

PENNSYLVANIA BULLETIN

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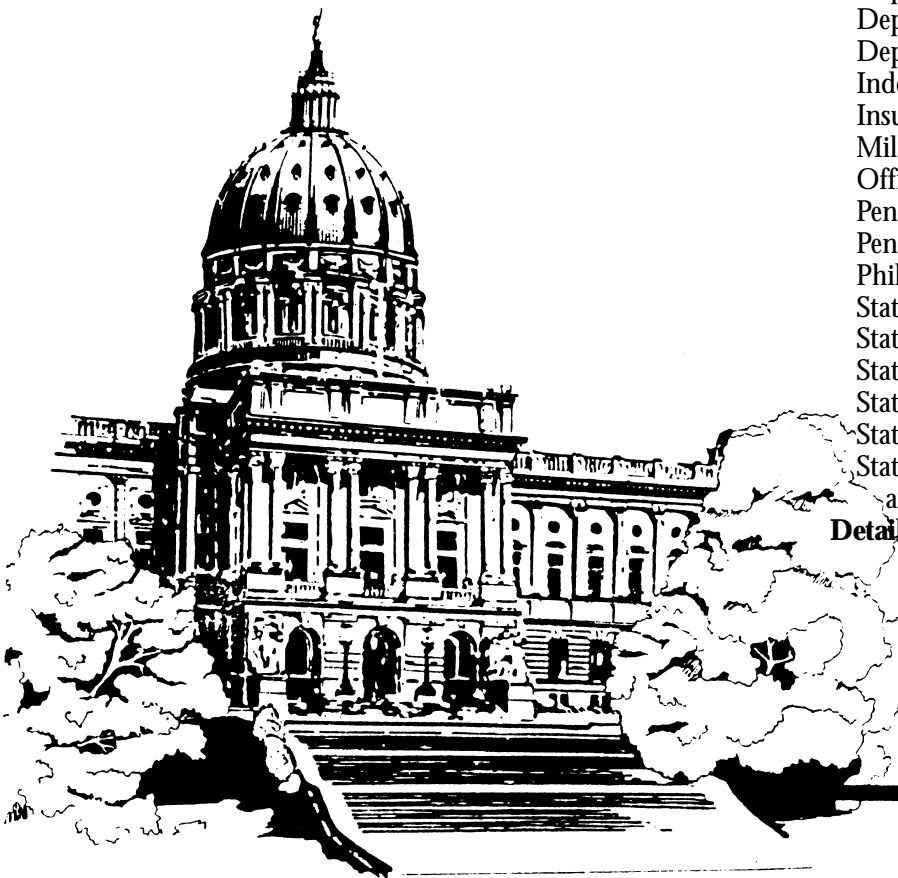
Saturday, July 28, 2007 • Harrisburg, PA

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and Salespersons

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No. 392, July 2007

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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THE GENERAL ASSEMBLY

Recent Actions during the 2007 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2007 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2007 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 021 through 032					
021	Jul 2	HB0369	PN1401	60 days	Emergency and Law Enforcement Personnel Death Benefits Act—payment of death benefits to members of emergency personnel teams
022	Jul 2	HB0635	PN0720	Immediately	County Code—meetings of auditors, audit of accounts by auditors and financial report to Department of Community and Economic Development
023	Jul 2	HB1169	PN1535	60 days	Roger F. Duffy Viaduct—designation
024	Jul 2	HB1228	PN1513	60 days	Clarion River Bridge—redesignation as Rear Admiral Paul H. Speer Bridge
025	Jul 2	SB0233	PN0759	Immediately	Conveyance—Commonwealth property in Somerset Township, Somerset County
026	Jul 3	HB0881	PN1978	60 days	Game and Wildlife Code (34 Pa.C.S.)—killing game or wildlife for property protection, unlawful devices and methods and exceptions to unlawful use of lights while hunting
027	Jul 8	HB0778	PN2167	Immediately	Fish and Boat Code (30 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—omnibus amendments
028	Jul 8	SB0034	PN1045	Immediately	Freedom to Breastfeed Act—enactment
029	Jul 8	SB0072	PN0426	Immediately	Volunteer Health Services Act—license renewal, continuing education requirements and disciplinary and corrective measures
030	Jul 13	HB0010	PN2168	Immediately*	Judicial Code (42 Pa.C.S.)—compensation of judges, exclusive jurisdiction of Supreme Court and Criminal Justice Enhancement Account
031	Jul 13	HB0496	PN2086	Immediately	Radiation Protection Act—licensing and registration fees, Environmental Quality Board powers, nuclear facility and transport fees, creation of special funds, response program and transportation of radioactive materials
032	Jul 13	SB0086	PN1250	Immediately	Reselling of amusement admission tickets and printing prices on tickets
2007 APPROPRIATION ACTS OF REGULAR SESSION ENACTED—ACT 007A					
007A	Jul 8	SB0796	PN0888	Immediately	Office of Consumer Advocate—operation

*denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library

of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore—PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the “Commonwealth of Pennsylvania.”

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 07-1340. Filed for public inspection July 27, 2007, 9:00 a.m.]

Recent Actions during the 2007 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2007 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2007 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 033 through 043					
033	Jul 16	HB0202	PN2286	60 days	Vehicle Code (75 Pa.C.S.)—conditions of permits and security for damages and reports and removal of abandoned vehicles
034	Jul 16	HB0896	PN2238	Immediately*	Liquor Code—omnibus amendments
035	Jul 17	HB1203	PN2343	Immediately	Alternative Energy Portfolio Standards Act—alternative energy portfolio standards, portfolio requirements in other states and interconnection standards for customer-generator facilities
036	Jul 17	HB1530	PN2344	Immediately	Public Utility Code (66 Pa.C.S.)—duties of electric distribution companies
037	Jul 17	SB0116	PN1323	Immediately*	Judicial Code (42 Pa.C.S.)—county court reimbursements, senior judge operational support grants, guidelines for fines, selection of prospective jurors, Statewide jury information system and no limitation applicable provisions
038	Jul 17	SB0413	PN1276	Immediately	Second Class County Code—assessment of signs and sign structures
039	Jul 17	SB0466	PN1329	Immediately	Pennsylvania Construction Code Act—application, changes in Uniform Construction Code and exemptions
040	Jul 17	SB0548	PN1299	Immediately*	Insurance Company Law of 1921—Long-Term Care Partnership Program, promulgation of regulations, marketing and advertising prohibitions, penalties and coverage and limitations
041	Jul 17	SB0623	PN1324	60 days	Crimes Code (18 Pa.C.S.)—use of force in law enforcement and firearm tracing
042	Jul 17	HB1295	PN2349	Immediately	Fiscal Code—Commonwealth employees group life insurance, State System of Higher Education and budget implementation, general budget implementation for 2007-2008 and restrictions on appropriations for funds and accounts
043	Jul 17	SB0798	PN0923	Immediately	Capital Budget Act of 2007-2008—enactment

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2007 APPROPRIATION ACTS OF REGULAR SESSION ENACTED—ACT 008A through 039A					
008A	Jul 17	HB1286	PN2346	Immediately	General Appropriation Act of 2007—enactment
009A	Jul 17	HB1287	PN2172	Immediately	Gaming Control Appropriation Act of 2007—enactment
010A	Jul 17	SB0929	PN1312	Immediately	Pennsylvania State University—appropriation for carrying out grants of public land, payments and accounting and fiscal information disclosure
011A	Jul 17	SB0930	PN1313	Immediately	University of Pittsburgh—education and general expenses, student life initiatives, Western Psychiatric Institute and Clinic, recruitment and retention of disadvantaged students and rural education outreach
012A	Jul 17	SB0931	PN1114	Immediately	Temple University—education and general expenses and recruitment and retention of disadvantaged students
013A	Jul 17	SB0932	PN1115	Immediately	Lincoln University—education and general expenses
014A	Jul 17	SB0933	PN1116	Immediately	Drexel University—instruction and student aid
015A	Jul 17	SB0934	PN1314	Immediately	University of Pennsylvania—dental clinics, doctor of medicine program, veterinary activities, Center for Infectious Disease and cardiovascular studies
016A	Jul 17	SB0935	PN1118	Immediately	Philadelphia Health and Education Corporation—Colleges of Medicine, Public Health, Nursing and Health Professions and continuation of pediatric services
017A	Jul 17	SB0936	PN1119	Immediately	Thomas Jefferson University—instruction in Doctor of Medicine program, maintenance, College of Allied Health Sciences, student aid and Children's Heart Hospital
018A	Jul 17	SB0937	PN1120	Immediately	Philadelphia College of Osteopathic Medicine—instruction in Doctor of Osteopathy program
019A	Jul 17	SB0938	PN1121	Immediately	Pennsylvania College of Optometry—instruction
020A	Jul 17	SB0939	PN1122	Immediately	University of the Arts—instruction and student aid
021A	Jul 17	SB0940	PN1123	Immediately	Berean Training and Industrial School—operation and maintenance expenses
022A	Jul 17	SB0941	PN1124	Immediately	Johnson Technical Institute of Scranton—operation and maintenance expenses
023A	Jul 17	SB0942	PN1125	Immediately	Williamson Free School of Mechanical Trades—operation and maintenance expenses
024A	Jul 17	SB0943	PN1126	Immediately	Lake Erie College of Osteopathic Medicine—instruction in Doctor of Osteopathy program
025A	Jul 17	SB0944	PN1127	Immediately	Fox Chase Institute for Cancer Research—operation and maintenance of cancer research program
026A	Jul 17	SB0945	PN1128	Immediately	Wistar Institute—operation and maintenance expenses and AIDS research
027A	Jul 17	SB0946	PN1129	Immediately	Central Penn Oncology Group—operation

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
028A	Jul 17	SB0947	PN1315	Immediately	Lancaster Cleft Palate—outpatient-inpatient treatment
029A	Jul 17	SB0948	PN1131	Immediately	Burn Foundation, Philadelphia—outpatient and inpatient
030A	Jul 17	SB0950	PN1132	Immediately	Children's Institute—treatment and rehabilitation of children and young adults with disabling diseases
031A	Jul 17	SB0951	PN1133	Immediately	Children's Hospital of Philadelphia—comprehensive patient care and general maintenance and operation
032A	Jul 17	SB0952	PN1134	Immediately	Beacon Lodge Camp—services to the blind
033A	Jul 17	SB0953	PN1316	Immediately	Carnegie Museums of Pittsburgh—operations and maintenance and purchase of apparatus, supplies and equipment
034A	Jul 17	SB0954	PN1317	Immediately	Franklin Institute Science Museum—maintenance expenses
035A	Jul 17	SB0955	PN1318	Immediately	Academy of Natural Sciences—maintenance expenses
036A	Jul 17	SB0956	PN1319	Immediately	African-American Museum—operating expenses
037A	Jul 17	SB0957	PN1320	Immediately	Everhart Museum—operating expenses
038A	Jul 17	SB0958	PN1321	Immediately	Mercer Museum—operating expenses
039A	Jul 17	SB0959	PN1322	Immediately	Whitaker Center for Science and the Arts—operating expenses

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore—PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the “Commonwealth of Pennsylvania.”

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 07-1341. Filed for public inspection July 27, 2007, 9:00 a.m.]

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing announces the following public meetings to be held at The Pennsylvania Commission on Sentencing Offices, 418 Beam Building, University Park, PA 16802:

Tuesday, August 14, 2007

Strategic Planning Session
418 Beam Building
University Park, PA

10 a.m.—4 p.m.

THE GENERAL ASSEMBLY

Tuesday, August 14, 2007

Dinner
The Carnegie House
100 Cricklewood Drive
State College, PA

6:30 p.m.

Wednesday, August 15, 2007

Quarterly Commission Meeting
418 Beam Building
University Park, PA

9 a.m.—12 p.m.

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 07-1342. Filed for public inspection July 27, 2007, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF ACCOUNTANCY
[49 PA. CODE CH. 11]

Revision and Deletion of Existing Regulations

The State Board of Accountancy (Board) amends Chapter 11 to read as set forth in Annex A.

The final-form rulemaking is a general updating of the Board's regulations that aims to provide consistency with the current provisions of the CPA Law (act) (63 P. S. §§ 9.1—9.16b), clarify certain practice issues and improve organization and comprehension. The final-form rulemaking amends regulations that predate the act of December 4, 1996 (P. L. 851, No. 140) (Act 140), which constituted the last major revision of the act. The Board implemented statutorily mandated regulations under Act 140 in a previous rulemaking.

Statutory Authority

The final-form rulemaking is authorized by section 3(a)(11) and (12) of the act (63 P. S. § 9.3(a)(11) and (12)), which empowers the Board to promulgate, respectively, regulations regarding professional conduct and other matters necessary to carry out the provisions of the act.

Summary of Comments and Responses to Proposed Rulemaking

The Board published a proposed rulemaking at 35 Pa.B. 1573 (March 5, 2005), with a 30-day public comment period. The Board received comments from the Pennsylvania Institute of Certified Public Accountants (PICPA).

The Board received comments from the Independent Regulatory Review Commission (IRRC) and the House Professional Licensure Committee (HPLC) as part of their review of the proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.15). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) as part of its review of the proposed rulemaking under the Regulatory Review Act.

Deletion of Redundant Regulations

The proposed rulemaking deleted several regulations and parts of regulations that the Board considered unnecessary because they were obsolete, redundant of language in the act or relocated elsewhere in Chapter 11. The HPLC recommended that the Board retain, and update as necessary, regulations that contain language from the act. The HPLC commented that attorneys, licensees and those who engage the services of licensees are likely to consult Chapter 11 for information about requirements regarding the practice of public accounting, and that they would benefit from regulations that reflect current statutory requirements. IRRC endorsed the views of the HPLC.

As more specifically discussed as follows, the final-form rulemaking retains, with updated content and references to statutory language as appropriate, regulations that were proposed for deletion as being redundant of the act.

§ 11.1. Definitions.

The proposed rulemaking deleted the definitions of "Board," "firm," "licensee" and "practice of public accounting" because updated definitions of those terms appear in section 2 of the act (63 P. S. § 9.2). The proposed rulemaking also deleted: the definition of "contingent fee" because it was being relocated to § 11.25 (relating to contingent fees), the only regulation in Chapter 11 that uses the term; the definition of "attest function" because the term had been replaced elsewhere in Chapter 11 with the term "attest activity," which is already defined in section 2 of the act; and the definition of "inactive status" because the term is not used in Chapter 11.

The HPLC and IRRC recommended that current versions of the definitions of "attest activity," "Board," "firm," "licensee" and "public accounting," as set forth in the act, be retained in § 11.1. The HPLC also recommended that the definition of "contingent fee" be retained in § 11.1 in the event the Board should reference the term in another regulation. The HPLC also recommended that the definition of "inactive status" be retained because the term is a better choice of language than "inactive license roll" in § 11.9 (relating to use of the designation "certified public accountant" and the abbreviation "CPA" solely as mark of achievement by individual without current license). The final-form rulemaking incorporates these recommendations. The definitions are based on section 2 of the act, except the definition of "inactive status," which is based on sections 8.2(a.1) and 9.2(d) of the act (63 P. S. §§ 9.8b(a.1) and 9.9b(d)).

The HPLC also recommended that the definition of "qualified association" from section 2 of the act be added to § 11.1, noting that the term is part of the current definition of "firm" and could be referenced in § 11.5 (relating to temporary practice in this Commonwealth). The final-form rulemaking incorporates this recommendation.

The HPLC, IRRC and PICPA recommended that the abbreviation of the Public Company Accounting Oversight Board (PCAOB) be added to § 11.1 because the PCAOB is an important recognized standard-setting body that should be referenced in the regulations that identify other recognized standard-setting bodies. PICPA also recommended that the abbreviation of the Statement on Standards for Attestation Engagements (SSAE) be added to § 11.1 because the SSAE should be referenced in § 11.55(b) (relating to experience requirements for CPA certification), which sets forth categories of qualifying attest experience for certified public accountant (CPA) certification. The final-form rulemaking incorporates these recommendations.

The final-form rulemaking also adds the abbreviation of the Securities and Exchange Commission (SEC) to § 11.1 because the SEC is referenced in certain regulations that identify recognized standard-setting bodies.

§ 11.3. Applicability of general rules.

The proposed rulemaking deleted § 11.3, which provides that the Board's formal proceedings are governed by 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), on the ground that it is redundant of language in section 9(a) of the act (63 P. S. § 9.9(a)).

Upon the recommendation of the HPLC and IRRC, the final-form rulemaking retains § 11.3.

§ 11.5. Temporary practice in this Commonwealth.

Section 11.5(a) listed the requirements for the temporary practice of public accounting in this Commonwealth. The proposed rulemaking amended § 11.5(a) to provide that a CPA currently licensed to practice in another state or an association of CPAs currently licensed to practice in another state could seek permission to obtain a temporary permit to practice public accounting in this Commonwealth.

Noting that § 11.5(a) referenced not only licensees "of another state" but also licensees of any "other jurisdiction of the United States," the HPLC and IRRC commented that the proposed rulemaking could be interpreted as denying temporary practice privileges to licensees of the District of Columbia and asked the Board to provide its rationale for this exclusion. The temporary practice language in section 13(b) of the act (63 P. S. § 9.13(b)), which was enacted as part of Act 140, refers only to licensees "of another state." The prior version of section 13(b) of the act referred to licensees of "another state or Federal district, territory or insular possession of the United States." The Board notes, however, that under 1 Pa.C.S. § 1991 (relating to definitions), the definition of "state," in the context of referring to different parts of the United States, "includes the District of Columbia and the several territories of the United States." Therefore, a current licensee of the District of Columbia would be eligible to apply for a temporary practice permit under amended § 11.5(a).

The HPLC recommended that the reference in § 11.5(a) to "an association of certified public accountants" be changed to "a qualified association of CPAs." Although section 13(b) of the act refers only to an association of CPAs, the Board believes a qualified association of CPAs is more appropriate terminology because a "qualified association," as defined in section 2 of the act, includes an association that is formed under the laws of another state that affords the association's owners no greater immunity than is available to shareholders of a professional corporation incorporated in this Commonwealth. The Board considers it appropriate that an out-of-State firm practicing public accounting in this Commonwealth should not enjoy greater immunity from civil liability than that accorded a public accounting firm from this Commonwealth. Accordingly, the final-form rulemaking incorporates the recommendation of the HPLC.

Section 11.5(a) provided that an applicant for a temporary practice permit may not maintain an office in this Commonwealth. The proposed rulemaking amended § 11.5(a) to provide that an applicant may not "personally" maintain an office in this Commonwealth. The HPLC questioned the legal significance of adding the word "personally" to the requirement. The Board's intent was to make it clear that an out-of-State employee of a Pennsylvania-licensed National or regional public accounting firm is not precluded from obtaining a temporary practice permit merely because his employer maintains an office in this Commonwealth.

The Board reconsidered the need to retain any prohibition on the right of a temporary practice permitholder to maintain an office in this Commonwealth. The rationale for the prohibition is to prevent a temporary practitioner in this Commonwealth from establishing a permanent practice without the requirement of licensure. However, § 11.5(b) authorizes the issuance of a renewable 1-year permit for up to 500 hours of work or a nonrenewable 1-year permit for an unlimited number of hours on a single, nonrecurring engagement. These provisions con-

template that a temporary practice permitholder may practice regularly in this Commonwealth for periods of relatively short duration or practice episodically in this Commonwealth for periods of relatively long duration. In either case, allowing a temporary practice permitholder to maintain an office in this Commonwealth affords greater convenience to clients in this Commonwealth. Accordingly, the final-form rulemaking deletes the prohibition in § 11.5(a) against a temporary practice permitholder's maintaining an office in this Commonwealth.

Section 11.5(c) provided that an out-of-State licensee that does not meet the requirements for a temporary practice permit must satisfy the license requirements in the act to practice public accounting in this Commonwealth. Section 11.5(d) identified the types of activities that do not require possession of a temporary practice permit. The proposed rulemaking deleted § 11.5(c) and (d) as unnecessary because the act adequately addresses the subject matter of these subsections.

Upon the recommendation of the HPLC and IRRC, the final-form rulemaking retains § 11.5(c) and (d) in an amended form. Revised § 11.5(c) contains references to the current provisions of the act that set forth requirements regarding the certification and licensure of individuals by reciprocity and to the licensure of public accounting firms. Revised § 11.5(d) reflects the current content of section 13(c) of the act, which addresses the scope of permissible activities not requiring a license or temporary practice permit.

§ 11.7. Use of the designation "public accountant" and the abbreviation "PA."

§ 11.8. Use of the designation "certified public accountant" and the abbreviation "CPA" in the practice of public accounting.

Sections 11.7(a) and 11.8(a) identified the categories of individuals and entities that may use the designations and abbreviations. Sections 11.7(b) and 11.8(b) proscribed unlawful use of the designations and abbreviations by individuals and entities that are not currently licensed to practice public accounting. Sections 11.7(c) and 11.8(c) gave examples of unlawful use. Sections 11.7(d) and 11.8(d) set forth the disciplinary provisions of the act that are implicated by unlawful use. The proposed rulemaking deleted §§ 11.7 and 11.8 as unnecessary because various provisions of the act already cover the subject matter of these regulations.

Upon the recommendation of the HPLC and IRRC, the final-form rulemaking retains §§ 11.7 and 11.8 with amendments for clarity and comprehension, including amended examples of unlawful use and deletion of references to repealed sections of the act. Amended §§ 11.7 and 11.8 are consistent with the current versions of section 12(a), (c), (j) and (q) of the act (63 P. S. § 9.12(a), (c), (j) and (q)).

§ 11.9. Use of the designation "certified public accountant" and the abbreviation "CPA" solely as mark of achievement by individual without current license.

Section 11.9(a) set forth conditions under which the holder of a CPA certificate who does not possess a current license to practice public accounting may use the designation "certified public accountant" and the abbreviation "CPA" solely as a mark of achievement on business cards and stationery. The conditions stipulate that the certificateholder may not be under suspension or revocation; notify the Board in writing that he desires to be placed on the inactive roll; be employed in private industry, government or academia; refrain from practicing

public accounting or offering to practice public accounting; refrain from holding out as a CPA when offering accounting-related services; refrain from advertising as a CPA and from publicly displaying a CPA certificate in a manner to suggest he is engaged in the practice of public accounting; and identify his employer and job title on the stationery and business cards that bear the designation "certified public accountant" or the abbreviation "CPA." Section 11.9(b) gave examples of unlawful use, while § 11.9(c) identified the disciplinary provisions of the act that are implicated by unlawful use.

The proposed rulemaking amended § 11.9(a), consistent with section 12(a) of the act, to provide that an individual who has received written notification from the Board that he is qualified to receive a CPA certificate may also use the designation "certified public accountant" and the abbreviation "CPA" subject to the same conditions as an actual certificateholder. The proposed rulemaking also amended § 11.9(a) to broaden the scope of permissible use to include an individual's resumé or curriculum vitae, when accompanied by language reflecting that the individual's license is inactive, and a self-employed individual's business cards, letterhead and other stationery, when accompanied by wording describing the nature of the individual's business. The proposed rulemaking further amended § 11.9(a) by restating the conditions regarding permissible use in fewer paragraphs and without redundancy of content. The proposed rulemaking deleted § 11.9(b) and (c) as duplicative of information contained in § 11.9(a) or in the act.

The HPLC and IRRC expressed concern that allowing an individual without a current license to use the designation "certified public accountant" and the abbreviation "CPA" as a mark of achievement may mislead the public into believing the individual is authorized to practice public accounting. The HPLC asked the Board to reevaluate the legal basis for § 11.9 under the current the act.

Section 12(a) of the act makes it unlawful, in part, for an individual to use the designation "certified public accountant" or "CPA" unless he has either received a CPA certificate from the Board or has been notified in writing of his eligibility to receive a CPA certificate from the Board. Section 12(q) of the act makes it unlawful for an individual to practice public accounting without a license from the Board. Section 2 of the act defines "public accounting," in part, as performing, or offering to perform, professional services involving the use of accounting skills (such as management advisory or consulting services, financial planning or preparation of tax returns) while holding out as a CPA. "Holding out," in turn, is defined in section 2 of the act as written or oral communication by an individual that he is a CPA while performing or offering to perform services to the public. Taken together, section 12(a) and (q) of the act permit the holder of a CPA certificate, or an individual eligible to receive a certificate, to use the designation "certified public accountant" and the abbreviation "CPA" without a current license from the Board so long as the use does not implicate the practice of public accounting. The conditions in § 11.9(a) are aimed at ensuring that an unlicensed individual who is permitted to use the designation "certified public accountant" or "CPA" under section 12(a) of the act does so without violating section 12(q) of the act. Accordingly, the Board does not see an inconsistency between § 11.9 and the current provisions of the act.

The HPLC recommended retaining the conditions in § 11.9(a), proposed for deletion, that proscribe an unlicensed individual's use of the designation "certified public

accountant" and the abbreviation "CPA" in advertising and his holding himself out as being engaged in the practice of public accounting when offering accounting-related services. The final-form rulemaking restores these conditions with amendments.

The HPLC and IRRC recommended that § 11.9(a) be modified to require an unlicensed individual to disclose his "inactive" status on a resumé or curriculum vitae in addition to business cards, letterhead and other stationery. The final-form rulemaking includes this amendment. The final-form rulemaking also amends § 11.9(a) to eliminate a usage issue raised by the HPLC.

Upon the recommendation of the HPLC and IRRC, the final-form rulemaking retains § 11.9(b) and (c) with amendments and updated references to the act.

The HPLC asked whether an individual on inactive status who uses the designation "certified public accountant" or "CPA" as a mark of achievement is required to complete 80 hours of continuing professional education (CPE) every 2 years. The CPE requirement in the act applies only to an individual who wishes to maintain a current license. Section 9.2(d)(1) of the act provides that an individual applying to reinstate an inactive license must have completed 80 hours of CPE within the 2-year period preceding the date of application.

§ 11.21. Independence.

Section 11.21 provided that a licensee may not issue an opinion on the financial statements of an enterprise as an independent public accountant if the licensee's independence with respect to the enterprise is impaired. Section 11.21 also set forth the circumstances under which a licensee's independence is considered impaired, which are based on the interpretations of Professional Standards Rule 101 of the American Institute of Certified Public Accountants (AICPA). The proposed rulemaking amended § 11.21 to provide that a licensee's independence is considered impaired if the licensee failed to comply with the independence rules and requirements of a recognized public or private standard-setting body that are applicable to the attest engagement. The proposed rulemaking identified standard-setting bodies as including, among others, the AICPA, the SEC, General Accounting Office and Department of Labor. The proposed rulemaking reflected the fact that the AICPA's independence rule may not include the requirements of other regulatory bodies with jurisdiction over the attest activities of the Board's licensees.

The HPLC, IRRC and PICPA recommended that the PCAOB be added to the list of recognized standard-setting bodies in § 11.21. The PCAOB is a private-sector, nonprofit organization that was formed under the Sarbanes-Oxley Act of 2002 (Pub. L. No. 107-204, 116 Stat. 75), after the Board had initiated the proposed rulemaking process. The PCAOB's mission is "to oversee the auditors of publicly-traded companies in order to protect the interests of investors and further the public interest in the preparation of informative, fair and independent audit reports." The final-form rulemaking adds the PCAOB to the list of examples of recognized standard-setting bodies in § 11.21. At the recommendation of the HPLC, the final-form rulemaking also amends § 11.21 to use the term "attest activity" for consistency with the act and makes amendments as to how the examples of standard-setting bodies are referenced.

§ 11.25. Contingent fees.

As defined in § 11.1, a contingent fee is "[a] fee established for the performance of a service under an

arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent on the finding or result of the service.” Section 11.25(a) prohibited a licensee from collecting, or seeking to collect, a contingent fee for performing a professional service during a period in which the licensee has also been engaged to perform an attest function for the client, or for preparing an original or amended tax return or a claim for a tax refund. Section 11.25(b) provided that documents generated during an engagement in which the licensee is collecting a contingent fee must contain a statement that no attest function is being performed.

The proposed rulemaking replaced the term “attest function” with “attest activity” in § 11.25(a) and (b) and added subsection (c) for the purpose of relocating the definition of “contingent fee” from § 11.1 (relating to definitions). The current definition of “contingent fee” is derived from AICPA Professional Standards Rule 302. The proposed rulemaking amended the definition of “contingent fee,” consistent with the language in AICPA Professional Standards Rule 302, to provide that “[a] fee is not contingent if it is fixed by courts or other public authorities or, in tax matters, if it is determined based on the results of judicial proceedings or the findings of government agencies.” Under the AICPA’s interpretation of the previously-quoted language, a fee is considered determined in tax matters based on the findings of a government agency if the licensee “can demonstrate a reasonable expectation, at the time of a fee arrangement, of substantive consideration” by the government agency with regard to the licensee’s client. The AICPA’s interpretation does not consider an expectation such as this reasonable in the case of the preparation of an original tax return.

The HPLC and IRRC commented that the PCAOB and the SEC raised concerns about the AICPA’s interpretation of the additional contingent fee language referenced in the Board’s proposed rulemaking and asked the Board to reconsider amending the definition of “contingent fee.” The HPLC further asked the Board to evaluate whether the amended definition of “contingent fee” is in conflict with section 3(a)(11) of the act, which requires the Board to promulgate regulations that “establish and maintain a high standard of integrity, objectivity and dignity by certified public accountants, public accountants and firms.”

The PCAOB and the SEC share regulatory authority for establishing independence and other ethical standards for licensees that perform audit services for publicly traded companies. The PCAOB’s and the SEC’s rules consider a licensee’s independence to be impaired if the licensee provides any service to an audit client for a contingent fee during the audit and professional engagement period. While the definition of “contingent fee” in the SEC’s rules is identical to the AICPA’s definition, the SEC does not agree with the AICPA’s interpretation that the language creating an exception, in tax matters, for a fee that is determined based on the results of a judicial proceeding or the findings of a government agency means that a fee is determined when a licensee can demonstrate a reasonable expectation, at the time of the fee arrangement with a client, that a government agency will give substantive consideration to the client’s position. The SEC’s Chief Accountant, in a May 2004 letter to the AICPA, stated that the SEC regards the exception in tax matters as applying only when the determination of the fee is taken out of the hands of the licensee and his client and is made by a court or government agency acting in the public interest. The PCAOB’s own definition of “con-

tingent fee,” adopted in July 2005, does not include the SEC’s exception for fees in tax matters. In its discussion of the definition, the PCAOB, referencing the letter of the SEC’s Chief Accountant to the AICPA, noted that the tax matter exception “may have been misinterpreted in the past” and further noted that it is “largely redundant of the exception for fees fixed by courts or other public authorities.”

Considering the differing views of the AICPA, the SEC and the PCAOB on the meaning of contingent fees, the Board believes that the current definition of contingent fee should not be amended and that § 11.25 should be recast in broader language to take into account the differing requirements of recognized standard-setting bodies. Accordingly, the final-form rulemaking retains the current definition of contingent fee in § 11.1 and revises § 11.25 to provide that a licensee who seeks to collect a contingent fee shall comply with the rules of the AICPA, the PCAOB, the SEC or other recognized public or private standard-setting bodies as applicable to the professional services being performed. The amendments to § 11.25 obviate the need for the Board to consider its legal authority under section 3(a)(11) of the act to promulgate the definition of “contingent fee” originally proposed, although it appears unlikely that a court would regard the Board’s adoption of a definition used by recognized public and private standard-setting bodies as being outside the scope of the Board’s rulemaking power.

§ 11.27. Auditing standards and other technical standards.

The proposed rulemaking amended § 11.27, which requires a licensee who performs an audit of financial statements as an independent public accountant to comply with Generally Accepted Auditing Standards (GAAS), as well as with other technical standards adopted by the AICPA and other recognized standard-setting bodies, and to provide justification for departures from the standards.

The HPLC and IRRC recommended that § 11.27 be amended to add a reference to the PCAOB as a recognized standard-setting body for technical standards relating to audits. The final-form rulemaking incorporates this recommendation.

§ 11.30. Confidential client information.

The proposed rulemaking rescinded § 11.30, which provides that a licensee may not disclose a client’s confidential information without the client’s consent except as authorized by section 11.1 of the act (63 P. S. § 9.11a) on the ground that it is redundant of information in the act.

Upon the recommendation of the HPLC and IRRC, the final-form rulemaking retains § 11.30 with amendments.

§ 11.31. Records.

The proposed rulemaking amended § 11.31 to delete language regarding production of records that appears in section 11 of the act (63 P. S. § 9.11) while retaining the statutory citation for the reader’s reference. The proposed rulemaking also amended § 11.31 to add a provision requiring a licensee “who is requested by a client or former client to furnish a document to which the client is entitled” under section 11 of the act to comply with the request within “a reasonable period of time.”

At the suggestion of the HPLC, the final-form rulemaking further amends § 11.31, for sake of clarity, to include the term “or former client” immediately after the second reference to the word “client.”

IRRC observed that the proposed rulemaking, as published by the Legislative Reference Bureau (LRB) in the *Pennsylvania Bulletin*, did not reflect the full text of § 11.31 as submitted by the Board to IRRC, the HPLC and the SCP/PLC. The Board will advise the LRB to ensure that the final-form rulemaking is published with the complete text of § 11.31.

§ 11.35. Form of practice.

Section 11.35 provided that a licensee may practice public accounting only in a sole proprietorship, a partnership or a professional corporation or association. The proposed rulemaking rescinded § 11.35 as inconsistent with the current act, which permits a "qualified association" to become licensed as a "firm." As broadly defined in section 2 of the act, a qualified association may include not only partnerships, professional corporations and professional associations, but also limited liability companies and limited liability partnerships.

Upon the recommendation of the HPLC and IRRC, the final-form rulemaking retains § 11.35 with updated language. Amended § 11.35 provides that a licensee may practice public accounting as a sole practitioner or firm, or as an employee of a sole practitioner or as a member or employee of a firm, subject to the requirements of the act. As previously noted, definitions of "firm" and "qualified association" have been added to § 11.1 as part of the final-form rulemaking.

§ 11.36. Form of business name; disclosure.

The proposed rulemaking added § 11.36 as a complementary regulation to section 12(l.3) of the act, which prohibits a licensee from using a business name that is misleading as to any matter, including the identity of members and employees. Section 11.36(a) provides that a firm or sole practitioner may use a fictitious name as a business name, while § 11.36(b) prohibits a sole practitioner from using a business name with the phrases "and Company" or "and Associates" unless he employs at least one other individual who is currently licensed as a CPA or public accountant, who has sat for the CPA examination or who has the educational qualifications to sit for the CPA examination.

Section 11.36(a) was added to clarify the permissibility of a fictitious name, the use of which was restricted under the act prior to the Act 140 amendments. Section 11.36(b) was added based on the Board's belief that because the phrases "and Company" and "and Associates" imply at least the existence of a multi-individual practice (if not a formal entity such as a partnership or professional corporation), a sole practitioner's use of either term could be construed as misleading under section 12(l.3) of the act if he is the only professional-level individual in the practice. Prior to the Act 140 amendments, the act contained an explicit prohibition against a sole practitioner's using the phrase "and Company" or similar designation in his business name unless the name had been in use prior to November 1, 1961.

The HPLC recommended that the Board delete the prohibition in § 11.36(b) in favor of a requirement that a sole practitioner orally disclose his status as a sole practitioner to clients and prospective clients.

The Board believes that an adequate disclosure is acceptable as a less restrictive means of regulating potentially misleading business names than outright prohibition. The Board further believes that for a disclosure to be adequate, it must be made timely and in writing.

The final-form rulemaking amends § 11.36(b) to provide that a sole practitioner who uses a business name

that includes a variation of the phrase "and Company" or "and Associates" must disclose in writing to a potential client that he is a sole practitioner before entering into an engagement agreement with the potential client and must disclose in writing to a current client that he is a sole practitioner before renewing an engagement agreement with the current client.

§ 11.55. Experience requirements for CPA certification.

The proposed rulemaking amended § 11.55, incorporating §§ 11.53 and 11.54, so that it would serve as a complementary regulation to section 4.1 of the act (63 P. S. § 9.4a), which sets forth the experience requirements for CPA certification.

Amended § 11.55(a) provides that a candidate who qualified to sit for the CPA examination with a bachelor's degree and 24 semester credits in accounting-related subjects must acquire 3,200 hours of qualifying experience, including 800 hours of attest activity "over at least a 24-month period." Amended § 11.55(a) further provides that a candidate who qualified to sit for the CPA examination with a master's degree and 24 semester credits in accounting-related subjects, or a bachelor's degree and 150 semester credits overall including 36 semester credits in accounting-related subjects, must acquire 1,600 hours of qualifying experience, including 400 hours of attest activity "over at least a 12-month period." A candidate may not receive credit for more than 1,600 hours of qualifying experience in a 12-month period.

The HPLC commented that the phrases "over at least a 24-month period" and "over at least a 12-month period" are confusing and may lead some candidates to conclude that they must acquire more than the 1 or 2 years of experience as set forth in section 4.1 of the act. The final-form rulemaking clarifies § 11.55(a) by providing that a candidate for CPA certification must acquire the required 1,600 hours or 3,200 hours of qualifying experience, as the case may be, during a period of not less than 12 months or during a period of not less than 24 months, respectively.

The HPLC and IRRC recommended that § 11.55(a) be further amended to include language from section 4.1(c) of the act providing that a candidate for CPA certification who first sat for the CPA examination after January 1, 2000, must acquire qualifying experience within 120 months preceding the date of application for CPA certification, while a candidate for CPA certification who first sat for the CPA examination prior to January 1, 2000, is not required to acquire qualifying experience within a particular period of time. The final-form rulemaking adds this language to § 11.55(a).

The proposed rulemaking amended § 11.55(b) and (c) to set forth the types of attest and nonattest activities, respectively, that will serve as qualifying experience depending on whether the candidate is employed in public accounting, private industry or government. The proposed rulemaking deleted "training sessions on the attest function" as an acceptable category of attest experience, because qualifying attest experience should be based on a candidate's actual participation in an attest activity.

The HPLC and IRRC commented that elimination of training sessions on the attest function could adversely affect candidates for CPA certification who have already completed such training sessions with the expectation that they will be accepted by the Board as qualifying attest experience. The HPLC recommended that the Board amend § 11.55(b) to establish a date in the future after which training sessions on the attest function will not be

counted. IRRC recommended that a similar clarification be made to preserve the training experience already obtained by prospective candidates. The final-form rulemaking amends § 11.55(b) to provide that training sessions on the attest function that are completed prior to January 1, 2008, will be accepted as qualifying attest experience. The Board will notify CPA candidates of the deadline by amending the CPA application form and instructions and by posting a notice on the Board's website.

PICPA recommended amendments to the categories of qualifying attest experience in § 11.55(b) that may be acquired by a candidate who is employed in public accounting. Upon the recommendation of PICPA, the final-form rulemaking expands the category of audits of financial statements performed in accordance with GAAS or Generally Accepted Government Auditing Standards to include audits of financial statements performed in accordance with requirements of the PCAOB, and adds a new category that comprises attestation engagements performed in accordance with SSAE, which are promulgated by the AICPA's Auditing Standards Board. PICPA also recommended that § 11.55(b) should include language referencing "[o]ther auditing in accordance with accepted standards that leads to the expression of a written opinion." The proposed rulemaking retained this language and cited as examples reviews regarding internal controls, operational audits, compliance audits and opinions regarding financial forecasts and projections. The final-form rulemaking deletes the reference to financial forecasts and projections because this work is classified in § 11.55(c) as nonattest activity.

The proposed rulemaking added § 11.55(d), which lists types of unacceptable experience. The final-form rulemaking amends § 11.55(d) to address a usage issue raised by the HPLC.

§ 11.56. Supervision of experience; verification.

The proposed rulemaking amended § 11.56, which relates to the supervision of experience acquired by a candidate for CPA certification. One of a supervisor's duties is to verify a candidate's experience on a Board-provided form, giving details as to the dates of supervision and the types and hours of experience acquired by the candidate. The proposed rulemaking deleted language referencing a supervisor's responsibility for the accuracy of the verified statement of experience and providing that a supervisor's failure to properly verify a candidate's experience may result in disciplinary action. In place of the deleted language, the proposed rulemaking added a provision stating that a supervisor may not knowingly submit a false or inaccurate verified statement or willfully refuse to submit a verified statement when qualified experience has been acquired.

The HPLC recommended that the Board retain the language in § 11.56 that refers to a supervisor's responsibility for the accuracy of the information he provides to the Board about a candidate's experience and to the supervisor's disciplinary liability for failing to discharge that responsibility. IRRC's comments echoed the HPLC's concerns.

The final-form rulemaking amends § 11.56 to provide that a supervisor is responsible for the accuracy of the verified statement of a candidate's experience, and that a supervisor who knowingly submits a false or inaccurate verified statement, or who refuses to submit a verified statement when qualifying experience has been acquired, will be subject to disciplinary action under the act.

§ 11.73. Interpretation of chapter.

The proposed rulemaking deleted § 11.73, which provides that the Board's regulations are not to be construed to be in violation of or inconsistent with the act, on the ground that this requirement is unnecessary, because the Board's obligation to construe its regulations in harmony with the act is inherent in the primacy of a statute over the regulations promulgated under authority of the statute.

Upon the recommendation of the HPLC and IRRC, the final-form rulemaking retains § 11.73, with amendments.

Compliance with PCAOB

The HPLC asked the Board to review the entirety of its rulemaking to determine whether additional changes are needed to comply with the requirements of the PCAOB. The Board does not believe additional changes are required.

Additional Rulemaking

The proposed rulemaking referenced the Board's intention to submit additional rulemaking. The HPLC asked what was the anticipated delivery date of additional rulemaking.

The Board anticipated that delivery of proposed rulemaking regarding CPE requirements would occur in Spring 2007. The Board also anticipated that proposed rulemaking regarding an increase in biennial renewal fees, based on a recent analysis conducted by the Department of State's Bureau of Finance and Operations, would likewise occur in Spring 2007.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will not have a fiscal impact on, or create additional paperwork for, the regulated community, the general public or the Commonwealth and its political subdivisions. The final-form rulemaking will require the Board to modify its application forms and instructions.

Effective Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 23, 2005, the Board submitted a copy of the notice of proposed rulemaking, published at 35 Pa.B. 1573, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC 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 HPLC, the SCP/PLC and the public.

Under sections 5.1(e) and (j.2) of the Regulatory Review Act (71 P. S. §§ 745.5a(e) and (j.2)), on April 18, 2007, the final-form rulemaking was approved by the HPLC. On May 2, 2007, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 3, 2007, and approved the final-form rulemaking.

Additional Information

Persons who require additional information about the final-form rulemaking should submit inquiries to Kristopher J. Adams, Administrator, State Board of Ac-

countancy, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1404, ST-ACCOUNTANCY@state.pa.us.

Findings

The Board finds that:

(1) Public notice of proposed 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 amendments to the final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 35 Pa.B. 1573.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

Order

The Board, acting under authority of the act, orders that:

(a) The regulations of the Board, 49 Pa. Code, Chapter 11, are amended by adding § 11.36, deleting §§ 11.6, 11.41, 11.53 and 11.54, and amending §§ 11.1, 11.5, 11.7–11.9, 11.21, 11.25, 11.27, 11.28, 11.30, 11.31, 11.35, 11.55, 11.56 and 11.73 to read as set forth in Annex A.

(Editor's Note: The proposal to rescind § 11.3, included in the proposed rulemaking published at 35 Pa.B. 1573, has been withdrawn by the Board.)

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

(c) The Board shall certify this order and Annex A and deposit them with the LRB as required by law.

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

WILLIAM J. PARK, CPA,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 2355 (May 19, 2007).)

Fiscal Note: Fiscal Note 16A-559 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**CHAPTER 11. STATE BOARD OF ACCOUNTANCY
GENERAL PROVISIONS**

§ 11.1. Definitions.

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

AICPA—American Institute of Certified Public Accountants.

Act—The CPA Law (63 P. S. §§ 9.1–9.16b).

Attest activity—An examination, audit, review, compilation or other agreed-upon procedure with respect to

financial information, together with the issuance of a report expressing or disclaiming an opinion or other assurance on the information.

Board—The State Board of Accountancy of the Commonwealth.

CPA—Certified public accountant.

Candidate—A person sitting for an examination.

Certificate of completion—A document prepared by the program sponsor which indicates that a licensee completed a continuing education program, the credit hours earned and the date and name of the program.

Client—The person or entity which retains a licensee for the performance of professional services.

Contingent fee—A fee established for the performance of a service under an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of the service.

Continuing education program—A group, self-study or correspondence program for which continuing education credit is given.

Credit hour—A unit of continuing education representing 50 minutes of participation.

Engagement—An undertaking by a licensee embodied in an agreement between the licensee and the client which defines the scope and terms of the services.

Enterprise—A person or entity, whether organized for profit or not, with respect to which a licensee performs professional services.

Financial statement—

(i) A statement and footnotes related to the statement that purport to show financial position which relates to a point in time or changes in financial position which relate to a period of time.

(ii) The term includes statements which use a cash or other incomplete basis of accounting.

(iii) The term also includes balance sheets, statements of income, statements of retained earnings, statements of changes in financial position and statements of changes in owner's equity.

(iv) The term does not include incidental financial data included in management advisory services reports to support recommendations to a client, tax returns or supporting schedules.

Firm—A qualified association that is a licensee.

GAAP—Generally Accepted Accounting Principles.

GAAS—Generally Accepted Auditing Standards.

GAGAS—Generally Accepted Government Auditing Standards.

Group program—An educational process designed to permit a participant to learn a given subject through interaction with an instructor and other participants.

Inactive status—

(i) Status of a CPA or public accountant who has returned his license to practice public accounting to the Board and who has requested in writing that the Board place his name on the inactive roll.

(ii) The term does not apply to the status of a CPA or public accountant whose license to practice public ac-

counting has expired for failure to comply with requirements for biennial renewal of licensure.

Instructional design—A teaching plan that considers the organization and interaction of program materials as well as the method of presentation such as lecture, seminar, workshop or program instruction.

Interactive individual study program—A continuing education program designed to use interactive learning methodologies that simulate a classroom learning process by employing software, other courseware or administrative systems that provide significant ongoing interactive feedback to the learner regarding the learning process which issues a certificate of completion.

Licensee—

(i) An individual who is certified by or registered with the Board and holds a current license to practice under section 8.2 of the act (63 P. S. § 9.8b) or a qualified association that holds a current license to practice under section 8.8 of the act (63 P. S. § 9.8h).

(ii) The term does not include an individual who is on inactive status under section 8.2(a.1) of the act or who does not otherwise hold a current license.

New candidate—A candidate who is taking the examination in this Commonwealth for the first time.

Noninteractive individual study program—A continuing education program designed to permit a participant to learn a given subject without interaction with an instructor or interactive learning methodologies which issues a certificate of completion upon the participant's achieving a 70% minimum grade on a written examination or workbook.

PCAOB—Public Company Accounting Oversight Board.

Professional service—A service performed or offered to be performed by a licensee for a client in the course of the practice of public accounting.

Professor—An instructor who teaches courses in continuing education subject areas at an accredited university or college.

Program sponsor—A party who has assumed the responsibility for presenting continuing education programs.

Public accounting—Offering to perform or performing for a client or potential client:

(i) Attest activity.

(ii) Other professional services involving the use of accounting skills, including, but not limited to, management advisory or consulting services, business valuations, financial planning, preparation of tax returns or furnishing of advice on tax matters by a person holding out as a CPA, public accountant or firm.

Public communication—A communication made in identical form to multiple persons as to the world at large, such as by television, radio, motion picture, newspaper, pamphlet, mass mailing, letterhead, business card or directory.

Qualified association—An association as defined in 15 Pa.C.S. § 102 (relating to definitions) that is incorporated or organized under the laws of the Commonwealth or any other state or foreign jurisdiction if the organic law under which the association is incorporated or organized does not afford the shareholders, partners, members or other owners of equity interest in the association or the officers, employees or agents of the association greater immunity

than is available to the shareholders, officers, employees or agents of a professional corporation under 15 Pa.C.S. § 2925 (relating to professional relationship retained).

SEC—Securities and Exchange Commission.

SSAE—Statement on Standards for Attestation Engagements.

SSARS—Statement of Standards on Accounting and Review Services.

§ 11.5. Temporary practice in this Commonwealth.

(a) *Requirements for temporary practice.* A CPA, or qualified association composed of CPAs, of another state may temporarily practice public accounting in this Commonwealth, if the CPA or qualified association:

(1) Holds a current license or registration to practice public accounting in the other state.

(2) Concurrently practices public accounting in the other state.

(3) Obtains from the Board a temporary practice permit prior to performing the temporary work.

(b) *Temporary practice permit.* The temporary practice permit:

(1) Allows the permitholder to work for not more than 500 hours in this Commonwealth during a 12-month period, except that this 500 hour limitation does not apply if the permitholder is working only on a single, nonrecurring engagement.

(2) Is valid for not more than 12 months.

(3) Is renewable if the permit was not granted for a single, nonrecurring engagement in excess of 500 hours.

(c) *Failure to meet requirements for temporary practice.* A CPA or qualified association of CPAs of another state that desires to practice public accounting in this Commonwealth but does not qualify for a temporary practice permit shall comply, as appropriate, with sections 5, 8.2 and 8.8 of the act (63 P. S. §§ 9.5, 9.8b and 9.8h).

(d) *Exemption from requirement of temporary practice permit.* Subsection (a) does not apply to a CPA or qualified association of CPAs of another state that, while not holding out as a CPA, public accountant or licensee, offers and renders in this Commonwealth bookkeeping and similar technical services or other services involving the use of accounting skills, including the preparation of tax returns and the preparation of financial information without issuing a report or other communication that expresses an opinion or assurance on the statements.

§ 11.6. (Reserved).

§ 11.7. Use of the designation "public accountant" and the abbreviation "PA."

(a) Only the following individuals and entities may use the designation "public accountant," the abbreviation "PA," or any other title, designation, words, letters or abbreviation tending to indicate that the user is a public accountant or is composed of public accountants:

(1) An individual who holds a public accountant registration and a current license from the Board.

(2) An individual who holds a certificate of certified public accountant from the Board or who has received written notification from the Board that he is qualified to receive a certificate of certified public accountant.

(3) A qualified association that holds a current license from the Board.

(b) An individual or qualified association engaged in the practice of public accounting may not use the designation "public accountant," the abbreviation "PA" or any other title, designation, words, letters or abbreviation tending to indicate that the user is a public accountant or composed of public accountants unless the user holds a current license from the Board.

(c) The following are examples of unlawful use under this section:

(1) An individual who is registered by the Board as a public accountant but who does not hold a current license uses a business card bearing the designation "public accountant." *Explanation:* The individual shall obtain a current license to use the designation "public accountant."

(2) An individual who is certified by the Board as a CPA but who does not hold a current license signs tax returns that he prepares for clients as "John Doe, PA." *Explanation:* The individual shall obtain a current license to use the abbreviation "PA" because the preparation of tax returns while using such an abbreviation constitutes the practice of public accounting.

(d) An individual or entity that violates this section shall be subject to disciplinary action, as appropriate, under sections 9.1, 12, 14 and 16 of the act.

§ 11.8. Use of the designation "certified public accountant" and the abbreviation "CPA" in the practice of public accounting.

(a) Only the following individuals and entities may use the designation "certified public accountant," the abbreviation "CPA" or any other designation, title, words, letters or abbreviation tending to indicate that the user is a CPA or composed of CPAs, while engaged in the practice of public accounting:

(1) An individual who holds a certificate of certified public accountant and current license from the Board.

(2) An individual who holds a public accountant registration and current license from the Board and who has received written notification from the Board that he is qualified to receive a certificate of certified public accountant.

(3) A qualified association that holds a current license from the Board.

(b) An individual or qualified association engaged in the practice of public accounting may not use the designation "certified public accountant," the abbreviation "CPA" or any other title, designation, words, letters or abbreviation tending to indicate that the user is a CPA or composed of CPAs unless the user holds a current license from the Board.

(c) The following are examples of unlawful use under this section:

(1) An individual who is certified by the Board as a CPA but who does not hold a current license offers to establish a bookkeeping system for a potential client and tells the potential client that he is a "certified public accountant." *Explanation:* The individual shall obtain a current license to use the designation "certified public accountant" because offering to perform a service related to accounting while using the designation constitutes the practice of public accounting.

(2) An unlicensed partnership comprised of two individuals—"Smith" and "Brown"—who possess certificates of certified public accountant and current licenses from the Board offers to perform tax preparation services for clients under the business name "Smith & Brown, CPAs."

Explanation: The partnership, being a qualified association, shall obtain a current license to use the designation "CPAs" because offering to prepare tax returns while using the designation constitutes the practice of public accounting.

(d) An individual or entity that violates this section shall be subject to disciplinary action, as appropriate, under sections 9.1, 12, 14 and 16 of the act.

§ 11.9. Use of the designation "certified public accountant" and the abbreviation "CPA" solely as mark of achievement by individual without current license.

(a) An individual who holds a certificate of certified public accountant but does not maintain a current license to practice public accounting, or an individual who has received notification from the Board that he is qualified to receive a certificate of certified public accountant, may use the designation "certified public accountant" and the abbreviation "CPA" solely as a mark of achievement subject to the following conditions:

(1) The certificate of certified public accountant has not been suspended or revoked.

(2) The individual has notified the Board in writing that he wishes to be placed on inactive status.

(3) The individual does not practice or offer to practice public accounting and is not a member or employee of a public accounting firm.

(4) The individual does not hold himself out to be in the practice of public accounting when performing or offering to perform accounting, bookkeeping, tax or accounting-related matters.

(5) The individual does not use the designation "certified public accountant" or the abbreviation "CPA" in advertising, including listings and advertisements in phone directories, newspapers, magazines, electronic media and indoor and outdoor signs.

(6) The individual does not display the certificate of certified public accountant in a manner that suggests he is authorized to practice public accounting.

(7) The individual's use of the designation "certified public accountant" and the abbreviation "CPA" under this section is limited to business cards, letterhead or other stationery, and resumes or curriculum vitae, subject to the following conditions:

(i) The word "inactive" must appear immediately adjacent to the designation or abbreviation.

(ii) Business cards, letterhead and other stationery must include the name of the individual's employer and the individual's job title or, if the individual is self-employed, the nature of the individual's business.

(b) The following are examples of unlawful use under this section:

(1) The holder of a certificate of certified public accountant whose license is on inactive status has a sign in the window of his home that bears his name and the abbreviation "CPA." *Explanation:* The sign is an offer to practice public accounting, which requires possession of a current license.

(2) The holder of a certificate of certified public accountant whose license is on inactive status and who is employed in private industry uses a business card that bears his name, the abbreviation "CPA," his employer's name and his job title. The individual shows the business card to an acquaintance and offers to set up an account-

ing procedure. *Explanation:* The offer is an offer to practice public accounting, which requires possession of a current license.

(c) An individual or entity that violates this section shall be subject to disciplinary action, as appropriate, under sections 9.1, 12, 14 and 16 of the act.

RELATIONS WITH CLIENTS AND THE PUBLIC

§ 11.21. Independence.

A licensee may not perform an attest activity for an enterprise in a manner to imply that he is acting as an independent public accountant with respect thereto unless he is independent with respect to the enterprise. Independence will be considered impaired when the licensee has not complied with the independence rules and requirements of a recognized public or private standard-setting body as applicable under the circumstances. Examples of standard-setting bodies include the AICPA, PCAOB, SEC, General Accounting Office and Department of Labor.

§ 11.25. Contingent fees.

A licensee who seeks to collect a contingent fee shall comply with the rules of the AICPA, PCAOB, SEC and other recognized public or private standard-setting bodies as applicable to the professional services being performed.

§ 11.27. Auditing standards and other technical standards.

(a) *Auditing standards.* A licensee may not permit his name to be associated with financial statements to imply that he is acting as an independent public accountant with respect to the financial statements unless he has complied with applicable GAAS. Statements on auditing standards issued by the AICPA or other pronouncements having similar generally recognized authority are considered to be interpretations of GAAS. A licensee shall justify any departures from the standards.

(b) *Other technical standards.* A licensee shall comply with other technical standards promulgated by bodies of the AICPA, PCAOB or other recognized authorities designated to establish the standards. A licensee shall justify any departures from the standards.

§ 11.28. Accounting principles.

A licensee may not express an opinion that financial statements are presented in conformity with GAAP if the financial statements contain any departure from GAAP that has a material effect on the financial statements taken as a whole, unless the licensee can demonstrate that by reason of unusual circumstances the financial statements would otherwise be misleading. In that case, the report of the licensee must describe the departure, the approximate effects thereof if practicable, and the reasons why compliance with the principle would result in a misleading statement. For purposes of this section, GAAP are considered to be defined by pronouncements issued by the Financial Accounting Standards Board and its predecessor entities and similar pronouncements issued by other entities having similar generally recognized authority.

§ 11.30. Confidential client information.

Except to the extent provided by section 11.1 of the act (63 P. S. § 9.11a), a licensee may not disclose confidential information pertaining to a client obtained in the course of performing professional services unless the client consents to the disclosure.

§ 11.31. Records.

A licensee who is requested by a client or former client to furnish a document to which the client or former client is entitled under section 11 of the act (63 P. S. § 9.11) shall comply with the request within a reasonable period of time.

§ 11.35. Form of practice.

A licensee may practice public accounting as a sole practitioner or firm, or as an employee of a sole practitioner or a member or employee of a firm, subject to the requirements of the act.

§ 11.36. Form of business name; disclosure.

(a) A licensee that is a firm or sole practitioner may use a fictitious name as a business name.

(b) A sole practitioner who uses a business name bearing the words "and company," "and associates" or a variation of those words shall disclose in writing to a client that he is a sole practitioner before renewing an engagement agreement with the client and shall disclose in writing to a potential client that he is a sole practitioner before entering into an engagement agreement with the potential client.

§ 11.41. (Reserved).

EXPERIENCE

§ 11.53. (Reserved).

§ 11.54. (Reserved).

§ 11.55. Experience requirements for CPA certification.

(a) *General requirements.*

(1) A candidate for CPA certification who qualified for the CPA examination based on possession of a bachelor's degree and completion of 24 semester credits in relevant subjects shall have acquired 3,200 hours of qualifying experience, including a minimum of 800 hours of attest activity, over a period of not less than 24 months.

(2) A candidate for CPA certification who qualified for the CPA examination based on possession of a master's degree or other postgraduate degree and completion of 24 semester credits in relevant subjects shall have acquired 1,600 hours of qualifying experience, including a minimum 400 hours of attest activity, over a period of not less than 12 months.

(3) A candidate for CPA certification who qualified for the CPA examination based on possession of a bachelor's degree or higher degree and completion of 150 semester credits of postsecondary education including 36 semester credits in relevant subjects shall have acquired 1,600 hours of qualifying experience, including a minimum 400 hours of attest activity, over a period of not less than 12 months.

(4) A candidate who initially sat for the CPA examination after January 1, 2000, shall have acquired the qualifying experience required under paragraphs (1)—(3) within 120 months preceding the date of application for CPA certification. A candidate who initially sat for the CPA examination before January 1, 2000, is not subject to any time limitation regarding the acquisition of qualifying experience.

(5) A candidate may not receive credit for more than 1,600 hours of qualifying experience in a 12-month period. A candidate may acquire all hours of qualifying experience in attest activity.

(b) *Attest activity.* A candidate's attest activity must be in one or more of the following areas:

- (1) Candidates employed in public accounting:
 - (i) Audits of financial statements in accordance with GAAS, GAGAS or PCAOB.
 - (ii) Reviews of financial statements in accordance with SSARS.
 - (iii) Compilations of financial statements with complete disclosure in accordance with SSARS.
 - (iv) Attestation engagements in accordance with SSAE.
 - (v) Other auditing in accordance with accepted standards that leads to an expression of a written opinion including:
 - (A) Reviews regarding internal control.
 - (B) Operational audits.
 - (C) Compliance audits.
 - (D) Expressing an opinion on financial forecasts and projections.
 - (vi) Training sessions on the attest function completed before January 1, 2008.
- (2) Candidates employed in private industry:
 - (i) Performance of an independent internal audit function.
 - (ii) Compliance audits of government contracts performed on behalf of a government agency that result in the issuance of an opinion or report.
 - (iii) Training sessions on the attest function completed before January 1, 2008.
- (3) Candidates employed in Federal, State or local government:
 - (i) Performance of an independent internal audit function.
 - (ii) Audits performed on behalf a government audit agency that results in the issuance of an opinion or report.
 - (iii) Training sessions on the attest function completed before January 1, 2008.

(c) *Nonattest activity.* A candidate's nonattest activity must be in one or more of the following areas:

- (1) Preparation of income and nonprofit tax returns.
- (2) Tax research that is properly documented.
- (3) Representation before a government agency on a tax matter.
- (4) Financial forecasts, analyses and projections.
- (5) Management advisory services that meet AICPA standards.
- (6) Management and supervision of accounting functions and preparing financial statements for profit or not-for-profit entities.
- (7) Professional accounting-related work in a public accounting firm.

(d) *Nonqualifying experience.* A candidate will not receive credit for the following types of experience:

- (1) Experience that was supervised by an individual who did not meet the requirements of § 11.56 (relating to supervision of experience; verification) at the time the experience was obtained.
- (2) Experience acquired while self-employed.
- (3) Experience acquired as a partner in a partnership.

(4) Experience comprising nonprofessional work, including recruiting, industrial engineering, administration, bookkeeping and appraisals.

(5) Paraprofessional work that does not comply with subsection (c)(7).

§ 11.56. Supervision of experience; verification.

(a) To receive credit for experience under § 11.55 (relating to experience requirements for CPA certification), a candidate for CPA certification shall acquire the experience under the supervision of an individual who meets the following conditions at the time the experience is acquired:

- (1) Holds a current license to practice as a CPA or public accountant in this Commonwealth or another jurisdiction.
- (2) Either employs the candidate or is employed by the same employer as the candidate. The supervisor may not be a member of a public accounting firm that is independent of the entity that employs the candidate.
- (3) Is responsible for and personally evaluates the candidate's work.

(b) A supervisor shall submit a verified statement regarding the candidate's experience on a form provided by the Board, specifying the dates of supervision and the types and hours of experience acquired.

(c) A supervisor who submits a verified statement shall be responsible for its accuracy. A supervisor who knowingly submits a false or inaccurate verified statement or who refuses to submit a verified statement when qualified experience has been acquired shall be subject to disciplinary action under section 9.1 of the act (63 P. S. § 9.9a).

INTERPRETATION

§ 11.73. Interpretation of chapter.

This chapter may not be construed in a manner that would be in violation of or inconsistent with the act.

[Pa.B. Doc. No. 07-1343. Filed for public inspection July 27, 2007, 9:00 a.m.]

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 1163]

Inpatient Hospital Services

The Department of Public Welfare (Department), under sections 201 and 443.1 of the Public Welfare Code (code) (62 P. S. §§ 201 and 443.1), amends Chapter 1163 (relating to inpatient hospital services) to read as set forth in Annex A.

Omission of Proposed Rulemaking

The Department is omitting notice of proposed rulemaking in accordance with section 204(1)(iv) and (3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(iv) and (3)), known as the Commonwealth Documents Law (CDL), and 1 Pa. Code § 7.4(1)(iv) and (3) because:

- The Department finds that publication of these amendments as proposed rulemaking is contrary to the public interest. The primary purpose of these amendments is to limit the Department's payment of Medicare cost-sharing amounts for inpatient hospital services rendered to dual eligible Medical Assistance (MA) recipients. This final-omitted rulemaking will enable the Department to both realize substantial cost-savings and to make its Medicare cost-sharing payment policies uniform for all providers and services.

- The Department finds that notice of proposed rulemaking is, under the circumstances, impracticable and unnecessary. The Department has engaged in public outreach through which the Department has already notified affected parties of the promulgation of these amendments, and has solicited and received input from the hospital industry and other interested persons. The Department has given careful consideration to this public input in developing this final-omitted rulemaking. The Department believes that publishing notice of proposed rulemaking is not likely to result in additional comments that are substantially different than those already received and considered in developing the regulations.

- This final-omitted rulemaking relates to reimbursement for inpatient hospital services under the MA Program, which is a Commonwealth grant or benefit.

Purpose

The purpose of this final-omitted rulemaking is to limit the Department's payment of Medicare cost-sharing amounts for inpatient hospital services rendered to dual eligible MA recipients in the same manner as the Department's payments of Medicare cost-sharing payments for all other services.

Background

Under the Medicare Program, Medicare beneficiaries receive coverage of inpatient hospital services, skilled nursing facility services and hospice services through Medicare Part A, and coverage of physician services, hospital outpatient services and certain other outpatient services through Medicare Part B. Medicare beneficiaries participate in the costs of both their Medicare Part A and Part B services by paying deductibles and coinsurance payments. These payments are generally referred to as "cost-sharing."

Some Medicare beneficiaries are also eligible for MA under the Commonwealth's MA Program. Other Medicare beneficiaries, known as Qualified Medicare Beneficiaries (QMBs), are not eligible for the full scope of MA benefits but, because of their income, cannot afford to pay Medicare cost-sharing payments. Under Federal law, the Department has paid Medicare cost-sharing amounts for both dual eligible recipients and QMBs; however, historically those payments were subject to certain conditions. Immediately prior to 1994, the Department paid Medicare cost-sharing amounts only if the applicable MA fee or payment for the service exceeded the Medicare payment amount received by the provider. In these instances, the Department reimbursed Medicare cost-sharing amounts up to the difference between the MA fee or payment and the Medicare payment amount. For example, if the Medicare approved payment amount for a service equaled \$100 and the beneficiary's Medicare coinsurance amount equaled 20% or \$20, the provider would receive payment of \$80 from Medicare. If the MA fee for the same service equaled \$90, the Department would pay \$10 of the \$20 coinsurance.

In 1994, the United States Court of Appeals for the Third Circuit ruled in *Pennsylvania Medical Society v. Snider*, 29 F.3d 886 (3rd Cir. 1994) (*PMS*) that the Department was obligated to pay providers for the full cost sharing amounts, including coinsurance and deductibles, for QMBs. The Department amended the Commonwealth's Title XIX State Plan and its payment policies to comply with the Court's ruling. The Department, however, made no change in its regulations. To the extent the regulations prescribed cost-sharing payment different than Federal law, as construed by the Third Circuit in *PMS*, the Department considered the regulations superseded.

Thereafter, Congress amended section 1902(n)(2) of the Social Security Act (42 U.S.C.A. § 1396a(n)(2)), regarding State plans for MA, as part of the Balance Budget Act of 1997 (BBA) (Pub.L. No. 105-33, § 4714(a)), to state, in pertinent part, that:

[A] State is not required to provide any payment for any expenses incurred relating to payment for deductibles, coinsurance, or copayments for Medicare cost-sharing to the extent that payment under title XVIII for the service would exceed the payment amount that otherwise would be made under the State plan under this [title XIX] for such service if provided to an eligible recipient other than a Medicare beneficiary.

The BBA authorized, but did not require, states to limit payments for cost-sharing amounts as the Department had prior to *PMS*. Following enactment of the BBA, the Department took the necessary steps, including the submission of a new State plan amendment (SPA 97-08), to reinstate the payment policies that had been amended following *PMS*. Because the Department had not amended its regulations as a result of *PMS*, the Department did not issue new regulations or amendments to its regulations in response to the BBA.

Although SPA 97-08 amended those portions of the State Plan that had been changed after *PMS*, it did not amend the methods and standards for establishing payment rates for inpatient hospital services set forth in the Commonwealth's approved Title XIX State Plan. Nor did it alter the manner in which MA payments for these services are calculated under the Department's regulations, including payments relating to inpatient services to dual eligible recipients and QMBs. Rather, the SPA indicated that MA fees and payments would be determined and limited in accordance with the provisions of the State Plan and implementing Department regulations for the service.

Since 1984, § 1163.66 (relating to third-party liability) has specified a different MA payment for Medicare cost-sharing amounts for inpatient hospital services than other services. Instead of comparing the Medicare payment received by the provider with the applicable MA payment, § 1163.66 requires a comparison of the Medicare cost-sharing amount with the applicable MA diagnosis related group (DRG) payment for the hospitalization and, if less, provides for a payment up to the DRG amount less other resources available for the inpatient services. If the previous example involved inpatient hospital services, and the beneficiary had no other third party resources, the MA payment under § 1163.66 would be \$20. Now, the Department has determined that it is appropriate to amend its regulations to limit cost-sharing payments for inpatient services to conform its payment policies to those used for all other services.

Requirements

This final-omitted rulemaking amends § 1163.66 to limit MA payment of cost sharing amounts for inpatient hospital services to hospital inpatients who are MA recipients covered on a primary basis by Medicare Part A. As a result of the final-omitted rulemaking, the Department will make an MA payment for Medicare cost-sharing amounts only if the applicable DRG payment, including an outlier payment, for the hospitalization exceeds the Medicare payment amount received by the provider. In these instances, the Department will reimburse Medicare cost-sharing amounts up to the difference between the applicable DRG payment, including an outlier payment, and the Medicare payment amount. The total MA payment combined with the amount paid by Medicare Part A, exclusive of cost-sharing, and amounts paid by other available resources will be no greater than the applicable DRG payment amount, including an outlier payment, that would be made under the Department's DRG regulations and approved State Plan for inpatient hospital services if the MA recipient were not also eligible for coverage under Medicare Part A. As further limitations, no co-payment or deductible, if any, will be paid in excess of the applicable DRG or per diem amounts that would be due under the fee-for-service MA Program or in excess of the maximum cost-sharing amounts. This requirement will apply to inpatient hospital services with discharge dates on or after July 1, 2007.

Affected Individuals and Organizations

Acute care general hospitals enrolled as providers in the MA Program will be affected by this final-omitted rulemaking.

Accomplishments and Benefits

Adoption of these amendments by final-omitted rulemaking will enable the Department to both realize substantial cost-savings and to make its Medicare cost-sharing payment policies uniform for all providers and services.

Fiscal Impact

The amended payment policies for inpatient hospital services rendered to dual eligible MA recipients will result in reduced payments to hospitals enrolled in the MA Program. The Commonwealth anticipates savings of \$30 million (\$13.753 million in State funds) in Fiscal Year 2007-2008 as the result of this final-omitted rulemaking.

Public Comment

Although this regulation is being adopted without publication as proposed rulemaking, interested persons are invited to submit written comments, suggestions or objections to the Department of Public Welfare, Office of Medical Assistance Programs, Attention: Regulations Coordinator, c/o Deputy Secretary's Office, Room 515, Health and Welfare Building, Harrisburg, PA 17102. Comments will be reviewed and considered for subsequent revision of the regulation.

Persons with a disability who require an auxiliary aid or service may submit comments by using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Regulatory Review Act

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on June 5, 2007, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chair-

persons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. On the same date, the regulation was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

Under section 5.1(j.1) and (j.2) of the Regulatory Review Act, on June 25, 2007, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 19, 2007, and approved the final-omitted rulemaking.

Findings

The Department finds that:

(1) Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) and (3) of the CDL and 1 Pa. Code § 7.4(1)(iv) and (3) because this rulemaking relates to Commonwealth grants and benefits.

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

(3) A delay in the effective date of this rulemaking would be impracticable, unnecessary and contrary to the public interest since it would significantly reduce the cost-savings associated with this change and would continue to maintain a disparate payment policy for inpatient hospital providers.

Order

The Department, acting under sections 201 and 443.1 of the code, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapter 1163, are amended by amending § 1163.66 to read as set forth in Annex A.

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

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

(d) This order shall take effect immediately and apply to inpatient hospital services with discharge dates on or after July 1, 2007.

ESTELLE B. RICHMAN,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 4153 (July 28, 2007).)

Fiscal Note: 14-511. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART III. MEDICAL ASSISTANCE MANUAL

CHAPTER 1163. INPATIENT HOSPITAL SERVICES

Subchapter A. ACUTE CARE GENERAL HOSPITALS UNDER THE PROSPECTIVE PAYMENT SYSTEM

PAYMENT FOR HOSPITAL SERVICES

§ 1163.66. Third-party liability.

(a) Hospitals shall utilize the available third-party resources for services a recipient receives while in the hospital. Medicare lifetime reserve days are considered available resources.

(b) If expected payment by a third party resource is not realized, the hospital may bill the MA Program.

(c) If the hospital receives reimbursement from a third-party subsequent to payment from the Department, the hospital shall repay the Department by submitting a claim adjustment.

(d) If a recipient or the legal representative of a recipient requests a copy of the hospital invoice, the hospital shall submit a copy of the invoice and the request to the Bureau of Claim Settlement, MA Recovery Unit, at the address specified in the Provider Handbook. The Bureau of Claim Settlement will forward the requested copy to the requestor and take follow-up action necessary to ensure the repayment of MA expenditures.

(e) For a hospitalization with a discharge date on or after July 1, 2007, if a recipient is entitled to Medicare Part A benefits, the Department will not pay any deductible and coinsurance amounts if the Medicare payment exceeds the applicable DRG payment, including any outlier payments. If the Medicare payment is less than the applicable DRG payment including any outlier payments, the Department pays Medicare deductible and coinsurance amounts to the extent that the Department's payment, the Medicare payment and any other resources available to the recipient for the hospital inpatient care combined do not exceed the applicable DRG payment, including any outlier payments. The Department will not pay more than the maximum deductible and coinsurance amounts.

(f) Except as specified in subsection (g), if a recipient is entitled to hospital insurance benefits other than Medicare Part A, the Department will pay the applicable DRG payment rate minus the insurer's liability amount and other resources available to the recipient for hospital care, including any Medicare Part B payment.

(g) If the resources available to a recipient for inpatient hospital care equal or exceed the Department's applicable DRG payment rate, the Department will make no payment for the hospital care.

(h) The hospital shall utilize resources available through Medicare Part B for those services provided in the hospital that are covered and approved for payment by Medicare.

[Pa.B. Doc. No. 07-1344. Filed for public inspection July 27, 2007, 9:00 a.m.]

and commencement of slot operations), amends Chapter 461a (relating to slot machine testing and control) and rescinds Chapter 465, 466 and 467 to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

Under the authority granted to the Board under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board initially adopted temporary regulations in Chapter 465 at 36 Pa.B. 910 (February 18, 2006), in Chapter 466 at 36 Pa.B. 3416 (July 1, 2006) and in Chapter 467 at 36 Pa.B. 3954 (July 22, 2006). Under 4 Pa.C.S. § 1203(b), the temporary regulations expired on July 5, 2007.

The Board is adopting Chapters 465a, 466a and 467a, amending Chapter 461a and rescinding Chapter 465, 466 and 467 to replace the Board's temporary regulations with the permanent regulations.

Explanation of Chapters 465a, 466a and 467a

Section 465a.1 (relating to accounting records) requires slot machine licensees to keep records pertaining to revenues and expenses. Accounting records must be maintained using a double entry system of accounting that is consistent with generally accepted accounting principals. It also lists supporting records that must be kept.

Section 465a.2 (relating to internal control systems and audit protocols) requires the submission of a slot machine licensee's system of internal controls at least 90 days prior to the commencement of gaming. This section lists the items that must be included in the internal controls, requires certain attestations by the chief executive officer and requires Board approval of the internal controls. It also sets forth the process for submission and review of amendments to the internal controls.

Section 465a.3 (relating to forms, records and documents) contains general formatting requirements which apply to any forms the slot machine licensee may use.

Section 465a.4 (relating to standard financial and statistical reports) requires the filing of periodic financial and statistical reports and allows the Board to request additional reports in certain circumstances.

Section 465a.5 (relating to annual audit; other reports; suspicious activity and currency transaction reporting) requires each slot machine licensee to obtain an annual audit and submit copies of the audit to the Board. It also requires the filing of: additional reports from the auditors; replies to the audit findings and recommendations; and copies of fillings with the SEC or other regulatory agencies. This section also requires submission of certain reports when the slot machine licensee changes auditors and that copies of a Suspicious Activity Report-Casino or Currency Transaction Report by Casino filed with the Federal government also be filed with the Board.

Section 465a.6 (relating to retention, storage and destruction of books, records and documents) contains detailed provisions specifying what records must be kept, how long various records must be kept and how records must be made available to the Board.

Section 465a.7 (relating to complimentary services or items) requires slot machine licensees to develop internal controls to govern the issuance of complimentary services or items. It also requires monthly reporting of each patron who received \$10,000 or more in complimentary cash and noncash gifts within a 5-day period.

Section 465a.8 (relating to licensed facility) requires licensed facilities to have surveillance systems, alarm systems for emergency exits and to provide onsite facil-

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 461a, 465, 465a, 465b, 466, 466a, 466b, 467 AND 467a]

Slot Machine Testing and Control; Accounting and Internal Controls; Slot Computer Systems; Commencement of Slot Operations

The Pennsylvania Gaming Control Board (Board), under its 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, 1322 and 1520 (relating to regulatory authority of board; slot machine accounting controls and audits; and automated teller machines), adopts Chapters 465a, 466a and 467a (relating to accounting and internal controls; slot computer systems;

ities for use by the Board, the Department of Revenue and the Pennsylvania State Police.

Section 465a.9 (relating to surveillance system; surveillance department control; surveillance department restrictions) sets forth the requirements for surveillance systems, including who has access to the monitoring room, what areas must be covered and the capabilities of the system. It also requires the maintenance of a log of surveillance activities, notice to the Board of system malfunctions and requires Board approval of staffing. It also places restrictions on employment of surveillance department employees and requires that a monitoring room entry log be maintained.

Section 465a.10 (relating to surveillance system recording formats) specifies the recording formats that are acceptable for surveillance systems.

Section 465a.11 (relating to slot machine licensee's organization) contains requirements for organization charts that are to be submitted as part of a slot machine licensee's internal controls. It lists the departments that must be included, the functions they are responsible to perform and various reporting responsibilities. It also contains certain reporting requirements that must be met if the chief executive officer or one of the mandatory department head positions becomes vacant.

Section 465a.12 (relating to access badges and temporary access credentials) sets forth requirements for each slot machine licensee to establish an access badge form of identification for employees which indicates what areas of the licensed facility the wearer may enter. It also requires temporary access badges for nonemployees who may need access to restricted areas.

Section 465a.13 (relating to possession of deadly weapons within a licensed facility) sets forth prohibitions on and the requirements governing the possession of deadly weapons within a licensed facility.

Section 465a.14 (relating to security department minimum staffing) requires slot machine licensees to submit minimum staffing plans for the security department as part of its internal controls submission.

Section 465a.15 (relating to cashiers' cage) specifies requirement for the cashiers' cage including personnel and physical security requirements.

Section 465a.16 (relating to accounting controls for the cashiers' cage) establishes the accounting controls that must be used in the cashiers' cage.

Section 465a.17 (relating to bill validators and slot cash storage boxes) contains the technical standards for bill validators and security procedures related thereto.

Section 465a.18 (relating to transportation of slot cash storage boxes to and from bill validators; storage) requires the filing of the schedule for removing slot cash storage boxes with the Board and advanced notice of changes in the schedule. It also sets forth the security protocols that must be followed during the removal, transport and counting process.

Section 465a.19 (relating to acceptance of tips or gratuities from patrons) contains restrictions on the acceptance of tips or gratuities.

Section 465a.20 (relating to personal check cashing) establishes the conditions that must be met and the limitations on cashing personal checks and the procedures for verifying the signature and identity of a patron.

Section 465a.21 (relating to wire transfers) contains provisions governing the acceptance of wire transfers.

Prior to the acceptance of wire transfers, the slot machine licensee must have approved internal controls in place governing the acceptance, verification and accounting for the wire transfers.

Section 465a.22 (relating to cash equivalents) requires that prior to the acceptance of cash equivalents, the slot machine licensee must have approved internal controls in place governing the acceptance, verification and accounting for cash equivalents.

Section 465a.23 (relating to customer deposits) mandates that before a slot machine licensee may hold a patron's funds, the slot machine licensee must have approved internal controls in place governing the acceptance and withdrawal of the deposits.

Section 465a.24 (relating to count room characteristics) requires licensed facilities to have a count room, contains the design specifications a count room must meet and specifies the security procedures that must be employed.

Section 465a.25 (relating to counting and recording of slot cash storage boxes) requires the submission of the schedule to the Board of when the contents of slot cash storage boxes will be counted. It also contains equipment requirements, restrictions on count room personnel, requires the development of internal controls and requires reporting of discrepancies in the count.

Section 465a.26 (relating to jackpot payouts) requires the slot machine licensee to have approved internal controls in place for jackpot payouts and what must be included in the jackpot payout internal controls.

Section 465a.27 (relating to annuity jackpots) sets forth the conditions under which a slot machine licensee may offer a single cash payout instead of an annuity, the conditions regarding annuity jackpots and requires that approved internal controls for annuity jackpots be in place.

Section 465a.28 (relating to merchandise jackpots) establishes the conditions under which merchandise jackpots may be offered. These include Board approval of specific offers and that approved internal controls be in place.

Section 465a.29 (relating to automated teller machines) allows automated teller machines to be located anywhere in the licensed facility.

Section 465a.30 (relating to waiver of requirements) sets forth the procedures and conditions under which the Board will grant a waiver of one or more of the requirements of this chapter.

Section 465a.31 (relating to gaming day) specifies that the Board will determine the beginning and end of the gaming day for the purpose of determining gross terminal revenues. It also requires Board approval of a slot machine licensee's hours of operation prior to its opening and Board approval of changes in its hours of operation.

Section 465a.32 (relating to signature) establishes requirements for written or electronic signatures.

Section 466a.1 (relating to slot computer systems generally) requires all aspects of a slot machine licensee's slot computer system to be located within the licensed facility and specifies what is included in a slot computer system.

Section 466a.2 (relating to waiver of requirements) sets forth the conditions under which the Board may waive one or more of the requirements of this chapter.

Section 466b.1 (relating to slot computer systems) specifies authorized locations.

Section 467a.1 (relating to gaming floor plan) specifies what must be included in a floor plan of the gaming floor and requires that the Board approve the floor plan prior to the commencement of slot operations at the licensed facility. Changes in the gaming floor square footage or number, configuration or location of slot machines also require prior approval from the Board.

Section 467a.2 (relating to commencement of slot operations generally) requires a slot machine licensee to demonstrate that the licensed facility complies with all requirements and that its slot machines have been tested and approved by the Board before it commences operations. It also specifies that once the slot machine licensee has demonstrated compliance, the Board will authorize the date and time that the licensed facility may open, the maximum size of the gaming floor and the maximum number of slot machines that may be operated.

Comment and Response Summary

The proposed rulemaking was published at 36 Pa.B. 7267 (December 2, 2006).

The Board received comments on the proposed rulemaking from the Independent Regulatory Review Commission (IRRC). Those comments were reviewed by the Board and are discussed as follows.

IRRC requested that the Board provide additional information pertaining to the need for the regulation and the fiscal impact in the preamble and Regulatory Analysis Form. Additional information has been included. However, the Board notes that because gaming is new to this Commonwealth and licenses have just been issued, the fiscal information available is somewhat limited.

IRRC also urged the Board to review a number of phrases which it thought were vague. These phrases were contained in the appendix attached to IRRC's comments.

The Board reviewed the attached appendix and, as suggested by IRRC, deleted phrases such as "when applicable," "in a manner approved by the Board" and "in a manner prescribed by the Board."

The Board has not deleted the phrases "other items the Board may request in writing" and "additional documentation requested by the Board" which appear in two sections. While the Board attempted to provide comprehensive guidance as to what information the Board needs, there will be times when the Board will need additional information from a slot machine licensee. However, the Board has added language to make it clear that the additional information requested must relate to the area that is being reviewed.

Most of the phrases referring to "approved by the Board" have also been deleted; they were intended to refer back to the approval process for the internal controls in § 465a.2 and are not needed. For other approvals, the Board added cross-references to the specific sections where the approval process is specified or added an approval process in the section.

IRRC also questioned the incorporation of technical standards, which are not in these regulations, as binding requirements. Use of "... this approach would allow an agency or department to bypass the formal regulatory review process..."

Use of binding technical standards to supplement the Board's regulations is not an attempt by the Board to bypass the regulatory review process. It is merely intended as a means by which the Board can keep pace with changes in gaming technology.

Due to the dynamic nature of the industry, new games and new equipment are constantly being brought to market. Because it takes a minimum of 6 months to promulgate a regulation, use of the technical standards is the only way the Board can develop new standards rapidly.

The technical standards are not intended to be permanent rules. As a technology matures, it is the Board's intention to initiate proposed rulemakings which will bring the applicable technical standards into the body of its regulations. The Board is also examining the possibility of incorporating National standards such as those developed by the Gaming Standards Association as an alternative to Pennsylvania-specific technical standards.

Technical standards are used extensively in other gaming jurisdictions for the same reason the Board is proposing to use them here, which is to promote rapid approval of new games and equipment. Without technical standards, slot machine licensees would not be able to offer the newest games or take advantage of new systems or equipment as quickly as their competitors in other states. In an industry as competitive as gaming, not using technical standards would result in significant loss of revenue to slot machine licensees and the Commonwealth.

For these reasons, the Board retained the references to technical standards in these regulations. However, the Board added references to specific existing technical standards to add clarity. When technical standards have not yet been developed, the Board added the phrase "and published in the *Pennsylvania Bulletin* and posted on the Board's website." This will insure that the regulated public has access to the standards that the Board is using.

In § 465a.2, IRRC raised three concerns. First, IRRC requested that the phrase "applicable laws and regulations" be replaced with specific cross references. Next, IRRC asked that more detail be added regarding the process for reviewing a licensee's internal controls. Finally, IRRC asked that additional details on how tolling would work be added to the regulation.

The phrase "applicable laws and regulations" is customarily used in financial attestations. Therefore, this phrase has not been amended or replaced.

Subsection (a) requires that a slot machine licensee's internal controls be submitted for Board review at least 90 days before gaming operations are to commence. The Board's approval of the internal controls is contingent upon the slot machine licensee's demonstration that their internal controls are sufficient to safeguard the integrity of the slot machine licensee's operations. To respond to IRRC's concern and to clarify this point, this language has been added to subsection (e). Also added is a provision stating that the Board will provide written notice of a deficiency to the slot machine licensee and allow the slot machine applicant or licensee to submit a revision to its submission. This is the Board's current practice. The Board has not established a deadline for completion of the Board's review because the Board will continue to work with a slot machine licensee until the slot machine licensee's internal controls are approved.

To address IRRC's final concern with this section, the Board added subsection (i) which explains how the slot machine licensee may respond to a tolling.

In § 465a.3(c), IRRC suggested that the term "Bureau" be clarified. Because the term "Bureau" is used throughout the Board's regulations, the term is defined in

§ 401.4 (relating to definitions) as the Bureau of Investigations and Enforcement. Therefore, no amendment was made in this section.

In § 465a.6(b)(1), IRRC suggested that “should” be replaced with “must” if this is a requirement. The Board agrees with this suggestion and has made this change.

In § 465a.7, IRRC had three questions regarding the \$10,000 limit in subsection (d): Does the \$10,000 limit apply to the person and the person’s guest collectively or to each person individually; what makes an individual a “guest” of a person; and is the “5-day period” 5 consecutive days?

The \$10,000 limit applies to the patron and the patron’s guests, not to each person and the 5-day period was intended to be 5 consecutive days. Subsections (d) and (e) have been amended to clarify both of these points.

The last sentence in subsection (d) specifies who is considered to be a guest. Therefore, no additional amendments were made.

In § 465a.9(a), IRRC asked that the procedures and criteria for the approval of surveillance systems be added.

The review of surveillance systems is conducted as part of the initial submission of the internal controls required under § 465a.2. However, this is not stated in the regulation. To clarify this point, a cross reference to § 465a.2 has been added. The criteria for review of surveillance systems are contained in the requirements for surveillance systems in subsections (c)—(g).

In § 465a.13, IRRC had a number of questions and concerns. In subsection (a), IRRC asked that the term “firearms and handguns” be defined and asked why the prohibition didn’t extend to other weapons. In subsection (a)(2), IRRC questioned the Board’s authority to require local, State and Federal law enforcement agents possessing firearms to notify the Board and the Pennsylvania State Police before entering the gaming floor or a restricted area.

IRRC also suggested moving subsection (b) to § 465a.14 or its own section.

Finally, in subsection (c), IRRC wanted to know: What the process would be for reviewing requests to possess a firearm or handgun in a licensed facility; what would constitute an “adequate course of training;” and under what circumstances would the Board grant a request?

In response to IRRC’s comments, § 465a.13 has been amended significantly.

The scope of the ban has been broadened to cover a deadly weapon as defined in 18 Pa.C.S. § 2301 (relating to definitions). This will still allow patrons to carry personal defense items such as mace or pepper spray, but provides the overall level of patron safety desired by the Board. The Board also eliminated the advanced notice requirement for law enforcement agents who enter a facility when acting in an official capacity

As suggested by IRRC, proposed subsection (b) has been moved to § 465a.14.

Subsection (c) has been amended to set forth the process for requesting Board permission to possess a deadly weapon on the premises of a licensed facility. The individual requesting permission must demonstrate the compelling need for the possession of the deadly weapon within the licensed facility and, if the request is for possession of a firearm, prove that the individual holds a valid license to possess the firearm. The proposed require-

ment regarding training has been deleted because the Board believes the requirement for licensure is sufficient.

In § 465a.20(b)(4) and (5), IRRC requested clarification of what would constitute “adequate documentation evidencing signature verification or check verification.” In subsection (b)(6), IRRC asked how the \$2,500 limit would adequately protect the welfare of patrons.

The intent in subsection (b)(4) was for the slot cashier to indicate whether the signature was verified under subsection (c) or by a government-issued identification. The language in this subsection has been amended to clarify this point.

The intent in subsection (b)(5) was for the slot cashier to indicate whether the check was verified directly or by the use of a check verification service. The language in this subsection has also been amended to clarify this point.

The \$2,500 daily limitation on cashing personal checks was established by the Board as a consumer protection. For a small percentage of individuals, gaming can become a problem. Limiting the ability of a patron to cash checks is intended to provide a mechanism to limit the losses a patron may incur.

In § 465a.21, IRRC asked why the \$2,500 limit imposed on check cashing doesn’t also apply to wire transfers.

Wire transfers are typically used by more experienced and sophisticated patrons. Placing a \$2,500 limit on wire transfers would significantly hamper their ability to game in this Commonwealth and put this Commonwealth at a significant competitive disadvantage in attracting these patrons.

In § 465a.30, IRRC questioned the Board’s authority to grant waivers of the requirements in this chapter. Additionally, IRRC stated that the regulation should specify who can request waivers and what the process for requesting a waiver would be.

The Board’s authority for this section can be found in the general rulemaking authority under 4 Pa.C.S. §§ 1202(b)(30) and 1322. Similar waiver provisions have been included in other chapters to provide some flexibility for licensees. While the Board’s regulations reflect current practice, because of the rapidly changing nature of gaming, there may be better ways to insure compliance and to protect the integrity of slot machine operations. Additionally, a waiver does not exempt a slot machine licensee from compliance; it simply allows the slot machine licensee to demonstrate compliance by some other means than what is specified in the regulation.

The Board agrees that the waiver process, as proposed, lacked clarity. Therefore, this section has been amended extensively to track other waiver sections in the Board’s regulations and to add the detail requested by IRRC.

In § 466a.1, IRRC raised the same concerns that it did for § 465a.30.

The Board’s authority for this section can be found in the general rulemaking authority under 2 Pa.C.S. § 1202(b)(30). For the reasons previously stated, the Board believes the waiver provisions are necessary to provide flexibility and to react to changes in gaming technology. However, the Board amended the waiver language, as it did with § 456a.30, and moved it to new § 466a.2. This new section tracks the other waiver sections in the Board’s regulations and adds the detail requested by IRRC.

IRRC suggested that the references to temporary regulations be deleted since these regulations expired on July 5, 2007.

The Board discussed this issue with the Legislative Reference Bureau (LRB) prior to the publication of the proposed rulemaking and this is how the LRB has instructed the Board to reference other chapters. The Board will update these citations as permanent regulations are promulgated.

IRRC also suggested that the clarity of the regulation could be improved by adding definitions of seven terms that are used in the regulations.

The Board concurs with this suggestion and definitions were added to § 461a.1 (relating to definitions) for “bill validator,” “cash equivalents,” “drop team,” “merchandise jackpot,” “player rating,” “player rating system” and “trolley.”

Finally, IRRC suggested that the Board delete several terms used in the regulation which it believes are vague.

The Board reviewed the use of each of these terms in these chapters. In many instances, the Board agrees with IRRC’s observation and deleted the terms and in some cases added additional clarifying language. However, in a few instances, the Board believes the use of these terms is appropriate within the context of the particular provision. In these limited instances, the terms have not been deleted or replaced.

Additional Revisions

In addition to the amendments made in response to IRRC’s comments, the Board made further revisions.

Throughout the regulations, the term “slot accounting department” has been replaced with “finance department.” This is the term more commonly used in the gaming industry.

In § 465a.2(g)(2), the authority to approve amendments to a slot machine licensee’s internal controls has been shifted from the Board to the Executive Director. This will permit more rapid implementation of necessary changes.

Section 465a.2(i), (j) and (k) has been deleted. Rather than having two different processes for reviewing different types of amendments, changes to organization charts and the jobs compendium will be submitted and reviewed under subsections (f) and (g), like all other changes.

Section 465a.4(a) has been amended to list the monthly reports that must be filed by slot machine licensees. This will clarify what slot machine licensees are required to file. Additionally, subsection (e) has been added, which allows the Board to request additional financial reports.

Section 465a.11(a)(5) has been amended to clarify that each of the six major department heads listed in § 465a.11(b) must report directly to the facility’s chief executive officer.

In § 465a.17(d), a technical requirement has been added to cover slot machines that don’t have a full door covering the bill validator.

Section 465a.20(b)(5) has been amended to give facilities the option of verifying the validity of checks for \$500 or more directly with the bank themselves or by using a check verification and warranty service.

In § 465a.28, language has been added to specify that offers of merchandise jackpots, which must be approved by the Board, are to be submitted for approval using an Amendment Waiver and Request Form.

In § 467a.1(c), “configuration or location” of slot machines has been added to the list of changes to an approved floor plan that require prior written approval of the Board.

Finally, the numbering of the statements of policy in Chapters 465a and 466a (relating to technical standards—statement of policy) will be changed to Chapter 465b (§ 465b.1) and Chapter 466b (§ 466b.1).

Affected Parties

This final-form rulemaking imposes requirements on applicants for or holders of slot machine licenses. To date, the Board approved 11 applications for slot machine licenses.

Fiscal Impact

Commonwealth. This final-form rulemaking will impose costs on the Board to monitor the compliance of slot machine licensees with the requirements in the regulations.

Political subdivisions. This final-form rulemaking will have no significant fiscal impact on political subdivisions of the Commonwealth.

Private sector. Applicants for and holders of slot machine licenses will experience some costs to comply with the accounting, auditing, personnel and reporting requirements.

General public. This final-form rulemaking will have no fiscal impact on the general public.

Paperwork Requirements

Applicants for and holders of slot machine licenses will experience some costs to comply with the accounting, auditing, personnel and reporting requirements.

Effective Date

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

Contact Person

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 25, 2006, the Board submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 7267, to IRRC and the Chairpersons of the House Tourism and Recreational Development Committee and the Senate Committee on Rules and Executive Nominations for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 20, 2007, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 21, 2007, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of intention to adopt these chapters 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code, are amended by deleting §§ 465.1—465.31, 466.1, 467.1 and 467.2, by adding final regulations in §§ 465a.1—465a.32, 466a.1, 466a.2, 467a.1 and 467a.2 and by amending the final regulation in § 461a.1 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: The proposal to add § 465a.32 was not included in the proposed rulemaking published at 36 Pa.B. 7267.)

(b) The statements of policy in §§ 465a.1 and 466a.1 are renumbered as §§ 465b.1 and 466b.1.

(c) The Chairperson of the Board shall certify this order and Annex A and deposit them with the LRB as required by law.

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

THOMAS A. DECKER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 3138 (July 7, 2007).)

Fiscal Note: 125-49. (1) State Gaming Fund; (2) Implementing Year 2006-07 is \$2,146,000; (3) 1st Succeeding Year 2007-08 is \$2,232,000; 2nd Succeeding Year 2008-09 is \$2,322,000; 3rd Succeeding Year 2009-10 is \$2,414,000; 4th Succeeding Year 2010-11 is \$2,511,000; 5th Succeeding Year 2011-12 is \$2,611,000; (4) 2005-06 Program—\$26,400,000; 2004-05 Program—\$13,200,000; 2003-04 Program—\$2,900,000; (7) Board Budget; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT 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:

* * * * *

Bill validator—An electronic device designed to interface with a slot machine for the purpose of accepting and validating any combination of United States currency, gaming vouchers, coupons or other instruments authorized by the Board for incrementing credits on a slot machine.

* * * * *

Cash equivalents—Instruments with a value equal to United States currency or coin including certified checks, cashiers checks, travelers' checks, money orders, gaming vouchers or coupons.

* * * * *

Drop team—The group of employees of a slot machine licensee who participate in the transportation of slot cash storage boxes and drop boxes.

* * * * *

Merchandise jackpot—A slot machine jackpot in the form of:

- (i) Merchandise or a thing of value.
(ii) A cash payout and a payout of merchandise or a thing of value.
(iii) An option to choose between a cash payout and a payout of merchandise or a thing of value.

* * * * *

Player rating—A score or ranking assigned to a player based on an evaluation of the amount and frequency of play by the person.

Player rating system—A computerized system by which a player is assigned a score or ranking based upon an evaluation of the amount and frequency of play by the person.

* * * * *

Trolley—A wheeled apparatus used for the secured transport of slot cash storage boxes and drop boxes.

* * * * *

CHAPTER 465. (Reserved)

§§ 465.1—465.31. (Reserved).

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

- Sec. 465a.1. Accounting records.
465a.2. Internal control systems and audit protocols.
465a.3. Forms, records and documents.
465a.4. Standard financial and statistical reports.
465a.5. Annual audit; other reports; suspicious activity and currency transaction reporting.
465a.6. Retention, storage and destruction of books, records and documents.
465a.7. Complimentary services or items.
465a.8. Licensed facility.
465a.9. Surveillance system; surveillance department control; surveillance department restrictions.
465a.10. Surveillance system recording formats.
465a.11. Slot machine licensee's organization.
465a.12. Access badges and temporary access credentials.
465a.13. Possession of deadly weapons within a licensed facility.
465a.14. Security department minimum staffing.
465a.15. Cashiers' cage.
465a.16. Accounting controls for the cashiers' cage.
465a.17. Bill validators and slot cash storage boxes.
465a.18. Transportation of slot cash storage boxes to and from bill validators; storage.
465a.19. Acceptance of tips or gratuities from patrons.
465a.20. Personal check cashing.
465a.21. Wire transfers.
465a.22. Cash equivalents.
465a.23. Customer deposits.
465a.24. Count room characteristics.
465a.25. Counting and recording of slot cash storage boxes.
465a.26. Jackpot payouts.
465a.27. Annuity jackpots.
465a.28. Merchandise jackpots.
465a.29. Automated teller machines.
465a.30. Waiver of requirements.
465a.31. Gaming day.
465a.32. Signature.

§ 465a.1. Accounting records.

(a) A slot machine licensee shall maintain complete, accurate and legible records of all transactions pertaining to the revenues and expenses of each licensed facility.

(b) General accounting records shall be maintained on a double entry system of accounting with transactions recorded on a basis consistent with generally accepted accounting principles in the United States. Detailed, supporting and subsidiary records sufficient to meet the requirements of subsection (c) shall also be maintained in accordance with the requirements of this chapter.

(c) The detailed, supporting and subsidiary records include:

(1) Records pertaining to revenue that is taxable or subject to taxation under the act.

(2) Records pertaining to the financial statements and all transactions impacting the financial statements of the slot machine licensee including contracts or agreements with licensed manufacturers, suppliers, junket enterprises, certified and registered vendors, contractors, consultants, management companies, attorneys and law firms, accountants and accounting firms, insurance companies, and financial institutions, including statements and reconciliations related thereto.

(3) Records which identify the handle, payout, actual win amounts and percentages, theoretical win amounts and percentages, and differences between theoretical and actual win amounts and percentages, for each slot machine on a week-to-date, month-to-date and year-to-date basis.

(4) Records documenting the costs of complimentary services and items as defined in § 401a.3 (relating to definitions).

(5) Records of loans and other amounts payable by the slot machine licensee.

(6) Records of investments, advances, loan and receivable balances due to the slot machine licensee.

(7) Records created in connection with the system of internal controls submitted to the Board under § 465a.2 (relating to internal control systems and audit protocols).

(8) Records of returned checks.

§ 465a.2. Internal control systems and audit protocols.

(a) An applicant for, or holder of, a slot machine license shall submit to the Board and the Department a written description of its initial system of administrative and accounting procedures, including its internal control systems and audit protocols (collectively referred to as its "internal controls") at least 90 days before gaming operations are to commence. A written system of internal controls must include:

(1) Records of direct and indirect ownership in the proposed slot machine license, its affiliates, intermediaries, subsidiaries or holding companies.

(2) Organization charts depicting segregation of functions and responsibilities.

(3) A description of the duties and responsibilities of each licensed or permitted position shown on the organization charts and their respective lines of authority.

(4) A detailed narrative description of the administrative and accounting procedures designed to satisfy the requirements of this subpart.

(5) A record retention policy in accordance with § 465a.6 (relating to retention, storage and destruction of books, records and documents).

(6) Procedures to ensure that assets are safeguarded, and counted in conformance with effective count procedures.

(7) Other items the Board may request in writing to be included in the internal controls.

(b) A submission must be accompanied by the following:

(1) An attestation by the chief executive officer or other competent person with a direct reporting relationship to the chief executive officer attesting that the officer believes, in good faith, that the submitted internal controls conform to the requirements of the act and this subpart.

(2) An attestation by the chief financial officer or other competent person with a direct reporting relationship to the chief financial officer attesting that the officer believes, in good faith, that the submitted internal controls are designed to provide reasonable assurance that the financial reporting conforms to generally accepted accounting principles in the United States and complies with applicable laws and regulations, including the act and this subpart.

(c) The initial submission must also be accompanied by a report from an independent registered public accounting firm, licensed to practice in this Commonwealth. The report should express an opinion as to the effectiveness of the design of the submitted system of internal controls over financial reporting and should further express an opinion as to whether the submitted system of internal controls materially deviates from the requirements of applicable laws and regulations, including the act and this subpart.

(d) A submission by a slot machine licensee or applicant must include, at a minimum, the following:

(1) Administrative controls which include the procedures and records that relate to the decision making processes leading to management's authorization of transactions.

(2) Accounting controls which have as their primary objectives the safeguarding of assets and revenues and the reliability of financial records. The accounting controls must be designed to provide reasonable assurance that:

(i) Transactions or financial events which occur in the operation of a slot machine are executed in accordance with management's general and specific authorization.

(ii) Transactions or financial events which occur in the operation of a slot machine are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles in the United States, the act and this subpart.

(iii) Transactions or financial events which occur in the operation of a slot machine are recorded in a manner which provides reliable records, accounts and reports, including the recording of cash and evidences of indebtedness, for use in the preparation of reports to the Board related to slot machines.

(iv) Transactions or financial events which occur in the operation of a slot machine are recorded to permit proper and timely reporting and calculation of gross terminal revenue, fees and taxes and to maintain accountability for assets.

(v) Access to assets is permitted only in accordance with management's general and specific authorization.

(vi) The recorded accountability for assets is compared with existing physical assets at reasonable intervals and appropriate action is taken with respect to any discrepancies.

(3) Procedures and controls for ensuring, in accordance with section 1323 of the act (relating to the central control computer system), that each slot machine directly provides and communicates all required activities and financial details to the central control computer system as set by the Board.

(4) Procedures and controls for ensuring that all functions, duties and responsibilities are segregated and performed in accordance with sound financial practices by qualified personnel.

(5) Procedures and controls for ensuring, through the use of surveillance and security departments, that the licensed facility is secure during normal operations and during any emergencies due to malfunctioning equipment, loss of power, natural disaster or any other cause.

(e) The Board, in consultation with the Department, will review each initial submission made under subsection (a) and determine whether it conforms to the requirements of the act and this subpart and provides adequate and effective controls to insure the integrity of the operation of slot machines at a licensed facility. If the Board determines that the submission is deficient in any area, the Board will provide a written notice of the deficiency to the slot machine applicant or licensee and allow the slot machine applicant or licensee to submit a revision to its submission. A slot machine licensee is prohibited from commencing gaming operations until its system of internal controls is approved by the Board.

(f) If a slot machine licensee intends to make a change or amendment to its system of internal controls, it shall submit to the Board and the Department a written description of a change or amendment in its system of internal controls and the two original signed certifications described in subsection (b). The slot machine licensee may implement the change or amendment on the 30th calendar day following the filing of a complete submission unless the slot machine licensee receives a notice under subsection (g) tolling the change or amendment.

(g) If during the 30-day review period in subsection (f), the Bureau of Corporate Compliance and Internal Controls (BCCIC) preliminarily determines that a procedure in a submission contains a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of slot operations or the control of gross terminal revenue, that Bureau, by written notice to the slot machine licensee, will:

(1) Specify the nature of the insufficiency and, when possible, an acceptable alternative procedure.

(2) Direct that the 30 calendar day review period in subsection (f) be tolled and that any internal controls at issue not be implemented until approved by the Executive Director.

(h) Examples of submissions that may be determined to contain a substantial and material insufficiency likely to have a direct and materially adverse impact on the integrity of slot operations or the control of gross terminal revenue may include the following:

(1) Submissions that fail to provide an audit trail sufficient to permit the review of gaming operations or the reconstruction of gross terminal revenue transactions.

(2) Submissions that fail to provide for the segregation of incompatible functions so that no employee is in a position both to commit an error or to perpetrate a fraud and to conceal the error or fraud in the normal course of the employee's duties.

(3) Submissions that do not include forms or other materials referenced in the submission or required by the act or this part that are essential elements of the internal controls.

(4) Submissions that would implement operations or accounting procedures not authorized by the act or this part.

(5) Submissions that are dependent upon the use of equipment or related devices or software not approved by the Board, unless the submissions are required as part of an authorized test of the equipment or related device or software.

(i) When a change or amendment has been tolled under subsection (g), the slot machine licensee may submit a revised change or amendment within 30 days of receipt of the written notice from BCCIC. The slot machine licensee may implement the revised change or amendment on the 30th calendar day following the filing of the revision unless it receives written notice under subsection (g) tolling the change or amendment.

(j) A current version of the internal controls of a slot machine licensee shall be maintained in or made available in electronic form through secure computer access to the accounting and surveillance departments of the slot machine licensee and the Board's onsite facilities required under § 465a.8 (relating to licensed facility). The slot machine licensee shall also maintain a copy, either in paper or electronic form, of any superseded internal control procedures, along with the two certifications required to be submitted with respect thereto, for a minimum of 5 years. Each page of the internal controls must indicate the date on which it was approved by the Board.

§ 465a.3. Forms, records and documents.

(a) Information required by this part to be placed on any form, record or document and in stored data shall be recorded on the form, record or document and in stored data in ink or other permanent form.

(b) Whenever duplicate or triplicate copies are required of a form, record or document, the original, duplicate and triplicate copies must have the name of the recipient receiving the copy preprinted on the bottom of that copy so as to differentiate between the copies.

(c) Whenever under this part, forms or serial numbers are required to be accounted for and an exception is noted, the exceptions shall be reported in writing to the slot machine licensee's internal audit department and the Bureau within 2 days of identification of the exception or upon its confirmation, whichever occurs earlier.

(d) Unless otherwise specified in this part, all forms, records, documents and stored data required to be prepared, maintained and controlled by this chapter must have the name of the licensed facility and the title of the form, record, document and, for stored data, the date imprinted or preprinted thereon.

(e) Nothing in this chapter shall be construed as prohibiting a slot machine licensee from preparing more copies of any form, record or document than those prescribed by this chapter.

§ 465a.4. Standard financial and statistical reports.

(a) A slot machine licensee shall file the following monthly reports of financial and statistical data:

- (1) A balance sheet.
- (2) A statement of revenues and expenses.
- (3) A cash flow statement.
- (4) A net income statement.
- (5) Daily gross terminal revenues and taxes.
- (6) A comparison of gross terminal revenues to projected gross terminal revenues.

(b) The Board may prescribe standard reporting forms and corresponding filing instructions to be used by a slot machine licensee in filing the monthly reports referenced in subsection (a).

(c) In the event of a license termination, change in business entity, or material change in ownership, the Board may require the filing of financial and statistical reports as of the date of occurrence of the event. The slot machine licensee will be notified in writing by the Board.

(d) Adjustments resulting from the annual audit required in § 465a.5 (relating to annual audit; other reports; suspicious activity and currency transaction reporting) shall be recorded in the accounting records of the year to which the adjustment relates. If the adjustments were not reflected in any annual report and the Board concludes that the adjustments are significant, the Board may require the slot machine licensee to file a revised annual report. The revised filing shall be due within 30 calendar days after written notification to the slot machine licensee, unless the slot machine licensee submits a written request for an extension prior to the required filing date and the extension is granted by the Board.

(e) The Board may request, in writing, additional financial reports to determine compliance by the slot machine licensee with the act and the Board's regulations.

§ 465a.5. Annual audit; other reports; suspicious activity and currency transaction reporting.

(a) A slot machine licensee shall, at its own expense, cause its annual financial statements to be audited in accordance with generally accepted auditing standards (when applicable, the Standards of the Public Company Accounting Oversight Board (United States)) by an independent certified public accountant or, when appropriate, an independent registered public accounting firm, licensed to practice in this Commonwealth.

(b) The annual financial statements shall be prepared on a comparative basis for the current and prior fiscal year and present financial position and results of operations in conformity with generally accepted accounting principles in the United States.

(c) The financial statements required by this section must include a footnote reconciling and explaining any differences between the financial statements included in any annual report filed in conformity with § 465a.4 (relating to standard financial and statistical reports) and the audited financial statements. The footnote must, at a minimum, disclose the effect of adjustments on:

- (1) Revenue from the operation of slot machines.
- (2) Slot machine revenue net of expenses for complimentary services or items.
- (3) Total costs and expenses.
- (4) Income before extraordinary items.

(5) Net income.

(d) Two copies of the audited financial statements, together with any management letter or report prepared thereon by the slot machine licensee's independent registered public accounting firm, shall be filed with the Board not later than 60 days after the end of the licensee's fiscal year.

(e) The slot machine licensee shall require the independent registered public accounting firm auditing its financial statements to render the following additional reports:

(1) A report on material weaknesses or significant deficiencies in the system of internal controls noted in the course of the examination of the financial statements.

(2) A report expressing the opinion of the independent certified public accountant or independent registered public accounting firm as to the adequacy of the slot machine licensee's system of internal controls over financial reporting based upon the description of the system of internal controls approved for the slot machine licensee under § 465a.2 (relating to internal control systems and audit protocols). When appropriate, the report should make specific recommendations regarding improvements in the system of internal controls.

(f) The slot machine licensee shall prepare a written response to the independent certified public accountant's or independent registered public accounting firm's reports required by subsection (e)(1) and (2). The response must indicate, in detail, corrective actions taken. The slot machine licensee shall submit a copy of the response to the Bureau of Corporate Compliance and Internal Controls (BCCIC) within 90 days of receipt of the reports.

(g) The slot machine licensee shall file with the BCCIC two copies of the reports required by subsection (e), and two copies of any other reports on internal controls, administrative controls, or other matters relative to the slot machine licensee's accounting or operating procedures rendered by the licensee's independent certified public accountant or independent registered public accounting firm within 120 days following the end of the licensee's fiscal year or upon receipt, whichever is earlier.

(h) If the slot machine license is publicly held, the slot machine licensee shall submit to the BCCIC three copies of any report, including forms S-1, 8-K, 10-Q, 10-K, proxy or information statements and registration statements, required to be filed by the slot machine licensee with the SEC or other domestic or foreign securities regulatory agency. The filing with the Board shall be made within 10 days of the time of filing with the applicable Commission or regulatory agency or the due date prescribed by the applicable Commission or regulatory agency, whichever occurs first.

(i) If an independent certified public accountant or independent registered public accounting firm who was previously engaged as the principal accountant to audit the slot machine licensee's financial statements resigns or is dismissed as the slot machine licensee's principal accountant, or another independent certified public accountant or independent registered public accounting firm is engaged as principal accountant, the slot machine licensee shall file a report with the BCCIC within 10 days following the end of the month in which the event occurs, setting forth the following:

- (1) The date of the resignation, dismissal or engagement.
- (2) Whether in connection with the audits of the 2 most recent years preceding a resignation, dismissal or engagement.

ment there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure or auditing scope or procedure, including a description of each disagreement. The disagreements to be reported include those resolved and those not resolved.

(3) Whether the principal accountant's report on the financial statements for either of the past 2 years contained an adverse opinion or disclaimer of opinion or was qualified. The nature of the adverse opinion, disclaimer of opinion or qualification shall be described.

(j) The slot machine licensee shall request the former accountant to furnish to the slot machine licensee a letter addressed to the Board stating whether he agrees with the statements made by the slot machine licensee in response to subsection (i)(2). The letter shall be filed with the Board as an exhibit to the report required by subsection (i)(2).

(k) The slot machine licensee shall file with the Board a copy of any Suspicious Activity Report-Casino (SARC) it is required to file under 31 CFR 103.21 (relating to reports by casinos of suspicious transactions). Each SARC shall be filed with the Board concurrently with the Federal filing.

(l) A slot machine licensee, director, officer, employee or agent who reports a suspicious activity under subsection (k) may not notify any person involved in the suspicious activity that the suspicious activity has been reported.

(m) The slot machine licensee shall file with the Board a copy of any Currency Transaction Report by Casino (CTRC) it is required to file under 31 CFR 103.22 (relating to reports of transactions in currency). Each CTRC shall be filed with the Board concurrently with the Federal filing.

(n) Prior to commencing gaming operations, a slot machine licensee shall file with the Board, in a manner to be prescribed by the Board, a copy of its compliance program required under 31 CFR 103.64 (relating to special rules for casinos). Thereafter, a slot machine licensee shall file with the Board any amendment or supplement to its compliance program on or before the effective date of the amendment or supplement.

§ 465a.6. Retention, storage and destruction of books, records and documents.

(a) For the purposes of this section, "books, records and documents" means any book, record or document pertaining to, prepared in or generated by the operation of the licensed facility including all forms, reports, accounting records, ledgers, subsidiary records, computer generated data, internal audit records, correspondence and personnel records required to be generated and maintained by this part. This definition applies without regard to the medium through which the record is generated or maintained, for example, paper, magnetic media or encoded disk.

(b) Original books, records and documents pertaining to the operation of a licensed facility shall be:

(1) Prepared and maintained in a complete, accurate and legible form. Electronic data must be stored in a format that ensures readability, regardless of whether the technology or software that created or maintained it has become obsolete.

(2) Retained on the site of the licensed facility or at another secure location approved under subsection (d).

(3) Kept immediately available for inspection by agents of the Board, the Department and the Pennsylvania State Police during all hours of operation.

(4) Organized and indexed in a manner to provide immediate accessibility to agents of the Board, the Department and the Pennsylvania State Police.

(5) Destroyed only after expiration of the minimum retention period specified in subsection (c), except that the Board may, upon the written request of a slot machine licensee and for good cause shown, permit the destruction at an earlier date.

(c) Original books, records and documents shall be retained by a slot machine licensee for a minimum of 5 years with the following exceptions:

(1) Documentation with regard to gaming vouchers reported to the Board as possibly counterfeit, altered or tampered with should be retained for a minimum of 2 years.

(2) Coupons entitling patrons to cash or slot machine credits, whether unused, voided or redeemed shall be retained for a minimum of 6 months.

(3) Voided gaming vouchers and gaming vouchers redeemed at a location other than a slot machine shall be retained for a minimum of 6 months.

(4) Gaming vouchers redeemed at a slot machine shall be retained for a minimum of 7 days.

(d) A slot machine licensee may request, in writing, that the Board approve a location outside the licensed facility to store original books, records and documents. The request must include the following:

(1) A detailed description of the proposed offsite facility, including security and fire safety systems.

(2) The procedures under which the Board, the Department and the Pennsylvania State Police will be able to gain access to the original books, records and documents retained at the offsite facility.

(e) A slot machine licensee may request, in writing, that the Board approve a microfilm, microfiche or other suitable media system for the copying and storage of original books, records and documents. The request must include representations regarding:

(1) The processing, preservation and maintenance methods which will be employed to insure that the books, records and documents are available in a format which makes them readily available for review and copying.

(2) The inspection and quality control methods which will be employed to insure that microfilm, microfiche or other media when displayed on a reader/viewer or reproduced on paper exhibits a high degree of legibility and readability.

(3) The availability of a reader/printer for use by the Board, the Department and the Pennsylvania State Police at the licensed facility or other location approved by the Board and the readiness with which the books, records or documents being stored on microfilm, microfiche or other media can be located, read and reproduced.

(4) The availability of a detailed index of all microfilmed, microfiched or other stored data maintained and arranged in a manner to permit the immediate location of any particular book, record or document.

(f) Nothing herein shall be construed as relieving a slot machine licensee from meeting any obligation to prepare

or maintain any book, record or document required by any other Federal, State or local governmental body, authority or agency.

§ 465a.7. Complimentary services or items.

(a) A slot machine licensee shall develop, maintain and apply adequate internal controls over the authorization and issuance of complimentary services or items as defined in § 401a.3 (relating to definitions). The slot machine licensee shall maintain a written record of the internal controls under this section and the specific employees to whom they apply. Slot machine licensees are not required to obtain Board approval of the internal controls under this section.

(b) The internal controls must include the following:

(1) The procedures by which the slot machine licensee delegates to its employees the authority to approve the issuance of complimentary services or items.

(2) The procedures by which the slot machine licensee establishes or modifies any conditions or limits, to delegated authority, including limits based on relationships between the authorizer and recipient.

(3) The provisions employed to insure the auditing of complimentary services or items.

(c) Complimentary services or items shall be recorded as follows:

(1) A complimentary service or item provided directly to a patron in the normal course of a slot machine licensee's business shall be recorded at an amount based upon the full retail price normally charged for the service or item by the licensee.

(2) A complimentary service or item not offered for sale to a patron in the normal course of a slot machine licensee's business but provided directly by the slot machine licensee shall be recorded at an amount based upon the actual cost to the slot machine licensee of providing the service or item.

(3) A complimentary service or item provided directly or indirectly to a patron on behalf of a slot machine licensee by a third party not affiliated with the slot machine licensee shall be recorded at an amount based upon the actual cost to the licensee of having the third party provide the service or item.

(4) A complimentary service or item provided directly or indirectly to a patron on behalf of a slot machine licensee by a third party who is affiliated with the licensee shall be recorded by the licensee in accordance with this section as if the affiliated third party were the licensee.

(d) If a slot machine licensee provides complimentary cash and noncash gifts recorded at a value of \$10,000 or more to a person and the person's guests within a consecutive 5-day period, the slot machine licensee shall record the reason why the gifts were provided and maintain the records available for inspection by the Board and the Pennsylvania State Police. When the reason complimentary cash and noncash gifts were provided involves the person's player rating, that rating must be based upon an evaluation of the amount and frequency of play by the person as recorded in the slot machine licensee's player rating system. For the purposes of this section, "guest" means any person who receives complimentary services or items as a result of his relationship with the person receiving the primary complimentary services or items.

(e) A slot machine licensee shall submit to the Board a report listing each person who, under subsection (d), received \$10,000 or more in complimentary cash and noncash gifts within a consecutive 5-day period ending during the preceding month. The report shall be filed by the last day of the month following the month in which the complimentary cash and noncash gifts were issued and include the total amount of complimentary cash or noncash gifts provided to each person broken down into categories for food and beverage, hotel accommodations, travel and other services.

§ 465a.8. Licensed facility.

(a) A licensed facility must be equipped with a surveillance system configured and approved in accordance with §§ 465a.9 and 465a.10 (relating to the surveillance system; surveillance department control; surveillance department restrictions; and surveillance system recording formats). Except as otherwise provided in subsection (d)(1), the surveillance system shall be under the exclusive control of the surveillance department.

(b) Restricted areas within the licensed facility shall be designated for the repair and storage of slot machines. Areas approved and utilized within the licensed facility for slot machine repair shall be covered by the approved surveillance system.

(c) Emergency exits from the gaming floor must be equipped with an audible alarm system that produces a loud, distinguishable warning sound, discernable in the vicinity of the exit, whenever the emergency door is opened. The alarm system shall be designed to require deactivation and reset by means of a key. The key is to be maintained by the security department.

(d) Slot machine licensees shall, in accordance with section 1207(13) of the act (relating to regulatory authority of board), provide for and maintain onsite facilities for use by the Board, the Department and the Pennsylvania State Police for the purpose of carrying out their respective responsibilities (collectively referred to as the "onsite facilities"). The onsite facilities must be located in the same building as, and be located proximate to, the gaming floor and include suitable office space, equipment, partitions and supplies to meet the continuing needs of the Board, the Department and the Pennsylvania State Police at the facility including the following:

(1) A surveillance system monitoring room, located within the onsite facilities, with full camera control capability for the reception of transmissions generated by each camera approved for use as part of the slot machine licensee's surveillance system. Full camera control capability includes the ability to override the camera control capability of the slot machine licensee's surveillance system.

(2) An area for the detention of individuals detained or taken into custody by the Pennsylvania State Police. The detention area must be located within the onsite facilities and consist of a bench or other apparatus which is permanently affixed to the wall to which the person in custody can be handcuffed with as little discomfort to that person as is possible under the circumstances.

(3) A fingerprinting and photographing facility for use by the Pennsylvania State Police located in conformance with and outfitted in compliance with specifications established by the Pennsylvania State Police.

(4) Adequate computer, telephone and copying capability to meet the Board's, the Department's and the Pennsylvania State Police's continuing data processing and related needs.

(5) Direct telephone connections between the onsite facilities and the slot machine licensee's surveillance monitoring room and its security department.

(6) Computer terminals facilitating read only access to any computerized slot monitoring system or casino management system, or both, used by the slot machine licensee in its gaming operations.

(e) Keys or alternative locking mechanisms securing access to the onsite facilities shall be under the exclusive custody and control of the Board, the Department or the Pennsylvania State Police respectively.

(f) Slot machine licensees shall provide additional accommodations within the licensed facility upon receipt of a written request from the Board, the Department or the Pennsylvania State Police to accommodate periodic audit, compliance or investigative reviews at the licensed facility.

(g) Slot machine licensees shall provide adequate parking spaces adjacent or proximate to the onsite facilities, clearly marked for the Board, the Department or Pennsylvania State Police use only.

(h) Slot machine licensees shall equip licensed facilities with communication systems necessary to insure communication between the licensed facility and the Board, the Department, the Pennsylvania State Police, any applicable local law enforcement agency or emergency first responders.

§ 465a.9. Surveillance system; surveillance department control; surveillance department restrictions.

(a) The surveillance system of a licensed facility shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols). The Bureau will review surveillance system specifications, inclusive of the camera configuration and changes or modifications to the system specifications, to determine whether the system provides the adequate and effective surveillance of activities inside and outside the licensed facility mandated by section 1207(11) of the act (relating to regulatory authority of board). A slot machine licensee may not commence gaming operations until its surveillance system is approved by the Board.

(b) A slot machine licensee shall at all times provide the Board and the Pennsylvania State Police, upon request, with access to its surveillance system and its transmissions. Each member of its surveillance department shall comply with any request made by the Board or the Pennsylvania State Police to:

(1) Use, as necessary, any surveillance monitoring room in the licensed facility.

(2) Display on the monitors in the monitoring room any event capable of being monitored by the surveillance system.

(3) Make a video and, if applicable, audio recording of, and take a still photograph of, any event capable of being monitored by the surveillance system.

(i) The slot machine licensee shall preserve and store each recording or photograph in accordance with the directions of the Board or the Pennsylvania State Police.

(ii) The Board and the Pennsylvania State Police shall have unfettered access to each recording or photograph and, at the request of the Board or Pennsylvania State Police, access to a recording or photograph may be denied to a particular employee or department of the slot machine licensee.

(c) The surveillance system required in this section must include the following:

(1) Light sensitive cameras with lenses of sufficient magnification to allow the operator to read information on a slot machine reel strip and credit meter and equipped with 360° pan, tilt and zoom capabilities, without camera stops, to clandestinely monitor in detail and from various vantage points, including the following:

(i) The gaming conducted at the slot machines in the licensed facility.

(ii) The operations conducted at and in the cashiers' cage and any satellite cage.

(iii) The operations conducted at automated bill breaker, gaming voucher redemption, coupon redemption and jackpot payout machines.

(iv) The count processes conducted in the count room.

(v) The movement of cash and slot cash storage boxes within the licensed facility.

(vi) The entrances and exits to the licensed facility, the gaming floor and the count room.

(2) Video recording equipment which, at a minimum, must:

(i) Permit the preservation and viewing of a clear copy of the transmission produced by any camera connected to the surveillance system.

(ii) Be capable of superimposing the time and date of the transmission on each recording made by the video recording equipment.

(iii) Enable the operator to identify and locate, through the use of a meter, counter or other device or method, a particular event which was recorded.

(3) Recording media which shall be replaced immediately upon the manifestation of significant degradation in the quality of the images or sound, if applicable, recorded thereon. If videotape is utilized, it may be used for no more than 1 year.

(4) Audio capability in the count room installed in a manner that conforms to 18 Pa.C.S. §§ 5701—5781 (relating to Wiretapping and Electronic Surveillance Control Act).

(5) One or more monitoring rooms in the licensed facility which shall be staffed by employees of the slot machine licensee's surveillance department who shall at all times monitor the activities enumerated in paragraph (1). Each monitoring room shall be equipped with or serviced by:

(i) A communication system capable of monitoring all of the licensed facility's security department activities.

(ii) Computer terminals which facilitate read only access to any computerized slot monitoring system or casino management system, or both, used by the slot machine licensee in its gaming operation.

(iii) Connections to all casino alarm systems. The systems must provide a visible, audible or combination signal. A robbery, fire or emergency alarm must be perceptually distinguishable from all nonemergency alarms.

(iv) An updated photo library, consisting of photographs that are no more than 4 years old, of all current employees of the slot machine licensee, which photo library shall be available to the Board and the State Police.

(v) Contain and have readily available current copies of the following:

(A) An operational blueprint of the gaming floor and all areas of the licensed facility subject to camera coverage.

(B) Operating procedures addressing the evacuation of the licensed facility in the event of fire or other emergency.

(C) A contingency plan addressing a planned shutdown of the surveillance system and the contingency plan required by subsection (g) addressing any equipment failure that affects the slot machine licensee's monitoring room together with an emergency contact listing with telephone numbers for persons required to be notified of those events.

(6) An emergency power system, tested at intervals not to exceed 6 months, which can be used to operate the surveillance system in the event of a power failure.

(7) A preventive maintenance program, implemented by technicians assigned to the surveillance department, which insures that the entire surveillance system is maintained in proper working order and that the covers over the cameras are cleaned in accordance with a routine maintenance schedule.

(d) Areas subject to camera coverage under this section must contain continuous lighting that is of sufficient quality to produce clear video recordings and still picture reproductions.

(e) A slot machine licensee's surveillance system must be required to continuously record, during the times and in the manner indicated in this subsection, transmissions from cameras used to observe the following locations, persons, activities or transactions:

(1) Each transaction conducted at a cashiering location, whether or not that cashiering location services patrons. Coverage of the transaction must include, but not be limited to, recording transmissions from cameras used to observe the face of each person transacting business at each cashiering location from the direction of the cashier.

(2) The main bank, vault, satellite cages and other areas specified in writing by the Board.

(3) The collection of slot cash storage boxes.

(4) The count procedures conducted in the count room.

(5) Any armored car collection or delivery.

(6) Automated bill breaker, gaming voucher redemption, coupon redemption and jackpot payout machines whenever the machines are opened for replenishment or other servicing.

(7) The entrances and exits to the licensed facility, the gaming floor, the cashiers' cage and the count room.

(f) Slot machine licensees shall maintain a surveillance log of all surveillance activities in the monitoring room. The log shall be maintained by monitoring room personnel in a book with bound numbered pages that cannot be readily removed or shall be maintained in an electronic format which has an audit function that prevents modification of information after the information has been entered into the system. The log shall be stored and retained in accordance with § 465a.6 (relating to retention, storage and destruction of books, records and documents). The following information shall be recorded in a surveillance log:

(1) The date and time each surveillance event commenced.

(2) The name and Board issued credential number of each person who initiates, performs or supervises the surveillance.

(3) When suspicious activity, suspected or alleged regulatory violations or suspected or alleged criminal activity is involved, the reason for the surveillance, including the name, if known, alias or description of each individual being monitored, and a brief description of the activity in which the person being monitoring is engaged. This entry should also include a notation of the reading on the meter, counter or device specified in subsection (c)(2)(iii) that identifies the point on the video recording at which the event was recorded.

(4) The time at which each video recording is commenced and terminated, if different than when surveillance commenced or terminated.

(5) Time each surveillance event terminated.

(6) A summary of the results of the surveillance.

(7) A complete description of the time, date and, if known, the cause of any equipment or camera malfunctions, and the time at which the security department was apprised of the malfunction in accordance with the casino licensee's internal controls submitted under § 465a.2(d)(5).

(g) In accordance with § 465a.2(d)(5), each slot machine licensee shall have a contingency plan, to be utilized whenever there is an equipment failure that affects the slot machine licensee's monitoring room or other aspect of its surveillance system or operations.

(h) The Bureau shall be notified within 30 minutes of any incident of equipment failure as noted in subsection (f) including the time and cause of the malfunction, if known, the time the slot machine licensee's security department was notified of the malfunction and the nature of communications with the security department relating to the malfunction.

(i) The Bureau shall be notified at least 48 hours in advance of the following:

(1) Relocation of an approved camera.

(2) Change in an approved camera's specifications.

(3) Change in lighting for areas required to be subject to camera coverage.

(4) Addition or change to the surveillance system.

(j) Except for subsection (e)(3), the surveillance recordings required under subsection (e) shall be retained for a minimum of 30 days. Other surveillance recordings shall be retained for 7 days. Surveillance recordings shall be made available for review upon request by the Board or the Pennsylvania State Police.

(k) Any recording determined by the Board or the Pennsylvania State Police as being of potential evidentiary value shall be stored in accordance with Board or Pennsylvania State Police directives or turned over to the Board or the Pennsylvania State Police upon request. At the request and expense of the slot machine licensee, a copy of any recording turned over to the Board or the Pennsylvania State Police may be made available to the slot machine licensee.

(l) A surveillance employee assigned to the monitoring room shall work from the employee's own monitoring station.

(m) In accordance with § 465a.2(a)(5), each slot machine licensee shall be required to submit, for Board approval, a minimum staffing submission with regard to its surveillance monitor rooms. The minimum staffing submission must consider the size and layout of the licensed facility as well as the number of slot machines and must at all times provide for surveillance of activities inside and outside the licensed facility. A slot machine licensee may not implement a change or amendment in its surveillance monitor room minimum staffing submission without prior Board approval of the change or amendment.

(n) A slot machine licensee's surveillance department employees shall be independent of all other departments.

(o) A present or former surveillance department employee may not accept employment as a key employee or gaming employee with the same slot machine licensee for whom he was previously employed as a surveillance department employee unless 1 year has passed since the former surveillance department employee worked in the surveillance department. The present or former surveillance department employee may file a written petition requesting the Board to waive this restriction and permit the employment of a present or former surveillance department employee in a particular position. The Board may grant or deny the waiver upon consideration of the following factors:

(1) Whether the former surveillance department employee will be employed in a department or area of operation that the surveillance department monitors.

(2) Whether the surveillance and security systems of the slot machine licensee will be jeopardized or compromised by the employment of the former surveillance department employee in the particular position.

(3) Whether the former surveillance department employee's knowledge of the procedures of the surveillance department would facilitate the commission by any person of irregularities or illegal acts or the concealment of any actions or errors.

(p) Entrances to the surveillance monitoring rooms may not be visible from the gaming floor. A person entering the surveillance monitoring room who is not an employee of the surveillance department assigned to the monitoring room on the particular shift corresponding to the time of entry shall sign a monitoring room entry log upon entering the monitoring room. The monitoring room entry log shall be:

(1) Maintained in the monitoring room by monitoring room personnel and retained in accordance with § 465a.6 (relating to retention, storage and destruction of books, records and documents).

(2) Maintained in a book with bound numbered pages that cannot be readily removed or shall be maintained in an electronic format which has an audit function that prevents modification of information after the information has been entered into the system.

(3) Signed by each person entering the monitoring room, with each entry containing the following:

- (i) The date and time of entering the monitoring room.
- (ii) The entering person's name and his department or affiliation.
- (iii) The reason for entering the monitoring room.
- (iv) The name of the person authorizing the person's entry into the monitoring room.

(v) The date and time of exiting the monitoring room.

(4) Made available for inspection by the Board and the Pennsylvania State Police.

§ 465a.10. Surveillance system recording formats.

(a) A slot machine licensee may utilize either an analog or digital video recording format provided the format selected incorporates current technology with regard to secure system access, video cameras, monitors, recorders, video printers, switches, selectors and other ancillary equipment and provides for surveillance of activities inside and outside the licensed facility.

(b) Digital video recording systems utilized by a slot machine licensee must be in compliance with the technical standards on digital video recording systems under § 465b.1 (relating to digital video recording formats).

§ 465a.11. Slot machine licensee's organization.

(a) Slot machine licensees' systems of internal controls must, in accordance with section 1322 of the act (relating to slot machine accounting controls and audits) and § 465a.2 (relating to internal control systems and audit protocols), include organization charts depicting segregation of functions and responsibilities and descriptions of the duties and responsibilities for each position shown on each organization chart. Slot machine licensees shall be permitted, except as otherwise provided in this section, to tailor organizational structures to meet the needs or policies of a particular management philosophy. A slot machine licensee's organization charts must provide for:

(1) A system of personnel and chain of command which permits management and supervisory personnel to be held accountable for actions or omissions within their areas of responsibility.

(2) The segregation of incompatible functions, duties and responsibilities so that no employee is in a position both to commit an error or to perpetrate a fraud and to conceal the error or fraud in the normal course of the employee's duties.

(3) The performance of all functions, duties and responsibilities in accordance with sound financial practices by qualified personnel.

(4) The areas of responsibility which are not so extensive as to be impractical for one person to monitor.

(5) A chief executive officer. For the purposes of this section, a "chief executive officer" means the person located at the licensed facility who is ultimately responsible for the daily conduct of the slot machine licensee's gaming business regardless of the form of business association of the slot machine licensee or applicant or the particular title which that person or any other person holds. Each supervisor of a department required by subsection (b) shall report directly to the chief executive officer of the slot machine licensee regarding administrative matters and daily operations. The slot machine licensee's organization charts must designate which positions, in the absence of the chief executive officer, shall be designated as having responsibility for the daily conduct of the slot machine licensee's gaming business.

(b) A slot machine licensee's system of internal controls must also include, at a minimum, the following departments and supervisory positions, each of which must be categorized as mandatory and must cooperate with, yet perform independently of, other mandatory departments and supervisory positions of the slot machine licensee. Notwithstanding the foregoing, a department or supervisor of a slot machine licensee that is not required or

authorized by this section may operate under or in conjunction with a mandatory department or supervisor provided the organizational structure is consistent with the standards contained within the act and subsection (a). Mandatory departments and supervisory positions are:

(1) A surveillance department supervised by a person located at the licensed facility who functions, for regulatory purposes, as the director of surveillance. The director of surveillance shall be subject to the reporting requirements specified in subsection (c) and shall be licensed as a key employee. The surveillance department shall be responsible for the following:

(i) The clandestine surveillance of the operation of, and gaming conducted at, slot machines.

(ii) The clandestine surveillance of the operation of automated bill breaker, gaming voucher, coupon redemption and jackpot payout machines.

(iii) The clandestine surveillance of the operation of the cashiers' cage and any satellite cage.

(iv) The audio and video recording of activities in the count room in conformance with 18 Pa.C.S. §§ 5701—5781 (relating to Wiretapping and Electronic Surveillance Control Act), and the video recording of movements of cash and slot cash storage boxes.

(v) The detection of cheating, theft, embezzlement and other illegal activities within the licensed facility.

(vi) The detection of the presence of any person who may or is required to be excluded or ejected from the licensed facility under section 1514 or 1515 of the act (relating to regulation requiring exclusion of certain persons; repeat offenders excludable from licensed gaming facility) and Chapters 511 and 513 (relating to persons required to be excluded; and underage gaming), or is self excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act (relating to list of persons self excluded from gaming activities) and Chapter 503 (relating to self exclusion).

(vii) The video recording of those locations, persons, activities or transactions required under § 465a.9(e) (relating to surveillance system; surveillance department control; surveillance department restrictions) and of any illegal and unusual activities monitored by the surveillance department.

(viii) The provision of immediate notice to supervisors designated in the internal controls, the Bureau and the Pennsylvania State Police upon detecting, and also upon commencing video recording of, a person who is engaging in or attempting to engage in, or who is suspected of cheating, theft, embezzlement, a violation of this part or other illegal activities, including a person who is required to be excluded or ejected from the licensed facility under section 1514 of the act, who may or is required to be excluded or ejected from the licensed facility under section 1514 or 1515 of the act and Chapters 511 or 513 or is self-excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act and Chapter 503.

(ix) The clandestine surveillance of any slot computer system or equipment designated for coverage by the Board in conjunction with the approval of a slot machine system, including a slot monitoring system, casino management system, wide area progressive system, gaming voucher system and any communication equipment with the central control computer.

(2) An internal audit department supervised by a person located at the licensed facility who functions, for

regulatory purposes, as the director of internal audit. The director of internal audit shall be subject to the reporting requirements specified in subsection (c) and shall be licensed as a key employee.

(3) An information technology department supervised by a person located at the licensed facility who functions, for regulatory purposes, as the information technology director. The information technology director shall be licensed as a key employee and be responsible for the quality, reliability and accuracy of all slot computer systems used by the slot machine licensee regardless of whether data, software or systems are located within or outside the licensed facility. The information technology director shall further be responsible for the security and physical integrity of, and the accountability and maintenance of, the following:

(i) Access codes and other security controls used to insure limited access to computer software and the system wide reliability of data.

(ii) Computer tapes, disks or other electronic storage media containing data relevant to the slot machine licensee's operations.

(iii) Computer hardware, communications equipment and software used in the conduct of the slot machine licensee's operations.

(iv) The computerized slot monitoring system utilized by the slot machine licensee. In specific, the information technology director shall ensure that:

(A) Slot machines located on the gaming floor are connected electronically to the slot machine licensee's computerized slot monitoring system and to the Commonwealth's central control computer in accordance with section 1323 (relating to central control computer system).

(B) The security features of the computerized slot monitoring system prohibit, at a minimum, the deletion, creation or modification of any data unless a permanent record is created that sets forth:

(I) The original information.

(II) Modifications to the original information.

(III) The identity of the employee making the modification.

(IV) The identity of each employee authorizing the modification, if applicable.

(C) Computerized jackpot payout systems utilized by the slot machine licensee are configured to require that any modification of \$100 or more to the original amount recorded on a computerized jackpot payout or system override is authorized by two finance department employees, one of whom is in a position of greater authority than the individual preparing the jackpot payout.

(D) Procedures and controls are in place that define and limit interaction between both the slot operations department and finance department and the computerized slot monitoring system including access to system menus, the establishment of slot machine profile parameters, and the ability of each department to access, delete, create or modify information contained in the slot monitoring system.

(4) A slot operations department supervised by a person located at the licensed facility who functions, for regulatory purposes, as the director of slot operations. The director of slot operations shall be licensed as a key employee and be responsible for the operation of, and conduct of gaming at, slot machines within the licensed facility.

(5) A security department supervised by a person located at the licensed facility who functions, for regulatory purposes, as the director of security. The security department must be licensed as a key employee and be responsible for the overall security of the licensed facility including the following:

- (i) The physical safety of natural persons.
- (ii) The physical safeguarding of assets.
- (iii) The protection of the property of both the patron and the slot machine licensee from illegal activity.
- (iv) In collaboration with the human resources department or its functional equivalent, the design, implementation and enforcement of a system for the issuance of access badges.
- (v) The design, implementation and enforcement of a system for the issuance of temporary access credentials.
- (vi) The recording of any unusual incidents within the licensed facility in which the security department is involved. Each incident shall be recorded by security department personnel in a book with bound numbered pages that cannot be readily removed or be maintained in an electronic format which has an audit function that prevents modification of information after the information has been entered into the system. The log shall be stored and retained in accordance with § 465a.6 (relating to retention, storage and destruction of books, records and documents). The following information shall be recorded:
 - (I) The assignment number of the incident.
 - (II) The date and time.
 - (III) The nature of the incident.
 - (IV) The persons involved in the incident.
 - (V) The security department employees assigned to cover the incident.
- (vii) The identification and removal of any person who is required to be excluded or ejected from the licensed facility under section 1514 of the act, who may be excluded or ejected from the licensed facility under section 1515 of the act or is self excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act.
- (viii) The performance of the duties and responsibilities required under the system of internal controls submitted and approved under § 465a.2.
- (ix) The provision of immediate notice to the Pennsylvania State Police upon detecting the presence in the licensed facility of a person possessing a deadly weapon in violation of § 465a.13 (relating to possession of deadly weapons within a licensed facility).
- (x) The provision of immediate notice to supervisors designated in the internal controls, the Bureau and the Pennsylvania State Police upon detecting any person who is engaging in or attempting to engage in, or who is suspected of cheating, theft, embezzlement, a violation of this part or other illegal activities, including any person who is required to be excluded or ejected from the licensed facility who may or is required to be excluded or ejected from the licensed facility under section 1514 or 1515 of the act and Chapters 511 or 513 or is self-excluded from the gaming floor and gaming activities at all licensed facilities under section 1516 of the act and Chapter 503.

(6) A finance department supervised by a person located at the licensed facility who functions, for regulatory

purposes, as the director of finance. The director of finance shall be licensed as a key employee and shall be responsible for all finance functions including the preparation and control of records and data, the control of stored data, the control of unused forms, the accounting for and comparison of operational data and forms, and the control and supervision of the cashiers' cage, satellite cages and the count room. In addition to the requirement that the director of finance be licensed as a key employee, the supervisor of the cashiers' cage shall, on all shifts, be licensed as a key employee.

(c) The supervisors of the surveillance and internal audit departments required by subsection (b) shall report directly to one of the following persons or entities regarding matters of policy, purpose, responsibility and authority, which persons or entities shall also control the hiring, termination and salary of each supervisor:

- (1) The independent audit committee of the slot machine licensee's board of directors.
- (2) The independent audit committee of the board of directors of any holding or intermediary company of the slot machine licensee which has authority to direct the operations of the slot machine licensee.
- (3) The senior surveillance or internal audit executives of any holding or intermediate company included in paragraph (2) if the most senior executive in the reporting line reports directly to the independent audit committee of the board of directors of the holding or intermediary company.

(4) For slot machine licensees or holding companies which are not corporate entities, the noncorporate equivalent of any of the persons or entities listed in paragraphs (1)–(3).

(d) The slot machine licensee's personnel shall be trained in all policies, procedures and internal controls relevant to each employee's individual function. Special instructional programs shall be developed by the slot machine licensee in addition to any on-the-job instruction sufficient to enable all members of the departments required by this section to be thoroughly conversant in, and knowledgeable of, the required manner of performance of all transactions relating to their functions.

(e) Notwithstanding other provisions to the contrary, a slot machine licensee may designate and assign more than one person to serve jointly as the supervisor of a department required by this section. Each person approved to serve as a joint supervisor of a mandatory department shall be located at the licensed facility and shall be individually and jointly accountable and responsible for the operations of that department.

(f) In the event of a vacancy in the chief executive officer position or any mandatory department supervisory position required by subsection (b), the following apply:

- (1) The slot machine licensee shall notify the Board within 5 days from the date of vacancy. The notice must be in writing and indicate the following information:
 - (i) The vacant position.
 - (ii) The date on which the position will become or become vacant.
 - (iii) The date on which it is anticipated that the vacancy will be filled on a permanent basis.

(2) The slot machine licensee shall designate a person to assume the duties and responsibilities of the vacant position within 30 days after the date of vacancy. The

person may assume the duties and responsibilities of the vacant position on a temporary basis, provided that:

(i) The person does not also function as the department supervisor for any other mandatory department required by this section.

(ii) The person's areas of responsibility will not be so extensive as to be impractical for one person to monitor.

(iii) The position shall be filled on a permanent basis within 120 days of the original date of vacancy.

(3) Within 5 days of filling a vacancy under paragraph (2), the slot machine licensee shall notify the Board thereof. The notice must be in writing and indicate the following:

(i) The position.

(ii) The name of the person designated.

(iii) The date that the vacancy was filled.

(iv) An indication of whether the position has been filled on a temporary or permanent basis.

(4) The notices required in this subsection shall be directed to the Bureau of Licensing.

§ 465a.12. Access badges and temporary access credentials.

(a) For the purposes of this section, an access badge is a form of identification issued by a slot machine licensee and worn by a slot machine licensee employee, for purposes of identifying the areas of the licensed facility where the employee may obtain access in the course of the performance of the employee's normal duties.

(b) Slot machine licensees shall establish procedures, in writing, for readily identifying each person permitted, during the normal course of performing his duties, to have access to one or more restricted areas within the licensed facility.

(1) The procedures must include the requirement that persons wear an access badge in a visible location.

(2) The procedures must also include a methodology for updating the access badge procedures to reflect changes and amendments in the slot machine licensee's table of organization and the positions approved with respect thereto.

(3) The procedures must further include provisions expressly addressing access by employees of licensed manufacturers, licensed manufacturer designees, licensed suppliers and registered and certified vendors.

(c) Slot machine licensees shall also establish procedures, in writing, for readily identifying each person permitted, under temporary or emergency circumstances, to have access to one or more restricted areas within the licensed facility.

(1) The procedures must include the requirement that those persons wear a temporary access badge in a visible location.

(2) The procedures must also include a methodology for updating the temporary access badge procedures to reflect changes and amendments in the slot machine licensee's table of organization and the positions approved with respect thereto.

(3) The procedures must further include provisions expressly addressing temporary or emergency access by licensed manufacturers, licensed suppliers and registered and certified vendors.

(d) The procedures required in subsection (b) are to be designed, implemented and enforced by the security department in collaboration with the human resources department or its functional equivalent. The procedures in subsection (c) are to be designed, implemented and enforced by the security department. Procedures addressing both access badges and temporary access badges shall be retained in the security department and be made immediately available to the Board and the Pennsylvania State Police upon request. The slot machine licensee shall cooperate with the Board in making amendments to its procedures to improve the effectiveness of its access badge and temporary access badge systems.

§ 465a.13. Possession of deadly weapons within a licensed facility.

(a) Individuals, including security department personnel, are prohibited from possessing any deadly weapon as defined in 18 Pa.C.S. § 2301 (relating to definitions) within a licensed facility without the express written approval of the Board.

(b) The prohibition in subsection (a) does not apply to:

(1) Pennsylvania State Police assigned to its Gaming Enforcement Office.

(2) An on-duty officer or agent of any local, State or Federal law enforcement agency when the officer or agent is acting in an official capacity.

(c) To obtain approval for the possession of a deadly weapon within a licensed facility, an individual shall be required to submit a written request to the Board which includes:

(1) An explanation of the compelling need for the possession of the weapon within the licensed facility.

(2) If the request is for possession of a firearm as defined in 18 Pa.C.S. § 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), proof that the individual holds a valid license to possess the firearm.

(d) A slot machine licensee shall post in a conspicuous location at each entrance to the licensed facility signs that may be easily read stating the following:

The possession of a deadly weapon by any person within this licensed facility without the express written permission of the Pennsylvania Gaming Control Board is prohibited.

§ 465a.14. Security department minimum staffing.

(a) In accordance with § 465a.2(d)(5) (relating to internal control systems and audit protocols), slot machine licensees shall be required to submit a minimum staffing submission with regard to its security department. The minimum staffing submission must consider the size and layout of the licensed facility as well as the number and configuration of slot machines on the gaming floor and must at all times provide for security of the gaming floor and restricted areas servicing the gaming operation. A slot machine licensee may not implement a change or amendment in its security department minimum staffing submission without Board approval of the change or amendment.

(b) A slot machine licensee may not employ off-duty law enforcement officers to provide security related services on the gaming floor, in restricted areas within the licensed facility or in any manner in connection with the conduct of slot machine operations.

§ 465a.15. Cashiers' cage.

(a) A licensed facility shall have on, immediately adjacent or proximate to the gaming floor, a physical struc-

ture known as a cashiers' cage to house the cashiers and to serve as the central location in the licensed facility for:

(1) The custody of the cage inventory comprised of cash (currency or coin) and the forms, documents and records normally associated with the operation of a slot cage.

(2) The initial financial consolidation of all transactions relating to slot machine activity.

(3) Other functions normally associated with the operation of a cashiers' cage.

(b) The supervisor of the cashiers' cage shall, regardless of shift, be licensed as a key employee.

(c) The cashiers' cage must be designed and constructed to provide maximum security for the materials housed therein and the activities performed therein. Its design and construction must include:

(1) Manually triggered silent alarm systems located at the cashiers' window, vault and in ancillary office space adjacent or proximate thereto. The systems must be connected directly to the monitoring room of the surveillance department and to the security department.

(2) A double door entry and exit system that will not permit a person to pass through the second door until the first door is securely locked. In addition, the following apply:

(i) The first door leading from the gaming floor of the double door entry and exit system must be controlled by the security department, the surveillance department or, in the alternative, a Board-approved computerized access system designed and administered to provide a functionally equivalent level of security.

(ii) The second door of the double door entry and exit system must be controlled by the cashiers' cage.

(iii) The double door entry and exit system must have surveillance coverage which shall be monitored by the surveillance department.

(iv) An entrance to the cashiers' cage that is not a double door entry and exit system must be an alarmed emergency exit door only.

(3) Separate manual locks on each door of the double door entry and exit system, the keys to which must be different from each other.

(d) A licensed facility may also have one or more satellite cages separate and apart from the cashiers' cage, established to maximize security, efficient operations or patron convenience. A satellite cage may perform all of the functions of the cashiers' cage and must be equipped with an alarm system in compliance with subsection (c)(1). The functions which are conducted in a satellite cage shall be subject to the accounting controls applicable to a cashiers' cage set forth in this subpart.

(e) A slot machine licensee shall maintain, immediately available to the Board and the Pennsylvania State Police, a current list, with credential numbers, of all persons:

(1) Possessing the combination or keys to the locks securing the double door entry and exit system restricting access to the cashiers' cage and any satellite cage and the vault.

(2) Possessing the ability to activate or deactivate alarm systems for the cashiers' cage, any satellite cage and vault.

§ 465a.16. Accounting controls for the cashiers' cage.

(a) The assets for which slot cashiers are responsible shall be maintained on an imprest basis. At the end of

each shift, slot cashiers assigned to the outgoing shift shall record on a cashiers' count sheet the face value of each cage inventory item counted and the total of the opening and closing cage inventories and shall reconcile the total closing inventory with the total opening inventory. Each cashiers' count sheet shall be signed by the preparing cashier attesting to the accuracy of the information thereon.

(b) At the opening of every shift, in addition to the imprest funds normally maintained by slot cashiers, each slot machine licensee shall have in the cashiers' cage, a reserve cash bankroll sufficient to pay winning patrons.

(c) The cashiers' cage and any satellite cage shall be physically segregated by personnel and function as follows:

(1) Slot cashiers shall operate with individual imprest inventories of cash and their functions include the following:

(i) The receipt of cash and cash equivalents from patrons in exchange for cash under § 465a.22 (relating to cash equivalents).

(ii) The receipt of personal checks for gaming and nongaming purposes from patrons in exchange for cash, subject to any limitations on amount required by the Board under § 465a.20 (relating to personal check cashing).

(iii) The receipt of cash, cash equivalents, checks issued by the slot machine licensee, annuity jackpot checks, wire transfers and cashless funds transfers from patrons to establish a customer deposit under § 465a.23 (relating to customer deposits).

(iv) The receipt of customer deposit forms from patrons in exchange for cash under § 465a.23.

(v) The preparation of jackpot payout slips in accordance with this subpart and technical standards adopted by the Board under § 465a.26 (relating to jackpot payouts).

(vi) The receipt of gaming vouchers from patrons, or from authorized employees who received gaming vouchers as gratuities, in exchange for cash.

(vii) Issuance, receipt and reconciliation of imprest funds used by slot attendants, including an imprest change/pouch payout fund.

(viii) The issuance of cash to automated bill breaker, gaming voucher, coupon redemption and jackpot payout machines in exchange for proper documentation.

(2) Main bank cashier functions include the following:

(i) The receipt of cash, cash equivalents, gaming vouchers, jackpot payout slips and personal checks received for gaming and nongaming purposes from slot cashiers in exchange for cash.

(ii) The receipt of cash from the count rooms.

(iii) The receipt of personal checks accepted for gaming and nongaming purposes from slot cashiers for deposit.

(iv) The preparation of the overall cage reconciliation and accounting records.

(v) The preparation of the daily bank deposit for cash, cash equivalents and personal checks.

(vi) The issuance, receipt and reconciliation of imprest funds used by slot attendants.

(vii) The receipt from slot cashiers of documentation with signatures thereon, required to be prepared for the segregation of functions in the cashiers' cage.

(viii) The responsibility for the reserve cash bankroll.

(ix) The receipt of unsecured currency and unsecured gaming vouchers and preparation of reports thereon.

(d) At the end of the gaming day a copy of the cashiers' count sheets and related documentation shall be forwarded to the accounting department for agreement of opening and closing inventories, agreement of amounts thereon to other forms, records and documents required by this subpart and recording of transactions.

§ 465a.17. Bill validators and slot cash storage boxes.

(a) Slot machines must be equipped with a bill validator configured to accept any combination of currency, gaming vouchers, coupons and other instruments authorized by the Board for incrementing credits on a slot machine.

(b) Access to the bill validator must be controlled by at least one lock, the key to which shall be controlled by the slot operations department.

(c) The bill validator in a slot machine must contain a secure tamper resistant container known as a slot cash storage box. Currency, gaming vouchers, coupons and Board-approved instruments inserted into the bill validator shall be deposited into the slot cash storage box.

(d) The slot cash storage box must be secured to the bill validator by two separate locks, the keys to which shall be different from each other, one of which may be the lock to the belly door or main door of the slot machine and a second of which is the lock on the release mechanism on the slot cash storage box. If there is not a full door on the bill validator, the lock on the release mechanism on the slot cash storage box must detect and display whether it is locked or unlocked and communicate whether it is locked or unlocked to a slot monitoring system. The keys shall be maintained and controlled as follows:

(1) The key to the belly door or main door of the slot machine shall be maintained and controlled by the slot operations department.

(2) The key to the lock securing the release mechanism on the slot cash storage box shall be maintained and controlled by the security department. The security department shall establish a sign-out and sign-in procedure with regard to this key which includes documentation of this transfer.

(e) A slot cash storage box must:

(1) Have at least one lock securing the contents of the slot cash storage box, the key to which shall be maintained and controlled by the finance department.

(2) Have a slot opening through which currency, gaming vouchers and coupons can be inserted into the slot cash storage box.

(3) Have a mechanical arrangement or device that prohibits removal of currency, gaming vouchers and coupons from the slot opening whenever the slot cash storage box is removed from the bill validator.

(4) Be fully enclosed, except for openings that may be required for the operation of the bill validator or the slot cash storage box. However, the location and size of the openings may not affect the security of the slot cash storage box, its contents or the bill validator.

(5) Have an asset number that is permanently imprinted, affixed or impressed on the outside of the slot cash storage box which corresponds to the asset number of the slot machine to which the bill validator has been attached. In lieu of the asset number, a slot machine licensee may develop and maintain, with prior Board approval, a system for assigning a unique identification number to its slot cash storage boxes. The system must ensure that each slot cash storage box can readily be identified, either manually or by computer, when in use with, attached to, and removed from a particular bill validator. Each unique identification number must be permanently imprinted, affixed or impressed on the outside of each slot cash storage box that does not otherwise bear an asset number. The asset number or unique identification number must be conspicuous and clearly visible to persons involved in removing or replacing the slot cash storage box in the bill validator and through the slot machine licensee's surveillance system. Notwithstanding the foregoing, emergency slot cash storage boxes may be maintained without an asset number or a unique identification number, provided the word "emergency" is permanently imprinted, affixed or impressed thereon, and when put into use, are temporarily marked with the asset number of the slot machine to which the bill validator is attached.

(6) Be designed and installed in a manner that renders the slot machine inoperable in the event of the removal or absence of the slot cash storage box.

§ 465a.18. Transportation of slot cash storage boxes to and from bill validators; storage.

(a) Slot machine licensees shall file with the Board a schedule setting forth the specific times at which slot cash storage boxes will be brought to or removed from the bill validators along with specifications as to what areas of the gaming floor will be dropped on each pick-up day and the specific transportation route to be utilized from the gaming floor to the count room.

(b) Slot machine licensees shall maintain immediately available to the Board and the Pennsylvania State Police, a current list, with credential numbers, of all employees participating in the transportation of slot cash storage boxes. Any deviation from the schedule setting forth the specific times at which slot cash storage boxes will be brought to or removed from the bill validators, change in the areas to be dropped or the transportation route to the count room shall be noticed to the Board in advance.

(c) Slot cash storage boxes removed from bill validators shall be transported directly to, and secured in, the count room or a trolley storage area located immediately adjacent thereto, configured and secured by a minimum of three employees, at least one of which is a member of the security department and at least one of which is a member of the finance department.

(1) Upon its removal from a bill validator, a slot cash storage box shall be placed immediately in an enclosed trolley which is secured by two separately keyed locks. The keys shall be maintained and controlled as follows:

(i) The key to one lock shall be maintained and controlled by the finance department.

(ii) The key to the second lock shall be maintained and controlled by the security department. Access to the security department's key shall be controlled, at a minimum, by a sign-out and sign-in procedure. The security department key shall be returned to its secure location immediately upon the completion of the collection and transportation of the slot cash storage boxes.

(2) Prior to the movement of any trolley containing slot cash storage boxes from the gaming floor into the count room, the drop team supervisor shall verify that the number of slot cash storage boxes being transported from the gaming floor equals the number of slot cash storage boxes scheduled to be collected that day.

(3) A slot cash storage box being replaced by an emergency slot cash storage box shall be transported to, and secured in, the count room by a minimum of three employees, at least one of which is a member of the finance department and at least one of which is a member of the security department.

(d) Slot cash storage boxes not contained in a bill validator, including emergency slot cash storage boxes that are not actively in use, shall be stored in the count room or other secure area outside the count room approved by the Board, in an enclosed storage cabinet or trolley and secured in the cabinet or trolley by a separately keyed, double locking system. The keys shall be maintained and controlled as follows:

(1) The key to one lock shall be maintained and controlled by the finance department.

(2) The key to the second lock shall be maintained and controlled by a security department. Access to the security department's key shall be limited to a supervisor of that department.

(e) Notwithstanding subsection (c), the security department may, immediately prior to the commencement of the count process, issue its key to the storage cabinet or trolley to a count room supervisor for the purpose of allowing count room personnel to gain access to the slot cash storage boxes to be counted. A key transferred from the custody of the security department to the count room supervisor shall be returned immediately following the conclusion of the count of the slot cash storage boxes and the return of the empty emergency drop boxes and slot cash storage boxes to their respective storage cabinet or trolley by the count room supervisor. The security department shall establish a sign-out and sign-in procedure which includes documentation of this transfer.

§ 465a.19. Acceptance of tips or gratuities from patrons.

Notwithstanding the requirements of § 461a.8(n) (relating to gaming vouchers), a key employee or gaming employee who serves in a supervisory position is prohibited from soliciting or accepting, and no other gaming employee may solicit, a tip or gratuity from a patron of the slot machine licensee where he is employed. The slot machine licensee may not permit any practices prohibited by this section.

§ 465a.20. Personal check cashing.

(a) Personal checks accepted by a slot machine licensee under § 501.7 (relating to prohibition on check cashing) to enable a patron to take part in gaming must be:

(1) Drawn on a commercial bank, savings bank, saving and loan association or credit union and payable on demand.

(2) Drawn for a specific amount.

(3) Made payable to the slot machine licensee.

(4) Currently dated, but not postdated.

(b) Personal checks accepted under subsection (a) shall be presented by the patron directly to a slot cashier who shall:

(1) Restrictively endorse the check "for deposit only" to the bank account designated by the slot machine licensee.

(2) Initial the check.

(3) Date and time stamp the check.

(4) Verify that the signature of the patron on the personal check and the patron's physical appearance agree with information recorded in a patron signature file created and maintained by the slot machine licensee in accordance with subsection (c) or with the signature and photograph or physical description contained on a government-issued identification presented by the patron. The slot cashier shall document how the signature verification was performed in connection with the acceptance of each personal check.

(5) For personal checks equaling or exceeding \$500, verify the validity of the check directly with the commercial bank, savings bank, saving and loan association or credit union upon which it is drawn or obtain an authorization and guarantee of the check from a check verification and warranty service certified as a vendor by the Board. The slot cashier shall document how the check verification was performed in connection with the acceptance of each personal check.

(6) Immediately exchange the personal check for cash in an amount equal to the amount for which the check is drawn, not to exceed \$2,500 per patron per gaming day.

(c) To record a patron's signature in a patron signature file, a slot cashier shall require the person for whom the file is to be created to present for examination the following:

(1) If the identity of the patron is to be confirmed in accordance with subsection (d)(1), one identification.

(2) If the identity of the patron is to be confirmed in accordance with subsection (d)(2), two forms of identification, at least one of which must contain a photograph or general physical description of the patron.

(d) Before a slot machine licensee may use a signature recorded in a patron signature file to verify the identity of a patron or the validity of a signature on a document, the slot machine licensee shall confirm the identity of the patron by either:

(1) Comparing the signature on the identification presented by the patron under subsection (c)(1) with the signature obtained from the patron and verifying the address of the patron's residence with a credit bureau, commercial bank or, if neither of these sources has the person's address on file or will not provide the information, with an alternative source, which does not include any documentation presented by the patron at the cashiers' cage.

(2) Comparing the signature on each of two forms of the identification presented by the patron under subsection (c)(2) with the signature obtained from the patron and comparing the photograph or general physical description contained on at least one of the forms of identification with the patron's actual physical appearance.

(e) A patron signature file established and maintained by a slot machine licensee under subsection (c) must include, in addition to the patron's signature, the following:

(1) The patron's name.

(2) The address of the patron's residence.

(3) The types of identification examined under subsection (d) and an indication whether the identification contained a photograph or physical description of the patron.

(4) For the purposes of this section, a physical description of the patron which includes:

- (i) Date of birth.
- (ii) Approximate height.
- (iii) Approximate weight.
- (iv) Hair color.
- (v) Eye color.

(5) The date and time that the patron signature file was established.

(6) The procedure by which the identity of the patron was confirmed under subsection (d), including:

(i) The source of confirmation, date and time if confirmed under subsection (d)(1).

(ii) The date and time of confirmation if confirmed under subsection (d)(2).

(7) The signature of the slot cashier or cashiers' cage supervisor who examined the identification of the patron and established the patron signature file. The signature will evidence that:

(i) The signature of the patron recorded in the patron signature file is consistent with the signature on each form of identification that was examined.

(ii) The physical description recorded in the patron signature file is consistent with both the actual appearance of the patron and any photograph or physical description that may be contained on an identification that was examined.

(f) Prior to accepting personal checks, each slot machine licensee shall establish a comprehensive system of internal controls applicable to the acceptance of personal checks. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols). The internal controls submitted by the slot machine licensee must address procedures for complying with this section including the dollar limitation per gaming day contained in subsection (b)(6).

§ 465a.21. Wire transfers.

(a) A wire transfer accepted by a slot machine licensee on behalf of a patron under § 501.7 (relating to prohibition on check cashing) to enable a patron to take part in gaming shall be recorded in the slot machine licensee's cashiers' cage accountability no later than the next gaming day.

(b) Prior to commencing acceptance of wire transfers for gaming purposes, a slot machine licensee shall establish a comprehensive system of internal controls addressing the acceptance, verification, accounting for and sending of wire transfers. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(c) The internal control procedures developed and implemented by the slot machine licensee under subsection (b) must include:

(1) A cashiers' cage log to record the following information with regard to wire transfers accepted:

(i) A sequential number assigned by the slot machine licensee to the wire transfer transaction.

(ii) The date and time of notification.

(iii) The name of the financial institution and account number to which the funds were transferred.

(iv) The amount of funds transferred.

(v) The name of the patron for whose benefit the funds were transferred.

(vi) The name and address of the financial institution from which the funds were transferred and the account number from which the funds were debited.

(vii) The method by which the slot machine licensee was notified of the receipt of the wire transfer and, if noticed by telephone, the name and title of the person providing notice.

(viii) The signature of the cashiers' cage employee receiving and recording the information required by this subsection.

(ix) A notation that the wire transfer has been reversed under subsection (d), when applicable.

(2) A requirement that a cashiers' cage supervisor other than the cashiers' cage employee who initially documented receipt of the wire transfer verify receipt of the wire transfer.

(3) A requirement that the cashiers' cage supervisor verifying receipt of the wire transfer document the verification process performed in the log required under paragraph (1) including:

(i) The method by which the receipt of the wire transfer was verified and, if verified by telephone, the name and title of the person providing the verification.

(ii) The date and time of verification.

(iii) The signature of the cashiers' cage supervisor verifying receipt of the wire transfer.

(4) The procedures used to:

(i) Establish, verify and document the identity of the patron.

(ii) Make the wire transfer proceeds available to the patron at the cashiers' cage

(iii) Adjust the cashiers' cage accountability.

(5) A cashiers' cage log to record the following information with regard to wire transfers sent on behalf of a patron:

(i) The name of the patron.

(ii) The date of the transaction.

(iii) The amount of funds transferred.

(iv) The source of funds transferred (cash, cash equivalent, jackpot payout).

(v) The name and address of the financial institution to which the funds will be transferred and the account number to which the funds will be credited.

(vi) The signature of the patron if the request to send a wire transfer is made in person at the cashiers' cage.

(vii) Documentation supporting the receipt of a request by the slot machine licensee to send a wire transfer on behalf of a patron if the request was not made in person at the cashiers' cage.

(viii) The signature of the cashiers' cage employee receiving and recording the information required by this subsection.

(ix) The signature of the cashiers' cage supervisor or accounting department supervisor authorizing the wire transfer.

(6) When sending a wire transfer on behalf of a patron, the procedures used to:

- (i) Verify and document the identity of the patron.
- (ii) Adjust the cashiers' cage accountability.

(d) A slot machine licensee, on the next gaming day, shall take all steps necessary to return to a patron by wire transfer an amount initially accepted by wire transfer if, at the expiration of 14 gaming days following the deposit into its operating account of a wire transfer which has no documented business purpose other than having been accepted to enable a patron to take part in gaming, both of the following circumstances exist:

(1) The wired funds remain in a slot machine licensee's operating account or cashiers' cage accountability.

(2) The patron has engaged in minimal or no slot play.

(e) The wire transfer returned under subsection (d) shall be sent to the financial institution from which the funds were debited. This reversal of the wire transfer shall be recorded in the wire transfer log maintained under subsection (c)(1).

§ 465a.22. Cash equivalents.

(a) Prior to accepting cash equivalents for gaming purposes as permitted under § 501.7 (relating to prohibition on check cashing), a slot machine licensee shall establish a comprehensive system of internal controls addressing the acceptance and verification of cash equivalents. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(b) The internal control procedures developed and implemented by the slot machine licensee under subsection (a) must include:

(1) A requirement that cashiers' cage employees perform the specific verification procedures required by the issuer of each cash equivalent accepted. The slot machine licensee shall retain adequate documentation evidencing the verification of each cash equivalent.

(2) A requirement that cashiers' cage employees examine each cash equivalent for counterfeiting, forgery or alteration.

(3) When a slot machine licensee elects to incorporate into its verification procedures a level of reliance on previously accepted cash equivalents, the procedures must articulate the general parameters governing the reliance.

(4) Criteria for cashiers' cage supervisor involvement in the verification process.

(5) Procedures for verifying any patron signature on the cash equivalent. Signature verification must be accomplished in accordance with the signature verification procedures in § 465a.20 (relating to personal check cashing). The slot machine licensee shall retain adequate documentation evidencing how each signature was verified.

§ 465a.23. Customer deposits.

(a) At the request of a patron, a slot machine licensee may hold cash, funds accepted by means of wire transfer in accordance with § 465a.21 (relating to wire transfers) or cash equivalents accepted in accordance with § 465a.22 (relating to cash equivalents) for a patron's

subsequent use for gaming purposes. For the purposes of this section, after complying with this chapter for acceptance and verification, noncash items shall be considered converted to cash and deposited as cash for credit to the patron in a customer deposit account maintained in the cashiers' cage.

(b) Prior to agreeing to hold a patron's cash, funds accepted by means of wire transfer in accordance with § 465a.21 or cash equivalents accepted in accordance with § 465a.22 for a patron's subsequent use for gaming purposes, each slot machine licensee shall establish a comprehensive system of internal controls addressing the receipt and withdrawal of a customer deposit. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(c) The internal control procedures developed and implemented by the slot machine licensee under subsection (b) must include:

(1) A requirement that customer deposits be accepted at the cashiers' cage.

(2) A requirement that customer deposits be withdrawn by the patron at the cashiers' cage or upon receipt by the slot machine licensee of a written request for withdrawal whose validity has been established.

(3) A requirement that the patron receive a receipt for any customer deposit accepted reflecting the total amount deposited, the date of the deposit and the signature of the cashiers' cage employee accepting the customer deposit.

(4) Procedures for verifying the identity of the patron at the time of withdrawal. Signature verification must be accomplished in accordance with the signature verification procedures under § 465a.20 (relating to personal check cashing). The slot machine licensee shall maintain adequate documentation evidencing the patron identification process and how the signature was verified.

§ 465a.24. Count room characteristics.

(a) A slot machine licensee shall have adjacent or proximate to the cashiers' cage a room, to be known as a count room, specifically designated, designed and used for counting the contents of slot cash storage boxes.

(b) The count room shall be designed and constructed to provide maximum security for the materials housed therein and for the activities conducted therein. Each slot machine licensee shall design and construct a count room with the following security measures:

(1) A metal door installed on each entrance and exit equipped with an alarm device which audibly signals the surveillance department monitoring room and the security department whenever a door to the count room is opened at times other than those times for which the slot machine licensee has provided prior notice under § 465a.25 (relating to counting and recording of slot cash storage boxes).

(2) Each entrance and exit door must be equipped with two separate locks, the keys to which must be different from each other and different from the lock securing the contents of each slot cash storage box. The keys shall be maintained and controlled as follows:

(i) The key to one of the locks shall be maintained and controlled by the security department.

(ii) The key to the other lock shall be maintained and controlled by finance.

(iii) Sign-out and sign-in procedures shall be established for both keys.

(c) The following must be located within the count room:

(1) A table constructed of clear glass or similar material for the emptying, counting and recording of the contents of slot cash storage boxes.

(2) Surveillance cameras capable of video monitoring of:

(i) The entire count process.

(ii) The interior of the count room, including any storage cabinets or trolleys used to store slot cash storage boxes and any Board-approved trolley storage area located adjacent to the count room.

§ 465a.25. Counting and recording of slot cash storage boxes.

(a) A slot machine licensee shall file with the Board a schedule setting forth the specific times during which the contents of slot cash storage boxes are to be counted and recorded. Any deviation from the schedule shall be noticed to the Board at least 48 hours in advance.

(b) Computerized equipment utilized to count and strap currency, gaming vouchers and coupons must:

(1) Automatically provide two separate counts of the funds at different stages of the count process and, if the separate counts are not in agreement, document the discrepancy.

(2) Be capable of determining the value of a gaming voucher or coupon by independently examining information printed on the gaming voucher or coupon. The information is used by the counting equipment to either calculate the value internally or obtain the value directly from the gaming voucher system or coupon system in a secure manner. If the gaming voucher system is utilized to obtain the value of a gaming voucher or coupon, the gaming voucher system must perform a calculation or integrity check to ensure that the value has not been altered in the system in any manner since the time of issuance.

(c) Persons accessing the count room when uncounted funds are present shall wear clothing without any pockets or other compartments with the exception of representatives of the Board, the Department, the Pennsylvania State Police, the security department and the internal audit department.

(d) Persons present in the count room may not:

(1) Carry a handbag or other container unless it is transparent.

(2) Remove their hands from or return them to a position on or above the count table or counting equipment unless the backs and palms of the hands are first held straight out and exposed to the view of other members of the count team and a surveillance camera.

(e) Immediately prior to the commencement of the count, a count room employee shall notify the surveillance department that the count is about to begin to facilitate the recording, under § 465a.9(e) (relating to surveillance system; surveillance department control; surveillance department restrictions), of the entire count process.

(f) Prior to commencing gaming operations, a slot machine licensee shall establish a comprehensive system of internal controls addressing the opening, counting and recording of the contents of slot cash storage boxes. The

internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(g) The internal controls developed and implemented by the slot machine licensee under subsection (f) must include a description of all computer equipment used in the counting and recording process and other systems, if any, that communicate with that computer equipment for purposes related to the counting of gross terminal revenue.

(h) A gaming voucher or coupon deposited in a slot cash storage box shall be counted and included in the calculation of gross terminal revenue without regard to the validity of the gaming voucher or coupon.

(i) A coupon which has not already been canceled upon acceptance or during the count shall be canceled prior to the conclusion of the count.

(j) Any variance between the value of cash gaming vouchers and coupons in a slot cash storage box as determined in the count room and the value for that particular slot cash storage box recorded on corresponding reports generated by the gaming voucher system or coupon system shall be disclosed to the Board in a detailed written report citing each variance, the reason for the variance and the corrective action taken. This variance report shall be filed by the slot machine licensee with the Board within 72 hours of the count that is the subject of the comparison.

§ 465a.26. Jackpot payouts.

(a) Prior to commencing gaming operations, a slot machine licensee shall establish a comprehensive system of internal controls addressing jackpot payouts that are not paid directly from a slot machine. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(b) The internal control procedures developed and implemented by the slot machine licensee under subsection (a) must include:

(1) A request for jackpot payout document or, in the alternative, an electronic entry into a slot computer system generating jackpot payouts, by a slot attendant or slot supervisor, evidencing the observation by the slot attendant or slot supervisor of the winning combination of characters on the slot machine and a determination of the amount of the jackpot payout based on the observed winning combinations.

(2) A requirement that the preparer of the request for jackpot payout document or, in the alternative, the employee performing the electronic entry into the slot computer system, be a slot supervisor if the hand paid jackpot is \$10,000 or more.

(3) A requirement that the following information be on the request for jackpot payout document or electronically entered into the slot computer system and maintained in stored data:

(i) The date and time of the jackpot.

(ii) The asset number of the slot machine on which the jackpot was registered.

(iii) The winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.

(iv) The amount of the jackpot payout.

(v) The method of payment requested by the patron.

(vi) The signature or identification code of the preparer.

(vii) The following additional signatures or identification codes shall be required if the slot machine or the progressive meter is reset prior to the patron being paid or if payment is made directly to the patron by a slot cashier:

(A) The signature or identification code of a security department member or slot attendant other than the preparer attesting to the winning combination of characters constituting the jackpot and the amount of the jackpot payout.

(B) The signature or identification code of the slot shift manager attesting to the winning combination of characters constituting the jackpot and the amount of the jackpot payout when the jackpot amount is \$25,000 or more.

(4) A requirement that following preparation the request for jackpot payout document be immediately transported by the preparer, or the information made available by the slot computer system, to the cashiers' cage where it will serve to authorize the preparation of a jackpot payout document.

(5) A requirement that if the winning patron will not be paid before the slot machine or progressive meter is reset, the preparer of the request for jackpot payout document or the employee performing the electronic entry required by paragraph (1) shall also prepare a two-part receipt document containing the following information:

(i) The date and time of the jackpot.

(ii) The asset number of the slot machine on which the jackpot was registered.

(iii) The winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.

(iv) The amount of the jackpot payout.

(v) The signature of the winning patron on the original form only.

(vi) The signature of the preparer attesting that the information on the receipt document is correct and agrees with the information on the request for jackpot payout document or in stored data.

(6) A requirement that the receipt document be distributed as follows:

(i) The original shall be immediately delivered to the slot cashier by the preparer, security department member or verifying slot attendant along with the request for jackpot payout document if manually generated in accordance with paragraph (1).

(ii) The duplicate shall be immediately presented to the winning patron who shall be required to present the duplicate receipt document before being paid the jackpot in accordance with the procedures set forth in this section.

(7) A requirement that the following information be on any jackpot payout document generated by the slot computer system:

(i) The asset number of the slot machine on which the jackpot was registered.

(ii) The winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.

(iii) The date on which the jackpot occurred.

(iv) The amount that is to be paid from cashiers' cage funds. However, this amount may, in the slot machine licensee's discretion, be rounded up to the nearest whole dollar.

(v) The date, time and method of payment.

(vi) The signature or identification code of the preparer.

(8) A requirement that the data in paragraph (7)(i)—(vi) not be susceptible to change or removal by any personnel after preparation of a jackpot payout document.

(9) A requirement that whenever the winning patron is paid directly by the slot cashier the following procedures be followed:

(i) A jackpot payout document be generated by the slot computer system in accordance with paragraph (7).

(ii) If a one-part request for jackpot payout document is involved and a security department member or verifying slot attendant other than the preparer has not signed the one-part request for jackpot payout document, the slot cashier shall summon a security department member or slot attendant other than the preparer of the request for jackpot payout document and provide that employee with the request for jackpot payout document. The security department member or verifying slot attendant shall proceed to the slot machine identified on the request for jackpot payout document and sign the request for jackpot payout document attesting that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the request for jackpot payout document. If the jackpot amount is \$25,000 or more, a slot shift manager shall also sign the request for jackpot payout document attesting that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the request for jackpot payout document. The request for jackpot payout document shall be immediately returned to the slot cashier.

(iii) After the slot cashier determines that the required signatures verifying the winning combination of characters on the slot machine and the amount to be paid have been placed on the one-part request for jackpot payout document, if the amount being paid is less than \$10,000, the slot cashier shall pay the winning patron in the presence of the preparer of the request for jackpot payout document. If the amount being paid is \$10,000 or more but less than \$25,000, the slot cashier shall pay the winning patron in the presence of the slot attendant supervisor who prepared the request for jackpot payout document. If the amount being paid by the cashier is \$25,000 or more, the slot cashier shall pay the winning patron in the presence of the slot attendant supervisor and slot shift manager who prepared the request for jackpot payout document in accordance with this subsection. Personnel required by this subsection to witness the payment shall sign the duplicate jackpot payout document attesting to the accuracy of the information on the duplicate jackpot payout document and the disbursement of the payment to the patron.

(iv) If a receipt document under paragraph (5) was issued, the duplicate receipt document shall be signed by the patron in the presence of the slot cashier. The slot cashier shall compare the signature on the duplicate receipt document to that on the original receipt document and make the payment only if the signatures are in agreement.

(v) Once the required signatures are obtained and payment has been made, the slot cashier shall give the

duplicate jackpot payout document to a security department member or slot attendant who shall expeditiously deposit it into a locked accounting box.

(vi) The slot cashier shall attach the request for jackpot payout document, if applicable, the original and duplicate receipt document, if applicable, to the original copy of the jackpot payout document. All documents shall be forwarded by the end of the gaming day to the main bank for reimbursement.

(10) A requirement that whenever a winning patron is paid by a slot attendant or slot attendant supervisor, the following procedures shall be followed:

(i) A jackpot payout document be generated by the slot computer system in accordance with paragraph (7).

(ii) The slot cashier shall disburse the cash or slot licensee check to a slot attendant or slot attendant supervisor if the amount of the jackpot is less than \$10,000 and to a slot attendant supervisor if the amount of the jackpot is \$10,000 or more. The employee receiving the payment shall verify the amount received and sign the original and duplicate of the jackpot payout document attesting to the accuracy of the information on the jackpot payout document and the receipt of the payment from the slot cashier. The slot cashier shall retain the original jackpot payout document and the duplicate jackpot payout document shall be transported with the payment to the slot machine.

(iii) If a one-part request for jackpot payout document is involved and a security department member or verifying slot attendant other than the preparer has not signed the one-part request for jackpot payout document, the slot attendant or slot attendant supervisor shall provide the duplicate jackpot payout document to the security department member or verifying slot attendant other than the preparer at the slot machine who shall verify that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the duplicate jackpot payout document. If the jackpot amount is \$25,000 or more, and the slot shift manager has not signed the request document, the slot shift manager shall similarly verify that the winning combination of characters on the slot machine and the amount to be paid match those which appear on the duplicate jackpot payout document.

(iv) When the verifications required by subparagraph (iii) have been completed, if the payment is less than \$10,000, the slot attendant or slot attendant supervisor shall pay the winning patron in the presence of the security department member or second slot attendant who verified the winning combination of characters on the slot machine and the amount to be paid. If the payment is \$10,000 or more, but less than \$25,000, the payment shall be made by a slot attendant supervisor in the presence of the security department member or verifying slot attendant who verified the winning combination of characters on the slot machine and the amount to be paid. If the payment is \$25,000 or more, the payment shall be made by a slot attendant supervisor in the presence of the security department member or verifying slot attendant and the slot shift manager who verified the winning combination of characters on the slot machine and the amount to be paid. Once the patron has been paid, the personnel required by subparagraph (iii) to witness the payment shall sign the duplicate jackpot payout document attesting that the winning combination of characters on the slot machine and the amount to be

paid match those which appear on the duplicate jackpot payout document and the disbursement of the payment to the winning patron.

(v) If a receipt document under paragraph (5) was issued, the slot cashier shall give the slot attendant or slot attendant supervisor the original receipt document along with the duplicate jackpot payout document to be transported with the payment. The patron shall be required to sign the duplicate receipt document in the presence of the slot attendant or slot attendant supervisor. The slot attendant or supervisor shall compare the signature on the duplicate receipt document to that on the original receipt document and shall make the payment only if the signatures are in agreement.

(vi) When payment has been made and the required signatures obtained, the security department member or slot attendant shall expeditiously deposit the duplicate jackpot payout document into a locked accounting box.

(vii) The slot attendant or slot attendant supervisor shall immediately return the original and duplicate receipt document, if applicable, to the cashiers' cage.

(viii) The slot cashier shall attach the request for jackpot payout document, if applicable, the original and duplicate receipt document, if applicable, to the original copy of the jackpot payout document. All documents shall be forwarded by the end of the gaming day to the main bank for reimbursement.

(11) A requirement that the slot machine licensee's accounting department perform, at the conclusion of each gaming day, income control audit procedures over the issuance of jackpot payouts including adequate comparisons to gaming voucher system data.

(12) Details with regard to processing of system overrides or adjustments.

(c) Nothing in this section precludes the use of a slot computer system, approved by the Board, that electronically records the information required on a request for jackpot payout document or facilitates through the slot computer system the verifications and comparisons as to winning combination of characters on the slot machine or amount to be paid required under this section.

(d) Nothing in this section precludes a slot machine licensee from implementing procedures by which a slot attendant, in the presence of a member of the security department, utilizes an imprest inventory of funds secured in a pouch or wallet to pay a jackpot of less than \$1,200 that is not totally and automatically paid directly from a slot machine.

(e) Prior to the payment of a jackpot payout under subsection (d), each slot machine licensee shall establish a comprehensive system of internal controls addressing this method of jackpot payout, the replenishment of the imprest pouch and the attendant reconciliation process. The internal controls shall be submitted to and approved by the Board under § 465a.2.

§ 465a.27. Annuity jackpots.

(a) A slot machine licensee offering an annuity jackpot payable over 10 years or more may offer a winning patron the option to be paid in a single cash payout, in lieu of the annuity jackpot, in an amount that is equal to the present value of the face amount of the jackpot payout as calculated in subsection (b).

(b) A slot machine licensee may offer a cash payment option. The present value of the cash payout option on an

annuity shall be determined by applying a discount rate to each of the future annuity jackpot payments, taking into consideration the number of years until each jackpot payment would otherwise have been received and adding to that amount the amount of the first cash payment that would otherwise have been received. For the purposes of this subsection, the discount rate must equal the United States Treasury constant maturity rate for 20 year United States government securities for the week ending prior to the date of the jackpot, as identified in the applicable H.15 Statistical Release issued by the Federal Reserve Board plus 0.5%.

(c) A slot machine licensee may not offer an annuity jackpot payout unless:

(1) The terms and conditions of the annuity jackpot, including the effect on the calculation of the theoretical payout percentage, comply with the act, this subpart and technical standards on jackpot payouts approved by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's website.

(2) The Board has approved the specific offer of the annuity jackpot.

(d) A cash payout made in connection with an annuity jackpot must be made in accordance with § 465a.26 (relating to jackpot payouts).

(e) Prior to the payment of an annuity jackpot, each slot machine licensee shall establish a comprehensive system of internal controls addressing the payment of an annuity jackpot. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(1) The internal control procedures developed and implemented by the slot machine licensee must include:

(i) Procedures to be followed by a winning patron to exercise a cash payout option.

(ii) Procedures with regard to the administration of the trust agreement established to insure the future cash payments due under the annuity jackpot award.

(iii) A requirement that the trustee for the trust fund established by the trust agreement be a slot machine licensee or, for a wide area progressive system offering an annuity jackpot, the slot system operator for that wide area progressive system.

(2) A slot machine licensee may not offer an annuity jackpot until its supporting trust agreement and the internal controls required under this section have been approved in writing by the Board under § 465a.2.

§ 465a.28. Merchandise jackpots.

(a) A slot machine licensee may not offer a merchandise jackpot payout unless:

(1) The terms and conditions of the merchandise jackpot, including the effect on the calculation of the theoretical payout percentage, comply with the act, this subpart and technical standards on jackpot payouts approved by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's website.

(2) The Board has approved the specific offer of the merchandise jackpot. To obtain Board approval, a slot machine licensee shall file an Amendment Waiver and Request Form containing all of the details related to the merchandise jackpot payout.

(b) A cash payout made in connection with a merchandise jackpot shall be made in accordance with § 465a.26 (relating to jackpot payouts).

(c) Prior to the payment of a merchandise jackpot, each slot machine licensee shall establish a comprehensive system of internal controls addressing the payment of a merchandise jackpot. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

§ 465a.29. Automated teller machines.

Automated teller machines may be placed at any location within the licensed facility.

§ 465a.30. Waiver of requirements.

(a) The Board may, on its own initiative, waive one or more of the requirements of this chapter or technical standards applicable to accounting and internal controls adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's website upon a determination that the nonconforming control or procedure nonetheless meets the operational integrity requirements of the act, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's website.

(b) A slot machine licensee may submit a written request to the Board for a waiver for one or more of the requirements in this chapter or the technical standards applicable to accounting and internal controls adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's website. The request must be filed on a Amendment Waiver and Request Form and include supporting documentation demonstrating how the accounting and internal controls for which the waiver has been requested will still meet the operational integrity requirements of the act, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's website.

§ 465a.31. Gaming day.

(a) The beginning and ending times of the gaming day will be determined by the Board and will be uniform for all slot machine licensees for the purposes of determining gross terminal revenue.

(b) Prior to commencing gaming operations, each slot machine licensee shall submit to the Board, in writing, its hours of operation, which times must correspond to the portion of its gaming day it will be open to the public for the purpose of gaming activities. A slot machine licensee may not commence gaming operations until its hours of operation are approved by the Board.

(c) Any change in a slot machine licensee's hours of operation shall be noticed to the Board at least 72 hours in advance of the change in writing.

§ 465a.32. Signature.

An employee signature may be in either of the following formats:

(1) The employee's first initial, last name and Board license number, written by the employee, immediately adjacent to or above the clearly printed or preprinted title of the employee.

(2) The employee's unique identification number or other computer identification code issued to the employee by the slot machine licensee, if the document to be signed is authorized by the Board to be generated by a slot computer system and the method of signature is approved or required by the Board.

**CHAPTER 465b. TECHNICAL
STANDARDS—STATEMENT OF POLICY**

Sec.

465b.1. Digital video recording formats.

§ 465b.1. Digital video recording formats.

(a) Any digital video recording system utilized by a slot machine licensee must:

(1) Be capable of recording, and thereafter being viewed, at a minimum of 30 frames or images per second, full screen, in real time.

(2) Have a visual resolution of 640 x 480 pixels or greater unless the Board expressly determines that an alternative visual resolution can achieve the clarity required to meet the purposes of this section.

(3) Be capable of retaining for at least 30 days all images obtained from all approved video cameras.

(4) Have a failure notification system that provides an audible, as well as a visual notification, of any failure in the surveillance system or the digital video recording media storage system.

(5) Have a media storage system that is configured so that a failure of any single component will not result in the loss of any data from the media storage system.

(6) Have no more than eight of the cameras utilized to satisfy the coverage requirements in § 465a.9(c)(1) (relating to surveillance system; surveillance department control; surveillance department restrictions), be in the first stage of concentration, unless the slot machine licensee has a fault tolerant or redundant system so there is no loss of data in the event of a failure of a single first stage concentrator.

(b) Remote access to a digital surveillance system from any location outside the surveillance monitoring room may not be permitted without the approval of the Board.

(c) Digital video disks or other storage media produced from the digital video recording system must contain the date and time of recording superimposed thereon, clearly identify the type of media player and software prerequisite to viewing the digital images and identify the video verification encryption code or watermark.

(d) Details with regard to the digital video recording system's video verification encryption code or watermark shall be provided to the Board, at no cost to the Board, prior to the inspection and approval of the system.

(e) The slot machine licensee's contingency plan required under § 465a.9(f) must expressly provide that any failure in a digital video recording media storage system must be repaired or replaced within 8 hours of the failure.

(f) The Board may waive one or more of the requirements or technical standards applicable to a surveillance system upon a determination that the nonconforming surveillance system nonetheless provides for adequate and effective surveillance of activities inside and outside the licensed facility.

CHAPTER 466. (Reserved)

§ 466.1. (Reserved).

CHAPTER 466a. SLOT COMPUTER SYSTEMS

Sec.

466a.1. Slot computer systems generally.

466a.2. Waiver of requirements.

§ 466a.1. Slot computer systems generally.

(a) All aspects of a slot machine licensee's slot computer system shall be located within the licensed facility in accordance with technical standards under § 466b.1 (relating to slot computer systems).

(b) For the purposes of this section, a slot computer system includes all aspects of a computer system which the act, this subpart or technical standards under § 466b.1 either require or permit to be utilized by a slot machine licensee in the conduct of, or monitoring of, slot machine operations including hardware, software and network interfaces used in connection with the operation of a slot monitoring system, casino management system, player tracking system, external bonusing system, cashless funds transfer system and gaming voucher system. A slot computer system will not be construed to include the following:

(1) A slot machine or bill validator.

(2) A wide area progressive slot system.

(3) Other computer systems or applications that the Board determines are not slot computer systems.

§ 466a.2. Waiver of requirements.

(a) The Board may, on its own initiative, waive one or more of the requirements of this chapter or the technical standards under § 466b.1 (relating to slot computer systems) upon a determination that the nonconforming system protocols nonetheless meet the integrity requirements of the act, this subpart and technical standards under § 466b.1.

(b) A slot machine licensee may submit a written request to the Board for a waiver for one or more of the requirements in this chapter or the technical standards under § 466b.1. The request must be filed on a Amendment Waiver and Request Form and include supporting documentation demonstrating how the nonconforming system protocols for which the waiver has been requested will still meet the operational integrity requirements of the act, this subpart and technical standards under § 466b.1.

**CHAPTER 466b. TECHNICAL
STANDARDS—STATEMENT OF POLICY**

Sec.

466b.1. Slot computer systems.

§ 466b.1. Slot computer systems.

(a) *Definitions.* The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Computer access or logical access—The ability of a person or process to obtain information from, or execute an action in, a slot computer system in accordance with privileges established by a slot machine licensee. The privileges shall be specified by an approved level of computer access.

Firewall—

(i) Dedicated computer hardware, software and the related security policy that protects a slot computer system, its software and data from access by other computer systems and users not specifically authorized to access the slot computer system, its software or data through procedures such as monitoring and analyzing all data packets on a real-time basis and automatically rejecting all unauthorized communications.

(ii) The term includes, without limitation, logging and reporting, automatic alarms and a user interface for controlling the firewall.

Level of computer access—

(i) The particular privileges granted to a person in a slot computer system by a slot machine licensee, such as read, modify and execute.

(ii) The privileges shall vary by slot computer system program, process, library or directory, according to the following:

(A) Position title and job code, for an employee of the slot machine licensee.

(B) Responsibilities and functions authorized to be performed, for any person not employed by the slot machine licensee.

*Slot computer system—*All aspects of a computer system which the act, this part or any technical standards adopted by the Board either require or permit to be utilized by a slot machine licensee in the conduct of, or monitoring of, slot machine operations including hardware, software and network interfaces used in connection with the operation of a slot monitoring system, casino management system, player tracking system, external bonusing system, cashless funds transfer system and gaming voucher system. A slot computer system may not be construed to include the following:

(i) A slot machine or bill validator.

(ii) A wide area progressive slot system.

(iii) A computer system that does not constitute a slot computer system and is connected to a slot computer system in accordance with subsection (f) and through a firewall which has the ability to:

(A) Maintain a list of each device, person or process authorized to obtain computer access to the slot computer system.

(B) Generate daily monitoring logs to inform the slot machine licensee of any unsuccessful attempts by a device, person or process to obtain computer access to the slot computer system.

(C) Authenticate the identity of each device, person and process from which communication is recorded before granting computer access to the slot computer system to the device, person or process.

(iv) Other computer systems or applications that the Board determines are not slot computer systems.

(b) *Authorized locations.*

(1) All aspects of a slot machine licensee's production slot computer system shall be located within the licensed facility. For the purposes of this section, a "production slot computer system" shall be defined as the slot machine licensee's primary slot computer system comprised of a collection of hardware and software used to process or monitor, in real time, slot machine activity. A production slot computer system includes any segregated testing component.

(2) With the written approval of the Board, a slot machine licensee's back-up slot computer system, or any portion thereof, may reside in a computer located in a secure location, referred to as a "remote computer," under the custody and control of an affiliate, intermediary, subsidiary or holding company licensed by the Board, referred to as a "host entity." For the purposes in this section, a back-up system may consist of either a mir-

rored back-up system which duplicates the production system by recording all slot related operations on a real time basis and is designed to become the production system whenever needed or a periodic back-up system which consists of regularly scheduled recording of selected data which may include a complete image of the production system or any portion thereof. At a minimum, a slot machine licensee requesting authorization to allow a back up slot computer system to reside outside the licensed facility shall establish that:

(i) Communications between the remote computer and the slot machine licensee's slot computer system occur using a dedicated and secure communication medium, such as a leased line.

(ii) The remote computer automatically performs the following functions:

(A) Generates daily monitoring logs and real time alert messages to inform the slot machine licensee and host entity of any system performance problems and hardware problems.

(B) Generates daily monitoring logs and real time alert messages to inform the slot machine licensee of any software errors.

(C) Generates daily monitoring logs to inform the slot machine licensee of any unsuccessful attempts by a device, person or process to obtain computer access.

(D) Authenticates the identity of every device, person and process from which communications are received before granting computer access to the device, person or process.

(E) Ensures that data sent through a transmission is completely and accurately received.

(F) Detects the presence of corrupt or lost data and, as necessary, rejects the transmission.

(3) Unless a remote computer is used exclusively to maintain the slot computer system of the slot machine licensee, it shall be partitioned in a manner approved by the Board and include the following:

(i) A partition manager that complies with the following requirements:

(A) The partition manager must be comprised of hardware or software, or both, and perform all partition management tasks for a remote computer, including creating the partitions and allocating system resources to each partition.

(B) The slot machine licensee and host entity shall jointly designate and each shall identify the security officer who shall be responsible for administering the partition manager and maintaining access codes to the partition manager. The security officer shall be an employee of the slot machine licensee or host entity and shall be licensed as a key employee in this Commonwealth.

(C) Special rights and privileges in the partition manager such as administrator shall be restricted to the information technology director and the security officer of the slot machine licensee or host entity who shall be licensed as key employees in this Commonwealth.

(D) Access to the partition manager shall be limited to employees of the information technology departments of the slot machine licensee and host entity.

(E) Software-based partition managers contained in a remote computer shall be functionally limited to performing partition management tasks for the remote computer,

while partition managers using hardware and software that are not part of a remote computer may be utilized to perform other functions for a remote computer that are approved by the Board.

(ii) A separate and distinct partition established for the slot machine licensee's slot computer system that complies with the following requirements:

(A) The partition shall be limited to maintaining the software and data of the slot machine licensee for which the partition has been established.

(B) The security officer of the slot machine licensee for which the partition has been established shall be licensed as a key employee in this Commonwealth and shall be responsible for maintenance of access codes to the partition.

(C) Special rights and privileges in the partition such as administrator shall be restricted to the security officer and the information technology director of the slot machine licensee for which the partition has been established.

(iii) Separate and distinct operating system software, application software and computer access controls for the partition manager and each separate partition.

(c) The Board may permit a slot machine licensee to establish a partition, within a computer that contains its slot computer system, for its affiliate, intermediary, subsidiary or holding company provided that:

(1) A partition manager comprised of hardware or software, or both, is utilized to perform all partition management tasks, including creating the partitions and allocating system resources to each partition.

(2) A security officer is designated within the information technology department of the slot machine licensee to be responsible for administering the partition manager and maintaining access codes to the partition manager. Special rights and privileges in the partition manager such as administrator shall be restricted to the security officer and the information technology director of the slot machine licensee.

(3) Special rights and privileges in any partition which has been established for the benefit of an affiliate, intermediary, subsidiary or holding company shall be restricted to the security officer and information technology director of the affiliate, intermediary, subsidiary or holding company.

(d) The Board may permit a slot machine licensee to maintain back-up or duplicate copies of the software and data of its slot computer system, or any portion thereof, in removable storage media devices, such as magnetic tapes or disks, in a secure location within a licensed facility or other secure location outside the licensed facility as approved by the Board for the purposes of disaster recovery.

(e) Notwithstanding the provisions of subsection (b), upon the declaration of a disaster affecting the slot computer system by the chief executive officer of the slot machine licensee and with the prior written approval of the Board, a slot machine licensee may maintain the software and data of its slot computer system, or any portion thereof, in a computer located in a secure location outside the licensed facility.

(f) A slot machine licensee may locate software or data not related to a slot computer system, such as food and beverage related software or data, in a computer located outside the licensed facility. With the written approval of

the Board, a slot machine licensee may connect the computer to a slot computer system, provided that:

(1) Logical access to computer software and data of the slot computer system is appropriately limited.

(2) Communications with all portions of the slot computer system occur using a dedicated and secure communications medium, such as a leased line.

(3) The slot machine licensee complies with other connection specific requirements required by the Board.

(g) The Board may waive one or more of the technical requirements applicable to slot computer systems adopted by the Board upon a determination that the nonconforming system protocols nonetheless meet the integrity requirements of the act, this part and technical standards adopted by the Board.

CHAPTER 467. (Reserved)

§§ 467.1 and 467.2. (Reserved).

CHAPTER 467a. COMMENCEMENT OF SLOT OPERATIONS

Sec.

467a.1. Gaming floor plan.

467a.2. Commencement of slot operations generally.

§ 467a.1. Gaming floor plan.

(a) An applicant for, or holder of a slot machine license, shall submit to the Board a floor plan of its gaming floor and the restricted areas servicing the slot operation. A floor plan must be:

(1) Drawn to 1/8 inch scale, unless another scale is approved by the Board.

(2) Certified by an architect licensed to practice in this Commonwealth and depict the following:

(i) The gaming floor with notations as to:

(A) Proposed total square footage.

(B) The perimeter of the gaming floor.

(C) A clearly delineated route for underage persons to transverse the gaming floor.

(ii) Each slot machine area on the gaming floor and each slot machine location within each slot machine area. Slot machine locations shall be identified by number in accordance with § 463a.3 (relating to slot machine location).

(iii) The number of slot machines on the gaming floor in compliance with section 1210 of the act (relating to number of slot machines), in total and by slot area.

(iv) Each slot seat on the gaming floor in compliance with § 461a.7(t) (relating to slot machine minimum design standards).

(v) Each surveillance camera installed in compliance with § 465a.9(a) (relating to surveillance system; surveillance department control, surveillance department restrictions), noting its type and camera number.

(vi) The cashiers' cage and any satellite cashiers' cage, inclusive of each cashiers' cage window and window number, ancillary offices and areas.

(vii) Each count room and any trolley storage area.

(viii) Each automated bill breaker, gaming voucher redemption, coupon redemption and jackpot payout machine.

(ix) Each automated teller machine.

(x) Each area designated for the storage or repair of slot machines.

(xi) Vault and armored car bay locations.

(xii) Additional documentation requested by the Board relating to the floor plan for the gaming floor.

(b) A slot machine licensee may not commence slot operations until the floor plan depicting its gaming floor and all restricted areas servicing the slot operation has been approved in writing by the Board. The approval by the Board will expressly authorize the maximum square footage of gaming floor and maximum number of slot machines which may be operated by the slot machine licensee.

(c) A slot machine licensee may not change or revise the square footage of its gaming floor or the number, configuration or location of slot machines on the floor plan approved under subsection (b) without prior written approval of the Board.

§ 467a.2. Commencement of slot operations generally.

(a) Prior to the commencement of slot operations at a licensed facility a slot machine licensee shall demonstrate that:

(1) The licensed facility, including the gaming floor and restricted areas servicing the slot operation, complies in all respects with the act, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's website.

(2) Slot machines and associated equipment installed in the licensed facility and utilized in the conduct of slot machine operations have been tested and approved by the Board in compliance with the act, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's website.

(3) The gaming floor plan required under § 467a.1(a) (relating to gaming floor plan) has been approved by the Board in compliance with the act, this

subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's website.

(4) The slot machine licensee's proposed site plan and internal control systems and audit protocols have been approved by the Board in compliance with the act, this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's website.

(5) The slot machine licensee is prepared to implement necessary management controls, surveillance and security precautions to insure the efficient conduct of slot operations.

(6) The slot machine licensee's employees are licensed or permitted by the Board and trained in the performance of their responsibilities.

(7) The slot machine licensee has complied with any conditions prerequisite to commencement of slot operations contained in the Statement of Conditions executed under § 423.6 (relating to license, permit, registration and certification issuance and statement of conditions).

(8) The licensed facility is prepared in all respects to receive the public.

(9) The slot machine licensee has successfully completed a test period.

(10) For Category 1 licensees, the slot machine licensee has a written live racing agreement as required under section 1303(d) of the act (relating to additional category 1 slot machine license requirements).

(b) Upon a slot machine licensee's successful demonstration of the criteria enumerated in subsection (a), the Board may authorize the date and time at which the slot machine licensee may commence slot operations at the licensed facility and will fix the maximum square footage of gaming floor and maximum number of slot machines which may be operated by the slot machine licensee pursuant to that authorization.

[Pa.B. Doc. No. 07-1345. Filed for public inspection July 27, 2007, 9:00 a.m.]

NOTICES

CAPITOL PRESERVATION COMMITTEE

Request for Proposal

CPC 06-098: Replication of Architectural Light Fixture Globes and Shades. Custom molds, glass castings and fabrications to replicate existing original glass light fixture globes and shades. Three different types (Styles A, B and C) of globes are required for a total of 136 units. Three different types (Styles A, B and C) of shades are required for a total of 60 units.

- Proposal Issue Date: July 25, 2007
- Proposal Receipt Date: August 22, 2007, at 2 p.m.

Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle (717) 783-6484.

RUTHANN HUBBERT-KEMPER,
Executive Director

[Pa.B. Doc. No. 07-1346. Filed for public inspection July 27, 2007, 9:00 a.m.]

Request for Proposal

CPC 06-104: Preservation of the Rotunda Leaded Glass and Exterior Windows. The scope of work includes the cleaning of the rotunda interstitial window spaces; cleaning and stabilization of leaded glass window panels (exterior side); repainting of rotunda interstitial spaces; stripping, repair, preparation, repainting and select reglazing of exterior rotunda windows; protection of all architectural surfaces in and adjacent to the work areas; final report (comprehensive text narration augmented with supporting documentation and photographs); provision of bonds, insurance, warranties and other instruments required by the contract documents and paying of all costs; obtaining and fee payment for all required permits; coordination and cooperation with all other Department of General Services, Capitol Preservation Committee, Senate and House project and associated work; provisions of all temporary staging, scaffolding, safety equipment, protection and miscellaneous construction aids. A \$100 deposit is required for issuance of project documents. Issue date of proposal will be the August 1, 2007, at 2 p.m. Mandatory preproposal conference and walk through will be held on August 8, 2007, at 10 a.m., convene in Room 630, Main Capitol. Proposal receipt date is August 29, 2007, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle (717) 783-6484.

RUTHANN HUBBERT-KEMPER,
Executive Director

[Pa.B. Doc. No. 07-1347. Filed for public inspection July 27, 2007, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Order of Quarantine; Emerald Ash Borer

Recitals

A. On June 27, 2007, the Department of Agriculture (Department) issued an Order of Quarantine under authority of the Plant Pest Act (act) (3 P.S. §§ 258.1—258.27). The Order of Quarantine established restrictions on Allegheny, Beaver, Butler and Lawrence Counties (collectively, the “quarantined area”), restricting the movement of designated articles and materials from the quarantined area.

B. The referenced June 27, 2007, Order of Quarantine was established due to the confirmed presence of the Emerald Ash Borer (EAB) in Butler County, near the Allegheny County line. EAB has since been confirmed in Allegheny County.

C. Emerald Ash Borer (EAB), *Agrilus planipennis* (*Fairemaire*)—a beetle indigenous to Asia—is a serious plant pest that attacks and kills ash trees belonging to the genus *Fraxinus*. EAB has worked its way east from Michigan, where it was first detected in 2002.

D. The act empowers the Department to take various measures to detect, contain and eradicate plant pests in this Commonwealth. These powers include the power to establish quarantines to prevent the spread of plant pests within this Commonwealth.

E. EAB has killed 20-25 million ash trees during the short time it has been present in North America. Typically, trees are killed within 3 years of the initial attack by this beetle. EAB clearly is a threat to the Commonwealth’s forest and horticultural resources.

F. The Department expects to modify the referenced June 27, 2007, Order of Quarantine as it acquires more information as to the prevalence of EAB within this Commonwealth, the persons and industries impacted by the quarantine restrictions, overlapping or related quarantine restrictions imposed by the United States Department of Agriculture (USDA), and the most effective measures by which to address the growing presence of EAB.

Order

Under authority of section 21 of the Plant Pest Act (3 P.S. § 258.21), and with the Recitals previously listed, incorporated into this Order by reference, the Department orders the following:

1. *Confirmation of Quarantine.* The quarantine established by Order of June 27, 2007, with respect to Allegheny, Beaver, Butler and Lawrence Counties (collectively, the “quarantined area”) remains in effect, subject to the conditions set forth in this Order.

2. *Limitations Imposed.* The following objects or materials may not be moved out of the quarantined area, unless done in accordance with Paragraph No. 3 of this Order:

- a. The Emerald Ash Borer in any living stage of development;
- b. Ash trees of any size;

- c. Ash limbs, branches, stumps, and roots;
- d. Any cut, nonconiferous (hardwood) firewood;
- e. Nonconiferous (hardwood) bark and nonconiferous (hardwood) wood chips larger than one inch in two dimensions;
- f. Ash logs and lumber with either the bark or the outer one inch of sapwood, or both, attached;
- g. Any item made from or containing the wood of the ash tree that is capable of spreading emerald ash borer; and
- h. Any other article, product or means of conveyance determined by the Department to present a risk of spreading the EAB infestation.

3. *Movement of regulated articles from quarantined areas.* An article described in Paragraph No. 2 of this Order may be moved from a quarantined area only under the following circumstances:

- a. With a valid certificate or limited permit (as described in Paragraph No. 4) attached;
- b. Without a certificate or limited permit (as described in Paragraph No. 4) attached if:
 - i. The regulated article is moved by the United States Department of Agriculture or the Department for experimental or scientific purposes; or
 - ii. The regulated article originates outside the quarantined area and is moved intrastate through the quarantined area under the following conditions:

A. The points of origin and destination are indicated on a waybill accompanying the regulated article; and

B. The regulated article, if moved through the quarantined area during the period of May 1 through August 31 or when the ambient air temperature is 40° F or higher, is moved in an enclosed vehicle or is completely covered to prevent access by the EAB; and

C. The regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed or handled at locations approved by an inspector as not posing a risk of infestation by emerald ash borer; and

D. The article has not been combined or commingled with other articles so as to lose its individual identity.

c. Without a certificate or limited permit (as described in Paragraph No. 4) attached if a USDA-issued or USDA-authorized (by USDA compliance agreement) certificate or permit is attached.

4. *Obtaining a Certificate or Limited Permit from the Department for Intrastate Movement of Articles.* The Department or a person operating under a compliance agreement will issue a certificate or limited permit authorizing the intrastate movement of articles described in Paragraph No. 2 of this Order if it is satisfied that all of the following are accurate:

- a. The article is either of the following:
 - i. The article is apparently free of EAB, based on inspection; or the article has been grown, produced, manufactured, stored or handled in a manner that, in the judgment of the Department, prevents the article from presenting a risk of spreading EAB; or
 - ii. The article is to be moved to a specified destination for specific processing, handling or utilization (the destination and other conditions to be listed on the advance

written permission), and this movement will not result in the spread of EAB because EAB will be destroyed by the specific processing, handling or utilization; and

b. The article is to be moved in compliance with this Order and any additional emergency conditions that the Department may impose under the Plant Pest Act in order to prevent the artificial spread of EAB; and

c. The article is eligible for intrastate movement under all other Federal domestic plant quarantines and regulations applicable to the regulated articles.

5. *Cancellation of a Certificate or Limited Permit.* Any certificate or limited permit may be canceled orally or in writing by the Department whenever the Department determines that the holder of the certificate or limited permit has not complied with the act or this Order. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit.

6. *Compliance Agreements.* The Department will consider entering into a compliance agreement with any person that demonstrates an understanding of the requirements of this Order and otherwise satisfies the Department it is capable of issuing certificates or limited permits in accordance with the requirements of this Order. The Department shall either provide blank certificates and limited permits to a person operating under a compliance agreement or authorize reproduction of the certificates or limited permits on shipping containers, or both, as requested by the person operating under the compliance agreement. These certificates and limited permits may then be completed and used, as needed, for the intrastate movement of regulated articles that have met all of the requirements of Paragraph No. 4, above.

7. *Documentation to Accompany Articles in Intrastate Movement from the Quarantined Area.* If an article described in Paragraph No. 2 of this Order is to be moved intrastate from the quarantined area, the article must be plainly marked with the name and address of the consignor and the name and address of the consignee and must have a copy of the applicable Department-issued or Department-authorized (by compliance agreement as described in Paragraph No. 6) certificate or limited permit securely attached at all times during intrastate movement attached to the article itself, or to the container carrying the article, or to the consignee's copy of the accompanying waybill: Provided, that the description of the article on the certificate or limited permit, and on the waybill, are sufficient to identify the regulated article. The carrier must furnish the certificate or limited permit authorizing the intrastate movement of the article to the consignee at the destination of the shipment.

8. *Federal Requirements for Interstate Movement of Articles.* This Order is distinct from, and in addition to, any Federal statute, regulation or quarantine order addressing the interstate movement of articles from the quarantined area or this Commonwealth.

9. *Contacting the Department.* A person seeking information about the requirements of this Order, or a limited permit for intrastate movement of quarantined articles, or a compliance agreement for intrastate movement of quarantined articles, shall contact the Department at the following address or telephone number, Department of Agriculture, Attention: Walt Blosser, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5205, wblosser@state.pa.us.

10. *Criminal and Civil Penalties.* A person who violates this Order will face summary criminal prosecution carrying up to 90 days imprisonment and a fine of up to \$300 with respect to each violation. In addition, a person who violates this Order may be assessed a civil penalty of up to \$20,000 with respect to each violation.

11. *Cooperation with other agencies.* The Department will consult with USDA, other state agencies and the Pennsylvania State University Cooperative Extension with respect to the most efficacious measures to survey

for and detect EAB in order to slow the spread or eradicate this pest.

12. *Effective Date.* This quarantine is effective as of July 16, 2007, and shall remain in effect until rescinded by subsequent order.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 07-1348. Filed for public inspection July 27, 2007, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending July 17, 2007.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-11-07	Brentwood Bank Bethel Park Allegheny County	Bethel Park	Filed
	Purchase of Assets/Assumption of Liabilities of one branch office of Community Bank, Carmichaels, located at:		
		3730 Brownsville Road Brentwood Allegheny County	
7-16-07	Beneficial Mutual Savings Bank, Philadelphia, and Farmers & Mechanics Bank, Burlington, NJ Surviving Institution— Beneficial Mutual Savings Bank, Philadelphia	Philadelphia	Effective
	<i>Branches Acquired by Means of Merger:</i>		
	3 Sunset Road and Route 541 Burlington, NJ Burlington County	809 Sunset Road Burlington, NJ Burlington County	
	811 Sunset Road Burlington, NJ Burlington County	352 High Street Burlington, NJ Burlington County	
	1029 Neck Road Burlington, NJ Burlington County	414 Cooper Street Beverly, NJ Burlington County	
	335 Farnsworth Avenue Bordentown, NJ Burlington County	93 Pemberton— Brown Mills Road Browns Mills, NJ Burlington County	
	305 Bordentown— Chesterfield Road Chesterfield, NJ Burlington County	1703 Highland Avenue Cinnaminson, NJ Burlington County	
	805 Burlington Avenue Delanco, NJ Burlington County	3002 Route 130 North Delran, NJ Burlington County	

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	1191 Woodlane Road Easthampton, NJ Burlington County	1149 Cooper Street Edgewater Park, NJ Burlington County	
	220 West Front Street Florence, NJ Burlington County	1636-61 Route 38 and Eayrestown Road Lumberton, NJ Burlington County	
	200 Tuckerton Road Medford, NJ Burlington County	700 Stokes Road Medford, NJ Burlington County	
	53 East Main Street Moorestown, NJ Burlington County	555 High Street Mount Holly, NJ Burlington County	
	3220 Route 38 Mount Laurel, NJ Burlington County	4522 Church Road Mount Laurel, NJ Burlington County	
	25 Fort Dix Road Pemberton, NJ Burlington County	2 Scott Street and Pavilion Avenue Riverside, NJ Burlington County	
	604 Main Street Riverton, NJ Burlington County	1841 Route 70 Southampton, NJ Burlington County	
	1484 Route 206 Tabernacle, NJ Burlington County	611 Beverly—Rancocas Road Willingboro, NJ Burlington County	
	4406 Route 130 North Willingboro, NJ Burlington County	1 Rose Street and Beverly—Rancocas Road Willingboro, NJ Burlington County	
	149 Whitehorse Pike Audubon, NJ Camden County	Route 130 and Merchantville Avenue Pennsauken, NJ Camden County	

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-17-07	Fulton Bank Lancaster Lancaster County	Benner Pike and Rolling Ridge Drive Benner Township Centre County	Approved

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-11-07	Brentwood Bank Bethel Park Allegheny County	<i>To:</i> 3635 Brownsville Road Pittsburgh Allegheny County <i>From:</i> 3730 Brownsville Road Brentwood Allegheny County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-29-07	Susquehanna Bank PA Lititz Lancaster County	Ridgecrest Court and Commons 270 Ridgecrest Commons, Room 107 (Formerly known as 1 Maplewood Drive) Lewisburg, Union County (Limited Service Facility)	Effective

NOTICES

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

VICTORIA A. REIDER,
Acting Secretary

[Pa.B. Doc. No. 07-1349. Filed for public inspection July 27, 2007, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Thiel College for Approval of Amendment and Restatement of its Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of Thiel College for a Certificate of Authority approving the amendment and restatement of its Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol Gisselquist, Higher Education Specialist (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 07-1350. Filed for public inspection July 27, 2007, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084646 (SEW)	Southern Fulton School District 3072 Great Cove Road No. 100 Warfordsburg, PA 17267	Fulton County Bethel Township	UNT White Oak Run 13-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0101150 (Nonmunicipal)	RIP Management Corporation Quality Inn 191 United Road DuBois, PA 15801	Clearfield County Sandy Township	Gravel Lick Run 17C	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.

PA0043966, Sewage, SIC 6515, **Valley Forge Group Limited Partnership d/b/a, Valley Forge Crossing**, 31200 Northwestern Highway, Farmington Hills, MI 48334. This existing facility is located in Lower Providence Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge 0.045 mgd of treated effluent from the Valley Forge Crossing Mobile Home Park Wastewater Treatment Plant. The plant is located at 1311 Catfish Lane, Norristown, PA 19403.

The receiving stream, a UNT to the Schuylkill River, is in the State Water Plan Watershed 3F and is classified for WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for PA American—Norristown is located on the Schuylkill River and is approximately 4.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.045 mgd.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Minimum	Average Monthly	Instantaneous Maximum
CBOD ₅				25	50
Total Suspended Solids				30	
Ammonia as N				7.0	60
(5-1 to 10-31)				20.0	14.0
(11-1 to 4-30)				200	40.0
Fecal Coliform (# col/100 ml)			6.0		1,000
pH (Standard Units)			5.0		9.0
Dissolved Oxygen				0.26	
Total Residual Chlorine					0.85

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

1. Notification of Designation of Responsible Operator.
2. Abandon STP when Public Sewers become Available.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sanitary Sewers.
5. Necessary Property Rights.
6. Small Stream Discharge.
7. Change in Ownership.
8. Chlorine Minimization.
9. Proper Sludge Handling.
10. Instantaneous Maximum Limitations.
11. Operator Training.
12. Operations and Maintenance Plan.
13. Fecal Coliform Reporting.
14. Laboratory Certification.

The EPA waiver is in effect.

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

PA0063592, Sewage, **Gilberton Borough**, 2710 Main Street, Mahanoy Plane, PA 17949. This facility is located in Gilberton Borough, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Mahanoy Creek, is in the State Water Plan Watershed No. 06B and is classified for WWF. The nearest downstream public water supply intake for Dauphin Consolidated Water Company is located on the Susquehanna River 38 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.100 mgd.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
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)	6.0 to 9.0 Standard Units at all times.		
pH	1.0		
Total Residual Chlorine			2.0
Ammonia Nitrogen	Monitor and Report		
Kjeldahl Nitrogen	Monitor and Report		
Nitrite-Nitrate as N	Monitor and Report		
Total Nitrogen	Monitor and Report		
Total Phosphorus	Monitor and Report		

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

Chesapeake Bay Nutrient Requirements.

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

Application No. PA0086771, Sewage, **Centre Township Municipal Authority (Dauberville WWTP)**, 449 Bucks Hill Road, Mohrsville, PA 19541. This facility is located in Centre 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, Irish Creek, is in Watershed 3-B, 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 32 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.080 mgd are:

Parameter	Average		Instantaneous Maximum (mg/l)
	Monthly (mg/l)	Weekly (mg/l)	
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N	20		40
Total Residual Chlorine	0.5		1.64
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 on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is not in effect.

Application No. PA0085669, Sewage, **Centerport Borough Municipal Authority**, 110 Callowhill Road, Centerport, PA 19516. This facility is located in Centre Township, **Berks County**.

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

The receiving stream, Irish Creek, is in Watershed 3-B, 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 37 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.060 mgd are:

Parameter	Average		Instantaneous Maximum (mg/l)
	Monthly (mg/l)	Weekly (mg/l)	
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N	20		40
Total Residual Chlorine	0.5		1.64
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 on this case 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.

PA0000558, Industrial Waste, SIC 6512, **Hertz Gateway Center, LP**, Two Gateway Center, 603 Stanwix Street, Suite 400, Pittsburgh, PA 15222-1402. This application is for renewal of an NPDES permit to discharge untreated noncontact cooling water and filter backwash from Gateway Center in the City of Pittsburgh, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Emsworth Lock and Dam located at Neville Island, 5.3 miles below the discharge point.

Outfall 001: existing discharge, design flow 21.4 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
	Flow (mgd)	Monitor and Report			
Total Suspended Solids			0.5		1.25
Temperature, ° F					110

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH	not less than 6.0 nor greater than 9.0				

Outfall 101: existing discharge, design flow of 0.864 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids			30		60
Total Iron			2		4
Total Aluminum			4		8
Total Manganese			1		2
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0217565, Sewage, **John and Lynae Williams**, 2212 Anthony Run Road, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated sewage from Maple Valley Personal Care Home STP in Armstrong Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Anthony Run, which are classified as a CWF 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, on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.006 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	21.0			42.0
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric mean 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.

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

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

WQM Permit No. 2107405, Sewerage, **Silver Spring Township Authority**, 31 West Main Street, P. O. Box 1001, New Kingstown, PA 17072-1001. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Application for construction/operation of the Avalon pump station and force main to serve 527 residential units.

WQM Permit No. 2105403, Amendment 07-1, Sewerage, **Department of Conservation and Natural Resources**, 435 State Park Road, Schellsburg, PA 15559-7308. This proposed facility is located in Cooke Township, **Cumberland County**.

Description of Proposed Action/Activity: Application for amendment to their existing permit for change in the type of disposal system at Pine Grove Furnace State Park.

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

WQM Permit No. 1491204-A1, Industrial Waste SIC, **Graymont PA, Inc.**, 965 East College Avenue, Bellefonte, PA 16823-6823. This proposed facility is located in Spring Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes to discharge boiler and cooling blow down waters, treated reverse osmosis and softener wastewaters and stormwater to the groundwater.

WQM Permit No. 1407407, Sewerage 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801. This proposed facility is located in Patton Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes construction of a gravity interceptor system consisting of approximately 3,450 linear feet of 18" PVC sewer main. The interceptor will connect the existing sewer main along North Atherton Street to the existing sewer main under the Route 322 bypass near the Tofrees exit. The project will also include the abandonment of an existing pump station located at Douglas Drive.

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

WQM Permit No. 3074201-A4, Industrial Waste, **Allegheny Energy Supply Co., LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601-1689. This existing facility is located in Monongahela and Cumberland Townships.

Description of Proposed Action/Activity: Application for permit amendment.

WQM Permit No. 0407401, Sewerage, **Janice Polito**, 256 Park Lane, Darlington, PA 16115. This proposed facility is located in Big Beaver Borough, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single-residence sewage treatment plant.

WQM Permit No. 1107401, Sewerage, **Johnstown Regional Energy, LLC**, 80 Clinton Street, Johnstown, PA 15901. This proposed facility is located in Jackson and West Taylor Townships, **Cambria County**.

Description of Proposed Action/Activity: Application for the construction and operation of 6 mile sanitary sewer along Dishong Mountain Road, Cardiff Street and Cooper Avenue.

WQM Permit No. 6507401, Sewerage, **City of Jeannette Municipal Authority**, 1000 Railroad Street, Penn, PA 15675. This proposed facility is located in the City of Jeannette, **Westmoreland County**.

Description of Proposed Action/Activity: Application for sanitary sewer rehabilitation and treatment plant improvements.

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.

Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025207003	Department of Conservation and Natural Resources P. O. Box 8451 Harrisburg, PA 17105-8451	Pike	Greene Township	East Branch Wallenpaupack HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024007003	Keith Linn, Sr. 174 R. R. 1 Wapwallopen, PA 18660	Luzerne	Slocum Township	Pond Creek CWF

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

Somerset County Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055607001	Shaffer Mountain Wind, LLC One South Broad Street Philadelphia, PA 19107	Somerset County Ogle and Shade Townships Bedford County Napier Township	Ogle and Shade Townships Napier Township	Cub Run (CWF), Piney Run (EV), Beaverdam Run (HQ-CWF), Clear Shade Creek (EV), Dark Shade Creek (CWF), Little Dark Shade Creek (CWF) and Shingle Creek (CWF) in the Ohio River Watershed, Rocklick Creek (WWF) and tributaries to Dunning Creek (WWF) in the Susquehanna River Watershed.

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

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

Permit No. 0907519, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc.
Township	Middletown
County	Bucks
Responsible Official	Karl Kyriss 762 Lancaster Avenue Bryn Mawr, PA 19010-3489
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112-1788
Application Received Date	July 16, 2007
Description of Action	Installation of the Aries Managed Air System.

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

Permit No. 4496231A6—Operation, Public Water Supply.

Applicant	Dutch Valley Food Company, Inc.
Township or Borough	Sunbury
County	Northumberland
Responsible Official	John T. Lerch, Projects Manager Dutch Valley Food Company, Inc. P. O. Box 471 1000 South Second Street Sunbury, PA 17801
Type of Facility	Public Water Supply—Operation
Consulting Engineer	Ralph A. Lambert, Jr. LAR Enterprises 363 West High Street Gettysburg, PA 17325

Permit Application July 12, 2007
Date
Description of Action Addition of Stony Mountain
Spring as a source of spring
water for the bottling plant.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to 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.

Jim Wilson and Ruby Beck Residence, Allentown City, **Lehigh County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 has submitted an NIR (on behalf of his clients, Jim Wilson and Ruby Beck, 2339 South 4th Street, Allentown, PA 18103), concerning the remediation of soils found or suspected to have been impacted by No. 2 fuel oil as a result of a release from a corroded seam in the bottom of an aboveground storage tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard. The intended future use of the site is residential. A summary of the Notice of Intent to Remediate was published in *The Express Times* on June 27, 2007.

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

Charles D. Snyder & Son, Inc., City of Harrisburg, **Dauphin County**. BL Companies, Inc., 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of Charles D. Snyder & Son, Inc., P. O. Box 157, Emigsville, PA 17318-0157, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with metals and VOCs. The applicant is seeking to remediate the site to the Site-Specific Standard. The property was a manufacturing facility and future use is a parking lot and warehouse.

Robert Shenton Residence, Manor Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Robert Shenton, 612 Millersville Road, Lancaster, PA 17603-6026, submitted a Notice of Intent to Remediate site soils contaminated with unleaded gasoline released during an automobile accident. The applicant is seeking to remediate to the Statewide Health Standard. The property is and will remain a private residence.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Andres Estate Property, Sugar creek Borough, **Venango County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of the Estate of Edward Andres, 403 Grant Street, Franklin, PA 16323 has submitted a Notice of Intent to Remediate. The Andres Estate property was formerly part of the Eclipse Oil Refinery which was owned by the Atlantic Richfield Company. The refinery operated between the 1880s and late 1930s. The primary contaminants that will be addressed as part of this site closure will be petroleum related (VOCs, SVOCs and metals). The intended future use of the property is a convenience store and gasoline filling station.

Ogden Manufacturing Company, Franklin Township, **Erie County**. WSP Environmental Strategies, LLC, 750 Holiday Drive, Suite 410, Pittsburgh, PA 15220 has submitted a Notice of Intent to Remediate. Chlorinated solvents, specifically TCE and 1,1,1-TCA, were released to the soil. Volatile organic compounds were detected in the groundwater of the unconsolidated one and the upper bedrock zone.

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.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No. 101571. Mostoller Landfill, Inc., 7095 Glades Pike, Somerset, PA 15501. Mostoller Landfill, 7095 Glades Pike, Somerset, PA 15501. Application for a major permit modification to revise the leachate and gas management plans of a municipal waste landfill in Brothers Valley and Somerset Townships, **Somerset County**, was received in the Regional Office on July 3, 2007.

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 Ser-

vice at (800) 654-5984. Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

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

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

06-05114A: Birchcraft Kitchens, Inc. (1612 Thorn Street, Reading, PA 19601) for installing finishing operations at their assembly facility at 1900 Madison Avenue in the City of Reading, **Berks County**.

67-05046F: BAE Systems Land & Armaments, LP (1100 Bairs Road, York, PA 17404) for installation of a surface coating line, a vehicle wash booth and three fabric filters at the existing plant in West Manchester Township, **York County**.

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

10-001K: AK Steel Corp. (P. O. Box 832, Butler, PA 16003-0832) for modification of the CO emission rate from the Electric Arc Furnaces Nos. 2—4 at their Melt Shop facility, Butler Works, in the City of Butler, **Butler County**. This plan approval is subject to the Prevention of Significant Deterioration requirements for CO. The facility currently has a Title V permit which was issued February 13, 2006.

25-179A: Erie Sewer Authority (68 Port Access Road, Erie, PA 16507) for removal of two 3.2 mmBtu/hr secondary burners (known as the afterburners) at the Erie Wastewater Treatment Plant in the City of Erie, **Erie County**. This is a Title V facility.

42-111E: Ethan Allen Mfg. Corp.—Eldred Division (3289 Route 446, Eldred, PA 16731) for conversion of the current surface coating system (Booths 5—7 and Ovens E and F) from a two-pass system to a new one-pass system which will include new Booths 1—4 and Ovens A—C in Eldred Township, **McKean County**. This is a State-only facility.

37-317A: Ellwood Mill Products (712 Moravia Street, New Castle, PA 16101) for construction of a forge shop consisting of 12 natural gas-fired forge furnaces with a combined heat input of 207 mmBtu/hr and for construction of a solvent parts washer in New Castle City, **Lawrence County**. This is a State-only facility.

20-123B: Lord Corp.—Cambridge Springs (124 Grant Street, Cambridge Springs, PA 16403) for construction of a preheat oven/automated spray booth in Cambridge Springs Borough, **Crawford County**. This is a Title V facility.

61-004D: Electralloy (175 Main Street, Oil City, PA 16301) for installation of a new fabric filter to replace the existing scrubber to control emissions from the electric arc furnace and AOD vessels at their facility in the

Borough of Oil City, **Venango County**. The facility currently has a Title V permit which was issued October 31, 2002.

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

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

09-0126C: Air Liquide Electronics, US LP (19 Steel Road West, Morrisville, PA 19067) for installation and operation of an ammonia purification system and an S-4 Scrubber System at an existing facility. Monitoring and recordkeeping requirements were applied to the source and the control devices to determine compliance with the applicable limitations in this plan approval. The facility is in Falls Township, **Bucks County**.

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

13-307-001: Weatherly Casting and Machine Co. (P. O. Box 21, Weatherly, PA 18255) for construction and operation of a sand reclamation system with baghouse at their site in Weatherly Borough, **Carbon County**. This facility is a non-Title V facility. The company shall not exceed 0.01 grains/dscf for PM10 emissions from the new baghouse. The company shall comply with 25 Pa. Code § 123.41 for opacity. There is no production increase associated with this project. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

01-05016I: ISP Minerals, Inc. (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for installation of a new screen deck and new pan feeder. These sources will be controlled by the use of existing fabric filter baghouses in Hamiltonban Township, **Adams County**. There will be no increase in actual emissions of PM, and there will be no change to other emissions. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

06-03117E: Custom Processing Services, Inc. (2 Birchmont Drive, Reading, PA 19606-3266) for construction of an additional material grinding mill controlled by a fabric filter and final filter in Exeter Township, **Berks County**. The facility is a non-Title V (State-only) facility. The permit will include restrictions, monitoring, testing, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

06-05069L: East Penn Mfg. Co., Inc. (P. O. Box 147, Lyon Station, PA 19536) for installation of a carbon absorption control system on the existing small parts coating operation at their facility in Richmond Township, **Berks County**. The source is subject to 40 CFR Part 63,

Subpart Mmmm, National Emission Standards for Hazardous Air Pollutants from Small Part Coating Operations. This action will involve a net reduction in emissions of VOCs and HAPs from the source. The plan approval will include monitoring, work practices, testing, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is presently covered by the Title V Operating Permit Application No. 06-05069. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

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

PA-04-00044B: Horsehead Corp.—Horsehead (300 Frankfort Road, Monaca, PA 15061) for conversion of the "A" Swing Column to produce either deced metal or oxide product at their Monaca, PA facility in Potter Township, **Beaver County**.

Under 25 Pa. Code § 127.44(a)(4), the Department of Environmental Protection (Department) intends to issue a Plan Approval to the Horsehead Corporation 300 Frankfort Road, Monaca, PA 15061 for the conversion of the "A" Swing Column to produce either deced metal or oxide product at its Monaca, PA facility. This will be accomplished by adding two blow boxes and two fabric filters that will collect the oxide powder. The proposed potential from the conversion of Column "A" is 21.t tpy of PM. This is a Title V Facility.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during the normal business hours at this address: Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

For the Department to assure compliance with all applicable standards, the Department proposes to place the following conditions in the Plan Approval:

Special Conditions for Plan Approval PA-04-00044B

1. This Plan Approval is for the modification of existing "A" Cadmium Column to a Swing Column, adding two blow boxes and two product fabric filters at the Horsehead Corporation facility located in Potter Township, Beaver County.

2. Emissions shall be limited from each collector as follows:

Pollutant	lbs/hr	Consecutive 12-month period
PM10	2.45	10.74 tons

3. The exhaust from each collector shall be limited to 0.009 grains/dry standard cubic foot.

4. The net contemporaneous increase of PM10 from this modification is 12.7 tpy. Below summarizes the last ten years of increases and decreases from this facility. 21.5 tpy (modification of "A" Column) + 0.6 tpy (Ore Dryer – De Minimis Increase) – 9.4 tons of ERC's generated from the shutdown of the Acid Roaster = 12.7 tpy Net Increase in PM10 Emissions.

5. The owner/operator shall not exhaust greater than 10% opacity from either of the two collectors.

6. Stack testing shall be conducted on each of the two baghouse stacks to determine the filterable PM emission rate from each of the collectors while the process is

operating at maximum normal production rate. The test performed for PM (filterable) shall be for compliance purposes. The owner/operator shall also perform a test for condensable PM and this shall be performed for informational purposes only.

7. The owner/operator is to offset the particulate emission increase with ERC's that qualify as credible reductions generated by the shutdown of the Acid Roaster in October of 2002 at this site. Those emission reduction credits shall be removed from the Pennsylvania Registry when the swing column commences operation.

8. Stack testing shall be performed within 180 days of start-up. Stack tests shall be conducted in accordance with 25 Pa. Code Chapter 139 regulations and the Department's Source Testing Manual.

9. Two copies of a pretest protocol shall be submitted to the Department for review at least 60 days prior to the performance of the stack test.

10. The Department shall be notified at least 2 weeks prior to the stack test of the date and time of the test so that an observer may be present.

11. Two copies of the stack test results shall be supplied to the Department for review within 60 days of completion of the testing. The results shall express emission rates in lbs/hr and grains/dry standard cubic feet.

12. This Plan Approval authorizes temporary operation of the source(s) covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12(b)).

a. The owner/operator shall submit written Notice of the Completion of Construction and the operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the operator expects to commence operation.

b. Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit, and to permit the evaluation of the source for compliance with all applicable regulations and requirements.

c. Upon receipt of the Notice of the Completion of Construction from the owner/operator the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of operation. The Notice submitted by the owner/operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

d. Upon determination by the owner/operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the owner/operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

e. Upon completion of the Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval, The owner/operator shall apply for an Operating Permit or submit an Administrative Amendment to an existing Operating Permit at least 60 days prior to the expiration date of the Plan Approval. The application shall incorporate the conditions of this Plan Approval in the Operating Permit.

f. The owner/operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional periods, each not to exceed 120-days, by submitting an extension request as described previously.

Any person wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address show. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address, and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in this newspaper or by the *Pennsylvania Bulletin*, or by telephone, when the Department determines telephone notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, Commonwealth of Pennsylvania, Department of Environmental Protection, Southwest Region—Field Operation, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

For additional information you may contact the following at the same address: Francis D. Condrick, Air Pollution Control Engineer III, Air Quality.

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

24-111A: Elk Regional Health Center (763 Johnsonburg Road, St. Marys, PA 15857) for installation and operation of a wood fired biomass oiler with a multiclone cyclone used to control PM emissions in the City of St. Marys, **Elk County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424 the Department of Environmental Protection (Department) intends to issue a Plan Approval, No. 24-111A, for their health facility in the City of St. Marys, Elk County. This plan approval will authorize the applicant to install and operate a wood fired biomass boiler with a multiclone cyclone used to control PM emissions as described in the applicant's application of April 25, 2007, with addendums submitted April 30, 2007, and July 2, 2007. The Plan Approval will subsequently be incorporated into a State-only Operating Permit in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and the Department's own analysis, wood usage will be limited to 12,461 tons, measured on an as-received basis, per year calculated as a rolling sum. The wood being

combusted shall consist of virgin or green wood. At no time shall particleboard, flakeboard, preservative treated wood, coated or painted wood, laminated wood, construction or demolition waste or any other material, except green or kiln-dried virgin wood, be burned in the biomass boiler.

The following emissions restrictions are under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12:

a) NO_x expressed as NO₂ emissions shall not exceed 0.360 pound per million Btu of heat input or 28.77 tpy calculated as a 12-month rolling sum.

b) SO_x expressed as SO₂ emissions shall not exceed 0.025 pound per million Btu of heat input or 2.03 tpy calculated as a 12-month rolling sum. (Compliance with this condition streamlines out the requirements of 25 Pa. Code § 123.22.)

c) VOCs emissions shall not exceed 0.017 pound per million Btu heat input or 1.38 tpy calculated as a 12-month rolling sum.

d) CO emissions shall not exceed 0.60 pound per million Btu heat input or 48.62 tpy calculated as a 12-month rolling sum.

e) PM₁₀ emissions shall not exceed 0.24 pound per million Btu heat input or 19.04 tpy calculated as a 12-month rolling sum. (Compliance with this condition streamlines out the requirements of 25 Pa. Code Section 123.11.)

f) At no time shall the opacity of the emission be equal to or greater than 10%, except during startup and shutdown. (Compliance with this condition streamlines out the requirements of 25 Pa. Code § 123.41.)

g) During startup and shutdown the permittee shall comply with the opacity limitations specified in 25 Pa. Code § 123.41.

The facility will be required to stack test for PM, CO, and NO_x. Monitoring and recordkeeping requirements will insure compliance with the emission restrictions stated previously.

Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at (814) 332-6340, for an appointment.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 24-111A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, when the

Department determines telephone notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

61-181C: Scrubgrass Generating Co., LP (2151 Lisbon Road, Kennerdell, PA 16374) to install a 44,000 square yard ash conditioning area to treat ash generated by combusting waste coal from the company's circulating fluidized bed boilers in Scrubgrass Township, **Venango County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424 the Department of Environmental Protection (Department) intends to issue a Plan Approval, No. 61-181C, for their plant in Scrubgrass Township, Venango County. This plan approval will authorize the applicant to install a 44,000 square yard ash conditioning area to treat ash generated by combusting waste coal from the company's circulating fluidized bed boilers as described in the applicant's application of June 7, 2007. Limestone is added during the combustion process to control SO₂ emissions. The excess limestone is then converted to lime, which is mixed with the coal ash. The ash contains unreacted lime that must be treated before disposal. The ash is treated in a pugmill to a moisture content of at least 15% and will be allowed to completely react and cool in the new ash conditioning area. The Plan Approval will subsequently be incorporated into the company's Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and Department's own analysis, the ash conditioning process has the potential to generate fugitive PM emissions of 1.57 tpy. The company will use water to control the fugitive PM emissions. The amount of ash disposed and the amount of water used will be monitored daily and record of daily ash weight and water volume will be kept. This information will be used to determine the moisture content of the ash. The company will also be required to perform a daily visual inspection of the ash conditioning area to determine if fugitive emissions are occurring and keep daily record of such inspections and any problems observed.

Copies of the application, the Department's analysis and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at (814) 332-6340, for an appointment.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 61-181C.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period.

Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, when the Department determines telephone notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

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.

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

42-00174: Rustick, LLC (19 Ness Lane, Kane, PA 16735) for reissuance of a Title V permit in Sergeant Township, **McKean County**. The facility is a municipal wastes landfill and its major emission sources include the landfill and a leachate treatment plant. The facility is Title V because the design parameter is greater than 2.5 millions mega grams or cubic meters.

37-00264: Ellwood Quality Steels Co. (700 Moravia Street, New Castle, PA 16101) to manufacture steel ingots in New Castle City, **Lawrence County**. Ellwood Quality Steels Company air emission sources are four natural gas-fired boilers, several miscellaneous natural gas-fired heaters, electric arc furnace, six natural gas-fired anneal furnaces, two natural gas-fired ladle preheaters, natural gas-fired EAF preheater, scrap torching, scrap handling, vacuum degasser, teeming and gas cutter. The facility is a Title V facility based on the potential to emit NOx and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

24-00016: Keystone Powdered Metal Co. (1935 State Street, Saint Mary's, PA 15857) for an administrative amendment of the Title V Operating Permit to incorporate the conditions of Plan Approvals 24-016C and 24-016D in **Elk County**.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

46-00190: Dickson Investment Hardware, Inc. (386 East Church Road, King of Prussia, PA 19406) for a non-Title V Facility, State-only, Natural Minor Permit for manufacture of metal castings from ceramic shells and the ceramic shells from wax molds in Upper Merion Township, **Montgomery County**. The sources of emissions include a residual wax burnout equipped with a thermal oxidizer. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

06-03021: Post Precision Castings, Inc. (21 Walnut Street, Strausstown, PA 19559) for operation of their casting foundry in Strausstown, **Berks County**. 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.

06-03074: Kolors East (2380 Camp Swatara Road, Myerstown, PA 17067) for operation of their sandblasting and painting operation in Bethel Township, **Berks County**. 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.

06-05090: Chiyoda America, Inc. (P. O. Box 470, Morgantown, PA 19543-0470) for operation of a graphic arts printing operation controlled by two thermal oxidizers in Caernarvon Township, **Berks County**. The facility is subject to 40 CFR Part 63, Subpart KK, National Emission Standards for Emissions of Hazardous Air Pollutants from the Printing and Publishing Industries. This action is a renewal of the State-only operating permit issued in 2002.

67-03025: Bickel's Snack Foods, Inc. (1120 Zinns Quarry Road, West Manchester, PA) for a natural minor operating permit for operation of four snack product fryers at Plants 1 and 2, College Avenue, West Manchester Township, **York County**.

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

37-00274: Kasgro Rail Corp. (320 East Cherry Street, New Castle PA 16102-1365) for renewal of an operating permit in Taylor Township, **Lawrence County**. The facility manufactures and surface coats rail cars. The facility consists of the Cherry Street and Furnace Street Plants. The significant sources are the M/U air furnace, the camber furnace, two paint booths, two shot blast booths and two welding/fabricating operations. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit.

24-00017: Morgan AM&T (441 Hall Avenue, Saint Mary's, PA 15857) for the reissuance of a Natural Minor Operating Permit to operate a precision machined and molded component manufacturing facility in the city of Saint Mary's, **Elk County**. The facility's primary emission sources include seven natural gas fired heat treat ovens, an electric heat treat oven, a batch heat treat oven, a resin impregnation and curing process, a metal impregnation process and four natural gas fired dryers.

10-00038: Winfield Lime and Stone Co. (1295 Winfield Road, Cabot, PA 16023) a natural minor operating permit for operation of the facility's air contamination sources consisting of primary and secondary crushers, screening process and transfer/drop points for the production limestone in Winfield Township, **Butler County**.

10-00087: DU CO Ceramics Co. (155 South Rebecca Street, P. O. Box 568, Saxonburg, PA 16056) for a renewal-operating permit to produce precision ceramic insulators for varied industrial and manufacturing applications in Saxonburg Borough, **Butler County**. The significant sources at the facility are a boiler, ceramic cutting and machining, four periodic kilns, two continuous kilns, two dryers, a diesel emergency generator, four minor kilns and a Swindell Dressler Tunnel kiln. The conditions of the previous approvals and operating permit were incorporated into the renewal permit. The facility is a Natural Minor.

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

S03-001: Kirkbride Center (111 North 49th Street, Philadelphia, PA 19139) for operation of a psychiatric hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes three 16.7 mmBtu/hr boilers, three emergency generators and one emergency sprinkler pump.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office

indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

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

Coal Applications Received

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The 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 (result-

ing from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

56020101 and NPDES No. PA0249122. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA

15650), permit renewal for reclamation only of a bituminous surface-auger mine in Jenner Township, **Somerset County**, affecting 57.3 acres. Receiving streams: UNTs to/and Roaring Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Quemahoning Reservoir (Cambria-Somerset Authority). Application received May 21, 2007.

32020102 and NPDES No. PA0249173. Big Mack Leasing Company, Inc. (568 Silvis Hollow Road, Kittanning, PA 16201), permit renewal of reclamation only of a bituminous surface-auger mine in Young Township, **Indiana County**, affecting 46.0 acres. Receiving streams: Neal Run and Reeds Run classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received July 9, 2007.

56060109 and NPDES No. PA0249645. PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), revision of an existing bituminous surface mine to add augering in Stonycreek Township, **Somerset County**, affecting 116.3 acres. Receiving streams: to Glades Creek and Glades Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 11, 2007.

56070106 and NPDES No. PA0262471. Fieg Brothers (3070 Stoystown Road, Stoystown, PA 15563), commencement, operation and restoration of a bituminous surface, auger, blasting mine in Brothersvalley Township, **Somerset County**, affecting 36.3 acres. Receiving streams: UNTs to Hays Run; UNTs to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 9, 2007.

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

02-03-02 and NPDES Permit No. PA0250473. Collier Land & Coal Development, LP (P. O. Box 62278, Upper St. Clair, PA 15241). Revision application to change the operator from Binotto Contracting, Inc. for a pending government financed construction contract, located in Collier Township, **Allegheny County**, affecting 32.4 acres. Receiving streams: Robinson Run and UNTs to Robinson Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received July 12, 2007.

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

54970101R2 and NPDES Permit No. PA0223832. Premium Fine Coal, Inc. (P. O. Box 2043, Hazleton, PA 18201), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Schuylkill Township, **Schuylkill County** affecting 632.0 acres, receiving stream: Schuylkill River. Application received July 5, 2007.

40070201. Mineral Reclamation, LLC (30 Market Street, Pittston, PA 18640), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Hanover Township, **Luzerne County** affecting 41.0 acres, receiving stream: none. Application received July 11, 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:

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

¹ The parameter is applicable at all times.

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

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

32070801. David C. Adams (136 Blanket Hill Road, Kittanning, PA 16201), commencement, operation and restoration of a small noncoal (industrial minerals) operation in Armstrong Township, **Indiana County**, affecting 1.0 acre. Receiving stream: Curry Run. Application received April 3, 2007.

28072803. R & D Contractors (5436 Sunset Pike, Chambersburg, PA 17201-9604), commencement, operation and restoration of a small noncoal (industrial minerals) operation in Southampton Township, **Franklin County**, affecting 5.0 acres, receiving stream: Muddy Run. Permit received June 29, 2007.

28072802. Norman R. Eyer, 2196 Letterkenny Road, Chambersburg, PA 17201, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Hamilton Township, **Franklin County**, affecting 5.0 acres, receiving stream: UNT to Conococheague. Permit received May 21, 2007.

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

3077SM9. Terra Resources LLC (267 Gilmore Road, Enon Valley, PA 16120). Transfer of an existing sand and gravel operation in Jefferson Township, **Mercer County** affecting 10.96 acres. Receiving stream: Lackawannock Creek, classified for the following use: TSF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from J. Taylor Sand & Gravel. Application received July 9, 2007.

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

5376SM16C6 and NPDES Permit No. PA0593915. American Asphalt Paving Co. (500 Chase Road, Shavertown, PA 18708), renewal of NPDES Permit for

discharge of treated mine drainage from a quarry operation in Jackson Township, **Luzerne County**, receiving stream: Brown's Creek, classified for the following use: CWF. Application received July 10, 2007.

4873SM6C6 and NPDES Permit PA0009695. O-N Minerals PenRoc Co., LP (P. O. Box 1967, York, PA 17405), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in West Manchester Township, **York County**, receiving stream: Codorus Creek, classified for the following use: WWF. Application received July 11, 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 relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E51-223. City of Philadelphia Capital Program Office, Fairmount Park Commission, One Parkway, 1515 Arch Street, 10th Floor, Philadelphia, PA 19102, Philadelphia City, **Philadelphia County**, ACOE Philadelphia District.

To perform the following Water and Obstruction and Encroachments activities along the Schuylkill River (WWF-MF):

1. To construct and maintain a boat dock, gangways and platforms with piling foundation.
2. To construct and maintain paving, landscaping and fencing on park esplanade leading to boat dock entrance.
3. To construct and maintain a debris screen with piling foundation upstream of dock.
4. To construct and maintain electrical conduit for walk and dock lighting.

This project is located adjacent to the Water Works Museum and approximately 800 feet downstream of the Fairmount Park Dam in Philadelphia. The nearest intersection is Waterworks and Kelly Drives (Philadelphia, PA-NJ Quadrangle N: 16.3 inches; West: 8.3 inches).

E51-224. HSP Gaming LP, 1600 Arch Street, Suite 300, Philadelphia, PA 19103, Philadelphia City, **Philadelphia County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities at the former Jack Frost Sugar Processing Facility, along the Delaware River (WWF) to accommodate the proposed Sugar House Casino Project:

1. To relocate and maintain a combined sewer outfall (CSO) to a point just south of Pier 41, which will include approximately 1,500 cubic yards of new fill. The CSO will be extended in a later phase, approximately 200 feet to a proposed river wall to accommodate public access.
2. To place approximately 3,600 cubic yards of fill between Piers 41 and 42.
3. To place approximately 13,500 cubic yards of fill between Piers 43 and 44.
4. To construct and maintain a 750-foot long cut-off wall along the Delaware River.
5. To construct and maintain a 1.63-acre pile-supported high-deck structure over 1.23-acres of currently open waters.
6. To widen and maintain the CSO located at Shackamaxon Street, which will include approximately 450 feet of rip-rap revetment for shoreline protection.
7. To construct and maintain a 30-foot by 60-foot floating ferry dock, 12-foot by 50-foot floating taxi dock, and a 520-foot long by 8-foot wide pedestrian access ramp.
8. To construct and maintain four new 36-inch diameter stormwater outfalls for onsite stormwater management.

This project is located approximately 500 feet northwest of the intersection Frankford Avenue and North Columbus Boulevard (Philadelphia, PA USGS Quadrangle N: 16.4 inches; W: 1.2 inches).

E46-1005. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Franconia, Hatfield, Lower Salford and Towamencin Townships, **Montgomery County**, ACOE Philadelphia District.

This application is part of an overall project to construct, rehabilitate and maintain an approximately 5.0 mile segment of the Sumneytown Pike/PA309 Connector (SR 1058) spanning east to west through Skippack and West Neshaminy Creek Watersheds. This project has been divided into two design/construction sections (HAT,

and HT2). The limit for the entire project is between Sumneytown Pike (SR 0063) in Towamencin and Lower Salford Townships, Montgomery County (Lansdale, PA USGS Quadrangle N: 0.8 inch; W: 15.0 inches) and County Line Road (SR 0309) in Hatfield Township, Montgomery County and Hilltown Township, Bucks County (Telford, PA USGS Quadrangle N: 10.5 inches; W: 7.0 inches) and traverses through Towamencin, Lower Salford, Hatfield and Franconia Townships in Montgomery County and Hilltown Township, Bucks County. The project proposes to directly impact a total of approximately 0.48 acre of wetland (PEM/PSS).

The construction of a total of 0.70 acre of wetland replacement is proposed along a UNT to Skippack Creek in Hatfield Township, which will compensate for the permanent wetland impact.

This permit is for Section HAT and is the first submission for the SR 1058 construction project, which includes the Sumneytown Pike realignment and the improvement to Wambold Road up to Allentown Road. The limit of work extends between Sumneytown Pike (Lansdale, PA USGS Quadrangle N: 0.8 inch; W: 15.0 inches) in Towamencin and Lower Salford Townships and Allentown Road (Lansdale, PA USGS Quadrangle N: 5.7 inches; W: 11.9 inches) in Franconia and Hatfield Townships.

The construction and rehabilitation work in Section HAT includes the following water obstruction and encroachment activities:

1. To remove an existing bridge across a UNT to Skippack Creek (TSF) and to construct and maintain, in its place, a 66-foot long, 43-foot wide single span bridge with a minimum underclearance of approximately 6.5 feet and associated rock protection at the abutments. Approximately 40 linear feet of the stream will be relocated at the upstream side to accommodate the proposed alignment of the bridge (Lansdale, PA Quadrangle N: 22.70 inches; W: 13.75 inches).

2. To construct, modify and maintain numerous stormwater management facilities by placing fill within various streams and floodplains in the Skippack Creek Watershed.

3. To place and maintain fill in the floodplain of streams in the Skippack Creek Watershed associated with roadway fill.

4. To construct and maintain numerous temporary cofferdams and stream diversions within various streams in the Skippack Creek Watershed.

5. To place and maintain fill in approximately 0.03 acre of wetland (PEM) associated with the realignment of the Sumneytown Pike (N: 22.79 inches; W: 13.75 inches).

6. To remove an existing pipe culvert across a UNT to Skippack Creek and to construct and maintain, in its place, a 65-foot long, 36-inch diameter reinforced concrete pipe culvert (N: 0.80 inch; W: 14.80 inches).

7. To construct and maintain a 120-foot long, 6-foot wide by 5-foot rise enclosure with fish baffles depressed one foot below stream bed elevation resulting in an effective underclearance of 4.0 feet, and associated rock protection in a UNT to Skippack Creek. Approximately 120 linear feet of the stream will be relocated at the upstream side to accommodate the proposed alignment of the culvert (N: 0.98 inch; W: 14.25 inches).

8. To remove an existing box culvert across a UNT to Skippack Creek and to construct and maintain, in its place, a 75-foot long, 6-foot wide by 5-foot rise box culvert

with fish baffles depressed one foot below stream bed elevation resulting in an effective underclearance of 4.0 feet, and associated rock protection. Approximately 50 linear feet of the stream will be relocated at the upstream side to accommodate the proposed alignment of the culvert (N: 0.90 inch; W: 14.65 inches).

9. To construct and maintain a 286-foot long, 3-span bridge at 88-foot, 110-foot and 88-foot over the Skippack Creek and associated rock protection at the abutments and piers. The underclearance of this structure will be approximately 8.0 feet. Approximately 240 linear feet of the stream will be relocated at the upstream side to accommodate the proposed alignment of the bridge (N: 1.00 inch; W: 14.60 inches).

10. To relocate 600 linear feet of a UNT to Skippack Creek associated with the alignment of the aforementioned 3-span bridge and its approach roadways across Skippack Creek (N: 1.1 inches; W: 14.9 inches).

11. To remove an existing arch culvert across a UNT to Skippack Creek and to construct and maintain, in its place, a 84-foot long, 7-foot wide by 6-foot rise box culvert with fish baffles and depressed one foot below stream bed elevation resulting in an effective underclearance of 5.0 feet, and associated rock protection. Approximately 100 linear feet of the stream will be relocated to accommodate the proposed alignment of the culvert (N: 1.30 inches; W: 15.60 inches).

12. To excavate approximately 45.0 linear feet of a UNT to Skippack Creek associated with roadway embankment. (N: 1.55 inches; W: 14.25 inches).

13. To remove an existing culvert and to construct and maintain, in its place, a 52-foot long single span bridge 58-foot wide, 7-foot underclearance over a UNT to Skippack Creek and associated rock protection (N: 2.00 inches; W: 13.95 inches).

14. To place fill in approximately 130 linear feet of a UNT to Skippack Creek associated with roadway fill (N: 4.6 inches; W: 11.7 inches).

15. To place fill/grade within the stream/floodplain of a UNT to Skippack Creek associated with the proposed wetland mitigation (N: 4.65 inches; W: 11.45 inches).

16. To construct and maintain a 90-foot long, 48-inch diameter culvert depressed 6 inches below streambed elevation resulting in an effective underclearance of 42 inches, and associated rock protection in a UNT to Skippack Creek. This work also includes minor stream relocation to accommodate the proposed alignment of the culvert (N: 4.80 inches; W: 11.45 inches).

17. To place and maintain fill in approximately 0.03 acre of wetland (PEM) associated with the construction of SR 1058/Allentown Road intersection (N: 4.60 inches; W: 11.85 inches).

18. To install and maintain riparian plantings along 800 linear feet of the west bank of Skippack Creek north of the existing Sumneytown Pike.

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E35-408. Mark Clarks Summit North Associates, LP, 580 Third Avenue, Kingston, PA 18704, in South Abington Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a bridge, having a 32-foot span and a 6-foot underclearance, across Lackawanna Trail Tributary (TSF) for the purpose of providing second-

ary access to Rite Aid Drugstore. The project is located on the east side of Route 6 and 11, approximately 0.1 mile north of the Pennsylvania Turnpike Northeast Extension Bridge (Scranton, PA Quadrangle N: 20.2 inches; W: 9.3 inches).

E35-410. Lackawanna County, Lackawanna County Courthouse, 200 Adams Avenue, Scranton, PA 18503, in Jefferson Township, **Lackawanna County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing of West Branch Wallenpaupak Creek (HQ-CWF) consisting of a 6-foot by 20-foot concrete box culvert, with fish baffles, depressed 1-foot below stream bed elevation. The project is located on Spangenberg Lake Road (T-399) approximately 0.4 mile east of SR 2003 (Lake Ariel, PA Quadrangle N: 10.2 inches; W: 13.8 inches).

E35-409. Lackawanna County, Lackawanna County Courthouse, 200 Adams Avenue, Scranton, PA 18503, in Benton and North Abington Townships, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing structure and construct and maintain a steel truss pedestrian bridge with a concrete deck across South Branch Tunkhannock Creek (TSF) having a span of 97 feet and an approximate underclearance of 16.5 feet. The project is located within the Lackawanna State Park approximately 0.2 mile east of the intersection of Benton and Sunset Roads (Dalton, PA Quadrangle N: 10.5 inches; W: 12.9 inches).

E64-271. Duck Harbor Company, R. R. 1, Box 214C, Equinunk, PA 18417, in Lebanon Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 10-foot wide concrete boat launching ramp extending approximately 20-feet into Duck Harbor Pond; to construct and maintain a 4-foot wide loading/unloading dock extending approximately 40 feet into Duck Harbor Pond; and to construct and maintain a marina consisting of 5 piers and mooring for approximately 76 boats, each pier extending approximately 92 feet into Duck Harbor Pond. The project is located on the northern shore of Duck Harbor Pond approximately 4,000 feet northwest of the intersection of Duck Harbor and Schnakenberg Roads (Long Eddie, NY-PA Quadrangle N: 1.0 inch; W: 11.4 inches).

E45-508. Mount Airy No. 1, LLC, 229 Main Street—Sturges, Olyphant, PA 18447-2319, in Paradise Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 6-inch diameter pipe in Mount Airy Lake (HQ-CWF) for the purpose of supplying water to a dry hydrant intake structure for fire protection purposes. The work is associated with the proposed Mount Airy Casino project on the east side of Woodland Road (Mount Pocono, PA Quadrangle N: 20.3 inches; W: 9.7 inches).

E58-274. Jens C. Sorensen, R. R. 1, Box, 1151, Nicholson, PA 18446, in Lenox Township, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To expand an existing pond from 0.71 acre to approximately 5 acres for the purpose of stabilizing hydrology and improving water quality within a disturbed wetland complex. The project will impact 0.58 acre of PEM

wetlands and approximately 300 feet of a tributary to South Branch Tunkhannock Creek (CWF) and is located on the south side of Township Road T463, approximately 0.6 mile west of SR 2016 (Lenoxville, PA Quadrangle N: 8.0 inches; W: 10.0 inches).

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

E22-516: S&A Custom Built Homes, Inc., Keith Sunderman, 2121 Old Gatesburg Road, Suite 200, State College, PA 16803, Lower Paxton Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a 99-foot long 8-inch ductile iron sanitary sewer pipe crossing temporarily impacting 0.004 acre PEM wetland and 0.003 acre stream of a UNT to Beaver Creek (WWF). The project is located on the north side of Union Deposit Road, approximately 150 feet west of its intersection with Page Road Extended (Harrisburg East, PA Quadrangle N: 7.1 inches; W: 5.7 inches, Latitude: 40° 17' 7"; Longitude: 76° 47' 32") in Lower Paxton Township, Dauphin County.

E06-621: City of Reading, Charles Jones, 503 North 6th Street, Reading, PA 19601, Reading City, **Berks County**, ACOE Baltimore District.

To construct and maintain an extension to an existing storm sewer system including: (1) a 50.0-foot long by 15.0-foot bottom-width trapezoidal Reno mattress channel in the floodway of the Schuylkill River (CWF); (2) a 47.0-foot long by 15-foot bottom width concrete channel; (3) a 60.0-foot long by 15.0-foot bottom width trapezoidal Reno Mattress channel; (4) 50.0-feet of 36-inch SLCPP pipe; (5) 171.0-feet of 36-inch SLCPP pipe to replace existing CMP; (6) a 302.0-foot long gravel access drive, and some associated grading all in the floodplain of the Schuylkill River (CWF) (Reading, PA Quadrangle N: 2.75 inches; W: 3.75 inches, Latitude: 40° 18' 44"; Longitude 75° 54' 44") in the City of Reading, Berks County.

E28-342: Richard E. Jordan, Exit 24 Warehouse, 2010 State Road, Camp Hill, PA 17011, Southampton Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain a 36.0-foot by 8.0-foot by 85.0-foot long arch culvert with R-7 riprap; to relocate 1,100 feet of Furnace Run; to fill 0.67 acre of PEM wetland associated Furnace Run (CWF). The project is located east of Olde Scotland Road (SR 696), approximately 6,000-feet northeast of the SR 696/Interstate 81 interchange (Shippensburg, PA Quadrangle, N: 5.3 inches; W: 2.9 inches, Latitude: 40° 02' 01"; Longitude: 77° 31' 20") in Southampton Township, Franklin County. The applicant is proposing a minimum of 1.05 acres of replacement wetlands onsite to compensate for direct and indirect wetland impacts.

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

E17-431. Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. Application for SR 4016 Section A01, Bridge Replacement Project over Laborde Branch, Sandy Township, **Clearfield County**, ACOE Susquehanna River Basin District (Luthersburg, PA Quadrangle N: 17.1 inches; W: 11.8 inches).

To remove an existing single span multi I-beam steel bridge with stone masonry abutments and to construct, operate and maintain a prestressed concrete box beam bridge with reinforced concrete wing walls and abut-

ments. The new structure will have a curb-to-curb width of 34 feet and normal crown across the structure. The new structure will have a single clear span of 51.76 feet, a minimum underclearance of 9.90 feet and a skew of 75° and will carry vehicle traffic across Laborde Branch, SR 4016 Section A01, in Sandy Township, Clearfield County.

This project proposes to have a minimal impact to Laborde Branch, which is listed as a CWF. This project does not propose to impact any jurisdictional wetlands.

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

E10-434: Pilot Travel Centers, LLC, 5508 Lonas Road, Knoxville, TN 37909. Pilot Travel Center, in Muddy Creek Township, **Butler County**, ACOE Pittsburgh District (Portersville, PA Quadrangle N: 40° 57' 55"; W: 80° 8' 17").

To construct a Pilot Travel Center that contains a fuel station, restaurant and restrooms. In addition to the travel center, a 50,000 gpd capacity sewage treatment facility will be constructed. The project will impact 0.33 acre of isolated PEM wetland onsite, which will be mitigated through the construction of 0.36 acre of PEM wetland onsite.

E20-558: Lake Property Holdings, LLC, 22487 Hobbs Road, Meadville, PA 16335. Snow Waters, in Summit Township, **Crawford County**, ACOE Pittsburgh District (Harmonsborg, PA Quadrangle N: 3.5 inches; W: 9 inches).

The applicant proposes to construct and maintain a 192 acre development consisting of 183 condominium residences, golf course and club house, restaurant, 189 slip boat harbor and associated infrastructure and utilities on the site of the existing Park Golf Course and Jo-Winn Mobile Home Park adjacent to SR 618 centered approximately 0.6 mile NW of the intersection of SR 618 and SR 18 and involving: 1) to dredge wetlands, uplands and an existing body of water adjacent to Inlet Run utilizing a long stick excavator or pump dredge in a 3.8 acre area to a depth of 6 feet below mean water elevation to construct a proposed boat marina area; 2) to dredge uplands, Inlet Run and existing body of water adjacent to Inlet Run utilizing a long stick excavator or pump dredge in a 0.5 acre area to a depth of 8 feet below mean water elevation to construct a turning pool/sediment settling area; 3) to dredge Inlet Run from the proposed turning pool to the mouth for a length of approximately 1,200 feet downstream utilizing a long stick excavator or pump dredge in a 1.5 acre area to a depth of 8 feet below mean water elevation; 4) to dredge Conneaut Lake and the Fish and Boat Commission launch for a length of approximately

600 feet utilizing a long stick excavator or pump dredge in a 1.1 acre area to a depth of 6 to 8 feet below mean water to improve navigation; 5) to construct various channel changes in Inlet Run to improve navigation; 6) to conduct maintenance dredging in the turning pool; 7) to construct and maintain boat marina consisting of 1,980 linear feet of steel sheet piling bulkhead and 15,400 square foot of floating gangways and docks consisting of 189 slips and equipped with water circulation pumps; 8) to construct and maintain approximately 3,110 linear feet of steel sheet piling adjacent to Inlet Run; 9) to remove 15 existing golf cart/pedestrian bridges and to construct and maintain 11 open truss, golf cart bridges having spans of 25 to 50 feet on Inlet Run and a tributary to Inlet Run; 10) to construct and maintain a walkway, golf course grading, course modifications, ponds and miscellaneous course structures within the FEMA floodway of Inlet Run; 11) to construct and maintain 26 stormwater outfalls to Inlet Run, 12 stormwater outfalls to a tributary to Inlet Run, and 6 stormwater outfalls to the proposed harbor; 12) to construct and maintain utility line crossings of Inlet Run and tributaries to Inlet Run; 13) to conduct and maintain a stream restoration project on Inlet Run having a length of 2,000 feet; 14) to impact 1.19 acres of wetlands (0.65 acre of PSS wetland, 0.09 acre of PFO and 0.45 acre of PEM wetlands) for the construction of the buildings, infrastructure and a boat marina; and 15) to construct three wetland mitigation areas having areas of 0.54 acre, 0.63 acre and 0.53 acre respectively. Conneaut Lake, Inlet Run and the tributaries to Inlet Run are perennial bodies of water and streams classified as HQ-WWF.

E43-343: Preferred Communities, Inc., P. O. Box 9, Canfield, OH 44406-0009. Settlers Walk Subdivision, in the City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharpsville, PA Quadrangle N: 4.0 inches; W: 3.75 inches).

The applicant proposes to construct a residential subdivision consisting of 31 residential units, club house, swimming pool, associated roads, utilities and other infrastructure on Clarksville Road approximately 0.7 mile SW of the intersection of SR 18 and SR 518 involving: 1) to fill 0.14 acre of PEM/PSS wetlands; 2) to construct and maintain 0.39 acre of wetland onsite; and 3) to impact (with fill and the construction of a stormwater detention basin) two watercourses (tributaries to Pine Hollow Run) with a drainage area of less than 100 acres for a total length of approximately 500 feet. The tributaries to Pine Hollow Run are intermittent streams classified as WWF. The project proposes to directly impact 0.14 acre of PEM/PSS wetlands and approximately 500 feet of watercourse.

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS604802	Gray's Vehicle Clinic 1314 Axemann Road Bellefonte, PA 16823	Spring Township Centre County	Logan Branch 9C	Y
PA0033502 SP	Bradford County R. R. 3, Box 322 Troy, PA 16947	Bradford County West Burlington Township	Sugar Creek 4C	Y
PA0113107 SN	Columbia County Court House Bloomsburg, PA 17815	Columbia County Briar Creek Township	East Branch Brair Creek 5D	Y
PA0027359 IW	Danville Municipal Authority 12 West Market Street Danville, PA 17821	Montour County Danville Borough	Susquehanna River 5E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0097811 Sewage	Dry Tavern Sewer Authority P. O. Box 159 Rices Landing, PA 15357	Greene County Jefferson Township	UNT of Pumpkin Run	Y
PA0095702 Sewage	Thomas E. Ward 855 South Bridge Road Prosperity, PA 15329	Washington County South Franklin Township	Tenmile Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0028274	New Wilmington Borough 134 High Street New Wilmington, PA 16142	New Wilmington Borough Lawrence County	Little Neshannock Creek 20-C	Y
PA0033146	Countryside Convalescent Home, LP 8221 Lamor Road Mercer, PA 16137	East Lackawannock Township Mercer County	UNT to Neshannock Creek 20-A	Y

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

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

NPDES Permit No. PA0086703, Industrial Waste, **NGK Metals Corporation**, 917 State Highway 11 South, Sweetwater, TN 37874. This proposed facility is located in Muhlenberg Township, **Berks County**.

Description of Proposed Action/Activity: Termination of Permit, effective August 31, 2007.

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

PA0229083, Industrial Waste SIC, 4953, **Phoenix Resources, Inc.**, 782 Antrim Road, Wellsboro, PA 16901. This proposed facility is located in Duncan Township, **Tioga County**.

Description of Proposed Activity: This proposed action is for issuance of an NPDES permit for new discharge of treated leachate and stormwaters.

The receiving streams, UNTs to Wilson Creek, Rock Run and Babb Creek, is in the State Water Plan Watershed 9A and classified for CWF. The nearest downstream public water supply intake for Jersey Shore Area Joint Water Authority is located on Pine Creek is 45 miles below the point of discharge.

The proposed effluent limits for stormwater outfalls 001—007.

<i>Parameter</i>	<i>Mass Units (lbs/day)</i>			<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
TSS					100	
pH					Report	
Chemical Oxygen Demand					Report	
Phenol					Report	
p-Cresol					Report	
a-Terpineol					Report	
Nitrate/Nitrite (as N)					Report	

The proposed effluent limits for treated leachate outfall 008 based on a design flow of 0.054 mgd.

<i>Parameter</i>	<i>Mass Units (lbs/day)</i>			<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH			6.0			9.0
5 Day BOD ₅				37	140	
TSS				27	88	
Ammonia (as N)				4.9	10	
a-Terpineol				0.016	0.033	
Benzoic acid				0.071	0.12	
p-Cresol				0.014	0.025	
Phenol				0.015	0.026	
Zinc				0.11	0.20	
Copper				0.21	0.33	
Lead				0.075	0.12	
Mercury				0.0012	0.0018	
Selenium				0.12	0.18	
Dieldrin				Nondetect Method Detection Limit 0.1 ug/l		

PA0229113, Small Flow Treatment Facility, **Dorothy Arnott**, 24 Mountain Road, Berwick, PA 18603. This permitted facility is located in North Centre Township, **Columbia County**.

Description of permitted Activity: Small flow treatment system consisting of an aerobic tank, a pump tank, two free access sand filters and a chlorine contact tank.

The receiving stream, Briar Creek, is in the State Water Plan Watershed 5D and is classified for CWF. The nearest downstream public water supply intake for Borough of Danville is located on the Susquehanna River and is 27 miles below the point of discharge.

The effluent limits for Outfall 001 are based on a design flow of 600 gpd and follow the general permit limits.

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

NPDES Permit No. PA0253472, Sewage, **Hanover Township Sewer Authority**, 116 Steubenville Pike, Paris, PA 15021. This proposed facility is located in Hanover Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for proposed sewage treatment plant discharge to Raccoon Creek.

NPDES Permit No. PA0092355-A1, Sewage, **Municipal Authority of the Borough of Belle Vernon**, P. O. Box 181, 10 Main Street, Belle Vernon, PA 15012. This existing facility is located in Belle Vernon Borough, **Fayette County**.

Description of Proposed Action/Activity: Permit issuance for expansion of the Belle Vernon-North Belle Vernon WPCP.

NPDES Permit No. PA0216330-A1, Sewage, **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106. This existing facility is located in Big Beaver Borough, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for upgrade of existing sewage and industrial treatment facilities.

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

NPDES Permit No. PA0240010, Sewage, **Paul L. and Catherine P. LaBrie**, 112 Wetmore Trail, Kane, PA 16735. This proposed facility is located in Hamilton Township, **McKean County**.

Description of Proposed Action/Activity: This is a Single-Residence Sewage Treatment Plant discharging to a UNT to Two Mile Run in Watershed 16-F.

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

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

WQM Permit No. 0698201, Industrial Waste, **NGK Metals Corporation**, 917 State Highway 11 South, Sweetwater, TN 37874. This proposed facility is located in Muhlenberg Township, **Berks County**.

Description of Proposed Action/Activity: Termination of Permit, effective August 31, 2007.

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

WQM Permit No. 1906403, Sewerage, **Dorothy Arnott**, 24 Mountain Road, Berwick, PA 18603. This proposed facility is located at North Centre Township, **Columbia County**.

Description of Proposed Action/Activity: Permit issuance for a small flow treatment facility, to repair a malfunctioning onlot system, consisting of an aeration tank, clarifier tank, free access sand filters, chlorination and discharge.

WQM Permit No. WQG01410701, Sewerage 4952, **Matthew Lingle**, 797 Zinck Road, Jersey Shore, PA 17740. This facility will be located in Mifflin Township, **Lycoming County**.

Description of Proposed Action/Activity: Permit issued approving the design, construction and operation of a small flow treatment facility to serve a residence. Discharge will be to a UNT to Larry's Creek, a WWF.

WQM Permit No. 1707402, Sewerage 4952, **City of DuBois**, P. O. Box 408, 16 West Scribner Avenue, DuBois, PA 15801. This proposed facility is located in Sandy Township, **Clearfield County**.

Description of Proposed Action/Activity: Construction of a dechlorination facility at the City of DuBois sewage treatment plant.

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

WQM Permit No. 0494403-A2, Sewerage, **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. This existing facility is located in Big Beaver Borough, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for upgrade of existing sewage and industrial treatment facilities.

WQM Permit No. WQG016146, Sewerage, **William Greenwood**, 4158 State Game Land Road, Wexford, PA 15090. This proposed facility is located in Marshall Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a small flow sewage treatment facility.

WQM Permit No. WQG026114, Sewerage, **David D. and Eugenia A. Moritz**, 242 Station Street, Bridgeville, PA 15017. This proposed facility is located in Marshall Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of Copper Creek Subdivision sewer extension.

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

WQM Permit No. 3796201, Industrial Waste Amendment No. A3, **Dairy Farmers of America**, 925 SR 18, New Wilmington, PA 16142. This proposed facility is located in Wilmington Township, **Lawrence County**.

Description of Proposed Action/Activity: This amendment approves the modification and operation of Industrial wastewater facilities consisting of stormwater/spill control basin; wastewater: plant pump station and force main, screening (static and rotary), flow metering, equalization, flow splitting, high rate anaerobic digestion with lamellar

clarifiers, optional parallel/series conventional anaerobic digestion, chemical addition, dissolved air flotation, aeration, setting in two parallel clarifiers, sodium hypochlorite disinfection, sampling and effluent pumping; and sludge: holding, conditioning, thickening, dewatering and storage.

WQM Permit No. WQG018538, Sewerage, **Paul L. and Catherine P. LaBrie**, 112 Wetmore Trail, Kane, PA 16735. This proposed facility is located in Hamilton Township, **McKean County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

WQM Permit No. WQG018547, Sewage, **David I. Cleland**, 605 Scott Ridge Road, Harmony, PA 16037. This proposed facility is located in Lancaster Township, **Butler County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907003	Northwestern Lehigh School Dist. 6493 Route 309 New Tripoli, PA 18066	Lehigh	Lynn Township Heidelberg Township	School Creek EV-CWF
PAI024006007	Williams Transcontinental Gas Pipe Line Corp.—Transco 2800 Post Oak Boulevard Houston, TX 77056	Luzerne	Salem Township Huntington Township	Tributaries to Susquehanna River CWF Salem Creek CWF Tributaries to Salem Creek CWF Little Shickshinny Creek HQ-CWF Huntingdon Creek TSF Tributaries to Huntingdon Creek CWF
PAI023906007	Joseph T. Kolarik and Joanne M. Kolarik 2288 Meadow Lane Emmaus, PA 18049	Lehigh	Weisenberg Township	Lyon Creek HQ-CWF, MF Mill Creek CWF, MF
PAI024806030	Keystone Cement Co. Route 329 Bath, PA 18014	Northampton	East Allen Township	Monocacy Creek HQ-CWF
PAI023907007	K. Hounanian at Lower Macungie Township II, LLC 6995 Farmington Drive Macungie, PA 18062	Lehigh	Lower Macungie Township	Little Lehigh Creek 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032106007	Members 1st FCU 5000 Louise Drive Mechanicsburg, PA 17055	Cumberland	Hampden Township	UNT Conodoguinet WWF
PAI030306006(1)	Daniel Winkler East Penn Mfg. Co. Deka Road Lyon Station, PA 19536	Berks	Richmond Township	Moselem Creek HQ

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041407004	Ralph Stewart Spring Creek Relief Interceptor Bellefonte Borough 236 West Lamb Street Bellefonte, PA 16823	Centre	Bellefonte Borough and Spring Township	Spring Creek HQ-CWF
PAI041407009	Mike Spicer State College Area School District Field Turf Replacement 131 West Nittany Avenue State College, PA 16801	Centre	State College Borough	UNT to Thompson Run HQ-CWF

Lycoming County Conservation District: 542 County Farm Road, Suite 202, Montoursville, PA 17754, (570) 433-3003.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044107002	William Harrison Harrison Heights Residential Subdivision 20 Harrison Heights Drive Cogan Station, PA 17728	Lycoming	Lycoming Township	Hoagland Run HQ-CWF West Branch of Susquehanna River WWF

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI091007002	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Butler County	Concord Township	UNT to Connoquenessing Creek Source to Oneida Dam HQ-WWF

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 Ground Water 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 Non-Exceptional 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**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Foster Township Schuylkill County	PAG2005406027	Reading Anthracite Co. 200 Mahantongo Street P. O. Box 1200 Pottsville, PA 17901	Tributary to West Branch Schuylkill River CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Bern Township Berks County	PAG2000607018	William Whitman Berkshire Greens, Inc. 10 Village Center Drive Reading, PA 19607	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Cumru Township Berks County	PAG2000607032	Joseph M. Lachina 1126 Meade Street Reading, PA 19611	Allegheny Creek Schuylkill River CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Spring Township Berks County	PAG2000607041	John Forde Meridian Boulevard Investors, LP 3000 Centre Square West 1500 Market Street Philadelphia, PA 19102	Tulpehocken Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Upper Tulpehocken Township Berks County	PAG2000606064	George Brown Borough of Strausstown P. O. Box 2269 Strausstown, PA 19559-2269	Little Northkill Creek—Jackson Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Robeson Township Berks County	PAG2000607007	Brian Kobularcik Metropolitan Development Group 1030 Reed Avenue Suite 100 Wyomissing, PA 19610	UNT to Allegheny Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Alsace Township Muhlenberg Township Berks County	PAG2000605020(1)	Allen Henn Quest Land Development, LLC 711 Spring Street Wyomissing, PA 19610	Bernhart Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
West Hanover Township Dauphin County	PAG2002207029	Nick Loxas 670 Yorktown Road Lewisberry, PA 17339	Manada Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Swatara Township Dauphin County	PAR10I304R	TecPort Partners, LP 3555 Washington Road McMurray, PA 15317	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Clearfield County Lawrence Township	PAG2001707008	Department of General Services 18th and Herr Streets Harrisburg, PA 17125	Clearfield Creek CWF W Branch of Susquehanna River WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Lycoming County Wolf Township	PAG2004107009	Robert Tagge Meadows at Wolf Run Subdivision 1310 Commerce Drive Williamsport, PA 17701	Wolf Run CWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Lycoming County Clinton Township	PAG2004107010	Francois Gingra Leclerc Foods, USA 44 Park Drive Montgomery, PA 17752	Adams Creek WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Montour County Mahoning Township	PAG2004706012	Martin Mariano P. O. Box 127 Bloomsburg, PA 17815	Sechler Run CWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Beaver County Chippewa Township	PAG2000407005	Dana Frankenberg Hudson Holding Company 2450 Shenango Valley Freeway Hermitage, PA 16148	UNT to Bradys Run TSF	Beaver County CD (724) 378-1701
Indiana County White Township	PAG20032050101	Brian Parks St. Andrews Village 1155 Indian Springs Indiana, PA 15701	McCarthy Run CWF	Indiana County CD (724) 463-8547
Crawford County Hayfield Township	PAG2002007005	Jeffrey Cross 19395 Jaime Road Saegertown, PA 16433	Brookhouser Creek WWF	Crawford County Conservation District (814) 763-5269
Erie County Harborcreek Township	PAG2002507008	East Lake Road Alliance Church 4500 East Lake Road Erie, PA 16511	Tributary Sixmile Creek CWF, MF	Erie Conservation District (814) 825-6403
Erie County Fairview Township	PAG2002507013	Army Reserve Center Training Building United States Army Corps of Engineers 120 Hollidaysburg Plaza Duncansville, PA 16635	UNT Brandy Run UNT Trout Run CWF, MF	Erie Conservation District (814) 825-6403
Mercer County Coolspring and Fairview Townships	PAG2004307003	ARC of Mercer County Foundation 850 North Hermitage Road Hermitage, PA 16148	Tributary Coolspring Creek TSF	Mercer County Conservation District (724) 662-2242
Mercer County Jefferson and Lackawannock Townships	PAG2004307004	Richard Brandes Jefferson Township Supervisors 7407 Lamor Road Mercer, PA 16137	UNTs of Magargee Run WWF Daley Run WWF Neshannock Creek TSF	Mercer County Conservation District (724) 662-2242

*General Permit Type—PAG-3**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Overfield Township Wyoming County	PAR602238	Winola Auto Equipment 1303 Post Hill Road Factoryville, PA 18419	UNF to Susquehanna River CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
North Union Township Fayette County	PAR606188	Platt Properties, LLC P. O. Box 76 Brownsville, PA 15417	Redstone Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4**Facility Location & Municipality*

<i>Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Mifflin Township Lycoming County	PAG045246	Matthew Lingle 797 Zinck Road Jersey Shore, PA 17740	UNT to Larry's Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Marshall Township Allegheny County	PAG046350	William Greenwood 4158 State Game Land Road Wexford, PA 15090	East Branch Big Sewickley Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Otter Creek Township Mercer County	PAG048863	Lester Schmucker 21 Kitch Road Greenville, PA 16125	UNT to Little Shenango River 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Foster Township McKean County	PAG048456	James Moore 111 Rob Roy Road Derrick City, PA 16727	UNT to Foster Brook Creek 16-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pine Grove Township Warren County	PAG048403	Amy L. and Timothy J. Rossman 4534 Priest Hollow Road Russell, PA 16345	Priest Hollow Branch of Akeley Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5**Facility Location & Municipality*

<i>Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cumberland County Monroe Township	PAG053539	Atlantic Richfield Company, a BP affiliated Company (Former BP Mechanicsburg Terminal No. 4556) 1 West Pennsylvania Avenue Suite 440 Towson, MD 21204-0527	Trindle Spring Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-9**Facility Location & County/Municipality Permit No.*Snyder County PAG094801
Perry Township*Applicant Name & Address*Wendt Excavating
724 Brosius Hill Road
Mt. Pleasant Mills, PA
17853*Site Name & Location*Wendt Excavating
Snyder County
Perry Township*Contact Office & Phone No.*Northcentral Regional
Office
Water Management
Program
208 West Third Street
Suite 101
Williamsport, PA 17701
(570) 327-3664**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

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

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

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

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

Wellhead Protection Program Approval issued to **Riegelsville Borough**, 615 Easton Road, PWSID 1090058, Riegelsville Borough, **Bucks County** on June 29, 2007.

Wellhead Protection Program Approval issued to **East Greenville Borough Water Department**, 206 Main Street, PWSID 1460023, East Greenville Borough, **Montgomery County** on July 13, 2007.

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

Permit No. 2359008, Operations Permit, Public Water Supply.

Applicant

Pennsylvania American Water800 West Hersheypark Drive
Hershey, PA 17033
Roaring Brook Township

County

Lackawanna

Type of Facility

PWS

Consulting Engineer

N/A

Permit to Operate
Issued

July 10, 2007

Permit No. 2409002, Operations Permit, Public Water Supply.

Applicant

Pennsylvania American Water800 West Hersheypark Drive
Hershey, PA 17033Jackson, Hanover and
Wilkes-Barre Townships and
Sugar Notch Borough

County

Luzerne

Type of Facility

PWS

Consulting Engineer

N/A

Permit to Operate
Issued

July 3, 2007

Permit No. 2406411, Operations Permit, Public Water Supply.

Applicant

Nature's Way Purewater Systems, Inc.164 Commerce Road
Dupont, PA 18640

Dupont Borough

County

Luzerne

Type of Facility

BVRB

Consulting Engineer

Charles J. Yourshaw, P. E.
Yourshaw Engineering Inc.
2520 West Norwegian Street
Pottsville, PA 17901Permit to Operate
Issued

July 10, 2007

Permit No. 3606517, Public Water Supply.

Applicant

Pepe's Pizza

Municipality

Clay Township

County

Lancaster

Type of Facility	Installation of a nitrate treatment system using anion exchange to address elevated levels of nitrate in the source water.	Type of Facility	Construction Permit issued for the installation of nitrate removal by means of nanofiltration (reverse osmosis) to treat the source water at the facility.
Consulting Engineer	Charles A. Kehew II, P. E. James R. Holley & Assoc., Inc. 18 South George Street York, PA 17401	Consulting Engineer	Christian H. McKee Jr., P. E. C.H. McKee & Associates 210 Main Street Landisville, PA 17538
Permit to Construct Issued	June 22, 2007	Permit to Construct Issued	June 1, 2007
Permit No. 2205505 ,	Public Water Supply.	Permit No. 0606511 ,	Public Water Supply.
Applicant	Custer Homes, Inc.	Applicant	Sittler's Mobile Home Park
Municipality	Susquahanna Township	Municipality	Maxatawny Township
County	Dauphin	County	Berks
Type of Facility	Addition of an existing well (No. 2) as a new source of supply.	Type of Facility	Permit to use Well No. 4.
Consulting Engineer	Charles A. Kehew II, P. E. James R. Holley & Assoc., Inc. 18 South George Street York, PA 17401	Consulting Engineer	John P. Spitko, P. E. Spotts Stevens and McCoy Inc. 1047 North Park Road Reading, PA 19610-0307
Permit to Construct Issued	July 3, 2007	Permit to Construct Issued	July 6, 2007
Permit No. 3406501 ,	Public Water Supply.	Permit No. 0106512 ,	Public Water Supply.
Applicant	McAlisterville Area Joint Authority	Applicant	Insite Development LLC—Eagle View MHP
Municipality	Fayette Township	Municipality	Berwick Township
County	Juniata	County	Adams
Type of Facility	Permit is for the construction of a membrane filtration facility to treat the sources of supply that have been declared "groundwater under the direct influence of surface water." Treatment will also include corrosion control. The Pennsylvania Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposed project. The Department hereby approves the Environmental Assessment.	Type of Facility	Construction of Well Nos. 3, 6 and 7 w/greensand filters.
Consulting Engineer	Clayton E. Bubeck, P. E. Rettew Associates Inc. 3020 Columbia Avenue Lancaster, PA 17603	Consulting Engineer	Hugh V Archer, P. E. Mavickar Environmental Consultants 1240 North Mountain Road Harrisburg, PA 17112-1788
Permit to Construct Issued	June 21, 2007	Permit to Construct Issued	June 18, 2007
Permit No. 3606613 MA, Minor Amendment ,	Public Water Supply.	Permit No. 3607502 ,	Public Water Supply.
Applicant	Latte Luv Espresso	Applicant	Terre Hill Borough
Municipality	Paradise Township	Municipality	East Earl Township
County	Lancaster	County	Lancaster
Type of Facility		Type of Facility	Permit approves the addition of a treatment building for existing Well No. 6. Treatment will consist of disinfection by means of hypochlorite.
Consulting Engineer		Consulting Engineer	David Bright, P. E. Spotts, Stevens & McCoy, Inc. 1047 North Park Road 300 Broad Street Reading, PA 19610-0307
Permit to Construct Issued		Permit to Construct Issued	June 12, 2007
Permit No. 3807505 MA, Minor Amendment ,	Public Water Supply.	Permit No. 3807505 MA, Minor Amendment ,	Public Water Supply.
Applicant	City of Lebanon Authority	Applicant	City of Lebanon Authority
Municipality	Swatara Township	Municipality	Swatara Township
County	Lebanon	County	Lebanon

Type of Facility Repainting of the existing clarifiers.

Consulting Engineer James C. Elliot, P. E.
Gannett Fleming, Inc.
P. O. Box 67100
Harrisburg, PA 17106-7100

Permit to Construct July 6, 2007
Issued

Permit No. 3107501, Public Water Supply.

Applicant **United States Army Corps of Engineers—Baltimore District**

Municipality Penn Township

County **Huntingdon**

Type of Facility Addition of sodium bisulfate to lower raw water pH at the Seven Points plant.

Consulting Engineer N. Peter Fleszar, P. E.
CEDG, Inc.
5000 Ritter Road
R. D. 1, Box 222
Mechanicsburg, PA 17055

Permit to Construct July 6, 2007
Issued

Operations Permit issued to **Washington Inn**, 3060909, Washington Township, **Berks County** on July 6, 2007, for the operation of facilities approved under Construction Permit No. 0606515.

Operations Permit issued to **Mont Alto Municipal Authority**, 7280040, Quincy Township, **Franklin County** on June 13, 2007, for the operation of facilities approved under Construction Permit No. 2803506.

Operations Permit issued to **Aqua Pennsylvania, Inc.**, 3061153, Cumru Township, **Berks County** on July 6, 2007, for the operation of facilities approved under Construction Permit No. 0601521.

Operations Permit issued to **Birdsboro Municipal Authority**, 3060010, Birdsboro Borough, **Berks County** on June 21, 2007, for the operation of facilities approved under Construction Permit No. 0606513.

Operations Permit issued to **Bedford Township Municipal Authority**, Bedford Borough, **Bedford County** on June 21, 2007, for the operation of facilities approved under Construction Permit No. 0506501 MA.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Warren City	City of Warren 318 West Third Avenue Warren, PA 16365	Warren

Plan Description: The approved plan provides for improvements to Warren's Wastewater conveyance system and upgrading and expanding the wastewater treatment plant to achieve the long term control plan goal of

eliminating combined sewer overflows within the sewerage system. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals 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:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Codorus Township	1986 Stoverstown Road Spring Grove, PA 17362	York County

Plan Description: A3-67946-313-2, Robert Dubbs: The plan consists of a two lot single-family residential subdivision on 90.2 acres with total proposed sewage flows of 400 gpd to be treated by an individual onlot disposal system. The proposed development is located on the east and west sides of Dubbs Road, the north side of Stambaugh Road and the south side of Stormy Hill Road in North Codorus Township, York County. The plan was disapproved because the proposed groundwater easement location does not mitigate pollution of the waters of the Commonwealth from nitrate-nitrogen impacts from the proposed primary and replacement absorption areas. This is a violation of The Clean Streams Law. The condition is considered a nuisance and is prohibited.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Fawn Township	245 Alum Rock Road New Park, PA 17352-0229	York County

Plan Description: A3-67921-143-2, H. Norman Harrison: The plan consists of a two lot subdivision on 34.195 acres with total proposed sewage flows of 55 gpd to be treated by an individual onlot disposal system. The proposed development is located on the south side of Graceton Road, approximately 2,500 feet east of McDermott Road in Carroll Township, York County. The plan was disapproved because the recommended lot size for the proposed lot is too small and will result in the pollution of the waters of the Commonwealth, which is considered a violation of The Clean Streams Law. The condition is considered a nuisance and is prohibited.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require

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

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

The Department has received the following plans and reports:

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

Former Anemostat Plant, City of Scranton, Lackawanna County. Bryon Nickerson, SAIC, 180 Gordon Drive, Suite 110, Exton, PA 19341 has submitted a Final Report (on behalf of his client, Keyser Properties, Inc., 260 North Elm Street, Westfield, MA 01085) concerning the characterization and remediation of site soils and groundwater found to have been contaminated with chlorinated solvents. The report was submitted to document attainment of the Site-Specific Standard using pathway elimination. A Public Notice is expected to be published in a local newspaper serving the general area sometime in the near future.

Jim Wilson and Ruby Beck Residence, Allentown City, Lehigh County. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Final Report (on behalf of his clients, Jim Wilson and Ruby Beck, 2339 South 4th Street, Allentown, PA 18103), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of a release from a corroded seam in the bottom of an aboveground storage tank. The report was submitted to document attainment of the Residential Statewide Health Standard. The intended future use of the site is residential. A public notice was published in *The Express Times* on June 27, 2007.

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

FR & S #3 Industrial Waste Site, Exeter Township, Berks County. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19508, on behalf of Wood Nursery Corporation, Exeter Associates, Inc. and Buddies Nursery, Inc., P. O. Box 264, Birdsboro, PA 19508-0264, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with metals, VOCs and SVOCs. The applicant seeks to remediate the site to the Site-Specific Standard.

Columbia Gas of Pennsylvania Service Center, Gettysburg Borough, Adams County. The RETEC Group, Inc., 300 Baker Avenue, Concord, MA 01742-2131, on behalf of Columbia Gas of Pennsylvania, 1020 North Harley Street, York, PA 17404 and NiSource Corporate Services Company, 300 Frieberg Parkway, Westborough, MA 01581-3900, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with PAHs. The applicant seeks to remediate the site to the Site-Specific Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Former Rockwell Plant No. 1, City of Dubois, Clearfield County. ARCADIS BBL, 500 North Gulph Road, Suite 401, King of Prussia, PA 19406 on behalf of Rockwell Automation, 1201 South Second Street, Milwaukee, WI 53204 has submitted a combined Remedial Investigation/Final Report concerning remediation of site soil contaminated with arsenic, iron, lead, polychlorinated biphenyls (aroclor) (PCBS) trichloroethylene (TCE) and groundwater contaminated with dichloroethylene, cis-1,2, trichloroethylene (TCE) and vinyl chloride. The report is intended to document remediation of the site to meet the Background, Statewide Health and Site-specific Standards.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Calumet/Wolf's Head Prop South Parcel OLD, Borough of Sugar creek, Venango County. URS Corporation, Poster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, d/b/a SOPUS Products, 260 Elm Street, P. O. Box 99, Oil City, PA 16301 has submitted a Site Characterization and Remedial Investigation Report Addendum concerning remediation of site soils and groundwater contaminated with SPL, VOC, SVOC and inorganic compounds. The report is intended to document remediation of the site to meet the Site-Specific Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a

description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and 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:

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

City of Reading/Baer Park, Reading City, **Berks County**. Services Environmental, Inc., 375 Morgan Street, Phoenixville, PA 19460, on behalf of City of Reading Department of Public Works, 503 North 6th Street, Reading, PA 19067, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on July 12, 2007.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Wolfe Poultry Farm, Inc., Smithfield Township, **Bradford County**, Teeter Environmental, R. R. 1, Box 124B, Macfee Road, Sayre, PA 18840 on behalf of Wolfe Poultry Farms, Inc., Laurel Hill Farm, Laurel Hill Road, East Smithfield, PA 18817 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on July 11, 2007.

OPERATION WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits Reissued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reductions 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 No. 101432. Norristown Transfer Station, 310 Washington Street, Norristown, PA 19401, Borough of Norristown, **Montgomery County**. This application is for reissuance of the permit from Veolia ES Solid Waste of PA, Inc. to Waste Management of Pennsylvania, Inc. for the change of ownership of the subject municipal waste transfer station. The permit was reissued by the Southeast Regional Office on July 13, 2007.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit revoked 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 No. 101411. MM SKB Energy, LLC c/o NRG Thermal, LLC, 80 South Eight Street, Minneapolis, MN 55402, Upper Merion Township, **Montgomery County**. LFG processing facility ceased operating and has been closed. Bond for the processing facility will be released upon this action becoming final. The permit was revoked by the Southeast Regional Office on July 6, 2007.

AIR QUALITY

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

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

GP9-36-05123: Corixa Corp. (325 North Bridge Street, Marietta, PA 17547) on July 11, 2007, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 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.

GP5-63-00925: The Mountain V Oil and Gas, Inc. (712 Masonic Drive, Bridgeport, WV 26330) on July 11, 2007, to operate the following equipment under the provisions of General Permit No. 5, "Natural Gas Production Facilities:" One 1,340 BHP Caterpillar lean burn, natural gas-fired engine, model no. G3516TALE. This equipment will be at the Hackett Station in Fallowfield Township, **Washington County**.

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

GP-61-147: DPW—Polk Center (Main Street, Polk, PA 16342) on June 30, 2007, for a diesel or No. 2 fuel fired internal combustion engine in Polk, **Venango County**.

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

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

46-0025K: Lonza Inc. (900 River Road, Conshohocken, PA 19428) on July 12, 2007, to operate a replacement venturi scrubber in Upper Merion Township, **Montgomery County**.

09-0157B: Barrett Asphalt, Inc. (14 Steel Road North, Fairless Hills, PA 19030) on July 13, 2007, to operate a fuel oil No. 6 to fire dryer in Falls Township, **Bucks County**.

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

48-313-100: Ecopax, LLC—United Plastics Group (30 Commerce Drive, Somerset, NJ 08873) on July 12, 2007, to construct a styrofoam production line and associated air cleaning devices in Forks Township, **Northampton County**.

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

10-350B: Cloverleaf Group, Inc. (1 Trueserve Way, East Butler, PA 16029) on July 6, 2007, to replace a SIAS Color Press (Source 108) with a new Thieme 5 Color Press (Source 118) in East Butler Borough, **Butler County**. This is a State-only facility.

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

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

23-0003H: ConocoPhillips Co. (1400 Park Avenue, Linden, NJ 07036) on July 13, 2007, to operate an isocraker expansion/sour water Drum in Trainer Borough, **Delaware County**.

46-0155: Sermatech International, Inc. (159 South Limerick Road, Royersford, PA 19468) on July 12, 2007, to operate three paint spray booths in Limerick Township, **Montgomery County**.

46-0155C: Sermatech International, Inc. (159 South Limerick Road, Royersford, PA 19468) on July 12, 2007, to operate a binder mix tank in Limerick Township, **Montgomery County**.

23-0009C: Boeing Co.—Integrated Defense Systems—Rotocraft (P. O. Box 16858, MC P25-75, Philadel-

phia, PA 19142) on July 11, 2007, to operate an aerospace paint booth in Ridley Township, **Delaware County**.

23-0003F: ConocoPhillips Co. (1400 Park Avenue, Linden, NJ 07036) on July 13, 2007, to operate an internal scrubber platformer unit in Trainer Borough, **Delaware County**.

09-0024C: Waste Management Disposal Services of PA, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) on July 13, 2007, to operate a landfill in Tullytown Borough, **Bucks County**.

46-0108A: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on July 13, 2007, to operate a cyclone and baghouse—asphalt in Marlborough Township, **Montgomery County**.

15-0060C: SECCRA Landfill (P. O. Box 221, Kennett Square, PA 19348) on July 13, 2007, to operate a landfill gas-to-energy system in London Grove Township, **Chester County**.

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

01-05029: Reliant Energy Wholesale Generation, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317) on June 23, 2007, to construct a natural gas fired electric generating facility at their Hunterstown Station in Straban Township, **Adams County**. This plan approval was extended.

36-05082C: Clark Filter, Inc. (3649 Hempland Road, Lancaster, PA 17601) on July 9, 2007, to install a catalytic oxidizer to control emissions of HAPs from the facility's paper coating line in the City of Lancaster, **Lancaster County**. This plan approval was extended.

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

30-00099E: Allegheny Energy Supply Co., LLC (800 Cabin Hill Drive, Greensburg, PA 15601) on July 13, 2007, to allow completion of stack testing at the Hatfield Power Station located in Monongahela Township, **Greene County**. This plan approval was extended.

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

20-194D: Lord Corp.—Saegertown (601 South Street, Saegertown, PA 16433) on July 16, 2007, to install a thermal oxidizer and dust collector in Saegertown, **Crawford County**.

24-083D: Carbone of America—Graphite Materials Div. (1032 Trout Run Road, St. Marys, PA 15857) on June 30, 2007, to construct a CBH Kiln in Benzinger Township, **Elk County**.

24-083G: Carbone of America—Graphite Materials Div. (1032 Trout Run Road, St. Marys, PA 15857) on July 31, 2007, to construct a CBH Kiln in Benzinger Township, **Elk County**.

24-083I: Carbone of America—Graphite Materials Div. (1032 Trout Run Road, St. Marys, PA 15857) on July 31, 2007, for Scrubber A emission limits in Benzinger Township, **Elk County**.

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

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

15-00019: Exelon Generation Co.—Cromby Generating Station (100 Cromby Road, Phoenixville, PA, 19460-1882) on July 13, 2007, for renewal of the Title V Operating Permit in East Pikeland Township, **Chester County**. The initial permit was issued on July 6, 2000. The facility is primarily used for providing electrical energy from two fossil-fuel steam generating units (one coal and one natural gas/fuel oil unit). As a result of potential emissions of NO_x, SO_x and PM, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit Renewal does not reflect any change in air emissions from the facility. The facility is subject to Compliance Assurance Monitoring under 40 CFR Part 64 for PM for Source 031 and this has been addressed in the renewal permit. The renewal permit contains all applicable requirements including monitoring, recordkeeping and reporting.

09-00009: Webcraft, LLC (4371 County Line Road, Chalfont, PA 18914-1805) on July 13, 2007, for renewal of their Title V Operating Permit in New Britain Township, **Bucks County**. The initial permit was issued on August 1, 2001. The facility is a direct mail printer consisting of six commercial lithographic printing presses and one flexographic printing press. As a result of potential emissions of HAPs and VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit Renewal does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

15-00031: Henry Co. (336 Cold Stream Road, Kimberton, PA 19442) on July 12, 2007, for renewal of the Title V Operating Permit in East Pikeland Township, **Chester County**. The initial permit was issued on October 25, 2001. The facility manufactures protective asphalt coatings and operates numerous mixing tanks, storage tanks and various process piping. The facility is major for VOCs emissions. No changes have taken place at this facility that were not previously permitted. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The sources at this facility are not subject to Compliance Assurance Monitoring under 40 CFR Part 64.

09-00015: Rohm and Haas Chemicals LLC (Route 413 and 13, P. O. Box 219, Bristol, PA 19007) on July 12, 2007, for renewal of the Title V Operating Permit in Bristol Township, **Bucks County**. The initial permit was issued on November 19, 2001. The Rohm and Haas Company/Bristol (a/k/a Bristol and Croydon plants) Plant is a chemical manufacturing facility. As a result of potential emissions of VOCs and HAPs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit Renewal does not reflect any change in air emissions from the facility. The facility is subject to Compliance Assurance Monitoring under 40 CFR Part 64.

The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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.

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

10-00335: Penn United Carbide—A Division of Penn United Technologies (196 Alwine Road, Saxonburg, PA 16056) on July 10, 2007, to reissue a State-only permit to manufacture machine tool accessories in Jefferson Township, **Butler County**. The facility's major emission sources include miscellaneous natural gas usage, mill room, finish grinding, equipment/parts cleaning, spray dryer, debind furnace, blue m furnace, finish grinding evaporator, two debind furnaces.

25-00929: Russell Standard Corporation—Millcreek Plant (2002 Pittsburgh Avenue, Erie, PA 16502) on July 10, 2007, to reissue a synthetic minor permit to operate a asphalt paving mixtures and blocks manufacturing facility in Millcreek Township, **Erie County**. The significant sources are: 1) Batch mix asphalt plat with a baghouse and cyclone separator. The facility has taken a restriction of production rate not more than 495,000 tpy to become a Synthetic Minor facility.

61-00147: Department of Welfare—Polk Mental Retardation Center (Route 62, P. O. Box 94, Polk, PA 16342-0094) on July 12, 2007, to reissue a Title V Permit to a psychiatric hospital in Polk Borough, **Venango County**. The facility's major emission sources include three 600 HP coal fired boiler, miscellaneous combustion units, emergency or stand by generators and degreaser unit. The facility is Title V because the emission of PM. The facility is not subject to compliance assurance monitoring.

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

S04-015: Smurfit-Stone Container Corp. (Tulip and Decatur Streets, Philadelphia, PA 19136) on July 11, 2007, to operate a paper product manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 600 HP boiler burning natural gas or No. 6 fuel oil, two cyclones, eight flexographic printing presses and paper trimming and handling operations.

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

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

15-00037: Oberthur Card Systems, Inc.—Oakland Corp. Ctr. (523 James Hance Court, Exton, PA 19341) on July 13, 2007, for an administrative amendment to the Title V Operating Permit for their facility in West Whiteland Township, **Chester County**. The facility is a manufacturing operation for the production of printed credit and electronic access cards. The amended Title V

operating permit will contain monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

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

(a) Section D, Source ID: 109 (Litho Press No. 4), Condition No. 001(b)—This condition has been revised as follows to clarify the term “specialty cleaners:”

The permittee shall for specialty cleaners, limit the emissions of VOCs to less than 2,100 pounds per year. Specialty cleaners are defined as cleaning solutions having VOC content, as applied, of greater than 30% by weight and a VOC composite partial vapor pressure, as used, of greater than 10 mm Hg at 68° F.

(b) Section D, Source ID: 110 (Litho Press No. 5), Condition No. 009(d)—This condition has been revised as follows to clarify the term “specialty cleaners:”

The permittee shall for specialty cleaners, limit the emissions of VOCs to less than 1,775 pounds per year. Specialty cleaners are defined as cleaning solutions having VOC content, as applied, of greater than 30% by weight and a VOC composite partial vapor pressure, as used, of greater than 10 mm Hg at 68° F.

09-00165: Boekel Industries, Inc. (855 Pennsylvania Boulevard, Feasterville, PA 19053) on July 17, 2007, for an Administrative Amendment to State-only (Natural Minor) Operating Permit No. 09-00165 for its facility in Lower Southampton Township, **Bucks County**. The Administrative Amendment incorporates the requirements of Plan Approval No. 09-0165 for a batch vapor degreaser. The following changes have been addressed in the amended State-only Operating Permit (SOOP):

The SOOP has been recategorized as Synthetic Minor, since the potential to emit trichloroethylene (TCE) from the batch vapor degreaser/at the facility reaches the major facility threshold of 10 tpy for an individual HAP.

The name of the responsible official has been changed from Leo Synnestvedt to Steve Christie.

The title of the permit contact person has been changed from “Quality Assurance and Business Planning Manager” to “Manager of Information Technology.”

The extension for the telephone number of the permit contact person has been added.

The original batch vapor degreaser (Source ID 201) and its corresponding emission point (Source ID Z01), permit map, conditions and emission restriction, have been replaced with the current batch vapor degreaser (Source ID 203) and its corresponding emission point (Source ID Z203), permit map, conditions and emission restriction.

The following emission point Source IDs have been changed to highlight their association with Source IDs 031, 101 and 102 and to be consistent with other SOOPs issued by the Department (the applicable permit maps have been changed accordingly):

<i>Old Source ID</i>	<i>New Source ID</i>	<i>Description</i>
W01	S031	Boiler Stack
W02	S101	Space Heater Stacks
W03	S102	Powder Spray Booth Bake Oven Stack

The numbering format for Condition No. 010, Section B, of the SOOP and Condition No. 002, Section C, of the SOOP, has been changed to be consistent with the rest of the SOOP.

An exception for emission into the outdoor atmosphere of fugitive air contaminants from certain types of open burning operations has been added as Condition No. 002(f), Section C, of the SOOP.

Condition No. 012, Section C, of the initial SOOP, has been moved to Condition No. 011(b), Section C, of the amended SOOP.

A requirement to maintain records of all of the facility's emission increases has been added as Condition No. 013, Section C, of this permit.

A requirement to develop and implement an accidental release program and Risk Management Plan, as applicable, has been added as Condition No. 015, Section C, of the SOOP.

The Department telephone number at which to report any malfunctions, as specified in Condition No. 015(a), Section C, of the initial SOOP (Condition No. 016(a), Section C, of the amended SOOP), has been changed from (610) 832-6242 to (484) 250-5920.

Condition No. 020(b), Section C, of the initial SOOP, has been removed.

A requirement to operate and maintain the sources and air pollution control devices listed in Sections A or G, of the SOOP, in a manner consistent with good operating and maintenance practices and in accordance with the manufacturers' specifications, has been added as Condition No. 023, Section C, of the SOOP.

Administrative Amendment of SOOP No. 09-00165 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

09-00022: Cleveland Steel Container Corp. (350 Mill Street, Quakertown, PA 18951) on July 17, 2007, located in Quakertown Borough, **Bucks County**. The facility's major emission points include paint booths and lithographic printing presses, which emits major levels of VOCs. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amendment adds a compliance schedule to Section C—Site Level Requirements—regarding establishment of a pressure drop for Source IDs C02 (Roller Coater Pillar System Incinerator) and C05 (Regenerative Thermal Oxidizer). The amendment also corrects monitoring, recordkeeping and work practice standard conditions surrounding pressure drop readings for these sources. Fan amperage and airflow monitoring and recordkeeping conditions have been deleted for C02 and C05. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

54-00008: Northeastern Power Co. (P. O. Box 37, McAdoo, PA 18237) on June 21, 2007, for the administrative amendment to include all applicable requirements from plan approval number 54-305-012 at their site in Kline Township, **Schuylkill County**.

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

17-00007: Sensus Metering Systems, Inc. (805 Liberty Boulevard, DuBois, PA 15801) on July 6, 2007, in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450, to transfer the permit

from Sensus Metering Systems-North America, Inc. to Sensus Metering Systems, Inc. in the City of DuBois, Clearfield 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

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

56020101 and NPDES No. PA0249122. AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650), permit renewal for reclamation only of a bituminous surface-auger mine in Jenner Township, **Somerset County**, affecting 57.3 acres. Receiving streams: UNTs to/and Roaring Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Quemahoning Reservoir (Cambria-Somerset Authority). Application received May 21, 2007. Permit issued July 10, 2007.

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

03000106 and NPDES Permit No. PA0202843. P & N Coal Company, Inc. (240 West Mahoning Street, P. O. Box 322, Punxsutawney, PA 15767). Permit revised to allow a 3.4 acre incidental boundary correction at an existing bituminous surface/auger mining site located in Plumcreek Township, **Armstrong County**, affecting 82.1 acres. Receiving streams: UNT "A" to Cherry Run. Application received April 13, 2007. Revision issued July 9, 2007.

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

37010107 and NPDES Permit No. PA0210994. The East Fairfield Coal Co. (10900 South Avenue, Box 217, North Lima, OH 44452) Renewal of an existing bituminous strip operation in Little Beaver Township, **Lawrence County** affecting 165.1 acres. Receiving streams: UNT to Sugar Creek. Application received April 23, 2007. Permit issued July 12, 2007.

Noncoal Permits Actions

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

03052001 and NPDES Permit No. PA0250651. M & M Lime Co., Inc. (215 Nichola Road, Worthington,

PA 16262). Permit issued for commencement, operation and reclamation of a large noncoal surface/underground mining site located in West Franklin and Clearfield Townships, **Armstrong and Butler Counties**, affecting 77.4 acres. Receiving streams: UNT to Buffalo Creek. Application received February 14, 2005. Permit issued July 13, 2007.

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

61990301. Cooperstown Sand & Gravel (P. O. Box 4, Cooperstown, PA 16317) Renewal of NPDES Permit No. PA0227960 in Jackson Township, **Venango County**. Receiving streams: UNT to Sugar Creek. Application received May 21, 2007. Permit issued July 11, 2007.

61990301 and NPDES Permit No. PA0227960. Cooperstown Sand & Gravel (P. O. Box 4, Cooperstown, PA 16317) Revision to an existing large noncoal sand and gravel operation to add 3.0 acres in Jackson Township, **Venango County**. Receiving streams: UNT to Sugar Creek. Application received February 7, 2007. Permit issued July 11, 2007.

42060806. James Tucker (P. O. Box 291, Roulette, PA 16746) Transfer of an existing small noncoal flagstone operation from William K. Robinson in Liberty Township, **McKean County** affecting 5.0 acres. Receiving streams: Two Mile Creek. Application received June 27, 2007. Permit issued July 12, 2007.

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

36820301C6 and NPDES Permit No. PA0612171. Haines & Kibblehouse, Inc., (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage in Brecknock Township, **Lancaster County**, receiving stream: UNT to Black Creek. Application received May 21, 2007. Renewal issued July 10, 2007.

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.

21074149. Warrens Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344-0902), blasting activity permit issued for residential development in Upper Allen Township, **Cumberland County**. Blasting activity permit end date is July 1, 2008. Permit issued July 6, 2007.

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

65074006. GAL Construction Co., Inc. (P. O. Box 127, Belle Vernon, PA 15012). Blasting activity permit for construction of an ethanol production plant site, located in Hempfield Township, **Westmoreland County**, with an expected duration of 120 days. Permit issued July 12, 2007.

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

22074115. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Grandview Estates in South Hanover Township, **Dauphin County** with an expiration date of July 1, 2008. Permit issued July 9, 2007.

22074116. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Northwood Crossing in Susquehanna Township, **Dauphin County** with an expiration date of July 1, 2008. Permit issued July 9, 2007.

22074117. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Winslett Development in West Hanover Township, **Dauphin County** with an expiration date of July 1, 2008. Permit issued July 9, 2007.

22074118. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Anesbury Development in Lower Paxton Township, **Dauphin County** with an expiration date of July 31, 2008. Permit issued July 9, 2007.

36074174. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Somerset Crossing in East Donegal Township, **Lancaster County** with an expiration date of July 1, 2008. Permit issued July 9, 2007.

15074002. Explo-Craft, Inc., (P. O. Box 1332, West Chester, PA 19380), construction blasting for Oxford Rise at Griffith Fields in West Vincent Township, **Chester County** with an expiration date of December 31, 2007. Permit issued July 11, 2007.

19074101. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for a home in Fishing Creek Township, **Columbia County** with an expiration date of December 31, 2007. Permit issued July 11, 2007.

36074175. Gerlach's Drilling & Blasting, (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Manor Church Community Park in Manor Township, **Lancaster County** with an expiration date of July 15, 2008. Permit issued July 11, 2007.

36074176. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for development on Clay School Road in Clay Township, **Lancaster County** with an expiration date of July 1, 2008. Permit issued July 11, 2007.

38074116. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Valley Chase in South Lebanon Township, **Lebanon County** with an expiration date of December 30, 2008. Permit issued July 11, 2007.

380074117. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Heritage Commons in North Cornwall Township, **Lebanon County** with an expiration date of December 30, 2008. Permit issued July 11, 2007.

67074005. Controlled Demolition, Inc., (2737 Meryman's Mill Road, Phoenix, MD 21131), demolition of the Susquehanna River Bridge in Fairview Township, **York County** and Highspire Borough, **Dauphin County** with an expiration date of December 31, 2007. Permit issued July 12, 2007.

06074118. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Park Place

Development in Womelsdorf Borough, **Berks County** with an expiration date of July 31, 2008. Permit issued July 12, 2007.

36074177. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Ephrata Middle School in Ephrata Borough, **Lancaster County** with an expiration date of December 30, 2007. Permit issued July 12, 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

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

E15-747. Pulte Homes of PA, LLC, 1100 Northbrook Avenue, Suite 200, Trevoise, PA 19053, East Brandywine Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Applecross Country Club Project (a/k/a Overlook Road Farm Project), a mixed-used residential and golf course community, within the Beaver Creek (TSF) and Culbertson Run (HQ) watersheds:

1. A 36-inch RCP culvert measuring 95 linear feet and 40 linear feet of rip-rap protection along a UNT of Beaver Creek for proposed Applecross Boulevard (Road C) south of golf hole No. 7. Road crossing includes stormwater and water utility crossings. This activity will require permanently filling 135 linear feet and temporarily impacting 34 linear feet of the watercourse (Impact No. 8).

2. A 4-foot by 5-foot box culvert measuring 50 linear feet and 40 linear feet of rip-rap protection along a UNT of Beaver Creek for proposed Norland Drive between golf holes Nos. 16 and 17. Road crossing includes water line crossings. This activity will require permanently filling 0.03-acre of wetlands, temporarily impacting 0.02-acre of wetlands, permanently filling 90 linear feet of the watercourse and temporarily impacting 12 linear feet of the watercourse (Impact No. 18).

3. A 24-foot by 6-foot bottomless arch culvert measuring 56 linear feet and 60 linear feet of rip-rap protection of a UNT of Beaver Creek for the construction of Lock Farm Lane. This activity will require the permanently filling of 0.07-acre of wetlands; temporarily impacting 0.04-acre of wetlands, permanently filling 116 linear feet of watercourse and temporarily impacting 10 linear feet of the watercourse (Impact No. 25).

This portion of the project will permanently impact a total of 341 linear feet of watercourse, temporarily impacting a total of 56 linear feet of watercourse and 0.09-acre of wetland associated with the road crossings. The permit requires the construction of 0.09-acre of replacement wetlands.

The site is located near the intersection of Reeceville Road (SR 4002) and Rollinger Road (Wagontown, PA, USGS Quadrangle N: 5.0 inches; W: 6.0 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E15-764. Harlan Corporation, 214 Pond View Drive, Chadds Ford, PA 19317, East Goshen Township, **Chester County**, ACOE Philadelphia District.

To perform the following activities across the East branch of Ridley Creek (HQ-TSF) associated with the driveway access realignment to Sorrell Hill subdivision:

1. To remove the existing arch culvert and to construct and maintain, in its place, approximately 29 linear feet of 11-foot wide by 5-foot rise open bottom box culvert and associated retaining walls and outfall structure.

2. To construct and maintain a sanitary sewer and a water main downstream of the proposed culvert.

3. To construct and maintain a temporary cofferdam.

The site is located approximately 1,400 feet south of the intersection of Line Road and Forest Lane (Malvern, PA USGS Quadrangle N: 3.3 inches; W: 5.6 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E15-770. East Brandywine Township Municipal Authority, 1214 Horseshoe Pike, Downingtown, PA 19335, East Brandywine Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Applecross Country Club Project (a/k/a Overlook Road Farm Project), a mixed-used residential and golf course community, within the Beaver Creek (TSF) and Culbertson Run (HQ) watersheds:

1. A 14-foot run of 8-inch PVC sanitary sewer, directly south of Impact No. 8—Applecross Boulevard (Road C), across a UNT of Beaver Creek. This activity will require temporary impacts to a 20-foot long by 14-foot wide area of the watercourse (Impact No. 9).

2. A 30-foot run of 8-inch sanitary sewer and 29-foot run of 4-inch sanitary force main on the south side of East Reeceville Road, 440-foot west of Bondsville Road, across a UNT of Beaver Creek. This activity will require temporary impacts to a 30-foot long by 30-foot wide area of watercourse (Impact No. 20).

3. A 140-foot run of 8-inch sanitary sewer, proposed in wetlands along the west side of Bondsville Road, 400 feet south of East Reeceville Road. This activity will require temporary impacts to 0.06-acre of emergent wetlands and a 20-foot long by 18-foot wide area of watercourse (Impact No. 21).

4. A 137-foot run of 8-inch sanitary sewer crossing to the east of Bondsville Road along the centerline of an existing gravel road. This activity will require temporary impacts to 0.05-acre of emergent wetlands and a 20-foot long by 18-foot wide area of watercourse (Impact No. 23).

This portion of the project will temporarily impact a total of 90 linear feet of watercourse and 0.11 acre of wetland associated with the utility crossings and will be restored in place.

The site is located near the intersection of Reeceville Road (SR 4002) and Bollinger Road (Wagontown, PA USGS Quadrangle N: 5.0 inches; W: 6.0 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E15-771. East Brandywine Township, 1214 Horseshoe Pike, Downingtown, PA 19335, East Brandywine Township, **Chester County**, ACOE Philadelphia County.

To construct and maintain the following water obstructions and encroachments associated with the Applecross Country Club Project (a/k/a Overlook Road Farm Project), a mixed-used residential and golf course community, within the Beaver Creek (TSF) and Culbertson Run (HQ) watersheds:

1. A 12-foot wide by 12-foot span (23-foot total span) timber pedestrian trail bridge with pilings crossing a UNT of Beaver Creek, located adjacent to and north of proposed golf hole No. 6. The area of bridge over wetlands will be 12-foot long by 12-foot wide (Impact No. 1).

2. A 12-foot wide by 45-foot span (61-foot total span) timber pedestrian trail bridge with pilings crossing Beaver Creek and its adjacent wetlands, located west of proposed golf hole No. 4. The area of bridge over wetlands and watercourse will be 12-foot long by 45-foot wide (25-foot over wetlands and 20-foot over watercourse) (Impact No. 3).

3. A 12-foot wide by 72-foot span (91-foot total span) timber pedestrian trail bridge with pilings crossing wetlands adjacent to golf hole No. 4. The area of wetlands under the bridge will be 12-foot long by 72-foot wide (Impact No. 4).

4. A 12-foot wide by 50-foot span (59-foot total span) timber pedestrian trail bridge with pilings west of the existing dam and dam pool. The area of bridge over wetlands and watercourse will be 12-foot long by 50-foot wide (30-foot over watercourse and 20-foot over wetlands) (Impact No. 5).

5. A 12-foot wide by 30-foot span (48-foot total span) timber pedestrian trail bridge with pilings near the terminus of Sills Lane (Road C-B). The area of bridge over wetlands will be 12-foot long by 30-foot wide (Impact No. 6).

6. A 12-foot wide by 36-foot span (50-foot total span) timber pedestrian trail bridge with pilings located north-east of the intersection of East Reeceville and Zynn Roads. The area of bridge over wetlands and watercourse will be 12-foot long and 36-foot wide (18-foot over watercourse and 18-foot over the wetlands) (Impact No. 11).

This portion of the project will impact a total of 72 linear feet of watercourse and 0.03 acre of wetland under the proposed bridge structures.

This site is located near the intersection of East Reeceville (SR 4002) and Bollinger Roads (Wagontown, PA USGS Quadrangle N: 6.0 inches W: 5.0 inches) in East Brandywine Township, Chester County.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E15-772. Pulte Homes of PA, LP, 1100 Northbrook Drive, Suite 200, Trevoise, PA 19053, East Brandywine Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Overlook Road Farm Project, a mixed-used residential and golf course community, within the Beaver Creek (TSF) and Culbertson Run (HQ) watersheds:

1. Impact No. 2—12 L.F. by 142-foot span (162-foot total span) timber golf cart bridge with pilings and irrigation line crossing wetlands and a UNT of Beaver Creek, adjacent to and north of proposed golf hole No. 5. The area of bridge over wetlands and watercourse will be 12-foot length and 142-foot width (134-foot over wetlands and 8-foot over watercourse).

2. Impact No. 7—12 L.F. by 9-foot span (25-foot total span) timber golf cart bridge with pilings and irrigation line crossing a UNT of Beaver Creek adjacent to golf hole No. 7. A 12-foot length and 9-foot width of the bridge will be constructed over the watercourse.

3. Impact No. 10—12 L.F. by 137-foot span (143-foot total span) timber golf cart bridge with pilings and irrigation line located between golf hole Nos. 3 and 4. The area of the bridge over wetlands and watercourse will be 12-foot length and 137-foot width (119-feet over wetlands and 18-feet over watercourse).

4. Impact No. 12—12 L.F. by 25-foot span (38-foot total span) timber golf cart bridge with pilings crossing Beaver Creek located southeast of the intersection of East Reeceville and Zynn Roads. The area of the bridge over the watercourse will be 12-foot length and 25-foot width.

5. Impact No. 14—12 L.F. by 37-foot span (52-foot total span) timber golf cart bridge with pilings and irrigation line crossing Beaver Creek south of golf hole No. 10. The area of the bridge over wetlands and waterways will be 12-foot length and 37-foot width (29-feet over the watercourse and 8-feet over adjacent wetlands).

6. Impact No. 15—12 L.F. by 12-foot span (22-foot span) timber golf cart bridge with pilings crossing a UNT of Beaver Creek between golf holes Nos. 10 and 14. The area of the bridge over the watercourse will be 12-foot length and 12-foot width.

7. Impact No. 16—12 L.F. by 115-foot span (232-foot total span) timber golf cart bridge with pilings and irrigation line crossing wetlands south of golf hole No. 10. The area of the bridge over the wetlands will be 12-foot length and 115-foot width.

8. Impact No. 17—12 L.F. by 15-foot span (28-foot total span) timber golf cart bridge with pilings and irrigation line crossing a UNT of Beaver Creek, south of golf hole No. 10 and northeast of sanitary pump station A. The area of the bridge over the watercourse will be 12-foot length and 15-foot width.

9. Impact No. 19—A 12 L.F. by 71-foot span (83-foot total span) timber golf cart bridge with pilings crossing a UNT of Beaver Creek, in the southwest corner of the site, adjacent to proposed golf hole No. 17. The area of the bridge over wetlands and waterways will be 12-foot length and 71-foot width (61-feet over wetlands and 10-feet over the watercourse).

This portion of the project will impact a total of 96 linear feet of watercourse and 0.11 acre of wetland under the proposed bridge structures.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E11-325. S & T Bank, P. O. Box 190, Indiana, PA 15701. To place and maintain fill in a UNT in Cambria Township, **Cambria County**, Pittsburgh ACOE District. (Nanty Glo, PA Quadrangle N: 16 inches; W: 1.25 inches Latitude: 40° 27' 47"; Longitude: 78° 45' 32"). To place and maintain fill in approximately 95-feet of a UNT within the South Branch Blacklick Creek Watershed (CWF) and approximately 0.06 acre of wetland, for the purpose of constructing an addition to an existing commercial building and a stormwater detention basin. The project is located on the south side of Industrial Park Drive, approximately 0.3 mile southwest of the intersection between Industrial Park Drive and Mini Mall Road. The permittee will construct an approximately 0.08 acre replacement wetland, onsite.

E56-344. Somerset County Commissioners, 300 North Center Avenue, Somerset, PA 15530. To place fill in a UNT to Wells Creek in Somerset Township, **Somerset County**, Pittsburgh ACOE District. (Somerset, PA Quadrangle N: 5.9"; W: 3.43", Latitude: 40° 58' 4"; Longitude: 79° 28' 8"). To place and maintain fill in 0.10 acre of wetland, in the watershed of a UNT to Wells Creek (CWF), for the purpose of extending an airport runway. The project is located southwest of the main runway, at the Somerset County Airport, south of SR 281, approximately 1.55 miles east of the intersection with US Route

219. To compensate for this wetland impact, the permittee will contribute \$500 to the Pennsylvania Wetland Replacement Project.

E63-595. Washington County Authority, 304 Court-house Square, Washington, PA 15301. To place fill in wetlands in Cecil Township, **Washington County**, Pittsburgh ACOE District (Canonsburg, PA Quadrangle N: 4.5 inches; W: 5.75 inches, Latitude: 40° 16' 28"; Longitude: 80° 9' 58"). To place and maintain fill in 0.21 acre of wetlands (PEM) in the floodplain of UNTS to Chartiers Creek (WWF) for the purpose of construction of a commercial and residential development (Southpointe II Development) located at the site of the abandoned Western Center State School. The permittee shall replace affected wetlands by creating 0.31 acre of wetlands (PEM).

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

E10-418. Sing Hosanna, 310 West Airport Road, Butler, PA 16001. Church expansion project, in Penn Township, **Butler County**, ACOE Pittsburgh District (Butler, PA Quadrangle N: 40° 47' 3.7"; W: 79° 56' 38.9").

To place and stabilize fill material along the left floodway of a tributary to Thorn Creek beginning approximately 100-feet north of West Airport Road (SR 3009) and extending approximately 230-feet downstream for a parking lot expansion and landscaping at the existing church north of the intersection of West Airport and Three Degree Roads.

E24-247. Johnsonburg Municipal Authority, 520 A Market Street, Johnsonburg, PA 15845. Johnson Run Pump Station, in Johnsonburg Borough, **Elk County**, ACOE Pittsburgh District (Ridgway, PA Quadrangle N: 41.29', 19.5"; W: 78.40', 53.5").

To construct and maintain a sanitary sewage pump station and gravel access road within the 100-year floodplain and floodway of Johnson Run approximately 500-feet upstream of the mouth along the left (north) bank and to install and maintain two gravity and one force main sewer line crossings of Johnson Run.

E42-329. Open Flow Gas Supply Corporation, 90 Beaver Drive, Suite 110B, P. O. Drawer J, DuBois, PA 15801-0297. Access Road Across North Branch Colegrove Creek, in Norwich Township, **McKean County**, ACOE Pittsburgh District (Norwich, PA Quadrangle N: 41.43', 25.4"; W: 78.20', 9.4").

To operate and maintain the 16-foot wide steel beam bridge having a span of approximately 12 feet and an underclearance of 1.5 feet across North Branch Colegrove Brook on a roadway serving for access to a gas well referred to as Heinemann Track OFG Well No. 20 approximately 2.6 miles east of SR 46 at the village of Colegrove. Installation of the bridge as a temporary crossing was previously authorized under DEP Permit No. GP084205603 and Department of the Army Permit No. 200502400.

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

EA1009-009. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Concord Township, **Butler County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes one dangerous highwall totaling 1,950 linear feet. The project will also include the backfilling of wetland (0.13 acre) that has developed within the open surface mine pit. 0.13 acre of replacement wetland will be constructed with the project. (East Butler Quadrangle N: 15.5 inches; W: 10.25 inches).

SPECIAL NOTICES

Public Meeting and Public Hearing Invitation

Public Meeting and Public Hearing for NPDES Permit No. PAI055607001; Proposed Shaffer Mountain Wind Farm, Ogle and Shade Townships, Somerset County and Napier Township, Bedford County

NPDES Permit No. PAI055607001. The Department will hold a public meeting immediately followed by a public hearing to accept comments on the application documentation and plans associated with the Individual NPDES Permit Application No. PAI055607001 for the Discharge of Stormwater Associated with Construction Activities to Cub Run (CWF), Piney Run (EV), Beaverdam Run (HQ-CWF), Clear Shade Creek (EV), Dark Shade Creek (CWF), Little Dark Shade Creek (CWF) and Shingle Creek (CWF) in the Ohio River Watershed, Rocklick Creek (WWF) and tributaries to Dunning Creek (WWF) in the Susquehanna River Watershed from the proposed Shaffer Mountain Wind Farm project site in Ogle and Shade Townships, Somerset County and Napier Township, Bedford County.

The public hearing request was made by the Shade Township Supervisors, a local organization, Save Our Allegheny Ridges and numerous community members. Issues raised are that the application is incomplete, does not adequately address bird and wildlife impacts, provides inadequate treatment of wetlands and watercourses, fails to identify offsite runoff areas and that the project violates antidegradation regulations, will disturb a Biological Diversity Area and an Important Bird Area, requires additional permits and threatens habitat fragmentation. The hearing request is in response to an application submitted by Shaffer Mountain Wind, LLC, One South Broad Street, Philadelphia, PA, 19107.

The Department first published notice of receipt of the Shaffer Mountain Wind Farm Individual NPDES Permit Application No. PAI055607001 for Discharges of Stormwater Associated with Construction Activities on May 12, 2007. The Department has since recognized that the May 12, 2007, announcement contained omissions in the list of waterways located within the project area. The complete list of waterways has been included in the corrected public notice of receipt to be published currently with this notice on July 28, 2007.

The public meeting, to be immediately followed by the public hearing, will be conducted on Tuesday, August 28, 2007, at 6 p.m. at the Shade-Central City High School, 203 McGregor Avenue, Cairnbrook, Shade Township, Somerset County by the Department of Environmental Protection, Watershed Management Program, Permitting and Technical Services Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4315.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Helen Humphreys, by email at Hhumphreys@state.pa.us or by post at Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4183. The Department will accept notices up to

August 27. The Department requests that individuals limit their testimony to 5 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application No. PAI055607001 documentation and plans. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Helen Humphreys, (412) 442-4183 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

The NPDES permit application documentation and plans are available for review at the Somerset County Conservation District Office, Somerset County Agricultural Center, 6024 Glades Pike, Suite 103, Somerset, PA, 15501, (814) 445-4652, or the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4315. For further information, contact Robert Scheib of the Department's Southwest Regional Office at (412) 442-4315.

BUREAU OF MINE SAFETY

Request for Variance

The Department of Environmental Protection, Bureau of Mine Safety, has received a request for variance from Emerald Coal Resources, LP. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Cathy Dunn by calling (724) 439-7469 or from the BMS website at www.depweb.state.pa.us/deepminesafety/site/default.asp.

The Department is publishing a summary of the request in order 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 Pennsylvania Bituminous Coal Mine Act (52 P. S. § 701 and 702), 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 268(b) states that shelter holes shall be provided on the clearance side along designated traveling-ways, which are also used as haulage entries, other than belt conveyor haulage entries. Such shelter holes shall be spaced not more than 80 feet apart.

Summary of the Request: Emerald Coal Resources, LP requests a variance to exceed the 80-foot spacing between shelter holes in developing sections at Emerald Mine, but not to exceed 184-feet between such shelter holes.

Request for Variance

The Department of Environmental Protection, Bureau of Mine Safety, has received a request for variance from Rosebud Mining Company. The following notification contains a summary of this request. A complete copy of the variance request may be obtained from Cathy Dunn by calling (724) 439-7469 or from the BMS web site at www.depweb.state.pa.us/deepminesafety/site/default.asp.

The Department is publishing a summary of the request in order 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 (52 P. S. §§ 701 and 702), 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 290(d) states that every gassy mine shall have at least four main entries, two of which shall lead from the main opening and two from the second opening into the body of the mine.

Summary of the Request: Rosebud Mining Company requests a variance to reduce the number of main entries in the 2nd Northwest Mains at the Tracy Lynne Mine.

[Pa.B. Doc. No. 07-1351. Filed for public inspection July 27, 2007, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP 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 2007.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—Substantive Revision

DEP ID: 012-5500-001. Title: 2008 Environmental Education Grants Program Manual and Forms. Description: The 2008 Environmental Education Grants Program Manual and Forms is a guide for organizations interested in applying for the Department's Environmental Education (EE) Grants Program. The manual provides information on program eligibility, including instructions on how to apply for a grant and details on the requirements and

procedures that must be followed if a grant is awarded. The Environmental Education Act (act) (35 P. S. §§ 7521—7528) was signed into law on June 22, 1993. The act established a policy that EE is critically important to all citizens in this Commonwealth, created an EE Fund from 5% of the Department's pollution fine moneys and created the EE grants program for the distribution of the EE fund money. The act requires the Department to provide the guidance contained in this manual for public review and comment. Substantive changes were recently made to the manual from its 2007 version, including increasing the Mini-Grant Track allocation awards to \$3,000 each; adding School Outdoor Learning Resources as a new Mini-Grant Track category; and including teacher preparation programs that meet the Academic Standards for Environment and Ecology and Science and Technology as an eligible activity that colleges and universities may apply for funding under the Conservation and Education Organizations and Institutions Open Track. Written Comments: The Department is seeking comments on draft technical guidance #012-5500-001. Interested persons may submit written comments on this draft technical guidance document by August 27, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Lisa Zell, Department of Environmental Protection, Environmental Education and Information Center, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, lzell@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to Lisa Zell at (717) 705-4086, lzell@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

DEP ID: 391-2000-014. Title: Policy and Procedure for Evaluating Wastewater Discharges to Intermittent and Ephemeral Streams, Drainage Channels and Swales and Storm Sewers. Description: This document provides guidance on the Department's process for evaluating and permitting wastewater discharges to intermittent and ephemeral streams, drainage channels and swales and storm sewers. Substantive changes were made to the guidance to incorporate requirements into the planning and permitting process activities associated with the above wastewater discharges. Major revisions to the guidance include the following:

- For any new discharge that does not meet the definition of a Small Flow Treatment Facility (SFTF), easements from affected property owners will be required when the treated wastewater will flow over land that is not owned by the permittee.
- Flow Equalization and technology-based treatment requirements equivalent to tertiary treatment will apply, except for SFTFs.
- A demonstration that the receiving channel can convey the additional flow (channel conveyance analysis) will be required, except for SFTFs.

Written comments: The Department is seeking comments on the substantive revisions to draft technical guidance #391-2000-014. Interested persons may submit written comments on this draft technical guidance document by August 27, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Thomas Starosta, Department of Environmental Protection, Bu-

reau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, P. O. Box 8774, Harrisburg, PA 17105-8774, tstarosta@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to Tom Starosta at (717) 787-4317, tstarosta@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1352. Filed for public inspection July 27, 2007, 9:00 a.m.]

Chesapeake Bay Advisory Committee Meeting Date Change

The Chesapeake Bay Advisory Committee (Committee) meeting scheduled for Thursday, September 6, 2007, has been rescheduled to Wednesday, September 5, 2007. The meeting will start at 9 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the September 5, 2007, meeting or the Committee may be directed to Dave Reed at (717) 772-5649 or davreed@state.pa.us. The agenda and meeting materials for the September 5, 2007, meeting will be available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate).

Persons with a disability who wish to attend the meeting and require special accommodations 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. 07-1353. Filed for public inspection July 27, 2007, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Harrisburg Endoscopy and Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Harrisburg Endoscopy and Surgery Center has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

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.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/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. 07-1354. Filed for public inspection July 27, 2007, 9:00 a.m.]

Application of Jameson Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jameson Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

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.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/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. 07-1355. Filed for public inspection July 27, 2007, 9:00 a.m.]

Health Research Advisory Committee Meeting

The Health Research Advisory Committee of the Department of Health (Department) will hold a public meeting from 1:30 p.m. to 4:30 p.m. on September 17, 2007, and 9:30 a.m. to 3:30 p.m. on September 18, 2007, at the Harrisburg Hilton and Towers, corner of Second and Market Streets, Harrisburg, PA.

There are three primary aims for the meeting: (1) to review the findings of the 2004 nonformula health research projects, which were designed to reduce health disparities related to neurodegenerative disease and tobacco cessation; (2) to hear testimony on research needs and priorities; and (3) to discuss the State Fiscal Year 2008-09 health research priorities for the Commonwealth Universal Research Enhancement (CURE) Program. Current and past State fiscal year priorities for both formula funded and nonformula funded health research are posted on the Department's website www.health.state.pa.us/cure.

The meeting is open to the public and no reservations are required to attend the meeting.

For additional information, contact Patricia W. Potrzebowski, Ph.D., Director, Bureau of Health Statistics and Research or Robin C. Cohick, Administrative Officer, Bureau of Health Statistics and Research, 555 Walnut Street, 6th Floor, Harrisburg, PA 17101-1914, (717) 783-2548.

Persons with disabilities who wish to attend the meeting and requiring an auxiliary aid, service or other accommodation should contact Patricia W. Potrzebowski or Robin Cohick at (717) 783-2548 or for speech and/or hearing impaired persons at V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

The meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 07-1356. Filed for public inspection July 27, 2007, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, August 15, 2007, from 9 a.m. to 4 p.m., and Thursday, August 16, 2007, from 9 a.m. to 2:30 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Kenneth McGarvey at the previous number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

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

[Pa.B. Doc. No. 07-1357. Filed for public inspection July 27, 2007, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Renaissance Gardens at Maris Grove
115 Brinton Lane
Glen Mills, PA 19342
FAC ID 21670201

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.28 (relating to nurses' station).

The Health Center at The Hill at Whitemarsh
4000 Fox Hound Drive
Lafayette, PA 19444
FAC ID 17900201

Bucktail Medical Center
1001 Pine Street
Renovo, PA 17764
FAC ID 549602

Holy Family Residence
2500 Adams Avenue
Scranton, PA 18509
FAC ID 860302

These requests are on file with the Department of Health. Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-1358. Filed for public inspection July 27, 2007, 9:00 a.m.]

Newborn Metabolic Screening Technical Advisory Committee Meeting

The Newborn Screening and Follow-Up Program (Program), established under the Newborn Child Testing Act (35 P.S. § 621—625) will hold a public meeting on Wednesday, August 22, 2007, 10 a.m. to 3 p.m. at the 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 August 8, 2007, to Jessica Byler at (717) 783-8143 or a 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. 07-1359. Filed for public inspection July 27, 2007, 9:00 a.m.]

Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under the Pennsylvania Cancer Control, Prevention and Research Act (35 P.S. § 5633), will hold a meeting on Wednesday, September 26, 2007, from 7:45 a.m. to 2 p.m., at the Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110.

For additional information, contact Kathleen A. Zitka, Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, Harrisburg, PA at (717) 787-5251.

Persons with disabilities who wish to attend the meeting and requiring an auxiliary aid, service or other accommodation should contact Kathleen A. Zitka at (717) 787-5251 or for speech and/or hearing impaired persons at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 07-1360. Filed for public inspection July 27, 2007, 9:00 a.m.]

Preventive Health and Health Services Block Grant Advisory Committee Meeting

The Prevention Health and Health Services Block Grant Advisory Committee will hold a public meeting on Thursday, August 9, 2007, from 10 a.m. to 2 p.m. The meeting will be held at the Dixon University Center, Administrative Building, Conference Room C, 2986 North Second Street, Harrisburg, PA 17110.

For additional information, contact Terry L. Walker, Administrative Officer or Leslie A. Best, Director, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-6214.

Persons with disabilities who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Terry L. Walker, Administrative Officer at (717) 787-6214 or for speech and/or hearing impaired persons at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 07-1361. Filed for public inspection July 27, 2007, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52) will hold a public meeting on Thursday, August 2, 2007, from 10 a.m. to 3 p.m., in the Administration Building, Conference Room B/C at the Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110.

For additional information or if you are a person with a disability and desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Danielle M. Tedesco, Public Health Program Administrator, Division of Child and Adult Health Services at (717) 772-2762 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 07-1362. Filed for public inspection July 27, 2007, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Comfort Heating and Air Conditioning, Inc. and Mark Iutcovich, individually	7532 Pfeffer Avenue Fairview, PA 16415	7/10/2007

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 07-1363. Filed for public inspection July 27, 2007, 9:00 a.m.]

Range of Fees Charged by Utilization Review Organizations and Peer Review Organizations for Services Performed under the Workers' Compensation Act; Correction

Under 34 Pa. Code § 127.667(b) (relating to Compensation Policy) the Department of Labor and Industry (Department), Bureau of Workers' Compensation gives notice of the range of fees charged by Utilization Review Organizations (UROs) and Peer Review Organizations (PROs) for services performed under the Workers' Compensation Act (77 P. S. §§ 1—1041.4 and 2501—2626) during 2006.

The Department previously published this notice at 37 Pa.B. 1279 (March 17, 2007). However, due to a technical error, the maximum fee amounts listed for Caduceus-Lex Medical Auditing, Inc.; CEC, Inc.; Quality Assurance Reviews and TxReview, Inc., were incorrect. This corrected notice provides the accurate range of fees for all UROs and PROs performing services under the Workers Compensation Act during 2006.

URO/PRO

Range of Fees Minimum Maximum

Alico Services, LTD	\$300.00	\$775.00
American Review Systems, Inc.	298.03	1,758.19
CAB Medical Consultants	225.00	963.30
Caduceus-Lex Medical Auditing, Inc.	300.00	730.00
CEC, Inc.	245.00	916.08
Chiro-Med Review Company	250.00	795.00
CorVel Corporation	136.27	1,912.29
De Novo Management	120.74	1,298.75
DLB Services	176.42	1,907.45
First Managed Care Option	154.88	2,046.45
Hajduk & Associates	275.00	755.06
Health Care Dimensions	72.00	1,679.20
Industrial Rehabilitation Associates	225.00	675.00
KVS Consulting Services	301.36	1,186.13
LRC Disability Management Consultants	162.75	1,310.25
McBride & McBride Associates	150.00	750.00
Procura Management, Inc.	220.00	813.78
Quality Assurance Reviews	430.00	835.00
Rehabilitation Planning, Inc.	225.00	1,151.71
T & G Reviews, Inc.	225.00	795.00
TxReview, Inc.	105.99	750.00
Uniontown Medical Rehabilitation, PC	125.15	1,759.27
Vmed	316.10	1,031.37
Watson Review Services	300.00	730.00
West Penn IME, Inc.	210.41	1,566.66

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 07-1364. Filed for public inspection July 27, 2007, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Designated Exceptional Durable Medical Equipment

On February 9, 2002, the Department of Public Welfare (Department) announced the adoption of amendments to 55 Pa. Code Chapter 1187 (relating to nursing facility services). The amendments were adopted under sections 201 and 443.1 of the Public Welfare Code (62 P. S. §§ 201 and 443.1) and sections 1396a and 1396r of the Social Security Act (42 U.S.C.A. §§ 1396a and 1396r). The amendments expand the Department's exceptional payment policy to authorize additional payments to nursing facilities for nursing facility services provided to certain Medical Assistance (MA) residents who require medically necessary exceptional durable medical equipment (DME). See 32 Pa.B. 734 (February 9, 2002).

The amendments require the Department to publish an annual list of exceptional DME by notice in the *Pennsylvania Bulletin* in July of each year. Interested persons may petition the Department to consider additions to the exceptional DME list by submitting a written request to the Department. Requests received on or before December 31 will be considered in developing the list for the following July.

During calendar year 2006, the Department received no written requests to add or remove items of DME from the list of exceptional DME. Therefore, this notice makes no changes in either the acquisition cost or the list of qualifying DME.

"Exceptional DME" is defined as DME that has an acquisition cost of \$5,000 or more and is either Specially Adapted DME or other DME that is designated as Exceptional DME by the Department annually by notice in the *Pennsylvania Bulletin*.

"Specially Adapted DME" is DME that is uniquely constructed or substantially adapted or modified in accordance with the written orders of a physician for the particular use of one resident, making its contemporaneous use by another resident unsuitable.

The list of Exceptional DME that has been designated by the Department is as follows:

(1) *Air fluidized beds.* The pressure relief provided by this therapy uses a high rate of airflow to fluidize fine particulate material (for example, beads or sand) to produce a support medium that has characteristics similar to liquid. May have a Gortex cover.

(2) *Powered air flotation bed (low air loss therapy).* A semi-electric or total electric bed with a fully integrated powered pressure-reducing mattress which is characterized by all of the following:

(a) An air pump or blower with a series of interconnected woven fabric air pillows which provides sequential inflation and deflation of the air cells or a low interface pressure throughout the mattress allowing some air to escape through the support surface to the resident. May have a Gortex cover.

(b) Inflated cell height of the air cells through which air is being circulated is 5 inches or greater.

(c) Height of the air chambers, proximity of the air chambers to one another, frequency of air cycling (for alternating pressure mattresses) and air pressure provide adequate patient lift, reducing pressure and prevent bottoming out.

(d) A surface designed to reduce friction and shear.

(e) May be placed directly on a hospital bed frame.

(f) Automatically readjusts inflation pressures with change in position of bed (for example, head elevation, and the like).

(3) *Augmentative communication devices.* Used by residents who are unable to use natural oral speech as a primary means of communication. The specific device requested must be appropriate for use by the resident and the resident must demonstrate the abilities or potential abilities to use the device selected. Portable devices need to supplement, aid or serve as an alternative to natural speech for residents with severe expressive communication disorders. Nonportable devices may be covered only if required for visual enhancement or physical access needs that cannot be accommodated by a portable device.

(4) *Ventilators (and related supplies).*

(a) Used by residents 21 years of age and older who require full ventilator support for a minimum of 8 hours per day to sustain life.

(b) Used by residents 20 years of age and younger who require ventilator support to sustain life (no minimum time requirement).

Effective Date

This notice is effective upon publication in the *Pennsylvania Bulletin*.

Public Comment

Interested persons are invited to submit written comments regarding this notice to Gail Weidman, Chief, Program Analysis and Review Section, Department of Public Welfare, Division of Long-Term Care Client Services, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-517. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 07-1365. Filed for public inspection July 27, 2007, 9:00 a.m.]

Inpatient Hospitals Qualifying for Medical Assistance Disproportionate Share Payments

On July 1, 1988, the Department of Public Welfare (Department) implemented a disproportionate share payment system. Under 55 Pa. Code §§ 1151.54(i), 1163.67(k) and 1163.459(j) (relating to disproportionate share payments), the Department is required to annually publish the names of each inpatient acute care general hospital, rehabilitation hospital and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage.

A. *Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals.*

The following lists identify the inpatient acute care general hospitals, psychiatric units, drug and alcohol units and rehabilitation units of acute care general hospitals, rehabilitation hospitals, private psychiatric hospitals and private drug and alcohol hospitals eligible for disproportionate share payments for the period July 1, 2006, through June 30, 2007, and their respective payment percentages. For all inpatient facilities, disproportionate share payments are calculated as a percentage of projected Medical Assistance (MA) inpatient income.

Payment period July 1, 2006, to June 30, 2007, disproportionate share payment percentages:

Acute Care General Hospitals

ALBERT EINSTEIN MED CTR	4.45%
ALFRED I. DUPONT INSTITUTE	9.41%
BARNES KASSON HOSPITAL	4.59%
CHARLES COLE MEMORIAL HOSPITAL	4.83%

CHILDREN'S HOSPITAL OF PHILADELPHIA	8.47%	KIDSPEACE HOSPITAL	9.00%
CHILDREN'S HOSPITAL OF PITTSBURGH	9.27%	MEADOWS PSYCHIATRIC CENTER	7.44%
CLEARFIELD HOSPITAL	4.78%	MONTGOMERY COUNTY MH/MR ER SVS	4.85%
CROZER CHESTER MEDICAL CENTER	3.33%	PHILHAVEN	5.60%
DUBOIS REGIONAL MED CTR	10.00%	SOUTHWOOD PSYCHIATRIC HOSPITAL	7.25%
HIGHLAND HOSPITAL	3.08%	<i>Private Drug and Alcohol Hospitals</i>	
HOSPITAL UNIVERSITY OF PA	3.76%	EAGLEVILLE HOSPITAL	3.57%
INDIANA HOSPITAL	3.45%	<i>B. Additional Disproportionate Share Payments</i>	
JAMESON MEMORIAL	1.00%	Additional disproportionate share payments are made	
KENSINGTON HOSPITAL	4.66%	to inpatient facilities, with a Medicaid inpatient utilization	
MAGEE WOMEN'S	6.23%	rate of not less than 1%, which have provided	
MEMORIAL HOSPITAL—TOWANDA	5.46%	services to persons who have been determined to be low	
MERCY HOSP OF PHILA	4.75%	income by meeting the income and resource standards for	
MONSOUR MEDICAL CENTER	6.04%	the State's General Assistance Program.	
NPHS—GIRARD	1.00%	The payment adjustments are paid directly proportional	
NPHS—ST. JOSEPH'S	7.44%	to the payment received for either general assistance	
PRESBYTERIAN MED CTR OF UPHS	2.96%	recipients for all hospital services or Title XIX recipients,	
PUNXSUTAWNEY AREA HOSPITAL	4.04%	21 years of age or older but under 65 years of age, for	
TEMPLE EAST	3.99%	services rendered by institutions for mental diseases	
TEMPLE UNIVERSITY CHILDREN'S		under the fee-for-service and capitation programs.	
MEDICAL CTR	15.00%	The following hospitals are eligible for this payment	
TEMPLE UNIVERSITY HOSPITAL	6.29%	adjustment:	
THS—HAHNEMANN UNIV HOSPITAL	3.58%	<i>Acute Care General Hospitals</i>	
THS—ST. CHRISTOPHER'S	14.00%	ABINGTON MEMORIAL HOSPITAL	
THOMAS JEFFERSON	3.00%	ALBERT EINSTEIN MED CTR	
TITUSVILLE AREA HOSP	4.81%	ALFRED I. DUPONT INSTITUTE	
UPMC—BEDFORD	9.00%	ALIQUIPPA COMMUNITY HOSP	
UPMC—PRESBYTERIAN—SHADYSIDE	3.66%	ALLEGHENY GENERAL HOSPITAL	
VALLEY FORGE	6.05%	ALLEGHENY KISKI	
WAYNE COUNTY MEMORIAL	5.54%	ALTOONA HOSPITAL	
WEST VIRGINIA UNIV HOSPITALS, INC.	5.48%	AMERICAN ONCOLOGIC	
<i>Psychiatric Units of Acute Care Hospitals</i>		ARMSTRONG COUNTY MEMORIAL	
ALBERT EINSTEIN	2.97%	SAINT CATHERINE HOSPITAL OF PENNSYLVANIA	
DIVINE PROVIDENCE—WILLIAMSPORT	3.83%	(formerly Ashland Regional)	
DUBOIS REGIONAL MEDICAL CENTER	3.02%	BARNES KASSON HOSPITAL	
HIGHLAND HOSPITAL	2.19%	BLOOMSBURG HOSPITAL	
INDIANA HOSPITAL	2.03%	BRADFORD REGIONAL	
JAMESON MEMORIAL	1.65%	BRANDYWINE HOSPITAL	
MERCY HOSP OF PHILADELPHIA	3.14%	BROOKVILLE HOSPITAL	
MONSOUR MEDICAL CENTER	3.88%	BROWNSVILLE GENERAL HOSPITAL	
NPHS—GIRARD	1.00%	BRYN MAWR HOSPITAL	
PRESBYTERIAN MED CNTR OF UPHS	2.12%	BUCKTAIL MEDICAL CENTER	
TEMPLE UNIVERSITY HOSP	4.02%	BUTLER COUNTY MEMORIAL	
THS—HAHNEMANN UNIV HOSP	2.47%	CANONSBURG GENERAL HOSPITAL	
<i>Drug and Alcohol Units of Acute Care Hospitals</i>		CARLISLE HOSPITAL	
NPHS—ST. JOSEPH'S	9.00%	CENTRAL MONTGOMERY HOSP	
PRESBYTERIAN MED CNTR OF UPHS	2.24%	CHAMBERSBURG HOSPITAL	
VALLEY FORGE	6.91%	CHARLES COLE MEMORIAL HOSPITAL	
<i>Medical Rehab Units of Acute Care Hospitals</i>		CHESTER COUNTY HOSPITAL	
ALBERT EINSTEIN	4.50%	CHHS HOSP CO/CHESTNUT HILL HOSPITAL	
DUBOIS REGIONAL MEDICAL CENTER	4.63%	CHILDREN'S HOSPITAL OF PHILADELPHIA	
JAMESON MEMORIAL	1.00%	CHILDREN'S HOSPITAL OF PITTSBURGH	
TEMPLE UNIVERSITY HOSP	7.26%	CHS—BERWICK HOSPITAL	
<i>Freestanding Rehab Hospitals</i>		CLARION HOSPITAL	
CHILDRENS INSTITUTE OF PITTSBURGH	6.75%	CLEARFIELD HOSPITAL	
CHILDRENS SEASHORE HOUSE	10.00%	COMMUNITY MED CTR—SCRANTON	
<i>Private Psychiatric Hospitals</i>		CONEMAUGH VALLEY HOSP	
BELMONT CENTER	3.92%	CORRY MEMORIAL	
BROOKE GLEN BEHAVIORAL HEALTH	6.51%	CROZER—CHESTER MEDICAL CENTER	
CLARION PSYCHIATRIC CENTER	6.33%	DELAWARE COUNTY MEMORIAL	
DEVEREAUX—MAPLETON PSYCH CTR	10.00%	DIVINE PROVIDENCE—WILLIAMSPORT	
FAIRMOUNT BHS	3.00%	DOYLESTOWN HOSPITAL	
FIRST HOSPITAL WYOMING VALLEY	5.60%	DUBOIS REGIONAL MED CTR	
FOUNDATIONS BEHAVIORAL HEALTH	7.49%	EASTON HOSPITAL	
FRIENDS HOSPITAL	2.60%	ELK REGIONAL	
HORSHAM PSYCHIATRIC HOSPITAL	4.59%	ELLWOOD CITY	
		ENDLESS MTS. HLTH SYS	

EPHRATA COMMUNITY
 EVANGELICAL COMMUNITY
 FRANKFORD HOSPITAL
 FRICK COMMUNITY
 FULTON COUNTY MEDICAL CENTER
 GEISINGER MEDICAL CENTER
 GEISINGER SOUTH WILKES-BARRE (formerly Mercy
 Hospital—Wilkes-Barre)
 GEISINGER WYOMING VALLEY
 GETTYSBURG HOSPITAL
 GNADEN HUETTEN MEMORIAL
 GOOD SAMARITAN—LEBANON
 GOOD SAMARITAN—POTTSVILLE
 GRAND VIEW HOSPITAL
 SOUTHWEST REGIONAL MEDICAL CENTER
 HAMOT MED CTR
 HANOVER HOSPITAL
 HAZLETON GENERAL HOSPITAL
 HEART OF LANCASTER REGIONAL MEDICAL
 CENTER
 HIGHLAND HOSPITAL
 HOLY REDEEMER
 HOLY SPIRIT HOSPITAL
 HOSPITAL OF THE UNIVERSITY OF PENNA
 INDIANA HOSPITAL
 JAMESON MEMORIAL HOSPITAL
 JC BLAIR
 JEANES HOSPITAL
 JEFFERSON HEALTH SERVICE
 JENNERSVILLE REGIONAL HOSP
 JERSEY SHORE HOSPITAL
 KANE COMMUNITY
 KENSINGTON HOSPITAL
 LANCASTER GENERAL
 LANCASTER REGIONAL MED CTR
 LANKENAU HOSPITAL
 LATROBE AREA
 LEHIGH VALLEY HOSP—MUHLENBERG
 LEHIGH VALLEY HOSPITAL
 LEWISTOWN HOSPITAL
 LIFECARE HOSPITALS OF PITTSBURGH
 LOCK HAVEN HOSP
 M S HERSHEY MEDICAL CENTER
 MAGEE WOMEN'S
 MARIAN COMMUNITY
 MEADVILLE MED CTR
 MEDICAL CENTER, BEAVER. PA
 MEMORIAL HOSP—YORK
 MEMORIAL HOSPITAL—TOWANDA
 MERCY CATHOLIC FITZGERALD
 MERCY HOSP—PGH
 MERCY HOSP OF PHILA
 MERCY HOSPITAL—SCRANTON
 MERCY JEANNETTE HOSPITAL
 MERCY SPECIAL CARE
 MERCY SUBURBAN—NORRISTOWN
 MEYERSDALE COMMUNITY HOSPITAL
 MID VALLEY HOSPITAL
 MILLCREEK COMMUNITY HOSPITAL
 MINERS HOSPITAL OF N CAMBRIA
 MINERS MEMORIAL MEDICAL CENTER
 MONONGAHELA VALLEY
 MONTGOMERY HOSPITAL MED CTR
 MOSES TAYLOR
 MT. NITTANY MED CTR
 MUNCY VALLEY HOSPITAL
 NASON HOSPITAL
 NAZARETH HOSPITAL
 NPHS—GIRARD
 NPHS—ST. JOSEPH'S
 OHIO VALLEY GENERAL
 PALMERTON HOSPITAL
 PAOLI MEMORIAL HOSPITAL
 PENN PRESBYTERIAN MEDICAL CENTER OF UPHS
 PHOENIXVILLE HOSPITAL OF UPHS
 PINNACLE HEALTH HOSPITALS
 POCONO MED CTR
 POTTSTOWN MEMORIAL
 POTTSVILLE HOSPITAL
 PUNXSUTAWNEY AREA HOSPITAL
 READING HOSPITAL AND MED CTR
 RIDDLE MEMORIAL HOSPITAL
 ROBERT PACKER HOSP
 ROXBOROUGH MEMORIAL
 SACRED HEART—ALLENTOWN
 SAINT JOSEPH MED CTR—HAZLETON
 SEWICKLEY VALLEY HOSPITAL
 SHAMOKIN AREA COMMUNITY HOSPITAL
 SHARON REGIONAL HEALTH SYSTEM
 SOLDIERS AND SAILORS MEMORIAL
 SOMERSET HOSPITAL
 ST. CLAIR MEMORIAL
 ST. JOSEPH REGIONAL HEALTH NETWORK (formerly
 St. Joseph Medical Center Reading)
 ST. LUKE'S—BETHLEHEM
 ST. LUKE'S—QUAKERTOWN
 ST. MARY'S—LANGHORNE
 ST. VINCENT HLTH CTR
 SUNBURY COMMUNITY
 TEMPLE EAST
 TEMPLE LOWER BUCKS HOSPITAL
 TEMPLE UNIVERSITY CHILDREN'S MEDICAL CTR
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON UNIV HOSPITAL
 THS—GRADUATE HOSPITAL
 THS—HAHNEMANN UNIV HOSPITAL
 THS—ST. CHRISTOPHER'S
 THS—WARMINSTER
 TITUSVILLE AREA HOSP
 TROY COMMUNITY
 TYLER MEMORIAL HOSPITAL
 TYRONE HOSPITAL
 UNIONTOWN HOSPITAL
 UNITED COMMUNITY HOSPITAL
 UNIVERSITY OF PENNSYLVANIA MEDICAL
 CENTER—PENNSYLVANIA HOSPITAL
 UPMC—BEDFORD
 UPMC—BRADDOCK
 UPMC—HORIZON
 UPMC—MCKEESPORT
 UPMC—NORTHWEST MED CTR
 UPMC—PASSAVANT
 UPMC—PENNSYLVANIA HOSPITAL
 UPMC—PRESBYTERIAN—SHADYSIDE UNIV HOSP
 UPMC—SOUTH SIDE
 UPMC—ST. MARGARET
 VALLEY FORGE
 WARREN GENERAL HOSPITAL
 WASHINGTON HOSPITAL
 WAYNE COUNTY MEMORIAL
 WAYNESBORO HOSPITAL
 WEST VIRGINIA UNIV HOSPITALS, INC.
 WESTERN PENNSYLVANIA
 WESTERN PENN—FORBES REGIONAL CAMPUS
 WESTMORELAND REGIONAL
 WILLIAMSPORT HOSPITAL & MED CTR
 WILLS EYE HOSPITAL
 WINDBER MED CTR
 WYOMING VALLEY HLTH CARE SYS
 YORK HOSPITAL

Psychiatric Units of Acute Care Hospitals

ABINGTON MEMORIAL
 ALBERT EINSTEIN
 ALIQUIPPA COMMUNITY HOSPITAL
 ALLEGHENY GENERAL
 ALLEGHENY—KISKI MED CTR
 ALTOONA
 ARMSTRONG COUNTY MEMORIAL
 BERWICK HOSP CENTER
 BLOOMSBURG HOSP
 BRADFORD
 BRANDYWINE HOSPITAL
 BRYN MAWR HOSP
 BUTLER COUNTY MEMORIAL
 CHAMBERSBURG HOSPITAL
 COMMUNITY MEDICAL CENTER
 CONEMAUGH VALLEY
 CORRY MEMORIAL
 CROZER—CHESTER
 DIVINE PROVIDENCE—WMSPT
 DUBOIS REGIONAL MED CNTR
 EAGLEVILLE HOSPITAL
 EPHRATA COMMUNITY
 FRANKFORD HOSP—BUCKS CO CAMPUS
 GEISINGER MEDICAL CENTER
 GEISINGER SOUTH WILKES-BARRE (formerly Mercy
 Hospital—Wilkes-Barre)
 GNADEN HUETTEN
 GRANDVIEW
 HIGHLAND HOSPITAL
 HOLY SPIRIT
 HOSP—UNIVERSITY OF PA
 INDIANA HOSPITAL
 J C BLAIR
 JAMESON MEMORIAL HOSP
 JEFFERSON HEALTH SERV
 LANCASTER REGIONAL MED CTR
 LANCASTER GENERAL
 LATROBE AREA
 LEHIGH VALLEY HOSPITAL
 LEWISTOWN
 MARIAN COMMUNITY HOSPITAL
 MEADVILLE MED CNTR
 MEDICAL CENTER, BEAVER PA, THE
 MERCY CATHOLIC—FITZGERALD
 MERCY HOSPITAL OF PHILADELPHIA
 MERCY HOSPITAL—PGH
 MERCY SPECIAL CARE HOSPITAL—NANTICOKE
 MILLCREEK COMMUNITY HOSPITAL
 MILTON S. HERSHEY MED CTR
 MONONGAHELA VALLEY
 MONTGOMERY
 MOSES TAYLOR
 MOUNT NITTANY MEDICAL CENTER
 NPHS—GIRARD
 PENN PRESBYTERIAN MED CENTER
 PINNACLE HEALTH HOSPITALS
 POCONO HOSPITAL
 POTTSTOWN MEMORIAL MED CTR
 POTTSVILLE HOSPITAL
 READING HOSPITAL
 ROBERT PACKER
 SACRED HEART HOSP—ALLENTOWN
 SEWICKLEY VALLEY HOSP
 SHAMOKIN AREA COMM HOSP
 SHARON REGIONAL HLTH SYST
 SOLDIERS AND SAILORS
 SOMERSET HOSP CNTR FOR HEALTH
 SOUTHWEST REGIONAL MEDICAL CENTER
 ST CLAIR MEMORIAL

ST. JOSEPH REGIONAL HEALTH NETWORK (formerly
 St. Joseph Medical Center Reading)
 ST LUKES OF BETHLEHEM
 ST LUKES—QUAKERTOWN
 ST VINCENT
 SUNBURY COMMUNITY
 TEMPLE UNIVERSITY HOSPITAL
 TEMPLE—LOWER BUCKS
 THOMAS JEFFERSON
 THS—HAHNEMANN UNIV HOSP
 THS—WARMINSTER HOSPITAL
 UNIVERSITY OF PENNSYLVANIA MEDICAL
 CENTER—PENNSYLVANIA
 UNIV OF PITT MED CTR—BRADDOCK
 UNIV OF PITT MED CTR—MCKEESPORT
 UPMC—NORTHWEST MED CTR
 UPMC PRESBYTERIAN SHADYSIDE
 WARREN GENERAL
 WASHINGTON
 WESTERN PENNSYLVANIA
 WESTERN PENN HOSPITAL—FORBES REGIONAL
 CAMPUS
 WESTMORELAND
 YORK HOSPITAL

Drug and Alcohol Units of Acute Care Hospitals

BUTLER COUNTY MEMORIAL
 MEADVILLE MED CTR
 NPHS—ST JOSEPH'S HOSP
 PRESBY MED CTR OF UNIV OF PA HLTH SYST
 VALLEY FORGE

Medical Rehab Units of Acute Care Hospitals

AI DUPONT
 ABINGTON MEMORIAL HOSP
 ALBERT EINSTEIN
 ALTOONA
 CARLISLE REGIONAL MEDICAL CENTER
 CHAMBERSBURG HOSPITAL
 CHARLES COLE
 CONEMAUGH VALLEY HOSP
 CROZER—CHESTER MED CNTR
 DELAWARE CNTY MEM HOSP
 DOYLESTOWN HOSPITAL
 DUBOIS REG MED CNTR
 EASTON HOSPITAL
 GEISINGER—WYOMING VALLEY
 GNADEN HUETTEN MEMORIAL HOSP—MRU
 GOOD SAMARITAN HOSPITAL—LEBANON
 GOOD SAMARITAN REGIONAL MEDICAL CENTER
 HANOVER HOSPITAL
 HAZELTON GENERAL HOSPITAL MRU
 HOSP OF THE UNIV OF PA
 JAMESON MEMORIAL
 MERCY JEANNETTE HOSP
 JEFFERSON HEALTH SERVICES
 LANCASTER GENERAL HOSP
 LANCASTER REGIONAL MEDICAL CENTER
 MERCY CATHOLIC—FITZGERALD
 MERCY HOSPITAL—PITTSBURGH
 MILTON S. HERSHEY MED CTR
 MONONGAHELA VALLEY HOSP
 NAZARETH
 OHIO VALLEY
 PINNACLE HEALTH HOSPITALS
 POTTSVILLE HOSPITAL
 READING HOSPITAL
 SEWICKLEY VALLEY HOSPITAL
 ST MARY HOSP—LANGHORNE
 ST VINCENT HEALTH CNTR
 TEMPLE UNIVERSITY HOSP

THOMAS JEFFERSON UNIV HOSP
UPMC—HORIZON
UPMC—MCKEESPORT
UPMC—NORTHWEST MED CTR
UPMC—PRESBYTERIAN SHADYSIDE
UPMC—SOUTHSIDE
UPMC—ST MARGARET
WASHINGTON HOSPITAL
WESTMORELAND HOSPITAL
WILLIAMSPORT HOSPITAL

Freestanding Rehab Hospitals

ALLIED SERVICES REHAB HOSPITAL
BRYN MAWR REHAB HOSPITAL
CHHS REHAB COMPANY
CHILDREN'S HOME OF PITTSBURGH
CHILDREN'S INSTITUTE
CHILDREN'S SEASHORE HOUSE
GOOD SHEPHERD REHAB HOSPITAL
HEALTH SOUTH HARMARVILLE
HEALTH SOUTH LAKE ERIE INSTITUTE REHAB
HEALTH SOUTH MECHANICSBURG REHAB
HEALTH SOUTH PENN STATE GEISENGER REHAB
HOSP
HEALTH SOUTH READING REHAB HOSPITAL
HEALTH SOUTH REHAB HOSPITAL OF YORK
HEALTH SOUTH REHAB OF ALTOONA
HEALTH SOUTH REHAB OF NITTANY VALLEY
HEALTH SOUTH REHAB OF SEWICKLEY
JOHN HEINZ INSTITUTE
MAGEE MEMORIAL REHAB HOSPITAL
THS WARMINSTER

Private Psychiatric Hospitals

BELMONT CENTER FOR COMP TREATMENT
BROOKE GLEN BEHAVIORAL HOSPITAL
CLARION PSYCHIATRIC CENTER
DEVEREUX—MAPLETON PSYCH CTR
FAIRMOUNT BHS
FIRST HOSPITAL
FOUNDATIONS BEHAVIORAL HEALTH
FRIENDS HOSPITAL
HORSHAM CLINIC
KIDSPEACE
KIRKBRIDE CENTER
MEADOWS PSYCHIATRIC CENTER
MONTGOMERY COUNTY EMERGENCY SERVICE, INC
PHILHAVEN
ROXBURY PSYCHIATRIC
SOUTHWOOD PSYCH HOSPITAL

Private Drug and Alcohol

EAGLEVILLE HOSPITAL

C. Additional Class of Disproportionate Share Payments

Effective March 1, 1998, the Department established a new class of disproportionate share payments to hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of MA program revisions under the act of May 16, 1996 (P. L. 175, No. 35).

Effective January 15, 1999, the Department established new class of disproportionate share payments to include a Charity Care component of the Community Access Fund. A disproportionate share payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. The Department also established a disproportionate share payment for those hospitals which the Department has determined advanced its goal of

enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The following hospitals qualify for this payment:

A I DUPONT
ABINGTON MEMORIAL
ALBERT EINSTEIN
ALLEGHENY GENERAL
ALLIQUIPPA COMMUNITY
BARNES KASSON
BRADDOCK MEDICAL CENTER
CHARLES COLE MEMORIAL
CHILDRENS HOSP OF PHILA
CLARION
CLEARFIELD
CROZER—CHESTER MED CTR
DOYLESTOWN
DUBOIS REGIONAL MED CTR
EAGLEVILLE
EASTON HOSPITAL
EVANGELICAL COMMUNITY
FRANKFORD
FULTON COUNTY MEDICAL CTR
GEISINGER MEDICAL CENTER
GRADUATE HOSPITAL
HAMOT MEDICAL CENTER
HOSP OF THE UNIV OF PA
INDIANA HOSPITAL
J C BLAIR
JAMESON MEMORIAL
LANKENAU
LEHIGH VALLEY
LOCK HAVEN
MAGEE WOMENS
MEADVILLE MED CTR
MEMORIAL HOSP BEDFORD
MEMORIAL HOSP TOWANDA
MERCY CATHOLIC—FITZGERALD
MERCY HOSPITAL OF PHILA
MERCY HOSPITAL—PGH
MERCY JEANNETTE HOSPITAL
MILTON S. HERSHEY MED CTR
NORTH PHILA HEALTH SYSTEM
NPHS—GIRARD
PRESBYT MED CTR OF PHILA
PRESBYT UNIV HOSPITAL—PGH
PUNXSUTAWNEY
READING HOSPITAL
SOLDIERS AND SAILORS
ST LUKES OF BETHLEHEM
TEMPLE UNIVERSITY HSP
TEMPLE/EPISCOPAL
THOMAS JEFFERSON
THS—HAHNEMANN HOSPITAL
TITUSVILLE
UPHS—PENNSYLVANIA HOSPITAL
VALLEY FORGE
WAYNE COUNTY MEMORIAL
WEST VIRGINIA
WESTERN PENN
YORK HOSPITAL

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department at the following address Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions of the notice.

Persons with a disability who require auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-518. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 07-1366. Filed for public inspection July 27, 2007, 9:00 a.m.]

2006 Group Two Exception Requests—Additional Request; Medical Assistance Long-Term Care Participation Review

The purpose of this notice is to add an exception request to the 2006 Group Two Exception Requests.

In December 2006, Extencicare Health Services, Inc. requested that the Department of Public Welfare consider the addition of nursing facility beds to its Slate Belt Nursing and Rehabilitation Center in Northampton County.

Based on the date the request was received by the Division of Long-Term Care Client Services, this request will be included with the 2006 Group Two review group covering the submission period of July 1, 2006, through December 31, 2006, and is being added to the 2006 Group Two Exception Request public notice published at 37 Pa.B. 2160 (May 5, 2007).

Expansion Projects

<i>Number</i>	<i>Facility</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JD06007	Slate Belt Nursing and Rehabilitation Center	701 Slate Belt Boulevard R. D. 3 Bangor, PA 18013	Northampton	20

A copy of the previously listed exception request is available for review during the 30-day comment period. The public may review the request during regular business hours. To schedule an appointment to review a request, call (717) 705-3705.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Gail Weidman, Division of Policy, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-515. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 07-1367. Filed for public inspection July 27, 2007, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Erie County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Acting Director of the Bureau of Design makes the following written finding:

The Federal Highway Administration and the Department of Transportation are planning the construction of a multiuse recreational trail facility that will follow an abandoned Penn Central railroad corridor in the City of Corry and Wayne Township, Erie County. The proposed section of Corry Trail is approximately 4.2 miles long, beginning at the Corry Little League—Plastics Baseball Field in the City of Corry and following the existing railroad bed north to the Pennsylvania/New York State line.

Information describing the project, together with the associated environmental analysis, is contained in the Categorical Exclusion Evaluation/Section 2002 Evaluation that was prepared for this project.

The Corry Little Leagues—Plastics Baseball Field is a Section 2002/Section 4(f) resource. Impact to this resource will constitute a net beneficial use of the Section 2002/Section 4(f) resource.

Based upon studies, there is no prudent and feasible alternative to the proposed action.

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 such effects.

BRIAN G. THOMPSON, P. E.,
Acting Director, Bureau of Design

[Pa.B. Doc. No. 07-1368. Filed for public inspection July 27, 2007, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, July 19, 2007, and announced the following:

Regulation Approved:

Department of Public Welfare #14-511: Inpatient Hospital Services (amends 55 Pa. Code Chapter 1163).

Approval Order

Public Meeting held
July 19, 2007

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; David J. DeVries, Esq.; John F. Mizner, Esq., by Proxy

Department of Public Welfare—Inpatient Hospital Services; Regulation No. 14-511 (#2615)

On June 5, 2007, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code § 1163.66. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation limits the Department's payment of Medicare cost-sharing amounts for inpatient hospital services rendered to dual eligible Medical Assistance recipients in the same manner as the Department's payments of Medicare cost-sharing payments for all other services.

We have determined this regulation is consistent with the statutory authority of the Department (62 P. S. §§ 201 and 443.1) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-1369. Filed for public inspection July 27, 2007, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these

comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

Reg. No.	Agency/Title	Close of the Public IRRC Comments Comments Period Issued	
		Period	Issued
125-56	Pennsylvania Gaming Control Board Practice and Procedure	6/18/07	7/18/07
	37 Pa.B. 2298 (May 19, 2007)		

Pennsylvania Gaming Control Board Regulation #125-56 (IRRC No. 2612)

Practice and Procedure

July 18, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the May 19, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Section 495a.3. Incorporation by reference.— Clarity.

This section is similar to Section 33.3 of the General Rules of Administrative Practice and Procedure (GRAPP), 1 Pa. Code § 33.3 (relating to incorporation by reference). Where other provisions of this regulation cover the same subject matter as in the GRAPP, those provisions specify whether the respective GRAPP sections are either supplemented or superseded. For purposes of consistency and clarity, the Board should specify whether this section supplements or supersedes 1 Pa. Code § 33.3.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-1370. Filed for public inspection July 27, 2007, 9:00 a.m.]

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted as follows. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check our website at www.irrc.state.pa.us for updates.

Final-Form

			<i>Public</i>
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Meeting</i>
6-303	State Board of Education Certification of Professional Personnel	7/17/07	8/16/07

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-1371. Filed for public inspection July 27, 2007, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority

Reformed Presbyterian Woman's Association has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Upper Rooms Vista in Pittsburgh, PA. The initial filing was received on July 12, 2007, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include 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. 07-1372. Filed for public inspection July 27, 2007, 9:00 a.m.]

Application and Request for a Certificate of Authority

Westwood Operator, LP has applied for a Certificate of Authority to operate a continuing care retirement community at Village of Pennwood in Pittsburgh, PA. The initial filing was received on July 11, 2007, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3325). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include 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. 07-1373. Filed for public inspection July 27, 2007, 9:00 a.m.]

Pennsylvania 2006 Private Passenger Automobile Data Call (Act 6 Data Call); Rate Filing

Each year, the Insurance Department (Department) conducts routine "Data Calls" to companies licensed to write motor vehicle insurance in the State. Data Calls are used to monitor the auto insurance marketplace and to collect data for statutory reports. On July 16, 2007, the Department forwarded Data Calls to be completed by companies who are licensed to write private passenger automobile insurance in this Commonwealth. Persons will receive only a cover letter by means of the United States Postal Service. The 2006 Data Call letter, instructions and data formats are available on the Department's website www.ins.state.pa.us.

Companies with Pennsylvania private passenger automobile direct written premium in 2006 are required to complete Parts 1 and 2. Data for more than one insurance company may not be combined into a single submission. This information is to be submitted to the Department no later than November 15, 2007.

Insurance Companies with no Pennsylvania private passenger automobile direct written premium in 2006 are required to submit only Part 2. This is to be submitted to the Department no later than November 15, 2007.

Consistent with previous Data Calls, the Department will consider the data submitted as proprietary and handle the data accordingly. Please see the instructions for additional information regarding the completion of the individual parts.

Submissions and inquires should be directed to Bojan Zorkic, Insurance Department, Office of Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, bzorkic@state.pa.us, (717) 787-6968.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1374. Filed for public inspection July 27, 2007, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Temporary Adjustment to Re-sale Prices Interaction between High Milk Prices and Percentage Discounts

Under the Milk Marketing Law (31 P. S. § 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on September 5, 2007, at 10:30 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the interaction between recent rises in milk prices and percentage discounts that milk dealers may provide to their customers and to consider a temporary adjustment to in- and out-of-store prices to address that interaction.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on August 10, 2007, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on August 10, 2007, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on August 10, 2007, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on August 24, 2007, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on August 31, 2007, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on August 6, 2007.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 07-1375. Filed for public inspection July 27, 2007, 9:00 a.m.]

Hearing and Presubmission Schedule for All Milk Marketing Areas; Timing and Manner of Resale Price Announcements; Timing and Manner of Calculation of Class I and Class II Movers

Under the Milk Marketing Law (31 P. S. § 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on September 5, 2007, at 10 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the timing and manner of resale price announcements and concerning the timing and manner of the calculation of the Class I and Class II movers.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on August 10, 2007, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on August 10, 2007, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on August 10, 2007, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on August 24, 2007, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on August 31, 2007, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on August 6, 2007.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 07-1376. Filed for public inspection July 27, 2007, 9:00 a.m.]

Hearing and Presubmission Schedule; Milk Marketing Area No. 1

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 1 on September 5, 2007, commencing at 9 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 1. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2006 and 2007; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs and a reasonable rate of return to milk dealers. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area No. 1. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area No. 1.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on August 10, 2007, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on August 10, 2007, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on August 17, 2007, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on August 24, 2007, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on August 31, 2007, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on August 6, 2007.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 07-1377. Filed for public inspection July 27, 2007, 9:00 a.m.]

Hearing and Presubmission Schedule; Milk Marketing Area No. 2

Under the Milk Marketing Law (31 P. S. § 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 2 on September 5, 2007, commencing at 9:30 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 2. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2006 and 2007; consideration of skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; in-store handling costs and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel

adjuster in Area No. 2. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area No. 2.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on August 10, 2007, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on August 10, 2007, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on August 17, 2007, each party shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on August 24, 2007, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on August 31, 2007, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on August 6, 2007.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 07-1378. Filed for public inspection July 27, 2007, 9:00 a.m.]

OFFICE OF THE ATTORNEY GENERAL

Public Meeting

The meeting of the Lobbying Disclosure Regulation Committee (Committee) established under act of November 1, 2006 (P.L. 1213, No. 134) (Act 134) effective January 1, 2007, will be held on Thursday, August 2, 2007, at 9 a.m. in Hearing Room 1, North Office Building, Harrisburg, PA.

The purpose of the meeting will be for the Committee to consider regulations under Act 134 and to receive public comments. Visit www.attorneygeneral.gov for more information and to view a copy of the complete agenda.

THOMAS CORBETT,
Attorney General

[Pa.B. Doc. No. 07-1379. Filed for public inspection July 27, 2007, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Acquisition of Stock

A-312550F0002 and A-310074F0004. North Pittsburgh Telephone Company and Penn Telecom, Inc. Joint application of North Pittsburgh Telephone Company and Penn Telecom, Inc. for all approvals of the acquisition by Consolidated Communications Holdings, Inc. of all of the stock of the joint applicants' corporate parent, North Pittsburgh Systems, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before August 13, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicants: North Pittsburgh Telephone Company and Penn Telecom, Inc.

Through and By Counsel: Charles E. Thomas, Jr., Esq., Thomas T. Niesen, Esq., Charles E. Thomas, III, Esq., Thomas, Thomas, Armstrong & Niesen, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1380. Filed for public inspection July 27, 2007, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility

Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 20, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-00123330 (Corrected). Bonnie L. Anderson (P. O. Box 178, East Waterford, Juniata County, PA 17021)—persons, in paratransit service, from the Counties of Dauphin, Northumberland, Lancaster, Perry, Juniata, Huntingdon, Bedford, Clinton, Indiana and Philadelphia, to points in Pennsylvania, and return; limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

A-00123928. East End Energy, LLC (1149 Firetower Road, Clearfield, Clearfield County, PA 16830)—persons in paratransit service, from points in Clearfield County, to points in Pennsylvania, and return. *Attorney:* Linda C. Lewis, P. O. Box 552, Clearfield, PA 16830.

A-00123934. Karen Patterson, t/a Patterson Transportation Service (8630 Forrest Avenue, Philadelphia, Philadelphia County, PA 19150)—persons, in paratransit service, from points in the City of Philadelphia, to points in Pennsylvania, and return.

A-00123938. The Arc Of Chester County (900 Lawrence Drive, West Chester, Chester County, PA 19380), a corporation of the Commonwealth—persons, in paratransit service, from points in the County of Chester, to points in Pennsylvania, and return.

A-00123965. Michael James Himes (4 North Jackson Street, Strasburg, Lancaster County, PA 17579)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster to points in Pennsylvania, and return.

A-00123972. A & T Paratransit Service Corp. (758 North Jordan Street, Allentown, Lehigh County, PA 18102)—persons in paratransit service from points in the Counties of Monroe, Carbon, Schuylkill, Northampton, Lehigh, Berks, Montgomery, Bucks, Luzerne and Pike, to points in Pennsylvania, and return. *Attorney:* Charles Laputka, Esquire, 1611 Pond Road, Suite 300, Allentown, PA 18104.

A-00123974. A to Z Transportation Company (P. O. Box 26927, Philadelphia, Philadelphia County, PA 19134)—persons in paratransit service from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-00123975. William Viselli (535 South Base Road, New Wilmington, Mercer County, PA 16142)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in Mercer and Lawrence Counties, and from points in said counties, to points in Pennsylvania, and return.

A-00123697, Folder 2. Platinum Touch Transportation, LLC (4404 North Uber Street, Philadelphia, Phila-

delphia County, PA 19140), a limited liability company of the Commonwealth—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the City and County of Philadelphia and the Counties of Bucks, Montgomery, Chester and Delaware to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-00123697, Folder 3. Platinum Touch Transportation, LLC (4404 North Uber Street, Philadelphia, Philadelphia County, PA 19140), a limited liability company of the Commonwealth—persons in paratransit service, from points in the City and County of Philadelphia and the Counties of Bucks, Montgomery, Chester and Delaware to points in Pennsylvania and return.

Application of the following for the approval of the transfer of stock as described under each application.

A-00108419, F. 5000. Erie Transportation Services, Inc. (2527 East Avenue, Erie, Erie County, PA 15503), a corporation of the Commonwealth—for the approval of the transfer of 1,000 shares of issued and outstanding shares held by Larry Herman, David Herman, Charles Mattingly and Amelia Sweetall to Erie Transportation Company. *Attorney's:* Matthew L. Alden, 526 Superior Avenue, East—#810, Cleveland, OH 44114 and James M. Antoun, 100 State Street—#700, Erie, PA 16507.

Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-00120295. Seek First, LLC (22 South Maple Street, Ephrata, Lancaster County, PA 17522), a limited liability company of the Commonwealth—discontinuance of service—persons, in paratransit service, between points in the County of Lancaster, and the Township and Borough of Honey Grove, Chester County, and from points in said territory, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1381. Filed for public inspection July 27, 2007, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project #07-079.S (Window Cleaning—TAB), until 2 p.m. on Thursday, August 23, 2007. Bid opening will be held at 3460 North Delaware Avenue, Philadelphia, PA 19134. The bid documents can be obtained from the Director of Procurement, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available July 31, 2007. PRPA is an equal opportunity employer. Vendor will be required to comply with all applicable equal employment opportunity laws and regulations. Bidders must provide to the Procurement Department in writing, the names of individuals that will be attending prebid meetings. This

information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

Mandatory prebid meeting will be held Tuesday, August 18, 2007, 10 a.m. at 3460 North Delaware Avenue, Philadelphia, PA 19134. The PRPA will consider only those bids received from parties who attended the prebid meeting.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 07-1382. Filed for public inspection July 27, 2007, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

**Bureau of Professional and Occupational Affairs v.
Richard Crawford; Doc. No. 1168-42-07**

On June 6, 2007, Richard Crawford, license no. BL050787L, of Philadelphia, Philadelphia County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated May 30, 2007, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Gerald S. Smith, Senior Counsel in Charge, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

VINCENT IACONO,
Chairperson

[Pa.B. Doc. No. 07-1383. Filed for public inspection July 27, 2007, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v.
Connie James, t/d/b/a Styles by Connie and Co.;
Doc. No. 1770-45-2006**

On June 12, 2007, Connie James, t/d/b/a Styles by Connie and Co., of Emmaus, Lehigh County, was assessed a civil penalty of \$1,000, based on her practice of cosmetology in a grossly incompetent manner and for having violated a regulation of the State Board of Cosmetology (Board).

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of petition for review. The

Board contact for receiving service of appeals is the previously named Board counsel.

SUSAN E. RINEER,
Chairperson

[Pa.B. Doc. No. 07-1384. Filed for public inspection July 27, 2007, 9:00 a.m.]

STATE BOARD OF FUNERAL DIRECTORS

**Bureau of Professional and Occupational Affairs v.
Marvin A. Kimble; Doc. No. 1172-48-07**

On June 6, 2007, Marvin A. Kimble, license no. FD012949L, of Philadelphia, Philadelphia County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated May 30, 2007, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Gerald S. Smith, Senior Counsel in Charge, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649.

ANTHONY SCARANTINO,
Chairperson

[Pa.B. Doc. No. 07-1385. Filed for public inspection July 27, 2007, 9:00 a.m.]

STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.
Donna L. Rybert, LPN; Doc. No. 0858-51-2007**

On April 26, 2007, Donna L. Rybert, LPN, of Honey Brook, Chester County, license number PN-078221-L, was suspended for up to 1 year retroactive to April 26, 2007, based upon her misdemeanor conviction under the Drug Act.

Individuals may obtain a copy of the adjudication by writing to Thomas A. Blackburn, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of the petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY E. BOWEN, R. N., CRNP,
Chairman

[Pa.B. Doc. No. 07-1386. Filed for public inspection July 27, 2007, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

**Bureau of Professional and Occupational Affairs v.
Darryl Bailey; Doc. Nos. 1176-60-07 and 1177-
60-07**

On June 6, 2007, Darryl Bailey, license no. MV168040, of Philadelphia, Philadelphia County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated May 30, 2007, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Gerald S. Smith, Senior Counsel in Charge, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

GARY M. BARBERA,
Chairperson

[Pa.B. Doc. No. 07-1387. Filed for public inspection July 27, 2007, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
William J. Jackson, Jr.; Doc. No. 1174-60-07**

On June 6, 2007, William J. Jackson, Jr., license no. MV175053, of Philadelphia, Philadelphia County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated May 30, 2007, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Gerald S. Smith, Senior Counsel in Charge, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

GARY M. BARBERA,
Chairperson

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