05/22/08                                 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.  
"NP"—refers to normal pool

#### Permit No. E02-919

##### Attachment No. 3 Approved Dredging Areas by River Mile

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i>      | <i>Municipalities</i>                  | <i>Comments/<br/>Restrictions</i> | <i>Mussel Survey<br/>Expiration Date</i> |
|---------------|--------------|-------------|-------------------------|--|-----------------------------------|--|
| Armstrong     | Allegheny    | 8           | 52.8 to 53.3L           | Boggs Township,<br>Washington Township |                                   | 09/17/08                                 |
|               |              |             | 54.7 to 55.0<br>L and R | Pine Township,<br>Washington Township  |                                   | 05/31/12                                 |
|               |              |             | 55.0 to 55.2<br>L and R | Pine Township,<br>Washington Township  |                                   | 10/08/11                                 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

**E02-1326-A3 Glacial Sand and Gravel Company**, P. O. Box 1022, Kittanning, PA 16201, in Washington and Pine Townships, **Armstrong County**, Pittsburgh ACOE District (Templeton, PA Quadrangle N: 7.5 inches; W: 12.4 inches). To amend Permit E02-1326, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties, to include Allegheny River Mile Points 54.7 to 55.0 right and left descending bank in Washington and Pine Townships, Armstrong County.

#### Permit No. E02-1326

##### Attachment No. 1 Approved Dredging Areas by River Mile

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i> | <i>Municipalities</i>                       | <i>Comments/<br/>Restrictions</i> | <i>Mussel Survey<br/>Expiration Date</i> |
|---------------|--------------|-------------|--------------------|---|-----------------------------------|--|
| Allegheny     | Allegheny    | 4           | 26.4 to 26.7 L     | Allegheny Township<br>(Westmoreland County) |                                   | 01/18/11                                 |
|               |              |             | 26.8 to 27.2 R     | Harrison Township                           |                                   | 01/18/11                                 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

#### Permit No. E02-1326

##### Attachment No. 2 Approved Dredging Areas by River Mile

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i> | <i>Municipalities</i>                | <i>Comments/<br/>Restrictions</i>                | <i>Mussel Survey<br/>Expiration Date</i> |
|---------------|--------------|-------------|--------------------|--------------------------------------|--|--|
| Beaver        | Ohio         | Montgomery  | 19.2 to 20.2 R     | Baden Borough                        |  | 04/12/11                                 |
|               |              |             | 20.6 to 21.6 R     | Conway Borough<br>Economy Borough    |  | 03/21/10                                 |
|               |              |             | 21.0 to 21.1 L     | Hopewell Township                    | Minimum 250<br>ft. Setback from<br>NP shoreline. | 05/16/09                                 |
|               |              |             | 21.1 to 21.3 L     | Hopewell Township                    |  | 05/16/09                                 |
|               |              |             | 21.3 to 21.4 L     | Hopewell Township<br>Center Township | Minimum 250<br>ft. setback from<br>NP shoreline. | 05/16/09                                 |

| <i>County</i> | <i>River</i> | <i>Pool</i>       | <i>River Miles</i>      | <i>Municipalities</i>  | <i>Comments/<br/>Restrictions</i>          | <i>Mussel Survey<br/>Expiration Date</i> |
|---------------|--------------|-------------------|-------------------------|--|--|--|
|               |              |                   | 21.4 to 21.6 L          | Center Township  | Minimum 200 ft. setback from NP shoreline. | 05/16/09                                 |
|               |              |                   | 21.6 to 21.7 L          | Center Township  |  | 05/16/09                                 |
|               |              |                   | 26.2 to 27.2<br>L and R | Beaver Borough,<br>Center Township,<br>Potter Township,<br>Vanport Borough |  | 04/12/11                                 |
|               |              |                   | 31.0 to 31.4 R          | Industry Borough   |  | 07/26/10                                 |
|               | Ohio         | New<br>Cumberland | 35.5 to 36.0<br>L and R | Greene Township<br>Midland Borough<br>Shippingport Borough                 |  | 03/21/10                                 |
|               |              |                   | 36.6 to 36.8 R          | Midland Borough  |  | 05/22/08                                 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.  
"NP"—refers to normal pool

#### Permit No. E02-1326

Attachment No. 3 Approved Dredging Areas by River Mile

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i>    | <i>Municipalities</i>                  | <i>Comments/<br/>Restrictions</i> | <i>Mussel Survey<br/>Expiration Date</i> |
|---------------|--------------|-------------|-----------------------|--|-----------------------------------|--|
| Armstrong     | Allegheny    | 8           | 52.8 to 53.3 L        | Boggs Township,<br>Washington Township |                                   | 09/17/08                                 |
|               |              |             | 54.7 to 55.0<br>L & R | Pine Township,<br>Washington Township  |                                   | 05/31/12                                 |
|               |              |             | 55.0 to 55.2<br>L & R | Pine Township,<br>Washington Township  |                                   | 10/08/11                                 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

**E11-321. Johnstown Redevelopment Authority**, Public Safety Building, Fourth Floor, 401 Washington Street, Johnstown, PA 15901. To operate an aerial sanitary sewer line in the City of Johnstown, **Cambria County**, Pittsburgh ACOE District. (Pittsburgh, PA Quadrangle N: 10.04 inches; W: 5.89 inches and Latitude: 40° 18' 19"; Longitude: 78° 55' 02"). To operate and maintain an aerial sanitary sewer line crossing over Cheney Run (WWF), with an 18-inch diameter C.I.P. or PVC pipe, for the purpose of conveying excess flows and to supplement an existing 8-inch diameter sanitary sewer line. The project is located adjacent to the brick arch bridge that carries Osborne Street over this watercourse.

**E11-329. Lamont Crocco**, 1167 Franklin Street, Johnstown, PA 15905-4309. To construct a concrete channel in the City of Johnstown, **Cambria County**, Pittsburgh ACOE District. (Johnstown, PA Quadrangle N: 9.67 inches; W: 6.54 inches and Latitude: 40° 18' 11.61"; Longitude: 78° 55' 18.91"). To construct and maintain a 39' by 84' restaurant and bar spanning an existing concrete channel over Cheney Run (WWF). The total channel impact is approximately 39 feet.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA17-005. The Clearfield Foundation**, P. O. Box 250, Clearfield, PA 16830. Wetland restoration project at the former SB Elliott State Tree Nursery in Pine Township, **Clearfield County**, ACOE Baltimore District (Elliott Park Quadrangle; Latitude N: 41° 7' 24"; Longitude W: 78° 31' 45").

To restore 4.8 acres of wetlands at the former SB Elliott State Tree Nursery near SB Elliott State Park, within the Stony Run Watershed (HW-CWF). The wetland restoration also includes 0.5 acre of wetland enhancement and 3.8 acres of terrestrial/wetland fringe enhancement through vegetative plantings. Wetland restoration will result in 0.1 acre of permanent PEM wetland impact due to the placement of water level control structures and 0.2 acre of temporary PEM wetland impact due to placement of access roads.

#### SPECIAL NOTICES

##### Certification to Perform Radon-Related Activities in Pennsylvania

In the month of December 2007, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

| <i>Name</i>  | <i>Address</i>   | <i>Type of Certification</i> |
|--|--|------------------------------|
| A'n S Company  | P. O. Box 1145<br>121 East Simpson Street<br>Mechanicsburg, PA 17055 | Testing                      |
| Francesco Amati  | 7 Rabe Lane<br>Donora, PA 15033                                      | Testing                      |
| Stephen Beloyan  | P. O. Box 201<br>308 Hill Avenue<br>Langhorne, PA 19047              | Testing                      |
| Donald Bole  | 227 Ramparts Boulevard<br>New Kensington, PA 15068                   | Testing                      |
| Francis Butler, Jr.                                    | 20 Thornridge Road<br>Springfield, PA 19064                          | Testing                      |
| George Conklin, III<br>Appalachian Environmental Group | 237 Susquehanna Avenue<br>Lock Haven, PA 17745                       | Testing and Mitigation       |
| Michael Conroy   | 74 Derbyshire Drive<br>Carlisle, PA 17015                            | Testing                      |
| Robert Haushalter, Jr.                                 | 4786 Cypress Street<br>Pittsburgh, PA 15224                          | Testing                      |
| Robert Hewlett   | P. O. Box 1942<br>Cranberry Township, PA 16066                       | Mitigation                   |
| Mark Johnson   | 112 Salix Drive<br>Bellefonte, PA 16823                              | Testing                      |
| Daniel Link  | 127 East Chestnut Street<br>West Chester, PA 19380                   | Mitigation                   |
| John Lomonaco  | 102 Mink Lane<br>Greentown, PA 18426                                 | Testing                      |
| Richard Malin  | 2075 Haymaker Road<br>Monroeville, PA 15146                          | Testing                      |
| John Mallon, Jr.<br>Radon Detection & Control          | P. O. Box 419<br>4027 Jordan Street<br>South Heights, PA 15081       | Testing and Mitigation       |
| Frank Marsico  | 504 Woodcrest Drive<br>Mechanicsburg, PA 17050                       | Mitigation                   |
| Robert Raishart  | 778 Armel Hollow Road<br>Latrobe, PA 15650                           | Testing                      |
| Jeffrey Remas  | 314 Race Street<br>West Pittston, PA 18643                           | Testing                      |
| Keith Roe  | 1510 Gary Street<br>Bethlehem, PA 18018                              | Testing                      |
| John Rogers  | 1129 Old Eagle Road<br>Lancaster, PA 17601                           | Testing                      |
| Brendan Ryan<br>Envirocare                             | 216 Logan Road<br>Valencia, PA 16059                                 | Testing                      |
| Kenneth Schutter                                       | P. O. Box 55<br>Kimberton, PA 19442                                  | Testing                      |
| Volz Environmental Services, Inc.                      | 1200 Gulf Lab Road<br>Pittsburgh, PA 15238                           | Testing                      |

#### **Bureau of Mine Safety; Request for Variance**

The Department of Environmental Protection (Department), Bureau of Mine Safety (Bureau), has received a request for variance from Penn View Mining Company. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Cathy Dunn, (724) 439-7469 or from the BMS website at [www.depweb.state.pa.us/deepminesafety/site/default.asp](http://www.depweb.state.pa.us/deepminesafety/site/default.asp).

The Department is publishing a summary of the request to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. All comments should be addressed to: Joseph A. Scaffoni, Director, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401.



Section 702 of the Bituminous Coal Mine Act (act) (53 P. S. § 701-101—701-706), provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 242(c) states that where belt conveyors are installed, main stoppings and regulators shall be so arranged as to reduce the quantity of air traveling in the belt conveyor entry to a minimum for effective ventilation and to provide an intake air split as an escapeway from the face are to the main air current.

*Summary of the Request:* Penn View Mining requests a variance to use point CO early warning fire detection system and entries in common with the belt conveyor entry at the TJS No. 6 Mine.

**Request for Comment and Notice of Public Meeting For the Proposed Total Maximum Daily Load (TMDL) for the Brush Run Watershed in Beaver County**

*Greensburg District Mining Office: Armbrust Building, 8205 Route 819, Greensburg, PA 15601.*

The Department of Environmental Protection (Department) is holding a public meeting on February 6, 2008, beginning at 10:30 a.m. at the Greensburg District Mining Office in Greensburg, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of Section 303(d) of The Clean Water Act. One stream segment in the Brush Run Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals; additional segments were identified in 1998, 2002, 2004 and 2006. The listed segment and miles degraded are shown in the following table:

| <i>Stream Code</i> | <i>Stream Name</i> | <i>Miles Degraded</i> |
|--------------------|--------------------|-----------------------|
| 33337              | Brush Run          | 7.35                  |

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows (Brush Run is designated as a high quality water):

| <i>Parameter</i> | <i>Criterion value (mg/l)</i> | <i>Total Recoverable/Dissolved</i> |
|------------------|-------------------------------|------------------------------------|
| Aluminum         | 0.0783                        | Total Recoverable                  |
| Iron             | 0.247                         | Total Recoverable                  |
| Manganese        | 0.0289                        | Total Recoverable                  |
| pH               | 6.0—9.0                       | NA                                 |

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The 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 TMDL.

The TMDL sets allowable loading rates for metals, sediment and acidity at specified points in the watershed.

The basis of information used in the establishment of this TMDL is field data collected throughout 2006.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Michael Gardner at (724) 925-5522 between 8 a.m. and 3 p.m., Monday through Friday, at Greensburg District Mining Office, 8205 Route 819, Greensburg, PA 15601. E-mail will be received at mgardner@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The proposed TMDL can be viewed and printed by accessing the Department's website at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by March 19, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3 p.m. Friday, February 1. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

**Request for Comment and Notice of Public Meeting For the Proposed Total Maximum Daily Load (TMDL) for Clarks Run Watershed in Beaver County**

*Greensburg District Mining Office: Armbrust Building, 8205 Route 819, Greensburg, PA 15601.*

The Department of Environmental Protection (Department) is holding a public meeting on February 6, 2008, beginning at 10:30 a.m. at the Greensburg District Mining Office in Greensburg, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements Section 303(d) of The Clean Water Act. One stream segment in the Clarks Run Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals; additional segments were identified in 1998, 2002, 2004 and 2006. The listed segment and miles degraded are shown in the following table:

| <i>Stream Code</i> | <i>Stream Name</i> | <i>Miles Degraded</i> |
|--------------------|--------------------|-----------------------|
| 34015              | Brush Run          | 3.5                   |

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese), 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             | 1.50                          | Total Recoverable                  |
| Manganese        | 1.0                           | Total Recoverable                  |
| pH               | 6.0—9.0                       | NA                                 |

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The 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 TMDL.

The TMDL sets allowable loading rates for metals, sediment and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2006.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Marty Picklo at (724) 925-5517 between 8 a.m. and 3 p.m., Monday through Friday, at Greensburg District Mining Office, 8205 Route 819, Greensburg, PA 15601. E-mail will be received at mpicklo@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The proposed TMDL can be viewed and printed by accessing the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by March 19, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3 p.m. Friday, February 1. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

**Request for Comment and Notice of Public Meeting  
For the Proposed Total Maximum Daily Load  
(TMDL) for the Saltlick Run Watershed in  
Fayette County**

*Greensburg District Mining Office: Armbrust Building,  
8205 Route 819, Greensburg, PA 15601.*

The Department of Environmental Protection (Department) is holding a public meeting on February 5, 2008, beginning at 1:30 p.m. at the Greensburg District Mining Office in Greensburg, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of Section 303(d) of The Clean Water Act. One stream segment in the Wallace Run Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals; additional segments were identified in 1998, 2002, 2004 and 2006. The listed segment and miles degraded are shown in the following table:

| <i>Stream Code</i> | <i>Stream Name</i> | <i>Miles Degraded</i> |
|--------------------|--------------------|-----------------------|
| 40203              | Saltlick Run       | 2.8                   |

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

| <i>Parameter</i> | <i>Criterion value<br/>(mg/l)</i> | <i>Total Recoverable/<br/>Dissolved</i> |
|------------------|-----------------------------------|---|
| Aluminum         | 0.75                              | Total Recoverable                       |
| Iron             | 1.50                              | Total Recoverable                       |
| Manganese        | 1.0                               | Total Recoverable                       |
| pH               | 6.0—9.0                           | NA                                      |

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The 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 TMDL.

The TMDL sets allowable loading rates for metals, sediment and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2006.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Michael Gardner at (724) 925-5522 between 8 a.m. and 3 p.m., Monday through Friday, at Greensburg District Mining Office, 8205 Route 819, Greensburg, PA 15601. E-mail will be received at mgardner@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by March 19, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3 p.m. Friday, February 1. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

**Request for Comment and Notice of Public Meeting  
For the Proposed Total Maximum Daily Load  
(TMDL) for the Wallace Run Watershed in  
Fayette County**

*Greensburg District Mining Office: Armbrust Building,  
8205 Route 819, Greensburg, PA 15601.*

The Department of Environmental Protection (Department) is holding a public meeting on February 5, 2008, beginning at 1:30 p.m. at the Greensburg District Mining Office in Greensburg, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of Section 303(d) of The Clean Water Act. One stream segment in the Wallace Run Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals; additional segments were identified in 1998, 2002, 2004 and 2006. The listed segment and miles degraded are shown in the following table:

| <i>Stream Code</i> | <i>Stream Name</i> | <i>Miles Degraded</i> |
|--------------------|--------------------|-----------------------|
| 41088              | Wallace Run        | 1.3                   |

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

| <i>Parameter</i> | <i>Criterion value<br/>(mg/l)</i> | <i>Total Recoverable/<br/>Dissolved</i> |
|------------------|-----------------------------------|---|
| Aluminum         | 0.75                              | Total Recoverable                       |
| Iron             | 1.50                              | Total Recoverable                       |
| Manganese        | 1.0                               | Total Recoverable                       |
| pH               | 6.0—9.0                           | NA                                      |

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily

mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The 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 TMDL.

The TMDL sets allowable loading rates for metals, sediment and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2006.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Michael Gardner at (724) 925-5522 between 8 a.m. and 3 p.m., Monday through Friday, at Greensburg District Mining Office, 8205 Route 819, Greensburg, PA 15601. E-mail will be received at mgardner@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by March 19, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3 p.m. Friday, February 1. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 08-98. Filed for public inspection January 18, 2008, 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](http://www.depweb.state.pa.us) (DEP Keywords: 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 2008.

#### *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.

#### *Draft Technical Guidance*

DEP ID: 383-3301-102. Title: Laboratory Reporting Instructions for Total and Fecal Coliform Bacteria in Public Drinking Water Distribution Systems. Description: This guidance provides instructions to all public water systems and certified laboratories for the reporting of drinking water total and fecal coliform monitoring results as required by the Federal Total Coliform Rule and as implemented under the PA TCR in Chapter 109 of the Pennsylvania Safe Drinking Water Regulations. Substantive revisions are proposed to the guidance in order to incorporate new EPA-approved analytical laboratory reporting methods for total and fecal coliform methods, as well as revisions to the Lab Responsibilities Section to achieve consistency with Chapter 109. A new section on the Department Assistance Tools is also added to the guidance document. Written Comments: The Department is seeking comments on the substantive revisions to draft technical guidance No. 383-3301-102. Interested persons may submit written comments on this draft technical guidance document by February 19, 2008. 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 Dawn Hissner, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, P. O. Box 8467, Harrisburg, PA 17105-84671, [dhissner@state.pa.us](mailto:dhissner@state.pa.us). Contact: Questions regarding the draft technical guidance document should be directed to Dawn Hissner at (717) 787-0130 or [dhissner@state.pa.us](mailto:dhissner@state.pa.us). Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

#### *Final Technical Guidance*

DEP ID: 383-3301-306. Title: Laboratory Reporting Instructions for Disinfectant Residuals, Disinfection Byproducts and Precursors. Description: This guidance provides instructions to all public water systems and certified laboratories for the reporting of drinking water disinfectant residual, chlorite, bromate, bromide, total trihalo-methanes, haloacetic acids, UV254, dissolved organic carbon, specific ultraviolet absorbance, total organic carbon and alkalinity monitoring results as required by the Federal Surface Water Treatment Rule and the Disinfectants/Disinfection Byproducts Rule (D/DBPR) and as implemented under the Pennsylvania Filter Rule and the D/DBPR in 25 Pa. Code Chapter 109 (relating to safe drinking water). The D/DBPR and revisions to the Pennsylvania Filter Rule became effective on July 21, 2001. This guidance was developed to establish uniform instructions and protocol for implementing reporting requirements for the contaminants regulated under these rules.

Notice of the draft technical guidance document was published in the *Pennsylvania Bulletin* on 35 Pa.B. 6383 (November 19, 2005), with provision for a 30-day public comment period that concluded on December 19, 2005. Although the Department did not receive any public comments during the comment period, the Department made changes to the final document to enhance its clarity.

Specifically, in Section 2 of the document, the responsibilities of the laboratory were clarified, as well changes in Section 7 to clarify the type of documentation that must be retained by the laboratory and the duration for which it must be retained. In addition, in Section 6, the list of Analysis Method Codes was modified in order to be consistent with the Method Update Rule published by the Environmental Protection Agency in March 2007, and Bromate and Total Organic Carbon were added to the summary tables in Section 9 in order to be consistent with the monitoring and reporting revisions for contaminants under the Stage 2 Disinfectants/Disinfectant Byproduct Rule. Contact: Dawn Hissner, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, P. O. Box 8467, Harrisburg, PA 17105-84671, (717) 787-0130; dhissner@state.pa.us. Effective Date: January 19, 2008.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-99. Filed for public inspection January 18, 2008, 9:00 a.m.]

### Bid Opportunity

**BOGM 07-12, Cleaning Out and Plugging 28 Abandoned and Orphan Oil Wells, (Donna Reiley O'Dell, Mike Dudick, Fred Cloud, Fred Lunden, Mildred Colosimo, Mr. and Dominic Piganelli Jr., Dan Hillard, George Duke, Mr. and Mrs. Ben Wentworth, Joseph Tominez, David Lunden and Jennifer Tingley Properties), Bradford City and Foster Township, McKean County.** The principal items of work include cleaning out and plugging 28 abandoned and orphan oil wells, estimated to be 1,300 feet each in depth, to the Department of Environmental Protection's specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on January 18, 2008, and bids will be opened on February 21, 2008, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-100. Filed for public inspection January 18, 2008, 9:00 a.m.]

### Water Resources Regional Committee Meetings Schedule for 2008

The following is a list of 2008 meeting dates for the six Water Resources Regional Committees associated with the Department of Environmental Protection (Department). These schedules and an agenda for each meeting, including meeting locations and meeting materials, will be available through the Public Participation Center on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

The six regional committees listed were created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of a new State Water

Plan (plan) for the Commonwealth. The regional committees' purpose is to develop the regional component of the overall plan, and to provide recommendations to the Statewide Water Resources Committee, which is charged under 27 Pa.C.S. Chapter 31 to develop the plan.

The 2008 meeting dates of the six Water Resources Regional Committees are as follows:

#### Delaware Water Resources Regional Committee

Meetings of the Delaware Water Resources Regional Committee in 2008 will be held at 9:30 a.m. at various locations throughout the Delaware River Basin. The meeting dates are as follows:

|                   |   |
|-------------------|---|
| February 8, 2008  | Department of Environmental Protection<br>Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401 |
| May 9, 2008       | Sweet Arrow Lake County Park<br>Clubhouse<br>Clubhouse Road<br>Pine Grove, PA 17963                               |
| August 8, 2008    | Jim Thorpe Environmental Center<br>151 East White Bear Drive<br>Summit Hill, PA 18250                             |
| November 14, 2008 | Department of Environmental Protection<br>Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401 |

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 2008 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 5, 2008 |
| May 6, 2008      |
| August 5, 2008   |
| November 4, 2008 |

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 2008 will be held at 9:30 a.m. at the following locations:

|                   |   |
|-------------------|---|
| February 11, 2008 | Department of Environmental Protection      |
| August 11, 2008   | Southcentral Regional Office                |
| November 10, 2008 | 909 Elmerton Avenue<br>Harrisburg, PA 17110 |

May 12, 2008 Dauphin County Conservation District  
1451 Peters Mountain Road  
Dauphin, PA 17018

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 2008 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 4, 2008  
May 5, 2008  
August 4, 2008  
November 3, 2008

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 2008 will be held at 10 a.m. at various locations throughout the Potomac River Basin. The meeting dates are as follows:

February 15, 2008 Adams County Department of Emergency Services  
230 Greenamyler Lane  
Gettysburg, PA 17325

May 16, 2008 Franklin County Administrative Annex Building  
218 North 2nd Street  
Chambersburg, PA 17201

September 19, 2008 Adams County Department of Emergency Services  
230 Greenamyler Lane  
Gettysburg, PA 17325

November 21, 2008 Franklin County Administrative Annex Building  
218 North 2nd Street  
Chambersburg, PA 17201

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 2008 will be held at 10 a.m. at various locations throughout the Upper/Middle Susquehanna River Basin. The meeting dates are as follows:

February 20, 2008 Centre County Solid Waste Authority  
253 Transfer Road  
Bellefonte, PA 16823

May 21, 2008 Department of Environmental Protection  
Northcentral Regional Office  
208 West Third Street, Suite 101  
Williamsport, PA 17701-6448

August 20, 2008 Department of Environmental Protection  
Northeast Regional Office  
2 Public Square  
Wilkes-Barre, PA 18711

November 19, 2008 Department of Environmental Protection  
Northcentral Regional Office  
208 West Third Street, Suite 101  
Williamsport, PA 17701-6448

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.

Persons with a disability who require accommodations to attend any of the meetings listed previously should contact the Department at (717) 783-6118 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-101. Filed for public inspection January 18, 2008, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Request for Proposal Pennsylvania Public Television Network

The Pennsylvania Public Television Network (PPTN) Commission, an independent State agency based in Hershey, PA, has issued a Request for Proposal (RFP) related to the procurement of a Digital Media Asset Management System and a Network Real Time File Transfer System. Interested parties can obtain a copy of the RFP by accessing PPTN's website [www.pptn.state.pa.us](http://www.pptn.state.pa.us) or by written request to PPTN, 24 Northeast Drive, Hershey, PA 17033 or by contacting Richard Kaelberer at [rkaelberer@state.pa.us](mailto:rkaelberer@state.pa.us). Final proposals are due to the PPTN office no later than noon on Monday, February 4, 2008, at the address listed previously.

Not all Bidding Opportunities are advertised in the *Pennsylvania Bulletin* for State government agencies. Generally, Bidding Opportunities over \$20,000 for materials and \$250,000 for services are advertised on the Department of General Services (Department), Bureau of Procurement website at [www.dgsweb.state.pa.us/comod/main.asp](http://www.dgsweb.state.pa.us/comod/main.asp). The Bidding Opportunities website is updated on a daily basis.

Suppliers interested in doing business with Commonwealth agencies are strongly encouraged to register as a portal supplier at [www.pasupplierportal.state.pa.us](http://www.pasupplierportal.state.pa.us).

For more information, contact the Department Supplier Services and Support, (717) 346-2676, (877) 435-7363 (toll free), rasrmhelp@state.pa.us.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 08-102. Filed for public inspection January 18, 2008, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Delaware Valley Nephrology and Hypertension Associates, PC, d/b/a Quality Vascular Access Services for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Delaware Valley Nephrology and Hypertension Associates, PC, d/b/a Quality Vascular Access Services has requested an exception to the requirements of 28 Pa. Code §§ 551.3(ii) and 553.31(a) (relating to definitions; and administrative responsibilities).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 08-103. Filed for public inspection January 18, 2008, 9:00 a.m.]

### Application of Hypertension Nephrology Associates, PC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hypertension Nephrology Associates, PC, has requested an exception to the requirements of 28 Pa. Code §§ 551.3(ii) and 553.31(a) (relating to definitions; and administrative responsibilities).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 08-104. Filed for public inspection January 18, 2008, 9:00 a.m.]

### Application of Memorial Hospital Outpatient Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Memorial Hospital Outpatient Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 551.3(ii) (relating to definitions).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 08-105. Filed for public inspection January 18, 2008, 9:00 a.m.]

### Application of The Pain and Surgical Center of Langhorne for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Pain and Surgical Center of Langhorne, has requested an exception to the requirements of 28 Pa. Code § 551.31(a) (relating to licensure).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 08-106. Filed for public inspection January 18, 2008, 9:00 a.m.]

### Application of RMS Lifeline Interventional Access Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that RMS Lifeline Interventional Access Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-2.4.2.1(1) (relating to phase III recovery), 3.7-2.5.1 (relating to restricted corridors central station) and 3.7-2.5.7.4. (relating to stretcher storage).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech ad/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 08-107. Filed for public inspection January 18, 2008, 9:00 a.m.]

### Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education Assessment, Reporting and Referral Act (11 P. S. §§ 876-1—876-90), will hold a public meeting on Thursday, March 13, 2008, from 10 a.m. to 3 p.m., 125N, Training Room C, Plaza Level, Commonwealth Keystone Building, Commonwealth Avenue and Forster Streets, Harrisburg, PA.

For additional information, contact Arthur A. Florio, Public Health Program Administrator, Newborn Hearing Screening Program, Division of Newborn Screening and Genetics at (717) 783-8143.

Persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should contact the Newborn Hearing Screening Program at (717) 783-8143. Speech and/or hearing impaired persons use V/TT (717) 783-6514 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. 08-108. Filed for public inspection January 18, 2008, 9:00 a.m.]

### Newborn Metabolic Screening Technical Advisory Committee Meeting

The Newborn Screening and Follow-Up Program, established under the Newborn Child Testing Act (35 P. S. §§ 621—625) will hold a public meeting on Wednesday, February 13, 2008, from 10 a.m. to 3 p.m. at Dixon University Center, Conference Room C, 2986 North Second Street, Harrisburg, PA.

For additional information or if you are a person with a disability and desire to attend the meeting and require auxiliary aid, service or other accommodation to do so contact Suzanne Bellotti, Public Health Program Administrator, Division of Newborn Disease Prevention and Identification, at (717) 783-8143 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

Please R.S.V.P. by February 1, 2008, to Rita Sebastian at (717) 783-8143 or the telephone number previously listed.

The Department reserves the right to cancel this meeting without prior notice.

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

[Pa.B. Doc. No. 08-109. Filed for public inspection January 18, 2008, 9:00 a.m.]

## Recognized Lifeguard Certifying Authorities for 2008

The Department of Health has determined that the following lifeguard certifying authorities meet the requirements in 28 Pa. Code § 18.42 (relating to certified lifeguards) and are recognized as lifeguard certifying authorities for 2008: The American Red Cross, Jeff Ellis and Associates, YMCA; The Boy Scouts of America; Starfish Aquatics Institute and National Aquatic Safety Company.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Scott Heidel, Department of Health, Bureau of Community Health Systems, Room 628, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4366 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 08-110. Filed for public inspection January 18, 2008, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## Nursing Facility Assessment Program for Fiscal Year 2007-2008

This notice announces the proposed assessment amount, the proposed assessment methodology and the estimated aggregate impact on nursing facilities that will be subject to the assessment under the Nursing Facility Assessment Program in Fiscal Year (FY) 2007-2008.

### *Background*

In 2003, the Pennsylvania General Assembly amended the Public Welfare Code to authorize the Department of Public Welfare (Department) to implement a monetary assessment on private nursing facilities in this Commonwealth over a 4 year period (Assessment Program). The act of September 30, 2003 (P. L. 169, No. 25) (Act 25), codified at, 62 P. S. §§ 801-A—815-A. Over the past 4 years, the Department used the Assessment Program revenue to maintain and augment payments to Pennsylvania's Medical Assistance (MA) nursing facility providers. Recognizing the substantial benefits realized through the Assessment Program, the General Assembly enacted Act 16 of 2007 to reauthorize the Assessment Law for an additional 5 years. Act of June 30, 2007 (P. L. 169, No. 16) (Act 16). In addition to reauthorizing the Assessment Program, Act 16 amended the Assessment Law to allow the Department to include county nursing facilities in the Assessment Program effective July 1, 2007. Id., 62 P. S. § 802-A.

Before implementing the Assessment Program in a fiscal year, the Secretary of Public Welfare (Secretary) must publish a notice in the *Pennsylvania Bulletin* that specifies the proposed assessment amount, provides an explanation of the proposed assessment methodology, and identifies the aggregate impact on nursing facilities subject to the assessment. See 62 P. S. § 805-A. Additionally, the Department must seek such waivers from the Federal Centers for Medicare and Medicaid Services (CMS) as

may be necessary to implement the Assessment Program in conformity with Federal law and to guarantee that the assessment amounts qualify for matching Federal funds. See 62 P. S. § 812-A.

### *Proposed Assessment Methodology and Rates*

As noted previously, Act 16 authorized the Department to include the county nursing facilities in the Assessment Program effective July 1, 2007. The Department carefully analyzed the impact of extending the Assessment Program to county nursing facilities and concluded that both the Commonwealth and MA nursing facility providers would benefit. The Department determined that including county nursing facilities in the Assessment Program would allow the Department to collect an increased amount of assessment revenues which, in turn, could be used to maintain MA payment rates.

After consultation with the nursing facility trade associations, the Department submitted a waiver request to CMS in September 2007, to continue the Assessment Program for an additional 5 years and to implement assessments on county nursing facilities effective July 1, 2007. By letter dated November 28, 2007, CMS approved the Department's waiver request.

Consistent with the approved waiver, the Department proposes to exempt the following nursing facilities from the Assessment Program in FY 2007-2008:

- (1) State owned and operated nursing facilities.
- (2) Veteran's Administration nursing facilities.
- (3) Nursing facilities that have not been licensed and operated by the current or previous owner for the full calendar quarter prior to the calendar quarter in which an assessment is collected.
- (4) Nursing facilities that provide nursing facility services free of charge to all residents.

Under the proposed rate structure, the Department will assess nonexempt nursing facilities at two rates. One rate will apply to county nursing facilities, to facilities that have 50 or fewer beds, and to nursing facilities that participate in a continuing care retirement community (CCRC). The other rate will apply to all other nonexempt facilities. Each nonexempt facility's quarterly assessment amount will continue to be calculated by multiplying its assessment rate by the facility's non-Medicare resident days during the calendar quarter that immediately precedes the assessment quarter. But for the inclusion of the county nursing facilities, this proposed rate structure is the same structure that was used in previous years.

Although the Department intends to maintain the same basic rate structure for FY 2007-2008, the Department is proposing to increase the assessment rates for nonexempt nursing facilities from FY 2006-2007. Specifically, the Department proposes to implement the following assessment rates during FY 2007-2008:

- (1) The proposed assessment rate for county nursing facilities and for nonexempt facilities that either have 50 or fewer beds or participate in a CCRC will be \$2.40 per non-Medicare resident day.
- (2) The proposed assessment rate for all other nonexempt nursing facilities will be \$24.83 per non-Medicare resident day.

### *Aggregate Assessment Amounts and Fiscal Impact*

The Department estimates that, if the proposed assessment rates are implemented, the annual aggregate assessment fees for nonexempt nursing facilities will total



\$413,643,000 for FY 2007-2008. The Department will use the State revenue derived from the assessment fees and any associated Federal matching funds to maintain and increase payments to qualified MA nursing facility providers in accordance with applicable law and regulations.

*Public Comment*

Interested persons are invited to submit written comments regarding the contents of this notice to Gail Weidman, Department of Public Welfare, Office of Long-Term Living, P. O. Box 2675, Harrisburg, PA 17105. Comments must be submitted within 30 days of publication of the notice. See 62 P. S. § 805-A. After considering the comments, the Secretary will publish a second notice announcing the final assessment rates for FY 2007-2008. The Department will not begin collecting assessment fees until after the publication of the final assessment rate 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-538. No fiscal impact; (8) recommends adoption. Enactment of this regulation is expected to generate \$413,643,000 in State revenue.

[Pa.B. Doc. No. 08-111. Filed for public inspection January 18, 2008, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Cash 5 Terminal-Based Lottery Game

Under 61 Pa. Code § 816.101 (relating to creation), the Secretary of Revenue hereby provides public notice of the termination of the Cash 5 lottery game rules at 61 Pa. Code §§ 816.101—816.117, effective for tickets purchased on or before January 31, 2008. Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 875.4 (relating to notice of terminal-based lottery game rules), the Secretary of Revenue hereby provides public notice of the following new rules for the terminal-based lottery game, Pennsylvania Cash 5, effective for tickets purchased on or after February 1, 2008:

1. *Name:* The name of the terminal-based lottery game is Pennsylvania Cash 5. The game will commence at the discretion of the Secretary, and will continue until the Secretary publicly announces a suspension or termination date.

2. *Price:* The price of a Pennsylvania Cash 5 ticket is \$1 per game or play. Additional games or plays may be purchased at the discretion of the player. A ticket will contain one to five plays.

3. *Description of the Pennsylvania Cash 5 lottery game:*

(a) Pennsylvania Cash 5 is designed to give players the opportunity to win one prize in each play.

(b) For a \$1 purchase, the player gets a ticket containing five different numbers ranging from 1 to 43. Players

can win a prize by matching winning numbers randomly selected by the Lottery as determined and publicly announced by the Secretary.

(c) Correctly matching two or more of the five winning numbers randomly selected by the Lottery, and meeting all other validation criteria, entitles the ticket holder to a prize identified in Section 6(b) (relating to prizes available to be won and determination of prize winners).

4. *Pennsylvania Cash 5 bet slip and ticket characteristics:*

(a) To purchase a ticket, the player shall remit to an on-line retailer the purchase price, submit the completed Pennsylvania Cash 5 bet slip or request the number selection through quick pick or manual terminal entry to have a ticket issued. The ticket shall consist of one to five plays, each containing one five-number selection for each \$1 wagered, the drawing date or range of dates for which the ticket is entered, amount bet, and validation number data. On tickets containing multiple plays, each five-number selection will be identified by a letter prefix: A for the first play printed on the ticket; B for the second play printed on the ticket; C for the third play printed on the ticket; D for the fourth play printed on the ticket; and E for the fifth play printed on the ticket. This ticket shall be the only valid proof of the bet placed, and the only valid receipt for claiming a prize. The ticket shall only be valid for the drawing date or range of dates printed on the ticket.

(b) Pennsylvania Cash 5 bet slips shall be available at no cost to the player. The minimum wager is \$1. For \$1, purchase play A; for \$2, purchase plays A and B; for \$3, purchase plays A, B and C; for \$4, purchase plays A, B, C and D; for \$5, purchase plays A, B, C, D and E. Plays shall be selected in accordance with the instructions printed on the Pennsylvania Cash 5 bet slip. A Pennsylvania Cash 5 bet slip has no pecuniary or prize value and does not constitute evidence of the purchase of a ticket or the numbers selected.

(c) If Pennsylvania Cash 5 bet slips are unavailable, number selections may be given to an on-line retailer in groups of five-number selections, for each play and for each \$1 wagered. The retailer shall manually enter the selections into the Lottery terminal.

(d) A player may also request number selection using the quick pick option by indication on the bet slip or making the request to an on-line retailer.

5. *Time, place and manner of conducting drawings.*

(a) *Time of drawing.* A Pennsylvania Cash 5 drawing will be held on a daily basis or as determined and publicly announced by the Secretary.

(b) *Place of drawing.* A Pennsylvania Cash 5 drawing will be conducted in the Harrisburg, Pennsylvania area unless the Secretary directs that a drawing or part of the drawing procedure be conducted at some other location.

(c) *Manner of conducting drawings.* The Lottery will select, at random, five numbers from 1 through 43, with the aid of mechanical devices or any other selection methodology as authorized by the Secretary. The five numbers selected will be used in determining winners for each individual drawing. The validity of a drawing will be determined solely by the Lottery.

6. *Prizes available to be won and determination of prize winners:*

(a) Fifty percent of Cash 5 gross sales for a Cash 5 game drawing will be reserved for prizes and allocated to

the winnings pool for payment of prizes as enumerated in Section 6(b) (relating to prizes available to be won and determination of prize winners). The winnings pool does not include money carried forward from a previous Pennsylvania Cash 5 drawing.

(b) Determinations of Pennsylvania Cash 5 prize winners for tickets correctly matching the winning numbers selected by the Lottery are:

(1) Holders of tickets upon which the player's five numbers, in a single play, match the five winning numbers selected by the Lottery, shall be the winner of the jackpot category prize. The jackpot category prize shall consist of 67.94% of the winnings pool after deduction of the fourth category prize, plus any prize money carried forward from a prior Pennsylvania Cash 5 drawing pursuant to §§ 6(b)(1)(iii), 6(b)(2)(ii) and 6(b)(3)(ii).

(i) The minimum jackpot category prize will be \$125,000 divided equally by the number of tickets determined by the Lottery to be entitled to claim a jackpot category prize. The Lottery will estimate and announce the projected amount of the upcoming jackpot category prize prior to the drawing. Payment will be made in the amount estimated and announced as the projected jackpot category prize or in the actual amount of the jackpot category prize, whichever is greater, divided equally by the number of plays on tickets determined by the Lottery to be entitled to claim a jackpot category prize.

(ii) Prize money allocated to the jackpot category prize will be paid on a pari-mutuel basis. If more than one winning jackpot prize play is determined, each, upon meeting the requirements of 61 Pa. Code §§ 875.10 and 875.11 (relating to terminal-based lottery game ticket validation and requirements; and procedures for claiming and payment of prizes), is entitled to a prorated payment share of the total jackpot category prize.

(iii) If, in a Pennsylvania Cash 5 drawing, there are no winning jackpot category prize plays, prize money allocated from the winnings pool to that prize category will be carried forward and added to the amount allocated for the jackpot category prize money in the next Pennsylvania Cash 5 drawing.

(2) Holders of tickets upon which four of the player's numbers, in a single play, match four of the winning numbers selected by the Lottery, shall be the winner of the second category prize. The second category prize shall consist of 11.9% of the winnings pool after deduction of the fourth category prize.

(i) Prize money allocated to the second category prize will be paid on a pari-mutuel basis. If more than one winning second category prize play is determined, each, upon meeting the requirements of 61 Pa. Code §§ 875.10

and 875.11 (relating to terminal-based lottery game ticket validation and requirements; and procedures for claiming and payment of prizes), is entitled to a prorated payment share of the total second category prize.

(ii) If, in a Pennsylvania Cash 5 drawing, there are no winning second category prize plays, prize money allocated from the winnings pool to that prize category will be carried forward and added to the amount allocated for the jackpot category prize money in the next Pennsylvania Cash 5 drawing.

(3) Holders of tickets upon which three of the player's numbers, in a single play, match three of the winning numbers selected by the Lottery, shall be the winner of the third category prize. The third category prize shall consist of 20.16% of the winnings pool after deduction of the fourth category prize.

(i) Prize money allocated to the third category prize will be paid on a pari-mutuel basis. If more than one winning jackpot prize play is determined, each, upon meeting the requirements of 61 Pa. Code §§ 875.10 and 875.11 (relating to terminal-based lottery game ticket validation and requirements; and procedures for claiming and payment of prizes), is entitled to a prorated payment share of the total third category prize.

(ii) If, in a Pennsylvania Cash 5 drawing, there are no winning third category prize plays, prize money allocated from the winnings pool to that prize category will be carried forward and added to the amount allocated for the jackpot category prize money in the next Pennsylvania Cash 5 drawing.

(4) Holders of tickets upon which two of the player's numbers, in a single play, match two of the winning numbers selected by the Lottery, shall be entitled to a fourth category prize of \$1.

(c) All Pennsylvania Cash 5 prize payments, including the jackpot category prize, will be made as a one-time, lump-sum cash payment.

(d) A winning Pennsylvania Cash 5 ticket is entitled only to the highest prize won by those numbers in each game or play appearing on the ticket.

(e) The number of prize categories, the allocation of prize money among the prize categories, and the minimum jackpot category prize amount may be changed at the discretion of the Secretary and the change will be announced by public notice. The changes will only apply prospectively to Pennsylvania Cash 5 drawings as of the date specified in the public notice.

7. *Probability of winning.* The following table sets forth all possible ways that a prize can be won on a single ticket; corresponding prize or prizes won; and probability of winning each prize or combination of prizes:

| <i>Number Of Winning Numbers Selected By The Player In A Single Game Or Play</i> | <i>Probabilities Of Winning Per Game Or Play Are 1 In:</i> | <i>Prize Won:</i>      |
|--|--|------------------------|
| 5  | 962,598.0  | Jackpot Category Prize |
| 4  | 5,066.3  | Second Category Prize  |
| 3  | 136.9  | Third Category Prize   |
| 2  | 11.4   | Fourth Category Prize  |

**8. Retailer Incentive and Marketing Promotion Programs.**

(a) The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Cash 5 lottery tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

(b) Retailer Incentive and Marketing Promotion Programs, including the use of unfunded free tickets, may be implemented at the discretion of the Secretary. If needed, funds for the programs, including the payment of prizes resulting from the programs, will be drawn from the Lottery Fund.

9. *Unclaimed Prize Money.* For a period of 1 year from the announced close of the Pennsylvania Cash 5 game, prize money from winning Pennsylvania Cash 5 lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the anniversary date of the drawing in which the ticket or chance was entered, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law.* In purchasing a ticket, the player agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

THOMAS W. WOLF,  
Secretary

[Pa.B. Doc. No. 08-112. Filed for public inspection January 18, 2008, 9:00 a.m.]

**Pennsylvania Diamond 9's Instant Lottery Game**

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name.* The name of the game is Pennsylvania Diamond 9's.

2. *Price.* The price of a Pennsylvania Diamond 9's instant lottery game ticket is \$2.

3. *Play Symbols.* Each Pennsylvania Diamond 9's instant lottery game ticket will contain "WINNING NUMBERS" and "YOUR NUMBERS" areas. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 20 (TWENT), 9 symbol (NINE) and a Diamonds symbol (DMNDS).

4. *Prize Symbols.* The prize symbols and their captions located in the "prize" areas are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$9<sup>00</sup> (NIN DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$30\$ (THIRTY), \$50\$ (FIFTY), \$90\$ (NINTY), \$100 (ONE HUN), \$500 (FIV HUN), \$900 (NIN HUN) and \$20,000 (TWY THO).

(THIRTY), \$50\$ (FIFTY), \$90\$ (NINTY), \$100 (ONE HUN), \$500 (FIV HUN), \$900 (NIN HUN) and \$20,000 (TWY THO).

5. *Prizes.* The prizes that can be won in this game are: \$1, \$2, \$3, \$5, \$9, \$10, \$20, \$30, \$50, \$90, \$100, \$500, \$900 and \$20,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game.* Approximately 7,560,000 tickets will be printed for the Pennsylvania Diamond 9's instant lottery game.

**7. Determination of Prize Winners:**

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20,000 (TWY THO) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$900 (NIN HUN) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$900.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 9 symbol (NINE), and a prize symbol of \$900 (NIN HUN) appears in the "prize" area to the right of the 9 symbol (NINE), on a single ticket, shall be entitled to a prize of \$900.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Diamonds symbol (DMNDS), and a prize symbol of \$100 (ONE HUN) appears in the "prize" area to the right of the Diamonds symbol (DMNDS), on a single ticket, shall be entitled to a prize of \$900.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 9 symbol (NINE), and a prize symbol of \$500 (FIV HUN) appears in the "prize" area to the right of the 9 symbol (NINE), on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Diamonds symbol (DMNDS), and a prize symbol of \$50\$ (FIFTY) appears in the "prize" area to the right of the Diamonds symbol (DMNDS), on a single ticket, shall be entitled to a prize of \$450.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 9 symbol (NINE), and a prize symbol of \$100 (ONE HUN) appears in the "prize" area to the right of the 9 symbol (NINE), on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of



“prize” area to the right of the 9 symbol (NINE), on a single ticket, shall be entitled to a prize of \$2.

(hh) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the “prize” area to the

right of the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

| <i>When Any Of Your Numbers<br/>Match Either Winning Number,<br/>Win With Prize(s) Of:</i> | <i>Win:</i> | <i>Approximate<br/>Odds Are 1 In:</i> | <i>Approximate<br/>No. Of Winners<br/>Per 7,560,000 Tickets</i> |
|--|-------------|---------------------------------------|---|
| \$1 × 2  | \$2         | 33.33                                 | 226,800   |
| “9” w/\$2  | \$2         | 25                                    | 302,400   |
| \$2  | \$2         | 37.50                                 | 201,600   |
| \$1 × 3  | \$3         | 75                                    | 100,800   |
| “9” w/\$3  | \$3         | 30                                    | 252,000   |
| \$3  | \$3         | 75                                    | 100,800   |
| \$1 × 5  | \$5         | 150                                   | 50,400  |
| “9” w/\$5  | \$5         | 75                                    | 100,800   |
| \$5  | \$5         | 150                                   | 50,400  |
| \$1 × 9  | \$9         | 375                                   | 20,160  |
| \$1 w/DIAMONDS   | \$9         | 375                                   | 20,160  |
| “9” w/\$9  | \$9         | 187.50                                | 40,320  |
| \$9  | \$9         | 375                                   | 20,160  |
| \$1 × 10   | \$10        | 1,500                                 | 5,040   |
| \$2 × 5  | \$10        | 1,500                                 | 5,040   |
| “9” w/\$10   | \$10        | 750                                   | 10,080  |
| (\$1 w/DIAMONDS) + \$1   | \$10        | 375                                   | 20,160  |
| \$10   | \$10        | 750                                   | 10,080  |
| \$2 × 10   | \$20        | 750                                   | 10,080  |
| (\$2 w/DIAMONDS) + \$2   | \$20        | 500                                   | 15,120  |
| \$5 × 4  | \$20        | 1,500                                 | 5,040   |
| \$10 × 2   | \$20        | 1,500                                 | 5,040   |
| “9” w/\$20   | \$20        | 750                                   | 10,080  |
| \$20   | \$20        | 1,500                                 | 5,040   |
| \$5 × 6  | \$30        | 2,400                                 | 3,150   |
| (\$1 w/DIAMONDS) + (\$3 × 7)   | \$30        | 1,905                                 | 3,969   |
| (\$2 w/DIAMONDS) + (\$3 × 4)   | \$30        | 1,905                                 | 3,969   |
| (\$3 w/DIAMONDS) + \$3   | \$30        | 1,905                                 | 3,969   |
| \$10 × 3   | \$30        | 2,400                                 | 3,150   |
| “9” w/\$30   | \$30        | 1,875                                 | 4,032   |
| \$30   | \$30        | 2,400                                 | 3,150   |
| \$5 × 10   | \$50        | 3,000                                 | 2,520   |
| (\$5 w/DIAMONDS) + \$5   | \$50        | 3,000                                 | 2,520   |
| \$10 × 5   | \$50        | 3,000                                 | 2,520   |
| “9” w/\$50   | \$50        | 3,000                                 | 2,520   |
| \$50   | \$50        | 3,000                                 | 2,520   |
| \$9 × 10   | \$90        | 10,000                                | 756   |
| \$10 × 9   | \$90        | 10,000                                | 756   |
| (\$9 w/DIAMONDS) + \$9   | \$90        | 6,316                                 | 1,197   |
| (\$10 w/DIAMONDS)  | \$90        | 6,316                                 | 1,197   |
| \$30 × 3   | \$90        | 10,000                                | 756   |
| “9” w/\$90   | \$90        | 6,316                                 | 1,197   |
| \$90   | \$90        | 8,000                                 | 945   |
| \$10 × 10  | \$100       | 12,000                                | 630   |
| (\$10 w/DIAMONDS) + (\$5 × 2)  | \$100       | 8,000                                 | 945   |
| (\$10 w/DIAMONDS) + \$10   | \$100       | 8,000                                 | 945   |
| \$50 × 2   | \$100       | 12,000                                | 630   |
| “9” w/\$100  | \$100       | 8,000                                 | 945   |
| \$100  | \$100       | 12,000                                | 630   |
| \$50 × 10  | \$500       | 60,000                                | 126   |
| \$100 × 5  | \$500       | 60,000                                | 126   |
| (\$50 w/DIAMONDS) + \$50   | \$500       | 60,000                                | 126   |
| “9” w/\$500  | \$500       | 60,000                                | 126   |
| \$500  | \$500       | 60,000                                | 126   |
| \$90 × 10  | \$900       | 60,000                                | 126   |
| (\$100 w/DIAMONDS)   | \$900       | 60,000                                | 126   |
| “9” w/\$900  | \$900       | 60,000                                | 126   |

| <i>When Any Of Your Numbers<br/>Match Either Winning Number,<br/>Win With Prize(s) Of:</i> | <i>Win:</i> | <i>Approximate<br/>Odds Are 1 In:</i> | <i>Approximate<br/>No. Of Winners<br/>Per 7,560,000 Tickets</i> |
|--|-------------|---------------------------------------|---|
| \$900  | \$900       | 60,000                                | 126   |
| \$20,000   | \$20,000    | 840,000                               | 9   |

9 (NINE) Symbol = Win prize to the right of it automatically.  
DIAMONDS (DMNDS) Symbol = Win 9 times the prize shown to the right of it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Diamond 9's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Diamond 9's, prize money from winning Pennsylvania Diamond 9's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Diamond 9's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Diamond 9's or through normal communications methods.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 08-113. Filed for public inspection January 18, 2008, 9:00 a.m.]

## Pennsylvania Dublin Gold Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Dublin Gold.

2. *Price:* The price of a Pennsylvania Dublin Gold instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Dublin Gold instant lottery game ticket will contain one play area featuring a "WINNING SYMBOLS" area and a "YOUR SYMBOLS" area. The play symbols and their captions located in the "WINNING SYMBOLS" area are: Mushroom symbol (MSHROM), Castle symbol (CASTLE), Money Bag symbol (MNYBAG), Pipe symbol (PIPE), Piggy Bank symbol (PIGBNK), Cabbage symbol (CAB-

BAGE), Diamond symbol (DMND), Rainbow symbol (RNBOW), Gold Bar symbol (GOLD), Chest symbol (CHEST), Coins symbol (COINS), Wallet symbol (WALLET) and a Money symbol (MONEY). The play symbols and their captions located in the "YOUR SYMBOLS" area are: Pot O' Gold symbol (PTGOLD), Leprechaun symbol (LEPCH), Mushroom symbol (MSHROM), Castle symbol (CASTLE), Money Bag symbol (MNYBAG), Pipe symbol (PIPE), Piggy Bank symbol (PIGBNK), Cabbage symbol (CABBAGE), Diamond symbol (DMND), Rainbow symbol (RNBOW), Gold Bar symbol (GOLD), Chest symbol (CHEST), Coins symbol (COINS), Wallet symbol (WALLET) and a Money symbol (MONEY).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR SYMBOLS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$500, \$1,000 and \$250,000. The player can win up to 15 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 2,520,000 tickets will be printed for the Pennsylvania Dublin Gold instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears in the "prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a Leprechaun (LEPCH) play symbol, and a prize symbol of \$500 (FIV HUN) appearing in the "prize" area to the right of that Leprechaun (LEPCH) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a Pot O' Gold (PTGOLD) play symbol, and a prize symbol of \$50\$ (FIFTY) appears in ten of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "prize" area to the

right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with a Pot O' Gold (PTGOLD) play symbol, and a prize symbol of \$25\$ (TWY FIV) appears in ten of the "prize" areas, and a prize symbol of \$50\$ (FIFTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets with a Leprechaun (LEPCH) play symbol, and a prize symbol of \$100 (ONE HUN) appearing in the "prize" area to the right of that Leprechaun (LEPCH) play symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with a Leprechaun (LEPCH) play symbol, and a prize symbol of \$50\$ (FIFTY) appearing in the "prize" area to the right of that Leprechaun (LEPCH) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets with a Pot O' Gold (PTGOLD) play symbol, and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in ten of the "prize" areas, and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$50\$ (FIFTY) appears in the "prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets with a Leprechaun (LEPCH) play symbol, and a prize symbol of \$25\$ (TWY FIV) appearing in the "prize" area to the right of that Leprechaun (LEPCH) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$40\$ (FORTY) appears in the "prize" area to the right

of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets with a Leprechaun (LEPCH) play symbol, and a prize symbol of \$20\$ (TWENTY) appearing in the "prize" area to the right of that Leprechaun (LEPCH) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears in the "prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(p) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$20\$ (TWENTY) appears in the "prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets with a Leprechaun (LEPCH) play symbol, and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appearing in the "prize" area to the right of that Leprechaun (LEPCH) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the "prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets with a Leprechaun (LEPCH) play symbol, and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appearing in the "prize" area to the right of that Leprechaun (LEPCH) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches any of the "WINNING SYMBOLS" play symbols and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the "prize" area to the right of the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Symbols Match Any Of The Winning Symbols, Win Prize Shown To The Right Of The Matching Symbol.  
Win With Prize(s) Of:*

\$5 x 2  
\$5 w/LEPRECHAUN  
\$10  
\$5 x 4  
\$10 x 2  
\$10 w/LEPRECHAUN  
\$20  
\$5 x 5  
(\$5 w/LEPRECHAUN) + (\$5 x 3)  
\$25  
\$5 x 8  
\$10 x 4  
\$20 x 2  
\$20 w/LEPRECHAUN  
\$40

| <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 2,520,000 Tickets</i> |
|-------------|-----------------------------------|---|
| \$10        | 60                                | 42,000  |
| \$10        | 15                                | 168,000   |
| \$10        | 20                                | 126,000   |
| \$20        | 120                               | 21,000  |
| \$20        | 120                               | 21,000  |
| \$20        | 60                                | 42,000  |
| \$20        | 60                                | 42,000  |
| \$25        | 100                               | 25,200  |
| \$25        | 75                                | 33,600  |
| \$25        | 100                               | 25,200  |
| \$40        | 300                               | 8,400   |
| \$40        | 300                               | 8,400   |
| \$40        | 300                               | 8,400   |
| \$40        | 300                               | 8,400   |
| \$40        | 300                               | 8,400   |

When Any Of Your Symbols Match Any Of  
The Winning Symbols, Win Prize Shown To  
The Right Of The Matching Symbol.  
Win With Prize(s) Of:

|   | Win:      | Approximate<br>Odds Are 1 In: | Approximate<br>No. Of Winners<br>Per 2,520,000 Tickets |
|---|-----------|-------------------------------|--|
| \$5 × 10                                | \$50      | 300                           | 8,400  |
| \$10 × 5                                | \$50      | 600                           | 4,200  |
| \$25 × 2                                | \$50      | 600                           | 4,200  |
| \$25 w/LEPRECHAUN                       | \$50      | 150                           | 16,800   |
| \$50                                    | \$50      | 300                           | 8,400  |
| \$10 × 10                               | \$100     | 685.71                        | 3,675  |
| \$50 × 2                                | \$100     | 685.71                        | 3,675  |
| \$50 w/LEPRECHAUN                       | \$100     | 369.23                        | 6,825  |
| POT O' GOLD w/(\$5 × 10) + (\$10 × 5)   | \$100     | 600                           | 4,200  |
| \$100                                   | \$100     | 685.71                        | 3,675  |
| \$50 × 10                               | \$500     | 6,000                         | 420  |
| \$100 × 5                               | \$500     | 6,000                         | 420  |
| (\$100 w/LEPRECHAUN) + (\$100 × 3)      | \$500     | 6,000                         | 420  |
| \$500                                   | \$500     | 6,000                         | 420  |
| POT O' GOLD w/(\$25 × 10) + (\$50 × 5)  | \$500     | 6,000                         | 420  |
| \$100 × 10                              | \$1,000   | 30,000                        | 84   |
| \$500 × 2                               | \$1,000   | 30,000                        | 84   |
| \$500 w/LEPRECHAUN                      | \$1,000   | 15,000                        | 168  |
| POT O' GOLD w/(\$50 × 10) + (\$100 × 5) | \$1,000   | 30,000                        | 84   |
| \$1,000                                 | \$1,000   | 30,000                        | 84   |
| \$250,000                               | \$250,000 | 252,000                       | 10   |

Leprechaun (LEPCH) Symbol = Win double the prize to the right of it.  
Pot O' Gold (PTGOLD) Symbol = Win all 15 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Dublin Gold instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Dublin Gold, prize money from winning Pennsylvania Dublin Gold instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Dublin Gold instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Dublin Gold or through normal communications methods.

THOMAS W. WOLF,  
Secretary

[Pa.B. Doc. No. 08-114. Filed for public inspection January 18, 2008, 9:00 a.m.]

### Pennsylvania Lucky Shamrock '08 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky Shamrock '08.

2. *Price:* The price of a Pennsylvania Lucky Shamrock '08 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Lucky Shamrock '08 instant lottery game ticket will contain one play area featuring a "POT O' GOLD NUMBER" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "POT O' GOLD NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 10 (TEN). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN) and a Rainbow symbol (RNBOW).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$500 and \$1,000. The player can win up to five times on a ticket.



6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Lucky Shamrock '08 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "POT O' GOLD NUMBER" play symbol and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "POT O' GOLD NUMBER" play symbol and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rainbow symbol (RNBOW) and a prize symbol of \$100 (ONE HUN) appears in each of the five "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "POT O' GOLD NUMBER" play symbol and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rainbow symbol (RNBOW), and a prize symbol of \$20\$ (TWENTY) appears in each of the five "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "POT O' GOLD NUMBER" play symbol and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rainbow symbol (RNBOW), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in each of the five "prize" areas, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "POT O' GOLD NUMBER" play symbol and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "POT O' GOLD NUMBER" play symbol and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rainbow symbol (RNBOW), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in each of the five "prize" areas, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "POT O' GOLD NUMBER" play symbol and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rainbow symbol (RNBOW), and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in each of the five "prize" areas, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "POT O' GOLD NUMBER" play symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rainbow symbol (RNBOW), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in each of the five "prize" areas, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "POT O' GOLD NUMBER" play symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Rainbow symbol (RNBOW), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in each of the five "prize" areas, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "POT O' GOLD NUMBER" play symbol and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "POT O' GOLD NUMBER" play symbol and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "POT O' GOLD NUMBER" play symbol and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "POT O' GOLD NUMBER" play symbol and a prize symbol of FREE (TICKET) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Lucky Shamrock '08 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers  
Match The Pot O' Gold  
Number; Win with Prize(s) Of:

|                        | Win:            | Approximate Odds<br>Are 1 In: | Approximate<br>No. of Winners<br>Per 8,400,000 Tickets |
|------------------------|-----------------|-------------------------------|--|
| FREE                   | FREE \$1 TICKET | 10                            | 840,000  |
| \$1 × 2                | \$2             | 33.33                         | 252,000  |
| \$2                    | \$2             | 33.33                         | 252,000  |
| \$1 × 4                | \$4             | 200                           | 42,000   |
| \$2 × 2                | \$4             | 300                           | 28,000   |
| \$4                    | \$4             | 200                           | 42,000   |
| \$1 × 5                | \$5             | 300                           | 28,000   |
| \$1 × 5 w/RAINBOW      | \$5             | 200                           | 42,000   |
| \$5                    | \$5             | 300                           | 28,000   |
| \$2 × 5                | \$10            | 600                           | 14,000   |
| \$2 × 5 w/RAINBOW      | \$10            | 150                           | 56,000   |
| \$10                   | \$10            | 600                           | 14,000   |
| \$4 × 5                | \$20            | 3,000                         | 2,800  |
| \$4 × 5 w/RAINBOW      | \$20            | 1,500                         | 5,600  |
| \$10 × 2               | \$20            | 3,000                         | 2,800  |
| \$20                   | \$20            | 3,000                         | 2,800  |
| \$5 × 5                | \$25            | 3,000                         | 2,800  |
| \$5 + \$10 × 2         | \$25            | 3,000                         | 2,800  |
| \$5 × 5 w/RAINBOW      | \$25            | 1,500                         | 5,600  |
| \$25                   | \$25            | 3,000                         | 2,800  |
| \$10 × 4               | \$40            | 4,000                         | 2,100  |
| (\$5 × 2) + (\$10 × 3) | \$40            | 4,000                         | 2,100  |
| \$20 × 2               | \$40            | 4,000                         | 2,100  |
| \$40                   | \$40            | 4,000                         | 2,100  |
| \$10 × 5               | \$50            | 4,000                         | 2,100  |
| \$10 × 5 w/RAINBOW     | \$50            | 4,000                         | 2,100  |
| \$25 × 2               | \$50            | 4,000                         | 2,100  |
| \$50                   | \$50            | 4,000                         | 2,100  |
| \$20 × 5               | \$100           | 24,000                        | 350  |
| \$20 × 5 w/RAINBOW     | \$100           | 21,818                        | 385  |
| \$50 × 2               | \$100           | 24,000                        | 350  |
| \$100                  | \$100           | 24,000                        | 350  |
| \$100 × 5              | \$500           | 240,000                       | 35   |
| \$100 × 5 w/RAINBOW    | \$500           | 240,000                       | 35   |
| \$500                  | \$500           | 240,000                       | 35   |
| \$1,000                | \$1,000         | 560,000                       | 15   |

RAINBOW (RNBO) = Win all 5 prizes shown automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky Shamrock '08 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky Shamrock '08, prize money from winning Pennsylvania Lucky Shamrock '08 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lucky Shamrock '08 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Lucky Shamrock '08 or through normal communications methods.

THOMAS W. WOLF,  
Secretary

[Pa.B. Doc. No. 08-115. Filed for public inspection January 18, 2008, 9:00 a.m.]

### Pennsylvania Match & Win™ Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Match & Win™.

2. *Price:* The price of a Pennsylvania Match & Win™ instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Match & Win™ instant lottery game ticket will contain a "Play Grid" area, a "STAR NUMBERS" area and a horizontal "prize" area and vertical "prize" area. The "Play Grid" area consists of 27 spaces on a play grid 9 columns wide by 3 rows deep. The 9 vertical "Columns" are designated as "Column 1," "Column 2," "Column 3," "Column 4," "Column 5," "Column 6," "Column 7," "Column 8" and "Column 9." The 3 horizontal "Rows" are designated as "Row 1," "Row 2" and "Row 3." Each "Column" and each "Row" offers a separate chance to win. The play symbols appearing in the "Play Grid" area are a variable selection consisting of 27 of the 90 distinctive play symbols. Each Pennsylvania Match & Win™ instant lottery game ticket will also contain a "STAR NUMBERS" area consisting of 20 of the 90 play symbols in a 2 x 10 grid. The play symbols located in the "Play Grid" area and in the "STAR NUMBERS" area are the numbers 1 through 90.

4. *Prize Symbols:* The prize symbols and their captions located in the 9 "prize" areas, one below each of the 9 vertical "Columns" are: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$300 (THR HUN), \$1,000 (ONE THO) and \$3,000 (THR THO). The prize symbols and their captions located in the 3 "prize" areas, one to the right of each of the 3 horizontal "Rows" are: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$30\$ (THIRTY), \$40\$ (FORTY), \$100 (ONE HUN), \$300 (THR HUN), \$1,000 (ONE THO), \$3,000 (THR THO), \$30,000 (TRY THO) and \$60,000 (STY THO).

5. *Prizes:* The prizes that can be won in this game are: \$3, \$5, \$6, \$10, \$15, \$20, \$30, \$40, \$100, \$300, \$1,000, \$3,000, \$30,000 and \$60,000. The player can win up to 5 times on each ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Match & Win™ instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets in which nine of the "STAR NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$60,000 (STY THO) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$60,000.

(b) Holders of tickets in which nine of the "STAR NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$30,000 (TRY THO) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$30,000.

(c) Holders of tickets in which nine of the "STAR NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$3,000 (THR THO) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$3,000.

(d) Holders of tickets in which three of the "STAR NUMBERS" play symbols match the same exact three play symbols appearing in a complete vertical "Column," and a prize symbol of \$3,000 (THR THO) appears in the corresponding "prize" area immediately below that "Column," on a single ticket, shall be entitled to a prize of \$3,000.

(e) Holders of tickets in which nine of the "STAR NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$1,000 (ONE THO) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets in which three of the "STAR NUMBERS" play symbols match the same exact three play symbols appearing in a complete vertical "Column," and a prize symbol of \$1,000 (ONE THO) appears in the corresponding "prize" area immediately below that "Column," on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets in which nine of the "STAR NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$300 (THR HUN) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$300.

(h) Holders of tickets in which three of the "STAR NUMBERS" play symbols match the same exact three play symbols appearing in a complete vertical "Column," and a prize symbol of \$300 (THR HUN) appears in the corresponding "prize" area immediately below that "Column," on a single ticket, shall be entitled to a prize of \$300.

(i) Holders of tickets in which nine of the "STAR NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$100 (ONE HUN) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets in which three of the "STAR NUMBERS" play symbols match the same exact three play symbols appearing in a complete vertical "Column" and a prize symbol of \$100 (ONE HUN) appears in the corresponding "prize" area immediately below that "Column," on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets in which nine of the "STAR NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$40\$ (FORTY) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets in which three of the "STAR NUMBERS" play symbols match the same exact three play symbols appearing in a complete vertical "Column" and a prize symbol of \$40\$ (FORTY) appears in the corresponding "prize" area immediately below that "Column," on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets in which nine of the "STAR NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$30\$ (THIRTY) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$30.

(n) Holders of tickets in which nine of the "STAR NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$20\$ (TWENTY) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets in which three of the "STAR NUMBERS" play symbols match the same exact three play symbols appearing in a complete vertical "Column," and a prize symbol of \$20\$ (TWENTY) appears in the corresponding "prize" area immediately below that "Column," on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets in which nine of the "STAR NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$15\$ (FIFTN) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$15.

(q) Holders of tickets in which three of the "STAR NUMBERS" play symbols match the same exact three play symbols appearing in a complete vertical "Column," and a prize symbol of \$15\$ (FIFTN) appears in the corresponding "prize" area immediately below that "Column," on a single ticket, shall be entitled to a prize of \$15.

(r) Holders of tickets in which nine of the "STAR NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets in which three of the "STAR NUMBERS" play symbols match the same exact three play symbols appearing in a complete vertical "Column," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the corresponding "prize" area immediately below that "Column," on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets in which nine of the "STAR NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$6.

(u) Holders of tickets in which three of the "STAR NUMBERS" play symbols match the same exact three play symbols appearing in a complete vertical "Column," and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears in the corresponding "prize" area immediately below that "Column," on a single ticket, shall be entitled to a prize of \$6.

(v) Holders of tickets in which nine of the "STAR NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets in which three of the "STAR NUMBERS" play symbols match the same exact three play symbols appearing in a complete vertical "Column," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the corresponding "prize" area immediately below that "Column," on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets in which nine of the "STAR NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$3.

(y) Holders of tickets in which three of the "STAR NUMBERS" play symbols match the same exact three play symbols appearing in a complete vertical "Column," and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the corresponding "prize" area immediately below that "Column," on a single ticket, shall be entitled to a prize of \$3.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

| <i>When You Match All Of The Numbers In A Complete Vertical Column In The Play Grid, Win Prize Shown Below That Column. Win With Prize(s) Of:</i> | <i>When You Match All Of The Numbers In A Complete Horizontal Row In The Play Grid, Win Prize Shown To The Right Of That Row. Win With Prize(s) Of:</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 6,000,000 Tickets</i> |
|---|---|-------------|-----------------------------------|---|
| \$3   | \$3   | \$3         | 18.18                             | 330,000   |
| \$5   | \$5   | \$3         | 18.18                             | 330,000   |
| \$3 × 2   | \$5   | \$5         | 29.41                             | 204,000   |
| \$6   | \$3 × 2   | \$5         | 33.33                             | 180,000   |
| \$5 × 2   | \$6   | \$6         | 200                               | 30,000  |
| \$10  | \$3 × 2   | \$6         | 200                               | 30,000  |
| \$3 × 5   | \$6   | \$6         | 200                               | 30,000  |
| \$5 × 3   | \$5 × 2   | \$6         | 200                               | 30,000  |
| \$5 × 2   | \$10  | \$10        | 200                               | 30,000  |
| \$15  | \$10  | \$10        | 200                               | 30,000  |
|   |   | \$15        | 500                               | 12,000  |
|   |   | \$15        | 500                               | 12,000  |
|   |   | \$15        | 500                               | 12,000  |

| <i>When You Match All Of The Numbers In A Complete Vertical Column In The Play Grid, Win Prize Shown Below That Column. Win With Prize(s) Of:</i> | <i>When You Match All Of The Numbers In A Complete Horizontal Row In The Play Grid, Win Prize Shown To The Right Of That Row. Win With Prize(s) Of:</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 6,000,000 Tickets</i> |
|---|---|-------------|-----------------------------------|---|
| \$5 × 4   | \$15  | \$15        | 500                               | 12,000  |
| \$10 × 2  |   | \$20        | 1,000                             | 6,000   |
|   |   | \$20        | 1,000                             | 6,000   |
| \$10  | \$10 × 2  | \$20        | 1,000                             | 6,000   |
| \$20  | \$10  | \$20        | 1,000                             | 6,000   |
|   |   | \$20        | 1,000                             | 6,000   |
| \$10 × 4  | \$20  | \$20        | 200                               | 30,000  |
| \$5 × 2   |   | \$40        | 1,714                             | 3,500   |
| \$10 × 2  | \$30  | \$40        | 1,714                             | 3,500   |
| \$20  | \$20  | \$40        | 1,714                             | 3,500   |
| \$40  | \$20  | \$40        | 1,714                             | 3,500   |
|   |   | \$40        | 1,714                             | 3,500   |
| \$20 × 5  | \$40  | \$40        | 1,714                             | 3,500   |
| \$40 × 2  | \$20  | \$100       | 2,000                             | 3,000   |
| \$100   | \$20  | \$100       | 2,000                             | 3,000   |
|   |   | \$100       | 1,600                             | 3,750   |
| \$100 × 3   | \$100   | \$100       | 1,600                             | 3,750   |
| \$100 × 2   | \$100   | \$300       | 30,000                            | 200   |
| \$300   | \$100   | \$300       | 30,000                            | 200   |
|   |   | \$300       | 30,000                            | 200   |
| \$300 × 3   | \$300   | \$300       | 30,000                            | 200   |
| \$1,000   | \$100   | \$1,000     | 30,000                            | 200   |
|   |   | \$1,000     | 30,000                            | 200   |
| \$3,000   | \$1,000   | \$1,000     | 30,000                            | 200   |
|   |   | \$3,000     | 240,000                           | 25  |
|   | \$3,000   | \$3,000     | 240,000                           | 25  |
|   | \$30,000  | \$30,000    | 600,000                           | 10  |
|   | \$60,000  | \$60,000    | 1,200,000                         | 5   |

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Match & Win™ instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Match & Win™, prize money from winning Pennsylvania Match & Win™ instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Match & Win™ instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Match & Win™ or through normal communications methods.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 08-116. Filed for public inspection January 18, 2008, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Butler County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Federal Highway Administration (FHWA) and the Department of Transportation (Department) are planning to replace the Senn Bridge which carries Evergreen Mill Road (T-323) over the Little Connoquenessing Creek in Jackson Township, Butler County. Therefore, this project will require the use of the Senn Bridge which is eligible for the National Register of Historic Places and, therefore, qualifies as a Section 4(f)/Section 2002 resource.

In accordance with section 2002 of Pennsylvania Act 120 establishing the Department, a Level-2 Categorical

Exclusion Evaluation has been developed for the subject project along with a "Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges" checklist to evaluate the potential environmental impacts caused by the subject project. The checklist also serves as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be implemented to minimize harm as stipulated in the Level-2 CEE, the "Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges" and the associated Memorandum of Agreement.

The environmental, economic, social and other effects of the proposed project, as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P. E.,  
*Acting Director, Bureau of Design*

[Pa.B. Doc. No. 08-117. Filed for public inspection January 18, 2008, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Crum Creek Neighbors v. DEP and Pulte Homes of PA, LP, Permittee; EHB Doc. No. 2007-287-L

Crum Creek Neighbors has appealed the issuance by the Department of Environmental Protection of NPDES permit to Pulte Homes of PA, LP for stormwater discharges associated with construction activities in Marble Township, Delaware County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-118. Filed for public inspection January 18, 2008, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Decrease in Underwriting Authority of Shared Services Insurance Group, Inc.

Shared Services Insurance Group, Inc. (SSIG), a Pennsylvania domiciled stock casualty insurance company, has filed an application to decrease its lines of underwriting authority. The classes of authority that SSIG is applying to delete are Other Liability and Workers' Compensation, as defined by section 202, subdivision (c), paragraphs (4) and (14). The filing was made under the requirements set forth under section 322 of The Insurance Company Law (40 P. S. § 445). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-119. Filed for public inspection January 18, 2008, 9:00 a.m.]

### Application for Increase in Underwriting Authority of Conemaugh Valley Mutual Insurance Company

Conemaugh Valley Mutual Insurance Company (CVM), a Pennsylvania domiciled mutual casualty insurance company, has filed an application to increase its lines of underwriting authorities. The classes of authority that CVM is applying to add are Boiler and Machinery, Water and Livestock, as defined by section 202, subdivision (c), paragraphs (5), (8) and (10). The filing was made under the requirements set forth under section 322 of The Insurance Company Law (40 P. S. § 445). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; syerger@state.pa.us.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-120. Filed for public inspection January 18, 2008, 9:00 a.m.]

### Eligible Surplus Lines Insurer List

Under section 1605(b) of The Insurance Company Law of 1921 (40 P.S. § 991.1605(b)), the Insurance Department publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of June 21, 2007, published at 37 Pa.B. 3141 (July 7, 2007).

Persons who have any questions concerning this notice should contact Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

| <i>Key No.</i> | <i>Company Name</i>   | <i>Statutory Home Address</i>                                       |
|----------------|---|---|
| 48123          | ACE EUROPEAN GROUP LIMITED                                  | 100 LEADENHALL STREET<br>LONDON, Great Britain EC3A 3BP             |
| 10512          | ADMIRAL INSURANCE COMPANY                                   | 209 ORANGE STREET<br>WILMINGTON, DE 19801                           |
| 10513          | ADRIATIC INSURANCE COMPANY                                  | 314 EAST THAYER AVENUE<br>BISMARCK, ND 58501                        |
| 38980          | AIG EXCESS LIABILITY INSURANCE<br>COMPANY, LTD.             | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808          |
| 67489          | AIX SPECIALTY INSURANCE COMPANY                             | 103 FOULK ROAD<br>SUITE 202<br>WILMINGTON, DE 19803                 |
| 48099          | ALLIANZ GLOBAL CORPORATE &<br>SPECIALTY AG                  | GROBER BURSTAH 3<br>HAMBURG, Germany D-20457                        |
| 10516          | ALLIANZ UNDERWRITERS INSURANCE<br>COMPANY                   | 2350 EMPIRE AVENUE<br>BURBANK, CA 91504-3350                        |
| 10535          | ALLIED WORLD ASSURANCE<br>COMPANY (U.S.) INC.               | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808          |
| 10519          | AMERICAN EMPIRE SURPLUS LINES<br>INSURANCE COMPANY          | 1209 ORANGE STREET<br>WILMINGTON, DE 19801                          |
| 10520          | AMERICAN EQUITY INSURANCE<br>COMPANY                        | 2401 WEST PEORIA AVENUE<br>PHOENIX, AZ 85029                        |
| 36855          | AMERICAN HEALTHCARE SPECIALTY<br>INSURANCE COMPANY          | 425 W. CAPITOL AVENUE<br>SUITE 1800<br>LITTLE ROCK, AR 72201        |
| 10521          | AMERICAN INTERNATIONAL SPECIALTY<br>LINES INSURANCE COMPANY | 1400 WEST BENSON BOULEVARD<br>SUITE 315<br>ANCHORAGE, AK 99503      |
| 63828          | AMERICAN MODERN SURPLUS LINES<br>INSURANCE COMPANY          | 7000 MIDLAND BLVD<br>AMELIA, OH 45102-2607                          |
| 18146          | AMERICAN SAFETY INDEMNITY COMPANY                           | 100 GALLERIA PARKWAY, S. E.<br>SUITE 700<br>ATLANTA, GA 30330       |
| 10522          | AMERICAN WESTERN HOME INSURANCE<br>COMPANY                  | 600 BANK OF OKLAHOMA PLAZA<br>OKLAHOMA CITY, OK 73102               |
| 10524          | APPALACHIAN INSURANCE COMPANY                               | 1301 ATWOOD AVENUE<br>JOHNSTON, RI 02919-0500                       |
| 33748          | ARCH EXCESS & SURPLUS INSURANCE<br>COMPANY                  | 10306 REGENCY PARKWAY DRIVE<br>OMAHA, NE 68113                      |
| 10587          | ARCH SPECIALTY INSURANCE COMPANY                            | 10306 REGENCY PARKWAY DRIVE<br>C/O LAWRENCE HARR<br>OMAHA, NE 68113 |
| 10588          | ARROWOOD SURPLUS LINES INSURANCE<br>COMPANY                 | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808          |
| 51442          | ASPEN INSURANCE UK LIMITED                                  | 30 FENCHURCH STREET<br>LONDON, ENGLAND,<br>United Kingdom EC3M 3BD  |
| 35611          | ASPEN SPECIALTY INSURANCE COMPANY                           | 316 NORTH FIFTH STREET<br>BISMARCK, ND 58502                        |

| <i>Key No.</i> | <i>Company Name</i>                                     | <i>Statutory Home Address</i>   |
|----------------|---|---|
| 22348          | ASSICURAZIONI GENERALI S.p.A.                           | PIAZZA DUCA DEGLI ABRUZZI, 2<br>TRIESTE, Italy 34132                                |
| 22349          | ASSOCIATED ELECTRIC & GAS<br>INSURANCE SERVICES LIMITED | THE MAXWELL ROBERTS BUILDING<br>4TH FLOOR<br>HAMILTON, Bermuda HM11                 |
| 10525          | ASSOCIATED INTERNATIONAL INSURANCE<br>COMPANY           | TEN PARKWAY NORTH<br>DEERFIELD, IL 60015  |
| 41586          | ATLANTIC CASUALTY INSURANCE<br>COMPANY                  | 400 COMMERCE COURT<br>GOLDSBORO, NC 27534   |
| 10526          | AUDUBON INDEMNITY COMPANY                               | C/O CORPORATION SERVICE COMPANY<br>506 SOUTH PRESIDENT STREET<br>JACKSON, MS 39201  |
| 22371          | AVIVA INTERNATIONAL INSURANCE<br>LIMITED                | ST. HELEN'S<br>1 UNDERSHAFT<br>LONDON, Great Britain EC3P3DQ                        |
| 41562          | AXA CORPORATE SOLUTIONS ASSURANCE                       | 4 RUE JULES LEFEBVRE<br>PARIS, France 75009   |
| 59554          | AXIS SPECIALTY EUROPE LIMITED                           | MOUNT HERBERT COURT<br>34 UPPER MOUNT STREET<br>DUBLIN, Ireland                     |
| 10536          | AXIS SPECIALTY INSURANCE COMPANY                        | ONE STATE STREET<br>SUITE 1700<br>HARTFORD, CT 06103                                |
| 10592          | AXIS SURPLUS INSURANCE COMPANY                          | 303 WEST MADISON<br>SUITE 500<br>CHICAGO, IL 60606                                  |
| 63055          | BERKSHIRE HATHAWAY INTERNATIONAL<br>INSURANCE LIMITED   | BIRCHIN COURT<br>FOURTH FLOOR<br>LONDON, Great Britain EC3V 9DU                     |
| 22369          | BRITISH AVIATION INSURANCE COMPANY<br>LIMITED           | FITZWILLIAM HOUSE<br>10 ST. MARY'S AXE<br>LONDON, Great Britain EC3ABEQ             |
| 10528          | CANAL INDEMNITY COMPANY                                 | 400 EAST STONE AVENUE<br>GREENVILLE, SC 29601                                       |
| 48319          | CAPITOL SPECIALTY INSURANCE<br>CORPORATION              | 1600 ASPEN COMMONS<br>MIDDLETON, WI 53562   |
| 64641          | CATLIN INSURANCE COMPANY (UK)<br>LIMITED                | 3 MINSTER COURT<br>MINCING LANE<br>LONDON, United Kingdom EC3R 7DD                  |
| 63239          | CATLIN SPECIALTY INSURANCE COMPANY                      | 160 GREENTREE DRIVE<br>SUITE 101<br>DOVER, DE 19904                                 |
| 10529          | CENTENNIAL CASUALTY COMPANY                             | 2200 WOODCREST PLACE<br>SUITE 200<br>BIRMINGHAM, AL 35209                           |
| 10531          | CENTURY SURETY COMPANY                                  | 465 N CLEVELAND AVENUE<br>WESTERVILLE, OH 43082                                     |
| 10532          | CHUBB CUSTOM INSURANCE COMPANY                          | C/O CORPORATE SERVICE COMPANY<br>2711 CENTERVILLE ROAD<br>WILMINGTON, DE 19808-1645 |
| 18617          | CLARENDON AMERICA INSURANCE<br>COMPANY                  | 601 EWING STREET<br>SUITE C-8<br>PRINCETON, NJ 09650                                |
| 10533          | COLONY INSURANCE COMPANY                                | 8720 STONEY POINT PARKWAY<br>SUITE 300<br>RICHMOND, VA 23235                        |
| 10582          | COLONY NATIONAL INSURANCE COMPANY                       | 8720 STONEY POINT PARKWAY<br>SUITE 300<br>RICHMOND, VA 23235                        |



| <i>Key No.</i> | <i>Company Name</i>                                  | <i>Statutory Home Address</i>  |
|----------------|--|--|
| 10534          | COLUMBIA CASUALTY COMPANY                            | CNA PLAZA<br>CHICAGO, IL 60685   |
| 22388          | COMMONWEALTH INSURANCE COMPANY                       | 595 BURREARD STREET, SUITE 1500<br>BOX 49115 BENTALL TOWER THREE<br>VANCOUVER, V7X 1G4 |
| 37372          | CRUM & FORSTER SPECIALTY INSURANCE<br>COMPANY        | 2999 NORTH 44TH STREET<br>SUITE 250<br>PHOENIX, AZ 85018                               |
| 66658          | CUMIS SPECIALTY INSURANCE COMPANY,<br>INC.           | 2000 HERITAGE WAY<br>WAVERLY, IA 50677   |
| 10600          | DARWIN SELECT INSURANCE COMPANY                      | 320 WEST CAPITAL STREET<br>SUITE 1000<br>LITTLE ROCK, AR 72201-3525                    |
| 37001          | DISCOVER SPECIALTY INSURANCE<br>COMPANY              | 200 NORTH LASALLE STREET<br>CHICAGO, IL 60661  |
| 10541          | EMPIRE INDEMNITY INSURANCE<br>COMPANY                | 630 NE 63RD STREET<br>OKLAHOMA CITY, OK 73105  |
| 63338          | ENDURANCE AMERICAN SPECIALTY<br>INSURANCE COMPANY    | 767 THIRD AVENUE<br>FIFTH FLOOR<br>NEW YORK, NY 10017                                  |
| 10542          | ESSEX INSURANCE COMPANY                              | 1209 ORANGE STREET<br>WILMINGTON, DE 19801   |
| 10543          | EVANSTON INSURANCE COMPANY                           | TEN PARKWAY NORTH<br>DEERFIELD, IL 60015   |
| 10544          | EVEREST INDEMNITY INSURANCE<br>COMPANY               | CORPORATION TRUST CENTER<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801                 |
| 10545          | EXECUTIVE RISK SPECIALTY INSURANCE<br>COMPANY        | 82 HOPMEADOW STREET<br>SIMSBURY, CT 06070-7683   |
| 10547          | FIREMAN'S FUND INSURANCE COMPANY<br>OF OHIO          | 312 WALNUT STREET<br>SUITE 1100<br>CINCINNATI, OH 45202                                |
| 10548          | FIRST FINANCIAL INSURANCE COMPANY                    | 528 SOUTH FIFTH STREET<br>SUITE 210<br>SPRINGFIELD, IL 62701-1822                      |
| 10549          | FIRST MERCURY INSURANCE COMPANY                      | ONE SOUTH WACKER DRIVE<br>SUITE 2740<br>CHICAGO, IL 60606                              |
| 10550          | FIRST SPECIALTY INSURANCE<br>CORPORATION             | 237 EAST HIGH STREET<br>JEFFERSON CITY, MO 65102                                       |
| 18477          | GEMINI INSURANCE COMPANY                             | CORPORATION TRUST CENTER<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801                 |
| 10553          | GENERAL AGENTS INSURANCE COMPANY<br>OF AMERICA, INC. | 115 SOUTHWEST 89TH STREET<br>OKLAHOMA CITY, OK 73139                                   |
| 10552          | GENERAL SECURITY INDEMNITY<br>COMPANY OF ARIZONA     | 2338 W. ROYAL PALM ROAD<br>SUITE J<br>PHOENIX, AZ 85021                                |
| 10554          | GENERAL STAR INDEMNITY COMPANY                       | 695 EAST MAIN STREET<br>P. O. BOX 10354<br>STAMFORD, CT 06904-2354                     |
| 22411          | GENERALI ASSURANCES IARD                             | 7 BOULEVARD HAUSSMAN<br>PARIS, France 75009  |
| 10555          | GENESIS INDEMNITY INSURANCE<br>COMPANY               | 316 NORTH FIFTH STREET<br>BISMARCK, ND 58501   |
| 58119          | GEOVERA SPECIALTY INSURANCE<br>COMPANY               | 4820 BUSINESS CENTER DRIVE<br>SUITE 200<br>FAIRFIELD, CA 94534                         |

| <i>Key No.</i> | <i>Company Name</i>                            | <i>Statutory Home Address</i>  |
|----------------|--|--|
| 44715          | GLENCOE INSURANCE LIMITED                      | RENAISSANCE HOUSE<br>8 EAST BROADWAY<br>PO BOX HM 2527<br>HAMILTON, Bermuda HM GX      |
| 10556          | GOTHAM INSURANCE COMPANY                       | 919 THIRD AVENUE<br>10TH FLOOR<br>NEW YORK, NY 10022                                   |
| 10514          | GREAT AMERICAN E & S INSURANCE<br>COMPANY      | THE CORPORATION TRUST COMPANY<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801            |
| 10518          | GREAT AMERICAN FIDELITY INSURANCE<br>COMPANY   | THE CORPORATION TRUST COMPANY<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801            |
| 10540          | GREAT AMERICAN PROTECTION<br>INSURANCE COMPANY | 580 WALNUT STREET<br>CINCINNATI, OH 45204  |
| 22412          | GREAT LAKES REINSURANCE (UK) PLC               | UPPER GROUND FLOOR<br>1 MINSTER COURT<br>MINCING LANE<br>LONDON, Great Britain EC3R7AA |
| 36489          | GUILFORD INSURANCE COMPANY                     | 528 SOUTH FIFTH STREET<br>SUITE 210<br>SPRINGFIELD, IL 62701-1822                      |
| 10557          | GULF UNDERWRITERS INSURANCE<br>COMPANY         | ONE TOWER SQUARE<br>HARTFORD, CT 06183   |
| 66133          | HCC SPECIALTY INSURANCE COMPANY                | 201 ROBERT S. HERR AVENUE<br>OKLAHOMA, OK 73102  |
| 44169          | HOMELAND INSURANCE COMPANY OF<br>NEW YORK      | 201 NORTH SERVICE ROAD<br>MELVILLE, NY 11747   |
| 10559          | HOUSTON CASUALTY COMPANY                       | 13403 NORTHWEST FREEWAY<br>HOUSTON, TX 77040   |
| 37373          | HUDSON SPECIALTY INSURANCE<br>COMPANY          | 17 STATE STREET<br>29TH FLOOR<br>NEW YORK, NY 10004                                    |
| 10560          | ILLINOIS EMCASCO INSURANCE COMPANY             | 717 MULBERRY STREET<br>DES MOINES, IA 50309-3872                                       |
| 10561          | ILLINOIS UNION INSURANCE COMPANY               | 525 WEST MONROE STREET<br>CHICAGO, IL 60631  |
| 10562          | INDIAN HARBOR INSURANCE COMPANY                | CT CORPORATION SYSTEM<br>314 EAST THAYER AVENUE<br>BISMARCK, ND 58501                  |
| 10563          | INEX INSURANCE EXCHANGE                        | 1 SOUTH WACKER DRIVE<br>SUITE 2720<br>CHICAGO, IL 60606-4617                           |
| 45736          | INTEGON SPECIALTY INSURANCE<br>COMPANY         | 500 WEST FIFTH STREET<br>WINSTON-SALEM, NC 27152                                       |
| 28076          | INTERNATIONAL INSURANCE CO OF<br>HANNOVER, LTD | L'AVENIR<br>OPLADEN WAY, BRACKNELL<br>BERKSHIRE, Great Britain UK<br>RG12 OPH          |
| 10564          | INTERSTATE FIRE & CASUALTY COMPANY             | 33 WEST MONROE<br>CHICAGO, IL 60603  |
| 70118          | IRONSHORE INSURANCE LTD.                       | SWAN BUILDING<br>26 VICTORIA STREET<br>HAMILTON, Bermuda HM12                          |
| 10566          | ITT PACIFIC INSURANCE COMPANY                  | HARTFORD PLAZA<br>HARTFORD, CT 06115   |
| 10546          | JAMES RIVER INSURANCE COMPANY                  | 52 EAST GAY STREET<br>COLUMBUS, OH 43215   |

| <i>Key No.</i> | <i>Company Name</i>                                    | <i>Statutory Home Address</i>   |
|----------------|--|---|
| 8967           | LANDMARK AMERICAN INSURANCE COMPANY                    | 115 S.W. 89TH STREET<br>OKLAHOMA CITY, OK 73139-8501                                  |
| 10567          | LANDMARK INSURANCE COMPANY                             | 2730 GATEWAY OAKS DRIVE<br>SUITE 100<br>SACRAMENTO, CA 95833                          |
| 45576          | LANTANA INSURANCE LTD.                                 | RENAISSANCE HOUSE<br>8-12 EAST BROADWAY<br>HAMILTON, Bermuda HM 19                    |
| 10569          | LEXINGTON INSURANCE COMPANY                            | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808                            |
| 22415          | LIBERTY MUTUAL INSURANCE EUROPE LIMITED                | 3TH FLOOR, TWO MINSTER COURT<br>MINCING LANE<br>LONDON, Great Britain EC3R 7YE        |
| 18457          | LIBERTY SURPLUS INSURANCE CORPORATION                  | 175 BERKELEY STREET<br>BOSTON, MA 02117   |
| 22416          | LLOYD'S (UNDERWRITERS AT)                              | ONE LIME STREET<br>LONDON, Great Britain EC3M7HA                                      |
| 22417          | LONDON AND EDINBURGH INSURANCE COMPANY LIMITED         | 8 SURREY STREET<br>NORWICH NR1 3NG<br>ENGLAND, Great Britain EC3M5BT                  |
| 22418          | MARINE INSURANCE COMPANY LIMITED                       | ST MARKS COURT, CHART WAY<br>HORSHAM, WEST SUSSEX<br>ENGLAND, Great Britain RH 12 1XL |
| 22455          | MARKEL INTERNATIONAL INSURANCE COMPANY LIMITED         | THE MARKEL BUILDING<br>49 LEADENHALL STREET<br>LONDON, Great Britain EC3A2EA          |
| 10570          | MAX SPECIALTY INSURANCE COMPANY                        | 1209 ORANGE STREET<br>WILMINGTON, DE 19801  |
| 10527          | MAXUM INDEMNITY COMPANY                                | 1209 ORANGE STREET<br>WILMINGTON, DE 19801  |
| 69016          | MEDICAL MUTUAL LIABILITY INSURANCE SOCIETY OF MARYLAND | 225 INTERNATIONAL CIRCLE<br>HUNT VALLEY, MD 21030                                     |
| 10571          | MT. HAWLEY INSURANCE COMPANY                           | 9025 N. LINDBERGH DRIVE<br>PEORIA, IL 61615   |
| 10572          | NAMIC INSURANCE COMPANY, INC.                          | 3601 VINCENNES ROAD<br>INDIANAPOLIS, IN 46268   |
| 10573          | NATIONAL FIRE & MARINE INSURANCE COMPANY               | 3024 HARNEY STREET<br>OMAHA, NE 68131-3580  |
| 10574          | NAUTILUS INSURANCE COMPANY                             | 7233 E. BUTHERUS DRIVE<br>SCOTTSDALE, AZ 85260  |
| 10575          | NAVIGATORS SPECIALTY INSURANCE COMPANY                 | ONE PENN PLAZA<br>55TH FLOOR<br>NEW YORK, NY 10119-0002                               |
| 10537          | NOETIC SPECIALTY INSURANCE COMPANY                     | 111 S. WACKER DRIVE<br>CHICAGO, IL 60606-4410   |
| 10576          | NORTH AMERICAN CAPACITY INSURANCE COMPANY              | 650 ELM STREET<br>MANCHESTER, NH 03101-2524   |
| 10584          | NORTH POINTE CASUALTY INSURANCE COMPANY                | 10199 SOUTHSIDE BLVD<br>BUILDING 1<br>JACKSONVILLE, FL 32256                          |
| 10577          | NORTHFIELD INSURANCE COMPANY                           | 1270 OFFICE PLAZA DRIVE<br>WEST DES MOINES, IA 50266                                  |
| 10578          | NUTMEG INSURANCE COMPANY                               | HARTFORD PLAZA<br>HARTFORD, CT 06115  |
| 22421          | OCEAN MARINE INSURANCE COMPANY LIMITED                 | ST. HELEN'S<br>1 UNDERSHAFT<br>LONDON, Great Britain EC3P3DQ                          |

| <i>Key No.</i> | <i>Company Name</i>                                   | <i>Statutory Home Address</i>  |
|----------------|---|--|
| 10579          | OLD REPUBLIC UNION INSURANCE COMPANY                  | 307 NORTH MICHIGAN AVENUE<br>CHICAGO, IL 60601                                   |
| 58179          | PENN-PATRIOT INSURANCE COMPANY                        | 526 KING STREET<br>ALEXANDRIA, VA 22314  |
| 40659          | PRAETORIAN SPECIALTY INSURANCE COMPANY                | 1209 ORANGE STREET<br>WILMINGTON, DE 19801-1120                                  |
| 23150          | PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY  | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808                       |
| 10583          | PROFESSIONAL UNDERWRITERS LIABILITY INSURANCE COMPANY | 136 EAST SOUTH TEMPLE<br>SUITE 2100<br>SALT LAKE CITY, UT 84111                  |
| 22449          | QBE INSURANCE (EUROPE) LIMITED                        | PLANTATION PLACE<br>30 FENCHURCH STREET<br>LONDON, Great Britain EC3M 3BD        |
| 47448          | QBE SPECIALTY INSURANCE COMPANY                       | 314 EAST THAYER AVENUE<br>BISMARCK, ND 58501                                     |
| 53074          | QUANTA SPECIALTY LINES INSURANCE COMPANY              | 3500 DEPAUW BOULEVARD<br>SUITE 3050<br>INDIANAPOLIS, IN 46268                    |
| 44436          | RED MOUNTAIN CASUALTY INSURANCE COMPANY, INC.         | 100 BROOKWOOD PLACE<br>SUITE 500<br>BIRMINGHAM, AL 35209                         |
| 70898          | REPUBLIC-VANGUARD INSURANCE COMPANY                   | 2394 E. CAMELBACK ROAD<br>PHOENIX, AZ 85016                                      |
| 10603          | ROCKHILL INSURANCE COMPANY                            | 2999 NORTH 44TH STREET<br>SUITE 250<br>PHOENIX, AZ 85018                         |
| 10589          | SAFECO SURPLUS LINES INSURANCE COMPANY                | SAFECO PLAZA<br>SEATTLE, WA 98185  |
| 10590          | SAVERS PROPERTY AND CASUALTY INSURANCE COMPANY        | 700 WEST 47TH STREET<br>KANSAS CITY, MO 64112-1802                               |
| 10591          | SCOTTSDALE INSURANCE COMPANY                          | ONE NATIONWIDE PLAZA<br>COLUMBUS, OH 43215                                       |
| 44276          | SENECA SPECIALTY INSURANCE COMPANY                    | 2999 NORTH 44TH STREET<br>SUITE 250<br>PHOENIX, AZ 85018-7256                    |
| 33514          | SIRIUS INTERNATIONAL INSURANCE CORPORATION            | BIRGER JARISGATAN 57B<br>STOCKHOLM, Sweden SE 113 96                             |
| 10565          | SPECIALTY SURPLUS INSURANCE COMPANY                   | 1 KEMPER DRIVE<br>LONG GROVE, IL 60049-0001                                      |
| 22453          | SR INTERNATIONAL BUSINESS INSURANCE COMPANY LIMITED   | 30 ST. MARY AXE<br>LONDON, Great Britain EC3A8EP                                 |
| 10593          | ST. PAUL SURPLUS LINES INSURANCE COMPANY              | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808                       |
| 10594          | STEADFAST INSURANCE COMPANY                           | SUITE 202<br>32 LOOCKERMAN SQUARE<br>DOVER, DE 19904                             |
| 10596          | TIG SPECIALTY INSURANCE COMPANY                       | C/O RIVERSTONE RESOURCES, LLC<br>8880 RIO SAN DIEGO DRIVE<br>SAN DIEGO, CA 92108 |
| 10597          | TRAVELERS EXCESS AND SURPLUS LINES COMPANY            | ONE TOWER SQUARE<br>HARTFORD, CT 06183   |
| 54486          | TT CLUB MUTUAL INSURANCE LIMITED                      | INTERNATIONAL HOUSE<br>CREECHURCH LANE<br>LONDON, Great Britain EC3A 5BA         |

| <i>Key No.</i> | <i>Company Name</i>                         | <i>Statutory Home Address</i>                                    |
|----------------|---|--|
| 10598          | TUDOR INSURANCE COMPANY                     | 91 COURT STREET<br>KEENE, NH 03431                               |
| 10599          | U. S. UNDERWRITERS INSURANCE COMPANY        | 316 NORTH FIFTH STREET<br>SIXTH FLOOR<br>BISMARCK, ND 58501      |
| 44120          | UNITED NATIONAL CASUALTY INSURANCE COMPANY  | 5253 HOHMAN AVENUE<br>PO BOX 1150<br>HAMMOND, IN 46320           |
| 10558          | UNITED NATIONAL SPECIALTY INSURANCE COMPANY | 411 EAST WISCONSIN AVENUE<br>SUITE 700<br>MILWAUKEE, WI 53202    |
| 64798          | UNITED SPECIALTY INSURANCE COMPANY          | 160 GREENTREE DRIVE<br>SUITE 101<br>DOVER, DE 19904              |
| 52712          | VICTORIA INSURANCE COMPANY                  | 2301 E. LAMAR BOULEVARD<br>5TH FLOOR<br>ARLINGTON, TX 76006      |
| 10605          | VOYAGER INDEMNITY INSURANCE COMPANY         | 260 INTERSTATE NORTH CIRCLE NW<br>ATLANTA, GA 30339              |
| 10607          | WESTCHESTER SURPLUS LINES INSURANCE COMPANY | 500 COLONIAL CENTER PARKWAY<br>SUITE 200<br>ROSWELL, GA 30076    |
| 10608          | WESTERN HERITAGE INSURANCE COMPANY          | 6263 N. SCOTTSDALE ROAD<br>SUITE 240<br>SCOTTSDALE, AZ 85250     |
| 10610          | WESTERN WORLD INSURANCE COMPANY             | 91 COURT STREET<br>KEENE, NH 03431                               |
| 49219          | WILSHIRE INSURANCE COMPANY                  | 702 OBERLIN ROAD<br>RALEIGH, NC 27605-0800                       |
| 70201          | WIND RIVER REINSURANCE COMPANY, LTD         | BURNABY BUILDING<br>16 BURNABY STREET<br>HAMILTON, Bermuda HM 11 |
| 10604          | XL SELECT INSURANCE COMPANY                 | 735 FIRST NATIONAL BUILDING<br>OKLAHOMA CITY, OK 73102           |
| 10611          | ZC SPECIALTY INSURANCE COMPANY              | 400 WEST 15TH STREET<br>SUITE 710<br>AUSTIN, TX 78701            |

[Pa.B. Doc. No. 08-121. Filed for public inspection January 18, 2008, 9:00 a.m.]

## PENNSYLVANIA COUNCIL ON AGING

### 2008 Meeting Dates

Under 65 Pa.C.S. §§ 701—716 (relating to Sunshine Act), the Pennsylvania Council on Aging (Council) has established the following schedule for the Council's meetings for 2008:

|                              |                  |
|------------------------------|------------------|
| Wednesday, February 13, 2008 | 9 a.m.—2:30 p.m. |
| Wednesday, April 9, 2008     | 9 a.m.—2:30 p.m. |
| Wednesday, June 11, 2008     | 9 a.m.—2:30 p.m. |
| Wednesday, August 13, 2008   | 9 a.m.—2:30 p.m. |
| October Meeting              | TBA              |
| Wednesday, December 10, 2008 | 9 a.m.—2:30 p.m. |

Meetings, with the exception of the October meeting, will be held at the Offices of the Department of Aging, in the Fifth Floor Conference Room, 555 Walnut Street, Harrisburg, PA.

Contact the Pennsylvania Council on Aging at (717) 772-0473 for the date and location of the October meeting, which will be determined later.

Persons with a disability who wish to attend the previously-listed meetings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Darlene Sampson, Executive Director at (717) 772-0473 to discuss how the Council may best accommodate their needs.

DARLENE SAMPSON,  
*Executive Director*

[Pa.B. Doc. No. 08-122. Filed for public inspection January 18, 2008, 9:00 a.m.]

## PENNSYLVANIA GAMING CONTROL BOARD

### Change of Control Slot Machine License Fee

The Pennsylvania Gaming Control Board, under 4 Pa.C.S. § 1328(d) (relating to change in ownership or control of slot machine licensee), may, at its discretion, reduce the new slot machine licensing fee required in connection with a change in control of a slot machine licensee.

While the Board recognizes that a significant fee would provide an immediate benefit to the Commonwealth, imposing too high a fee on an acquirer could cause harm to the gaming industry by jeopardizing its long term prospects. For this reason, the Board believes that the taxpayers of the Commonwealth will benefit more in the long term by fostering competition for our gaming licenses and enticing new operators who are willing to invest the capital necessary to ensure that our gaming facilities remain engines of economic growth and sources of vital revenue to the Commonwealth well into the future.

Therefore, at its December 18, 2007, public meeting, the Board adopted a \$2.5 million fee to be assessed on an acquirer in connection with a change in control unless special circumstances would dictate otherwise. This fee is effective immediately.

THOMAS A. DECKER,  
*Chairperson*

[Pa.B. Doc. No. 08-123. Filed for public inspection January 18, 2008, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 07-171.S Reproduction/ Reprinting of the PRPA Journal of Commerce Insert, no later than 2 p.m. on Thursday, February 7, 2008. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available January 22, 2008. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 08-124. Filed for public inspection January 18, 2008, 9:00 a.m.]

# PROPOSED RULEMAKING

## LOBBYING DISCLOSURE REGULATIONS COMMITTEE

[ 51 PA. CODE CHS. 31, 33, 35, 37, 39, 41, 43, 45  
51, 53, 55, 57, 59, 61, 63 AND 65 ]

### Lobbying Disclosure

The Lobbying Disclosure Regulations Committee (Committee) proposes to amend 51 Pa. Code by deleting Part II Chapters 31, 33, 35, 37, 41, 43 and 45 and by adding Part III, Chapters 51, 53, 55, 57, 59, 61, 63 and 65 as required by the act of November 1, 2006 (P. L. 1213, No. 134) (act) 65 Pa.C.S. Chapter 13A (relating to lobbying disclosure). The act provided for a new lobbying disclosure law, and repealed the act of October 15, 1998 (P. L. 729, No. 93), known as the Lobbying Disclosure Act, 65 Pa.C.S. Chapter 13. Section 13A10(d) of the act (relating to registration fees; fund established; system; regulations), requires comprehensive regulations to be promulgated by a committee comprised of the Attorney General, who is designated as the Chairperson of the Committee, the Chairperson of the State Ethics Commission (Commission), the Chief Counsel of the Disciplinary Board of the Supreme Court of Pennsylvania (Board), the Secretary of the Commonwealth, an individual appointed by the President Pro Tempore of the Senate, an individual appointed by the Minority Leader of the Senate, an individual appointed by the Speaker of the House of Representatives, an individual appointed by the Minority Leader of the House of Representatives, or their designees, and a lobbyist appointed by the Governor. The act also sets forth other requirements, which are also addressed in the proposed rulemaking.

#### *Purpose*

This proposed rulemaking sets forth regulations to establish, implement and administer a system for lobbying disclosure, in accordance with section 13A10(d) of the act, in addition to other requirements contained in the act.

#### *Description of Proposed Amendments*

A description of the proposed rulemaking appears as follows.

#### *Chapter 51. General Provisions*

The Committee proposes to adopt Chapter 51 (relating to general provisions) to set forth 12 sections which include general provisions regarding: definitions; filing deadlines to fall on Commonwealth business days; registration periods and reporting periods; delinquency; deficiency; biennial review of exemption threshold and reporting threshold; forms, records and Department of State (Department) publications; amended filings; signing and designation of certain filings; electronic filing; enforcement of commission orders; parent corporations and subsidiaries.

#### *Section 51.1. Definitions.*

Section 13A03 of the act provides definitions for words and phrases used in the act. The Committee proposes to add to some definitions as defined under the act and add other definitions as follows:

“Administrative action”—For the first time, the procurement of supplies, services and construction under 62

Pa.C.S. (relating to procurement) falls within administrative action for lobbying disclosure. Subparagraphs (i)—(v) of this definition come from section 13A03 of the act (relating to definitions). In subparagraph (vi), the Committee added language to both the definitions of “administrative action” and “legislative action” to clarify the statutory intent that lobbying would include communication on grants, the release of funds in the capital budget, loans and investment of funds.

“Affiliated Political Action Committee”—In subparagraph (i), the Committee proposes to reformat the definition. In subparagraph (ii), the Committee proposes to clarify that the term does not include a Federal political action committee registered only with the Federal Election Commission and is not required to register in this Commonwealth. The Committee recommends that the Federal Election Campaign Act of 1971 (2 U.S.C. § 453(a)) preempts State laws regarding registration, reporting and compliance for Federal candidates and committees.

“Agency”—The Committee clarifies that an “independent agency” is an agency included in the term. The Committee discussed this issue and resolved it by applying Article IV, Section 1 of the Pennsylvania Constitution, 42 Pa.C.S. § 102 (relating to definitions) and the case of *Ford v. Philadelphia Housing Authority*, 879 A.2d 162, 164 (Pa. 2005) (“A Commonwealth agency is any executive or independent agency and includes entities such as commissions, authorities, boards, and other agencies of the commonwealth government.”) to conclude that the definition of “agency” and the phrase “the Executive Department of the Commonwealth” includes an “independent agency.” The Committee also proposes to reformat the definition to clarify the legislative intent.

“Amendment”—The Committee clarifies that an amendment, rather than a notice of termination, is used to make changes to any filing, which includes a registration statement, a quarterly expense report, a statement of limited knowledge or a notice of termination.

“Anything of value”—The Committee proposes to add a definition for “anything of value” to clarify what a registrant must report under section 13A05 of the act (relating to reporting).

“Association”—The Committee adds a definition for “association” because the term is used in the definitions of “lobbyist” and “principal” in section 13A03 of the act.

“Audit contract period”—The definition for “audit contract period” means a time span of 2 years beginning each odd-numbered year. The Committee reasoned that a term was needed to describe the contract period for auditors as described under section 13A08(f)(1) of the act (relating to administration).

“Candidate”—The Committee adds a definition for “candidate” which limits the term to candidates for State office because section 403(a) of the Federal Election Campaign Act of 1971 preempts state laws regarding registration, reporting and compliance for Federal candidates and political committees.

“Candidate political committee”—The Committee proposes to add a definition for “candidate political committee” due to the inclusion of the phrase in section 13A07(a) of the act (relating to prohibited activities). This is also consistent with the way in which the Department has stated on its instructions of the Lobbying Registration

Statement: "List all political committees of candidates for which the lobbyist is an officer, including both a candidate's authorized political committee and a candidate's political action committee."

"Child"—The Committee proposes to define the word "child" because it is used in the definition of "immediate family" in section 13A03 of the act.

"Commonwealth business day"—The Statutory Construction Act at 1 Pa.C.S. § 1908 (relating to computation of time), provides that in determining time in statutes, whenever the last day of a deadline falls on a Saturday, Sunday or holiday, that day "shall be omitted from the computation of time." Furthermore, the Statutory Construction Act at 1 Pa.C.S. § 1991 (relating to definitions) defines "day" as "[t]he time from midnight to the next midnight." Because there is no definition of business day in the act, the Committee proposes to use "Commonwealth Business Day" throughout the regulations.

"Complaint"—The Committee proposes a definition to clarify its meaning as it is used in the act and the regulations.

"Conflict of interest"—This language closely tracks Rule 1.7 of the Pennsylvania Supreme Court's Rules of Professional Conduct.

"Direct communication"—This proposed language includes personnel expenses and office expenses and exclude gifts, hospitality, transportation and lodging from the definition of "direct communication." The Committee reasoned that the proposed language would clarify what expenses should be reported as direct communication.

"Docket"—The Committee proposes to clarify the meaning of this term because it is used throughout the regulations.

"Effort to influence legislative action or administrative action"—The Committee decided to define this term because it is used in section 13A03 of the act in the definition of lobbying. The Committee discussed this definition and the one for "Engaging a lobbyist" and reasoned that the two definitions should be consistent and should include lobbying on behalf of a principal for economic consideration. The Committee proposes that lobbying includes paying a lobbyist a retainer, even if that lobbyist does not make direct or indirect communications. A principal hiring a lobbyist not to make any direct or indirect communications is an effort to influence legislative action or administrative action because it is furthering the principal's intent to influence legislative or administrative action or the lack thereof. By hiring a lobbyist to not make any direct or indirect communications, a principal could prevent that lobbyist from working for another principal with opposing views. Also the committee proposes that this definition should include monitoring legislation, legislative action or administrative action.

"Employee"—The Committee clarifies the meaning of this term as it is used in the act and the regulations. The Committee utilized the Internal Revenue Code, *Black's Law Dictionary* and the Pennsylvania worker's compensation cases of *Triangle Bldg. Ctr. v. W.C.A.B. (Linch)*, 560 Pa. 540, 553 (Pa. 2000) (quoting Worker's Compensation Act, 77 P.S. § 22); and *Mature v. Angelo*, 373 Pa. 593, 596 (1953) to arrive at the proposed definition.

"Engaging a lobbyist"—The Committee proposes to define this term to clarify its meaning because it is used throughout the regulations. The Committee discussed this definition and the one for "Effort to influence legislative

action or administrative action," and reasoned that the two definitions should be consistent and should include lobbying on behalf of a principal for economic consideration, as discussed previously.

"Engaging in lobbying"—The Committee defines this term to clarify its meaning because it is used throughout the regulations as well as in section 13A03(b)(1)(vii) of the act.

"Entity"—The Committee proposes a definition to clarify its meaning as it is used in the act and the regulations.

"Filed"—The Committee clarifies the meaning of this term, which is used throughout the act and the regulations.

"Intentional"—The Committee proposes a definition to clarify its meaning as it is used in the act and the regulations.

"Legislation"—The Committee proposes language to include legislation that the Governor's office drafts which may or may not become legislation and legislation pending or proposed by any State official or employee.

"Lobbying"—The Committee proposes language to give examples of what the term includes.

"Lobbyist"—The Committee proposes language to add "association, corporation, partnership, business trust or other entity" to clearly include groups which are lobbyists because they engage in lobbying on behalf of a principal for economic consideration.

"Marketplace transaction"—The Committee proposes a definition to clarify its meaning as it is used in the regulations at § 55.1(k)(3) and (4) (relating to quarterly expense reports). Furthermore, the term is used in the Committee's *Interim Guidelines for Accounting and Reporting*. In both the regulations and the *Guidelines*, the Committee reasoned that this term was necessary to clarify how registrants should uniformly report the value of goods and services provided to State officials and employees. The Committee drafted the definitions of the goods and services from the definitions of terms "anything of value" and "usual and normal charge for goods and services" found in the Federal Election Commission regulations at 11 CFR 100.52(d)(1) and (2) (relating to gift subscription, loan, advances of deposit of money).

"Negligence"—The Committee defines this term to clarify its meaning as it is used in the act and in the regulations. The Committee derived this definition from the case of *Martin v. Evans*, 551 Pa. 496, 502, 711 A.2d 458, 461 (1998) (quoting *Lanni v. Pa R. Co.*, 371 Pa. 106, 88 A.2d 887 (1952), and Pa. SSJI (Civ) 3.01).

"Person"—The Committee proposes a definition to clarify its meaning as it is used in the act and in the regulations.

"Political subdivision"—The Committee clarifies the meaning of this term, which is used in the act and in the regulations.

"Reception"—The Committee proposes a definition to clarify its meaning as it is used in the act and in the regulations. The term is used in section 13A05(b)(3)(iii) of the act (relating to reporting) as a cost not to be included as a hospitality expense if the State official or employee attends in connection with public office or employment. The Committee reasoned that there may be confusion as to what constitutes a reception. Section 13A05(b)(3)(iii) of the act informs a registrant that the amount spent on a reception does not count as part of the threshold amount



in excess of \$650, which if reached, the registrant shall send written notice to the State official or employee as required under section 13A05(b)(3)(iv) of the act. However, a registrant is still required to report the cost of the reception as costs for hospitality given to or provided to State officials or employees as required under section 13A05(b)(2)(i) of the act.

“Respondent”—The Committee proposes a definition to clarify its meaning as it is used in the act and in the regulations.

“Service (of official papers)”—The Committee proposes to clarify the meaning of this term as it is used in the act and in the regulations.

“*Sua sponte*”—The Committee proposes a definition to clarify its meaning as it is used in the act and in the regulations.

“Termination”—The Committee proposes a definition to clarify its meaning as it is used in the act and in the regulations. A notice of termination should not be used if the intent is only to change information on a registration or a report. If a registrant’s intent is only to change information on a filing, by adding or deleting information, the registrant should use an amendment. In contrast, a registrant should terminate if the registrant no longer intends to engage in lobbying.

“Total resources”—The Committee proposes a definition to clarify the meaning of these terms as they are used in section 13A05(b)(5) of the act and § 55.1(g)(5).

“Transportation and lodging or hospitality received in connection with public office or employment”—The Committee proposes to clarify the meaning of this term as it is used in the act and in the regulations.

*Section 51.2. Filing deadlines to fall on Commonwealth business days.*

Section 13A04(a) of the act (relating to registration) provides the deadline for filing a registration and section 13A05(a) of the act provides the deadline for the filing of a quarterly expense report with the Department of State (Department). In § 51.2, the Committee proposes that the filing deadlines for registration, reporting and any other official paper shall fall on a Commonwealth business day as defined in § 51.1. The Committee reasoned that the deadline should fall on the next day that the Commonwealth offices are open if the literal statutory deadline falls on a weekend or holiday or another day that the Department or Commission offices are closed or close early.

*Section 51.3. Registration periods and reporting periods.*

Section 13A04 of the act provides for biennial registration. In § 51.3, the Committee proposes that the registration period begins on January 1 of each odd numbered year. The Committee reasoned that clarification was needed so registrants knew when the registration and reporting periods begin.

*Section 51.4. Delinquency.*

Section 13A04 of the act provides that a lobbyist, lobbying firm or a principal shall register with the Department within 10 days of acting in any capacity as a lobbyist, lobbying firm or a principal. Section 13A05 of the act provides that quarterly expense reports are to be filed with the Department no later than 30 days after the last day of the quarter. In § 51.4(a) and (b), the Committee proposes to add language to inform registrants when a registration statement or report is considered delinquent and constitutes a failure to register as required by

the act. The Committee, in § 51.4(a)(1), proposes that hard copy filings must be received at 5 p.m. in the office and from 5 p.m. until 12 a.m. midnight, hard copy filings may be filed with the Department’s designee. The Department has typically used the Capital Police as a designee after 5 p.m. on the day that filings are due. As the Committee proposes, the Department will note its designee and the appropriate filing procedures in its publications or on its website.

In § 51.4(c), the Committee proposes a 5-day grace period for receiving the required photo and filing fee if a registrant registers electronically. The Committee reasoned that as long as the registrant registers electronically by the deadline and the photograph and the fee are received within 5 Commonwealth business days, the registrant should not be considered delinquent.

*Section 51.5. Deficiency.*

Section 13A04 of the act provides for the registration requirements. Section 13A05 of the act provides for the reporting requirements. In § 51.5(a)(1)—(5), the Committee proposes language which lists ways in which a registration or report can be deficient. In § 51.5(b)—(d), the Committee proposes language that a deficient filing constitutes a failure to meet registration or reporting, or both, requirements. In § 51.5(e), the Committee proposes language that a registration statement, expense report or notice of termination continues to be deficient until it is amended. The Committee reasoned that the proposed added language clarifies when a filing will be deficient and how to cure the deficiency by filing an amendment.

*Section 51.6. Biennial review of exemption threshold and reporting threshold.*

Section 13A08(j) of the act (relating to administration) provides for biennial review of the threshold for registration and reporting by the Department. Section 13A08(j) of the act also provides for biennial review of the filing fee. In § 51.6(c), the Committee proposes that the change to the thresholds will not be effective until the beginning of a calendar quarter. The Committee reasoned that clarification was needed for both registrants and the administrative agencies as to when a change in thresholds would go into effect.

*Section 51.7. Forms, records and Department publications.*

Section 13A08(b) of the act provides that the Department will prescribe registration and reporting forms. In § 51.7(a), the Committee proposes to add language on where the forms can be obtained. The Committee reasoned that it should be clear to registrants where the forms are available. Section 13A08(d) of the act requires the Department to publish an annual report on lobbying activities in this Commonwealth. In § 51.7(e), the Committee proposes that the annual report and directory be published in a searchable electronic format. The Committee reasoned that the added language informs registrants that the directory and annual reports are also available in a searchable electronic format.

*Section 51.8. Amended filings.*

Section 13A04(d) of the act provides for amended registrations. In § 51.8(c), the Committee proposes that registrants shall complete only those portions of their registration statements and quarterly expense reports that need to be amended in addition to the identification of the registrant. The Committee reasoned that a registrant should only have to file the information that has been changed with the identification of the registrant.

*Section 51.9. Signing and designation of certain filings.*

Section 13A08(b) of the act requires that registration and reporting forms shall be signed under oath or equivalent information. In § 51.9(b), the Committee proposes that a registrant may designate another individual or firm to complete any of its filings if the registrant amends its registration statement. The Committee reasoned that lobbyists, lobbying firms and principals often designate third parties to prepare forms for filing, and the proposed language would allow for the designated third parties to file the necessary forms.

*Section 51.10. Electronic filing.*

Section 13A10 of the act requires the Department to implement a computerized filing system. In § 51.10, the Committee proposes that registrants may file electronically and use an electronic signature that will have the same force and effect as a manual signature. The Committee reasoned that since an electronic signature has the same force and effect as a manual signature, forms filed with an electronic signature should be considered as signed under oath or equivalent information as required under section 13A08(b) of the act (relating to administration).

*Section 51.11. Enforcement of Commission orders.*

In section 13A09 of the act, the Commission can levy administrative penalties and may prohibit a person from lobbying for economic consideration for up to 5 years. In § 51.12, the Committee proposes the Commission through its staff may take appropriate action to enforce its orders. The Committee reasoned that registrants ought to be aware that the orders of the Commission will be enforced.

*Section 51.12. Parent corporations and subsidiaries.*

Section 13A04 of the act requires registration and section 13A05 of the act requires reporting. In § 51.12, the Committee proposes that a parent corporation and its subsidiaries may register and report under the act on a consolidated basis if they meet the eligibility standards of the Internal Revenue Service for filing a consolidated corporate tax return. The Committee reasoned that if a parent corporation and its subsidiaries can file on a consolidated basis with the Internal Revenue Service, it should be allowed to do so under the act.

*Chapter 53. Registration and Termination*

The Committee proposes to adopt Chapter 53 to set forth seven sections which include general provisions regarding the biennial filing fee; principal registration; lobbying firm registration; lobbyist registration; amended registration statements; termination; and public inspection and copying.

*Section 53.1. Biennial filing fee.*

Section 13A04 of the act, requires lobbyists, lobbying firms and principals, unless they are excluded under section 13A06 of the act (relating to exemption from registration and reporting), to register within 10 days of acting in their capacity as lobbyists, lobbying firms or principals. Section 13A10(a) of the act provides that at the time of registration, persons required to be registered shall pay a biennial registration fee of \$100 to the Department of State (Department), which will be deposited into the Lobbying Disclosure Fund as a special fund in the State Treasury, as required by section 13A10(b)(1) and (2). Because a lobbyist, lobbying firm or principal can register online with the Department, and because the Department does not yet have online payment of filing fees, the Committee proposes at § 53.1(a)(1) that a

registrant may send the filing fee to the Department within 5 Commonwealth business days of the date of filing, and the filing would be considered timely.

*Section 53.2. Principal registration.*

Section 13A04(b)(1) of the act contains the filing requirements for a principal's registration statement. In reviewing § 53.2(b)(3) on July 19, 2007, when the Committee discussed the requirement at section 13A04(b)(1) of the act, which would provide that the principal list the "name and permanent business address of each individual who will for economic consideration engage in lobbying on behalf of the principal or lobbying firm," it also considered the exemptions for registration and reporting at section 13A06 of the act (relating to exemption from registration and reporting). The Committee reasoned that it was not logical to require principals to list all employees or contract lobbyists hired by a principal as lobbyists or lobbying firms if those same individuals or firms are exempt from registration and reporting under section 13A06 of the act. In applying the rules of statutory construction, the Committee decided to read these different statutory provisions in sections 13A04 and 13A06 together, in pari materia, in accordance with 1 Pa.C.S. § 1932 (relating to statutes in pari materia). Furthermore, the Committee reasoned that the General Assembly did not intend a result that is absurd, as provided at 1 Pa.C.S. § 1922(1) (relating to presumptions in ascertaining legislative intent), and that it would be absurd to require a principal to list an employee or contract lobbyist on its registration statement if that individual did not qualify as a "lobbyist" due to an exemption at section 13A06 of the act.

*Section 53.3. Lobbying firm registration.*

Section 13A04(b)(1) and (2) of the act contains the filing requirements for a lobbying firm's registration statement. Because the prior Lobbying Disclosure Act (Act 93 of 1998) did not include lobbying firms, the Committee created new language for this section that tracks the requirements of the act. However, the Committee applied the same concept in § 53.3(a) that it had used with principals in § 53.2(a) and concluded that lobbying firms that were not exempt under section 13A06 of the act shall register with the Department.

*Section 53.4. Lobbyist registration.*

Section 13A04(c) of the act contains the filing requirements for lobbyists filing a registration statement. As in § 53.2(a), the Committee proposes to retain the language from the previous regulation at § 33.3(a) (relating to lobbyist registration), which provided that lobbyists that were not exempt must register.

Section 13A04(c)(5) of the act requires all lobbyists who register to include a recent photograph. Because the Committee allows registrants to submit their filing fee within 5 Commonwealth business days of filing a registration statement, the Committee proposes that lobbyists be allowed the same time frame to submit their photograph.

In § 53.4(b)(6), the Committee proposes to include regulations that comply with a new requirement in section 13A04(c)(9) of the act, which provides that a lobbyist who is an officer for a candidate's political committee shall disclose on the lobbyist's registration statement the name, registration number and acronym of the candidate's political committee. The Committee proposes to clarify that this requirement applies only to non-Federal candidates because section 403(a) of the Federal Election Campaign Act of 1971 and the Federal

Election Commission regulation at 11 CFR 108.7 (relating to effect on State law (2 U.S.C. 453)) provides that Federal laws preempt state laws regarding registration, reporting and compliance for Federal candidates and political committees. Finally, the disclosure requirement at § 53.4(b)(6) is necessary because section 13A07(a) of the act (relating to prohibited activities) prohibits a lobbyist from serving as a treasurer or other officer (that is, chairperson) for a candidate's political committee or a candidate's political action committee if the candidate is seeking a Statewide office or the office of Senator or Representative in the General Assembly.

*Section 53.5. Amended registration statements.*

Section 13A04(d) of the act addresses amendments to registration statements and the Committee, in § 53.5(a), followed the statutory directive to require that changes in the information on registration statements require amendments within 14 days. In the definition of amendment in § 51.1, the Committee clarifies that amendments are appropriate when principals employ new lobbying firms or lobbyists and when lobbying firms or lobbyists retain new principals as clients. In § 53.5(c), the Committee proposes to add a provision to allow registrants to amend only those portions of their registration statements that require changes, in addition to the identification of the registrant. This practice is consistent with the Department's procedures with respect to the filing of amendments to campaign finance registration statements and expense reports.

*Section 53.6. Termination.*

Section 13A04(e)(1) of the act addresses the filing of notices of termination with the Department, and the Department's corresponding responsibility to issue letters terminating registrants in 13A04(e)(2) of the act. The regulations track these requirements in § 53.6(a)—(e) and in § 53.6(g), respectively. Likewise, § 53.6(f) follows the requirement in section 13A04(e)(3) of the act that no lobbying occur after a registrant has filed a notice of termination, while § 53.6(i) would implement the requirement for continued reporting required by section 13A04(e)(4) of the act. Because reporting continues after a registrant's filing of a notice of termination, the Committee proposes to continue the enforcement provisions of the act in § 53.6(h). Without § 53.6(h), registrants could avoid enforcement by filing a notice of termination.

*Section 53.7. Public inspection and copying.*

Section 13A08(c) of the act (relating to administration) requires the Department to make completed registration statements and notices of termination available for public inspection, provide copies of these documents, and make registration statements available on a publicly accessible website. Section 53.7 not only contains these requirements for registration statements but also for notices of termination.

*Chapter 55. Reporting*

The Committee proposes to adopt Chapter 55 to set forth four sections which include general provisions regarding: quarterly expense reports; records maintenance, retention and reliability; public inspection and copying; and reliance on documents.

*Section 55.1. Quarterly expense reports.*

Section 13A05(a) and (b)(4) and (6) of the act, requires the reporting of expenses each quarter by registered principals, and in some cases, by registered lobbyists or lobbying firms, when these expenses exceed \$2,500 in a quarterly reporting period, as specified in § 55.1(a).

Based on a comment received on August 2 by the Philadelphia Bar Association, the Committee on August 9 decided to clarify that when expenses by principals, lobbyists or lobbying firms together exceed the \$2,500 threshold, reporting is required. Also on August 9, the Committee decided to add the language in the second sentence of § 55.1(a) regarding retainers because once a principal pays a retainer to a lobbyist or lobbying firm to represent the principal, the principal is engaging in lobbying as that term is defined in § 51.1. The Committee proposes to add similar language on retainers in § 55.1(g)(3).

In § 55.1(e), when a lobbying firm or lobbyist is required to file a separate expense report as provided at section 13A05(b)(6) of the act, the Committee proposes granting a lobbying firm or lobbyist 30 days to file the separate report from the time that the principal's report was due to provide the lobbyist or lobbying firm with sufficient time to obtain the necessary data and file the report. In addition, the Committee proposes two additional provisions at this subsection: (1) If within 30 days of the due date, a principal amends its quarterly expense report in compliance with § 51.8(c), a lobbyist or lobbying firm need not file a separate quarterly expense report; and (2) The filing of a separate quarterly expense report by a lobbyist or lobbying firm does not relieve a principal of any reporting requirements. The second provision is necessary because section 13A05(a) of the act requires principals to file quarterly expense reports.

Based on testimony provided on August 2 by Kimball & Associates, on August 9, the Committee added the words "for lobbying" in § 55.1(g)(5) to clarify that the requirement in section 13A05(b)(5) of the act was meant to apply solely to lobbying and not to the principal's receipts or transactions in the ordinary course of business. Also, the Committee proposes to include in this section the fact that total resources includes dues and grants received by the principal. Thus, a principal that is a lobbying coalition with many members would have to include dues from its members in reporting its resources received of more than 10% from one entity. A principal that is a trade association with many members would have to include dues from its members in reporting its resources received of more than 10% from one entity, when the dues are being paid for lobbying services conducted by the trade association.

In § 55.1(g)(6), the Committee proposes that it is reasonable to exempt from disclosure small gifts, hospitality, transportation and lodging valued at \$10 or less provided to State officials or employees or their immediate families. However, when the amount is over \$10 to more than one State official or employee, it must be disclosed. Without a reasonable threshold, principals, lobbying firms and lobbyists would be required to report the small amounts that would be of little concern to the public viewing the reports. The gift rules for the United States House of Representatives and Senate have a similar \$10 exemption for gifts given to members, officers or employees of the United States House of Representatives and United States Senate.

The Committee proposes in § 55.1(j) to provide details on the itemization of gifts and hospitality, as required by section 13A05(b)(3) of the act and, 65 Pa.C.S. § 1105(b)(6) and (7) (relating to statement of financial interests) (Ethics Act). Specifically in § 55.1(j)(2), the Committee proposes requiring the disclosure of the date and circumstances of a gift and the payment or reimbursement for transportation, lodging or hospitality because this infor-

mation is necessary for the recipient State official or employee to report to the Commission, as required by section 13A05(b)(3)(iv) of the act. Also, the Committee, in § 55.1(j)(3)(i) and (4)(i), proposes that in addition to disclosing the name and position of the State official or employee, the principal must disclose the governmental body of the State official or employee because inherent in the position is the governmental body of the State official or employee.

At § 55.1(m)(2), the Committee proposes explaining how a lobbyist or individual in a lobbying firm may sign the quarterly expense report of a principal on the principal's behalf, with authorization by the principal on its registration statement. This issue has become increasingly important as more principals from outside this Commonwealth are asking their lobbyists or lobbying firms in this Commonwealth to submit their quarterly expense reports on their behalf.

In listing the ways in which indirect communications may be made in § 55.1(o), the Committee proposes to add automated telephone calls to the list of communications already required by section 13A05(e) of the act because it is a prevalent way of making the indirect communications. Also automated telephone calls are similar to other public outreach efforts as mailings, telephone banks, billboards and print or electronic media advertisements required by section 13A05(e) of the act.

*Section 55.2. Records maintenance, retention and availability.*

Section 13A05(b)(2.1) of the act, provides that a registrant may use any reasonable method of estimation and allocation in filing an expense report. In applying this provision to recordkeeping, the Committee proposes at § 55.2(a)(3) that records of lobbying activity may be kept under any reasonable accounting basis. The Committee proposes a list of the three prevalent methods of recordkeeping that are included in any reasonable accounting basis: cash basis, accrual basis and modified accrual basis and proposes definitions for these recordkeeping methods.

Likewise, the Committee proposes in § 55.2(a)(6) that a registrant should keep its records on the same accounting basis for the 2-year period covering its registration under the act. If a registrant changes its accounting basis, it should make an internal record of the date of the change and the reason for the change. Although the Committee's proposal is not a requirement, it is recommended so that the registrant's recordkeeping will be consistent for a registration period, in the event that the registrant's records are audited.

The Committee also proposes applying the statutory requirement for any reasonable method of estimation and allocation to methods that a registrant may use to value time spent lobbying in § 55.2(b)(3). The Committee further proposes three possible methods, as long as the method selected is a reasonable method of estimation and allocation. The three possible methods listed in § 55.2(b)(3)(i)—(iii) include: employ a good faith estimate by using any reasonable method of estimation and accounting; keep a record of all of the time spent lobbying; or use the entire fee expended for lobbying.

*Section 55.3. Public inspection and copying.*

Section 13A08(c) of the act requires the Department to make completed expense reports available for public inspection, provide copies of these documents, and make

these expense reports available on a publicly accessible website. Section 55.3 contains these requirements for completed expense reports.

*Section 55.4. Reliance on documents.*

The previous lobbying law, Act 1998-93, had no enforcement until regulations went into effect. Therefore, the Committee published its *Interim Guidelines for Accounting and Reporting* on May 30, 2007, to provide guidance to the regulated community until the Committee published final regulations. In its *Interim Guidelines*, the Committee stated that registrants may use its *Interim Guidelines* and any updated *Interim Guidelines* for guidance until the finalization of the regulations, when the Committee will produce a final copy of the *Manual of Guidelines for Accounting and Reporting*, in compliance with section 13A10(d)(5) of the act. In § 55.4(a), the Committee proposes that registrants who follow the *Interim Guidelines* or *Manual* will serve as evidence of the registrant's good faith effort to comply with the act during the time when the *Guidelines* or *Manual* are in effect.

In § 55.4(b), the Committee proposes a similar regulation for a registrant's reliance on the forms and instructions published by the Department. Because these forms are required by section 13A08(b) of the act and because the act required that registrants file quarterly expense reports prior to the issuance of any regulations, it is logical that registrants that rely on the forms and instructions should serve as evidence of the registrant's good faith effort to comply with the act.

*Chapter 57. Exemptions from registration and reporting.*

The Committee proposes to adopt Chapter 57, which includes a general rule and an explanation of how an individual or entity may qualify for an exemption.

*Section 57.1. General rule.*

Section 13A06 of the act provides various exemptions from registration and reporting for persons and activities that might otherwise fall within the requirements of the act. Whenever an individual or other entity addressed in section 13A06 of the act qualifies for an exemption, that individual or entity is not required to register or report under the act, unless one of the following two conditions occurs. First, the proposed regulation addresses the fact that when a registrant under the act performs an activity that would otherwise be exempt from reporting, the registrant shall include the activity within its report. For example, a lobbyist who prepares testimony for a Committee of the General Assembly, in addition to engaging in other lobbying activities, shall report the preparation of the testimony in his reports. Second, this section recognizes that individuals and entities may lose their exempt status, which will trigger an obligation to register within 10 days. Thereafter, the registrant will need to file appropriate reports for those quarters in which the prior exemption no longer applied.

*Section 57.2.*

In § 57.2(a), the Committee proposes to clarify and amplify the exemptions at section 13A06 of the act as follows:

(1) The Committee proposes to clarify that participating in an administrative proceeding included more than preparing testimony and testifying before a committee. The Committee determined that preparing comments on regulations and preparing and delivering comments at agency advisory committee meetings are similar to preparing testimony, as exempted at section 13A06(1) of the

act. In addition, the Committee proposes to clarify that an individual or entity already registered no longer qualifies for exemptions under this subsection of the regulations.

(2) The Committee clarified that the exemption in section 13A06(2) of the act would not be limited to a specific news medium and noted that the term individual should include employees and independent contractors, also known as “stringers” in the industry. The Committee also set forth basic criteria that an individual or entity shall meet to ensure the exemption was not interpreted too broadly.

(3) The exemption in § 57.2(a)(3) required no explanation or expansion.

(4) The exemption in § 57.2(a)(4) required no explanation or expansion.

(5) The exemption in § 57.2(a)(5) required no explanation or expansion.

(6) The exemption in § 57.2(a)(6) required no explanation or expansion.

(7) The exemption in § 57.2(a)(7) represents a combination of the exemptions found in section 13A06(7)–(10) of the act. The Committee clarified that a governmental entity may lobby on its own behalf and neither that nor lobbying by an official/employee of the entity acting in an official capacity would require registration or reporting of their activities under the act. However, a governmental entity would be required to register and report as a principal if it hired other lobbyists or lobbying firms to engage in lobbying on behalf of the governmental entity with respect to those nonexempt lobbying activities assuming the total expenditures for the nonexempt lobbying activities would not bring it under the exemption at section 13A06(6) of the act. See also the following advisory opinions issued by the Commission: 07-1001 and 07-1002.

(8) The Committee proposes in § 57.2(a)(8) to track the exemption at section 13A06(11) of the act to protect the First Amendment constitutional right of the free exercise of religion. However, the Committee clarified that this exemption would not extend to lobbying on issues beyond the free exercise of religion. Lobbying beyond the free exercise of religion could subject an individual who otherwise qualified for this exemption to the registration and reporting requirements of the act.

(9) The Committee tracked the language in section 13A06(12) of the act and proposes, as in other proposed regulations immediately before and after this subsection, that the exemption is limited to the individual’s activity covered by the exemption and any additional activity would require the individual to register and report under the act.

(10) In this subsection, the Committee also tracked the language in section 13A06(13) of the act and again proposes that any additional activity would require the individual to register and report under the act.

(11) The Committee not only tracked the language at section 13A06(14) of the act, but also reasoned that the expenditures referenced in the Pennsylvania Election Code are already disclosed to the public.

In § 57.2(b), the Committee proposes to clarify and amplify the exemption at section 13A06(15) of the act to encompass the full scope of vendor activities which occur under 62 Pa.C.S. (relating to Commonwealth Procurement Code).

As mentioned in the preamble to § 51.1, lobbying related to procurement activities is being regulated for the first time in this Commonwealth. After input from the regulated community and the Department of General Services as the Commonwealth’s lead purchasing agency, the Committee proposes to recognize and set forth as exempt the various types of vendor activities that routinely occur as part of the full range of procurement methods such as: vendor activities authorized and regulated by the Procurement Code; vendor participation in other open, public forums; and vendor activities authorized by contract. The Committee reasoned that the purpose of the vendor exemption in section 13A06(15) of the act is to distinguish between a vendor’s participation in an agency procurement activity authorized and regulated by the Procurement Code and lobbying activity by the vendor or its lobbyist. The proposed list of exempted vendor activities does not provide an exclusive or restrictive list of procurement methods for which vendor participation is exempted.

Therefore, the subsection creates a distinction between: (1) exempted vendor participation in response to Commonwealth-initiated procurement actions; (2) nonexempt, unsolicited vendor activities; and (3) nonexempt vendor activities occurring outside of or not in accordance with the procedures governing an active procurement. The subsection exempts the listed activities only by the vendor, and not by a lobbyist, per the statutory definition.

#### *Chapter 59. Opinions and Advices of Counsel*

The Committee proposes to adopt Chapter 59 to set forth three sections which include general provisions regarding: the Ethics Act regulations in Part I as to opinions and advices of counsel; standing requirements; and prospective conduct to be reviewed.

#### *Section 59.1. Ethics Act regulations in Part I as to opinions and advices of counsel.*

Section 13A08(a) of the act, provides that the Commission will provide written advice and opinions regarding compliance with the act. Section 59.1(b) relates to section 13A08(a) of the act, which states that a person who acts in good faith based upon the written advice or opinion of the Commission may not be held liable for a violation of the act if the material facts are as stated in the request for an advisory. Section 59.1(c) relates to section 13A09(g)(1) of the act, which states that a respondent’s or defendant’s reliance on advice or opinions of the Commission constitutes an affirmative defense to an action brought under the act or the Ethics Act. The Committee reasoned that section 13A09(g)(1) should be cross-referenced for clarity.

#### *Section 59.2. Standing requirements.*

Section 13A08(a) of the act provides that the Commission will provide written advice and opinions to a lobbyist, a lobbying firm, a principal, the Department, the Board or a State official or employee, that seeks advice regarding compliance with the act. At § 59.2(b), the Committee proposes to add that a principal or lobbying firm shall have standing to request an advisory regarding the status, duties or activities of its employees. At § 59.2(d), the Committee proposes to add that the Department and the Board will have standing to request an advisory as to questions or issues regarding their respective duties and authority under the act. The Committee reasoned that § 59.2(d) will clarify that the duties and authority of the Department and the Board do not extend to the conduct of a principal, lobbying firm or lobbyist.

*Section 59.3. Prospective conduct to be reviewed.*

Section 13A08 of the act provides for the Commission to provide written advice and opinions. In § 59.3, the Committee proposes to provide that an advice or opinion will only be issued as to prospective conduct, pertinent to the subject of the request. The Committee reasoned that the proposed language clarifies that advice or opinions will be given only for questions about future conduct, consistent with section 1107 of the Ethics Act (relating to powers and duties of the commission).

*Chapter 61. Compliance Audits.*

The Committee proposes to adopt Chapter 61 to set forth six sections which include general provisions regarding: lotteries; the scope of compliance audits; audit procedures; audit reports; confidentiality; and the duty of the Department to contract for an audit.

*Section 61.1. Lotteries.*

Section 13A08(f)(2) of the act, addresses the random selection of 3% of all completed registrations and expense reports filed with the Department for an audit. In § 61.1(b), the Committee proposes that a registrant will not be selected for a random audit in consecutive audit contract periods. The Committee reasoned that it was not the legislative intent for a registrant to have to submit to continuous audits and the proposed language would disallow that from occurring.

*Section 61.2. Scope of compliance audits.*

Section 13A08(f)(3) of the act addresses how the audits will be conducted and the Committee followed the statutory directive to require that audits will be conducted with generally accepted auditing standards. In § 61.2(b), the Committee reasoned that activities before January 1, 2007, the effective date of the registration and reporting requirements of the act, should not be audited under the act.

*Section 61.3. Audit procedures.*

Section 13A08(f) of the act contains the requirements for audits of the regulated community. In § 61.3 (a)—(e), the Committee proposes to add language which gives specifics on conducting an audit such as: notifying the registrants selected for audit; the records the audit may include; and the registrant's affirmative duty to cooperate fully in any audit. The Committee reasoned that including specific audit procedures helps to ensure that audits are fair and complete.

*Section 61.4. Audit report.*

Section 13A08(f)(4) of the act provides for an audit report. In § 61.4(c), the Committee proposes that the independent auditor shall issue the audit report within 1 year of being notified of the selection of the subject of the audit based on Committee discussions that there should be a deadline by which registrants could expect the audit to be completed.

*Section 61.5. Confidentiality.*

Section 13A08(f)(4) of the act contains a requirement for confidentiality of the audit report and findings subject to an exception that the audit report and findings are to be made available to the Commission if the Commission is investigating an alleged violation of the act involving the audited registration or expense report. Section 13A08(f)(4) of the act further directs that the Commission include the relevant portion of an audit as part of its findings of fact in a Commission order resulting from an investigation arising out of an audit. The Committee reasoned that this statutory language establishes that a

Commission investigation may arise out of an audit. In § 61.5, the Committee tracks the statutory requirements of section 13A08(f)(4) of the act.

*Chapter 63. Commission Referrals, Investigative Proceedings and Noninvestigative Proceedings.*

The Committee proposes to adopt Chapter 63 to set forth seven sections which include general provisions regarding: Ethics Commission (Commission) referrals; Commission proceedings under section 13A07 of the act; late or deficient filings—Commission proceedings under section 13A04 or section 13A05 of the act; noninvestigative process for late or deficient filings; investigative process for late or deficient filings; administrative penalties for late or deficient filings; Commission decisions as to late or deficient filings.

*Section 63.1. Commission referrals.*

Sections 13A07(d)(8) and (f)(3)(i)—(ii), 13A09(b)(2) and 13A09(h) of the act provide for various discretionary and mandatory referrals by the Commission to the Attorney General or Board. Section 13A07(d)(8) of the act provides that an alleged violation of section 13A07(d) of the act by an attorney-at-law shall be referred to the Board to be investigated, considered and resolved in a manner consistent with the Rules of Professional Conduct. Section 63.1 would track the aforesaid statutory provisions as to referrals. In § 63.1(e), the Committee proposes to clarify that the Office of Attorney General need not await a referral from the Commission before initiating an investigation or prosecution under the Attorney General's own statutory authority. In § 63.1(f), the Committee proposes to clarify that nothing in the act or the regulations will restrict the Board's authority to discipline an attorney-at-law who is acting as a lobbyist or principal. In § 63.1(g), the Committee proposes to clarify that except for a matter under section 13A07(d)(8) of the act, a referral by the Commission or Office of Attorney General to the Board does not preclude the referring agency from also conducting its own enforcement proceedings under the act. The Committee reasoned that further clarification is needed in regards to a referral for an alleged violation by a registrant who is also an attorney-at-law because the prior Lobbying Disclosure Act (Act 93 of 1998, Chapter 13) was declared void based upon its impact upon attorneys.

*Section 63.2. Commission proceedings regarding prohibited activities under section 1307-A of the act.*

Section 13A07 of the act lists certain activities that are prohibited under the act.

At § 63.2(a)—(e), the Committee proposes language that Commission proceedings regarding prohibited activities under section 13A07 of the act will be conducted in accordance with the procedures in sections 1107 and 1108 of the Ethics Act (relating to powers and duties of the commission; and investigations by commission) and §§ 21.1—21.30 (relating to investigations), to the extent applicable. The Committee reasoned that this approach would satisfy the statutory requirements of section 13A08(g) of the act.

At § 63.2(b), the Commission proposes language referring to the Board's exclusive review pursuant to section 13A07(d)(8) to clarify that the Board has exclusive review over complaints regarding violations of section 13A07(d) by a lobbyist or principal who is also an attorney-at-law.

*Section § 63.3. Commission proceedings regarding late or deficient filings.*

Section 13A09 of the act provides for Commission proceedings involving alleged failure to register or report

as required under the act. In § 63.3(a)(1)—(5), the Committee proposes to clarify how these Commission proceedings may be initiated. The Committee reasoned that it ought to be clear to the regulated community and to the agencies administering the act how these Commission proceedings may be initiated.

In § 63.3(a)(3), the Committee proposes that the Department may refer to the Commission any information arising from an audit which, in the view of the Department, is appropriate for the Commission to consider. Section 13A08(f) of the act states that the Commission may be provided with an audit report and findings if the Commission is investigating an alleged violation of the act involving the audited registration or expense report. However, the same section of the act also states that a Commission investigation may arise out of an audit. Therefore, the Committee found that the common-sense reconciliation of these provisions suggests that the Commission may receive information regarding an audit even if there is no investigation pending.

In § 63.3(b), the Committee proposes that the Commission, through its Executive Director, will initiate either a noninvestigative process as in § 63.4 (relating to noninvestigative process for late or deficient filings) or an investigative process as in § 63.5 (relating to investigative process for late or deficient filings). The Committee reasoned that the Commission ought to be able to determine which process may be used in deciding whether there was negligent failure to register or report based on certain factors such as whether an investigation is needed to fully review the matter. However, in § 63.3(c), the Committee proposes that the Commission must use the investigative process if a referral is made by the Department based on an audit. The Committee reasoned that a referral based on an audit would be complex and an investigation would be needed to fully review the matter.

*Section § 63.4. Noninvestigative process for late or deficient filings.*

In § 63.4(1)—(23), the Committee proposes a noninvestigative process to determine if a registrant negligently failed to register or report as required by the act. The Committee reasoned that the noninvestigative process for late or deficient filings ought to be clear to the regulated community and to the agencies administering the act.

In § 63.4(1) and (2), the Committee proposes the issuance of a warning notice with an opportunity to cure alleged noncompliance prior to the initiation of formal proceedings through a notice of alleged noncompliance.

In § 63.4(3)—(6), the Committee proposes to provide for the filing of a written answer to a notice of alleged noncompliance.

Neither a warning notice nor a written answer is provided for in section 13A09(a) of the act (relating to penalties). The Committee reasoned that the provision of a warning notice with an opportunity to cure alleged noncompliance prior to the initiation of formal proceedings might resolve matters without a need for formal proceedings. The Committee further reasoned that in the event of formal proceedings, providing for the filing of an answer to a notice of alleged noncompliance would enhance due process.

*Section § 63.5. Investigative process for late or deficient filings.*

In § 63.5(1)—(4), the Committee proposes an investigative process for determining whether a registrant negli-

gently failed to register or report as required by the act. The Committee reasoned that the investigative process for late or deficient filings should satisfy the statutory requirements of section 13A08(g) of the act.

In § 63.5(5), the Committee proposes to add language clarifying that a person has a duty to comply with a lawfully issued subpoena from the Commonwealth, even if the person is out-of-State under 42 Pa.C.S. § 5322 (relating to the basis of personal jurisdiction over persons outside this Commonwealth). Section 5322(a)(1)(i) of 42 Pa.C.S., (ii) and (iv) gives a tribunal within this Commonwealth the ability to exercise personal jurisdiction over a person who transacts any business with this Commonwealth for the purpose of realizing pecuniary benefit; doing a single act in this Commonwealth for the purpose of accomplishing an object with the intention of initiating a series of such acts; or engaging in any business or profession within this Commonwealth. Also, 42 Pa.C.S. § 5322(a)(9) gives a tribunal in this Commonwealth the ability to exercise personal jurisdiction over a person who makes an application to any government unit for any registration. The Committee reasoned that those provisions of 42 Pa.C.S. § 5322 give any person who is out-of-State a duty to comply with a lawfully issued subpoena from the Commonwealth.

*Section 63.6. Administrative penalties for late or deficient filings.*

Section 13A09(a)(5), (b)(3) and (c)(1) and (2) of the act provide for an administrative penalty if failure to register or report was negligent. In § 63.6, the Committee proposes that if the Commission finds that there was negligent failure to register or report as required by the act following either the noninvestigative process under § 63.4 or an investigative process under § 63.5, then one or more administrative penalties may be levied. In § 63.6(2) and (3)(i)—(vi), the Committee proposes how such an administrative penalty will be calculated and allows for consideration of aggravating and mitigating factors.

*Section 63.7. Commission decisions as to late or deficient filings.*

In § 63.7, the Committee proposes that the determination of the Commission will be in the form of a final order with findings and reasons for the adjudication.

*Chapter 65. Prohibition Against Lobbying for Economic Consideration as a Sanction.*

The Committee proposes to adopt Chapter 65 to set forth two sections which include general provisions regarding: the basis for prohibition against lobbying for economic consideration and procedures for imposing prohibition against lobbying for economic consideration

*Section 65.1. Basis for prohibition against lobbying for economic consideration.*

Section 13A07(d)(6)(ii), (f)(2)(ii) and (e)(4) of the act, provides for when the Commission may prohibit a lobbyist from lobbying for economic consideration for up to 5 years. In § 65.1(a) and (b), the Committee proposes to add language to inform registrants of violations of the act that could result in the Commission prohibiting a lobbyist or lobbying firm from lobbying for economic consideration for up to 5 years. In § 65.1(c), the Committee proposes to inform respondents of when they shall be deemed to have been notified of noncompliance. In § 65.1(d) and (f), the Committee proposes to add language that informs registrants: of when they shall be deemed to have failed to comply after notice of noncompliance; that prohibition

against lobbying for economic consideration will not be imposed unless the registrant has been afforded the opportunity for a hearing; and that at any time prior to a final determination, the Commission has the authority to negotiate settlements and to enter into settlement agreements. The Committee reasoned that it needed to be clear to registrants what violations could result in being prohibited from lobbying for economic consideration. The Committee also reasoned that registrants should be aware that they will be afforded the opportunity for a hearing before a prohibition against lobbying for economic consideration is imposed.

*Section 65.2. Procedures for imposing prohibition against lobbying for economic consideration.*

Section 13A07(d)(6)(ii), (f)(2)(ii) and 13A09(e)(4) of the act, provide that the Commission may prohibit a lobbyist from lobbying for economic consideration only after an investigation, notice and hearing. In § 65.2(a) and (b), the Commission proposes to provide the procedures the Commission will follow for the imposition of a prohibition against lobbying for economic consideration. In § 65.2(b)(14), the Committee proposes to add language that lists factors that the Commission may consider in determining whether and for how long a prohibition against lobbying for economic consideration is to be imposed upon a respondent. In § 65.2(c), the Committee proposes that if a person is convicted in a criminal proceeding for violation of the act for which the penalty of prohibition against lobbying for economic consideration may be imposed, the conviction will be *res judicata*. The Committee reasoned that the procedures for imposing a prohibition against lobbying for economic consideration needed to be clear to registrants.

*Fiscal Impact and Paperwork Requirements*

*Fiscal Impact*

*Commonwealth:*

The proposed rulemaking will impose an additional fiscal impact upon the Commonwealth and specifically upon the Office of Attorney General (OAG), the Department, the Commission and the Pennsylvania Supreme Court Disciplinary Board (Board). The OAG costs are derived from personnel, operating and program expenses (which include travel, office furnishings and real estate rental) needed for chairing the Committee and for investigating and prosecuting violations of the act. The Department costs are derived from administrative costs (which include the collection and processing of fees, registrations and reports), personnel and office expenses needed for staffing the Committee and fulfilling its obligations under the proposed rulemaking and the act. The Commission costs are derived from nonrecurring expenses which include new computer workstations and office furniture and recurring expenses such as staffing and travel expenses needed for being a member of the Committee and for conducting investigations and holding hearings related to alleged violations of the act, as well as performing other duties under the act. The Board's expenses are derived from potential cases and the funding will come from attorney registration fees.

*Local Government*

Local government will not have any expenses associated with these regulations. However, if a local government is required to register as a principal, the local government would have the cost of the registration fee, which is \$100, and would then be considered to be part of the regulated community.

*Private Sector:*

The regulated community will have expenses in the form of a registration fee which is \$100.

*Paperwork Requirements*

*Commonwealth:*

The proposed rulemaking will change the previous registering and reporting requirements. Because the previous Lobbying Disclosure Act was ruled unconstitutional in 2002 by the Pennsylvania Supreme Court, there were not any requirements for registering and reporting until the act went into effect on January 1, 2007. The proposed rulemaking, in accordance with the act, now requires that all registrations and reports for principals, lobbying firms and lobbyists be filed with the Department.

*Local Government:*

Local government will not have any paperwork requirements associated with this proposed rulemaking. However, if a local government is required to register as a principal and file expense reports, the local government would have paperwork requirements but would then be considered to be part of the regulated community.

*Regulated Community:*

The proposed rulemaking, in accordance with the act, requires that all principals, lobbying firms and lobbyists register with and report to the Department.

*Effective Date*

The regulations will take effect upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

*Effective Date*

The amendments will take effect upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

*Regulatory Review Act Requirements*

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on January 9, 2008, the Committee submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate State Government Committee and the House State Government Committee. A copy of this material is available to the public upon request.

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

*Contact Person*

Persons interested in commenting on the proposed rulemaking may contact Louis Lawrence Boyle, Deputy Chief Counsel, Pennsylvania Department of State, 301 North Office Building, Harrisburg, PA 17120-0029 or e-mail at llboyle@state.pa.us. Comments must be received by February 19, 2008.

ROBERT A. MULLE,  
*Chairperson*

**Fiscal Note:** 16-40. No fiscal impact; (8) recommends adoption. The proposed rulemaking will implement Act



134 of 2006 related to lobbying disclosure. Funds have been included in the budget to cover costs not funded by the biennial registration fee.

**Annex A**

**TITLE 51. PUBLIC OFFICERS**

**PART II. [ Resesrve ]**

- CHAPTER 31. [ Reserved ].
- CHAPTER 33. [ Reserved ].
- CHAPTER 35. [ Reserved ].
- CHAPTER 37. [ Reserved ].
- CHAPTER 39. [ Reserved ].
- CHAPTER 41. [ Reserved ].
- CHAPTER 43. [ Reserved ].
- CHAPTER 45. [ Reserved ].

**PART III. LOBBYING DISCLOSURE**

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| <p>Chap.<br/>51.<br/>53.<br/>55.<br/>57.<br/>59.<br/>61.<br/>63.<br/>65.</p> | <p><b>GENERAL PROVISIONS</b><br/><b>REGISTRATION AND TERMINATION</b><br/><b>REPORTING</b><br/><b>EXEMPTION FROM REGISTRATION AND REPORTING</b><br/><b>OPINIONS AND ADVICES OF COUNSEL</b><br/><b>COMPLIANCE AUDITS</b><br/><b>COMMISSION REFERRALS, INVESTIGATIVE PROCEEDINGS AND NONINVESTIGATIVE PROCEEDINGS</b><br/><b>PROHIBITION AGAINST LOBBYING FOR ECONOMIC CONSIDERATION AS A SANCTION</b></p> |
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**CHAPTER 51. GENERAL PROVISIONS**

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| <p>Sec.<br/>51.1.<br/>51.2.<br/>51.3.<br/>51.4.<br/>51.5.<br/>51.6.<br/><br/>51.7.<br/>51.8.<br/>51.9.<br/>51.10.<br/>51.11.<br/>51.12.</p> | <p>Definitions.<br/>Filing deadlines to fall on Commonwealth business days.<br/>Registration periods and reporting periods.<br/>Delinquency.<br/>Deficiency.<br/>Biennial review of exemption threshold, reporting threshold and filing fees.<br/><br/>Forms, records and Department publications.<br/>Amended filings.<br/>Filings to be originals signed under oath or affirmation.<br/>Electronic filing.<br/>Enforcement of Commission orders.<br/>Parent corporations and subsidiaries.</p> |
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**§ 51.1. Definitions.**

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

*Act*—65 Pa.C.S. Chapter 13A (relating to lobbying disclosure).

*Administrative action*—The term includes one or more of the following:

- (i) An agency’s proposal, consideration, promulgation or rescission of a regulation; development or modification of a guideline or a statement of policy; approval or rejection of a regulation; or procurement of supplies, services and construction under 62 Pa.C.S. (relating to procurement).
- (ii) The review, revision, approval or disapproval of a regulation under the Regulatory Review Act.
- (iii) The Governor’s approval or veto of legislation.
- (iv) The nomination or appointment of an individual as an officer or employee of the Commonwealth.
- (v) The proposal, consideration, promulgation or rescission of an executive order.
- (vi) Grants, the release of funds from the capital budget, loans and investment of funds.

*Affiliated political action committee*—

(i) Includes a “political action committee” as defined in section 1621(l) of the Election Code (25 P. S. § 3241(l)), which meets the following conditions:

- (A) Has an officer who is a chairman or treasurer.
- (B) Who is one or more of the following:
  - (I) A principal.
  - (II) An officer or employee of a principal.
  - (III) A lobbyist.
  - (IV) An employee of a lobbyist.

(ii) The term does not include a Federal political action committee registered only with the Federal Election Commission, which is not required to register as a political committee in this Commonwealth under section 1624(a) of the Election Code (25 P. S. § 3244(a)).

(iii) If an employee of a registrant serves as the officer of a political action committee in what is clearly a personal capacity, and the goals and mission of that political action committee clearly have no relationship to the goals and mission of the registrant, the political action committee will not be considered an affiliated political action committee.

*Agency*—The term includes the following:

(i) A department of the Executive Department of the Commonwealth, as described at Article IV, Section 1 of the Pennsylvania Constitution.

(ii) Any Commonwealth:

- (A) Agency, as defined at 42 Pa.C.S. § 102 (relating to definitions), to include any executive agency or independent agency.
- (B) Board.
- (C) Commission.
- (D) Authority.

*Amendment*—The term means a change in any filing including:

(i) Any change in the information required for the registration statement under section 13A04(b) and (c) of the act (relating to registration) including any changes in the relationships between principals, lobbying firms and lobbyists such as:

(A) In the case of a principal, when engaging a new lobbyist or lobbying firm or when ceasing to engage a lobbyist or lobbying firm.

(B) In the case of a lobbying firm, when the lobbying firm is engaged by a new principal, when the lobbying firm engages a new lobbyist, when the lobbying firm ceases to be engaged by a principal or when the lobbying firm ceases to engage a lobbyist.

(C) In the case of a lobbyist, when the lobbyist is engaged by a new principal or new lobbying firm or when the lobbyist ceases to be engaged by a principal or lobbying firm.

(ii) Any change in the information required in the quarterly expense reports under section 13A05(b) of the act (relating to reporting).

(iii) Any change in the information required for a statement of limited knowledge under section 13A05(b)(6) of the act.

(iv) Any change in the information required for a notice of termination under section 13A04(e) of the act. See also § 53.6(d) (relating to registration) on amending a notice of termination.

*Anything of value—*

(i) For the limited purpose of reporting gifts, transportation, lodging or hospitality under section 13A04 or section 13A05 of the act, these terms include any tangible or intangible item of worth. See § 55.1(g)(6) (relating to quarterly expense reports).

(ii) The term includes any of the following:

- (A) Gifts.
- (B) Hospitality.
- (C) Transportation.
- (D) Lodging.
- (E) Services.
- (F) Loans.
- (G) Money.

*Association—*

(i) An “association” as defined in the Association Code in 15 Pa.C.S. § 102 (relating to definitions).

(ii) The term includes two or more persons associated in a common enterprise or undertaking and a corporation, a partnership, a limited liability company or a business trust.

(iii) The term does not include a testamentary trust or an inter vivos trust as defined in 20 Pa.C.S. § 711(3) (relating to mandatory exercise of jurisdiction through orphans’ court division in general).

*Attorney-at-law—*An individual admitted to practice law by a court of record of the Commonwealth.

*Audit contract period—*A time span of 2 years beginning on January 1 of each odd-numbered year, during which time the independent certified public accountants or certified public accounting firms will fulfill their contractual obligations under section 13A08(f)(3) of the act (relating to administration).

*Bidder—*As defined in 62 Pa.C.S. § 103 (relating to definitions).

*Board—*The Disciplinary Board of the Supreme Court of Pennsylvania.

*Candidate—*Any candidate for State office, as defined in section 1621(a) of the Election Code.

*Candidate political committee—*A “candidate’s political committee” as defined in section 1621(m) of the Election Code, and a candidate’s political action committee (PAC) which includes any political committee formed by or on behalf of a specified candidate or authorized by the candidate.

*Child—*The term includes adopted and biological children.

*Commonwealth business day—*The time from midnight to the next midnight on a day when the Commonwealth offices are open.

*Commission—*The State Ethics Commission of the Commonwealth.

*Compensation—*Anything of value, including benefits, received or to be received from a principal by one acting as a lobbyist.

*Complaint—*A complaint on a form prescribed by the Commission, or the equivalent of the form, which is signed and sworn under penalty of perjury and which otherwise meets, to the extent applicable, the criteria for complaints as defined under §§ 11.1 and 21.1 (relating to definitions; and complaints).

*Conflict of interest—*When, during a given Session of the General Assembly one of the following occurs:

(i) The representation of one principal by a registrant is directly adverse to another principal.

(ii) The representation of one or more principals is materially limited by the lobbying firm’s or lobbyist’s responsibilities to another principal, a previous principal or a third person or by a personal interest of the lobbyist.

*Contractor—*As defined in 62 Pa.C.S. § 103.

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

*Direct communication—*An effort, whether written, oral or by another medium, made by a lobbyist, lobbying firm or principal, directed to a State official or employee, the purpose or foreseeable effect of which is to influence legislative action or administrative action.

(i) The term may include personnel expenses and office expenses.

(ii) The term does not include gifts, hospitality, transportation and lodging.

*Docket—*The term includes the official listing of entries to the record of a matter before the Commission, and the initial, official assignment of a file number to a matter before the Commission; or the entry of an item on the record of a matter before the Commission.

*Economic consideration—*

(i) The term includes anything of value offered or received.

(ii) The term includes compensation and reimbursement for expenses.

*Effort to influence legislative action or administrative action—*Any attempt to initiate, support, promote, modify, oppose, delay or advance a legislative action or administrative action on behalf of a principal for economic consideration. The term includes any of the following:

(i) Paying a lobbyist or lobbying firm a retainer or other compensation, even if that lobbyist or lobbying firm does not make direct or indirect communications or take any other action.

(ii) Monitoring legislation, legislative action or administrative action.

*Election Code—*The Election Code (25 P. S. §§ 2600–3591).

*Employee—*An individual from whose wages an employer is required under the Internal Revenue Code (26 U.S.C.A.) to withhold Federal Income Tax. For the limited purpose of determining exemption under section 13A06(2) of the act (relating to exemption from registration and reporting), the term “employee” includes an “independent contractor” under the Internal Revenue Code, when the employee engages in the activity of gathering, commenting on and disseminating the news.

*Engaging a lobbyist—*Contracting or otherwise arranging for the services of a lobbyist or lobbying firm for lobbying on behalf of a principal for economic consideration.

*Engaging in lobbying*—Any act by a lobbyist, lobbying firm or principal that constitutes an effort to influence legislative action or administrative action in this Commonwealth, as defined in the definition of “lobbying” in section 13A03 of the act (relating to definitions).

*Entity*—

(i) Something that has a separate and distinct existence, from its members, if any.

(ii) The term includes, but is not limited to, a governmental unit.

*Ethics Act*—The Public Official and Employee Ethics Act (65 Pa.C.S. §§ 1101—1113).

*Filed*—Registration statements, reports and other official statements or papers under the act are filed on the date they are received at the Department office whether filed electronically or delivered by United States mail, express carrier or hand-delivery. Documents filed with the Commission under the act are deemed filed on the date they are received at the Commission office whether filed electronically or delivered by United States mail, express carrier or hand-delivery or by fax.

*Fund*—The Lobbying Disclosure Fund established in section 13A10(b) of the act (relating to registration fees; fund established; system; regulations).

*Gift*—

(i) Anything that is received without consideration of equal or greater value.

(ii) The term does not include any of the following:

(A) A political contribution otherwise reportable as required by law.

(B) A commercially reasonable loan made in the ordinary course of business.

(C) Direct or indirect communications.

(D) Hospitality, transportation or lodging.

(E) Personnel and office expenses, as defined in the act and this section.

(F) Services to a constituent or other member of the public based upon a referral or recommendation by a legislator or other State official or employee made within the scope of his office or employment.

(G) Information received by a legislator or other State official or employee within the scope of his office or employment, except to the extent that the medium in which the information was received has a fair market value itself.

*Hospitality*—

(i) The term includes the following:

(A) Meals.

(B) Beverages.

(C) Recreation and entertainment.

(ii) The term does not include:

(A) Gifts, transportation or lodging.

(B) Personnel expenses and office expenses as those terms are defined in the act and this section.

(C) Direct or indirect communications.

*Immediate family*—An individual’s spouse, child, parent, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law and daughter-in-law.

*Indirect communication*—

(i) An effort, whether written, oral or by another medium, to encourage others, including the general public, to take action, the purpose or foreseeable effect of which is to directly influence legislative action or administrative action.

(ii) The term includes letter-writing campaigns, mailings, telephone banks, print and electronic media advertising, billboards, publications and educational campaigns on public issues.

(iii) The term may include personnel expenses and office expenses.

(iv) The term does not include regularly published periodic newsletters primarily designed for and distributed to members of a bona fide association or charitable or fraternal nonprofit corporation.

(v) The term does not include gifts, hospitality, transportation and lodging.

*Intentional*—The term has the meaning set forth in 18 Pa.C.S. § 302(b) (relating to general requirements of culpability).

*Legislation*—

(i) Bills, resolutions, amendments and nominations pending or proposed in either the Senate or the House of Representatives, including draft legislation.

(ii) The term includes any other matter, which may become the subject of legislative action by either chamber of the General Assembly.

(iii) The term also includes any bills, resolutions, amendments and nominations pending or proposed by any State official or employee.

*Legislative action*—An action taken by a State official or employee involving the preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat or rejection of any of the following:

(i) Legislation.

(ii) Legislative motions.

(iii) A veto by the Governor.

(iv) Confirmation of appointments by the Governor or of appointments to public boards or commissions by a member of the General Assembly.

(v) Grants, the release of funds from the capital budget, loans and investment of funds.

*Lobbying*—

(i) An effort to influence legislative action or administrative action in this Commonwealth.

(ii) The term includes the following:

(A) Direct or indirect communications.

(B) Office expenses.

(C) Providing any gift, hospitality, transportation or lodging to a State official or employee for the purpose of advancing the interest of the lobbyist, lobbying firm or principal.

*Lobbying firm*—An entity that engages in lobbying for economic consideration on behalf of a principal other than the entity itself.

*Lobbyist*—An individual, association, corporation, partnership, business trust or other entity that engages in lobbying on behalf of a principal for economic consideration. The term includes an attorney-at-law while en-

gaged in lobbying. Membership in an association alone is not sufficient to make an association member a lobbyist.

*Marketplace transaction*— Includes the costs for:

(i) *Goods*. The usual and normal charge for goods purchased in an arms-length transaction in the market in which they ordinarily would have been purchased.

(ii) *Services*. The hourly or piecemeal charge for the services at a commercially reasonable rate prevailing at the time the services were rendered.

*Negligence*—The absence of ordinary care that a reasonably prudent person would exercise in the same or similar circumstances.

*Offeror*—As defined in 62 Pa.C.S. § 103.

*Office expense*—An expenditure for an office, equipment or supplies utilized for lobbying.

*Person*—Includes a corporation, partnership, limited liability company, business trust, other association, government entity, estate, trust, foundation or natural person.

*Personnel expense*—An expenditure for salaries or other forms of compensation, benefits, vehicle allowances, bonuses and reimbursable expenses paid to lobbyists, lobbying staff, research and monitoring staff, consultants, lawyers, publications and public relations staff, technical staff, clerical and administrative support staff and includes individuals who engage in lobbying but are exempt from reporting under section 13A06. For an individual for whom lobbying is incidental to regular employment, the term means a good faith prorated estimate based on the value of the time devoted to lobbying.

*Political subdivision*—A “political subdivision” as defined in section 1102 of the Ethics Act (relating to definitions).

*Principal*—

(i) An individual, association, corporation, partnership, business trust or other entity, including a Commonwealth agency or political subdivision on whose behalf a lobbying firm or lobbyist engages in lobbying, or that engages in lobbying on the principal’s own behalf.

(ii) Membership in an association alone is not sufficient to make an association member a principal.

*Reception*—

(i) An event attended by invited State officials or State employees that is hosted by a registered lobbyist, lobbying firm or principal in which items such as appetizers, beverages or light fare are served for afternoon or evening events and items such as coffee, juice, pastries or bagels are served for morning events. A related hospitality event will not be considered or included as part of a reception.

(ii) The cost per individual shall be based on the invoiced amount for prospective attendees, irrespective of the actual number of attendees, and may not be greater than \$75 unless the reception takes place in a high-cost locality as classified by the Internal Revenue Service in Publication 1542, in which case the cost per individual may not exceed \$125. On a biennial basis, beginning \_\_\_\_\_ (Editor’s Note: The blank refers to the effective date of adoption of this proposal.), the Department will have the authority to review these amounts, and subject to the concurrence of the Commission, to increase them if it is deemed appropriate. For purposes of determining the cost per individual herein, the guidelines found in § 55.1(k)(6) (relating to quarterly expense reports) do not apply.

(iii) The term does not include an event subject to the reporting requirements under Article XVI of the Election Code (25 P. S. §§ 3241—3260(b)).

(iv) This definition will not be interpreted as eliminating the obligation of the principal, lobbying firm or lobbyist to maintain records for purposes of disclosing total hospitality expenses in quarterly expense reports.

*Registrant*—A registered lobbyist, registered lobbying firm or a registered principal.

*Regulation*—Any rule, regulation or order in the nature of a rule or regulation, including formal and informal opinions of the Attorney General, of general application and future effect, promulgated by an agency under statutory authority in the administration of a statute administered by or relating to the agency, or prescribing the practice or procedure before the agency.

*Reporting period*—Any of the following periods:

(i) January 1 through March 31.

(ii) April 1 through June 30.

(iii) July 1 through September 30.

(iv) October 1 through December 31.

*Regulatory Review Act*—71 P. S. §§ 745.1—745.14.

*Respondent*—The subject of a complaint, notice of alleged noncompliance, investigation or formal proceeding before the Commission.

*Service (of official papers)*—Official papers are deemed served by the Commission, or by a division thereof, on the date of mailing if delivered by United States mail; the pickup date if delivered by express carrier; or the date received from the Commission if hand-delivered.

*State budget process*—The consideration and passage of acts relating to expenditures of funds and the generation of revenues by the General Assembly.

*Statement of policy*—The term includes a guideline, as defined in 1 Pa. Code § 1.4 (relating to definitions).

*State official or employee*—An individual elected or appointed to a position in State government or employed by State government, whether compensated or uncompensated, who is involved in legislative action or administrative action.

*Sua sponte*— Being done on one’s own volition.

*Termination*—That point in time when the registration of a lobbyist, lobbying firm or principal ends in this Commonwealth, as provided at section 13A04(e) of the act regarding termination.

*Total resources*—

(i) Includes all receipts by the principal during the reporting period.

(ii) The term includes dues and grants received by the principal.

*Transportation and lodging or hospitality received in connection with public office or employment*—Transportation, lodging or hospitality received in the course of, or incident to, the performance of official duties or responsibilities, or received on the basis of the status of the recipient as a public official or employee or State official or employee as those terms are defined under the Ethics Act or the act, respectively.

*Vendor*—

(i) An offeror, bidder or contractor that, for economic consideration, sells or provides a service or supply or engages in construction.

(ii) The term does not include an attorney-at-law, a lobbyist or a lobbying firm.

**§ 51.2. Filing deadlines to fall on Commonwealth business days.**

When the deadline for filing a registration statement, report, answer, brief or other official paper, under the act, with either the Department or Commission, falls on a weekend or holiday, or on another day that the office of the filing location is closed or closes early, the deadline for the filing will be extended to the following Commonwealth business day.

**§ 51.3. Registration periods and reporting periods.**

(a) Registration under section 13A04 of the act (relating to registration) shall be biennial. The first registration period which commenced January 1, 2007, continues through December 31, 2008. Subsequent registrations shall commence on January 1 of each odd numbered year.

(b) Reporting under section 13A05 of the act (relating to reporting) shall be quarterly within each calendar year: for January through March; April through June; July through September; and October through December. Quarterly expense reports shall be filed on or before the 30th day after the quarterly reporting period ends.

**§ 51.4. Delinquency.**

(a) A registration statement or report required to be filed under section 13A04 or 13A05 of the act (relating to registration; and reporting) is delinquent if not received by the Department on the date due as follows:

(1) Hard copy filings must be received by 5 p.m. in the office. From 5 p.m. until 12 a.m. midnight, a hard copy filing may be filed with the Department's designee, as noted in the Department's publications or on its website.

(2) Electronic filings may be filed until 12 a.m. midnight.

(b) A failure to timely file a registration statement, a quarterly expense report, a separate expense report, a notice of termination or an amendment to one of these filings constitutes a failure to register or report as required by the act; delinquency continues until the filing is received by the Department in proper form.

(c) A registration statement will not be considered delinquent if the Department receives a registration statement electronically by the due date and the required photograph (in the case of a lobbyist's registration statement) and the filing fee, if due, are received by the Department within 5 Commonwealth business days of the Department's receipt of the original electronic filing, in accordance with § 51.10(b) (relating to electronic filing)

**§ 51.5. Deficiency.**

(a) A registration statement, expense report or notice of termination required to be filed under section 13A04 or 13A05 of the act (relating to registration; and reporting) is deficient if one or more of the following exist:

(1) It does not fully and accurately include and disclose all that is required by the act and this part.

(2) It includes a false statement.

(3) It is illegible.

(4) The filer fails to use the appropriate form prescribed by the Department.

(5) The filer fails to date the registration statement, expense report or notice of termination.

(6) The filer fails to sign the expense report under oath or affirmation as set forth in § 51.9 (relating to signing and designation of certain filings).

(b) The filing of a deficient registration statement constitutes a failure to register as required by the act.

(c) The filing of a deficient expense report constitutes a failure to report as required by the act.

(d) The filing of a deficient notice of termination shall be ineffective.

(e) A deficient registration statement, expense report or notice of termination continues to be deficient until it is amended to fully and accurately disclose all of the information that is required to be disclosed by the act and this part.

**§ 51.6. Biennial review of exemption threshold, reporting threshold and filing fees.**

(a) On a biennial basis commencing in January 2009, the Department will review the threshold under section 13A06 of the act (relating to exemption from registration and reporting) for registration under section 13A04 of the act (relating to registration) and the threshold for reporting under section 13A05(d) of the act (relating to reporting), and, if appropriate, will increase these amounts prospectively to rates deemed reasonable for assuring appropriate disclosure.

(b) On a biennial basis commencing in January 2009, the Department will review the filing fee established under section 13A10 of the act (relating to registration fees; fund established; system; regulations) and may by regulation under section 13A08(j) of the act (relating to administration), adjust this amount if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of this act.

(c) Changes to the thresholds made under this section will become effective prospectively as determined by the Department. Changes to the thresholds will not be effective until the beginning of a calendar quarter.

(d) The Department will publish adjusted threshold amounts in the *Pennsylvania Bulletin* by June 1, 2009, and by June 1 every 2 years thereafter, as necessary.

**§ 51.7. Forms, records and Department publications.**

(a) Blank forms for filing or amending registration statements, quarterly expense reports, separate quarterly expense reports, lobbyists' statements of limitations of knowledge, or notices of termination under the act may be obtained by contacting the Department at: Bureau of Commissions, Elections and Legislation, 210 North Office Building, Harrisburg, Pennsylvania 17120, (717) 787-5280; or by visiting the Department's office during business hours on Commonwealth business days. Forms are also available at the Department's web address: <http://www.dos.state.pa.us>.

(b) Additional sheets of equal size on forms prescribed by the Department may be attached to any hard copy form filed under the act, if more space is required.

(c) Completed registration statements, quarterly expense reports, separate quarterly expense reports, lobbyists' statements of limitations of knowledge, and notices of termination filed with the Department will remain on file for 4 years and will be available for public inspection at the office of the Department in Harrisburg, Pennsylvania.

nia during business hours on Commonwealth business days. The Department will provide copies of these documents for the cost of the copying. Documents that are maintained and reproducible in an electronic format are available in that format upon request, at cost.

(d) Payments to the Commonwealth for charges under subsection (c) will be deposited into the Fund established by section 13A10(b) of the act (relating to registration fees; fund established; system; regulations).

(e) Under section 13A08(d) of the act (relating to administration), the Department will prepare and publish the following in a searchable electronic format:

(1) An annual report of lobbying activities in this Commonwealth.

(2) An annual listing of principals, which will identify affiliated political action committees, lobbying firms and lobbyists that are registered to lobby for the principals.

(3) An annual listing of lobbying firms and lobbyists not associated with lobbying firms, which will identify affiliated political action committees and the principals for whom the lobbying firm or lobbyist is registered to lobby.

(4) An annual listing of registered lobbyists for each lobbying firm, which will identify affiliated political action committees and principals.

(5) A biennial directory of all registered lobbyists, which will include photographs, as well as registered lobbying firms.

(i) The directory will be produced and distributed on or before May 1 of each odd-numbered year.

(ii) Revenue received by the Commonwealth from sales of this directory will be deposited into the Fund established by section 13A10(b) of the act.

(6) Paper copies of the directory and annual reports will be made available to the public at a price not to exceed the actual cost of production.

(7) Any of the items in paragraphs (1)–(4) may, at the discretion of the Department, be supplemented or be combined in a single publication.

#### **§ 51.8. Amended filings.**

(a) Filings under the act may be amended.

(b) When there is a change in information required for the registration statement under section 13A04(b)(3) of the act (relating to registration), an amended registration statement will be filed with the Department within 14 days of the end of the year in which the change occurs.

(c) When amending registration statements or quarterly expense reports, principals, lobbyists and lobbying firms need only complete those portions of their registration statements or quarterly expense reports requiring amendment, in addition to the identification of the principal, lobbyist or the lobbying firm filing the amendment.

(d) Amended registration statements must conform to the additional requirements detailed in § 53.5 (relating to registration and termination).

(e) Amended filings will not affect the Commission's authority to conduct investigations, hearings or other proceedings under the act.

#### **§ 51.9. Signing and designation of certain filings.**

(a) *Signing of certain filings.*

(1) Quarterly expense reports, separate quarterly expense reports, lobbyists' statements of limitations of

knowledge and amendments to these forms filed with the Department must be signed originals bearing the signature of the filer. See § 51.10 (relating to electronic filing) for requirements when filing electronically.

(i) A document will be deemed to be a signed original if it is filed electronically under § 51.10 or if it bears an original manual signature in ink.

(ii) Except as noted in subsection (b)(2), principals, lobbying firms or lobbyists that are individuals shall sign their own filings.

(iii) Filings by a principal that is a firm, association, corporation, partnership, business trust or business entity shall be signed by a named officer or other individual who has the authority to sign documents on its behalf.

(iv) Filings by a lobbyist that is a firm, association, corporation, partnership, business trust or business entity shall be signed by a named officer or other individual who has the authority to sign documents on its behalf.

(v) The signature must appear on the line indicated on the form as prescribed by the Department.

(2) Registration statements are not required to be signed.

(3) Registration statements, quarterly expense reports, separate expense reports, notices of termination and amendments to these filed under the act must include an affirmation subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) that the information provided therein is true and correct to the best of the filer's knowledge, information and belief.

(4) A lobbyist who signs a principal's quarterly expense report or amendment, shall do so under an affirmation subject to 18 Pa.C.S. § 4904 that the information provided therein is true and correct to the best of the lobbyist's knowledge, information and belief.

(5) A lobbyist attaching a statement to a principal's quarterly expense report or an amendment, describing the limits of the lobbyist's knowledge concerning the expenditures contained therein, shall do so under an affirmation subject to 18 Pa.C.S. § 4904 that the information provided in the statement is true and correct to the best of the lobbyist's knowledge, information and belief.

(b) *Designation of certain filings.* A principal, lobbying firm or lobbyist may designate another individual or firm to complete any of its filings on the following conditions:

(1) The principal, lobbying firm or lobbyist designating another individual or firm to complete any of its filings is still responsible for the timely filing and accuracy of the information in the filing.

(2) When a principal, lobbying firm or lobbyist designates another individual or firm to complete a form on its behalf, the principal, lobbying firm or lobbyist shall make that designation on the registrant's registration statement.

(3) A signature of an individual not included on a registrant's registration statement filed with the Department is not a valid signature as to the registrant.

(4) Signing a principal's quarterly expense report on behalf of the principal does not satisfy the requirements of section 13A05(b)(4) of the act (relating to reporting), pertaining to attestation of principal expense reports by lobbying firms and lobbyists not associated with lobbying firms.

**§ 51.10. Electronic filing.**

(a) Forms that are required to be filed under the act may be filed electronically. The use of an electronic signature shall have the same force and effect as a manual signature upon acceptance by the filer.

(1) Lobbyists, lobbying firms and principals shall be deemed to comply with section 13A10(c) of the act (relating to registration; fees; fund established; system; regulations) for the remainder of the calendar year if they submit a registration statement, an amended registration statement or an expense report electronically using the Department's online filing on its web site.

(2) In submitting a registration statement, an amended registration statement or an expense report electronically using the Department's online filing on its web site, the applicant will be deemed to agree to all of the following:

(i) For any registration statement, amended registration statement or notice of termination that the applicant files with the Department electronically, the typing of the applicant's name in the electronic submission constitutes the applicant's affirmation as set forth in § 51.9(a)(3) (relating to signing and designation of certain filings).

(ii) For any quarterly expense report, separate quarterly expense report, or amended quarterly expense report that the applicant files with the Department electronically, the electronic signature constitutes the applicant's signature under oath or affirmation as set forth in § 51.9(a)(3).

(iii) The use of the electronic signature to "sign" a quarterly expense report, or amendment filed by another constitutes the applicant's affirmation as set forth in § 51.9(b).

(iv) The use of the electronic signature to attach a statement to a quarterly expense report, or an amendment to the quarterly expense report filed by another constitutes the applicant's affirmation as set forth in § 51.9(b).

(b) A registration statement or an amended registration statement that is submitted to the Department electronically is filed on the date the Department receives the document electronically if the Department receives the required photograph (in the case of a lobbyist's registration statement) and the biennial filing fee, if due, within 5 Commonwealth business days.

(1) If the Department does not receive the required photograph (in the case of a lobbyist's registration statement) and the biennial filing fee, if due, within 5 Commonwealth business days from the date of receiving the document electronically, the registration statement or amended registration statement is filed on the date the Department receives all the required items.

(2) The failure to submit a photograph or to pay a biennial filing fee as required by the act and this part constitutes a failure to register as required by the act.

**§ 51.11. Enforcement of Commission orders.**

The Commission through its staff may take appropriate action to enforce its orders.

**§ 51.12. Parent corporations and subsidiaries.**

(a) Subject to the requirements of subsection (b), a parent corporation and its subsidiaries may register and report under the act on a consolidated basis if they meet the eligibility standards of the Internal Revenue Service for filing a consolidated corporate tax return.

(b) When registration and reporting is on a consolidated basis, the registration statements, quarterly expense reports, separate quarterly expense reports, and notices of termination must disclose with particularity all of the required information as to the parent corporation and the subsidiaries.

(c) If a parent corporation and its subsidiaries file separately, each shall pay the registration fee and file all subsequent quarterly expense reports separately until the filing of a notice of termination.

**CHAPTER 53. REGISTRATION AND TERMINATION**

**Sec.**

- 53.1. Biennial filing fee.
- 53.2. Principal registration.
- 53.3. Lobbying firm registration.
- 53.4. Lobbyist registration.
- 53.5. Amended registration statements.
- 53.6. Termination.
- 53.7. Public inspection and copying.

**§ 53.1. Biennial filing fee.**

(a) Under section 13A10(a) of the act (relating to registration fees; fund established; system; regulations), a principal, lobbying firm or lobbyist required to be registered under the act shall pay a biennial filing fee of \$100 to the Department, made payable to the "Commonwealth of Pennsylvania."

(1) The biennial filing fee shall be tendered to the Department with the filing of the principal's, lobbying firm's or lobbyist's first registration statement in each registration period. However, if the Department receives the filing fee within 5 Commonwealth business days of the filing of a registration statement, the registration will not be considered delinquent, in compliance with § 51.4 (relating to delinquency).

(2) The biennial filing fee will be a flat fee for the registration period in which paid. A registrant will not be required to pay more than one biennial filing fee in any given biennial registration period, unless a registrant terminates and attempts to reregister during the same biennial registration period.

(3) A separate biennial filing fee shall be paid for each principal, lobbying firm or lobbyist required to be registered, even if employed by a firm, association, corporation, partnership, business trust or business entity that is also required to register and that has paid or will pay the fee.

(4) The biennial filing fee is nonrefundable and non-transferable.

(5) Filing fees expire at the end of each registration period, regardless of when paid.

(b) The failure to pay a biennial filing fee as required by the act and this section will constitute a failure to register as required by the act.

(c) Money received from biennial filing fees will be deposited in the Fund.

**§ 53.2. Principal registration.**

(a) Unless exempt under section 13A06 of the act (relating to exemption from registration and reporting), a principal shall register with the Department within 10 days of acting in any capacity as a principal.

(1) Engaging a lobbyist or lobbying firm for purposes including lobbying constitutes acting in the capacity of a principal.

(2) Lobbying by a principal on the principal's own behalf constitutes acting in the capacity of a principal.

(i) A principal that is required to register and that engages in lobbying solely on its own behalf need only register as a principal. However, a principal that engages in lobbying on behalf of others also would be required to register as a lobbyist or lobbying firm.

(ii) Unless exempt under section 13A06 of the act, members or employees of a principal who engage in lobbying on behalf of the principal shall register as lobbyists under § 53.4 (relating to lobbyist registration).

(b) A principal shall register by filing a registration statement with the Department, on a form prescribed by the Department, which discloses at least the following information:

(1) The name, permanent address, daytime telephone number, email address, if available, and name and nature of the business of the principal.

(2) The name, registration number and acronyms of all "affiliated political action committees" as defined in section 13A03 of the act (relating to definitions).

(3) The name and permanent business address of each individual, registered or unregistered, who will for economic consideration engage in lobbying on the principal's behalf. The principal need not list individuals exempt under section 13A06 of the act.

(4) If the principal is an organization or association, the number of its dues-paying members in the past calendar year.

(5) The name, permanent business address, daytime telephone number, fax number and email address of every lobbying firm which represents the principal.

(6) The registration number of the principal when available.

(c) For each address that is to be disclosed on a registration statement, the filer shall include the mailing address and may, at the filer's option, include the street address, if different. If no street address is supplied, the registrant will be deemed to have waived personal service when the service is required by law.

(d) The registration statement must include the principal's consent to receive service of notices, other official mailings or process at addresses listed in the registration statement on file with the Department.

(e) The registration statement must include a statement that the principal has received, read and understands the requirements and prohibitions of the act.

(f) The registration statement must also include a statement that the information on the principal's statement is true, correct and complete to the best of the registrant's knowledge, information and belief, and the affirmation is being made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(g) A principal will not be considered registered until the completed registration statement and the biennial filing fee, in proper form as required by the act and this section, are received by the Department. However, if the Department receives the filing fee within 5 Commonwealth business days of the filing of a registration statement, the registration will not be considered delinquent, in compliance with § 51.4 (relating to delinquency).

(h) Unless terminated, a registration statement filed under the act is effective from the date of filing through the final day of the registration period then in effect. The principal shall file a new registration statement after that

date, to the extent the principal is required to be registered under the act and this section.

(i) A person who is a principal as defined in section 13A03 of the act consents to receive service of process, even if that person is located out-of-State under 42 Pa.C.S. § 5322 (relating to the bases of personal jurisdiction over persons outside this Commonwealth).

### § 53.3. Lobbying firm registration.

(a) Unless exempt under section 13A06 of the act (relating to exemption from registration and reporting), a lobbying firm shall register with the Department within 10 days of acting in any capacity as a lobbying firm.

(1) Accepting an engagement to lobby or accepting a retainer or other compensation for purposes including lobbying constitutes acting in the capacity of a lobbying firm.

(2) Lobbying by a lobbying firm on a principal's behalf constitutes acting in the capacity of a lobbying firm.

(i) A lobbying firm that is required to register and that engages in lobbying on its own behalf shall also register with the Department as a principal.

(ii) Unless exempt under section 13A06 of the act, members or employees of a lobbying firm who engage in lobbying on behalf of the lobbying firm shall register as lobbyists with the Department under § 53.4 (relating to lobbyist registration).

(b) A lobbying firm shall register by filing a registration statement with the Department, on a form prescribed by the Department, which discloses at least the following information:

(1) The name, permanent address, daytime telephone number, email address if available, and name and nature of business of the lobbying firm.

(2) The name, registration number and acronyms of all "affiliated political action committees" as defined in section 13A03 of the act (relating to definitions).

(3) The name and permanent business address of each individual, registered or unregistered, who will for economic consideration engage in lobbying on the principal's behalf. The lobbying firm need not list individuals exempt under section 13A06 of the act.

(4) The name, permanent business address, daytime telephone number and registration number when available of every principal that the lobbying firm represents.

(5) The registration number of the lobbying firm when available.

(c) For each address that is to be disclosed on a registration statement, the filer shall include the mailing address and may, at the filer's option, include the street address, if different. If no street address is supplied, the registrant will be deemed to have waived personal service when the service is required by law.

(d) The registration statement must include the lobbying firm's consent to receive service of notices, other official mailings or process at addresses listed in the registration statement on file with the Department.

(e) The registration statement must include a statement that the lobbying firm, through its authorized representative, has received, read and understands the requirements and prohibitions of the act.

(f) The registration statement must also include a statement that the information on the lobbying firm's statement is true, correct and complete to the best of the



registrant's knowledge, information and belief, and the affirmation is being made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(g) A lobbying firm will not be considered registered until the completed registration statement and the biennial filing fee, in proper form as required by the act and this section, are received by the Department. However, if the Department receives the filing fee within 5 Commonwealth business days of the filing of a registration statement, the registration will not be considered delinquent, in compliance with § 51.4 (relating to delinquency).

(h) Unless terminated, a registration statement filed under the act is effective from the date of filing through the final day of the registration period then in effect. The lobbying firm shall file a new registration statement after that date, to the extent the lobbying firm is required to be registered under the act and this section.

(i) A person who is a lobbying firm as defined in section 13A03 of the act consents to receive service of process, even if that person is located out-of-State under 42 Pa.C.S. § 5322 (related to bases of personal jurisdiction over persons outside this Commonwealth).

#### § 53.4. Lobbyist registration.

(a) Unless exempt under section 13A06 of the act (relating to exemption from registration and reporting), a lobbyist shall register with the Department within 10 days of acting in any capacity as a lobbyist.

(1) Accepting an engagement to lobby or accepting a retainer or other compensation for purposes including lobbying constitutes acting in the capacity of a lobbyist.

(2) Engaging in lobbying constitutes acting in the capacity of a lobbyist.

(3) When a firm, association, corporation, partnership, business trust or business entity is engaged as a lobbyist or lobbying firm, it and each of its members or employees that engage in lobbying on behalf of the principal shall register with the Department, unless exempt under section 13A06 of the act.

(4) When a lobbyist engages in lobbying on the lobbyist's own behalf, the lobbyist shall also register as a principal.

(b) A lobbyist shall register by filing a registration statement with the Department on a form prescribed by the Department, which includes and discloses at least the following information:

(1) The name, permanent business address, email address, if available, and daytime telephone number of the lobbyist. The filer shall also indicate if the lobbyist is a licensed attorney, and, if so, whether the attorney is licensed in this Commonwealth.

(2) A recent passport-sized (approximately 2 inches x 2 inches) photograph of the lobbyist, the specifications of which will be determined by the Department and published on its web site.

(3) The name, permanent business address, daytime telephone number and registration number when available of each principal the lobbyist represents.

(4) The name, registration number and acronyms of all "affiliated political action committees," as defined in section 13A03 of the act (relating to definitions).

(5) The name and registration number when available of every lobbying firm with which the lobbyist has a relationship involving economic consideration.

(6) The name, registration number and acronym of any non-Federal candidate's political committee of which the lobbyist is an officer who must be included in a registration statement under section 1624(b)(2) and (3) of the Election Code (25 P. S. § 3244(b)(2) and (3)), regarding registration.

(7) The registration number of the lobbyist, when available.

(c) For each address that is to be disclosed on a registration statement, the filer shall include the mailing address and may, at the filer's option, include the street address, if different. If no street address is supplied, the registrant will be deemed to have waived personal service when the service is required by law.

(d) The registration statement must include the lobbyist's consent to receive service of notices, other official mailings or process at addresses listed in the registration statement on file with the Department.

(e) The registration statement must include a statement that the lobbyist has received, read and understands the requirements and prohibitions of the act.

(f) The registration statement must also include a statement that the information on the lobbyist's statement is true, correct and complete to the best of the registrant's knowledge, information and belief, and the affirmation is being made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(g) A lobbyist registering on behalf of an association will not be required to register on behalf of each member of that association. However, if a lobbyist represents a member in a separate capacity, both the lobbyist and the member shall file the appropriate registrations.

(h) A lobbyist will not be considered registered until the completed registration statement, the biennial filing fee and a photograph of the lobbyist, in proper form as required by the act and this section, are received by the Department. However, if the Department receives the filing fee and a photograph of the lobbyist within 5 Commonwealth business days of the filing of a registration statement, the registration will not be considered delinquent, in compliance with § 51.4 (relating to delinquency).

(i) Unless terminated, a registration statement filed under the act is effective from the date of filing through the final day of the registration period then in effect. The lobbyist shall file a new registration statement after that date, to the extent the lobbyist is required to be registered under the act and this section.

(j) A person who is a lobbyist as defined in section 13A03 of the act consents to receive service of process, even if that person is located out-of-State under 42 Pa.C.S. § 5322 (related to bases of personal jurisdiction over persons outside this Commonwealth).

#### § 53.5. Amended registration statements.

(a) A principal required to be registered under the act shall file an amended registration statement whenever there is a change in the information required to be disclosed on the principal's registration statement. The amended registration statement shall be filed with the Department within 14 days after the change occurs, except that if the change is solely as to the number of dues-paying members in the past calendar year, the amended registration statement shall be filed with the Department within 14 days of the end of the year in which the change occurs.

(b) A lobbyist or lobbying firm required to be registered under the act shall file an amended registration statement whenever there is a change of or in the information required to be disclosed on the lobbyist's or the lobbying firm's registration statement. The amended registration statement shall be filed within 14 days after the change occurs.

(c) Principals, lobbyists and lobbying firms shall amend only those portions of their registration statements that need to be amended, in addition to the identification of the principal, lobbyist and the lobbying firm, as provided in § 51.8 (relating to amended filings).

#### § 53.6. Termination.

(a) A lobbyist, lobbying firm or a principal may terminate its registration by filing with the Department a completed notice of termination on a form prescribed by the Department.

(b) A separate notice of termination is required for each registration statement.

(c) A notice of termination must identify the registration number of the principal, lobbying firm or lobbyist terminating registration.

(d) A notice of termination may be amended, but cannot be withdrawn.

(e) A registration statement cannot be revived or otherwise made effective after a notice of termination as to the registration statement has been filed.

(f) Lobbying may not occur after the filing of a notice of termination unless the lobbying is under a separate registration statement which has already been filed with the Department and which, at the time of the lobbying, has not been terminated.

(g) After a review of the notice of termination, the Department will issue to the lobbyist, lobbying firm or principal who filed the notice of termination a letter stating that the registrant has terminated registration. The letter will be issued within 15 days after the Department's receipt of the notice of termination.

(h) The filing of a notice of termination or a termination report, or the issuance of a Department letter stating that the registrant has terminated registration, does not affect the Department's authority to conduct audits, or the Commission's, the Attorney General's or the Board's authority to conduct investigations, hearings or other proceedings under the act and this part.

(i) Nothing in this subsection shall be construed to exempt a lobbyist, lobbying firm or principal from any of the requirements in section 13A05 of the act (relating to reporting).

#### § 53.7. Public inspection and copying.

(a) The Department will make completed registration statements and notices of termination, which have been filed with the Department, available for public inspection and provide copies of these documents at a price not in excess of the actual cost of copying.

(b) The Department will make all registrations and notices available on a publicly accessible Internet web site. Documents maintained and reproducible in an electronic format will be provided in that format upon request.

(c) The Department will make electronically submitted documents available either on paper or electronically. The Department will make documents submitted on paper available both on paper and electronically.

## CHAPTER 55. REPORTING

| Sec.  |  |
|-------|--|
| 55.1. | Quarterly expense reports.                       |
| 55.2. | Records maintenance, retention and availability. |
| 55.3. | Public inspection and copying.                   |
| 55.4. | Reliance on documents                            |

### § 55.1. Quarterly expense reports.

(a) A quarterly expense report is required to be filed as set forth in this section when the total lobbying expenses of a registered principal, registered lobbying firm or registered lobbyist lobbying on the principal's behalf, together, exceed \$2,500 in a quarterly reporting period. The threshold of \$2,500 includes any retainers or other compensation paid by a principal to a lobbying firm or lobbyist, whether or not the lobbying firm or lobbyist then spends the retainer.

(b) For a quarterly reporting period in which the total lobbying expenses of a registered principal, registered lobbying firm or registered lobbyist lobbying on the principal's behalf, together, are \$2,500 or less, a statement to that effect shall be filed with the Department by checking the appropriate block on the quarterly expense report form.

(c) For purposes of determining whether the reporting threshold has been met, and for filing reports required under section 13A05 of the act (relating to reporting), section 13A05(b)(2.1) of the act permits filers to use any reasonable methods of estimation and allocation.

(d) The principal shall file a quarterly expense report or statement of failure to meet the reporting threshold on or before the 30th day after the quarterly reporting period ends.

(e) Under section 13A05(b)(6) of the act and as detailed in subsection (n), a lobbyist or lobbying firm required to be registered under the act shall file a separate quarterly expense report or a separate amended quarterly expense report if during the reporting period, the lobbyist or the lobbying firm engaged in lobbying which was not contained in any report filed by a principal represented by the lobbyist or lobbying firm. The deadline for filing a separate report shall be the 30th day after the due date of the principal's report. The following apply to filing a separate expense report:

(1) If within 30 days of the due date, a principal amends its quarterly expense report in compliance with § 51.8(c) (relating to amended filings), a lobbyist or lobbying firm need not file a separate quarterly expense report as to the principal's expenses.

(2) The filing of a separate quarterly expense report by a lobbyist or lobbying firm does not relieve a principal of any reporting requirements.

(f) Quarterly expense reports, statements of failure to meet the reporting threshold, separate quarterly expense reports by lobbyists or lobbying firms and amendments to these shall be filed on forms prescribed by the Department.

(g) A quarterly expense report of a principal required to be registered under the act must include at least the following information:

(1) The names and, when available, the registration numbers of all lobbyists or lobbying firms, by whom the lobbying is conducted on behalf of the principal. If a lobbyist is a lobbying firm, association, corporation, partnership, business trust or business entity, its name and the names of the individuals who lobby on behalf of the principal must be included.

(2) The general subject matter or issue being lobbied, which shall be indicated by checking the appropriate block on the form or completing the category designated "other." A principal, lobbying firm or lobbyist engaged in procurement may include this subject under the "other" category. Examples of items that need not be reported include:

(i) A listing indicating which lobbyists are lobbying on which matters.

(ii) The specific bill numbers for which the lobbying is being done.

(iii) The specific contents of any communications or the identity of those with whom the communications take place.

(3) The total costs of all lobbying for the period. The total must include all office expenses, personnel expenses, expenditures related to gifts, hospitality, transportation and lodging to State officials or employees, and other lobbying costs, including retainers or other compensation paid by principals to lobbying firms or lobbyists, whether or not the lobbying firm or lobbyist then spends the retainer. The total amount reported under this paragraph shall be allocated in its entirety among the following categories:

(i) The costs for gifts, hospitality, transportation and lodging given to or provided to State officials or employees or their immediate families.

(ii) The costs for direct communication.

(iii) The costs for indirect communication.

(iv) Registrants shall use a good faith effort to allocate expenses required to be reported under this subsection to one of the three categories listed herein. A given expense may not be included in more than one category.

(4) The information required to be disclosed by section 13A05(b)(3) of the act, as detailed by paragraph (3)(i), and subsections (j) and (k).

(5) The name, permanent business address and daytime telephone number of any individual, association, corporation, partnership, business trust or other business entity which contributed more than 10% of the total resources for lobbying received by the principal during the reporting period. The term "total resources" includes all contributions to the principal during the reporting period. The term also includes dues and grants received by the principal.

(6) The total costs for gifts, hospitality, transportation and lodging, given to or provided to State officials or employees or their immediate families, except that any cost under this paragraph which is of a value not exceeding \$10 need not be reported under section 13A05(b)(3) of the act. If the same or similar gift, hospitality or transportation or lodging is provided to more than one State official or employee, the aggregate economic value of which is \$10 or more, that value shall be included in the appropriate totals reported under section 13A05(b)(2) of the act.

(h) A registered principal that attempts or that retains a lobbying firm or lobbyist to attempt to influence an agency's preparing, bidding, entering into or approving a contract shall ensure that the related expenses are included in calculating the totals referenced by subsection (g)(3).

(1) There is no prohibition against lobbyists or vendors being paid fees for procurement lobbying contingent upon the successful outcome of their lobbying.

(2) With certain exceptions, provided in 31 U.S.C. § 1352 (relating to limitation on the use of appropriated funds to influence certain Federal contracting and financial institutions), Federal funds cannot be spent by any recipient of a Federally-funded contract to pay any person for lobbying a Federal agency, employee or member of Congress.

(i) Within the total costs of all lobbying for the period reported in subsection (g)(3), the amount spent for office and personnel expenses must include salaries and other forms of compensation, benefits, vehicle allowances, bonuses and reimbursable expenses for those involved in lobbying, and costs for offices, equipment and supplies utilized for lobbying.

(1) Any reasonable method may be used to determine how to allocate among direct and indirect communications.

(2) Because the definitions of "gift" and "hospitality" in section 13A03 of the act (relating to definitions) do not explicitly include personnel expenses and office expenses, if a principal sponsors an event for public officials and employees, the principal's expenses for mailing invitations, and the time its staff spends planning this event should be reported as direct or indirect communications.

(3) Reportable personnel costs include costs for expenditures for salaries or other forms of compensation, benefits, vehicle allowances, bonuses and reimbursable expenses paid to lobbyists, lobbying staff, research and monitoring staff, consultants, lawyers, publications and public relations staff, and technical staff, as well as clerical and administrative support staff and individuals who engage in lobbying but who are exempt from reporting under section 13A06 of the act (relating to exemption from registration and reporting).

(4) Compensation, benefits and expenses of any nature shall be included if paid in furtherance of lobbying.

(5) If compensation is to be reported by or for an individual or entity whose lobbying is incidental to regular employment, it shall be sufficient to report a prorated estimate based on the value of the time devoted to lobbying.

(j) A quarterly expense report must also identify, by name, position and each occurrence, the State officials or employees, or both, who received from a principal, lobbying firm or lobbyist anything of value which must be included in the statement of financial interests under section 1105(b)(6) or (7) of the Ethics Act (relating to statement of financial interests) as implemented by section 1105(d) of the Ethics Act.

(1) For purposes of the act, the amount referred to in section 1105(b)(7) of the Ethics Act shall be considered an aggregate amount per calendar year.

(2) Each occurrence must include the date and the circumstances of the gift and the payment or reimbursement for transportation, lodging or hospitality.

(3) The reporting of the provision of gifts in the aggregate of \$250 or more per calendar year to a State official or employee must identify:

(i) The name and position of the State official or employee, including the governmental body of the State official or employee.

(ii) The name and address of the source of the gift.

(iii) The value of the gift.

(iv) The circumstances of the gift, including the nature of the gift.

(4) The reporting of the provision of transportation/lodging/hospitality in the aggregate exceeding \$650 per calendar year to a State official or employee in connection with public office or employment must identify the following:

(i) The name and position of the State official or employee, including the governmental body of the State official or employee.

(ii) The name and address of the source of the payment.

(iii) The value of the transportation, lodging or hospitality.

(5) For purposes of the act, the amount referred to in section 1105(b)(7) of the Ethics Act does not include the cost of a reception which the State official or employee attends in connection with public office or employment. However, a principal, lobbying firm or lobbyist shall maintain records for purposes of disclosing the total costs of a reception as hospitality expenses in quarterly expense reports, in compliance with section 13A05(b)(2)(i) of the act and subsection (g)(3)(i).

(6) For purposes of the act, there is no requirement under section 13A05 to disclose anything of value received from immediate family when the circumstances make it clear that motivation for the action was the personal or family relationship.

(k) For purposes of reporting the value of gifts or transportation, lodging or hospitality to be disclosed under section 13A05 of the act, the following apply:

(1) Any gift, transportation, lodging or hospitality item that is returned unused, declined or is fully reimbursed to the registrant within 30 days of the date of receipt need not be reported. For a gift, the date of receipt is the date the State official or employee first has possession or control of the gift. For purposes of calculating the 30 days for fully reimbursing an item of transportation, lodging or hospitality, the date of receipt is the date the State official or employee actually receives the benefit of the item.

(2) The valuation of a complimentary ticket to a fundraiser must be based upon the reasonable amount of the goods or services received by the State official or employee. The valuation may not include a political contribution, which is otherwise reportable as required by law.

(3) The value of gifts, transportation, lodging or hospitality must equal the costs to the registrant if the items or services to be valued were in fact obtained by the registrant in marketplace transactions.

(4) When paragraph (3) is not applicable, the value of the gifts, transportation, lodging or hospitality must equal the fair market values as determined by the replacement costs, that is, the costs of purchasing the same or similar items or services in marketplace transactions.

(5) When paragraphs (3) and (4) are not applicable, the registrant may use any reasonable method to determine the value of gifts, transportation, lodging or hospitality.

(6) When more than one individual is benefited incident to an occasion or transaction, the registrant may calculate the value of the gifts, transportation, lodging or hospitality provided to a particular individual by one of the following:

(i) Calculating the actual benefit provided to that individual.

(ii) Dividing the totals of expenditures common to more than one beneficiary including that individual by the number of recipients, and adding the resulting figures (quotients) together with the value of all other gifts, transportation, lodging or hospitality provided to that particular individual.

(iii) Allocating a portion of the total expenditures common to more than one beneficiary to each individual based upon each individual's participation and adding that value to the value of all other gifts, transportation, lodging or hospitality provided to that individual.

(l) The filer of the quarterly expense report or amended quarterly expense report shall give written notice to each State official or employee of the State official's or employee's inclusion in the report at least 7 days prior to the submission of the report to the Department. The notice must include the information which will enable the public official or employee to comply with section 1105(b)(6) and (7) of the Ethics Act. The notice may not include the cost of a reception that the State official or employee attends in connection with State office or employment.

(m) A lobbying firm or lobbyist not associated with a lobbying firm, required to be registered under the act, shall sign the quarterly expense reports or amended quarterly expense reports submitted by the principals represented to attest to the validity and accuracy of the reports to the best of the lobbying firm's or lobbyist's knowledge. If the principal is unable to secure the signature of a lobbyist or authorized representative of a lobbying firm, the principal shall attach a statement to the report, setting forth the attempts made and the reasons for the inability to obtain the signature. The statement must be on a form prescribed by the Department.

(1) A lobbying firm or lobbyist may attach a statement to the quarterly expense report or amended quarterly expense report of any principal, describing the limits of the lobbyist's or lobbying firm's knowledge concerning the expenditures contained in the report. Lobbying firms' or lobbyists' statements as to limitations of knowledge must be on a form prescribed by the Department and describe the limitations and the reasons for the limitations with specificity.

(2) An individual in a lobbying firm, a lobbyist or any other individual may also sign the quarterly expense report of the principal on behalf of the principal, attesting to the accuracy of the report, with authorization by the principal on its registration statement. The registration statement will designate all individuals who may sign expense reports on behalf of the principal.

(i) If an individual or lobbyist signs a principal's quarterly expense report on the principal's behalf without authorization by the principal on its registration statement, the quarterly expense report will not be considered a valid filing by the principal.

(ii) A principal that authorizes an individual to sign the quarterly expense reports of the principal on behalf of the principal on its registration statement is still responsible for the accuracy and timely filing of the quarterly expense report.

(iii) When an individual signing the principal's quarterly expense report, attesting to the accuracy of the report, is an official or employee of the principal who also serves as one of the principal's registered lobbyists as

indicated on the report, that signatory shall still be required to affirm the accuracy of the report as a lobbyist of the principal, as provided by section 13A05(b)(4) of the act.

(n) When a lobbying firm or lobbyist is required to file a separate report under subsection (e), the following apply:

(1) The deadline for filing any separate quarterly expense report or separate amended quarterly expense report shall be the 30th day after the due date of the principal's report.

(2) Separate quarterly expense reports and separate amended quarterly expense reports shall be filed on a form prescribed by the Department.

(3) A separate quarterly expense report or separate amended quarterly expense report must contain the identity of the principal for whom the lobbying was performed.

(4) A separate quarterly expense report must include the information required by section 13A05(b)(2), (3) and (7) of the act.

(5) A separate quarterly expense report or separate amended quarterly expense report may include a statement which specifies the limitations of the lobbying firm's or the lobbyist's knowledge and the reasons for the limitations.

(6) A lobbying firm or lobbyist filing a separate quarterly expense report or separate amended quarterly expense report shall promptly provide it to the principal.

(7) A lobbying firm or lobbyist filing a separate quarterly expense report or separate amended quarterly expense report shall give written notice to each State official or employee of the State official's or employee's inclusion in the report at least 7 days prior to the submission of the report to the Department. The notice must include the information which will enable the State official or employee to comply with section 1105(b)(6) and (7) of the Ethics Act.

(8) An individual in a lobbying firm, a lobbyist or any other individual may also sign the quarterly expense report of the lobbying firm or lobbyist on behalf of the lobbying firm or lobbyist, attesting to the accuracy of the report, with authorization by the lobbying firm or lobbyist on the lobbying firm's or lobbyist's registration statement. The registration statement will designate all individuals who may sign expense reports on behalf of the lobbying firm or lobbyist.

(i) If an individual or lobbyist signs a lobbying firm's or lobbyist's quarterly expense report on the lobbying firm's or lobbyist's behalf without authorization by the lobbying firm or lobbyist on the lobbying firm's or lobbyist's registration statement, the quarterly expense report will not be considered a valid filing by the lobbying firm or lobbyist.

(ii) A lobbying firm or lobbyist that authorizes an individual to sign the quarterly expense report of the lobbying firm or lobbyist on the lobbying firm's or lobbyist's registration statement is still responsible for the accuracy and timely filing of the quarterly expense report.

(o) Whenever any person makes an expenditure for indirect communication under this section, for the purpose of disseminating or initiating a communication, such as a mailing, telephone bank, automated telephone calls, print or electronic media advertisement, billboard, publication or education campaign, the communication must

clearly and conspicuously state the name of the person who made or financed the expenditure for the communication.

**§ 55.2. Records maintenance, retention and availability.**

(a) A registrant shall maintain records reasonably necessary to substantiate the filings of lobbying activity made under sections 13A04 and 13A05 of the act (relating to registration; and reporting).

(1) The Department will prescribe standardized forms for reports, which shall be used by all principals, lobbying firms and lobbyists required to be registered under the act.

(2) In maintaining records, registrants may use any reasonable methods of estimation and allocation.

(3) Records of lobbying activity may be kept under any reasonable accounting basis, which includes:

(i) *Cash basis.* Revenue and related assets are recognized when received and expenses are recognized when payment is disbursed. For example, payroll costs are reported when paid, not when the associated hours are worked.

(ii) *Accrual basis.* Income is recognized when earned and expenses when incurred. For example, payroll is recognized when the associated hours are worked regardless of when payment is made.

(iii) *Modified accrual basis.* Recognizes an economic transaction or event as revenues in the operating statement when the revenues are both measurable and available to liquidate liabilities of the current period. Available means collectible in the current period or soon enough thereafter to be used to pay liabilities of the current period. Similarly, expenditures are generally recognized when an event or transaction is expected to draw on current spendable resources.

(4) Records of lobbying activity shall be maintained in sufficient detail to enable the registrant to fully comply with the act and this part.

(5) The records must identify the general subject matter or issue being lobbied. The specific contents of a particular communication, or the identity of those with whom the communications take place, need not be recorded or maintained.

(6) A registrant should keep its records on the same accounting basis for the 2-year period covering its registration under the act. If a registrant changes its accounting basis, it should make an internal record noting the date of the change and the reason for the change.

(b) A registrant may keep records of all lobbying activity separate from records of the registrant's nonlobbying activity. A registrant may keep records related to registering and reporting under the act separate from other records relating to lobbying.

(1) Records that integrate both lobbying and nonlobbying activities shall be retained and made available for inspection or audit under this section and Chapter 61 (relating to compliance audits).

(2) An expenditure incurred partially in connection with lobbying may be prorated by any reasonable accounting method, but the method used shall be described in detail in the records maintained as to the expenditure.

(3) A registrant may value time spent lobbying in using any of the following examples of viable options as long as the method selected is a reasonable method of estimation and allocation:

(i) A registrant may employ a good faith estimate by using any reasonable method of estimation and allocation.

(ii) A registrant may keep a record of all of the time spent lobbying.

(iii) A registrant may use the entire fee expended for lobbying.

(c) A registrant shall retain the documents used in recordkeeping reasonably necessary to substantiate the filings to be made under section 13A04 or section 13A05 of the act for 4 years from the date of filing.

(1) The documents to be used in recordkeeping include, but are not limited to: books, journals, ledgers, accounts, statements, invoices, bills, vouchers, receipts, charge slips, cancelled checks, payroll check stubs, time sheets, tax returns and related forms, contracts, subcontracts, business diaries and calendars, and other related written or computerized records.

(2) Original source records received by the registrant shall be retained in their original form to the extent possible.

(3) Records prepared by the registrant under this section may be in written or computerized/electronic formats.

(4) Computerized/electronic records shall be maintained to enable the Department, the Commission, the Office of Attorney General or the Board to access in readable form all of the information reasonably necessary to substantiate the registration statements or reports.

(5) Affidavits may be used if actual records are lost, stolen or destroyed through no fault of the registrant, or are otherwise unavailable, and cannot be recreated from other sources. An affidavit must be as complete and detailed as is reasonably possible, and include the specific reasons for the unavailability of the actual records.

(d) Reportable expenditures shall be supported by original source documents to the extent they are available. If an original source document is not available to support a reportable expenditure, the registrant shall upon payment of the expenditure promptly prepare a written voucher, journal entry, or other written or electronic form of record to document the expenditure. The record must include a notation of the reason an original source document was not available.

(e) The documents and records maintained and retained to substantiate expenditures must reflect for each reportable item, the following information:

(1) The full names of the payor and payee.

(2) The date of the transaction.

(3) The dates and forms of payments.

(4) The full name and official position of each State official or employee who was a beneficiary, and the amount of the expenditure reasonably attributable to each of them.

(5) The number of immediate family members of a State official or employee, who were beneficiaries, and the amount of the expenditures reasonably attributable to them.

(6) A description of the goods or services or other consideration for which the expenditure was made or incurred.

(f) Contributions of resources which are reportable under section 13A05(b)(5) of the act shall upon receipt be promptly documented by the registered principal through

the preparation of a written receipt, an entry in a journal maintained by the principal, or other written or electronic form of record.

(g) Documents and records maintained and retained to substantiate contributions of resources reportable under section 13A05(b)(5) of the act must reflect for each reportable item, the following information:

(1) The full names of the donor and donee.

(2) The amount or value and date of the contribution.

(3) In the case of a nonmonetary contribution, a description of the goods, services or other forms of resources provided.

(4) Instructions, directions, conditions, restrictions, limitations or controls provided or imposed by the donor as to the use or disposition of the contribution.

(h) Upon written request by the Office of Attorney General, the Department, the Commission or the Board, documents reasonably necessary to substantiate filings made under sections 13A04 and 13A05 of the act shall be made available for inspection and copying within 30 days.

(1) Either the Office of Attorney General, the Department, the Commission or the Board may extend this 30-day deadline in connection with its own requests, when circumstances compelling an extended deadline are established.

(2) Computerized/electronic records shall be provided in readable form.

#### **§ 55.3. Public inspection and copying.**

(a) The Department will make completed expense reports, which have been filed with the Department, available for public inspection and provide copies of these documents at a price not in excess of the actual cost of copying.

(b) The Department will make all reports available on a publicly accessible Internet web site. Documents maintained and reproducible in an electronic format shall be provided in that format upon request.

#### **§ 55.4. Reliance on documents**

(a) *Reliance on manual.* A registrant's establishment and maintenance of records, as well as the filing of quarterly expense reports based on those records, in accordance with any manual or interim guidelines adopted by the Committee shall serve as evidence of the registrant's good faith effort to comply with the act during the time when the manual or guidelines are in effect.

(b) *Reliance on instructions for forms.* A registrant's completion of registration statements and quarterly expense reports in accordance with instructions published by the Department will serve as evidence of the registrant's good faith effort to comply with the act during the time when the instructions are in effect.

### **CHAPTER 57. EXEMPTION FROM REGISTRATION AND REPORTING**

|       |                               |
|-------|-------------------------------|
| Sec.  |                               |
| 57.1. | General rule.                 |
| 57.2. | Qualifications for exemption. |

#### **§ 57.1. General rule.**

(a) Unless specified in § 57.2 (relating to qualifications for exemption), a person, principal, lobbying firm or lobbyist that qualifies for any exemption under § 57.2 will not be required to register or report with respect to any activity covered by the exemption. However, if an

individual does not qualify for an exemption in § 57.2(a), the activity described in the exemption shall be included within the reports otherwise required by the act.

(b) Upon losing exempt status, a person, principal, lobbying firm or lobbyist is immediately subject to the registration and reporting requirements of the act.

(c) Upon losing exempt status, a principal is not required to retroactively file reports for previous quarterly reporting periods in which the exemption applied.

(d) Upon losing exempt status, a lobbying firm or lobbyist is not required to retroactively sign or file reports for previous quarterly reporting periods in which the exemption applied.

**§ 57.2. Qualifications for exemption.**

(a) *Exemption from registration.* The following persons and activities shall be exempt from registration under section 13A04 of the act (relating to registration) and reporting under section 13A05 of the act (relating to reporting):

(1) The exemption in section 13A06(1) of the act (relating to exemption from registration and reporting) is limited to an individual or entity whose only lobbying activities consist of preparing testimony and testifying before a committee of the General Assembly or participating in an agency administrative proceeding. Participating in an administrative proceeding includes, but is not limited to, preparing and delivering comments on regulations or preparing and delivering comments at agency advisory committee meetings. To the extent an individual or entity, which is otherwise required to register and report under the act, engages in those activities, the individual or entity does not qualify for the exemption under this subsection.

(2) The exemption in section 13A06(2) of the act is limited to an individual or entity which is engaged in the business of publishing or broadcasting, regardless of the medium used, while engaged in the gathering and dissemination of news and comment on the news to the general public in the ordinary course of business. The term "individual" in this subsection includes employees and independent contractors.

(i) To qualify for this exemption, the individual or entity shall satisfy the following criteria:

(A) Regularly report or comment on government news or current events.

(B) Receive compensation or revenue for the publications or broadcasts.

(C) Make the publications or broadcasts available to the general public, whether for a fee or free of charge.

(D) Be independent of any principal, lobbying firm or lobbyist that is engaged in lobbying activities under the act.

(E) Be independent of any organization or entity that is not a news organization.

(ii) To the extent an individual or entity, which is otherwise required to register and report under the act, engages in activities other than the publishing or broadcasting of news or comment on the news, the other activities will not be afforded an exemption under this subsection.

(3) The exemption in section 13A06(3) of the act is limited to an individual who does not receive any economic consideration for lobbying.

(4) The exemption in section 13A06(4) of the act is limited to an individual whose economic consideration for lobbying, from all principals represented, does not exceed \$2,500 in the aggregate during any reporting period.

(5) The exemption in section 13A06(5) of the act is limited to an individual who engages in lobbying on behalf of the individual's employer if the lobbying activity represents less than 20 hours during any reporting period.

(6) The exemption in section 13A06(6) of the act is limited to a principal whose total expenses for lobbying purposes do not exceed \$2,500 during any reporting period.

(7) The exemptions in section 13A06(7)—(10) of the act (as referenced in section 13A05(b)(8)) exclude Commonwealth governmental entities and political subdivisions as well as elected officials, appointed officials and employees of the entities or subdivisions from the registration and reporting requirements of the act to the extent that the lobbying activities are performed by the governmental entities or by their officials/employees in an official capacity. Specifically, these sections exempt lobbying by a governmental entity on its own behalf and lobbying by an official/employee of the entity acting in an official capacity so that neither the official/employee nor the governmental entity would be required to register or report as to those activities under the act. The governmental entity would be required to register and report as a principal if other lobbyists or lobbying firms would engage in lobbying on behalf of the governmental entity and the total expenditures for those lobbying activities would not bring the governmental entity within the exemption in section 13A06(6) of the act.

(8) The exemption in section 13A06(11) of the act is limited to an individual representing a bona fide church or bona fide religious body of which the individual is a member, or the bona fide church or bona fide religious body itself, when the lobbying is solely for the purpose of protecting the constitutional right to the free exercise of religion. Lobbying on issues beyond the scope of the free exercise of religion does not qualify for this exemption no matter who engages in the lobbying.

(9) The exemption in section 13A06(12) of the act applies to an individual who is not otherwise required to register and who serves on an advisory board, working group or task force at the request of an agency or the General Assembly. This exemption is limited to the scope of the individual's service on the advisory board, working group or task force.

(10) The exemption in section 13A06(13) of the act applies to the activity of participating as a party or as an attorney-at-law or representative of a party, case or controversy in any administrative adjudication pursuant to 2 Pa.C.S. (relating to administrative law and procedure). This activity is exempt whether performed by an individual or entity, but will not operate to exclude from reporting other activities performed by individuals or entities that are otherwise required to register and report under the act.

(11) The exemption in section 13A06(14) of the act applies to expenditures and other transactions subject to reporting under Article XVI of the Election Code (25 P. S. §§ 3241—3260b).

(b) *Vendor activities.* The exemption in section 13A06(15) of the act applies to vendor activities under 62 Pa.C.S. §§ 514 and 516 (relating to small procurements; and emergency procurement) and efforts directly related

to responding to publicly advertised invitations to bid and requests for proposals. This exemption also includes the following vendor activities in response to procurement actions initiated by the Commonwealth:

(1) Submission of supplier pricing requests and sealed quotes, bids and proposals in response to a public Request for Quotes (RFQ), Invitation For Bids (IFB) or Request for Proposals (RFP) procurement process.

(2) Submission of questions, participation in a site visit, prebid or preproposal conference, and communications concerning the procurement process between the vendor's and the covered agency's contracting officer designated by the public competitive procurement document (RFQ, IFB or RFP) during an active procurement.

(3) Submission of a response to a public Request for Expressions of Interest (RFEI) or Request For Information (RFI) seeking formal expression of interest or identification of vendor capabilities for a potential future procurement.

(4) Demonstration of products or services authorized by an existing contract to covered agencies that may order from the contract.

(5) Participation in trade shows, conventions or product demonstrations open to the public or held for an open community when Commonwealth representatives are among the attendees.

(6) Participation in an open, public forum for vendors conducted by the Commonwealth.

#### CHAPTER 59. OPINIONS AND ADVICES OF COUNSEL

|       |                                     |
|-------|-------------------------------------|
| Sec.  |                                     |
| 59.1. | Opinions and advices of counsel.    |
| 59.2. | Standing requirements.              |
| 59.3. | Prospective conduct to be reviewed. |

##### § 59.1. Opinions and advices of counsel.

(a) The Commission will provide advices of counsel and opinions in accordance with the procedures in section 1107 of the Ethics Act (relating to powers and duties of commission) and Chapter 13 (relating to opinions and advices of counsel).

(b) A person who acts in good faith based upon a written advice or opinion of the Commission issued as to that person will not be held liable for a related violation of the act if the material facts are as stated in the request.

(c) A respondent or defendant who reasonably relies upon advices or opinions of the Commission shall have an affirmative defense under section 13A09(g)(1) of the act (relating to penalties).

##### § 59.2. Standing requirements.

(a) The following shall have standing to request an advisory under the act:

(1) A principal, lobbying firm, lobbyist, State official or employee, the Department, the Board, or the authorized representative of any of the aforesaid.

(2) Individuals, entities or their authorized representatives regarding their status or duties under the act.

(b) A principal or lobbying firm shall have standing to request an advisory regarding the status, duties or activities of its employees.

(c) An unauthorized request for an advice or opinion as to the conduct of another shall be considered a "third-party request" and will not be entertained.

(d) The Department and the Board will have standing to request an advisory as to questions or issues regarding their respective duties and authority under the act.

##### § 59.3. Prospective conduct to be reviewed.

An advice or opinion will only be issued as to prospective conduct, pertinent to the subject of the request.

#### CHAPTER 61. COMPLIANCE AUDITS

|       |  |
|-------|--|
| Sec.  |  |
| 61.1. | Lotteries.                                       |
| 61.2. | Scope of compliance audits.                      |
| 61.3. | Audit procedures.                                |
| 61.4. | Audit report.                                    |
| 61.5. | Confidentiality.                                 |
| 61.6. | Duty of the Department to contract for an audit. |

##### § 61.1. Lotteries.

(a) Each year, the Department will randomly select, at a public drawing 60 days following the close of each fourth quarter reporting period, 3% of all completed registration statements and expense reports filed with the Department under the act.

(b) A lobbyist, lobbying firm or principal will not be selected for a random audit in consecutive audit contract periods.

##### § 61.2. Scope of compliance audits.

(a) The audits will be conducted in accordance with generally accepted auditing standards and will test as to whether each registration statement or expense report is materially correct.

(b) An audit will be limited in time to the previous 2 calendar years. Lobbying activities performed prior to January 1, 2007, will not be audited under the act.

##### § 61.3. Audit procedures.

The following general procedures will be employed by the Department for audits conducted under section 13A08(f) of the act (relating to administration):

(a) At least 30 days prior to the initiation of the audit, each audit subject will be advised by letter that the audit subject was randomly selected for audit and further advised of the time, date, place and general scope as well as a tentative time frame for completion of the audit. The letter will contain a request for documents deemed necessary for conduct of the audit.

(b) Prior to the initiation of the audit, a review of the subject's reports on file with the Department for a period not to exceed 2 years will be conducted. Lobbying activities performed prior to January 1, 2007, will not be audited under the act.

(c) The audit will be initiated by way of conference between the auditor and the audit subject or the designated representative thereof.

(1) The audit may include related records from other sources, in which case the subject of the audit shall cooperate fully and execute all waivers, releases or authorizations to allow the independent auditor to obtain the records.

(2) Registrants shall have an affirmative duty to cooperate fully in any audit of their registration statements or expense reports. If the independent auditor believes that the subject of the audit is delaying the submission of requested records, the independent auditor shall inform the Department in writing.

(d) The audit may include interviews of lobbyists, principals, representatives and employees thereof and other individuals necessary to the completion of the audit.



(e) The independent auditor will offer to conduct an audit exit conference with the subject of the audit, or the designated representative thereof, prior to the issuance of a final report.

**§ 61.4. Audit report.**

(a) The certified public accountants or certified public accounting firms, selected under section 13A08(f)(1) (relating to administration) and § 61.6 (relating to duty of the Department to contract for an audit), that are responsible for performing compliance audits will, at the conclusion of each audit, prepare an audit report which must include findings.

(b) An audit report may include recommendations as to recordkeeping, reporting and other related practices arising from the audit.

(c) Upon completion, the independent auditor shall send a copy of the audit report and the findings of fact by certified mail to the subject of the audit. The independent auditor shall issue the audit report within 1 year of being notified of the selection of the subject for audit.

(1) Issuance of the audit report will be deemed complete upon mailing to the subject of the audit.

(2) Within 30 days of issuance of the audit report, the subject of the audit may file with the Department a statement setting forth the subject's position as to the audit report.

(d) Audit reports and any related responses shall be submitted to the Department for review and may form the basis for further proceedings or referrals under the act or the Ethics Act.

**§ 61.5. Confidentiality.**

The audit report and findings will be confidential except that the Department will make an audit report and findings available to the Commission if the Commission is investigating an alleged violation of this chapter involving the audited registration or expense report within the requirements of the act and Chapters 53 and 55 (relating to registration and termination; and reporting). The Commission will include the relevant portion of an audit as part of its findings of fact in a Commission order that results from an investigation arising out of an audit.

**§ 61.6. Duty of the Department to contract for an audit.**

Every 2 years, the Department will contract for the services of one or more certified public accountants or certified public accounting firms. The contract will be awarded in a manner consistent with 62 Pa.C.S. Part. I (relating to Commonwealth Procurement Code), and no certified public accountant or certified public accounting firm will be eligible to obtain a contract for 2 successive contract periods.

**CHAPTER 63. COMMISSION REFERRALS, INVESTIGATIVE PROCEEDINGS AND NONINVESTIGATIVE PROCEEDINGS**

|       |   |
|-------|---|
| Sec.  |   |
| 63.1. | Commission referrals..                                      |
| 63.2. | Commission proceedings under section 1307-A of the act.     |
| 63.3. | Commission proceedings regarding late or deficient filings. |
| 63.4. | Noninvestigative process for late or deficient filings.     |
| 63.5. | Investigative process for late or deficient filings.        |
| 63.6. | Administrative penalties for late or deficient filings.     |
| 63.7. | Commission decisions as to late or deficient filings.       |

**§ 63.1. Commission referrals.**

(a) If the Commission has reason to believe that an intentional violation of the act has been committed, it will

refer all relevant documents and other information to the Office of Attorney General and, if the lobbyist or principal is an attorney-at-law, to the Board.

(b) The Commission may, in its discretion, refer any alleged violation of section 13A07(f) of the act (relating to prohibited activities) to the Office of Attorney General for both investigation and prosecution.

(c) The Commission will refer any alleged violation of section 13A07(d) of the act or section 1307A(f) of the act to the Board if the subject of the alleged violation is an attorney-at-law.

(d) Under section 13A09(b) of the act (relating to penalties) and § 63.4(16) (relating to noninvestigative process for late or deficient filings), if the Commission finds that a failure to register or report was intentional, it will refer the matter to the Attorney General for investigation and prosecution and, if the person is an attorney-at-law, to the Board.

(e) Nothing contained in the act or this part will prohibit the Office of Attorney General from independently initiating an investigation or prosecution under the act under its authority by law, and the Office of Attorney General need not await a referral from the Commission before initiating such an investigation or prosecution.

(f) Nothing contained in the act or this part will restrict the Board's authority to discipline an attorney-at-law who is acting as a lobbyist or principal.

(g) Except for a matter under section 13A07(d)(8) of the act, a referral by the Commission or the Office of Attorney General to the Board will not preclude the referring agency from also conducting its own enforcement proceeding under the act.

**§ 63.2. Commission proceedings regarding prohibited activities under section 13A07 of the act.**

(a) Upon receipt of a complaint as defined in § 51.1 (relating to definitions), the Commission, through its Executive Director, will conduct a preliminary inquiry into an alleged negligent or unintentional violation of section 13A07 of the act (relating to prohibited activities). A preliminary inquiry will not be conducted for matters under the act that are required to be referred to the Board for the Board's exclusive review under section 13A07(d)(8) or for matters involving section 13A07(f) that the Commission, in its discretion, chooses to refer to the Office of Attorney General for investigation.

(b) Except for matters required to be referred to the Board for its exclusive review under section 13A07(d)(8) of the act, the Commission, upon the motion of the Executive Director, may conduct a preliminary inquiry into an alleged negligent or unintentional violation of section 13A07 of the act.

(c) Preliminary inquiries will be conducted in accordance with the procedures for preliminary inquiries set forth in section 1108 of the Ethics Act (relating to investigations by commission) and § 21.3 (relating to preliminary inquiries), to the extent applicable.

(d) The Commission, through its Executive Director, may initiate an investigation and hold a hearing concerning alleged negligent or unintentional violations of section 13A07 of the act by a lobbyist, lobbying firm or principal, in accordance with sections 1107 and 1108 of the Ethics Act (relating to powers and duties of commission; and investigations by commission) and, to the extent applicable, the related provisions in §§ 21.1—21.3, 21.5 and 21.21—21.27.

(1) If the respondent does not submit a timely request for a hearing, the Investigative Division will have an additional 7 days beyond the respondent's deadline in which to submit a written request for a hearing.

(2) The Commission may sua sponte schedule a hearing if it is determined that a hearing is needed to resolve any contested facts to make a final determination.

(e) The Commission will decide cases, issue orders and rule upon requests for reconsideration concerning alleged negligent or unintentional violations of section 13A07 of the act, in accordance with sections 1107 and 1108 of the Ethics Act and, to the extent applicable, the related provisions in §§ 21.28—21.30 (relating to decision; finality; reconsideration; and effect of order).

(f) At least four members of the Commission present at a meeting must find a violation by clear and convincing proof.

**§ 63.3. Commission proceedings regarding late or deficient filings.**

(a) Commission proceedings under section 13A04 or section 13A05 of the act (relating to registration; and reporting) may be initiated based upon one or more of the following:

(1) Receipt of a complaint.

(2) Information submitted by the Department, at its discretion, including, but not limited to, referrals or other information pertaining to late or incomplete filings, the failure to file required registration statements and the failure to file quarterly expense reports.

(3) A referral by the Department of any information arising from an audit, which, in the view of the Department, is appropriate for the Commission to consider.

(4) Reviews of filings conducted by Commission staff.

(5) On the motion of the Commission's Executive Director, which is based upon a reasonable belief that a violation of section 13A04 or section 13A05 of the act may have occurred.

(b) The Commission, through its Executive Director, will initiate proceedings involving section 13A04 or section 13A05 of the act under either the noninvestigative procedures in § 63.4 (relating to noninvestigative process for late or deficient filings) or under the investigative procedures in § 63.5 (relating to investigative process for late or deficient filings).

(1) In each case, the Executive Director of the Commission will elect the process to be followed based upon factors which include, but are not limited to:

(i) The complexity of the matter.

(ii) Whether an investigation is needed to fully review the matter.

(iii) Whether the filer has had prior notice of the requirements of the act.

(iv) Whether the filer has in the past complied with the act.

(2) The election of the process to be followed will not be controlled by the manner in which the alleged negligent violation or noncompliance comes to the attention of the Commission.

(3) If a formal complaint is received alleging a failure to register or report as required by the act, or the filing of a registration or report containing a false statement, the Commission through its Executive Director may elect to

proceed in the matter under the noninvestigative procedures of § 63.4 rather than through the investigative procedures of § 63.5.

(4) A complainant will be notified of the Executive Director's election of the process to be followed.

(5) Information received under subsection (a) may form the basis for proceedings under either the noninvestigative procedures of § 63.4, or, on the motion of the Commission's Executive Director, the investigative procedures of § 63.5.

(c) If the Department makes a referral to the Commission based on an audit, the Commission will handle the referral through the investigative process.

**§ 63.4. Noninvestigative process for late or deficient filings.**

The noninvestigative process for matters under section 13A04 or section 13A05 of the act (relating to registration; and reporting) will include the following procedures:

(1) Prior to the issuance of a notice of alleged noncompliance under section 13A09 of the act (relating to penalties), the Executive Director of the Commission will issue a warning notice to the lobbyist, lobbying firm or principal that has allegedly failed to register or report as required by the act. The warning notice may encompass multiple alleged failures to comply with the act. The warning notice will state the nature of the alleged noncompliance and the administrative and criminal penalties for failing to register, failing to file a report, or filing a report that contains a false statement or that is incomplete.

(2) The recipient of the warning notice shall have 30 days from the mailing date of the warning notice in which to cure the alleged noncompliance. The Investigative Division, in its discretion, may extend the 30-day time period for curing the alleged noncompliance. If the alleged noncompliance is not cured within the 30-day period or any extension thereof, the Investigative Division of the Commission may file a notice of alleged noncompliance with the Commission. The notice will be served upon the respondent by the Investigative Division. A notice of alleged noncompliance may encompass multiple alleged failures to comply with the act.

(3) The notice of alleged noncompliance will set forth the pertinent factual averments in numbered paragraph form and will state the nature of the alleged noncompliance and the administrative and criminal penalties for failing to register, failing to file a report, or filing a report that contains a false statement or that is incomplete. A notice of alleged noncompliance will also advise of the right to appeal from the notice, to file a written answer to the notice and to request a hearing before the Commission. A notice of alleged noncompliance will set forth the time and manner in which to file an appeal, file a written answer and request a hearing.

(4) An answer to the notice of alleged noncompliance shall be filed (received at the Commission) within 30 days of service of the notice upon the respondent, and the notice of alleged noncompliance will include a statement to this effect. Filing of an answer is deemed to be both an appeal and a request for a hearing.

(5) An answer to the notice of alleged noncompliance must specifically admit or deny each of the factual averments made in the petition, set forth the facts and state concisely the matters of law upon which the respondent relies. Matters not specifically denied will be deemed

admitted. The notice of alleged noncompliance will include a statement to this effect.

(6) Failure to file an answer within the 30-day period or the filing of general denials will be deemed an admission of the averments of the notice of alleged noncompliance. The notice of alleged noncompliance will include a statement to this effect.

(7) To the extent that a respondent does not file an answer, a request by the respondent for a hearing must be in writing and be received at the Commission within 30 days of service of the notice of alleged noncompliance upon the respondent. Failure to submit a timely request for a hearing will be deemed a waiver of a hearing, so that a final order may be entered against the respondent without a hearing.

(8) If the recipient of a notice of alleged noncompliance fails to file a written answer or otherwise fails to file an appeal or a request for a hearing, the notice of alleged noncompliance is deemed admitted and the Commission may find the respondent to be in noncompliance and impose penalties under the act. Furthermore, filing a notice of appeal will automatically constitute a request for a hearing.

(9) If the respondent does not file an answer or otherwise submit a timely request for a hearing, the Investigative Division will have an additional 7 days beyond the respondent's deadline in which to submit a written request for a hearing.

(10) The Commission may sua sponte schedule a hearing if it is determined that a hearing is needed to resolve contested facts to make a final determination.

(11) If a hearing is requested by the respondent or Investigative Division or is scheduled by the Commission, the respondent will be given access to evidence intended to be used by the Investigative Division at the hearing, as well as exculpatory evidence obtained by the Investigative Division.

(12) Access to evidence does not include an original complaint or the name of a complainant, information which is otherwise privileged, or information not within paragraph (11).

(13) A hearing under section 13A09(b) of the act as to a negligent failure to register or report will be public and will be conducted by the Commission in accordance with sections 1107(14) and 1108(e) of the Ethics Act (relating to powers and duties of commission; and investigations by Commission), and to the extent applicable, the related provisions of Part I (relating to State Ethics Commission). The Investigative Division bears the burden of proof.

(14) The hearing officer or the parties may request that briefs be presented. The filing of briefs must be in accordance with the procedures for filing briefs under § 21.27 (relating to briefs) to the extent applicable.

(15) After the opportunity for a hearing has been provided, and following the submission of any briefs, the Commission will determine, based upon the record before it, whether the respondent was required to register or report under the act; whether the failure to register or report was negligent; and if the failure was negligent, the amount of the administrative penalty to be imposed. At least four members of the Commission present at a meeting must find a violation by clear and convincing proof.

(16) If the Commission finds that the failure to register or report was intentional, it will refer the matter to the

Attorney General for investigation and prosecution, and if the person is an attorney-at-law, the Commission will also refer the matter to the Board.

(17) The determination of the Commission will be in the form of a final order with findings and reasons for the adjudication.

(18) At any time prior to a final adjudication by the Commission, the Investigative Division will have authority to negotiate settlements and to enter into settlement agreements to resolve matters under this section. Settlement agreements will be subject to review and approval by the Commission. Settlement agreements may include arrangements for deferral or termination of proceedings prior to any adjudicative disposition, or terms for an adjudicative disposition, including penalties provided by the act.

(19) Requests for reconsideration may be submitted to the Commission. The Commission will consider and rule upon requests for reconsideration under the procedures in § 21.29(b) and (d)—(f) (relating to finality; reconsideration) to the extent applicable.

(20) The Commission will notify the Board of any administrative/civil penalty imposed by the Commission against an attorney-at-law for failure to register or report.

(21) A complainant will be notified of the final resolution of the matter.

(22) The official record of the case before the Commission will be publicly available.

(23) The files of the Investigative Division will not be publicly available.

### **§ 63.5. Investigative process for late or deficient filings.**

The investigative process for matters under section 13A04 or section 13A05 of the act (relating to registration; and reporting) will include the following procedures:

(1) The Commission, through its Executive Director, may conduct a preliminary inquiry into any alleged negligent violation of section 13A04 or section 13A05 of the act. Preliminary inquiries will be conducted under the procedures for preliminary inquiries in section 1108 of the Ethics Act (relating to investigations by commission) and, to the extent applicable, § 21.3 (relating to preliminary inquiries).

(2) The Commission, through its Executive Director, may initiate an investigation and hold a hearing concerning alleged negligent violations of section 13A04 or 13A05 of the act, in accordance with sections 1107 and 1108 of the Ethics Act (relating to powers and duties of commission; and investigations by commission) and, to the extent applicable, the related provisions in §§ 21.1—21.3, 21.5 and 21.21—21.27.

(i) If the respondent does not submit a timely request for a hearing, the Investigative Division will have an additional 7 days beyond the respondent's deadline in which to submit a written request for a hearing.

(ii) The Commission may sua sponte schedule a hearing if it is determined that a hearing is needed to resolve any contested facts to make a final determination.

(iii) A person has a duty to comply with a lawfully issued subpoena, even if that person is located out-of-State under 42 Pa.C.S. § 5322 (relating to the bases of personal jurisdiction over persons outside this Commonwealth).

(3) At any time prior to a final adjudication by the Commission, the Investigative Division will have authority to negotiate settlements and to enter into settlement agreements to resolve matters under this section. Settlement agreements will be subject to review and approval by the Commission. Settlement agreements may include arrangements for deferral or termination of proceedings prior to any adjudicative disposition, or terms for an adjudicative disposition, including penalties provided by the act.

(4) The Commission will decide cases, issue orders and rule upon requests for reconsideration concerning alleged negligent violations of section 13A04 or section 13A05 of the act, in accordance with sections 1107 and 1108 of the Ethics Act and, to the extent applicable, the related provisions in §§ 21.28—21.30 (relating to decision; finality; reconsideration; and effect of order). At least four members of the Commission present at a meeting must find a violation by clear and convincing proof.

**§ 63.6. Administrative penalties for late or deficient filings.**

Following a noninvestigative process under § 63.4 (relating to noninvestigative process for late or deficient filings), or an investigative process under § 63.5 (relating to investigative process for late or deficient filings), if the Commission finds negligent failure to register or report as required by the act, the Commission may, upon the vote of at least four of its members present, levy one or more administrative penalties as provided for in this section.

(1) Each negligent failure to register or report as required by the act is punishable by an administrative penalty of up to \$50-per-day for each day the registration statement or report is delinquent or deficient.

(2) An administrative penalty will be calculated from the first day the registration statement or report is delinquent or deficient, through the date a complete and accurate registration statement or report is filed or the Commission decides the matter, whichever occurs first.

(3) In determining whether to impose an administrative penalty that is less than \$50-per-day, the Commission may consider factors including the following:

(i) Whether the respondent contacted the Commission or took any meaningful measures to attempt to remedy the delinquency, deficiency or false statement.

(ii) Whether the respondent has raised any justifiable excuse such as, for example, the following:

(A) The unavailability of records due to loss, theft or destruction through no fault of the respondent.

(B) Incapacitating physical or mental illness, hospitalization, accident involvement, or death of a person required to register or report, a person whose participation is essential to the filing, or a member of the immediate family of the person.

(iii) Whether the record establishes that the matter involved the first instance that the respondent was subject to the registration/reporting requirements of the act.

(iv) Whether Commission records indicate that the Commission has previously notified the respondent, in writing, of other delinquent, deficient, or false registration statements or reports.

(v) Whether proceedings have previously been initiated against the respondent under the act, either by the Commission or by the Office of Attorney General.

(vi) Whether there are any other factors that should be considered as aggravating or mitigating factors in the case.

(4) The imposition of an administrative penalty by the Commission will not preclude a criminal prosecution for intentional violation of the act.

**§ 63.7. Commission decisions as to late or deficient filings.**

The determination of the Commission will be in the form of a final order with findings and reasons for the adjudication.

**CHAPTER 65. PROHIBITION AGAINST LOBBYING FOR ECONOMIC CONSIDERATION AS A SANCTION**

|       |  |
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| Sec.  |  |
| 65.1. | Basis for prohibition against lobbying for economic consideration.               |
| 65.2. | Procedures for imposing prohibition against lobbying for economic consideration. |

**§ 65.1. Basis for prohibition against lobbying for economic consideration.**

(a) Under sections 13A07 and 13A09 of the act (relating to prohibited activities; and penalties), the Commission may prohibit a lobbyist from lobbying for economic consideration for up to 5 years when the lobbyist has done one or more of the following:

(1) Violated section 13A07(d) of the act.

(2) Violated section 13A07(f) of the act.

(b) Under section 13A09(e)(4) of the act, the Commission may prohibit a person from lobbying for economic consideration for up to 5 years when the person has done one or more of the following:

(1) Intentionally failed to register or report as required by the act, as provided in section 13A09A(e)(1) of the act.

(2) As a registrant, filed a report under the act with knowledge that the report contained a false statement or was incomplete, as provided in section 13A09(e)(2) of the act.

(3) Otherwise intentionally violated the act, as provided in section 13A09(e)(3).

(4) Failed to comply with section 13A04, 13A05 or 13A07 of the act (relating to registration; reporting; and prohibited activities) after notice of noncompliance and after a hearing, if requested, as provided in section 13A09(d).

(c) For the limited purpose of the imposition of a prohibition against lobbying for economic consideration, the respondent shall be deemed to have been notified of noncompliance when served with both of the following:

(1) A findings report, notice of alleged noncompliance or other form of process which meets the requirements of section 13A09(a) of the act.

(2) A Commission order or court order finding the respondent in noncompliance with, or in violation of, the act.

(d) For the limited purpose of the imposition of a prohibition against lobbying for economic consideration, the respondent shall be deemed to have failed to comply after notice of alleged noncompliance if the respondent has not satisfied the requirements of the act within 30 days of the issuance of a Commission order or court order

finding the respondent in noncompliance/violation, or within another time for compliance as specified by the order.

(e) The prohibition against lobbying for economic consideration will not be imposed unless the defendant/respondent has been afforded the opportunity for a hearing as to whether the prohibition should be imposed.

(f) At any time prior to a final determination by the Commission as to the imposition of a prohibition against lobbying for economic consideration, the Investigative Division of the Commission will have authority to negotiate settlements and to enter into settlement agreements to resolve matters under this chapter. Settlement agreements will be subject to review and approval by the Commission. Settlement agreements may include arrangements for deferral or termination of proceedings prior to any disposition, or terms for a disposition, including the duration of any prohibition against lobbying for economic consideration to be imposed under the act.

(g) The record of the underlying proceeding on violation/noncompliance, as well as relevant evidence of mitigating or aggravating factors, shall be admissible in a Commission proceeding involving the imposition of a prohibition against lobbying for economic consideration. At the hearing, the Commission will determine initially whether the defendant or respondent violated the act. If the Commission makes an initial determination that the defendant or respondent violated the act, the defendant/respondent may thereafter present argument regarding an appropriate penalty.

**§ 65.2. Procedures for imposing prohibition against lobbying for economic consideration.**

(a) Giving consideration to the factors in subsection (b)(14), the Commission, through its Executive Director, may institute proceedings to seek the imposition of a prohibition against lobbying for economic consideration.

(b) The procedures for the imposition of a prohibition against lobbying for economic consideration will be as follows:

(1) The proceedings will be initiated with the Commission through the filing of a petition by the Investigative Division. The petition will be served upon the respondent by the Investigative Division.

(2) The petition will set forth the pertinent factual averments in numbered paragraph form, and will notify the respondent of the opportunity to file a written answer and to request a hearing in the matter. If the basis for the petition is the failure to comply with a Commission order, the petition will be docketed to the same number as the base case before the Commission. If the basis for the petition is the failure to comply with a court order, the petition will be docketed to the same number as the base case before the Commission if there was one, and if not, to a new number.

(3) An answer to the petition shall be filed (received at the Commission) within 30 days of service of the petition upon the respondent.

(4) An answer to the Investigative Division's petition must specifically admit or deny each of the averments made in the petition, and set forth the facts and state concisely the matters of law upon which the respondent relies. Matters not specifically denied will be deemed admitted.

(5) Failure to file an answer within the 30-day period or the filing of general denials will be deemed an admission of the averments of the petition seeking the prohibition.

(6) A request by the respondent for a hearing must be in writing and be received at the Commission within 30 days of service of the petition upon the respondent. The Commission will schedule a hearing at least 30 days after the filing of an answer.

(i) A request for a hearing may be set forth within an answer to the petition or it may be submitted separately.

(ii) Failure to submit a timely request for a hearing will be deemed a waiver of a hearing, so that a final order may be entered against the respondent without a hearing.

(7) If the respondent does not submit a timely request for a hearing, the Investigative Division will have an additional 7 days beyond the respondent's deadline in which to submit a written request for a hearing.

(8) The Commission may sua sponte schedule a hearing if it is determined that a hearing is needed to resolve contested facts to make a final determination.

(9) The Investigative Division of the Commission will give the respondent access to evidence intended to be used by the Investigative Division at the hearing, as well as exculpatory evidence obtained by the Investigative Division.

(10) Access to evidence does not include an original complaint or the name of a complainant, information which is otherwise privileged or information not within paragraph (9).

(11) A hearing under this chapter will be public and be conducted by the Commission in accordance with sections 1107(14) and 1108(e) of the Ethics Act (relating to powers and duties of commission; and investigations by commission), and to the extent applicable, the related provisions of Part I (relating to State Ethics Commission). The Investigative Division bears the burden of proof.

(12) The hearing officer or the parties may request that briefs be presented. The filing of briefs shall be in accordance with the procedures for filing briefs under § 21.27 (relating to briefs), to the extent applicable.

(13) After the opportunity for a hearing has been provided, and following the submission of briefs, the Commission will determine, based upon the record before it, whether and for how long a prohibition against lobbying for economic consideration is to be imposed against the respondent.

(i) If a lobbyist or person has been found to be in noncompliance or in violation of the act in a proceeding before the Commission, for which noncompliance or violation the penalty of prohibition against lobbying for economic consideration may be imposed, the finding of noncompliance or violation will be *res judicata*, and the Commission's further determination will be limited to the amount of time, if any, that the lobbyist or person shall be prohibited from lobbying for economic consideration.

(ii) To the extent any factual matters remain to be proven, the matters will be proven by clear and convincing evidence.

(iii) A prohibition against lobbying for economic consideration may only be imposed by a vote of at least four members of the Commission present at a meeting.

(14) In determining whether and for how long a prohibition against lobbying for economic consideration is to be imposed against a respondent, the Commission may consider factors including the following:

(i) Whether the respondent contacted the Commission or took any meaningful measures to attempt to remedy the violation or failure to comply.

(ii) Whether the respondent has raised a justifiable excuse.

(iii) Whether the record establishes that the matter involved the first instance that the respondent was subject to the requirements of the act.

(iv) Whether other proceedings have been initiated against the respondent under the act, either by the Commission or by the Office of Attorney General.

(v) Whether there are other factors that should be considered as aggravating or mitigating factors in the case.

(15) The determination of the Commission will be in the form of a final order with findings and reasons for the adjudication.

(16) Requests for reconsideration may be submitted to the Commission. The Commission will consider and rule upon requests for reconsideration under the procedures in

§ 21.29(b) and (d)—(f) (relating to finality; reconsideration), to the extent applicable.

(17) The official record of the case, including a consent agreement, before the Commission will be publicly available.

(18) The files of the Investigative Division will not be publicly available.

(c) If a lobbyist or person is convicted in a criminal proceeding for a violation of the act for which the penalty of prohibition against lobbying for economic consideration may be imposed, the conviction will be res judicata, and the Commission's determination will be limited to the amount of time, if any, that the lobbyist or person shall be prohibited from lobbying.

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