



Volume 38 (2008)

Pennsylvania Bulletin
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October 25, 2008 (Pages 5833-5928)

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PENNSYLVANIA BULLETIN

Volume 38
Saturday, October 25, 2008 • Harrisburg, PA
Number 43
Pages 5833—5928

Agencies in this issue

The General Assembly
The Courts
Department of Agriculture
Department of Environmental Protection
Department of Health
Department of Revenue
Health Care Cost Containment Council
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Public Utility Commission
State Board of Nursing
State Board of Vehicle Manufacturers, Dealers
and Salespersons

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

No. 407, October 2008

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BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE GENERAL ASSEMBLY

Recent Actions During the 2008 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during 2008 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> |
|---|-----------------------|--------------------|-------------------------|-----------------------|---|
| 2008 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 087 through 096 | | | | | |
| 087 | Oct 8 | SB0684 | PN2475 | 90 days | Public Health Child Death Review Act—enactment |
| 088 | Oct 8 | SB0884 | PN2433 | 60 days | Municipalities Generally (53 Pa.C.S.)—restricting municipalities from regulating amateur radio service communications |
| 089 | Oct 8 | SB0908 | PN2374 | 60 days | Auctioneer and Auction Licensing Act—auctioneer and apprentice auctioneer licenses |
| 090 | Oct 8 | SB1019 | PN1711 | 60 days | Board of Vehicles Act—omnibus amendments |
| 091 | Oct 8 | SB1023 | PN1350 | 60 days | Acupuncture Registration Act—redesignating registration as licensure |
| 092 | Oct 8 | SB1093 | PN2038 | Immediately | Municipal Police Pension Law—applicability of certain benefit provisions for certain beneficiaries |
| 093 | Oct 8 | SB1225 | PN2413 | Immediately | Health and Safety (35 Pa.C.S.)—intra-state mutual aid |
| 094 | Oct 8 | SB1308 | PN2416 | Immediately | Conveyance—Commonwealth property located in Solebury Township, Bucks County and City of Philadelphia |
| 095 | Oct 8 | SB1376 | PN1962 | 60 days | Repealing act to incorporate and endow an academy or public school in the Town of York and for other purposes |
| 096 | Oct 8 | SB1503 | PN2474 | Immediately | Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 2008-2009—enactment |

* 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.

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

[Pa.B. Doc. No. 08-1922. Filed for public inspection October 24, 2008, 9:00 a.m.]

THE COURTS

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 200]

Amendment of Rule 202 and New Rule 215 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges; No. 252 Magisterial Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 8th day of October, 2008, upon the recommendation of the Minor Court Rules Committee, the proposal having been published before adoption at Volume 38, *Pennsylvania Bulletin*, page 1817 (April 19, 2008), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.R.C.P.M.D.J. No. 202 be, and hereby is, amended in the attached form, and new Pa.R.C.P.M.D.J. No. 215 be, and hereby is, adopted, in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective November 1, 2008.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 202. Definitions.

As used in these rules, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

“adult” means an individual eighteen years of age or older;

“advanced communication technology” is any communication equipment that is used as a link between parties in physically separate locations.

* * * * *

Adopted Oct. 15, 1969, effective Jan. 1, 1970. Amended April 25, 1979, effective in 30 days, June 30, 1982, effective 30 days after July 17, 1982; Dec. 1, 1983, imd. effective; July 16, 2001, effective Aug. 1, 2001; Sept. 3, 2003, effective Jan. 1, 2004; Jan. 6, 2005; effective Jan. 29, 2005; June 1, 2006, effective Oct. 1, 2006; **Oct. 8, 2008, effective Nov. 1, 2008.**

Rule 215. Advanced Communication Technology (NEW).

Magisterial district judges may authorize the use of advanced communication technology during any civil proceeding or action governed by the Rules of Civil Procedure for Magisterial District Judges.

Official Note: This rule was adopted in 2008 to specify that magisterial district judges may use advanced communication technology in their courtrooms during adversarial proceedings. In an ex parte proceeding, such as an action pursuant to the Protection From Abuse Act, 23 Pa.C.S. § 6101 *et seq.*, magisterial district judges also may permit the use of advanced communication technology. Limited technology available in some magisterial district courts may preclude the use of certain advanced communication technology options. Compare Pa.R.Crim.P. 119.

Adopted Oct. 8, 2008, effective Nov. 1, 2008.

FINAL REPORT

Amendment to Rule 202 and New Rule 215 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

DEFINITIONS; ADVANCED COMMUNICATION TECHNOLOGY

On October 8, 2008, effective November 1, 2008, upon recommendation of the Minor Court Rules Committee,¹ the Supreme Court of Pennsylvania approved an amendment to Rule 202, as well as adopted an entirely new Rule 215 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.²

I. Background

In 2007, the Minor Court Rules Committee (“Committee”) became aware of several counties enacting local rules that allowed for use of advanced communication technology (“ACT”) in proceedings for emergency relief pursuant to the Protection From Abuse Act, 23 Pa.C.S. § 6101 *et seq.* Some counties apparently had taken this action, or were considering this action, in an attempt to fill a perceived gap in the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges. While there is a rule addressing the use of ACT in criminal proceedings (Pa.R.Crim.P. 119), there is no rule either prohibiting or permitting the practice on the civil side.

In order to foster a uniform, statewide practice, the Committee recommended a new rule authorizing the use of ACT in civil actions.

II. Discussion

The Committee reviewed several counties’ local rules authorizing the use of ACT in civil actions and/or emergency protection from abuse actions. In addition, the Committee reviewed Pa.R.Crim.P. 103 (“Definitions”) and 119 (“Use of Two-Way Simultaneous Audio-Visual Communication in Criminal Proceedings”). Although the Committee recognized that two definitions pertaining to ACT are contained within the criminal definitions³, the Committee decided to include only one of those definitions—“advanced communication technology.” By choosing to exclude “advanced communication technology site,” the Committee believed that more individuals will be able to access the magisterial district courts, especially in times of crisis, such as when seeking emergency protection from abuse orders.

¹Minor Court Rules Committee Recommendation 9-2008.

²Supreme Court of Pennsylvania Order No. 252, Magisterial Docket No. 1 (October 8, 2008).

³The criminal rules define both “advanced communication technology” and “advanced communication technology site.”

The Committee also weighed the benefits of the proposed Rule 215 in accommodating individuals with special circumstances. Some of the hypotheticals mentioned included the new rule's ability to assist individuals with disabilities; allow telephonic use for interpreters (such as "Language Line"); or permit remote testimony of a non-critical witness for whom travel would present extreme difficulty.

The Committee chose not to enumerate specific mandatory conditions in Rule 215, believing that each individual magisterial district judge should have the discretion to decide when, and if, ACT was appropriate for his or her courtroom. In addition, the Committee chose not to include any language about a party's objection to the use of ACT. The Committee believes that, as with any decision rendered by a magisterial district judge that a party considers unfavorable, the proper course of action would be an appeal or praecipe for writ of certiorari.

III. *Approved Rule Changes*

To address the issues discussed above, the Committee proposed the following rule changes.

A. *Rule 202*

The Committee proposed the inclusion of a new definition in Rule 202—"advanced communication technology." The definition is derived from Pa.R.Crim.P. 103 ("Definitions"). However, the Committee decided against an exact replication of Pa.R.Crim.P. 103, recognizing the rapid pace of technological change. The Committee did not want to specify certain types of technology that very well could become obsolete in a short period of time. Instead, the Committee chose to allow each magisterial district judge to permit the use of technology that links parties in two physically separate locations.

B. *New Rule 215*

The Committee proposed an entirely new Rule 215 (Advanced Communication Technology) to provide a procedure for parties to participate in civil hearings using any manner of technological devices. As provided by the companion amendment to Rule 202, "advanced communication technology" is not strictly limited; instead, it allows the judge to decide when, and if, a method is most appropriate for the courtroom and/or hearing. The note to the rule will direct parties to the criminal rules for comparison. In addition, it will clarify that ACT is available in both adversarial and *ex parte* proceedings. Finally, it will caution parties that not all magisterial district courts possess the ability to use all types of ACT.

[Pa.B. Doc. No. 08-1923. Filed for public inspection October 24, 2008, 9:00 a.m.]

PART I. GENERAL

[246 PA. CODE CH. 200]

Amendment of Rule 214 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges; No. 251 Magisterial Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 8th day of October, 2008, upon the recommendation of the Minor Court Rules Committee, the proposal having been published before adoption at

Volume 38, *Pennsylvania Bulletin*, page 2151 (May 10, 2008), and a Final Report to be published with this Order.

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.R.C.P.M.D.J. No. 214 be, and hereby is, amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective May 1, 2009.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 214. Subpoena; Issuance; Service.

[A.] (A) Magisterial district judges may issue subpoenas throughout the Commonwealth. **Magisterial district judges shall not issue subpoenas in blank.**

[B.] (B) Upon the request of a party **proceeding pro se, the authorized representative of a party, or an attorney of record**, the magisterial district judge may issue a subpoena signed and under the seal of the magisterial district judge. The magisterial district judge shall specify in the subpoena the name and address for service of the person subpoenaed; **the name of the party on whose behalf the person is being ordered to testify**; the date, time, and place at which the person is to appear; and a description of the documents or things that the person is to produce, if any.

(1) **The party, authorized representative, or attorney of record requesting the subpoena shall provide the magisterial district court with the information required in paragraph (B).**

(2) **If the subpoena is to be issued, the magisterial district court shall fill in the information provided and return it to the requestor for service.**

[C.] (C) A subpoena may be served upon any person within the Commonwealth by a competent adult

* * * * *

(D) **The person making service of a subpoena must file a return of service form in the magisterial district court in which the hearing is pending within 48 hours of service, and in no event later than the commencement of the hearing. Filing under this paragraph may be accomplished by sending a copy by facsimile transmission.**

(E) **If a subpoenaed witness is under the age of 18, the parent or guardian of the witness shall be served with a copy of the subpoena in the same manner as prescribed in paragraph (C).**

Official Note: [See Rule 202 for definition of "subpoena." Compare Pa.R.C.P. Nos. 234.2 and 402(a).]

[The] **When issuing a subpoena, the magisterial district judge has discretion to limit the scope of [subpoenas] the subpoena to persons, documents, or things that are relevant to the cause of action before the magisterial district judge.**

[**Magisterial district judges may not issue subpoenas in blank.**]

Paragraph (D) provides for filing by facsimile transmission. It is the intent of these rules that filing documents by facsimile transmission is permitted only when expressly provided for in the rules. Paragraph (D) also provides for use of a form promulgated by the Court Administrator of Pennsylvania.

Paragraph (E) provides that parties choosing to subpoena witnesses under the age of 18 must alert the magisterial district court of the witness' age and are responsible for any additional service costs.

See Rule 202 for definitions of "subpoena" and "attorney of record." Compare Pa.R.C.P. Nos. 234.2 and 402(a) and Pa.R.Crim.P. 107. See also Rule 207 regarding representation by an authorized representative.

For the scope of the contempt powers of magisterial district judges, see 42 Pa.C.S. § 4137. See also Pa.R.Crim.P. 140-142.

Adopted Sept. 3, 2003, effective Jan. 1, 2004. Amended Jan. 6, 2005, effective Jan. 29, 2005; Oct. 8, 2008, effective May 1, 2009.

FINAL REPORT

Amendment to Rule 214 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

PARENTAL NOTIFICATION WHEN CHILD SUBPOENAED

On October 8, 2008, effective May 1, 2009, upon recommendation of the Minor Court Rules Committee,¹ the Supreme Court of Pennsylvania approved an amendment to Rule 214 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.²

I. Background

The Minor Court Rules Committee ("Committee") was prompted to suggest the following changes based upon a February 28, 2008 order of the Pennsylvania Supreme Court.³ The Court, upon recommendation of the Juvenile Court Procedural Rules Committee, promulgated changes in the Rules of Juvenile Court Procedure that, *inter alia*, would require parental notification when a subpoena is issued to a person under the age of eighteen.

II. Discussion

The Committee reviewed the Feb. 28, 2008 order adopting the Juvenile Court Procedural Rules Committee's recommendation.⁴ The Committee discussed the benefits of the Juvenile Court Procedural Rules Committee's proposal. Providing a parent or guardian with important information about his or her child's whereabouts was one of the chief benefits recognized by the Committee in considering adopting similar rule language. In addition, the Committee felt that consistency throughout Pennsylvania's courts is important, and that if one set of court rules was undergoing a change, the measure should be seriously considered by the Committee. Ultimately, the Committee agreed that they should follow the proposal outlined by the Juvenile Court Procedural Rules Committee.

¹ Minor Court Rules Committee Recommendation 8-2008.

² Supreme Court of Pennsylvania Order No. 251, Magisterial Docket No. 1 (October 8, 2008).

³ Supreme Court of Pennsylvania Order No. 438, Supreme Court Rules Docket No. 1.

⁴ The recommendation was published before adoption at 37 Pa.B. 1306 (March 24, 2007), in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 915, March 16, 2007) and on the Juvenile Court Procedural Rules Committee's web site.

III. Approved Rule Changes

To address the issues discussed above, the Committee proposed amending Rule 214 to include a new paragraph (E) that closely tracks the Juvenile Court Procedural Rules Committee's recommendation to the Court.

While the Committee was implementing changes to follow the Juvenile Committee's work, it also recognized other needed changes within Rule 214. In paragraph (B), the Committee inserted several new terms. The paragraph previously stated only that subpoenas may be issued "upon the request of a party." The Committee's proposal added language clarifying that a magisterial district judge may also issue subpoenas upon the request of an "authorized representative" or "attorney of record." In 2006, the Supreme Court adopted a Committee recommendation that permits an individual with personal knowledge of the subject matter to appear on behalf of a party. See Rule 207(A)(1). The previous language of paragraph (B) was also changed to emphasize that a party representing him or herself (*pro se*) can request issuance of a subpoena. The Committee also advocated additions to paragraph (B) to make clear *who* is requesting the subpoenaed witness' testimony, as well as the procedure for obtaining and serving the subpoena.

The Committee suggested adding a new paragraph (D) to provide for return of service forms' submission to the magisterial district court. In addition, the note to Rule 214 was amended to include supplemental information about the new paragraphs (D) and (E) as well as providing other helpful information with regard to subpoenas in civil actions before magisterial district judges.

Finally, the sentence in the note about magisterial district judges' ability to issue subpoenas in blank was moved to paragraph (A). This change is to emphasize, in the rule itself, this prohibition.

[Pa.B. Doc. No. 08-1924. Filed for public inspection October 24, 2008, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LEHIGH COUNTY

Civil Division—Fee Schedule; Case No. 2008-J-120

Order

And Now, this 10th day of October 10, 2008, upon consideration of the within Petition for Increase of Fee Schedule presented by Lehigh County Clerk of Judicial Records, Andrea E. Naugle, and in accordance with Act 164 of 1998, the Prothonotary Fee Law.

It Is Ordered that the Fee Schedule of the Lehigh County Clerk of Judicial Records—Civil Division is amended effective January 1, 2009.

It Is Further Ordered that the Fee Schedule of the Lehigh County Clerk of Judicial Records—Civil Division, which is attached to the within Petition as Exhibit "D," is approved and adopted effective January 1, 2009.

By the Court

WILLIAM H. PLATT,
President Judge

Note: Copies of the fee schedule are available in the Clerk of Judicial Records' Office

ANDREA E. NAUGLE

**LEHIGH COUNTY CLERK OF JUDICIAL RECORDS
CIVIL DIVISION FEE SCHEDULE
EFFECTIVE JANUARY 1, 2009**

(42 Pa.C.S. § 21071)

Act 98-164 Effective 1/21/99

Note: CTF=Children's Trust Fund Fee
Mandated by State Legislation
JCP=Judicial Computer Project Fee
Mandated by State Legislation
(Act 122-2002 Rev. 11/02)
PAF=Prothonotary Automation Fee
Authorized by Act 98-164
LCE=Lehigh County E-filing created by
Leh R.C.P. 205.3 effective 1/1/04

| Document Type | Fee |
|---|------------|
| Acknowledgment of Deeds | \$ 9.25 |
| APPEALS | |
| Appeal of Appellate Court | \$ 55.00 |
| Plus check made payable to "Prothonotary of Superior/ Commonwealth Court" for \$60.00 | |
| Appeal from District Justice | \$131.25 |
| Appeal from Arbitration | \$600.00* |
| *plus any add'l compensation authorized, but not to exceed 50% of the amount in controversy. Shall not be taxable as costs or be recoverable in any proceeding. | |
| Assignments | \$ 9.25 |
| Building Agreements / Stip | \$ 18.75 |
| CERTIFICATION | |
| Certification-(Except UCC) | \$ 5.50 |
| Divorce Decree, Name Change | |
| Certification of Entire Record | \$ 18.75 |
| COMMENCEMENT OF ACTION | |
| Action at Law or Equity (plus .50 extra for indexing more than 5 pltfs. or defts.) | \$131.25 |
| Miscellaneous Civil Filing | \$ 37.50 |
| Custody Actions | \$158.25 |
| Modification of Custody (per petition) | \$ 25.00 |
| Contempt of Custody (per petition) | \$ 25.00 |
| Intervenor | \$ 25.00 |
| Divorce—(No Fault) <i>Plus add'l counts</i> | \$216.75 |
| Alimony | \$ 39.25 |
| Alimony pendente lite, counsel fees & costs | \$ 39.25 |
| Custody & Visitation | \$ 46.25 |
| Equitable Distribution/Property Rights | \$ 39.25 |
| Support | \$ 39.25 |
| Other, each | \$ 39.25 |
| Vital Statistics | \$.50 |
| Praecipe to Transmit | \$ 29.25 |
| <i>Master Fees</i> | |

| Document Type | Fee |
|---|------------|
| Before 97-FC-818 | \$305.00 |
| After 97-FC-818 | \$250.00 |
| Name change final order | \$ 5.50 |
| Any action or proceeding to open/strike a judgment | \$111.50 |
| Proceedings on any lien other than revival-(Mechanic's Lien Complaint) | \$101.50 |
| *Actions started by a political subdivision (Includes tax and surcharges) | \$ 39.75 |
| COPIES | |
| Photo copy per page | \$.25 |
| Docket printout by mail | \$ 3.25 |
| Photo coping by clerk | |
| 1st page by mail | \$ 1.00 |
| Each add'l page | \$.50 |
| Microfilm Copies | \$ 1.00 |
| JUDGMENTS | |
| Confession (notes, bonds, etc.) | \$ 47.25 |
| District Justice Transcript | \$ 47.25 |
| Certification of Judgment | \$ 47.25 |
| Domestic Relations | \$ 47.25 |
| Exemplification/Foreign Judgment (Incoming Exemplified Records) | \$ 47.25 |
| Exemplification of Judgment (Outgoing Exemplified Records) | \$ 18.75 |
| Liens | \$ 47.25 |
| Default, Non-Pros, Demurrer, Lis Pendens | \$ 17.50 |
| Verdict, Award, Court Order, Agreement & Final Decree | \$ 17.50 |
| Release of Judgment | \$ 9.25 |
| Reassess of Judgment | \$ 9.25 |
| Subordination of Judgment | \$ 9.25 |
| Withdraw of Judgment | \$ 9.25 |
| LETTER OF ATTORNEY | |
| Recording—each name | \$ 9.25 |
| Revoking—each name | \$ 9.25 |
| NOTARY PUBLIC | |
| Notary Certificate | \$ 3.75 |
| Notary Signature Registration | \$ 3.75 |
| *POLITICAL SUBDDIVISION | |
| Action at Law or Equity | \$ 39.75 |
| Appeal from District Justice | \$ 39.50 |
| District Justice Transcript | \$ 39.50 |
| Execution | \$ 10.00 |
| Judgment | \$ 10.00 |
| Liens with Satisfaction Fee | \$ 39.75 |
| 1. Federal Liens (effective 2006) | |
| 2. Mechanic Liens | |
| 3. Municipal Liens | |
| 4. State Liens (effective 2004) | |

| Document Type | Fee |
|---|----------|
| 5. Unemployment Liens (effective 2006) | |
| Satisfaction not pre-paid | \$ 9.25 |
| Correction Notices | \$ 10.00 |
| 1. Federal Liens | |
| Re-file Notice | \$ 10.00 |
| Suggestion of Non-payment Federal, State, Unemployment | \$ 10.00 |

POUNDAGE

(The handling fee of monies paid into court)

4.5% on the first \$1,000 and 1.5% on each add'l \$1,000 or fraction thereof

PROTECTION FROM ABUSE

| | |
|-------------------------------|----------|
| PFA filing | \$152.15 |
| PA State Police Registry | \$ 25.00 |
| PFA Contempt or Bench Warrant | \$ 18.75 |
| Removal or Transfer | \$ 18.75 |

REPORTS

| | |
|----------------------------|----------|
| Detailed Case Type Reports | \$ 23.00 |
|----------------------------|----------|

REVIVALS

| | |
|---|----------|
| Amicable/Agreement | \$ 17.50 |
| Adverse/Writ | \$ 29.25 |
| Averments, suggestion of non-payment, (Continuing any lien not reduced to a judgment) | \$ 17.50 |

| | |
|-----------------------------------|---------|
| Satisfactions —not prepaid | \$ 9.25 |
|-----------------------------------|---------|

| | |
|----------------------|---------|
| School Audits | \$ 9.25 |
|----------------------|---------|

| | |
|--|---------|
| Subordination, withdrawal, postponement | \$ 9.25 |
|--|---------|

SUBPOENA

| | |
|--------------------------------|---------|
| Subpoena—To Attend and Testify | \$ 3.75 |
| Subpoena—To Produce Documents | \$ 3.75 |

| | |
|-----------------------------------|----------|
| Surety Financial Statement | \$ 17.50 |
|-----------------------------------|----------|

WRITS

| | |
|---|----------|
| Execution | \$ 29.25 |
| Attachment Execution | \$ 29.75 |
| Writs (Seizure, Possession, and Habeas) | \$ 29.25 |

No personal checks will be accepted

Business checks should be made payable to:

CLERK OF JUDICIAL RECORDS—CIVIL DIVISION

All checks returned for insufficient funds will be assessed a **\$20.00** service charge.

Pursuant to 42 P. S. § 21073(b), the Clerk of Judicial Records—Civil Division *shall not* be required to enter on the docket any suit, action or order of court or enter any judgment thereon or perform any service whatsoever for any person, political subdivision or the Commonwealth until the requisite fee is paid.

*The maximum fee to be charged a political subdivision for any one of the services provided for herein shall be \$10.00. Total fee may include satisfaction/discontinuance, automation fees, JCS fee and Tax

The Service Fee for the use of a credit/debit card will be as follows:

| Transaction Fee | Service Fee |
|----------------------|-------------------|
| \$ 0.00 to \$100.00 | \$2.00 |
| \$101.00 to \$200.00 | \$4.00 |
| \$201.00 to \$300.00 | \$6.00 . . . etc. |

*Actions started by a political subdivision (Includes tax and surcharges)

[Pa.B. Doc. No. 08-1925. Filed for public inspection October 24, 2008, 9:00 a.m.]

MONTGOMERY COUNTY

Amendment of Rule 1012*—Entry and Withdrawal of Appearance; Civil Procedure; No. 08-00007

Order

And Now, this 7th day of October, 2008, the Court amends Montgomery County Local Rule of Civil Procedure 1012*—Entry and Withdrawal of Appearance. This amended Rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

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

By the Court:

RICHARD J. HODGSON,
President Judge

Rule 1012*. Entry and Withdrawal of Appearance.

(a) Every initial pleading or legal paper filed with the Prothonotary or the Domestic Relations Office by an attorney [**shall**] **should** be accompanied by a written entry of appearance. This written appearance will facilitate proper notification being given to all counsel of record of pending matters listed by the Court Administrator. **In the event an initial pleading or legal paper, including an initial responsive pleading or legal paper, filed by an attorney is not accompanied by a written entry of appearance, the Prothonotary or the Domestic Relations Office shall enter the name of said attorney as counsel of record for the party on whose behalf the pleading or legal paper is being filed. [In like manner, a]** A written withdrawal of appearance shall be required when counsel is removing himself or herself from an action.

(b) No attorney shall represent the interest of a party to any civil action in the Court or before a Domestic Relations Hearing Officer, or special Master or Conciliator appointed by the Court unless or until the attorney files a

written entry of appearance, **or until said attorney's name appears of record on the docket per section (a) above.**

(c) Whenever any attorney changes his or her address, it shall be the duty of said attorney to notify immediately the Court Administrator of Montgomery County in writing of such change.

[Court Administrator's note: rescinded]

[Pa.B. Doc. No. 08-1926. Filed for public inspection October 24, 2008, 9:00 a.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 130f]

Odor Management Certification

The Department of Agriculture (Department) adopts Chapter 130f (relating to odor management certification) to read as set forth in Annex A.

Statutory Authority

The Department has authority to promulgate these final-form regulations as specifically set forth in section 508 of the act of July 6, 2005 (P. L. 112, No. 38) known as Act 38 of 2005 (act) (3 Pa.C.S. § 508 (relating to nutrient management certification program and odor management certification program)).

Section 508(a) of the act, directs the Department to “. . . establish, in consultation with the commission, . . . an odor management certification program for the purpose of certifying individuals who have demonstrated the competency necessary to develop odor management plans. The Department or its designee shall develop such written testing procedures, educational requirements and examinations as it deems appropriate to carry out its responsibilities under this section. The department shall by regulation establish such fees and terms and conditions of certification as it deems appropriate. The department shall establish individual, commercial and public certification categories, including a certification category for farmers to develop and certify nutrient management plans and odor management plans for their own agricultural operations.”

The act requires the Department to promulgate regulations establishing certification categories and criteria. In addition, section 508(d) of the act requires a person to satisfy the applicable requirements of the regulations prior to certifying an odor management plan or plan amendment. These regulations are therefore necessary to assure compliance with the edicts of the act and to allow concentrated animal operations, concentrated animal feeding operations and volunteers to comply with the odor management plan requirements set forth in section 509 of the act (relating to odor management plans).

Purpose of the Final-Form Regulation

The final-form regulations are required to establish a certification program through which persons drafting, reviewing and approving odor management plans may become certified and thereby meet the requirements of the act. The regulations set forth procedures and requirements related to the certification of individual, commercial and public odor management specialists, establish fees and delineate course and certification requirements, denote application, approval and appeal procedures for persons seeking certification, set forth criteria for recertification of odor management specialists and approval of recertification training and education programs.

Comment and Responses

Interested persons were invited to submit written comments regarding the proposed regulations within 30 days following publication at 37 Pa.B. 5793 (October 27, 2007). Only one individual commented on the proposed regulation. The person who commented during the proposed

stage of rulemaking was sent a letter informing him of his right to receive a copy of the final-form regulations. The Department also received comments from the Independent Regulatory Review Commission (IRRC). The Department will also make the regulations and comment and response document available for review on the Department's web site at www.agriculture.state.pa.us. Persons may request a hard copy of the comment and response document, by contacting the Department of Agriculture, Odor Management Certification Program, Johan Berger at (717) 772-4189.

Fiscal Impact

Commonwealth

The final-form regulations will not impose any appreciable additional fiscal impacts upon the Commonwealth. The regulations will require the Department to administer another certification training and recertification program and monitor and take appropriate State action when members of the regulated community are not complying with the statutory and regulatory mandates. The cost of administering the mandates of the act and these regulations will be covered by general government operating funds annually appropriated to the Department and augmented with the certification and testing fees set forth in the regulations.

Political Subdivisions

The final-form regulations will impose additional work and costs and have a fiscal impact upon county conservation districts that agree to certify public odor management specialists to draft or review, or both, odor management plans. The regulations will impose no additional burden of enforcement on political subdivisions.

Private Sector

The final-form regulations will impose additional costs on persons wishing to write or review and approve, or both, odor management plans, as required by the act. Those additional costs are in the form of the fees for certification, which are established in the regulations.

General Public

The final-form regulations will impose no direct costs and have no fiscal impact on the general public. Farmers required to have or seeking a voluntary odor management plan, will be affected by the mandates of the act, which require the plans and the fees charged for attaining the required certification to write or review, or both, those odor certification plans and will most likely be a small part of the fee charged to the farmer for the development of odor management plans.

Paperwork Requirements

The final-form regulations will not result in a substantial increase in paperwork. The Department will have to develop new application forms, but they will be based on current certification program forms. Review and administrative procedures will also be very similar to existing certification programs overseen by the Department.

Effective date

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

Additional Information

Further information is available by contacting the Department of Agriculture, Odor Management Certification Program, 2301 North Cameron Street, Harrisburg, PA 17110-9408; Attn: Johan Berger (717) 772-4189.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the notice of proposed rulemaking published on October 15, 2007 to the IRRC and to the Chairpersons of the House and Senate Agriculture and Rural Affairs Committees (Committees) for review and comment.

In compliance with section 5(b), the Department also provided IRRC and the Committees with copies of all comments received during the public comment period. In preparing these final-form regulations, the Department has considered all comments received from IRRC, the Committees and the public.

These final-form regulations were deemed approved by the Committees on July 9, 2008, and was approved by IRRC on July 10, 2008.

Findings

The Department finds that:

(1) Public notice of intention to adopt these final-form regulations has been 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 attendant regulations in 1 Pa. Code §§ 7.1 and 7.2.

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

(3) The modifications that were made to these regulations in response to comments received do not enlarge the purpose of the proposed regulations published at 37 Pa.B. 5793.

(4) The adoption of the regulations in the manner provided in this order is necessary and appropriate for the administration of the authorizing statute.

Order

The Department, acting under the authorizing statutes, orders the following:

(1) The regulations of the Department, 7 Pa. Code, are amended by adding §§ 130f.1—130f.4, 130f.11, 130f.12, 130f.21 130f.22, 130f.31 and 130f.41 to read as set forth in Annex A.

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

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

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

DENNIS C WOLFF,
Secretary

(Editor Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 4045 (July 26, 2008).)

Fiscal Note: Fiscal Note 2-155 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 7. AGRICULTURE****PART V. BUREAU OF PLANT INDUSTRY****CHAPTER 130f. ODOR MANAGEMENT CERTIFICATION**

Subch.

- A. GENERAL PROVISIONS
- B. CERTIFICATION
- C. RECERTIFICATION
- D. DENIAL, SUSPENSION, REVOCATION

Subchapter A. GENERAL PROVISIONS

Sec.

- 130f.1. Scope.
- 130f.2. Definitions.
- 130f.3. Fees.
- 130f.4. Certification authority.

§ 130f.1. Scope.

This chapter prescribes the procedures and qualifications related to certification of odor management specialists. This chapter includes the establishment of fees, delineates the requirements for certification of odor management specialists, including recertification criteria and sets forth the conditions of denial, suspension and revocation of odor management certification.

§ 130f.2. Definitions.

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

Act—Act 38 of 2005 (3 Pa.C.S. Chapters 3 and 5 (relating to local regulation; and nutrient management and odor management)).

Certificate year—The period from January 1 to December 31.

Certification—The completion of the requirements of an odor management specialist contained in this chapter.

Commercial odor management specialist—A private sector person certified under this chapter to develop OMPs for another person's agricultural operation.

Commission—The State Conservation Commission established by the Conservation District Law (3 P. S. §§ 849—864).

Competency—Demonstrating a high level of technical or scientific knowledge as evidenced by successfully meeting the requirements of § 130f.11 (relating to determination of competence) for commercial and public odor management specialists, or meeting the requirements of § 130f.21 (relating to determination of competence) for individual odor management specialists.

Conservation district—A county conservation district established under the Conservation District Law.

Department—The Department of Agriculture of the Commonwealth.

Designee—A person chosen or appointed by the Secretary of the Department to carry out the Secretary's duties under this chapter.

Impacts—

(i) Conflicts arising from the offsite migration of odors from agricultural facilities.

(ii) The term does not include mental or physical health affects, or changes in property value.

Individual odor management specialist—A person certified under this chapter to develop OMPs for his agricultural operation.

Nutrient management specialist—A person satisfying the certification requirements of section 508 of the act (relating to nutrient management certification program and odor management certification program).

OMP—Odor management plan—A written site-specific plan identifying the practices, technologies, standards and strategies to be implemented to manage the impact of odors generated from animal housing or manure management facilities located or to be located on the site.

Odor BMP—Odor best management practice—A practice or combination of practices, technologies, standards and strategies to manage the potential for impacts from offsite migration of odors generated from animal housing facilities and manure management facilities that are subject to regulation under the act.

Odor management regulations—The regulations codified in 25 Pa. Code Chapter 83, Subchapter G (relating to facility odor management).

Odor management specialist—A person satisfying the certification requirements of this chapter.

Public odor management specialist—A State, Federal or other public employee certified under this chapter to review OMPs and make recommendations for approval or denial of OMPs to a conservation district or the Commission, or both.

Odor Site Index—The field evaluation methodology developed specifically for this Commonwealth and approved by the Commission, which applies site-specific factors such as proximity to adjoining landowners, land use of the surrounding area, type of structures proposed, species of animals, local topography and direction of the prevailing winds, to determine the potential for impacts from the offsite migration of odors from agricultural operations.

Provisional certification—The level of certification obtained by an odor management specialist applicant who has successfully completed the required training and passed the written examination, but has not yet developed or reviewed the required number of odor management plans.

Recertification training—The completion of continuing education and training requirements in § 130f.31 (relating to recertification).

§ 130f.3. Fees.

(a) *Certification fees.* Certification fees are nonrefundable. The Department has established the following certification fees for each level of odor management specialist:

- (1) Individual odor management specialist—A triennial fee of \$15.
- (2) Commercial odor management specialist—A triennial fee of \$200.
- (3) Public odor management specialist—A triennial fee of \$25.

(b) *Examination fees.* Examination fees are nonrefundable. The Department has established the following examination fees for each level of odor management specialist:

- (1) Individual odor management specialist—No charge.
- (2) Commercial odor management specialist—\$30.
- (3) Public odor management specialist—\$30.

§ 130f.4. Certification authority.

(a) *Individual certification authority.* A person certified under this chapter as an individual odor management specialist is authorized to develop OMPs for his own agricultural operation. An individual odor management specialist has no authority to develop an OMP plan for another person or review and recommend action on an OMP.

(b) *Commercial certification authority.* A person certified under this chapter as a commercial odor management specialist is authorized to develop OMPs for another person's agricultural operation. A commercial odor management specialist has no authority to review or recommend action on an OMP.

(c) *Public certification authority.* A person certified under this chapter as a public odor management specialist is authorized to review OMPs and make recommendations for approval or denial of OMPs.

Subchapter B. CERTIFICATION

COMMERCIAL AND PUBLIC ODOR MANAGEMENT SPECIALISTS

- Sec.
 130f.11. Determination of competence.
 130f.12. Final certification.

INDIVIDUAL ODOR MANAGEMENT SPECIALISTS

- 130f.21. Determination of competence.
 130f.22. Final certification.

COMMERCIAL AND PUBLIC ODOR MANAGEMENT SPECIALISTS

§ 130f.11. Determination of competence.

(a) *Commercial odor management specialist.* Determination of competence for a commercial odor management specialist shall be based on the successful completion of provisional certification training and examinations as set forth in this section and the successful completion of the final certification requirements established under this chapter.

(1) Provisional certification requirements for a commercial odor management specialist include an orientation training course, an OMP writing course and a written examination approved by the Department.

(2) Final certification of a commercial odor management specialist requires the development of two approved OMPs as set forth in subsection (h)(1). OMPs developed under this subsection will be determined to be adequate by the Department or its designee.

(b) *Public odor management specialist.* Determination of competence for a public odor management specialist will be based on the successful completion of provisional certification training and examinations as set forth in this section and the successful completion of the final certification requirements established by this chapter.

(1) Provisional certification requirements for a public odor management specialist include an orientation training course, an OMP review course, an OMP writing course and a written examination approved by the Department. OMP reviews completed and OMPs developed under this subsection will be determined to be adequate by the Department or its designee.

(2) Final certification of a public odor management specialist requires the approved review of one OMP and the development of one approved OMP as set forth in subsection (h)(2).

(c) *Future advancements.* As advancements in science and technology make new odor management techniques and Odor BMPs available and after these techniques and Odor BMPs are approved by the Commission, the certification requirements may include other course work related to those techniques and best management requirements, as well as, any new requirements set forth in the odor management regulations, as part of the certification course and training requirements. The new techniques and Odor BMPs will not become part of the certification requirements until after training manuals and course work have been modified to include the information necessary to impart knowledge of these new techniques and Odor BMPs.

(d) *Provisional certification training.* The provisional certification training courses must, at a minimum, consist of the following areas of odor management planning:

(1) Understanding an odor evaluation methodology approved by the Commission which may include the Odor Site Index.

(i) Completion and application of an odor evaluation methodology approved by the Commission which may include the Odor Site Index.

(ii) Mapping principles and requirements.

(2) Understanding odor generation and transmission principles.

(3) Understanding environmental and economic impacts associated with odor management.

(4) Understanding and awareness of land use issues related to odor impact and management.

(5) Understanding OMP components and content.

(6) Understanding the technology, application and implementation of Odor BMPs.

(7) Understanding regulatory requirements of agricultural operations.

(i) Types of agricultural operations or activities/technologies that may require OMPs.

(ii) How to submit an OMP.

(iii) Other applicable laws and regulations related to or conjoined with odor management.

(8) Recordkeeping requirements.

(9) Proper OMP review procedures (public odor management specialists only).

(10) Proper OMP writing procedures (commercial and public odor management specialists only).

(11) Other areas and course work related to requirements in the odor management regulations, and determined appropriate by the Department in the manner delineated in subsection (c).

(e) *Examination.* The written examination will be proctored by the Department or its designee. The Department will administer the examination at least twice per year, or more often as deemed necessary by the Department. At a minimum, the successful completion of the examination will demonstrate an examinee's technical knowledge relating to odor management planning and OMP plan development in the following areas:

(1) Application of an odor evaluation methodology approved by the Commission which may include the Odor Site Index.

(2) Odor generation and transmission principles.

(3) Environmental and economic impacts associated with odor management.

(4) Land use issues related to odor impacts and management.

(5) OMP components and content.

(6) Technology, application and implementation of Odor BMPs.

(7) Odor management regulatory requirements of agricultural operations.

(8) Recordkeeping requirements.

(9) Other applicable laws and regulations related to or conjoined with odor management.

(10) Other areas related to new technology and Odor BMPs that become available and are approved by the Commission, as well as, new requirements in the odor management regulations. These other areas will not become part of the final certification requirements until training manuals and course work have been modified to include information necessary to impart knowledge of these new techniques and Odor BMPs.

(f) *Other examinations.* The Department may approve the use of written examinations other than the Pennsylvania Odor Management Examination, if the written examinations meet the requirements in subsection (e).

(g) *Provisional certification.* Upon the successful completion of the requirements in subsections (d) and (e), the applicant for certification as a commercial or public odor management specialist will be issued the appropriate provisional certification. The holder of a provisional certification is qualified, dependent on the type of provisional certification attained, to develop or review OMPs for the purpose of satisfying the requirements of this section regarding final certification. Provisional certification is valid for 2 years ending on the last day of the month from the date of issuance.

(h) *Final certification requirements.* Once provisional certification has been granted, the provisionally certified specialist shall complete one of the following dependent on the type of provisional certification granted and final certification sought:

(1) *Commercial odor management specialist.* To attain final certification, a provisionally certified commercial odor management specialist shall develop two OMPs which meet the requirements of section 509 of the act (relating to odor management plans). One of the required OMPs may be developed based on a scenario developed or approved by the Department. OMPs developed by the applicant shall be submitted to the Department or its designee for approval.

(2) *Public odor management specialist.* To attain final certification, a provisionally certified public odor management specialist shall successfully review one OMP and develop one OMP which meets the requirements of section 509 of the act. The developed OMP may be based on a scenario developed or approved by the Department. OMP reviews completed and OMPs developed by the applicant shall be submitted to the Department or its designee for approval.

(i) *Public odor management specialist to commercial odor management specialist.* A certified public odor management specialist may obtain certification as a commercial odor management specialist. To attain this certification, a certified public odor management specialist shall develop one additional OMP in accordance with section 509 of the act. The certified public odor management specialist seeking this certification shall submit the OMP to the Department or its designee for review and approval.

(j) *Commercial odor management specialist to public odor management specialist.* A certified commercial odor management specialist who wishes to obtain certification as a public odor management specialist shall complete an OMP review course covering proper OMP review procedures and successfully review one OMP in accordance with section 509 of the act. The applicant seeking to attain this certification shall submit the OMP review to the Department or its designee for review and approval.

(k) *Nutrient management specialist to odor management specialist.* A person certified and in good standing as a commercial nutrient management specialist or a public nutrient management specialist under the Department's nutrient management certification regulations (See Chapter 130b (relating to nutrient management certification.)) may obtain certification as a commercial or public odor management specialist upon meeting the requirements of this chapter for the level of certification sought.

§ 130f.12. Final certification.

(a) *Application for final certification.* Upon completion of all the provisional certification requirements of this chapter, a provisionally certified commercial odor management specialist or public odor management specialist may submit an application to the Department for final certification. The appropriate certification fee, as set forth in § 130f.3(a) (relating to fees), must accompany the application for final certification.

(b) *Eligibility for final certification.* A person is eligible to apply for final certification as a commercial or public odor management specialist upon fulfilling the applicable requirements established under § 130f.11 (relating to determination of competence). An application for final certification may be obtained from the Department.

(c) *Time period for filing application.* An application for final certification shall be filed with the Department within 120-calendar days of notification by the Department of meeting the appropriate requirements in § 130f.11. If the applicant fails to file an application with the Department within the prescribed 120-calendar days, that person shall again satisfy the appropriate competency requirements as provided in § 130f.11.

(d) *Time period final certification is valid.* Final certification is valid for 3 years ending on December 31 of the third year following the date of final certification. However, the Department will authorize an additional year when the certification is issued during the last 2 months of the initial certificate year.

INDIVIDUAL ODOR MANAGEMENT SPECIALISTS

§ 130f.21. Determination of competence.

(a) Determination of competence for an individual odor management specialist shall be based on the completion of required training which includes an orientation training course and a competency evaluation developed or approved by the Department.

(b) The orientation training course shall at a minimum consist of the same requirements as in § 130f.11 (relating to determination of competence).

(c) The competency evaluation will be administered by the Department or its designee. The Department or its designee will administer the competency evaluation in association with the orientation training course on an as needed basis, which will be determined by the number of requests for the training. At a minimum, the successful completion of the competency evaluation will demonstrate an examinee's technical knowledge relating to odor management planning and OMP development in the following areas:

- (1) Application of the Odor Site Index.
- (2) Odor generation and transmission principles.
- (3) Environmental and economic impacts associated with odor management.
- (4) Land use issues related to odor impacts and management.
- (5) OMP components and content.
- (6) Technology, application and implementation of Odor BMPs.
- (7) Odor management regulatory requirements of agricultural operations.
- (8) Recordkeeping requirements.
- (9) Other applicable laws and regulations related to or conjoined with odor management.

(d) The Department may approve the use of written examinations other than the Pennsylvania Odor Management Examination, if the written examination meets the requirements in subsection (c).

(e) Individual odor management specialists are exempt from the OMP preparation requirements.

§ 130f.22. Final certification.

(a) A person is eligible to apply for final certification as an individual odor management specialist upon fulfilling the requirements under § 130f.21 (relating to determination of competence). An application for certification may be obtained from the Department. The appropriate fee must accompany the specialist's application for certification.

(b) An application for certification shall be filed with the Department no later than 120-calendar days after the applicant's completion of the competency requirements. If the applicant fails to file an application with the Department within the prescribed 120-calendar days, that person shall again satisfy the competency requirements as provided in § 130f.21.

(c) A certificate is valid for 3 years ending on December 31 of the third year following the date of certification. However, the Department will authorize an additional year when the certification is issued during the last 2 months of the initial certificate year.

Subchapter C. RECERTIFICATION

Sec.
130f.31. Recertification.

§ 130f.31. Recertification.

(a) At intervals of 3 years, final certified commercial, public or individual odor management specialists shall provide written documentation of having received continuing education and training in Department-approved training courses in odor management planning and OMP development. Training must address the specific areas in § 130f.11 (relating to determination of competence) for commercial and public odor management specialists and § 130f.21 (relating to determination of competence) for individual odor management specialists.

(b) A person is eligible to apply for recertification as an odor management specialist upon fulfilling the requirements under subsection (c) for the appropriate certification level. An application for recertification may be obtained from the Department. The appropriate fee for the level of certification sought as set forth in section § 130f.3 (relating to fees) must accompany the specialist's application for recertification.

(c) Recertification credits approved by the Department will be given on the basis of attendance at approved training sessions, as provided in subsection (a). The Department will evaluate the training and assign the appropriate credits. Commercial and public odor management specialists are required to obtain six credits during the recertification interval. Individual odor management specialists are required to obtain three credits during the recertification interval. The Department may, if deemed necessary, require specific training for certified odor management specialists, in addition to the required training in §§ 130f.11 and 130f.21. The Department will provide written notification to the certified odor management specialists of specifically required training.

(d) Training will be approved for recertification credits at the rate of one credit per hour of applicable instruction, exclusive of breaks, lunches, visits to exhibits, and the like. Credits will be assigned to each training session based upon the subjects covered and the amount of time expended on each subject. Credits assigned may be modified if either the content or length of the training substantially differs from the originally approved course.

(e) Sponsors of recertification training shall first submit a written request for course approval to the Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408. A request shall be submitted to the Department at least 15 working days prior to the training date and include the following information:

- (1) The name and phone number of the contact person who is coordinating the training.
- (2) The specific location of the training.
- (3) The date of the training.
- (4) A list of the speakers, subject matter and time allotted to each subject.
- (5) A statement whether the training is open to the public and if there is a charge to attend.
- (f) A recertification training course will be approved if at a minimum it consists of the same requirements as set forth in § 130f.11(d) and (e) and is conducted or sponsored by an educational institution, an association, a

business, a governmental agency or other qualified source. Preapproval of recertification courses is vested solely with the Department.

(g) Falsification by a course sponsor of information required under this section may result in the withdrawal of credits or course approval, or both.

(h) If the Department or its designee is unable to monitor the training, the sponsor shall be responsible for verifying attendance and shall compile a list of Pennsylvania-certified specialists in attendance. The list shall be returned to the Department within 10 working days following the training date and include the name of each person attending and their certification number.

(i) If an odor management specialist allows final certification to expire and does not obtain recertification in accordance with this chapter, the final certification will be suspended and the specialist shall refrain from all duties relating to his certification until the delinquent recertification credits are acquired as described in subsections (a)—(d).

(j) If an odor management specialist whose final certification has been suspended as set forth in subsection (i) fails to complete delinquent recertification credits within 1 year from the expiration date of the final certification, the final certification will be revoked and that person shall again satisfy the requirements of §§ 130f.11 and 130f.12 (relating to final certification) for commercial and public specialists, or §§ 130f.21 and 130(f).22 (relating to final certification) for individual specialists, whichever is applicable.

Subchapter D. DENIAL, SUSPENSION AND REVOCATION OF CERTIFICATES

Sec.

130f.41. Denial, suspension and revocation of certificates.

§ 130f.41. Denial, suspension and revocation of certificates.

(a) The Department may, after notice, including a statement of the reason therefore, deny, suspend or revoke a commercial, public or individual odor management specialist certification for any of the following:

- (1) A violation of the act or this chapter.
- (2) Failure to obtain the required recertification credits.
- (3) Inconsistency or demonstration of a lack of knowledge of OMP writing and review skills.
- (4) Three or more occurrences within a 3-year period of delay or noncommunication with a landowner or review agency during plan development or review.
- (5) Falsifying information.
- (6) Misrepresentation associated with the act or its attendant regulations.
- (7) A violation of program policy established by the Department, its designee or the Commission.

(b) An applicant or odor management specialist may request a hearing, in writing, within 15 days of receipt of a notice of denial, suspension or revocation from the Department. The request shall be sent to the Bureau of Plant Industry, Agriculture Building, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110.

[Pa.B. Doc. No. 08-1927. Filed for public inspection October 24, 2008, 9:00 a.m.]

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 84b]

Actuarial Opinion and Memorandum

The Insurance Department (Department) amends Chapter 84b of the Department's regulations (31 Pa. Code Ch. 84b) (relating to actuarial opinion and memorandum) to read as set forth at 38 Pa.B. 1949 (April 26, 2008).

Statutory Authority

The final-form rulemaking is adopted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and section 301 of The Insurance Department Act (Act) (40 P. S. § 71).

Comments and Response

Notice of proposed rulemaking was published at 38 Pa.B. 1949 with a 30-day comment period. During its regulatory review, the Independent Regulatory Review Commission (IRRC) did not submit comments to the Department. During the 30-day comment period, comments were received from Sam Marshall of the Insurance Federation of Pennsylvania, Inc. (IFP). The following is a response to the comments received.

The IFP indicated that it generally supports the regulations as consistent with the NAIC's model regulations and submitted two editorial comments. First, the IFP suggested that the references to Exhibits 8 through 11 be updated to match the NAIC numbering. Because the IFP's suggestion pertained to portions of the regulations that were bracketed to be deleted by the Department, the Department determined that the exhibits need not be renumbered.

The IFP also suggested that the regulations be clarified so that the Regulatory Asset Adequacy Issues Summary is required only upon the Commissioner's request. The Department does not see a need to clarify this requirement, in that it is consistent with the NAIC model and Regulatory Asset Adequacy Issues Summary should be filed routinely by domestic life insurance companies and fraternal benefit societies.

Affected Parties

The final-form regulations will apply to life insurance companies and fraternal benefit societies doing business in this Commonwealth.

Fiscal Impact

State Government

There will be no increase in cost to the Department as a result of the adoption of the amendments to Chapter 84b. As part of its solvency monitoring responsibilities, the Department currently reviews statements of actuarial opinion and supporting memoranda. Thus, these final-form regulations will not require any additional staff time or resources to perform the analysis.

General Public

Since the final-form regulations concern the solvency requirements applied to insurers, the public will benefit from a financially sound insurance industry that has the ability to fulfill its contractual obligations under life insurance policies.

Political Subdivisions

The final-form regulations will not impose additional costs on political subdivisions. However, because the final-form regulations promote stability in this Commonwealth's insurance industry, political subdivisions' tax revenues would benefit as a result of fewer insurer insolvencies. Fewer insolvencies would result in less unemployment and would also increase incentives for insurers to market new insurance products in this Commonwealth.

Private Sector

The final-form regulations may impose additional costs on insurers that are currently exempt from submitting an actuarial opinion based on an asset adequacy analysis. The amount of the additional cost will depend on the type and extent of the asset adequacy analysis that the insurer's actuary believes is necessary to submit an actuarial opinion. The final-form regulations provide the actuary flexibility to use professional judgment in performing the analysis.

Paperwork

The adoption of these final-form regulations would not impose additional paperwork on the Department. Insurers that currently do not prepare an actuarial memorandum because the actuarial opinion is not based on an asset adequacy analysis will be required to prepare an actuarial memorandum under the final-form regulation. In addition, insurers are required under the final-form regulation to submit a regulatory asset adequacy issues summary each year. The amount of additional paperwork in preparing the memorandum and summary will depend on the type and extent of the asset adequacy analysis performed.

Effectiveness/Sunset Date

The final-form regulations will become effective January 1, 2009. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, no sunset date has been assigned.

Contact Person

Any questions regarding these final-form regulations, should be directed to Peter J. Salvatore, Regulatory Coordinator, Bureau of Administration, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. Questions may be e-mailed to psalvatore@state.pa.us or faxed to (717) 705-3873.

Regulatory Review

Under section 5(a) of the Regulatory Review Act, (71 P. S. § 745.5(a)), the agency submitted a copy of these final-form regulations on April 16, 2008, to IRRC and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee (Committees). In addition to the submitted regulations, the agency has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of that material is available to the public upon request.

In preparing these final-form regulations, the Department considered all comments received from IRRC, the Committees and the public. These final-form regulations were deemed approved by the House and Senate Committees on September 17, 2008. Under section 5(g) of the Regulatory Review Act the final-form regulations were deemed approved, effective September 17, 2008.

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt these final-form regulations 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 adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 84, are amended by amending §§ 84b.1—84b.5, 84b.8, 84b.9 and 84b.11; and by deleting §§ 84b.6, 84b.7 and 84b.10 to read as set forth at 38 Pa.B. 1949.

(b) The Commissioner shall submit this order and 38 Pa.B. 1949 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Commissioner shall certify this order and 38 Pa.B. 1949 and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form regulations adopted by this order take effect January 1, 2009.

JOEL SCOTT ARIO,
Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 5509 (October 4, 2008).)

Fiscal Note: Fiscal Note 11-235 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 08-1928. Filed for public inspection October 24, 2008, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Direct Farm Sales Grant Program; Application Period

The Department of Agriculture (Department) gives notice of the application period for grants under the Direct Farm Sales Grant Program (Program) administered by the Department, Bureau of Food Distribution (Bureau). For the 2009 Project Year, the application period is November 3, 2008, to December 5, 2008. Information about the Program and application forms can be accessed at the Department web site www.agriculture.state.pa.us or by contacting the Bureau at (800) 468-2433, Pam Dailey or Sandy Hopple.

In summary, the Program provides funds to Pennsylvania-based businesses that manage or operate a farm stand or farmers' markets, nonprofit organizations, farmers and local governments for projects intended to promote new or existing farmers' markets. The maximum Grant amount per farm stand or farmers' market location shall be \$7,500 and applicants shall be expected to provide 25% of the approved Grant amount in matching funds or in-kind goods or services. The anticipated date for the Award of Grants and Notice thereof is expected to be on or before March 1, 2009. The application, work plan and budget should reflect March 1, 2009, as the project start date and the project completion date will be September 30, 2009.

Applications for the Program will be accepted by the Department beginning Monday, November 3, 2008, and continue through Friday, December 5, 2008. Applications to be hand-delivered must be received by 4 p.m. in the Bureau on Friday, December 5, 2008, the closing date. Applications which are mailed must be postmarked no later than Friday, December 5, 2008, and received no later than December 12, 2008.

Completed applications should be addressed to or delivered to Department of Agriculture, Bureau of Food Distribution, Direct Farm Sales Grant Program, 2301 North Cameron Street, Room 401, Harrisburg, PA 17110-9408.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 08-1929. Filed for public inspection October 24, 2008, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Alternative Fuels Incentive Program; Opportunity Notice

The Department of Environmental Protection (Department), Bureau of Energy, Innovations and Technology Deployment announces an opportunity to apply for biodiesel production incentive funding under the Alternative Fuels Incentive Program to support the production and use of biomass-based biodiesel in this Commonwealth. Eligible applicants include individuals who produce and sell qualified biomass-based diesel in this Commonwealth in quantities of 25,000 gallons or more for transportation or home heating purposes. Under the production incentive program, \$ 0.75 per gallon will be awarded to eligible applicants, with no single producer having one or more facilities to receive more than \$1.9 million annually. Up to \$5.3 million annually will be available to eligible applicants under the program through Fiscal Year 2010-2011.

Production incentive applications are available now from the Department and will initially cover reimbursement requests for biodiesel produced and sold in this Commonwealth from July 1, 2008, through September 30, 2008. Production incentive applications covering this specific time period must be postmarked or received by the Department by November 14, 2008 (faxes are not permissible). Following the acceptance of production incentive applications for reimbursement for biodiesel produced and sold in this Commonwealth during July 1, 2008, through September 30, 2008, the Department will accept applications for reimbursement submitted on a monthly basis. Requests shall be submitted for the previous month's production and must be postmarked or received by the Department by the last day of the month. For example, applications for reimbursement for biodiesel produced and sold in this Commonwealth in October 2008 must be received by the Department or postmarked by November 30, 2008. If requests for reimbursement exceed the amount of funding available for a fiscal year, the grant award amounts will be prorated among all qualified applicants requesting an incentive within the month the amount available is exceeded.

Production incentive applications, including guidance material and instructions, may be obtained by contacting the Department of Environmental Protection, Office of Energy and Technology Deployment, Rachel Carson State Office Building, 15th Floor, 400 Market Street, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 705-3561 or by e-mail at epafiginfo@state.pa.us. The application package is also available electronically on the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Alternative Fuels").

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-1930. Filed for public inspection October 24, 2008, 9:00 a.m.]

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|------------------------------|--|--------------------------------------|--------------------------------------|-----------------------------|
| PA 0061107 (Minor Sewage) | Stillwater Sewer Corporation 304 Park Avenue Stroudsburg, PA 18360 | Coolbaugh Township Monroe County | UNT to Stillwater Lake 02A | Y |
| PA0029050 (Minor Sewage) | Pine Forest Camps, Inc. 151 Washington Lane Jenkintown, PA 19046 | Lackawaxen Township Pike County | Lake Greeley 01D | Y |

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|------------------------------|--|--------------------------------------|--------------------------------------|-----------------------------|
| PA-0061689 (Minor Sewage) | Foster Township Ag-Mar Estates 1000 Wyoming Avenue Freeland, PA 18224 | Luzerne County Foster Township | UNT to the Lehigh River | Y |

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

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> |
|-----------------------------|---|--|--------------------------------------|-----------------------------|
| PA0246395 (IW) | Integrity Plastics, Inc. 10 Industrial Way Denver, PA 17517 | Lancaster County East Cocalico Township | Stony Run 7J | Y |
| PA0040541 (Sew) | Boyertown Area School District Earl Elementary School 911 Montgomery Avenue Boyertown, PA 19512 | Berks County Earl Township | UNT Oysterville Creek 3B | Y |
| PA0087459 (Sew) | Meadow View Village MHP 5351 Jaycee Avenue Harrisburg, PA 17112 | Perry County Centre Township | UNT Trout Run 7-A | Y |
| PA0080527 (Sew) | Olivers Upper Lawn Mobile Home Community 296 Long Road Palmyra, PA 17078-8380 | Lebanon County South Londonderry Township | UNT Conewago Creek 7-G | Y |
| PA0087548 (Sew) | Artillery Ridge Camping Resort 610 Taneytown Road Gettysburg, PA 17325 | Adams County Cumberland Township | UNT Rock Creek 13-D | 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> |
|-----------------------------|---|--------------------------------------|--------------------------------------|-----------------------------|
| PA0110272 SN | Cogan Valley Farms, Inc. 480 Route 973 West Cogan Station, PA 17728 | Lycoming County Hepburn Township | Lycoming Creek 10A | 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> |
|-----------------------------|--|--------------------------------------|-------------------------------------|-----------------------------|
| PA0103136 | Shane L. Kosterman d/b/a Woodhaven Mobile Home Park 136 Pine Leaf Drive Erie, PA 16510 | Greene Township Erie County | UNT to Six Mile Creek 15-6M | 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.

PA0055891, Industrial Waste, **Henderson Road Superfund Site Technical Steering Committee, c/o RT Environmental Services, Inc.**, 215 West Church Road, Suite 301, King of Prussia, PA 19406. This existing facility is located in Upper Merion Township, **Montgomery County**.

Description of Proposed Activity: Renewal of a NPDES permit to discharge treated groundwater from the Henderson Road Superfund Site treatment plant.

The receiving stream, a UNT to the Schuylkill River known locally as Frog Run, is in the State Water Plan Watershed 2F and is classified for: WWF, aquatic life, water supply and recreation. Frog Run is an intermittent stream that discharges into a quarry prior to the Schuylkill River.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.082 mgd.

| <i>Parameters</i> | <i>Annual Average (mg/l)</i> | <i>Average Monthly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------|----------------------------------|-----------------------------------|---------------------------------|---|
| BOD ₅ | | 100 | 200 | 250 |
| Total Suspended Solids | | 100 | 200 | 250 |
| Oil and Grease | | 15 | | 30 |
| pH (Standard Units) | | 6.0 Instantaneous Minimum | | 9.0 |
| NH ₃ -N | | 20 | 40 | 50 |
| Total Dissolved Solids | | 1,000 | 2,000 | 2,500 |
| Benzene | 0.001 | | | 0.012 |
| Carbon Tetrachloride | 0.005 | | | 0.06 |
| Chlorobenzene | | 0.02 | 0.04 | 0.05 |
| Chloroform | 0.1 | | | 1.2 |
| Dibromochloromethane | 0.1 | | | 1.2 |
| Dichlorobromomethane | 0.1 | | | 1.2 |
| Barium | | 1.0 | 2.0 | 2.5 |
| Cadmium | | 0.01 | 0.02 | 0.025 |
| Chromium | | 0.05 | 0.1 | 0.6 |
| Copper | | 0.2 | 0.4 | 0.8 |
| Lead | | 0.036 | 0.072 | 0.09 |
| Silver | | 0.05 | 0.1 | 0.125 |
| Zinc | | 0.6 | 1.2 | 2.0 |
| 1,2 Dichlorethane | 0.0004 | | | 0.0048 |
| 1,1 Dichloroethene | | 0.0004 | 0.0008 | 0.001 |
| 1,3 Dichloropropene | | 0.087 | 0.174 | 0.218 |
| Ethylbenzene | | 1.4 | 2.8 | 3.5 |
| Methylene Chloride | 0.005 | | | 0.06 |
| Tetrachloroethylene | 0.0007 | | | 0.0084 |
| Toluene | | 2.0 | 4.0 | 5.0 |
| Trichloroethene | 0.003 | | | 0.036 |
| Vinyl Chloride | 0.00057 | | | 0.0068 |
| Total Xylenes | | 0.01 | 0.02 | 0.025 |
| Iron, Dissolved | | 0.3 | 0.6 | 0.75 |
| Arsenic | 0.05 | | | 0.6 |
| Phenols | | Report | Report | Report |
| Iron, Total | | 22.7 | 45.4 | 56.75 |
| Acetone | | 0.109 | 0.218 | 0.273 |
| 2-Butanone | | 0.21 | 0.42 | 0.525 |

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

1. Remedial Measures if Public Nuisance.
2. Dry Stream Discharge.
3. BAT Reopener.
4. Proper Sludge Disposal.
5. TMDL Data Submission.
6. Nondetectable Water Quality Limits.
7. Annual Average Definition.
8. Reporting Nondetectable Limits.
9. Monitor Effluent as Outlined in Current O&M Plan.
10. Laboratory Certification.
11. Judicial Review of Department's Actions.

PA0058564, Sewage, SIC 4952, **Girl Scouts of Freedom Valley**, 100 Juliette Low Way, P. O. Box 814, Valley Forge, PA 19482. This proposed facility is located in Haycock and East Rockhill Townships, **Bucks County**.

Description of Proposed Activity: renewal of an NPDES permit to discharge 15,000 gpd of treated sewage into a drainage swale to Tohickon Creek.

The receiving stream, Tohickon Creek, is in the State Water Plan Watershed 2D and is classified for: CWF. The nearest downstream public water supply intake for PA American Company is located on Delaware River and is 26 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.015 mgd.

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------|-----------------------------------|---|
| CBOD ₅ | 10 | 20 |
| Suspended Solids | 10 | 20 |

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|----------------------------------|---|---|
| Ammonia (as N) (5-1 to 10-31) | 1.5 | 3.0 |
| (11-1 to 4-30) | 3.0 | 6.0 |
| Nitrate and Nitrite (as N) | 10 | 20 |
| Phosphorus (as P) | 0.5 | 1.0 |
| Total Residual Chlorine | 0.5 | 0.9 |
| Fecal Coliform | 50 #/100 ml | 1,000 #/100 ml |
| Dissolved Oxygen | Monitor and Report | |
| pH | Within limits of 6.0 to 9.0 Standard Units at all times | |

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

1. Discharge to Special Protection Waters.

PA0058599, SEW, SIC 4952, **Quartuccio Associates, LLC**, P. O. Box 430, Pipersville, PA 18947. This proposed facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Activity: renewal of an NPDES permit to discharge 1,000 gpd of treated sewage into a UNT to Cabin Run Creek.

The receiving stream, Cabin Run, is in the State Water Plan Watershed 2D and is classified for: CWF. The nearest downstream public water supply intake for PA American Water Company is located on Delaware River and is 19 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1,000 gpd.

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|----------------------------------|---|---|
| CBOD ₅ | 10 | 20 |
| Suspended Solids | 10 | 20 |
| Ammonia (as N) (5-1 to 10-31) | 1.5 | 3.0 |
| (11-1 to 4-30) | 3.0 | 6.0 |
| Nitrate and Nitrite (as N) | 10 | 20 |
| Phosphorus (as P) | 1.0 | 2.0 |
| Fecal Coliform | 200 colonies/100 ml as a Geometric Average | |
| Dissolved Oxygen | minimum of 6.0 mg/l at all times | |
| pH | Within limits of 6.0 to 9.0 Standard Units at all times | |

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

- Discharge into Special Protection Waters.

PA0056502, IW, SIC 7992, **White Pine Partners, LP**, One Red Lion Road, Philadelphia, PA 19115. This proposed facility is located in City of Philadelphia and Lower Moreland Township, **Philadelphia and Montgomery Counties**.

Description of Proposed Activity: 18 hole golf course with supporting facilities.

The receiving stream, UNT to Huntingdon Valley Creek, is in the State Water Plan Watershed 3-J and is classified for: WWF and MF. There is no public water supply intake downstream of this discharge.

The proposed Effluent limits for Outfall 002 is based on stormwater event are as follows:

| <i>Parameters</i> | <i>Concentration (mg/l)</i> | |
|------------------------------------|-----------------------------|----------------------------------|
| | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Biochemical Oxygen Demand (5 days) | xxxx | Monitor and Report |
| Chemical Oxygen Demand | xxxx | Monitor and Report |
| Oil and Grease | xxxx | Monitor and Report |
| pH (Standard Units) | xxxx | Monitor and Report |
| Total Suspended Solids | xxxx | Monitor and Report |
| Total Kjeldahl Nitrogen | xxxx | Monitor and Report |
| Total Phosphorus | xxxx | Monitor and Report |
| Fecal Coliform | xxxx | Monitor and Report |
| PCBs | Monitor and Report | xxxx |

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

1. Remedial Measures.
2. Applicable BAT/BCT.
3. Change in Ownership.
4. Requirement Applicable to Stormwater Outfalls.
5. PCB's Monitoring.

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

Application No. PA 0088633, Sewage, **Lower Paxton Township Authority**, 425 Prince Street, Harrisburg, PA 17109. This facility is located in South Hanover Township, **Dauphin County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, Beaver Creek, is in Watershed 7-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Middletown Borough is located on the Swatara Creek, approximately 10 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.5 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------|-----------------------------------|-------------------------------------|---|
| CBOD ₅ | | | |
| (5-1 to 10-31) | 15 | 24 | 30 |
| (11-1 to 4-30) | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 3.0 | | 6.0 |
| (11-1 to 4-30) | 9.0 | | 18 |
| Total Phosphorus | 2.0 | | 4.0 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| pH | | From 6.0 to 9.0 inclusive | |
| Fecal Coliform | | 200/100 ml as a Geometric Average | |
| (5-1 to 9-30) | | 2,000/100 ml as a Geometric Average | |
| (10-1 to 4-30) | | | |

Chesapeake Bay Requirements

| | <i>Concentration (mg/l)</i> | | <i>Mass (lbs)</i> |
|----------------------|-----------------------------|----------------|-------------------|
| | <i>Monthly Average</i> | <i>Monthly</i> | <i>Annual</i> |
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | XXX |
| Nitrate-Nitrite as N | Report | Report | XXX |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | XXX | Report | 45,662* |
| Net Total Phosphorus | XXX | Report | 6,088* |

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

* Conduct Whole Effluent Toxicity Testing

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin following the first full compliance year of operation. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28 following the first full compliance year of operation. The facility is required to monitor and report for parameters on PART A I.B.2 beginning when plant is substantially complete (fully operational).

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28 following the first full compliance year of operation.

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

The EPA waiver is not in effect.

Application No. PA 0040860, Amendment No. 1, Industrial Waste, SIC Code 4953, **Delaware County Solid Waste Authority (Rolling Hills Landfill)**, 583 Longview Road, Boyertown, PA 19512. This facility is located in Oley and Earl Townships, **Berks County**.

Description of activity: The application is for an NPDES amendment to expand an existing discharge of treated industrial wastewater at Outfall 001 from 0.08 mgd to 0.115 mgd.

The receiving stream, Manatawny Creek, is in Watershed 3-C, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is the Pennsylvania American Water System located on the Schuylkill River, approximately 21 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.08 mgd are:

| | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|--------------------------|------------------------|----------------------|-------------------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Dissolved Oxygen | | | Minimum of 5.0 at all times | | |
| pH | | | From 6.0 to 9.0 inclusive | | |
| Total Residual Chlorine | | | 0.5 | 1.0 | 1.6 |
| Total Suspended Solids | 18 | 40 | 27 | 60 | 75 |
| Total Dissolved Solids | 20,016 | 40,032 | 30,000 | 60,000 | 75,000 |
| Color | | | 100 | 100 | |
| Osmotic Pressure | | | 5,000 | 5,000 | 5,000 |
| a-Terpinol | 0.013 | 0.028 | 0.019 | 0.042 | 0.042 |
| Aniline | 0.01 | 0.016 | 0.015 | 0.024 | 0.024 |
| Benzoic Acid | 0.049 | 0.079 | 0.073 | 0.119 | 0.119 |
| Naphthalene | 0.015 | 0.039 | 0.022 | 0.059 | 0.059 |
| p-Cresol | 0.01 | 0.016 | 0.015 | 0.024 | 0.024 |
| Phenol | 0.019 | 0.032 | 0.029 | 0.048 | 0.048 |
| Pyridine | 0.017 | 0.048 | 0.025 | 0.072 | 0.072 |
| Arsenic | 0.36 | 0.734 | 0.54 | 1.1 | 1.1 |
| Chromium VI | 0.029 | 0.057 | 0.043 | 0.086 | 0.108 |
| Zinc | 0.197 | 0.357 | 0.296 | 0.535 | 0.535 |
| CBOD ₅ | 17 | 34 | 25 | 50 | 63 |
| NH ₃ -N | | | | | |
| (5-1 to 10-31) (Interim) | 9 | 18 | 14 | 28 | 35 |
| (11-1 to 4-30) (Final) | 13 | 26 | 20 | 40 | 40 |
| Fecal Coliform | | | 200/100 ml as Geometric Average | | |
| (5-1 to 9-30) | | | 2,000/100 ml as a Geometric Average | | |
| (10-1 to 4-30) | | | | | |

The proposed final effluent limits for Outfall 001 for a design flow of 0.115 mgd are:

| | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------------|------------------------|----------------------|-------------------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Dissolved Oxygen | | | Minimum of 5.0 at all times | | |
| pH | | | From 6.0 to 9.0 inclusive | | |
| Total Residual Chlorine | | | 0.5 | 1.0 | 1.6 |
| Total Suspended Solids | 26 | 57 | 27 | 60 | 75 |
| Total Dissolved Solids | 20,016 | 40,032 | 30,000 | 60,000 | 75,000 |
| Color | | | 100 | 100 | |
| Osmotic Pressure | | | 5,000 | 5,000 | 5,000 |
| a-Terpinol | 0.018 | 0.04 | 0.019 | 0.042 | 0.042 |
| Aniline | 0.014 | 0.023 | 0.015 | 0.024 | 0.024 |
| Benzoic Acid | 0.07 | 0.114 | 0.073 | 0.119 | 0.119 |
| Naphthalene | 0.021 | 0.057 | 0.022 | 0.059 | 0.059 |
| p-Cresol | 0.014 | 0.023 | 0.015 | 0.024 | 0.024 |
| Phenol | 0.028 | 0.046 | 0.029 | 0.048 | 0.048 |
| Pyridine | 0.024 | 0.069 | 0.025 | 0.072 | 0.072 |
| Arsenic | 0.52 | 1.06 | 0.54 | 1.1 | 1.1 |
| Chromium VI | 0.041 | 0.083 | 0.043 | 0.086 | 0.108 |
| Zinc | 0.284 | 0.514 | 0.296 | 0.535 | 0.535 |
| CBOD ₅ | 24 | 48 | 25 | 50 | 63 |
| NH ₃ -N | 4.7 | 9.6 | 4.9 | 10 | 10 |
| Fecal Coliform | | | 200/100 ml as Geometric Average | | |
| (5-1 to 9-30) | | | 2,000/100 ml as a Geometric Average | | |
| (10-1 to 4-30) | | | | | |

Limits for Outfall 006 and the Stormwater Outfalls 002—005 and 008—010 will not change.

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

The EPA waiver is in effect.

Application No. PA 0260151, Sewage, **Maxatawny Township Municipal Authority**, 127 Quarry Road, Kutztown, PA 19530. This facility is located in Maxatawny Township, **Berks County**.

Description of activity: The application is for an NPDES permit for a new discharge of treated sewage.

The receiving stream, Sacony Creek, is in Watershed 3-B, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Reading Area Water Authority is located on Maiden Creek, approximately 14 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.14 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-----------------------------------|-------------------------------------|---|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | 20 | | 40 |
| Total Residual Chlorine | 0.5 | | 1.6 |
| Total Phosphorus | Report | | 2.0 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| pH | | From 6.0 to 9.0 inclusive | |
| Fecal Coliform | | | |
| (5-1 to 9-30) | | 200/100 ml as a Geometric Average | |
| (10-1 to 4-30) | | 2,000/100 ml as a Geometric Average | |

Lake Ontelaunee TMDL Requirements

| | <i>Mass (lbs) Annual</i> |
|------------------------|------------------------------|
| Total Phosphorus | 426 |
| Total Suspended Solids | 12,785 |

The Lake Ontelaunee TMDL, originally approved by United States Environmental Protection Agency (EPA) in August 2004, has been revised to include a point source discharge that received planning approval in June 2001 in the Maxatawny Township Phase I Act 537 Plan, and again on September 18, 2003, in the Phase II Act 537 Plan. The TMDL for the Lake Ontelaunee Watershed failed to take into account this approved discharge. The proposed revisions reallocate 0.193 metric tpy of Phosphorus from the LA to the WLA and 5.8 metric tpy of sediment from the LA to the WLA to account for the discharge.

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department of Environmental Protection (Department). To request a copy of the proposed TMDL amendment, contact Bill Brown, Chief, TMDL Development Section, Watershed Protection Division, Department of Environmental Protection, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-2951 or Willbrown@state.pa.us.

The TMDLs can be accessed through the Department web site (www.dep.state.pa.us) by clicking on the Water Topics Link, then the TMDL link. Note that attachments and appendices must be requested through paper mail. Persons with a disability may use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed. Any person wishing to attend the meeting should contact Bill Brown at the previous address.

Written and e-mail comments will be accepted at the previous addresses and must be received by November 24, 2008. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

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

The EPA waiver is not in effect.

Permit No. PA 0037141, Industrial Wastewater, SIC Code 0921, **Fish and Boat Commission (Huntsdale Fish Hatchery)**, 450 Robinson Lane, Bellefonte, PA 16823-9620. This facility is located in Penn Township, **Cumberland County**.

Description of proposed action/activity: The applicant wishes to renew an NPDES permit for existing discharges of treated industrial waste (Outfalls 001 and 002) and sewage (Outfall 003).

The receiving streams, Yellow Breeches Creek and a UNT, are in Watershed 7-E, and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is United Water Company located on the Yellow Breeches Creek, approximately 33.3 miles downstream. The discharge is not expected to affect the water supply.

This amendment deletes Particulate Organic Carbon reporting for Outfalls 001 and 002, changes Outfall 003 sample type to grab, and deletes PART C VII requirement to install liner and baffles in existing polishing pond.

Persons may make an appointment to review the Department'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.

PA0026824, Sewage, **Clairton Municipal Authority**, One North State Street, Clairton, PA 15025. This application is for renewal of an NPDES permit to discharge treated sewage from the Clairton Sewage Treatment Plant in the City of Clairton, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Peters Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Western Pennsylvania Water Company located on the Monongahela River.

Outfall 001: existing discharge, design flow of 6.0 mgd.

| Parameter | Concentration (mg/l) | | | |
|-------------------------|--|----------------------------------|---------------|-----------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | 25 | 37.5 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | | 200/100 ml as a Geometric Mean | | |
| (11-1 to 4-30) | | 2,000/100 ml as a Geometric Mean | | |
| Total Residual Chlorine | 0.5 | | | 1.0 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

Other Conditions: Outfalls 002—006 discharge to Peters Creek and serve as combined sewer overflows necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewer and/or treatment plant. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

Outfalls 007—011 are permitted to discharge uncontaminated stormwater runoff from the areas in and around the treatment plant. There are at this time no specific effluent limitations on these outfalls.

The EPA waiver is not in effect.

PA0253791, Sewage, **Munhall Borough Sanitary Sewer Municipal Authority**, 1809 West Street, Munhall, PA 15120. This application is for issuance of an NPDES permit to discharge combined sewage from combined sewer outfalls in the Borough of Munhall, **Allegheny County**.

Outfalls: M-49, MH02, MH04, MH12, MH14, which discharge to the receiving waters known as the Monongahela River and Homestead Run and serve as combined sewer overflows necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant and are permitted to discharge only for such reason. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

Other Conditions: The Munhall Borough Sanitary Sewer Municipal Authority is required to implement the nine minimum technology based controls on a system wide basis, and develop a long term control plan.

The EPA waiver is in effect.

PA0096601, Sewage, **Lower Ten Mile Joint Sewer Authority**, 144 Chartiers Road, Jefferson, PA 15344. This application is for renewal of an NPDES permit to discharge treated sewage from Williamstown Wastewater Treatment Plant in East Bethlehem Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tenmile Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Tri County Joint Municipal Authority on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.12 mgd.

| Parameter | Concentration (mg/l) | | | |
|-------------------------|--|----------------|---------------|-----------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | 25 | 37.5 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 11.0 | 16.5 | | 22.0 |
| (11-1 to 4-30) | 25.0 | 37.5 | | 50.0 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a Geometric Mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Mean | | | |
| Total Residual Chlorine | 1.0 | | | 3.3 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.185 mgd.

| Parameter | Concentration (mg/l) | | | |
|-------------------------|--|----------------|---------------|-----------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | 25 | 37.5 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 17.0 | 25.5 | | 22.0 |
| (11-1 to 4-30) | 38.6 | 57.9 | | 50.0 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a Geometric Mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Mean | | | |
| Total Residual Chlorine | 0.5 | | | 1.0 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA0219363, Sewage, **Pyramid Healthcare, Inc.**, 1216 11th Avenue, Altoona, PA 16601. This application is for renewal of an NPDES permit to discharge treated sewage from Pyramid Healthcare STP No. 2—1232 Skyline Drive in Reade Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Powell 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 PA American Water Company on the West Branch Susquehanna River near Milton.

Outfall 001: existing discharge, design flow of 0.00172 mgd.

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

The EPA waiver is in effect.

PA0216160, Sewage, **Eighty Four Mining Company**, P. O. Box J, Claysville, PA 15323. This application is for renewal of an NPDES permit to discharge treated sewage from Mine 84-Livingston Portal STP in South Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pigeon Creek by means of Mine Borehole and Underground Mine Drainage System, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Company, Aldrich Station, on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.02 mgd.

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

The EPA waiver is in effect.

PA0024694, Sewage, **Beaver Borough Municipal Authority**, 469 Third Street, Beaver, PA 15009. This application is for renewal of an NPDES permit to discharge treated sewage from Beaver Borough Sewage Treatment Plant in Beaver Borough, **Beaver County**.

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

Outfall 001: existing discharge, design flow of 1.045 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|----------------------------------|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 25 | 37.5 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Fecal Coliform (5-1 to 10-31) | 200/100 ml as a Geometric Mean | | | |
| (11-1 to 4-30) | 2,000/100 ml as a Geometric Mean | | | |
| Total Residual Chlorine | 1.0 | | | 3.3 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

Other Conditions: The first 3 years of the renewal permit include quarterly monitoring requirements for certain nutrients (nitrogen and phosphorus components) for Outfall 001. This is in accordance with Ohio River Valley Water Sanitation Commission's (ORSANCO's) October 5, 2006, meeting in which the Commission states, including PA, agreed to include said monitoring in the NPDES permits for all major discharges of 1 mgd or greater to the Ohio River.

The EPA waiver is not in effect.

PA0023434, Sewage, **Koppel Borough**, Arthur Street and Third Avenue, P. O. Box 1, Koppel, PA 16136-0613. This application is for renewal of an NPDES permit to discharge treated sewage from Koppel Borough Wastewater Treatment Facility in Koppel Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Beaver River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Beaver Falls Municipal Authority at Eastvale.

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

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

The EPA waiver is in effect.

PA0219487, Sewage, **Eighty Four Mining Company**, P. O. Box J, Claysville, PA 15323. This application is for renewal of an NPDES permit to discharge treated sewage from Hallam Portal Facility in Amwell Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Redd Run, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Mariana Municipal Waterworks.

Outfall 001: existing discharge, design flow of 0.025 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|------------------------------------|----------------------------------|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Ammonia Nitrogen (5-1 to 10-31) | 2.0 | | | 4.0 |
| (11-1 to 4-30) | 3.0 | | | 6.0 |
| Fecal Coliform (5-1 to 9-30) | 200/100 ml as a Geometric Mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Mean | | | |
| Total Residual Chlorine | 0.02 | | | 0.044 |

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|------------------|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Dissolved Oxygen | not less than 6.0 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA0217913, Sewage, **William J. McIntire**, P. O. Box 171, Shelocta, PA 15774. This application is for renewal of an NPDES permit to discharge treated sewage from Urling Mine Nos. 1 and 2 Main Portal 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 WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Municipal Authority.

Outfall 002: existing discharge, design flow of 0.023 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|------------------------------------|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Ammonia Nitrogen (5-1 to 10-31) | 13.0 | | | 26.0 |
| Fecal Coliform (5-1 to 9-30) | 200/100 ml as a Geometric Mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Mean | | | |
| Total Residual Chlorine | 2.3 | | | 4.6 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

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

PA0222216, Sewage, **Edinboro Conference Grounds**, 12940 Fry Road, Edinboro, PA 16412. This facility is located in Washington Township, **Erie County**.

Description of Proposed Activity: This application is for a new NPDES permit to discharge treated sanitary sewage from a seasonally operated campground to a UNT to Boles Run.

The receiving stream, Boles Run, is in watershed French Creek and classified for: WWF, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, sulfate, chlorine and phenolics, the existing downstream potable water supply to consider is the Franklin General Authority intake on French Creek in Franklin, PA, 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0041 mgd.

| <i>Parameter</i> | <i>Concentrations</i> | | |
|---------------------------------|--|------------------------------|-------------------------------------|
| | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
| CBOD ₅ | 25 | | 50 |
| Total Suspended Solids | 30 | | 60 |
| Dissolved Oxygen | minimum of 3.0 mg/l at all times | | |
| Total Residual Chlorine | 0.5 | | 1.2 |
| 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 | | |
| pH | 6.0 to 9.0 Standard Units at all times | | |

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. 0708402, Sewerage, **Michael D. Civils**, 120 Trout Lane, Duncansville, PA 16635. This proposed facility is located in Allegheny Township, **Blair County**.

Description of Proposed Action/Activity: Construction/Operation of a 400 gpd small flow treatment facility to serve a proposed 3 bedroom single-family residence.

WQM Permit No. 0708403, Sewerage, **Carol Weyandt**, 120 Homes Lane, Duncansville, PA 16635. This proposed facility is located in Freedom Township, **Blair County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow treatment facility to serve a single-family residence at 104 Noel Lane.

WQM Permit No. 0508402, Sewerage, **Troy and Lisa Dively**, P. O. Box 10, Claysburg, PA 16625. This proposed facility is located in Kimmel Township, **Bedford County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow treatment facility to serve their single-family residence at 2664 Schellsburg Road.

WQM Permit No. 6708409, Sewerage, **Springettsbury Township**, 1501 Mt. Zion Road, York, PA 17402. This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Demolition of the Meadowlands Pump Station and the construction of a new gravity interceptor.

WQM Permit No. 6708410, Sewerage, **Dover Township Sewer Authority**, 851 Graffius Road, Dover, PA 17315. This proposed facility is located in Conewago Township, **York County**.

Description of Proposed Action/Activity: Construction/operation of a wastewater treatment facility upgrade.

WQM Permit No. 6786429, Amendment 08-1, Sewerage, **Northeastern York County Sewer Authority**, P. O. Box 516, 175 Chestnut Street, Mount Wolf, PA 17347. This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Seeking approval to make upgrades to an existing wastewater treatment plant.

WQM Permit No. 0108404, Sewerage, **Reading Township Municipal Authority**, 5500 Carlisle Pike, New Oxford, PA 17350. This proposed facility is located in Reading Township, **Adams County**.

Description of Proposed Action/Activity: Construction/operation of a replacement pumping station for the current Browns Dam pumping station.

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

WQM Permit No. 2608201, Industrial Waste, **Shallenberger Construction, Inc.**, 2611 Memorial Boulevard, Connellsville, PA 15425. This proposed facility is located in German Township, **Fayette County**.

Description of Proposed Action/Activity: Application for the construction and operation of a waste water treatment plant.

WQM Permit No. 2608202, Industrial Waste, **Shallenberger Construction, Inc.**, 2611 Memorial Boulevard, Connellsville, PA 15425. This proposed facility is located in Dunbar Township, **Fayette County**.

Description of Proposed Action/Activity: Application for the construction and operation of a waste water treatment plant.

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

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

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

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|-------------------------|----------------------------|
| PAI023908023 | Mark Getz 10635 Hamilton Boulevard Breinigsville, PA 18031 | Lehigh | Upper Macungie Township | Schaefer Run HQ-CWF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI024508013 | Coolbaugh Realty Partners, LP 55 Country Club Drive Suite 200 Downingtown, PA 19335 | Monroe | Coolbaugh Township | Indian Run HQ-CWF |

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---|---|
| PAS10S104R | Department of Transportation District 5-0 1002 Hamilton Street Allentown, PA 18101 | Monroe | Smithfield and Middle Smithfield Townships | Delaware River WWF, MF Tributary to Bushkill Creek HQ-CWF Sand Hill Creek HQ-CWF Marshalls Creek HQ-CWF Pond Creek HQ-CWF |

Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAI024808017 | Abraham R. Atiyeh 1177 6th Street Whitehall, PA 18052 | Northampton | City of Bethlehem | Monocacy Creek HQ-CWF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|--|---------------------------------|
| PAI-0321-08-016 | Cumberland County Patrick J. Slattery 1 Courthouse Square Carlisle, PA 17013 | Cumberland | Middlesex Township | Letort Spring Run CWF |
| PAI-0306-08-012 | Oak Grove Partners, LLC Gary McEwen P. O. Box 559 380 South Twin Valley Road Elverson, PA 19520 | Berks | Robeson Township | Hay Creek EV |
| PAI-0001-08-003 | Department of Transportation District 8-0 Michael Gillespie 2140 Herr Street Harrisburg, PA 17103 | Adams | Franklin Township | Marsh Creek CWF |
| PAI-0336-08-006 | Michael H. Martin 680 Wide Hollow Road East Earl, PA 17519 | Lancaster | East Earl Township Terre Hill Borough | UNT to Black Creek HQ-WWF |

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

| | |
|--------|---|
| PAG-12 | Concentrated Animal Feeding Operations (CAFOs) |
| PAG-13 | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) |

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 0908508, Public Water Supply.

Applicant **Richlandtown Borough**
 Borough Richlandtown Borough
 County **Bucks**
 Responsible Official John Wassmer
 125 South Main Street
 P. O. Box 455
 Richlandtown, PA 18955

Type of Facility PWS
 Consulting Engineer Castle Valley Consultants, Inc.
 10 Beulah Road
 New Britain, PA 18901

Application Received August 29, 2008
 Date

Description of Action Installation of arsenic removal systems at the existing Well Nos. 1 and 3.

Application No. 0908510, Public Water Supply.

Applicant **Buckingtown Township**
 Township Buckingham
 County **Bucks**
 Responsible Official Graham Orton
 Buckingtown Township
 P. O. Box 413
 Buckingham, PA 18912

Type of Facility PWS
 Consulting Engineer Castle Valley Consultants, Inc.
 10 Beulah Road
 New Britain, PA 18901

Application Received September 23, 2008
 Date

Description of Action Conversion of existing WWTP well to a supplementary supply well for the Furlong Water System.

Application No. 0908511, Public Water Supply.

Applicant **Borough of Quakertown**
 Township Richland
 County **Bucks**
 Responsible Official Scott C. McElree
 P. O. Box 727
 Quakertown, PA 18951

Type of Facility PWS
 Consulting Engineer CMX
 P. O. Box 900
 Manalapan, NJ 07726-0900

Application Received October 2, 2008
 Date

Well No. 9 and arsenic manganese treatment plant.

Permit No 2306501, Public Water Supply.

Applicant **Chester Water Authority**
 415 Welsh Street
 P. O. Box 467
 Chester, PA 19016-0467

Township Penn
 County **Chester**
 Type of Facility PWS
 Consulting Engineer Chester Water Authority
 415 Welsh Street
 P. O. Box 467
 Chester, PA 19016-0467

Permit to Construct October 7, 2008
 Issued

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area,

the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

45 West Haines Street Property, City of Philadelphia, **Philadelphia County**. Thomas Hippensteral, P. G. Envirosearch Consultants, Inc., P. O. Box 940, Springdale, PA 19477 on behalf of David Plante, Lafayette School, LP, 1701 Walnut Street, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of heating oil. The future use of the site will be residential.

New Kensington High School, City of Philadelphia, **Philadelphia County**. Joanne Van Rensseleare, Envirosearch Consultants, Inc., 500 Norristown Road, Springhouse, PA 19477 on behalf of Lee Norelii, AP/BSI—A Joint Venture, LLC, 1080 North Delaware Avenue, Suite 1500, Philadelphia, PA 19125 has submitted a Notice of Intent of Remediate. Groundwater and soil at the site has been impacted with the release of lead and PAH's. The end use of the property is a high school.

538-522 West Lancaster Avenue, Lower Merion Township, **Montgomery County**. Michael Christie, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Daniel Polett and Scott Lustgarten, Dan Scott, 538 West Lancaster, LP, 568 West Lancaster Avenue, Haverford, PA 19401 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of leaded gasoline. The future use of the site will be nonresidential for supporting the operation of a nearby automobile dealership.

3113 New Rodgers Road, Bristol Township, **Bucks County**. Aaron Epstein, P. G., AIE Environmental Inc., 30 Montgomery Street, Suite 1450, Jersey City, NJ 07302 on behalf of Harry Patel, AVH Hospitably, 3070 Bristol Pike, Building No. 2, Suite 133C, Bensalem, PA 19020 has submitted a Notice of Intent of Remediate. Groundwater and soil at the site has been impacted with the release of heating oil. The future use of the site will be a hotel.

4950 Pine Street Property, City of Philadelphia, **Philadelphia County**. Thomas S. Jones, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Betti Purdy, Neighborhood Preservation and Development Fund, LP, 240 New York Drive, Suite 1, Fort Washington, PA 19034 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site had been impacted with the release of heating oil. The future use of the site will remain the same.

Gamesa Wind PA, LLC, Fairless Township, **Bucks County**. Chris Hawk, Environmental Standards, Inc., 1140 Valley Forge Road, Valley Forge, PA 19482 on behalf of Darius Rogers, Gamesa Wind US, 400 Gamesa Drive, Fairless Hill, PA 19030 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The current and future intended use of the property is industrial manufacturing for Gamesa.

Moving Targets, Perkasio Borough, **Bucks County**, Scott McGoldrick, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Stu Duckman, Target Partners, LLC, 812 Chestnut Street, Perkasio, PA 18944 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of chlorinated solvent. The current use of the site is commercial.

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

Stefko Boulevard Shopping Center (1802—1880 Stefko Boulevard), Bethlehem City, **Northampton County**. George H. Keil, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 has submitted a Notice of Intent to Remediate (on behalf of his client, Regency Centers, LP, One Independent Drive, Suite 114, Jacksonville, FL 32202), concerning the remediation of soils and groundwater found to have been impacted by dry cleaning related constituents as a result of historical operations. The applicant proposes to remediate the site to meet the Statewide Health Standard and the Site-Specific Standard for both soils and groundwater. The current and anticipated future use of the property will be commercial as a retail shopping center. A summary of the Notice of Intent to Remediate was published in *The Express Times* on September 25, 2008.

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

Miller's Greenhouses, Inc., East Hempfield Township, **Lancaster County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Miller's Greenhouses, Inc., 485 Church Street, Landisville, PA 17538, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil. The site will be remediated to the Statewide Health Standard and will continue operation as a commercial greenhouse.

Walgreen's Drug Store Development, Altoona City, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Lawruk Builders, 210 West Plank Road, Altoona, PA 16602 and Joseph Grappone, Grappone Law Offices, 411-A Logan Boulevard, Altoona, PA 16602, submitted a Notice of Intent to Remediate concerning site soils and groundwater contaminated with lead, VOCs and SVOCs. The site has a nonuse aquifer designation, and will be remediated to a combination of Statewide Health and Site-Specific Standards. The former auto repair/service station will be used for a Walgreen Store.

Columbia Petroleum Corporation York Facility, West Manchester Township, **York County**. Earth Tech, 2 Market Plaza Way, Mechanicsburg, PA 17055, on behalf of Richland Partners, LLC, P. O. Box 659, Douglassville, PA 19518, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded gasoline, unleaded gasoline, kerosene, diesel fuel and waste oil.

The site will be remediated to the Statewide Health Standard. Future use of the property will remain a bulk storage facility.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Owens Illinois Plant No. 17, Clarion Borough, **Clarion County**. Harris Environmental, Inc., 600 Stone House Road, Clarion, PA 16214 on behalf of Owens-Brockway Glass Container, Inc.—Plant No. 17, 151 Grand Avenue, Clarion, PA 16214 has submitted a Notice of Intent to Remediate. Fuel indicator parameters were discovered in the facility's fuel oil underground piping trench during closure activities. Benzene in the groundwater is the primary contaminate of concern. The site is industrial and will continue to operate as an industrial site. The Notice of Intent to Remediate was published in *The Clarion News* on September 9, 2008 and September 16, 2008.

MUNICIPAL WASTE GENERAL PERMITS

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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application Number WMGM039. Crushcrete Inc., 1965 Silvex Road, Bethlehem, PA 18016. The application proposes processing and beneficial use of postconsumer asphalt shingles (tear-offs) as an ingredient in hot-mix and cold-mix asphalt paving material, a component of a sub-base material, as dust control on rural roads when applied with a binder, as a component or ingredient in fuel used in cement manufacturing or in the generation of electricity or steam. The processing is limited to screening, shredding, grinding and magnetic removal of ferrous metal. The application was received on October 3, 2008.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service at (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit Application No. 301338. Calgon Carbon Corporation, 500 Calgon Carbon Drive, Pittsburgh, PA

15205. This minor permit modification application is for the modification to include an outside truck loading pad at the Calgon Carbon Residual Waste Transfer Station Facility located at 1055 Boot Road, East Caln Township, **Chester County**. The application was received by the Southeast Regional Office on September 26, 2008.

Permit Application No. 101069. Southeastern Chester County Refuse Authority (SECCRA), 219 Street Road, West Grove, PA 19390. This is an application renewal of the solid waste permit for SECCRA Landfill located in London Grove Township, **Chester County**. The application was received by the Southeast Regional Office on September 25, 2008.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

15-0130: Aqua Pennsylvania, Inc. (762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489) for: (a) modification of five-2,000 kW diesel fuel fired emergency generators to be equipped with NOx reduction control system; and (b) installation of 350 kW and 150 kW diesel fuel-fired emergency generators and one unit of 10.46 mmBtu/hr natural gas-fired boiler at their Picking Water Treatment Plants in Schuylkill Township, **Chester County**. The operation of these air emission sources may result in the emissions less than 24.9 tpy of NOx and 5 tpy of CO. The Plan Approval and Operating Permit will contain recordkeeping and operating restrictions designed to keep the sources operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

48-310-078: Haines & Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) for installation of a particle separation system at their facility in Lower Mt. Bethel Township, **Northampton County**.

66-315-053: Procter & Gamble Paper Products Co. (P. O. Box 32, Mehoopany, PA 18629-0032) for modifications of their paper machines at their facility in Washington Township, **Wyoming County**.

48-316-005: Tree Cycle, LLC (2026 Route 31, Suite 6, Glen Gardner, NJ 08826) for construction of a wood pellet plant at their facility to be in Plainfield Township, **Northampton County**.

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

59-00002B: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) for modification of a natural gas compressor station (Tioga Station) by increasing the station's allowable fugitive VOC emissions from zero tons in any 12-consecutive month period to 16 tons in any 12-consecutive month period, for the installation of air cleaning devices (oxidation catalysts) on two 4,200 horsepower natural gas-fired reciprocating internal combustion compressor engines and for the modification of the respective two engines by allowing the emission of 4.7 pounds of VOCs per hour from each engine instead of 4.63 pounds of nonmethane hydrocarbons per hour in Farmington Township, **Tioga County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

26-00451E: CONSOL Docks, Inc. (1000 Consol Energy Drive, Canonsburg, PA 15317) for clean coal stockpiling system at Alicia Dock in Luzerne Township, **Fayette County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

AMS 08055: Thomas Jefferson University and Hospital (214 South 11th Street, Philadelphia, PA 19130) for installation of 14 emergency generators, each rated at 1,055 kilowatt or less, firing diesel fuel oil in the City of Philadelphia, **Philadelphia County**. The potential NOx emissions from the facility will be limited to less than 25 tons per rolling 12-month period. The plan approval will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

PLAN APPROVAL

PUBLIC HEARINGS

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

36-02004A: Mars Snackfood US (295 Brown Street, Elizabethtown, PA 17022) to receive comments on the proposed Reasonably Available Control Technology Plan and amendment to the State Implementation Plan (SIP) for the Mars Snackfood US manufacturing facility in Elizabethtown Borough, **Lancaster County**. The proposed SIP revision does not adopt any new regulations. It incorporates the requirements that include emission limitations for the significant VOC sources at the plant. The Department of Environmental Protection will hold one public hearing on November 25, 2008, at the Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 from 9 a.m. until all scheduled comments are received. Persons wishing to present testimony should contact Yasmin Neidlinger, Southcentral Regional Office at (717) 705-4705. Written comments may be submitted to the Southcentral Regional Office until December 15, 2008.

OPERATING PERMITS

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

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

AR-06-05024: Reliant Energy Mid-Atlantic Power Holdings, LLC (121 Champion Way, Canonsburg, PA 15317) for operation of an electricity generating station at their Titus Station in Cumru Township, **Berks County**. The facility is subject to Title IV (Acid Rain) Phase II. The permit includes the averaging of NOx emissions with two other facilities (Portland and Shaw Generating Stations) owned and operated by Reliant within the State. This proposed permit will renew and modify the previous permit issued in 2003.

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

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

09-00126: Air Liquide Electronics U.S., LP (19 Steel Road West, Morrisville, PA 19067) is a Non-Title V, Natural Minor facility located in Falls Township, **Bucks County**. The facility is involved in the gas cylinder cleaning processes, the purification of industrial gases, and the distribution of compressed specialty gases and liquefied chemicals. This permit incorporates the conditions for plan approvals PA-09-0126A and 09-0126B for the S-7 Process Hoods and S-5 Process Hoods respectively. The facility operates seven process hood lines for processing hydride gases, pyrophoric gases, hydrocarbon gases, chloride gases, and fluoride gases, and each process line is set with a specific control device combination. The facility has an annual limit on PM of 55 pounds on a 12-month rolling period and has an annual limit on VOCs of 279 pounds on a 12-month rolling period. Monitoring and record keeping requirements have been added to the permit to address applicable limitations.

15-00114: Action Manufacturing Co. (500 Bailey Crossroads, Atglen, PA 19310) for a Non-Title V Facility, State-only, Natural Minor Operating Permit in West Fallowfield Township, **Chester County**. Action Manufacturing Company produces detonators of various shapes and sizes, along with other miscellaneous components of the detonators. The primary sources of air emissions from the facility are Misc. Combustion Sources (Source ID 030), six Detonator Chambers (Source ID 100) and a Thermal Treatment Unit (TTU, Source ID 101). The boilers associated with Source ID 030 are all rated at less than 2.5 mmBtu/hr and are therefore uncontrolled. Source ID 100 and 101 are each controlled by particulate filtration systems (Source ID C100 and C101). Potential emissions of NOx from the facility will be less than 9.0 tpy. SOx emissions will be less than 3.0 tpy. Emissions of VOC, CO, PM, and HAP will each be less than 2.0 tpy. The permit will contain monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

01-05030: Hanover Prest Paving Co. (240 Bender Road, Hanover, PA 17331) for operation of their batch asphalt plant in Mount Pleasant Township, **Adams County**. The State-only operating permit will include emission restrictions, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2003.

06-03093: Reading Materials, Inc. (P. O. Box 79, Skippack, PA 19474) for operation of a railcar unloading station controlled by a wet suppression system in Cumru Township, **Berks County**. The plant is owned by Pennsy Supply, Inc. This action is a renewal of the State-only operating permit issued in 2003.

36-03107: Pennfield Corp. (1088 East Main Street, Mount Joy, PA 17552) for operation of a livestock feed plant in Mount Joy Borough, **Lancaster County**. This is a renewal of the State-only operating permit issued in November 2003.

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

49-00054: Meckley's Limestone Products, Inc. (R. R. 1, Box 1682, Herndon, PA 17830-9665) for their facility in Lower Mahanoy Township, **Northumberland County**. The facility's main sources include primary and secondary crushing operations, haul roads, limestone pulverizing, pulverized limestone drying operations, limestone dust bunker, asphalt plant, aboveground storage tanks and degreasing operation. The facility has the potential to emit PM/PM10, NOx, VOCs and combined and individual HAPs emissions below the major thresholds. The facility has taken a synthetic minor restriction to limit the SOx and CO emissions below the major thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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 Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such 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 the application is available for inspection at the District Mining Office indicated above each 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 the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application 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 address of the district mining office indicated above each 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—34.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; 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, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the 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 desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91–96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must 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 or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

| <i>Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|--|-----------------------|---------------------------------|------------------------------|
| Iron (Total) | 1.5 to 3.0 mg/l | 3.0 to 6.0 mg/l | 3.5 to 7.0 mg/l |
| Manganese (Total) | 1.0 to 2.0 mg/l | 2.0 to 4.0 mg/l | 2.5 to 5.0 mg/l |
| Suspended solids | 10 to 35 mg/l | 20 to 70 mg/l | 25 to 90 mg/l |
| Aluminum (Total) | 0.75 to 2.0 mg/l | 1.5 to 4.0 mg/l | 2.0 to 5.0 mg/l |
| pH ¹ | | greater than 6.0; less than 9.0 | |
| Alkalinity greater than acidity 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) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

56971301 and NPDES Permit No. PA0214973, RoxCOAL, Inc., (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Geronimo Mine in Jenner and Quemahoning Townships, **Somerset County** to expand the underground mine and subsidence control plan permit area. Underground Acres Proposed 35.2, Subsidence Control Plan Acres Proposed 35.2. No additional discharges. Application received September 15, 2008.

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

56000105 and NPDES No. PA0235351. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, revision of an existing bituminous surface mine to change land use from woodland to unmanaged natural habitat in Shade Township, **Somerset County**, affecting 76.6 acres. Receiving streams: UNTs to/and Dark Shade Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 8, 2008.

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

43020103 and NPDES Permit No. PA0242136. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface strip and coal ash placement operation in Sandy Lake Township, **Mercer County** affecting 95.4 acres. Receiv-

ing streams: South Sandy Creek, classified CWF; and UNT to Sandy Creek, classified WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received October 7, 2008.

33050106 and NPDES Permit No. PA0257991. Cookport Coal Co., Inc. (425 Market Street, Kittanning, PA 16201). Revision to an existing bituminous surface strip and auger operation in Perry Township, **Jefferson County** affecting 68.5 acres. Receiving streams: Nicely Run and UNTs; UNT to Mahoning Creek, classified for CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to add 5.0 acres to the permit. Application received October 9, 2008.

Pottsville District Mining Office: 5 West Laurel Boule-

vard, Pottsville, PA 17901, (570) 621-3118.

49080104. D. Molesevich & Sons Construction Co., Inc., (333 South Pine Street, Mt. Carmel, PA 17851), commencement, operation and restoration of an anthracite surface mine, coal refuse reprocess and disposal operation in Mt. Carmel Township, **Northumberland County** affecting 423.0 acres, receiving streams: Quaker Run and Coal Run, classified for the following use: CWF and South Branch of Roaring Creek, classified for the following use: HQ-CWF. Application received October 6, 2008.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

| Parameter | Table 2 | | |
|--------------------------------------|----------------|---------------------------------|-----------------------|
| | 30-day Average | Daily Maximum | Instantaneous Maximum |
| Suspended solids | 10 to 35 mg/l | 20 to 70 mg/l | 25 to 90 mg/l |
| Alkalinity exceeding acidity* pH* | | greater than 6.0; less than 9.0 | |

* The parameter is applicable at all times.

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

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

NPDES Permit Number PA0605824, Fort Hill Enterprises, LLC, 1154 Draketown Road, Confluence, PA 15424, the Department of Environmental Protection has made a tentative determination to revise the effluent limits of the NPDES permit for continued discharge of treated mine drainage from a completed clay mine known as the Fort Hill Mine, located in Addison Township, **Somerset County**. Receiving stream: a UNT to the Casselman River with a designated use of WWF. There are no potable water supplies located within 10 miles downstream of the point of discharge.

Proposed Final Effluent Limits

| Parameter | 30-Day Average | Daily Maximum | Instantaneous Maximum |
|---|----------------|---------------|-----------------------|
| Iron (total) | 1.57 mg/l | 3.14 mg/l | 3.93 mg/l |
| Manganese (total) | 2.00 mg/l | 4.00 mg/l | 5.00 mg/l |
| Aluminum (total) | 0.75 mg/l | 1.00 mg/l | 1.25 mg/l |
| Suspended Solids | 35.0 mg/l | 70.0 mg/l | 90.0 mg/l |
| pH greater than 6.0; less than 9.0 ¹ | | | |
| Alkalinity greater than acidity ¹ | | | |

¹ The parameter is applicable at all times

The measurement frequency shall be twice per month. The sample type shall be grab. Samples must be taken during a discharge at the final facility outlet and results shall be reported quarterly.

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.

E15-789. The Percheron Group, P. O. Box 1496, Exton, PA 19341, East Caln Township, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To perform the following water obstruction and encroachment activities across a UNT to the East Branch of Brandywine Creek (WWF, MF) impacting 0.15 acre of wetlands (PEM):

1. To relocate approximately a total of 900 linear feet of the open channel and 175 linear feet of the enclosed channel. This work also includes removal of the existing culverts and placing of fill in the abandoned channel.
2. To construct and maintain three culverts and one enclosure associated with the roadway access to the site and the proposed development.
3. To construct and maintain approximately a total of 1,080 linear feet of open channel.

This project is located approximately 500 feet east of the intersection Boot Road and Brandywine Avenue (Downingtown, PA USGS Quadrangle N: 0.4 inch; W: 7.1 inches).

E15-786. Chris K. Smith, 107 Garfield Avenue, West Chester, PA 19380, Caln Township, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To perform the following water obstruction and encroachment activities across a UNT to Beaver Creek (TSF-MF) associated with the construction of the proposed driveway access for a single-family dwelling:

- 1) To remove an existing bridge, and to construct and maintain, in its place, a 14-foot long, 32-foot span, and 6.5-foot underclearance I-beam bridge, impacting 0.17 acre of isolated wetlands (PFO).
- 2) To place and maintain approximately 26 cubic yards of R-6 rip-rap around bridge abutments for scour protection.
- 3) To construct and maintain a temporary cofferdam.

The project will permanently impact approximately 16 linear feet of stream length and 0.17 acre of isolated wetlands. The site is located approximately 645 feet west of the intersection of Fishersville and Bondsville Roads in Caln Township, Chester County (Wagontown, PA USGS Quadrangle N: 2.62 inches; W: 1.09 inches).

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone (570) 826-2511.

E64-273. Central Wayne Regional Authority, 100 Fourth Street, Suite 8, Honesdale, PA 18341, in Honesdale Borough, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an expansion of a wastewater treatment plant in the floodway/floodplain of the Lackawaxen River (HQ-TSF, MF) with work consisting of the modification of existing treatment facilities and the construction of new treatment facilities, building and various site amenities. Work also includes the construction of an outfall structure, consisting of a 24-inch diameter pipe, concrete inwall and riprap apron. The project is located on the northeast side of Buck Cove Road (T-468) approximately 0.1 mile east of Erie Street (White Mille, PA Quadrangle N: 9.75 inches; W: 16.13 inches).

E52-212. Steve and Diane Woodman, HCR 1, Box 302, Paupack, PA 18451, in Palmyra Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a walkway for dock access and the addition of a section of floating dock to an existing dock in Lake Wallenpaupack. The project also includes the maintenance of a rock retaining wall along the shoreline of Lake Wallenpaupack. The project is located in Whispering Pines Development along Calico Court at Lot No. 112 (Hawley, PA Quadrangle Latitude: 41° 24' 56"; Longitude: 75° 13' 30").

E35-420. Seefried Properties, Inc., 4200 Northside Parkway, N.W., Atlanta, GA 30327, in Jessup Borough, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To place fill in 0.22 acre of wetlands within the Sterry Creek Watershed (CWF) for the purpose of constructing a warehouse facility on Lot No. 18 of the Valley View Business Park. The project is located 0.85 mile southeast of the intersection of SR 0006 and SR 0247 (Olyphant, PA Quadrangle Latitude: 41° 27' 25"; Longitude: 75° 32' 42").

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

E22-540: Dauphin County Commissioners, P. O. Box 1295, Harrisburg, PA 17108-1295, Dauphin County Bridge 122, South Hanover and Derry Townships, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To remove existing Bridge No. 122 using two temporary causeways constructed of 1,600 cubic yards of clean R-6 rock (Latitude: 40° 17' 13"; Longitude: 76° 40' 45") and to construct and maintain a 36.5-foot wide, four span, continuous composite prestressed concrete I-beam bridge, with span lengths of 85.4 feet, 90.1 feet, 92.7 feet, and 98.7 feet, and under-clearances of 8.0 feet, 15.8 feet, 21.8 feet and 11.5 feet, respectively (Latitude: 40° 17' 14"; Longitude: 76° 40' 40"); to construct and maintain two temporary cofferdams associated with the pier construction of the proposed bridge; to place and maintain 9,800.0 cubic yards of fill within the floodway and 1,800.0 cubic

yards within the floodplain for the construction of the approach roadway; to construct and maintain a 46.0-foot long, 24.0-inch HDPE pipe outfall with endwall and R-4 rip-rap outlet protection (Latitude: 40° 17' 14"; Longitude: 76° 40' 36"); to construct and maintain a stormwater channel with R-4 rip-rap outlet protection (Latitude: 40° 17' 16"; Longitude: 76° 40' 37"); to construct and maintain a 53.0-foot long, 18.0-inch HDPE pipe outfall with endwall and R-4 rip-rap outlet protection (Latitude: 40° 17' 15"; Longitude: 76° 40' 41"); to construct and maintain a 17.0-foot long, 18.0-inch RCP with endwall and R-4 rip-rap outlet protection (Latitude: 40° 17' 15"; Longitude: 76° 40' 45"); and to replace a 77.0-foot long, 30.0-inch CMP with a 77.0-foot long, 27.0-inch wide by 42.0-inch high reinforced concrete elliptical pipe arch with endwall and R-4 rip-rap outlet protection (Latitude: 40° 17' 15"; Longitude: 76° 40' 49"). All proposed impacts are to Swatara Creek (WWF). The project is located on North Hanover Street approximately 1,000 feet north of its intersection with Hersheypark Drive (SR 0039) (Hershey, PA Quadrangle N: 6.7 inches; W: 7.5 inches, Latitude: 40° 17' 14"; Longitude: 76° 40' 40") in South Hanover and Derry Townships, Dauphin County. The purpose of the project is to replace a substandard and outdated structure.

E28-352: Valley Quarries, Inc., Lee Zimmerman, P. O. Box J, Chambersburg, PA 17201, Quarry Road Fill Site, Guilford Township, **Franklin County**, United States Army Corps of Engineers, Baltimore District.

To fill and maintain the remaining approximate 3.00 acres of a previous 4.74 acre pond at an abandoned limestone quarry with clean fill. The project is located at 169 Quarry Road (Chambersburg, PA Quadrangle N: 9.0 inches; W: 0.5 inch, Latitude: 39° 55' 30"; Longitude: 77° 37' 43") in Guilford Township, Franklin County. The purpose of the project is to reclaim the mine area to eliminate potential health concerns and safety hazards to the community.

E44-137: Rodney A. Farrell, 21 Pearl Street, P. O. Box 486, Reedsville, PA 17084, Deck, Brown Township, **Mifflin County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 12.0-foot by 14.0-foot wooden deck, elevated approximately 2 feet above existing grade, in the floodway of Honey Creek (HQ-CWF, MF). The project is located at 21 Pearl Street (Burnham, PA Quadrangle N: 7.2 inches; W: 12.9 inches, Latitude: 40° 39' 52"; Longitude: 77° 35' 33") in Brown Township, Mifflin County.

E07-424: Logan Township, 800 39th Street, Altoona PA 16602, Logan Township, **Blair County**, United States Army Corps of Engineers, Baltimore District. To construct and maintain:

(1) A 16.0-inch diameter ductile iron pipe encased in concrete impacting 26.0 feet of Brush Run (WWF) (Hollidaysburg, PA Quadrangle N: 14.3 inches; W: 16.5 inches, Latitude: 40° 27' 57"; Longitude 78° 23' 44").

(2) A 16.0-inch diameter PVC sewer line crossing within a 20.0-inch steel casing impacting 14.0 feet of a UNT to Brush Run (WWF) (Hollidaysburg, PA Quadrangle N: 14.4 inches; W: 16.8 inches, Latitude: 40° 28' 01"; Longitude 78° 23' 42").

(3) A 8.0-inch diameter PVC sewer line crossing impacting 18.0 feet of a UNT to Brush Run (WWF) (Hollidaysburg, PA Quadrangle N: 14.9 inches; W: 17.0 inches, Latitude: 40° 28' 04"; Longitude 78° 23' 34").

(4) A 8.0-inch diameter PVC sewer line crossing impacting 35.0 feet of a UNT to Brush Run (WWF) (Hollidaysburg, PA Quadrangle N: 15.0 inches; W: 17.1 inches, Latitude: 40° 28' 06"; Longitude 78° 23' 32").

The project will result in 93.0 linear feet of temporary stream impacts all for the purpose of relocating a sanitary sewer collection system within the Park Avenue (SR 1021) construction corridor.

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

E08-450. Department of Transportation, Engineering District 3-0, 715 Jordan Avenue, P. O. Box 218, Montoursville, PA 17754. SR 3006 Bridge Replacement in Monroe Township, **Bradford County**, United States Army Corps of Engineers, Baltimore District (Powell, PA Quadrangle N: 41° 40' 55"; W: 75° 30' 42").

To construct and maintain an 84.42 ft clear span (80.29 ft normal span) concrete adjacent box beam bridge, with a minimum underclearance of 4.20 ft and a skew of 72°, carrying SR 3006 over Millstone Creek. The project will be located approximately 40 ft downstream of the existing structure and will be placed on a new horizontal and vertical alignment. Millstone Creek is listed as a Class A Wild Trout stream and has verified trout reproduction. The project application is a standard joint permit application. The project proposes no impact to any jurisdictional wetlands.

E14-512. Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. Jonathan Run Acid Rock Drainage Treatment Facility in Boggs and Snow Shoe Townships, **Centre County**, United States Army Corps of Engineers, Baltimore District (Snow Shoe, PA Quadrangle Latitude: 41° 1' 0.62"; Longitude 77° 52' 58").

The applicant proposes to construct, operate and maintain an acid rock drainage treatment system containing both active and passive treatment system components in an effort to remediate acid rock drainage entering Jonathan Run from historic Interstate 80 embankment fill containing pyritic sandstone. Jonathan Run Run is classified as a CWF. Siting of treatment system components will result in 0.32 acre of permanent wetland impacts (PFO, PSS and PEM), 0.01 acre of temporary wetland impacts, 191 feet of temporary stream impacts and 60 feet of permanent stream impacts. The applicant is proposing to construct 0.75 acre of wetland replacement onsite.

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

E02-1592. Best Feeds Garden Centers LLC, 211 Crowe Avenue, P. O. Box 510, Mars, PA 16046. To construct and maintain a pedestrian walking bridge in McCandless Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Glenshaw, PA Quadrangle N: 17.3 inches; W: 16.2 inches, Latitude: 40° 35' 43"; Longitude: 79° 59' 30"). The applicant proposes to construct and maintain a pedestrian walking bridge having a span of 90.0 ft. with a minimum underclearance of 5.0 feet across the channel of Pine Creek (TSF) to provide pedestrian access to stock and display areas. The project is located on the north side of Wildwood Road, approximately 800.0 feet northeast from the intersection of Wildwood Road and Old Babcock Boulevard and will impact approximately 11.0 linear feet of stream channel.

E30-222. CNX Gas Company LLC, 100 Evergreen Drive, Suite 103, Waynesburg, PA 15370. To install and maintain permanent stream crossing in Center Township, **Greene County**, United States Army Corps of Engineers, Pittsburgh District (Rogersville, PA Quadrangle N: 4.1 inches; W: 16.8 inches, Latitude: 39° 53' 52"; Longitude: 80° 22' 12"). The applicant proposes to install

and maintain a permanent stream crossing consisting of three 24" culverts, replacing the existing temporary crossing over Jacobs Run (HQ-CWF) for the purpose of improving an access roadway. The project is located approximately 1.65 miles west of SR 21 and 1.8 miles north of the Jackson and Center Townships line in Center Township.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|-----------------------------|
| PA-0061204 Renewal | Kidder Township Split Rock WWTP State Road 1003 P. O. Box 576 Lake Harmony, PA 18624 | Carbon County Kidder Township | Shingle Mill Run HQ-CWF 2A | Y |

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|------------------------------|---|---|---------------------------------------|-----------------------------|
| PA-0061760 (Minor Sewage) | Blue Mountain School District Box 188 685 Red Dale Road Orwigsburg, PA 17961-0188 | Schuylkill County Wayne Township | UNT to the Schuylkill River 03A | Y |
| PA 0036765 (Minor Sewage) | Tyler Memorial Hospital 880 SR 6W Tunkhannock, PA 18657 | Wyoming County Tunkhannock Township | UNT to Taques Creek 04F | Y |
| PA-0029807 (Minor Sewage) | New Jersey Federation of YMHA's and YWHA's 21 Plymouth Street Fairfield, NJ 07004-1615 | Dingman Township Pike County | Sawkill Pond 1D | 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> |
|----------------------------------|---|---|--------------------------------------|---------------------------|
| PA0002933 Industrial Waste | West Penn Power 800 Cabin Hill Drive Greensburg, PA 15601 | City of Connellsville Fayette County | Youghiogheny River | Y |
| PA0003000 Industrial Waste | Centria New Economy Business Park 500 Perth Drive Ambridge, PA 15003 | Beaver County Ambridge Borough | UNT to the Ohio River | 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> |
|-----------------------------|---|--------------------------------------|--------------------------------------|-----------------------------|
| PA0034789 | St. Marys Area Water Authority 429 Ridgway Road St. Marys, PA 15857 | City of St. Marys Elk County | Laurel Run 17-A | Y |

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

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

NPDES Permit No. PA0050474, Sewage, **Warwick Drainage Company**, 3441 Saint Peters Road, Saint Peters, PA 19470. This proposed facility is located in Warwick Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge of treated sewage into French Creek in Watershed 3D.

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) 705-4802.

WQM Permit No. 0708201, CAFO, **Rodney Metzler, Pleasant View Farms, Inc.**, R. D. 1, Box 124, Martinsburg, PA 16662. This proposed facility is located in North Woodbury Township, **Blair County**.

Description of Proposed Action/Activity: Permit approval for the construction of manure storage and sand settling facilities at Piney Creek Farm.

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

WQM Permit No. 0208406, Sewerage, **Marshall Township Municipal Sanitary Authority**, P. O. Box 2063, Warrendale, PA 15068. This proposed facility is located in Marshall Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a gravity sewer system.

WQM Permit No. WQG016165, Sewerage, **George J. Timko**, 101 Matheny Lane, Aliquippa, PA 15001. This proposed facility is located in Raccoon Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single-residence sewage treatment plant.

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

WQM Permit No. WQG018644, Sewerage, **James A. Freedline**, 188 Hazlett Road, West Sunbury, PA 16061-1710. This proposed facility is located in Concord Township, **Butler County**.

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

WQM Permit No. WQG018650, Sewerage, **Jeff Plyler**, 8850 Fry Road, McKean, PA 16426-1533. This proposed facility is located in McKean Township, **Erie County**.

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

WQM Permit No. WQG018641, Sewerage, **Amy Stein**, 705 North Darby Road, Hermitage, PA 16148. This proposed facility is located in the City of Hermitage, **Mercer County**.

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

WQM Permit No. WQG018642, Sewerage, **Karl Geci**, 35 North Broad Street, Ridgway, PA 15853-1001. This proposed facility is located in the City of St. Mary's, **Elk 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 Per

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

NPDES

| Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|-----------------|--|------------|---|--|
| PAI025405002(1) | Locust Ridge Wind Farm, LLC Attn: Joseph Green 201 King of Prussia Road Suite 500 Radnor, PA 19087 | Schuylkill | Mahanoy Township East Union Township | Davis Run HQ-CWF Tributary to Catawissa Creek CWF North Mahanoy Creek CWF |
| PAI024507010 | S.I.D.E. Corporation P. O. Box 1050 Blakeslee, PA 18610 | Monroe | Tobyhanna Township | Tobyhanna Creek HQ-CWF |

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

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

List of NPDES and/or Other General Permit Types

| | |
|-------------|--|
| PAG-1 | General Permit for Discharges From Stripper Oil Well Facilities |
| PAG-2 | General Permit for Discharges of Stormwater Associated With Construction Activities (PAR) |
| PAG-3 | General Permit for Discharges of Stormwater From Industrial Activities |
| PAG-4 | General Permit for Discharges From 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 Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage |
| PAG-9 | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site |
| PAG-9 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage |
| PAG-10 | General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines |
| PAG-11 | (To Be Announced) |
| PAG-12 | Concentrated Animal Feeding Operations (CAFOs) |
| PAG-13 | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) |

NOTICES

5883

*General Permit Type—PAG-2**Facility Location:
Municipality &
County**Permit No.**Applicant Name & Address**Receiving Water/Use**Contact Office &
Phone No.*

| <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> |
|---|-------------------|--|--|---|
| Pittston Township Luzerne County | PAG2004008011 | Hocker Limited Partnership Attn: Lou Mangino 11 Bear Creek Boulevard Wilkes-Barre, PA 18702 | Collins Creek CWF | Luzerne County Conservation District (570) 674-7991 |
| West Pittston Borough Luzerne County | PAG2004008015 | SADG-II Attn: Mark Paradise 100 Colliery Road Dickson City, PA 18519 | Tributary to Susquehanna River CWF | Luzerne County Conservation District (570) 674-7991 |
| Salem Township Luzerne County | PAG2004008014 | Western International Gas & Cylinder, Inc. Attn: Craig Robertson P. O. Box 668, 7173 Highway 159 East Bellville, TX 77418 | Susquehanna River WWF | Luzerne County Conservation District (570) 674-7991 |
| Mount Joy Township Lancaster County | PAG2003606029(1) | Mount Joy Township 159 Merts Drive Elizabethtown, PA 17022 | Little Chiques Creek TSF | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5 |
| West Donegal Township Lancaster County | PAG2003608017 | Timber Villa, Inc. 1898 Market Street Elizabethtown, PA 17022 | Snitz Creek WWF | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5 |
| Columbia Borough Lancaster County | PAG2003608051 | Columbia Consolidated Fire Department 265 South Tenth Street Columbia, PA 17512 | Shawnee Run WWF | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5 |
| Manheim Township Lancaster County | PAG2003608054 | Lancaster Airport Authority 500 Airport Road Suite G Lititz, PA 17543 | Bachman Run WWF | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5 |
| Manheim Township Lancaster County | PAG2003608056 | BFW Group 1650 Crooked Oak Drive Suite 300 Lancaster, PA 17601 | Conestoga River WWF | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5 |
| East Lampeter Township Lancaster County | PAG2003608058 | Hardik Patel 3506 Ada Drive Mechanicsburg, PA 17050 | UNT Mill Creek WWF | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5 |
| West Hempfield Township Lancaster County | PAG2003608059 | Hogg Construction 2351 Freedom Way York, PA 17402 | West Branch Little Conestoga TSF | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5 |

*Facility Location:
Municipality &
County*

| <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> |
|---|-------------------|--|---|---|
| Salisbury Township Lancaster County | PAG2003608063 | The Joann Group 845 HouStreeton Run Drive Gap, PA 17527 | HouStreeton and Eshelman Runs CWF | Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5 |
| Hampden Township Cumberland County | PAG2002108021 | Carl Helman Country Meadows 4837 East Trindle Road Mechanicsburg, PA 17055 | Cedar Run CWF | Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812 |
| West Hanover Township Dauphin County | PAG2002208019 | Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103-1699 | Manada Creek WWF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100 |
| West Hanover Township Dauphin County | PAR10I200R | Curt Varner S & A Homes 2121 Gatesburg Road State College, PA 16803 | Beaver Creek WWF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100 |
| South Hanover Township Dauphin County | PAG2002208034 | Donald C. Lowell Cornerstone Development & Design 8024 Manada Creek Drive Harrisburg, PA 17112 | Manada Creek WWF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100 |
| Swatara Township Dauphin County | PAG2002203054R | Landmark Builders, Inc. 1737 West Main Street Ephrata, PA 17522 | Laurel Run WWF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100 |
| Swatara Township Dauphin County | PAG2002208031 | The McNaughton Company 4400 Deer Path Road Suite 201 Harrisburg, PA 17110 | Beaver Creek WWF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100 |
| Conewago Township Dauphin County | PAG2002208023 | Dain Kulp Evangelical Free Church of Hershey P. O. Box 646 Hill Top Road Hershey, PA 17033 | Spring Creek (east) WWF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100 |
| Silver Spring Township Cumberland County | PAG2002108011 | Team Rahal of Silver Spring Ron Ferris 6644 Carlisle Pike Mechanicsburg, PA 17055 | Hogestown Run CWF | Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812 |

NOTICES

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*Facility Location:
Municipality &
County*

| <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> |
|---|-------------------|--|---|--|
| Perry Township Berks County | PAG2000608011 | George Robinson Glen Gery Brick County, Inc. 1166 Spring Street Wyomissing, PA 19610 | Schuylkill River WWF | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201 |
| Logan Township Blair County | PAG2000708017 | Sheetz, Inc. Steve Augustine 5700 Sixth Avenue Altoona, PA 16602 | UNT to Little Juniata River WWF | Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 5 |
| Reading City Berks County | PAG2000608046 | Chris J. Fell Cedarpak, LLC 720 Laurel Street Reading, PA 19602 | Schuylkill River WWF | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201 |
| Snake Spring Township Bedford County | PAG2000508012 | Larry Fischer 70 West 5th Avenue Everett, PA 15537 | Raystown Branch Juniata River TSF | Bedford County Conservation District 702 West Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 (814) 623-7900, Ext. 3 |
| Smithfield Township Huntingdon County | PAG2003106006 | Mark Austin Department of Military and Veteran Affairs Building 0-47 Fort Indiantown Gap Annville, PA 17003 | Juniata River TSF | Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 (814) 627-9603 |
| Beaver County City of Aliquippa | PAG2000408015 | Kelley Settles Recycling Reclamation Services, LLC P. O. Box 113 Aliquippa, PA 15001 | UNT to Ohio River WWF | Beaver County Conservation District (724) 378-1701 |
| Beaver County Hopewell Township | PAG2000408016 | Gerald Orsini Hopewell Municipal Building 1700 Clark Boulevard Aliquippa, PA 15001 | Raccoon Creek WWF | Beaver County Conservation District (724) 378-1701 |
| Summit Township Erie County | PAR10K187R(1) | Bianchi Motors 8430 Peach Street Erie, PA 16509 | UNT Walnut Creek CWF; MF | Erie County Conservation District (814) 825-6403 |

*General Permit Type—PAG-3**Facility Location:
Municipality &
County*Muncy Borough
Lycoming County*Permit No.*
PAR114813*Applicant Name & Address*
Young Industries, Inc.
P. O. Box 30
Muncy, PA 17756-0030*Receiving Water/Use*
West Branch
Susquehanna River
WWF*Contact Office &
Phone No.*
Northcentral
Regional Office
Water Management
Program
208 West Third
Street
Suite 101
Williamsport, PA
17701
(570) 327-3664*General Permit Type—PAG-4**Facility Location:
Municipality &
County*Blair County
Allegheny Township*Permit No.*
PAG043881*Applicant Name & Address*
Michael Civils
120 Trout Lane
Duncansville, PA 16635*Receiving Water/Use*
Sugar Run
CWF*Contact Office &
Phone No.*
DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Blair County
Freedom Township

PAG043882

Carol Weyandt
120 Homes Lane
Duncansville, PA 16635UNT Blue Knob Run
CWFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Bedford County
Kimmel Township

PAG043883

Troy and Lisa Kimmel
P. O. Box 10
Claysburg, PA 16625Beaverday Creek
CWFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Berks County
Amity Township

PAG043620

Michael A. Thompson
43 Valley Road
Birdsboro, PA 19508UNT Monocacy
Creek
WWFDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Peters Township
Washington County

PAG046278

Michael Santa Lucia
262 Justabout Road
Venetia, PA 15367Tributary to Brush
RunSouthwest
Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000East Huntingdon
Township
Westmoreland
County

PAG046191

Charles L. Mayers
758 Homestead Avenue
Scottdale, PA 15683Anderson Run
Tributary to Jacobs
CreekSouthwest
Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Murrysville Borough
Westmoreland
County

PAG046389

James D. Burns
5051 Plan Court
Murrysville, PA 15668

Pucketa Creek

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

NOTICES

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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> |
|---|-------------------|---|--------------------------------|---|
| Raccoon Township Beaver County | PAG046384 | George J. Timko 101 Matheny Lane Aliquippa, PA 15001 | UNT of Haden Run | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| Ligonier Township Westmoreland County | PAG046274 | James A. Cunkelman 115 Giesey Road Ligonier, PA 15658 | Fourmile Run | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| Findlay Township Allegheny County | PAG046165 | John P. Patarini 66 Economy Grade Road Coraopolis, PA 15108 | Boggs Run to Flaugherty Run | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| Center Township Indiana County | PAG046186 | Robert G. Smith 6281 Old Route 56 West Indiana, PA 15701 | Cherry Run | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| Rochester Township Beaver County | PAG046392 | Daniel J. Matsook 990 Deer Lane Extension Rochester, PA 15074 | Dutchman Run | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| New Sewickley Township Beaver County | PAG046160 | Daniel B. Musgrave 136 Brewer Road Freedom, PA 15042 | Snake Run | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| New Sewickley Township Beaver County | PAG046183 | David R. Tuszynski 390 Blackswoods Road Freedom, PA 15042 | Snake Run | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |

*Facility Location:
Municipality &
County*Concord Township
Butler CountyPermit No.
PAG049456Applicant Name & Address
James A. Freedline
188 Hazlett Road
West Sunbury, PA 16061-1710Receiving Water/Use
UNT to South
Branch Slippery
Rock Creek
20-CContact Office &
Phone No.
DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942McKean Township
Erie County

PAG049464

Jeff Plyler
8850 Fry Road
McKean, PA 16426-1533UNT to Lamson Run
15-ECDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942City of Hermitage
Mercer County

PAG049452

Amy Stein
705 North Darby Road
Hermitage, PA 16148UNT to Magargee
Run
20-ADEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942City of St. Mary's
Elk County

PAG049454

Karl Geci
35 North Broad Street
Ridgway, PA 15853-1001UNT to Elk Creek
17-ADEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942Washington Township
Jefferson County

PAG049443

Welcome Home Center, Inc.
6083 Route 219
Brockway, PA 15824-4621UNT to Wolf Run
17-CDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942*General Permit Type—PAG-8**Facility Location:
Municipality &
County*East Cocalico
Township
Lancaster CountyPermit No.
PAG083521Applicant Name & Address
Borough of Adamstown
P. O. Box 546
Adamstown, PA 19501-0546Site Name &
Location
Adamstown WWTP
235 East Swartzville
Road
Denver, PA 17517Contact Office &
Phone No.
DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707

Williamstown WWTP

PAG086112

Lower Ten Mile Sewer Authority
144 Chartiers Road
Jefferson, PA 15344East Bethlehem
Township
Washington CountySouthwest
Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh PA
15222-4745
(412) 442-4000

*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County*Peters Township
Franklin County*Permit No.*PAG080002
PAG080003
PAG080004
PAG080006
PAG080008
PAG080018
PAG082201
PAG082203
PAG082211
PAG083501
PAG083502
PAG083506
PAG083510
PAG083515
PAG083517
PAG083518
PAG083522
PAG083535
PAG083540
PAG083542
PAG083547
PAG083551
PAG083556
PAG083565
PAG083567
PAG083573
PAG083596
PAG083597
PAG083600
PAG083825
PAG089903
PAG089904
PAG089905*Applicant Name & Address*Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160*Site Name &
Location*Wayne Heebner
Farm*Contact Office &
Phone No.*DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707*General Permit Type—PAG-8**Facility Location:
Municipality &
County*Borough of Lake City
Erie County*Permit No.*

PAG088310

*Applicant Name & Address*Borough of Lake City
2350 Main Street
Lake City, PA 16423*Site Name &
Location*Lake City
Wastewater
Treatment Facility
1150 Maple Avenue
Lake City, PA 16423*Contact Office &
Phone No.*DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942*General Permit Type—PAG-10**Facility Location:
Municipality &
County*Plum Creek Township
Armstrong County*Permit No.*

PAG106113-A1

*Applicant Name & Address*Reliant Energy Northeast
Management Company
121 Champion Way
Suite 200
Canonsburg, PA 15317*Receiving
Water/Use*

Allegheny River

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

General Permit Type—PAG-12

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> |
| Lancaster County Mount Joy Township | PAG123663 | David Rosenberry Gretna View Farm 3709 North Colebrook Road Manheim, PA 17545 | Little Chickies Creek TSF | DEP—SCRO Watershed Management 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802 |

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 2520085, Operations Permit, Public Water Supply.

| | |
|---------------------|--|
| Applicant | Pennsylvania American Water 800 West Hersheypark Drive Hershey, PA 17033 Westfall Township |
| County | Pike |
| Type of Facility | PWS |
| Consulting Engineer | N/A |

Permit to Operate Issued October 7, 2008

Permit No. 5401503MA, Minor Amendment, Public Water Supply.

| | |
|---------------------|---|
| Applicant | Pennsylvania American Water 800 West Hersheypark Drive Hershey, PA 17033 Frackville Borough |
| County | Schuylkill |
| Type of Facility | PWS |
| Consulting Engineer | Joel Mitchell, P. E. Pennsylvania American Water 852 Wesley Drive Mechanicsburg, PA 17055 |

Permit to Construct Issued October 7, 2008

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

Permit No. 3407504, Public Water Supply.

| | |
|------------------|--|
| Applicant | W. E. Schlegel, Inc. |
| Municipality | Delaware Township |
| County | Juniata |
| Type of Facility | Permit application for cartridge filtration, chlorine disinfection and an additional contact tank. |

| | |
|---------------------|---|
| Consulting Engineer | Stephen R. Morse, P. E. Skelly and Loy, Inc. 2601 North Front Street Harrisburg, PA 17110-1185 |
|---------------------|---|

Permit to Construct Issued October 10, 2008

Permit No. 0608504, Public Water Supply.

| | |
|---------------------|---|
| Applicant | Western Berks Water Authority |
| Municipality | Spring Township |
| County | Berks |
| Type of Facility | Addition of new CO ₂ generator and feed equipment for pH adjustment at existing water treatment plant. |
| Consulting Engineer | John P. Spitko, P. E. Spotts Stevens and McCoy, Inc. 1047 North Park Road Reading, PA 19610-0307 |

Permit to Construct Issued October 2, 2008
Permit No. 2108505, Public Water Supply.
 Applicant **Country View Estates**
 Municipality Upper Frankford Township
 County **Cumberland**
 Type of Facility Greensand filter installation.
 Consulting Engineer Charles A. Kehew, II, P. E.
 James R. Holley & Assoc., Inc.
 18 South George Street
 York, PA 17401

Permit to Construct Issued October 10, 2008
Permit No. 2208506 MA, Minor Amendment, Public Water Supply.
 Applicant **Williamstown Borough Authority**
 Municipality Williams Township
 County **Dauphin**
 Type of Facility Installation of a sodium hypochlorite disinfection system to replace the existing gaseous chlorine disinfection system.
 Consulting Engineer Harry E. Bingaman, P. E.
 Glace Assoc., Inc.
 3705 Trindle Road
 Camp Hill, PA 17011

Permit to Construct Issued October 10, 2008
Operations Permit issued to **Altoona City Authority**, 4070023, Logan Township, **Blair County** on October 6, 2008, for the operation of facilities approved under Construction Permit No. 0708504 MA.

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

Permit No. 1706501—Operation, Public Water Supply.
 Applicant **PA American Water Company**
 Township or Borough Boggs Township
 County **Clearfield**
 Responsible Official Paul A. Zielinski
 PA American Water Company
 800 West Hersheypark Drive
 Hershey, PA 17033
 Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date October 10, 2008
 Description of Action Operation of a booster pump station, 100,000 gallon elevated finished water storage tank, two pressure reducing vaults and 68,000 LF of distribution piping.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|--|---------------|
| Armstrong Township | Armstrong Township Supervisors 977 Parkwood Road Indiana, PA 15701 | Indiana |

Plan Description: The approved plan provides for a 44 lot single-family residential subdivision on a 34.1 acre parcel of land located between Anthony Run Road (SR 3039) and South Ridge Road (TR-362) in Armstrong Township, Indiana County, PA. The Development is expected to generate an average of 12,980 gpd of sewage. Extension of sewer mains from the existing Shelocta Sewage Treatment Plant will be built to accept this new sewage flow.

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> |
|----------------------------|---|---------------|
| Millcreek Township | 3608 West 26th Street Erie, PA 16506 | Erie |

Plan Description: The approved plan provides for capacity upgrades to the Glenwood Sanitary Sewer System which entails the replacement of approximately 1,015 linear feet of 12" pipe with 15" pipe. An official sewage plan revision was necessary because the project will require a Clean Streams Law permit for construction. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
 PREAMBLE 2**

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial

investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

2424 Howard Street, City of Philadelphia, **Philadelphia County**. Michael Edleman, Malcom Pirnie, Inc., 111 South Independence Mall East, Suite 1010, Philadelphia, PA 19106, John Luxford, Malcolm Pirnie, Inc., 111 South Independence Mall East, Suite 1010, Philadelphia, PA 19106, Robert Totaro, Brandywine Financial Group, 2 Ponds Edge Drive, Chadds Ford, PA 19317 on behalf of Patricia DeCarolo Norris Square Civic Association, 149 West Susquehanna Avenue, Philadelphia, PA 19122 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Jadko Realty Corporation, Limerick Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Debi Geyer, Stanley Tool Works, Route 2 Briggs Drive, East Greenwich, RI 02818, Jim Derrah, Sr., Jadko Realty Corporation, P. O. Box 781, Gwynedd Valley, PA 19437 has submitted a Final Report concerning remediation of site soil contaminated with selenium, arsenic and lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Bealer Property, Upper Pottsgrove Township, **Montgomery County**. Richard Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Robert Bealer, 1930 Coventryville Road, Pottstown, PA 19465 has submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Goshen Terrace Apartments, West Goshen Township, **Chester County**. David Fennimore, Earth Data Northeast, 924 Springdale Drive, Exton, PA 19341 on behalf of Steve Berger, Pennsylvania Management Corporation, P. O. Box 1036, Blue Bell, PA 19244 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents and mbte. The report is intended to document remediation of the site to meet the Site-Specific Standard.

PECO North Wales MGP, North Wales Borough, **Montgomery County**. George Keil, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Benjamin Henry, PECO Energy Company, 2301 Market Street, S9-1, Philadelphia, PA 19103 has submitted a Risk Assessment and Final Report concerning remediation of site groundwater and soil contaminated with organic and inorganic compounds. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Stenton Avenue Furniture, City of Philadelphia, **Philadelphia County**. Michelle Flowers, REPSG, 6901 Kingsessng Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Lee Brahin, Brahin Properties, Inc. 1535 Chestnut Street, Philadelphia, PA 19102 has submitted a 90 day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Reba Brown Residence, City of Philadelphia, **Philadelphia County**. Eric Poulson, Poulson & Associates, LLC, 5 Camby Chase, Media, PA 19063 on behalf of has submitted a Final Report concerning remediation of site soil contaminated with PAH's. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Miller's Greenhouses, Inc., East Hempfield Township, **Lancaster County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Miller's Greenhouses, Inc., 485 Church Street, Landisville, PA 17538, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Residential Statewide Health Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Richard Rainey Property, Bell Township, **Clearfield County**. Environmental Remediation and Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Richard A. Rainey, 1619 Stillwood Street, Chesapeake, VA 23320 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with BTEX and PHCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Windfall Road—St. Marys, 1115 Windfall Road, City of Saint Marys, **Elk County**. Insite Group, Inc., 611 South Irvin Avenue, Sharon, PA 16146 on behalf of Lad Kornacki, 1115 Windfall Road, St. Marys, PA 15857 has submitted a Final Report concerning remediation of site soil contaminated with cadmium. The report is intended to document remediation of the site to meet the Statewide Health Standard.

North Michael Street—St. Marys, 354 North Michael Street, City of St. Marys, **Elk County**. Insite Group, Inc., 611 South Irvine Avenue, Sharon, PA 16146-1165 on behalf of Alan Weis, 147 East Oilwell Street, St. Marys, PA 15857 has submitted a Final Report concerning remediation of site soil contaminated with cadmium. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Ave Maria St. Marys, 65 Ave Maria, City of St. Marys, **Elk County**. Insite Group, Inc., 611 South Irvin Avenue, Sharon, PA 16146 on behalf of J. M. Hamlin and Sara Johnson, 65 Ave Maria, St. Marys, PA 15857 has submitted a Final Report concerning remediation of site soil contaminated with cadmium. The report is intended to document remediation of the site to meet the Statewide Health Standard.

ARG Refinery, City of Bradford, **McKean County**. Conesotga-Rovers & Associates, 651 Colby Drive, Waterloo, Ontario, Canada N2V 1C2, on behalf of ARG Refining Group, Inc., 77 North Kendall Avenue, Bradford, PA 16701 and Chemtura Corporation, 199 Benson Road, Middlebury, CT 06749 has submitted a Cleanup Plan concerning remediation of site soils contaminated with petroleum refining related compounds including, but not limited to, benzene, toluene, ethyl benzene, xylenes, benzo(a)pyrene, arsenic, cadmium, lead and site groundwater contaminated with petroleum refining related compounds including, but not limited to, benzene, toluene, ethyl benzene, xylenes, arsenic, iron, aluminum, cadmium, lead and chlorinated hydrocarbons. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

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

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

US Steel Fairless Works 14.2 Acres (KIPC), Falls Township, **Bucks County**. Jeffery Smith, Langan Engineering and Environmental Services, 30 South 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15219 has submitted a Remedial Investigation and Final Report concerning the remediation of site soil contaminated with chlorinated solvents. The Remedial Investigation and Final Plan were approved by the Department of Environmental Protection on June 6, 2008.

Inguis Apartments at Elmwood, City of Philadelphia, **Philadelphia County**. Emily Dippold, Kleinfelder East Inc., 180 Sherre Boulevard, Suite 3800, Exton, PA 19341 on behalf of Shirley Thrower, Inglis Housing Corporation, 2600 Belmont Avenue, Philadelphia, PA 19131 has submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on September 16, 2008.

Andreadis Property, Darby Borough, **Delaware County**. Dino Andreadis, 110 Baltimore Pike, Springfield, PA 19064 on behalf of Michael Malone, SECO International Incorporated, 102 Pickering Way, Suite 200, Exton, PA 19341 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on September 25, 2008.

East Street Cleaner Service, Doylestown Borough, **Bucks County**. Gary Brown RT Environmental Services, 215 West Church Road, King of Prussia, PA 19406 on behalf of Bucks Collins, URGE Properties, 530 West Butler Avenue, Chalfont, PA 18914 has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on September 25, 2008.

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

Sunoco Quentin Terminal, West Cornwall Township, **Lebanon County**. Groundwater & Environmental Services, Inc., 800 Commonwealth Drive, Suite 201, War-

rendale, PA 15086, on behalf of Sunoco (R & M), 350 Eagleview Boulevard, Exton, PA 19341, submitted a combined remedial investigation and Final Report concerning remediation of groundwater contaminated with No. 2 fuel oil. The combined report demonstrated attainment of a combination of Nonresidential Statewide Health and Site-Specific Standards and was approved by the Department of Environmental Protection on October 3, 2008. Remediation of soils was addressed in a separate report.

Bellwood Ambulance Service Facility, Bellwood Borough, **Blair County**. ATC Associates, Inc., 101 Allegheny Street, Hollidaysburg, PA 16643, on behalf of Bellwood Ambulance Service, 601 North Third Street, Bellwood, PA 16617, submitted a combined remedial investigation and Final Report concerning remediation of site soils and groundwater contaminated with gasoline. The Final Report did not demonstrate attainment of the Site-Specific Standard and was disapproved by the Department of Environmental Protection on October 6, 2008.

Ames True Temper, Harrisburg City, **Dauphin County**. Bradburne, Briller & Johnson, LLC, 1641 Saw Mill Run Boulevard, Pittsburgh, PA 15210-3433, on behalf of Ames True Temper, 465 Railroad Avenue, Camp Hill, PA 17001, submitted a combined remedial investigation and Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil released during removal of underground storage tanks. The combined report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on October 9, 2008.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

R & F Trucking Pa. Route 35 Accident, Washington Township, **Snyder County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of R & F Trucking, R. R. 1, Box 94P, Thompsettown, PA 17094 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel within 90 days of the release. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on October 9, 2008.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

PAD002292068. Rohm and Haas Chemicals LLC, 200 Route 413, Bristol PA 19007, Bristol Township, **Bucks County**. This permit is for the 10-year renewal for their existing RCRA Part B Permit No. PAD002292068 for the continuing operation of the hazardous waste container storage at the Rohm and Haas Chemicals, LLC—Bristol Facility. Permit issued by the Southeast Regional Office on September 23, 2008.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

General Permit No. WMGR028SE003A. Highway Materials Inc., (Plymouth Meeting Asphalt Plant) located at 5100 Joshua Road, Plymouth Meeting, PA 19462, Whitmarsh Township, **Montgomery County**. This application is for a determination of applicability under the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plant as an aggregate in roadway construction, an ingredient or component in cement or asphalt products, a soil additive or a soil conditioner. The application for determination of applicability was approved by the Southeast Regional Office on September 23, 2008.

General Permit No. WMGR028SE003B. Highway Materials Inc., (Malvern Asphalt Plant) located at 680 Morehall Road, Frazer, PA 19355, East Whiteland Township, **Chester County**. This application is for a determination of applicability under the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plant as an aggregate in roadway construction, an ingredient or component in cement or asphalt products, a soil additive or a soil conditioner. The application for determination of applicability was approved by the Southeast Regional Office on September 23, 2008.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

General Permit Application No. WMGR028, Program I.D. WMGR028NE002, Leeward Asphalt Plant, LLC, 9 Collan Park, Honesdale, PA 18431. A General Permit Determination of Applicability approval for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants for use as aggregate in roadway construction, a soil additive, a soil conditioner or a component or ingredient in the manufacturing of construction products at this residual waste beneficial use facility located in Palmyra Township, **Wayne County**, provided the baghouse fines and/or scrubber pond precipitates do not exceed the chemical concentration limits as specified in Table 1, Condition C4 of this general permit, when applicable and conforms with the applicable engineering, other professional, or industrial practices and procedures as the raw material it is being substituted for. The Determination of Applicability was issued by the Regional Office on September 12, 2008.

Persons interested in obtaining more information about the Determination of Applicability application should contact Tracey L. McGurk, Solid Waste Supervisor, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511. TDD users should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

General Permit No. WMGR028SE003C. Highway Materials Inc., (Downingtown Asphalt Plant) located at 850 Quarry Road, Downingtown PA 19355, Downingtown Borough, **Chester County**. This application is for a determination of applicability under the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plant as an aggregate in roadway construction, an ingredient or component in cement or asphalt products, a soil additive or a soil conditioner. The application for determination of applicability was approved by the Southeast Regional Office on September 23, 2008.

General Permit No. WMGR028SE003D. Highway Materials Inc., (Perkiomenville Asphalt Plant) located at 1128 Crusher Road, Perkiomenville, PA 18074, Marlborough Township, **Montgomery County**. This application is for a determination of applicability under the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plant as an aggregate in roadway construction, an ingredient or component in cement or asphalt products, a soil additive or a soil conditioner. The application for determination of applicability was approved by the Southeast Regional Office on September 23, 2008.

General Permit No. WMGR028SE004A. Highway Materials Inc., (TDPS Asphalt Plant) located at 3870 North 2nd Street, Philadelphia, PA 19140, City of Philadelphia, **Philadelphia County**. This application is for a determination of applicability under the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plant as an aggregate in roadway construction, an ingredient or component in cement or asphalt products, a soil additive or a soil conditioner. The application for determination of applicability was approved by the Southeast Regional Office on September 23, 2008.

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. 101264. Philadelphia Water Department, 7800 Penrose Ferry Road, Philadelphia PA 19153, Philadelphia City, **Philadelphia County**. This permit was revoked as a result of the facility's voluntary revocation request submitted to the Department of Environmental Protection on June 30, 2008, regarding the waste composting operations at the Philadelphia Water Department's Biosolids Recycling Center located in the City of Philadelphia. The permit was revoked by the Southeast Regional Office on September 22, 2008.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. 300876. Conemaugh Generating Station Ash/Refuse Disposal Site, Reliant Energy Northeast Management Company, 121 Champion Way, Suite 200, Canonsburg, PA 15317. Operation of a

residual waste landfill in West Wheatfield Township, **Indiana County**. Permit renewal issued in the Regional Office on October 9, 2008.

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, William R. Weaver, New Source Review Chief, (717) 705-4702.

GP19-67-03069B: H & H Castings, Inc. (4300 Lincoln Highway, York, PA 17406) on October 9, 2008, for Dry Abrasive Blasting Operations under GP19 in Hellam Township, **York County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Gorog and Barb Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

GP5-63-00945: Atlas Pipeline Pennsylvania, LLC (1550 Coraopolis Heights Road, 2nd Floor, P. O. Box 611, Moon Township, PA 15108-0611) on October 10, 2008, was authorized under GP-5 to install and operate one Caterpillar G3516 LE engine rated at 1,340 bhp, one Waukesha L7042GSI engine rated at 1,480 bhp and two dehydrator units at the Stewart Station in Mt. Pleasant 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-16-147A: Cooltech Hydrocarbon, LLC—Exotic Compressor Station (Route 322, Clarion, PA 16214) on October 6, 2008, to operate natural gas fired compressor engines (BAQ-GPA/GP-5) in Elk Township, **Clarion County**.

GP-42-203A: Atlas Pipeline McKean, LLC—Hamilton Station (Forest Road 455, Ludlow, PA 16333) on October 8, 2008, to operate natural gas fired compressor engines and dehydrator (BAQ-GPA/GP-5) in Hamilton Township, **McKean 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, Sachin Shankar, New Source Review Chief, (484) 250-5920.

09-0205: Jenbrooke Properties, Inc. (6120 Easton Road, Plumsteadville, PA 18947) on October 7, 2008, to install a new scrap wood-fired boiler and associated new multiclone at their facility in Plumstead Township, **Bucks County**. The facility is a non-Title V facility.

The boiler is being installed to provide comfort heat to the facility as well as to consume scrap wood generated by the office furniture manufacturing operation at the facility. The multiclone is being installed to minimize PM emissions from the boiler. The boiler and multiclone will meet all applicable air quality requirements, including the BAT requirements of 25 Pa. Code §§ 127.1 and

127.12. The potentials to emit CO, NO_x, PM, SO_x and VOCs are 0.07, 5.91, 0.80, 2.17 and 0.02 tpy, respectively. The plan approval will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

21-05053A: PPL Renewable Energy, LLC (2 North 9th Street, GENPL, Allentown, PA 18101-1105) on October 9, 2008, to install a new engine generating facility in Hopewell Township, **Cumberland County**.

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.

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

18-315-001: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) on October 8, 2008, to authorize the second stage dryer of a paper machine (No. 1 paper machine) to be exhausted into the machine's first stage dryer instead of directly to atmosphere and to adjust the air contaminant emission limitations for the paper machine accordingly in Castanea Township, **Clinton County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

32-00040B: Reliant Energy Seward, LLC (121 Champion Way Suite 200, Canonsburg, PA 15317-5817) on October 9, 2008, for continued temporary operation of the sources covered under plan approval 32-00040B at the Seward Generating Station, a Title V facility in East Wheatfield Township, **Indiana County**. This plan approval was extended effective October 11, 2008, with an expiration date of April 11, 2009.

65-302-071: Koppers, Inc. (345 Donner Avenue, Monessen, PA 15062-1156) on October 3, 2008, to transfer plan approval to ArcelorMittal-Monessen, LLC and to maintain existing expiration date of March 25, 2009, to allow for continued temporary operation of two coke oven gas/natural gas boilers at the Monessen Coke Plant, in the City of Monessen, **Westmoreland County**.

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

61-210B: Glenn O. Hawbaker, Inc.—Harrisville Plant (1041 Stevenson Road, Harrisville, PA 16038) on October 31, 2008, to modify stack testing conditions in an existing plan approval to construct an asphalt plant in Barkeyville Borough, **Venango 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.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

36-05001: Armstrong World Industries, Inc. (1507 River Road, Marietta, PA 17547-9403) on October 9, 2008,

to operate their ceiling tiles plant in East Donegal Township, **Lancaster County**. This Title V operating permit was administratively amended to incorporate plan approval 36-05001F. This is Revision No. 1.

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

24-00012: C/G Electrodes, LLC (800 Theresia Street, Saint Marys, PA 15857-1831) on October 7, 2008, to modify the Title V Operating Permit to change the operating ranges of some control devices related to CAM plan in the City of St. Marys, **Elk County**. Through this modification of Title V permit, the facility's major emission sources include coke unloading, storage, preheaters, screening and crushing, petroleum coke flour mill, pitch impregnation, mixer-feeder-scale, wheelabrator shot blast, 48" extrusion press system, scrap electrode process, burn off oven, liquid pitch storage, air/vegetable oil quench system, pitch storage plant, coke handling plant, carbotoms, longitudinal graphitizers, 25 inch press, shot blast (LG Rods), sagger sand handling system, parts cleaning, graphite bagging system, mass bake furnaces, sagger bake furnaces and machining operation. The facility is a major facility due to its potential to emit NO_x and SO_x. The facility is also subject to CAM plan.

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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

45-00011: Pleasant Valley School District (Routes 115 and 209, Broadheadsville, PA 18322) on October 10, 2008, to operate their Middle and High Schools in Chestnuthill Township, **Monroe County**. This is a State-only Synthetic Minor operating permit.

45-00027: Pleasant Valley School District (Routes 115 and 209, Broadheadsville, PA 18322) on October 10, 2008, to operate their elementary school in Polk Township, **Monroe County**. This is a State-only Synthetic Minor operating permit.

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

07-03034: Fry Metals, Inc. (4100 6th Avenue, Altoona, PA 16602) on October 3, 2008, to recycle secondary nonferrous metals, primarily from telephone cables in the City of Altoona, **Blair County**.

36-05007: McNeil PPC, Inc. (400 West Lincoln Avenue, Lititz, PA 17543-8701) on October 2, 2008, to operate a pharmaceutical manufacturing facility in Lititz Borough, **Lancaster County**. This is a renewal of the State-only operating permit.

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

59-00007: Reliant Energy Mid-Atlantic Power Holdings, LLC (121 Champion Way, Suite 200 Canonsburg, PA 15317-5817), issued State-only (Synthetic Minor) operating permit on October 7, 2008, for their Blossburg Generating Stations located in Covington Township, **Northumberland County**. The facility's main sources include one natural gas-fired combustion turbine, one diesel-fired internal combustion engine. The State-

only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

25-00951: Bay City Forge—Division of Patriot Forge (1802 Cranberry Street, Erie, PA 16502) on October 9, 2008, to reissue a Natural Minor Permit to operate a forging shop using carbon, alloy and stainless steels in the City of Erie, **Erie County**. The major emitting sources are three forge furnaces, two heat treat furnaces, forge furnace No. 3, oxyacetylene cutting operation and two cold cleaning degreasers. The facility is natural minor because the emission of pollutants is less than Title V emission threshold.

43-00251: Component Inter-Technologies (2426 Perry Highway, Hadley, PA 16130) on October 8, 2008, to re-issue the Natural Minor Operating Permit to operate the facility's air contamination source consisting of: 2.73 mmBtu/hr miscellaneous natural gas usage, batch vapor degreaser and three parts washers for the component manufacturing of lighting equipment in Perry Township, **Mercer County**.

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

N04-017: Mutual Pharmaceutical Co., Inc. (1100 Orthodox Street, Philadelphia, PA 19124) on October 8, 2008, to operate a pharmaceutical manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include five coating pans, eight modules, 16 electrical drying ovens, nine dust collectors, 11 combustion units burning natural gas rated less than 3 mmBtu/hr, two catalytic oxidizers, one wastewater pretreatment system, one 277-horsepower emergency generator firing diesel fuel and activities from the research, packaging and granulation departments.

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.

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

36-05099: Pennsy Supply, Inc. (P. O. Box 4688, Lancaster, PA 17604-4688) on October 7, 2008, to operate an asphalt plant in East Hempfield Township, **Lancaster County**. This is a modification of the State-only operating permit.

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

30-00040: Cumberland Coal Resources, LP (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370-3020) on October 8, 2008, to for operate the Cumberland Mine in Whitely Township, **Greene County**. This non-Title V Operating Permit was administratively amended to change the facility's responsible official.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

63921301 and NPDES Permit No. PA0214434, UCMCO Energy, Inc., (981 Route 917, Bentleyville, PA 15314), to renew the permit and related NPDES Permit and to revise the permit for the High Quality Mine in Fallowfield Township, **Washington County** to add acreage and change the mining plan, Underground Acres Proposed 2.0, Subsidence Control Plan Acres Proposed 2.0. No additional discharges. Application received January 7, 2004. Permit issued October 7, 2008.

33901602 and NPDES Permit No. PA0214604, AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650), to transfer the permit and related NPDES for the Brockway Tipple in Snyder Township, **Jefferson County** from Energy Resources, Inc. No additional discharges. Application received June 27, 2008. Permit issued October 7, 2008.

56961302 and NPDES Permit No. PA0214639, RoxCOAL, Inc., (P. O. Box 149, Friedens, PA 15541), to renew the permit for the Miller Deep Mine in Lincoln and Jenner Townships, **Somerset County** and related NPDES permit. No additional discharges. Application received November 1, 2006. Permit issued October 8, 2008.

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

56980103, NPDES Permit No. PA0234699 and General Permit GP12-56980103, Godin Brothers, Inc., 195 East Philadelphia Street, P. O. Box 216, Armagh, PA 15920. Revision to an existing bituminous surface mine operation to add a coal crushing plant facility in Jenner and Lincoln Townships, **Somerset County** affecting 133.5 acres. Receiving streams: UNTs to Quemahoning Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. The coal crushing plant facility on this site is authorized to operate under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms and conditions of authorization GP12-56980103. Application received August 5, 2008. Permit issued October 6, 2008.

56000105 and NPDES No. PA0235351. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, revision of an existing bituminous surface mine to change land use from woodland to unmanaged natural habitat in Shade Township, **Somerset County**, affecting 76.6 acres. Receiving streams: UNTs to and Dark Shade Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 8, 2008. Permit issued: October 9, 2008.

11080101 and NPDES No. PA0262587. AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650, commencement, operation and restoration of a bituminous surface and auger mine in East Taylor and Croyle Townships, **Cambria County**, affecting 731.4 acres. Receiving streams: UNTs to the Little Conemaugh River to the Little Conemaugh River to the Conemaugh River classified for the following use: CWF. (There are no potable water supply intakes within 10 miles downstream). Application received February 21, 2008. Permit issued October 8, 2008.

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

63070102 and NPDES Permit No. PA0251186. Oxford Mining Co., LLC (544 Chestnut Street, P. O. Box 427, Coshocton, OH 43812-0427). Transfer of permit formerly issued to Oxford Mining Company for continued operation and reclamation of a bituminous surface mining site located in Jefferson Township, **Washington County**, affecting 99.7 acres. Receiving streams: UNTs to Scott Run to Cross Creek to Ohio River. Application received July 11, 2008. Name change transfer issued October 6, 2008.

04070104 and NPDES Permit No. PA0251291. Mashuda Corporation (21101 Route 19, Cranberry Township, PA 16066). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mining site located in Franklin Township, **Beaver County** and Perry Township, **Lawrence County**, affecting 103.8 acres. Receiving streams: UNTs to Slippery Rock Creek. Application received December 17, 2007. Permit issued October 3, 2008.

26870202 and NPDES Permit No. PA 589608. Carbon Fuel Resources, Inc. (2927 Pittsburgh Street, Perryopolis, PA 15473). Renewal permit for reclamation only of an existing bituminous surface mine, located in German Township, **Fayette County**. Receiving streams: UNTs to Browns, Run. Renewal application received August 14, 2008. Renewal permit issued October 10, 2008.

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

16070102 and NPDES Permit No. 16070102. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Revision to an existing bituminous strip operation to add 5.0 acres and the Lower Freeport coal seam in Toby Township, **Clarion County** affecting 187.3 acres. Receiving streams: UNTs to Black Fox Run and Black Fox Run, UNTs to Catfish Run and Catfish Run. Application received July 28, 2008. Permit issued October 8, 2008.

5522-33070108-E-1. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Application for a stream encroachment to conduct mining activities within 100 feet but no closer than 25 feet of UNT No. 5 to Little Sandy Creek in McCalmont Township, **Jefferson**

County. Receiving streams: 6 UNTs to Little Sandy Creek. Application received June 18, 2008. Permit issued October 8, 2008.

16060101. Ancient Sun, Inc. (P. O. Box 129, Shippenville, PA 16254) Revision to an existing bituminous strip operation to change the post-mining land use from forestland to unmanaged natural habitat on the Donald E. Kahle, Jr. and F. Howard Kahle properties in Ashland Township, **Clarion County**. Receiving streams: UNT to Little East Sandy Creek. Application received August 15, 2008. Permit issued October 6, 2008.

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

17950111 and NPDES No. PA0220132. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), permit renewal for reclamation only of a bituminous surface mine in Bigler Township, **Clearfield County**, affecting 188.0 acres. Receiving streams: Maplepole Run to the West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received September 11, 2008. Permit issued October 2, 2008.

17980110 and NPDES No. PA0238023. Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16866), permit renewal for reclamation only of a bituminous surface mine in Decatur Township, **Clearfield County**, affecting 73.6 acres. Receiving streams: Albert Run to Little Laurel Run to Laurel Run to Moshannon Creek to the West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received September 17, 2008. Permit issued October 2, 2008.

17860123 and NPDES No. PA0115436. Hepburnia Coal Company (P. O. Box I, Grampian, PA 16838), permit renewal for reclamation only of a bituminous surface mine in Knox Township, **Clearfield County**, affecting 291.0 acres. Receiving streams: UNTs to McNeel Run to Gazzam Run and to Carson to Little Clearfield Creek to Clearfield Creek to West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received September 5, 2008. Permit issued October 2, 2008.

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

54030201R. Devil's Hole, Inc., (P. O. Box 559, Schuylkill Haven, PA 17972), renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Frailey Township, **Schuylkill County** affecting 28.1 acres, receiving stream: none. Application received February 14, 2008. Renewal issued October 10, 2008.

Noncoal Permits Actions

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

44080801. Peachey's Shale Quarry, 39 Betty Circle, Reedsville, PA 17084, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Menno Township, **Mifflin County**, affecting 5 acres, receiving streams: Little Kishacoquillas Creek. Application received July 3, 2008. Permit issued October 3, 2008.

32080802. Russell J. Bonarrigo II, 2134 Route 22, P. O. Box 97, Blairsville, PA 15717, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Blairsville Borough, **Indiana County**, affecting 5.0 acres, receiving streams: UNT to

the Conemaugh River. Permit received May 14, 2008. Permit issued October 7, 2008.

3369BSM32 and NPDES Permit No. PA0605824, General Refractories Company, 225 Bala Cynwyd, PA 19004. The mine drainage permit was revoked on September 11, 2008. The NPDES permit authorizing the discharge of treated mine drainage remains in effect and was transferred to Fort Hill Enterprises, LLC, 1154 Draketown Road, Confluence, PA 15424 on October 8, 2008. The treated mine drainage discharges from a completed clay mine known as the Fort Hill Mine located in Addison Township, **Somerset County**, receiving stream an UNT to the Casselman River, designated use: WWF. There are no potable water supplies located within ten miles downstream of the point of discharge.

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

33082807. Edward B. Hoffman (2376 Egypt Road, Brockway, PA 15824) Commencement, operation and restoration of a small sandstone operation in Warsaw Township, **Jefferson County** affecting 5.0 acres. Receiving streams: Bushley Run. Application received September 12, 2008. Permit issued October 2, 2008.

42082807. Bradley A. Greenman (15 Lower Grimes Road, Port Allegany, PA 16743) Commencement, operation and restoration of a small sand and gravel operation in Liberty Township, **McKean County** affecting 4.5 acres. Receiving streams: UNT to the Allegheny River. Application received August 4, 2008. Permit issued October 2, 2008.

42082805. Edward S. Kocjancic (20 Laurel Avenue, Kane, PA 16735) Commencement, operation and restoration of a small sandstone operation in Lafayette Township, **McKean County** affecting 5.0 acres. Receiving streams: Camp Run. Application received July 15, 2008. Permit issued October 6, 2008.

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

4873SM1A1C11 and NPDES Permit No. PA0020451. LWB Refractories Company, (P. O. Box 1189, York, PA 17405), correction to an existing quarry operation to increase the NPDES discharge for treated mine drainage in West Manchester Township, **York County**, receiving stream: UNT to Codorus Creek and Honey Run. Application received April 17, 2008. Correction issued October 6, 2008.

7775SM4C2 and NPDES Permit No. PA0594563. Lehigh Cement Company, (537 Evansville Road, Fleetwood, PA 19522), correction to an existing quarry operation to increase the NPDES discharge for treated mine drainage due to the combined discharge from SMP No. 06960301 in Oley Township, **Berks County**, receiving stream: UNT and UNT to Manatawny Creek. Application received August 13, 2008. Correction issued October 6, 2008.

58080825. Jason J. Carroll, (P. O. Box 916, New Milford, PA 18834), commencement, operation and restoration of a quarry operation in Harford Township, **Susquehanna County** affecting 1.0 acre, receiving stream: none. Application received April 16, 2008. Permit issued October 7, 2008.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

30084007. Shallenberger Construction (2611 Memorial Avenue, Connellsville, PA 15425). Blasting activity permit for construction of the Willis No. 20 gas well, located in Cumberland Township, **Greene County**. The expected duration of blasting is 180 days. Permit issued October 7, 2008.

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

64084113. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for a single dwelling in Damascus Township, **Wayne County** with an expiration date of December 30, 2008. Permit issued October 3, 2008.

360841104. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Volvo Equipment in West Earl Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued October 6, 2008.

360841105. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a manure pit in Leacock Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued October 6, 2008.

360841106. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a barn in Salisbury Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued October 6, 2008.

15084113. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for a Olliff Residence in Coatesville City, **Chester County** with an expiration date of October 1, 2009. Permit issued October 8, 2008.

360841107. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Far View Farm Estates in Conestoga Township, **Lancaster County** with an expiration date of September 30, 2009. Permit issued October 8, 2008.

360841108. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Worthington in Manheim Township, **Lancaster County** with an expiration date of October 7, 2009. Permit issued October 8, 2008.

38084127. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Everlast Roofing in South Lebanon Township, **Lebanon County** with an expiration date of December 30, 2008. Permit issued October 8, 2008.

40084121. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Centerpoint East Phase I & II in Pittston and Jenkins

Townships, **Luzerne County** with an expiration date of October 1, 2009. Permit issued October 8, 2008.

40084122. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Auto Zone (Humboldt Industrial Park) in Hazle Township, **Luzerne County** with an expiration date of October 7, 2009. Permit issued October 8, 2008.

52084118. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Saw Creek Estates in Middle Smithfield and Lehman Townships, **Monroe and Pike Counties** with an expiration date of October 31, 2009. Permit issued October 8, 2008.

64084114. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for French Manor Rental Units in Dreher Township, **Wayne County** with an expiration date of December 31, 2008. Permit issued October 8, 2008.

67084005. Joao & Bradley Construction, (P. O. Box 20345, Lehigh Valley, PA 18002) and AJT Blasting, LLC, (P. O. Box 20412, Bethlehem, PA 18002), construction blasting for the Northern Sanitary Sewer Extension Contract No. 1 in Jackson Township, **York County** with an expiration date of September 30, 2009. Permit issued October 9, 2008.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Regional Office: Watershed Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

E40-690. Ralph and Mary Herbert, 297 Hartman Road, Hunlock Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a single-span bridge, having a clear span of approximately 37 feet and a minimum underclearance of approximately 5 feet across a tributary to Hunlock Creek (CWF) for the purpose of providing access to a single-family residence which was previously authorized under Permit No. E40-578. The project is located on the south side of SR 4001 (Hartman Road), approximately 0.2 mile east of the intersection of SR 4001 and Township Road T-544 (Nanticoke, PA Quadrangle Latitude: 41° 13' 22"; Longitude: 76° 3' 33"). (Subbasin: 5B)

E52-210. Tanglwood Lake Community Association, Inc., 102 Tanglwood Drive, Greentown, PA 18426. Palmyra Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain three groups of stone steps in Lake Wallenpaupack (HQ-CWF) for the purpose of improving access to three existing boat docks. The project is located approximately 0.13 mile north of the intersection of SR 0507 and Yacht Club Road (Hawley, PA Quadrangle Latitude: 41° 22' 55"; Longitude: 75° 14' 54"). (Subbasin: 1C)

E45-523. Segundo Fernandez, 1207 Waring Avenue, Bronx, NY 10469. Coolbaugh Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To temporarily impact 0.02 acre of EV, PFO wetland in the Trout Creek Watershed (HQ-CWF) for the construction of a single-family dwelling and to permanently impact 0.01 acre of EV, PFO wetland for the driveway access to the single-family dwelling. The project is located within the Arrowhead Lake Residential Development, Lot 39, Block 64, Section 11, at the intersection of North Arrow Drive and Yuma Place (Thornhurst, PA Quadrangle N: 41° 09' 40"; W: 75° 34' 11") in Coolbaugh Township, Monroe County. (Subbasin: 2A)

E40-689. County of Luzerne, 200 North River Street, Wilkes-Barre, PA 18771. Wilkes-Barre Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a 133-foot long, 38-foot wide concrete boat launch ramp extending approximately 30 feet into the Susquehanna River (WWF). An 8-foot wide section of the boat launch ramp to be used for kayaks and canoes will be constructed with a stone-filled geosynthetic cellular confinement system and rubber matting. The project also consists of the construction and maintenance of at-grade parking facilities, a rain garden/bioretention area and an at-grade access road in the floodway of the Susquehanna

River. The project is located 1.6 miles south of the intersection of SR 0309 and US Route 11 (Kingston, PA Quadrangle Latitude: 41° 15' 8"; Longitude: 75° 53' 5"). (Subbasin: 5B)

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, 16335.

E20-570, Department of Conservation and Natural Resources, Bureau of State Parks, Pymatuning State Park, 2660 Williamsfield Road, Jamestown, PA 16134-0425. The applicant proposes to construct and maintain a riprap stone ADA fishing access on the North side of the Linesville Spillway (Linesville, PA Quadrangle N: 41° 37' 49"; W: 80° 26' 29") in/adjacent to Pymatuning Lake in Pine Township and North Shenango Township having a length of 240 feet and a width of 8 feet. Pymatuning Lake is a body of water classified as WWF. The project proposes to directly impact 0.045 acre of Pymatuning Lake.

E37-178, Plain Grove Township Supervisors, 850 Old Ash Road, Volant, PA 16156. The applicant proposes to repair and maintain the existing bridge in Jamison Run on Burns Road (Harlansburg, PA Quadrangle N: 41° 2' 42"; W: 80° 8' 13") in Plain Grove Township, **Lawrence County**, approximately 0.5 mile East of the intersection of Burns Road (T537) and Plain Grove Road (T600) involving: 1) to remove the existing bridge railing, decking, main beams and the top row of stone from the abutments; 2) to repair both abutments and to install scour protection; and 3) to replace the existing main beams and conduct roadway approach work. Project includes 0.03 acre (de minimis) of permanent wetland impact. Jamison Run is a perennial stream classified as a CWF. The project proposes to directly impact 0.03 acre of wetland.

E42-339, Norwich Township, 3853 West Valley Road, Smethport, PA 16749. This project includes the construction of a sanitary wastewater collection and treatment system that spans approximately 4 miles from North to South and lies adjacent to Potato Creek and its tributaries in Norwich Township, **McKean County**, (Crosby, PA Quadrangle N: 41° 42' 31.83"; W: 78° 23' 42.47") involving: 1) the construction and maintenance of 46 stream crossings by directional drilling in UNTs of Potato Creek, (CWF 22 crossings) Potato Creek (TSF, 1 crossing) UNTs of Walcott Brook (CWF, 17 crossings) Walcott Brook (CWF, 2 crossings) UNT of Red Mill Brook (CWF) Red Mill Brook (CWF, 1 crossing) Colegrove Brook (HQ-CWF 1 crossing) and Robbins Brook (HQ-CWF, 1 crossing); 2) The construction and maintenance of 9 sewer line crossings of PEM, PSS, PFO exceptional value wetlands; and 3) The construction and maintenance of a 6-inch-diameter sewage effluent pipe outfall to Potato Creek.

SPECIAL NOTICES

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

R. H. Dotts Energy, GFCC No. 17-07-11, Dunlap Operation, Woodward Township, Clearfield County, (Goss Run to Beaver Run to Moshannon Creek—Upper West Branch Watershed): A no-cost construction contract has been awarded to R. H. Dotts Energy that will result in the reclamation of approximately 3.15 acres of abandoned mine land with extensive deep mine subsidence and the recovery of approximately 5,400 tons of remaining coal reserves. The site will be reclaimed and regraded to approximate original contour. The estimated value of the reclamation work is \$16,200 which will be

done at no cost to the Commonwealth. The site is located just northwest of the Borough of Brisbin on lands formerly mined and subsequently abandoned by Dean Coal Company in the early 1950s. Blasting and refuse reprocessing are prohibited at the site.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) Report for Peters Creek Watershed in Washington and Allegheny Counties

The Department of Environmental Protection (Department) is holding a public meeting on October 29, 2008, beginning at 10:30 a.m. at the California District Office located at 25 Technology Drive, California Technology Park, Coal Center, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of The Clean Water Act. One stream segment in the Peters Creek Watershed has been identified as impaired on the 1996 Pennsylvania section 303(d) list due to high concentrations of metals; additional segments were identified in 1998, 2002, 2004 and 2006. The listed segment and miles degraded are shown in the following table:

| Stream Code | Stream Name | Miles Degraded |
|-------------|--------------|----------------|
| 39425 | Peters Creek | 22.3 |

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

| Parameter | Criterion value (mg/l) | Total Recoverable/Dissolved |
|-----------|------------------------|-----------------------------|
| Aluminum | 0.75 | Total Recoverable |
| Iron | 1.5 | Total Recoverable |
| Manganese | 1.00 | Total Recoverable |
| pH | 6.0 to 9.0 | NA |

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals, sediment and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2007.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Jennifer Orr at (717) 772-5670 between 8 a.m. and 3 p.m., Monday through Friday, at Rachel Carson State Office Building, 10th Floor, 400 Market Street, Harrisburg, PA 17101. E-mail will be received at jeorr@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by December 25, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3 p.m. Friday, October 24, 2008. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) Report for Turtle Creek Watershed in Westmoreland and Allegheny Counties

Greensburg District Mining Office: Armbrust Building, 8205 Route 819, Greensburg, PA 15601.

The Department of Environmental Protection (Department) is holding a public meeting on October 28, 2008, beginning at 7 p.m. at the Westinghouse Castle, 325 Commerce Street, Wilmerding, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of The Clean Water Act. One stream segment in the Turtle Creek Watershed has been identified as impaired on the 1996 Pennsylvania section 303(d) list due to high concentrations of metals; additional segments were identified in 1998, 2002, 2004 and 2006. The listed segment and miles degraded are shown in the following table:

| <i>Stream Code</i> | <i>Stream Name</i> | <i>Miles Degraded</i> |
|--------------------|--------------------|-----------------------|
| 37204 | Turtle Creek | 16.5 |

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

| <i>Parameter</i> | <i>Criterion value (mg/l)</i> | <i>Total Recoverable/Dissolved</i> |
|------------------|-------------------------------|------------------------------------|
| Aluminum | 0.75 | Total Recoverable |
| Iron | 1.5 | Total Recoverable |
| Manganese | 1.00 | Total Recoverable |
| pH | 6.0 to 9.0 | NA |

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals, sediment and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2007.

The data and all supporting information used to develop the proposed TMDL are available from the Depart-

ment. To request a copy of the proposed TMDL and an information sheet, contact Jennifer Orr at (717) 772-5670 between 8 a.m. and 3 p.m., Monday through Friday, at Rachel Carson State Office Building, 10th Floor, 400 Market Street, Harrisburg, PA 17101. E-mail will be received at jeorr@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by December 25, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3 p.m. Friday, October 24, 2008. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval.

[Pa.B. Doc. No. 08-1931. Filed for public inspection October 24, 2008, 9:00 a.m.]

Notice of Voluntary Greenhouse Gas Emission Registries

In accordance with section 6 of the Pennsylvania Climate Change Act of 2008 (Act 70), the Department of Environmental Protection (Department), in consultation with the Climate Change Advisory Committee (CCAC), announces the establishment of a voluntary greenhouse gas emissions and offset registry. The designated registry, The Climate Registry (registry), is a voluntary greenhouse gas emissions registry that enables businesses, governments, institutions and other entities to record their reductions in greenhouse gas emissions through use of reporting and verification protocols. Through use of the registry, users can collect, verify, track and publish their emissions data. In May 2007, Governor Rendell committed the Commonwealth as a Founding Member of registry. In that capacity, the Department has been working with several other states in the development of the registry and its reporting and verification protocols.

In addition to its recommendation of registry, the CCAC recommended the Department designate three different offsets registries, including the Climate Action Reserve, the Voluntary Carbon Standard and The Gold Standard, as its voluntary greenhouse gas offsets registry. An offsets registry records project-specific emission reductions, avoidances of emissions and/or emissions sequestration. Offsets can only be generated if the actions taken are performed in the absence of a government mandate to reduce emissions. The Department chose to implement the recommendations of the CCAC, with the understanding that no single offsets registry system is currently available that can meet the needs of the entire Commonwealth. By creating a suite of offset registry options, the Department is providing the broadest scope of offset protocols and multi-National flexibility to meet the needs of the Commonwealth's businesses and other offset consumers.

Additional information concerning the emissions and offsets registries is available on the Department's web site at www.depweb.state.pa.us (DEP Keyword: "Public Participation," then choose "Advisory Committees," then "Climate Change Advisory Committee," then "Voluntary Greenhouse Gas Registries").

For further information, contact Paula Sviben, Climate Change Advisory Committee Liaison, at psviben@state.pa.us or (717) 772-8912.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-1932. Filed for public inspection October 24, 2008, 9:00 a.m.]

Proposed Revisions to General NPDES Permit for Discharges from Small Flow Treatment Facilities (PAG-4); Public Notice of Availability

The Department of Environmental Protection (Department) by this notice is proposing to revise its National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Small Flow Treatment Facilities (PAG-4) for reissuance for another 5 years. This General Permit is issued under the authority of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20). The current General Permit is scheduled to expire on February 4, 2009, and will continue to be in force until formal revision of PAG-04 is completed and announced in the *Pennsylvania Bulletin*, including provision for public review and comment of the proposed revisions to PAG-04. The General Permit will continue to not be applicable to discharges into waters designated as “special protection” under 25 Pa. Code Chapter 93 (relating to water quality standards). The aforementioned discharges are required to be covered through an individual permit.

In the revised General Permit, the Annual Maintenance Report submission date is changed from May 31 to June 30 of each year. In addition, the conditions for use of the General Permit, as included in the Notice of Intent, are modified to be consistent with conditions for use included in the permit document. Finally, several definitions were added to the revised General Permit for clarity.

The Department invites public comments on the proposed revisions to PAG-04. Comments must be submitted by November 24, 2008. If there is significant public interest or if requested, the comment period may be extended at the discretion of the Department for an additional 15-day period. Only comments received during the specified comment period will be considered in the final and revised General Permit. If more significant issues of public interest are raised, the Department may schedule a public meeting or hearing. Written comments should be submitted to Dharmendra Kumar at the address below. The Department will also accept comments submitted by e-mail to dkumar@state.pa.us. The Department will not accept comments submitted by facsimile or voice mail.

The proposed General Permit package is available by contacting the Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Division of Water Management, Rachel Carson State Office Building, P. O. Box 8774, 11th Floor, Harrisburg, PA 17105-8774, (717) 787-8184, dkumar@state.pa.us. The proposed General Permit package is also available on the Department’s web site at www.depweb.state.pa.us (choose “Public Participation”; then scroll down to “Proposals Currently Open for Comment”).

Persons with a disability may contact the Department by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment period, the Department will review all submitted comments, prepare a comment and response document and the final documents package for this General Permit. Availability of the final permit documents will be announced in the *Pennsylvania Bulletin*.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-1933. Filed for public inspection October 24, 2008, 9:00 a.m.]

State Board for Certification of Sewage Enforcement Officers; 2008 Examination Announcement

The State Board for Certification of Sewage Enforcement Officers (Board) and the Department of Environmental Protection (Department) have scheduled a date for a stand-alone Sewage Enforcement Officer (SEO) certification examination. To qualify to sit for a stand alone certification examination, all SEO candidates must have previously completed the Precertification Academy, which consists of 6 days of training over 2 weeks. Examination applications must be received (not postmarked) by the Board Secretary, complete and correct by close of business on the deadlines indicated. Applications received after this date will not be considered for examination. Applications that do not contain all the necessary required information will be returned and will not be considered eligible for the examination. The examination and application deadline are listed as follows:

Examination Date: December 12, 2008 (8:30 a.m. to 12:30 p.m.)

Examination Application Deadline: November 12, 2008

Examination Location: PSATS Training Center, 4855 Woodland Drive, Enola, PA 17025

For information on SEO training, contact the Pennsylvania State Association of Township Supervisors, 4855 Woodland Drive, Enola, PA 17025 and telephone number (717) 763-0930.

The SEO written examination contains 80 multiple-choice questions covering planning requirements, administration and enforcement of the permit program and technical criteria for soils and disposal systems with a 3.5-hour time limit. The passing grade is 50% correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an open book exam; however, persons are not permitted to bring their own materials. Necessary reference materials will be provided at the test site.

Exam applications may be obtained by contacting the Department of Environmental Protection, Certification and Licensing Section, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 787-6045.

Approximately 2 weeks prior to an examination, applicants will receive an admittance letter from the Certification Board.

Applicants in need of testing accommodations due to a disability should contact the Board at (717) 787-6045 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Board may accommodate their request. Requests must be submitted with an applicant's application form.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-1934. Filed for public inspection October 24, 2008, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Crossroads Surgery Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Crossroads Surgery Center, LLC has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facilities are 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.

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 08-1935. Filed for public inspection October 24, 2008, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 123.25

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 123.25 (relating to regulations for control of anesthetic explosion hazards).

Gnaden Huetten Hospital
Shriners Hospitals for Children

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health

and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

These facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone 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.

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 08-1936. Filed for public inspection October 24, 2008, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 127.32

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirement of 28 Pa. Code § 127.32 (relating to written orders).

Windber Medical Center
UPMC McKeesport
UPMC Horizon
Soldiers & Sailors Memorial Hospital
Sharon Regional Health System
Riddle Memorial Hospital
Phoenixville Hospital
Meadville Medical Center
Lower Bucks Hospital
John Heinz Institute of Rehabilitation Medicine
Hahnemann University Hospital
DuBois Regional Medical Center
Clearfield Hospital
Butler Memorial Hospital
Allied Services Rehabilitation Hospital & Outpatient Centers

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facilities are 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.

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 08-1937. Filed for public inspection October 24, 2008, 9:00 a.m.]

Governor's Advisory Council on Physical Fitness and Sports Committee Meetings

The Governor's Council on Physical Fitness and Sports (Council) will hold an Awards Ceremony on Thursday November 13, 2008, from 1 p.m. to 3 p.m., at the Pennsylvania Capitol Building, Room 60 East Wing.

The Council will hold a meeting on Friday, November 14, 2008, from 9 a.m. to 3 p.m., at the ClothesTree Building, 25 Beech Drive, Harrisburg, PA 17110.

For additional information, or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodations to do so should contact Jacki Rogers, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA at (717) 787-6214 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 08-1938. Filed for public inspection October 24, 2008, 9:00 a.m.]

Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on Wednesday, October 29, 2008, from 10 a.m. to 3:30 p.m. The meeting will be held at the Giant Community Center, 2nd Floor, Giant Food Store, 3301 Trindle Road, Camp Hill, PA 17011.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Cyndi Malinen, Public Health Program Administrator, Health Literacy and Education Section, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA at (717) 787-6214 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 08-1939. Filed for public inspection October 24, 2008, 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, December 3, 2008, from 9 a.m. to 2 p.m., at the Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110.

For additional information, or persons with a disability who wish to attend the meeting and require an auxiliary

aid, service or other accommodation to do so should contact Kathleen A. Zitka, Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, Harrisburg, PA 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).

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 08-1940. Filed for public inspection October 24, 2008, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Rooster Riches '08 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Rooster Riches '08.

2. *Price:* The price of a Pennsylvania Rooster Riches '08 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Rooster Riches '08 instant lottery game ticket will contain one play area featuring a "SUNRISE NUMBER" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "SUNRISE NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 10 (TEN). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN) and a Barn symbol (BARN).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$400 and \$1,000. The player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Rooster Riches '08 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "SUNRISE NUMBER" play symbol and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "SUNRISE NUMBER" play symbol and a prize symbol of \$400 (FOR

HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Barn symbol (BARN) and a prize symbol of \$50\$ (FIFTY) appears in two of the "Prize" areas, and a prize symbol of \$100 (ONE HUN) appears in three of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "SUNRISE NUMBER" play symbol and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Barn symbol (BARN), and a prize symbol of \$20\$ (TWENTY) appears in each of the five "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "SUNRISE NUMBER" play symbol and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "SUNRISE NUMBER" play symbol and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Barn symbol (BARN), and a prize symbol of \$5⁰⁰ (FIV DOL) appears in two of the "Prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in three of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "SUNRISE NUMBER" play symbol and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Barn symbol (BARN), and a prize symbol of \$4⁰⁰ (FOR DOL) appears in each of the five "Prize" areas, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "SUNRISE

NUMBER" play symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Barn symbol (BARN), and a prize symbol of \$2⁰⁰ (TWO DOL) appears in each of the five "Prize" areas, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "SUNRISE NUMBER" play symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Barn symbol (BARN), and a prize symbol of \$1⁰⁰ (ONE DOL) appears in each of the five "Prize" areas, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "SUNRISE NUMBER" play symbol and a prize symbol of \$4⁰⁰ (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "SUNRISE NUMBER" play symbol and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "SUNRISE NUMBER" play symbol and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "SUNRISE NUMBER" play symbol and a prize symbol of FREE (TICKET) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Rooster Riches '08 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

| <i>When Any Of Your Numbers Match The Sunrise Number; Win with Prize(s) Of:</i> | | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. of Winners Per 10,800,000 Tickets</i> |
|---|--|-----------------|-----------------------------------|--|
| FREE | | FREE \$1 TICKET | 11.54 | 936,000 |
| \$1 | | \$1 | 60 | 180,000 |
| \$1 × 2 | | \$2 | 33.33 | 324,000 |
| \$2 | | \$2 | 33.33 | 324,000 |
| \$1 × 4 | | \$4 | 200 | 54,000 |
| \$2 × 2 | | \$4 | 300 | 36,000 |
| \$4 | | \$4 | 200 | 54,000 |
| \$1 × 5 | | \$5 | 600 | 18,000 |

When Any Of Your Numbers
Match The Sunrise Number;
Win with Prize(s) Of:

| | Win: | Approximate Odds Are 1 In: | Approximate No. of Winners Per 10,800,000 Tickets |
|------------------------------------|---------|-------------------------------|--|
| BARN w/\$1 × 5 | \$5 | 120 | 90,000 |
| \$5 | \$5 | 300 | 36,000 |
| \$2 × 5 | \$10 | 600 | 18,000 |
| BARN w/\$2 × 5 | \$10 | 200 | 54,000 |
| \$10 | \$10 | 600 | 18,000 |
| \$4 × 5 | \$20 | 3,000 | 3,600 |
| BARN w/\$4 × 5 | \$20 | 600 | 18,000 |
| \$10 × 2 | \$20 | 1,500 | 7,200 |
| \$20 | \$20 | 1,500 | 7,200 |
| \$10 × 4 | \$40 | 4,800 | 2,250 |
| BARN w/(\$5 × 2) + (\$10 × 3) | \$40 | 1,600 | 6,750 |
| \$20 × 2 | \$40 | 2,400 | 4,500 |
| \$40 | \$40 | 2,400 | 4,500 |
| \$20 × 5 | \$100 | 24,000 | 450 |
| BARN w/\$20 × 5 | \$100 | 4,800 | 2,250 |
| \$50 × 2 | \$100 | 8,000 | 1,350 |
| \$100 | \$100 | 8,000 | 1,350 |
| BARN w/(\$50 × 2) + (\$100 × 3) | \$400 | 240,000 | 45 |
| \$100 × 4 | \$400 | 240,000 | 45 |
| \$400 | \$400 | 240,000 | 45 |
| \$1,000 | \$1,000 | 720,000 | 15 |

Barn (BARN) = Win all 5 prizes shown automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Rooster Riches '08 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Rooster Riches '08, prize money from winning Pennsylvania Rooster Riches '08 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Rooster Riches '08 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Rooster Riches '08 or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1941. Filed for public inspection October 24, 2008, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled and a Postponement

The following meetings of the Health Care Cost Containment Council have been scheduled: Thursday, November 6, 2008, Executive Committee Meeting—9:30 a.m. and Council Meeting—10 a.m. The meeting of the Technical Advisory Group slated for October 30, 2008, has been postponed until further notice. The scheduled meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodations due to a disability and want to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

DAVID H. WILDERMAN,
Acting Executive Director

[Pa.B. Doc. No. 08-1942. Filed for public inspection October 24, 2008, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

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 Act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulations. 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.

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Close of the Public Comment Period</i> | <i>IRRC Comments Issued</i> |
|-----------------|---|---|-----------------------------|
| 18-409 | Department of Transportation Air Transportation 38 Pa.B. 4375 (August 9, 2008) | 9/8/08 | 10/8/08 |
| 14-514 | Department of Public Welfare Assisted Living Residences 38 Pa.B. 4459 (August 9, 2008) | 9/15/08 | 10/15/08 |
| 14-513 | Department of Public Welfare Family Violence and TANF and GA; and Support From Relatives Not Living With the Client 38 Pa.B. 4514 (August 16, 2008) | 9/15/08 | 10/15/08 |

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Department of Transportation
Regulation #18-409 (IRRC #2710)

Air Transportation

October 8, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the August 9, 2008 *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 Department of Transportation (Department) to respond to all comments received from us or any other source.

CHAPTER 471. AIRPORT RATING AND LICENSING.

1. Section 471.2. Definitions.—Statutory authority; Consistency with the statute; Reasonableness; Clarity.

Airport, Aviation-related areas and Landing area—

These three definitions can also be found in the Aviation Code (74 Pa.C.S. §§ 5101—6505). However, the proposed regulation is amending these definitions and they are not consistent with the statute. The Department needs to explain the need for these differences and its authority for altering definitions found in the Aviation Code. Rather than repeat or rewrite statutory definitions, this section should reference specific citations to the statutory definitions at 74 Pa.C.S. § 5102. The Department could use this same method for the definitions of “aircraft,” “heliport,” “private airport,” and “public airport” which are defined in the statute and included in this section in the existing regulations.

Commercial operations—

The need to place this new definition in this section is unclear. The proposed regulation deletes the term “commercial operations” from the existing language in two

sections of Chapter 471 and adds it to Subsection 471.3(b). Hence, it only appears in one subsection in this Chapter. The definition or description of this term should be moved to Section 471.3(b). In addition, the phrase “but not limited to” is not needed and should be deleted.

Prepared landing site—

The last sentence, which states, “A prepared landing site requires a license,” is problematic for two reasons. First, the sentence is substantive and should be moved to the body of the regulation. Second, the term being defined should not be included in the definition.

Waiver Advisory Board—

This definition is unclear, since it refers to the “Bureau’s Waiver Policy” but no specific citation or reference is provided for this policy. The definition provides no criteria for the Deputy Secretary for Aviation in determining the Board’s composition. Provisions for membership in this Board should be set forth in the final-form regulation.

2. Section 471.3. Airport licensing.—Reasonableness; Implementation procedures; Fiscal impact; Clarity.

Subsection (b) Written authority required.

This subsection states, in part, the following: “Current licensing criteria and procedures will be provided by the Bureau on request.” The subsection also references “criteria established for private groups.” Where can these criteria and procedures be found? For example, if these criteria are among the entries in Appendix A, this subsection should include a citation to that appendix. The final-form regulation should set forth the standards and norms that will be binding on licensee applicants.

Under the same subsection, what process will the Bureau use to authorize the selling of fuel to the general public and flight instructions by private airports? This should be explained in the final-form regulation.

Subsection (d) Waivers.

The subparagraphs in Subsection (d)(1) provide for recommendations from two different entities; the Bureau staff and the Waiver Advisory Board. After these two recommendations, it appears that the Bureau Director makes a final decision. What is the time frame for this process and when will the waiver applicant receive notice of the final disposition? This process needs to be clearly set forth in the final-form regulation.

Subsection (d)(2) states: "The Bureau will post the waiver procedure on the Department web site." Does the word "procedure" refer to portions of the regulations? Any procedures that may include binding requirements on waiver applicants need to be in the regulation.

Finally, Subsection (d)(4) states the following: "Waiver of criteria or requirements may be inconsistent with this chapter." This provision is unclear. The Department needs to explain the purpose and need for this provision.

3. Section 471.4. Licensing fees.—Statutory authority; Fiscal impact; Reasonableness; Need; Clarity.

We have two concerns with this section. First, the Department proposes to delete the existing licensing and inspection fees and replace them with language that would allow periodic adjustments of the fees by publishing those fees in the *Pennsylvania Bulletin*. What is the Department's statutory authority for adopting this approach to setting fees? We have a similar concern with § 471.3 (c), pertaining to fees for temporary licenses.

Second, the title of this section is being amended to state that licensing fees only apply to private airports. What is the reason for this change, and what is the Department's statutory authority for only imposing fees on private airports?

4. Section 471.7. Licensing criteria and requirements.—Reasonableness; Protection of the public health and safety; Implementation procedures; Clarity.*Subsection (b)(7)*

This subsection requires airport sponsors to obtain approval of the Bureau for nonaeronautical uses of a public airport's aviation-related areas. It states that airport operators must provide "advance notice to the flying public" of this use. We recommend that the final-form regulation explain who the flying public is, how far in advance they must be notified and the method of notification.

Subsection (b)(9)(i)

Inspection procedures for scheduled service, general aviation and basic utility airports are addressed under this subsection. It states that "periodic" inspections will be conducted, the Bureau will provide a report of its findings, and deficiencies "should" be corrected in a "timely" manner. The purpose of a regulation is to establish a binding norm for the regulated community to follow. As written, this subsection does not establish a binding norm. We recommend that frequencies of inspections, the time period the Bureau has to issue its report and the time period for corrective action be specified in the final regulation. We also recommend that corrective action be mandatory, instead of optional as it is currently drafted.

5. Section 471.8. Suspension, penalties and revocations.—Protection of public health and safety; Reasonableness; Clarity.

Paragraph (1) allows the Department to suspend or revoke an airport license when the Department deter-

mines that there is potential hazard to the "users of the airport." Can a license be suspended if there is a potential hazard to the general public? If so, we recommend that language be added to the final-form regulation to allow this action.

Paragraphs (1) and (2) provide an airport 90 days to respond to a notice from the Department pertaining to either a suspension or revocation of a license or a final denial of a waiver request. How is the safety of the public adequately protected from the identified hazard or problem during that 90-day period and the subsequent time it would actually take to remediate the hazard or problem?

6. Appendix A—Reasonableness; Clarity.

In Criteria E and other parts of Appendix A, the phrase "is recommended" is used. One example is Paragraph (i) in Criteria E, which reads: "Fire extinguishing equipment and first aid kits are recommended." The intent of these provisions is unclear and could be interpreted as advisory. A regulation is not the proper vehicle for making recommendations. Regulations establish binding norms of general applicability and future effect. If the intent of these statements is to advise applicants of the Department's preferences rather than establish an enforceable standard, it may be more appropriate to include this information in a policy statement.

CHAPTER 473. AVIATION DEVELOPMENT GRANTS**7. Section 473.4. Limits of funding.—Clarity.**

In Subsection (b), what are "non-Federally eligible airports"? Why are they ineligible for funding? This should be explained in the final-form regulation.

What are State and local participation projects? What role, if any, do local governments play in these projects?

8. Section 473.5a. Project selection process and criteria.—Reasonableness; Clarity.*Subsection (d)*

The review process is addressed under this subsection. It states that the Department may establish procedures and mechanisms to handle the responsibilities of the programs. We have two concerns. First, as noted above, the purpose of a regulation is to establish binding norms that can be followed by the regulated community. We recommend that the procedures and mechanisms be included in the regulation. Also, what is meant by the term "programs"?

Subsection (f)

This subsection lists the criteria that will be used by the Bureau when considering grants. Subsection (f)(10) states, "Other criteria as may be considered from time to time." This is vague and should either be deleted or clarified.

Subsection (g)

Discretion of the Bureau in evaluating projects is addressed in this subsection. It states, in part, the following: "... the Bureau reserves the right to evaluate criteria in a manner which may take into account unique or special factors at any airport and emergency situations." We understand the desire of the Bureau to retain flexibility in evaluating grant applications. However, inserting this flexibility into a regulation is not appropriate. A non-regulatory document, such as a policy statement, would be a more appropriate venue for allowing this flexibility. We recommend that this subsection be deleted. In the alternative, we suggest adding language to the

regulation that would limit “unique or special factors” to factors relating to the safety of the public.

9. Section 473.9. Offer and acceptance of an aviation development grant.—Consistency with other regulations; Clarity.

Subsection (a) states, in part, the following: “The Department’s conditional offer may completely fund an eligible project as proposed, or a portion of an eligible project.” Although this is existing language that is not being amended, it conflicts with § 473.4(b), which caps State participation at 90% of the total project cost.

10. Direct and indirect costs to political subdivisions.

The Pennsylvania State Association of Township Supervisors (PSATS) submitted comments that question the impact the regulation will have on its members. It notes that any changes to an airport, including the issuance of grants or waivers, could impose costs on municipalities. Of particular concern are the following sections of the rulemaking: § 471.3(d), pertaining to waivers; § 471.7(b)(2), pertaining to proposed physical changes to airports; § 471.7(b)(9)(iii), pertaining to mitigation of airspace obstructions; Criterion (A)(u) of Appendix A, pertaining to preemption of state, federal or local zoning or permitting requirements; and Chapter 473, pertaining to aviation development grants.

We believe that PSATS has raised valid concerns about potential direct and indirect costs to municipalities flowing from this regulation. We recommend that the Department consult with PSATS as it develops the final proposal and suggest that the final-form regulation include language that allows political subdivisions of the Commonwealth to provide input on potential changes to airports.

11. Miscellaneous clarity.

- A few provisions refer to FAA or federal standards, guidelines or regulations (such as federal aviation regulations (FARs) or FAA Advisory Circular). These provisions include Section 471.3(e), 471.5(a)(1)(iii) and (2)(iii), and Subsections (e) and (l) of Criteria A in Appendix A. The final-form regulation should include specific citations for these documents, such as citations to the Code of Federal Regulations (CFRs).

- In § 471.3 (d)(1), the phrase “established by the Department” is unnecessary, since the regulation itself is established by the Department. This phrase should be deleted from the final-form regulation.

- In § 471.7(b)(9), what is the need for the phrase “the Bureau reserves the right. . . .”? The phrase could be interpreted to allow the Department to disregard substantive portions of the regulation. The phrase “reserves the right” is used in other places including Sections 473.5(c) and (g), and 473.13(4). As long as the Aviation Code provides authority, the Department does not need to “reserve the right” for anything. If the phrase cannot be explained, it should be deleted from these chapters in the final-form regulation.

- The phrase, “it must be understood, however” found in Subsection (a) of Appendix B of Chapter 471 is not regulatory language and should be deleted.

- Under § 473.5a(a), what are 12-year plans?

- Under § 473.6a(a)(1)(ii), the phrase “including, but not limited to” is not necessary.

- Under § 473.6a(b)(2)—(6), the reference to “if requested” is not necessary.

Department of Public Welfare
Regulation #14-514 (IRRC #2712)

Assisted Living Residences

October 15, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the August 9, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (Act) (71 P. S. § 745.5b). Section 5.1(a) of the Act (71 P. S. § 745.5a(a)) directs the Department of Public Welfare (Department) to respond to all comments received from us or any other source.

1. Legislative comment.

We received comments on this proposed regulation from the General Assembly. Each of the following legislators submitted separate comments: Senator Mike Folmer; Representative Phyllis Mundy, Chairman of the House Aging and Older Adult Services Committee; Representative Tim Hennessey, Republican Chairman of the House Aging and Older Adult Services Committee; and Representatives Michael E. Fleck, Catherine M. Harper, Brad Roae, Chris Ross, Barbara McIlvaine Smith and Rosemarie Swanger. Many of their comments identified concerns, issues and questions that relate directly to our review criteria and the Act’s requirements for submitting regulations. We recommend that the Department carefully consider these comments from legislators. We will include the Department’s responses to these legislative comments as part of our determination of whether the final-form regulation is in the public interest.

2. General—Legislative intent; Economic impact; Protection of the public health safety and welfare; Clarity; Feasibility; Reasonableness; Need; Implementation procedures.

We have several questions related to the implementation of Act 56 of 2007 (Act 56) through this proposed regulation. We will review the Department’s responses to these questions as part of our determination of whether the final-form regulation is in the public interest. Our questions and related issues are discussed in the following paragraphs.

A. Distinguishing an assisted living residence (ALR) from a personal care home (PCH)

The General Assembly declared in Act 56, in part, that “assisted living residences are a significant long-term care alternative nationwide” and also that “it is in the best interest of all Pennsylvanians that a system of licensure and regulations be established for assisted living residences.” The care and services in the new licensure category of ALRs need to be clearly distinct from a PCH so that customers know the differences in care before they sign a contract and dedicate their income and remaining funds to their new home and well being.

The definitions of PCHs and ALRs at 62 P. S. § 1001 are similar, and Act 56 requires ALR regulations to meet or exceed the regulations of PCH in 55 Pa. Code Chapter 2600. Despite the similarity, Act 56 makes four significant distinctions between ALRs and PCHs with important implications for care.

The distinctions begin in the statutory definitions at 62 P. S. § 1001. First, the definition of ALR includes “supplemental health care services” in the list of items that “are provided for a period exceeding twenty-four hours” in ALRs. The term “supplemental health care services” is

absent from the definition of PCH. Second, the care at a PCH is limited in its statutory definition by the description of its residents as those “who do not require the services in or of a licensed long-term care facility.”

Third, the concept of “age in place” or “aging in place” is defined in Act 56 as:

Receiving care and services at a licensed assisted living residence to accommodate changing needs and preferences in order to remain in the assisted living residence.

So, within the statutory definitions, “aging in place” and “supplemental health care services” are reserved by Act 56 for ALRs. Also, a PCH cannot provide the care of a licensed long-term care facility, whereas an ALR does not have this limitation. See 62 P. S. § 1001.

Finally, in addition to the statutory definitions, Act 56 also contains a caveat for PCHs which reads:

(a) The rules and regulations for the licensing of personal care homes and assisted living residences promulgated by the department shall require that:

* * * * *

(13) A personal care home **not** provide supplemental health care services to residents, provided, however, that a personal care home **may assist** residents in obtaining health care services in the manner provided by 55 Pa. Code §§ 2600.29 (relating to hospice care and services), 2600.142 (relating to assistance with health care) and 2600.181 (relating to self-administration) through 2600.191 (relating to medications) or as otherwise provided by regulations adopted by the department **not inconsistent** with the requirements of this section. (Emphasis added.)

See 62 P. S. § 1057.3(a)(13).

What is the difference between allowing PCHs to “assist residents in obtaining health care services” and ALRs providing “supplemental health care services”? The Department needs to provide an explanation.

It should be noted that this statutory provision did not reference the existing PCH regulations at 55 Pa. Code §§ 2600.231–2600.239 (relating to secured dementia units). In the definition of “special care designation,” Act 56 specifically identifies ALRs, not PCHs, as being able to provide “severe cognitive support services” for residents with memory impairments or other problems such as dementia.

We do not believe the regulation or the Preamble clearly emphasize the differences between PCHs and ALRs, or the implications of those differences. The existing regulations for PCHs do not contemplate ALRs as a separate category because they were published as a final rule on April 23, 2005, before Act 56 existed. Now that Act 56 establishes PCHs and ALRs as separate entities, we believe that the Department must clearly distinguish the difference between the two facilities. If a PCH offers many of the same services as an ALR, what will stop consumers from contracting with PCHs when there is no statutory protection for “supplemental health care services” or “aging in place” at a PCH? How will these statutory differences affect residents and licensees in the future?

B. What population does this regulation accommodate for ALRs?

Licensure of long-term care facilities and PCHs was established before Act 56. The Department’s licensure of ALRs is intended to fill a gap in care. In our research of

this proposed regulation and discussions with those affected by it, however, we found differing interpretations relating to what population is served by an ALR and how it differs from the currently licensed PCHs. In many situations, the care appears to be provided by facilities that were licensed before Act 56.

Our concern is that a person needs to be able to make an informed choice between the care provided by a long-term care facility, a PCH and the new ALR category. We believe this distinction is vital to potential residents and their families in their evaluation of which path best fits their current health needs, future health needs and ability to pay, and promotes happiness and wellness. The Department needs to provide a clear explanation of how the care in an ALR differs from care currently provided by long-term care facilities and PCHs along with the advantages and disadvantages of choosing one over the other.

C. How will the implementation of this regulation affect licensed PCHs and their residents?

Under their existing Chapter 2600 regulations, the permissible spectrum of care for PCHs extends through hospice care, and it is our understanding that PCHs have provided end-of-life care under their existing category of licensure. We agree with commentators who are concerned that the new category of ALR licensure may affect Departmental policy concerning PCHs in a manner that disrupts current PCH residents receiving higher levels of care. The Department should explain how implementation of ALR licensure will affect PCHs and their residents, whether the proposed regulation will in any manner diminish the ability of licensed PCHs to continue providing the same levels of care as they do now, and how Departmental enforcement actions relating to PCHs and their current care will change as a result of the emergence of this new category of licensure.

D. What specifically does “aging in place” mean for the resident and the ALR?

Part of the declarations in Act 56 is that assisted living residences allow people to “age in place, maintain their independence, and exercise decision making and personal choice.” The definition of the term “aging in place” allows a resident to “remain in the assisted living **residence.**” (Emphasis added.) How does the Department interpret “residence”? Does this guarantee the resident will remain in the same living unit, or does this mean the resident could be moved to another area within the licensed ALR as their needs change? Consumers need a clear understanding of what aging in place means, and ALRs need to make this clear in their literature and advertising. The Department should explain its interpretation of “aging in place” and any limitations or circumstances that could result in moving the resident.

E. Does the Department have a strategy for revising the existing PCH regulations at 55 Pa. Code Chapter 2600?

Even if a PCH is not allowed to advertise as an ALR, it still may appear to offer many of the same services. If the PCH price is more affordable, consumers may become aware too late that they cannot “age in place” and face imminent transfer to an ALR or a long-term care facility in order to receive Medical Assistance. Given the statutory differences between PCHs and ALRs provided by Act 56, the Department may need to revisit Chapter 2600. If Chapter 2600 is the model or starting point for creating ALR regulations, is it still appropriate as the rule for PCHs since it was promulgated before Act 56 existed?

F. Fiscal impact and the potential for Medicaid funding

Legislators and different statewide groups, including the Pennsylvania Association for County-Affiliated Homes, County Commissioners Association of Pennsylvania, PANPHA, Pennsylvania Health Care Association (PHCA) and Pennsylvania Assisted Living Association, all expressed concerns with the costs of this proposed regulation and the impact on the potential for federal financial assistance via the Medicaid waiver program.

The primary concern is that the costs of upgrading facilities to meet the proposed regulation will deter many from seeking licensure. If an insufficient number of providers seek licensure as ALRs, many long-term facility eligible individuals with little to no income will be forced to move from PCHs to long-term care facilities. One commentator speculated that ALRs “will become a private pay phenomenon.”

It is understood that Act 56 gives the Department the authority to promulgate ALR regulations that “meet or exceed standards established in 55 Pa. Code § 2600 (relating to personal care homes).” See 62 § 1021(a)(2)(i). However, this authority does not relieve the Department of its responsibility to justify the need for new requirements in this proposed regulation, or to evaluate and explain the potential impact of new requirements on the goals of Act 56.

A main goal of Act 56 was to ensure “a balance of availability between institutional and home-based and community-based long-term care for adults who need such care.” See Paragraph (3) in Act 56. It was not the intent of Act 56 to deny this availability to low-income families who rely on federal and state financial assistance.

The Legislative Budget and Finance Committee (LB&FC) prepared a report pursuant to Act 56, which is titled “State Efforts to Fund Assisted Living Services” and dated June 2008. In the main text and footnotes on page 6 of this LB&FC report, it is stated that the Department is anticipating a reduction in Medicaid costs by reducing patients in nursing facilities via the transfer of these recipients to ALR settings. The Department needs to explain how it intends to seek Medicaid funding and when, as well as the anticipated federal response.

Despite these budget projections, there is no indication that the Department performed an independent survey of existing PCHs to see how many of these facilities could readily be licensed as ALRs under its proposed regulation. The Department has not provided any comprehensive estimates of how many ALR rooms will be available to residents dependent on federal and state assistance.

Before submitting the final-form version of this regulation, the Department should survey existing facilities and the industry across the state to ascertain exactly the number of rooms that will be qualified to be licensed to provide ALR services under the Department’s regulation. The Department should explain how the limitations and requirements in this regulation will result in availability of ALRs to Pennsylvanians at a cost they can afford.

G. Dual licensure

Act 56 envisions and addresses dual licensure which includes the phrase “All inspections of residences **dually licensed as assisted living residences and personal care homes**. . .” (Emphasis added.) See 62 P. S. § 1021(c). However, this proposed regulation does not address dual licensure. Many legitimate and practical questions were raised about how an existing facility can

be dually licensed. Providers may be able to minimize compliance costs using dual licensure for their facility, but they do not know whether dual licensure could be used room-to-room, by an entire wing of a facility or by a separate free-standing building. Other questions include how a dually licensed facility can properly advertise its services and what the fee structure for a dually licensed facility would be? Since the regulation does not address dual licensure, it is completely unclear what type of dual licensure would be acceptable. Furthermore, with the omission of dual licensure, the opportunity to comment on proposed regulatory language was circumvented. We believe the proposed regulation is deficient by not addressing dual licensure. The final-form regulation should specify the requirements and process to obtain dual licensure. Additionally, the Department should provide for public comment on the regulatory language before a final-form regulation is submitted.

H. Levels of care

Another concern from commentators is that the proposed regulation appears to establish a single level of care for ALR residents. In its comments, the Center for Medicare Advocacy, Inc., from Washington, D.C., stated: “ALRs may serve residents with vastly different needs.” It contends that one set of regulations covering all types of ALRs will not serve the best interest of the residents. It suggests that the Department establish different levels of ALR care and adjust requirements to various and different needs of residents. Given the wide variety of groups representing seniors, persons with disabilities, persons with acquired brain injuries, and others, the Department should explain why it did not develop different ranges of requirements or levels of care to meet the unique needs of the different types of residents and also provide for choice and availability for consumers.

I. Need for further consultation and an Advanced Notice of Final Rulemaking

The Department is to be commended for convening nine meetings with various stakeholders’ groups and other meetings with its advisory committees pursuant to Act 56. See 62 P. S. § 1021(d). While these meetings may have been useful to the Department in developing this proposed regulation, many of the participants still do not understand why significant parts of their input were not addressed in the Preamble or utilized in the proposed regulation.

Act 56 directed the Department to “develop regulations under this article in consultation with industry stakeholders and other interested parties.” See 62 P. S. § 1021(d). We find no limitation in the statutory directive concerning the numbers of times that proposed regulatory provisions may have been reviewed by and subjected to comments from the public. It is clear by the practicality of issues raised in the comments, the intensity of comment, the broad range of commentators and volume of comment that the Department’s regulatory language has not yet achieved consensus on many issues. We believe the issues raised deserve careful contemplation because the Department’s responses will affect the successful implementation of ALRs the General Assembly envisioned in Act 56. While we compliment the Department’s determination to implement Act 56, we recommend that the Department work within a prudent timeframe that allows for consultation and thorough consideration of the issues raised in the proposed rulemaking.

We strongly encourage the Department to organize additional stakeholder meetings with representatives

from all segments of the commentators consistent with the directive of Act 56. These groups should include owners, operators, providers, differing segments of the affected public, advocates, current and potential residents, and various experts in related professions and industries. The Department needs to develop a full understanding of the existing physical plants, estimates of future needs for ALRs, and plans for future growth. In this way, it can develop standards that will protect the health and safety of residents who need different levels of care while simultaneously recognizing the unique functions at different types of ALRs. The Department should work with affected parties, experts, concerned citizens, and the General Assembly to develop improved ideas for achieving its policy objectives without imposing unnecessary or unreasonable financial burdens. Additionally, the Department should publish an Advanced Notice of Final Rulemaking to allow the opportunity to review and resolve any remaining issues prior to submittal of a final-form regulation into the formal process.

3. Sections 2800.1. Purpose. and 2800.2. Scope.—Clarity.

As explained in our general comments, we do not believe these sections sufficiently explain the proposed regulation. The Department should use these sections to explain the unique role of ALRs in providing “aging in place” and “supplemental health care services.” These sections should also distinguish ALRs from PCHs.

4. Section 2800.3. Inspections and licenses.—Fiscal impact; Reasonableness; Implementation procedure; Clarity.

Subsection (c) of this part of the proposed regulation reads:

The Department may conduct an abbreviated annual licensure visit if the assisted living residence has established a history of exemplary compliance.

This reflects Section 211(l) of the Public Welfare Code (62 P. S. § 211(l)).

While the regulation defines “exemplary compliance” as “three consecutive years of deficiency-free inspections,” the regulation does not explain what would comprise an abbreviated annual licensure visit and how it would differ from a routine inspection. What, if any, portions of the inspection does the Department intend to waive? We cannot evaluate the public interest of the abbreviated inspection without a full explanation of what comprises a full inspection and what the Department will waive for exemplary compliance.

5. Section 2800.4. Definitions.—Consistency with statute and other regulations; Need; Clarity.

Age in place or aging in place

The definition in the proposed regulation is not the same as the statutory definition at 62 P. S. § 1001. The Department needs to explain the basis of its authority to amend the statutory definition and the basis for the differences made by the amendment.

Commercial boarding residence

The Department added this definition and included it in the exceptions in Section 2800.2(b). The Department should explain the intent of this definition.

Designated person and legal representative

These two definitions are very similar and seek to define a person who can act on behalf of the resident. There are three concerns.

First, what is the difference between these two terms? When would a resident have a “designated person” who is not also the resident’s legal representative?

Second, the Commonwealth would have two terms for the same type of function or position. The Department, in this regulation and in the PCH regulation at 55 Pa. Code § 2600.4 uses the term “designated person.” For long-term care facilities, the Department of Health uses the term “responsible person” in its regulations at 28 Pa. Code § 201.3. This is confusing. The Department needs to explain why different terms are needed and appropriate.

Third, the intent of the phrase “other person authorized to act for the resident” in the definition of a “legal representative” is unclear. How would such authorization occur? Who determines the validity of the authorization? Beyond a court action or the resident’s granting of power of attorney to someone, what other processes of authorization exist? The Department should explain the need for this phrase.

Exemplary compliance

This definition reads: “Three consecutive years of deficiency-free inspections.” There are two questions.

First, Section 2800.3(c) indicates that the Department may conduct an abbreviated annual visit if the ALR “has established a *history* of exemplary compliance” (Emphasis added). How does the timeframe of “three consecutive years” constitute a “history of exemplary compliance” for the purposes of Section 2800.3(c)? Would two years be appropriate as suggested by commentators?

Second, what constitutes a “deficiency”? This word and its implications are not clear in this definition. Beyond this definition, the word does not appear in the rest of the proposed regulation or in the existing regulations at 55 Pa. Code Chapter 20, relating to licensure or approval of facilities and agencies. Additionally, would the term “deficiency” mean a violation of the regulations or the statute, and would it be related to a potential threat to residents’ health and safety or something minor such as a relatively harmless clerical oversight?

Informed consent agreement

The definition in the proposed regulation mirrors the statutory definition except that the regulatory definition includes Paragraph (iii) which does not appear in the statutory definition at 62 P. S. § 1001. When a statute contains detailed and concise definitions, those should be used or referenced in the regulation without alteration. Accordingly, Paragraph (iii) should be deleted from the final-form regulation.

Supplemental health care services

This proposed definition does not precisely mirror the statutory definition. The Department needs to explain the basis of its authority to amend the statutory definition and the basis for the differences made by the amendment.

6. Section 2800.11. Procedural requirements for licensure or approval of assisted living residences.—Economic impact; Reasonableness; Need.

Regarding fees, 62 P. S. § 1021(b) states:

The Department shall, by regulation, set fees for application for assisted living residence licensure and licensure renewal. Fees received by the Department shall augment the Department’s funding for quality assurance and shall be used for the purposes of this article.

The Department implemented this part of Act 56 in Subsection (c) which provides for fees of \$500 for a license application or renewal and a \$105 fee per bed. Commentators believe these costs are excessive and will increase costs to consumers. The Department should provide its calculations, study, fee report form and an explanation in detail demonstrating how the fees specified in Subsection (c) were developed, including how the fees accomplish the directive to augment funding for quality assurance and uses for the purposes of assisted living facilities. In short, the Department needs to provide detailed information why these specific levels of fees are necessary to cover its costs in implementing quality assurance. The Department should also explain how much it estimates these fees will increase costs to residents of assisted living residences.

The Department should also explain whether an application to change maximum capacity under Section 2800.13 requires payment of a fee and if so, what is the amount of the fee?

Finally, the Department needs to explain how fees will be charged to dually licensed facilities, or develop a fee for them.

7. Section 2800.19. Waivers.—Reasonableness; Implementation procedure; Clarity.

This section prescribes a waiver process, but does not specify when the Department must respond to a request. Without a timeframe, the regulation would allow a waiver request to be indeterminate. The regulation should specify a specific amount of time for the Department to respond to a waiver request.

8. Section 2800.22. Application and admission.—Protection of the public health, safety and welfare.

Subsection (a) prescribes several admission procedures including preadmission screening, medical evaluation, assisted living resident assessment, support plans and resident-residence contract. Some commentators question whether these procedures are completed quickly enough to protect a resident's health and to protect a resident who may later be rejected. The Department should explain how the procedures in Subsection (a) represent an appropriate balance between the need to protect a prospective resident and the practical aspects of admission. The Department also needs to explain how it determined the timeframes for completion of the various admission procedures and why those timeframes are reasonable and protective of the public health, safety and welfare.

9. Section 2800.25. Resident-residence contract.—Economic impact; Clarity.

Paragraph (c)(2) requires a fee schedule that lists core assisted living services. Commentators question whether these services must be listed separately, or whether they can be bundled or unbundled to meet a resident's needs. They also question their relationship to Section 2800.220. The Department should clarify this in the regulation.

10. Section 2800.30. Informed consent process.—Reasonableness; Feasibility.

Some commentators believe the provisions in this section will discourage providers from participating in informed consent agreements. Other commentators believe the provisions do not sufficiently protect consumers. The Department should explain how it developed the informed consent process in the regulation and why it represents the best alternative to accomplish informed consent agreements.

11. Section 2800.51. Criminal history checks.—Feasibility.

This provision requires that "criminal history checks and hiring policies shall be in accordance with the Older Adult Protective Services Act" and its corresponding regulations. A commentator points out, however, that in *Nixon v. Commonwealth*, 789 A.2d 376 (Pa. Commw. 2001), Commonwealth Court found the criminal records chapter of the Older Adults Protective Services Act unconstitutional as applied. In the final-form regulation, the Department should explain how it intends to enforce this provision without violating the *Nixon* rule.

12. Section 2800.56. Administrator staffing.—Fiscal impact; Reasonableness; Consistency with other regulations; Feasibility.

Administrator hours

Subsection (a) states that the "administrator shall be present in the residence an average of 40 hours or more per week, in each calendar month" and adds that "[a]t least 30 hours per month shall be during normal business hours." This is twice as many hours as required by the existing PCH regulation in Section 2600.56. In addition, Section 2800.64(c) will require that administrators obtain 24 hours in annual training.

In contrast, the existing regulations for administrators at long-term care facilities at 28 Pa. Code § 201.18 are significantly different. Specifically, the existing rule at 28 Pa. Code § 201.18(e) permits a long-term care facility of 25 beds or less to share the services of an administrator with another facility. This is consistent with the Nursing Home Administrators License Act. See 63 P. S. § 1103(b).

The Department should explain the need for the numbers of hours in the regulation for administrators. In addition, the Department should explain how many administrators would be needed for a typical facility to meet the requirements in a year and the associated costs. Additionally, the Department should explain how the administrator staffing requirements accommodate the need for an administrator to attend offsite training sessions and meetings.

Administrator designee

Subsection (b) requires that the administrator designate an employee to supervise the ALR during the administrator's absence and that this "designee" must have the "same training required for an administrator." In effect, the proposed regulation requires ALRs to hire two administrators as designees for each ALR.

In contrast, the rules for long-term care facilities allow the administrator to appoint a responsible employee to act on the administrator's behalf during temporary absences. There is no requirement for equivalent training.

It is unclear why the Department is setting stricter standards for ALRs than long-term care facilities, when ALRs have a similar population, but may also have a population that includes residents in need of less care than those in a long-term care facility. The Department needs to justify the provisions in both Subsections (a) and (b) and why the current standard in the existing PCH regulations is insufficient. The Department should consider alternatives that provide flexibility and ensure protection of the residents without unnecessary costs.

13. Section 2800.60. Additional staffing based on the needs of the residents.—Clarity.

Subsection (d) requires an on-call nurse, but does not specify what level of nurse training would be allowed. In

addition, it does not explain whether the position could be filled by a registered nurse or a licensed practical nurse. The Department should specify the training and licensure required for the on-call nurse.

14. Section 2800.63. First aid, CPR and obstructed airway training.—Protection of the public health, safety and welfare; Clarity; Reasonableness.

Subsection (a) requires “sufficient staff trained in first aid and certified in obstructed airway techniques and CPR present in the residence at all times to meet the needs of the residents.” This requirement is vague and does not provide a standard of protection that can be understood or implemented by the regulated community. The Department should replace this provision with specific protection requirements.

**15. Square footage requirements—
Section 2800.98. Indoor activity space.
Section 2800.101. Resident living units.
Section 2800.104. Dining room.—Economic impact; Protection of the public health, safety and welfare; Need; Feasibility.**

The Act 56 directive to establish square footage requirements for individual living units

Under Act 56, regulations for assisted living residences shall “establish minimum square footage requirements for individual living units, which excludes bathrooms and closet space. Exceptions to the size of the living unit may be made at the discretion of the Department.” See 62 P. S. § 1021(a)(2)(v). We have two questions.

First, Act 56 provides the Department with discretion to allow exceptions to the size of the living unit. Why doesn't Section 2800.101 allow for exceptions as envisioned in Act 56?

Second, the Department should explain why it is specifying square footage requirements for ALR areas (i.e., indoor activity space and dining rooms) beyond the “minimum square footage requirements for individual living units” as provided by Act 56 and how these square footage requirements will be enforced. We further note that parallel provisions at 55 Pa. Code 2600.98 and 2600.104 do not specify square footages for other areas. The Department should explain the need for these requirements.

Development of square footage requirements

Each of these sections specifies square footage requirements for their respective functions. For example, Section 2800.101, relating to resident living units, specifies that new construction residences must have 250 square feet of floor space, and residences in existence must have 175 square feet plus an additional 80 square feet for a shared living unit. These square footage requirements drive costs that are ultimately borne by the consumer and also the eligibility of a facility for licensure. The Department should provide the study or research relied upon for determining the square footages it selected and how these best implement Act 56. The Department should also explain why its specific square footage mandates are necessary to protect public health, safety and welfare.

Relationship between square footage, affordability and accessibility

The regulation sets prescriptive square footage limits without exception. If square footage requirements are set too high, the resulting costs may be limiting or prohibitive, depending on income. For example, a person may find it desirable to have a smaller room that costs less

and in turn extends the time period the person can afford to live in an ALR. Also, the costs of rooms may simply exceed the ability to pay. We see a strong relationship between square footage, affordability and accessibility.

Some commentators advocate allowing a percentage of rooms to meet a specific square footage or some method that allows flexibility to accommodate rooms below the specified limit when the overall facility complies with the limit. Additionally, a consumer may find it desirable to choose to have a smaller room. As stated above, part of the intent of Act 56 was to allow people to “exercise decision making and personal choice.”

Comments and input from PANPHA and PHCA indicate that the minimum 250 square foot rule for new construction is high when compared to the rules in many other states. The Department should examine this input and the ALR programs in other states to see whether other states provide for additional flexibility in the design and construction of individual ALR units. If the Department believes that the laws or regulations of other states are not appropriate for Pennsylvania or are inconsistent with Act 56, it should explain why.

Act 56 directs the Department to specify “minimum square footage requirements.” Obviously, these minimums can be exceeded when demand in the market is willing to pay for larger units. The Department should explain how the method of specifying minimum square footages and the specified square footages will best provide for affordability and accessibility of ALRs for Pennsylvania's population.

Square footage requirements for residences in existence prior to the effective date of this regulation

Paragraph 2800.101(b)(2) provides for residences in existence prior to the effective date of this regulation to qualify for licensure by having living units of at least 175 square feet measured wall to wall. Given that this provision largely affects PCHs licensed by the Department, the Department should identify how many licensed PCHs there are in Pennsylvania and how many meet the standard of 175 square feet in each living unit.

How did the Department evaluate the feasibility of existing licensed PCH being able to change their licensure to assisted living?

It is clear from the comments on the proposed regulation that many existing PCH licensees want to be licensed as ALRs. The Department also acknowledged the interest expressed by existing PCHs through provisions such as proposed Paragraph 2800.101(b)(2), which provides a different square footage requirement for residences in existence before the effective date of this proposed regulation.

The Department should explain how it researched and assessed existing licensed PCHs in setting the requirements in the regulation for ALRs. How many facilities in existence did the Department determine would qualify and how many would not? How did the Department determine these limits would sufficiently meet the need for ALR residents?

16. Section 2800.101. Resident living units.—Economic impact; Consistency with Act 56; Reasonableness; Implementation procedure; Need; Clarity.

Kitchen capacity

The statute at 62 P. S. § 1021(a)(iv) requires “kitchen capacity, which may mean electrical outlets to have small

appliances such as a microwave or refrigerator,... except where a lock or appliances in a unit under special care designation would pose a risk or be unsafe.”

The Department changed this provision from Act 56 and expanded it in the proposed regulation. Paragraph (d)(1) requires appliances for “new construction” by stating:

... the kitchen capacity, **at a minimum, must contain** a small refrigerator with a freezer compartment, a cabinet for food storage, a small bar-type sink with hot and cold running water and space with electrical outlets suitable for small cooking appliances such as a microwave oven. The cooking appliances shall be designed so that they can be disconnected and removed for resident safety or if the resident chooses not to have cooking capability in his living unit. (Emphasis added.)

Similarly, Subparagraphs (d)(2)(i) and (ii) require a refrigerator and microwave oven in each living unit for existing ALRs.

There are three areas of concerns and questions. First, why did the Department require refrigerators, microwave ovens and bar-type sinks in living units when Act 56 only specified electrical outlets for small appliances? How much does this requirement increase costs to a resident? If a resident does not wish to have these items, why should they be required to pay for them? The Department should explain the need to require refrigerators and bar-type sinks in a living unit and how this is consistent with Act 56.

Second, Subsection (d)(1) requires a refrigerator, but does not appear to require a microwave oven. Whereas, Subparagraphs (d)(2)(i) and (ii) require existing ALRs to have both a refrigerator and a microwave. Is there a reason for this difference between new ALRs and existing ALRs?

Finally, for new ALR construction, Subsection (d)(1) mentions the possibility of removing appliances based on safety considerations or if residents opt not to cook in their living units. But, these two considerations are not mentioned in Subsection (d)(2) relating to existing ALRs. Why are safety and “personal choice” considerations not included for existing ALRs?

Required items in living units

Subsections (j) and (q) include lists of required items, including furniture, in each living unit. For example, Subsection (j)(3) requires that each resident’s living unit must have “pillows, bed linens and blankets that are clean and in good repair” and Subsection (j)(6) requires a mirror. Subsection (q) states that there must be “drapes, shades, curtains, blinds or shutters on the living unit windows.”

Since Subsection (j) is phrased as a requirement that “each resident shall have the following in the living unit,” the Department needs to explain the options for residents to exercise personal choice in furnishing their living units if they do not want some of the required items in this subsection. The implementation procedure for these mandates and possible options should be included in the final-form regulation.

17. Section 2800.102. Bathrooms.—Clarity.

Subsection (m) states “a residence shall have at least one public restroom that meets applicable local, State and Federal laws and guidelines and that is convenient to common areas and wheelchair accessible.” This require-

ment is vague. The Department should either state in the regulation the specific “applicable local, State and Federal laws and guidelines” that must be met or delete this phrase.

18. Section 2800.108. Firearms and weapons.—Protection of the public health, safety and welfare; Clarity.

Protection of ALR residents and staff

This section discusses the safety, access and use of firearms, but does not explain the threshold question of safety of firearms and weapons at an ALR. Residents of ALRs include persons with changing health conditions related to aging, including deteriorating mental and physical conditions, depression and dementia. How can an ALR address considerations involving the safety of other residents and its staff under this provision? We recommend that if the regulation allows firearms and weapons at an ALR that it also allow an ALR to prohibit them in its written policy or to deny admission to a prospective resident if, in the opinion of the ALR, possession of a firearm or weapon by the prospective resident presents a safety problem for the other residents and ALR staff. Additionally, an ALR whose policy allows firearms and weapons should have to disclose that policy to prospective residents in its admissions procedures and documents.

Living area

Subsection (d) prohibits the firearm, weapon or ammunition from the “living area.” The regulation should define “living area” so that it is clear whether this means a common living area, the resident’s living unit, or both. It should also clarify whether the terms “living area” and “common living area” (which is found in Subsections (c)(1) and (2)) refer to the same “area.”

Firearms, weapons and ammunition

Subsection (a) only lists a policy for firearms. The other subsections use the phrase “firearms, weapons and ammunition.” For consistency, Subsection (a) should use the same phrase.

19. 2800.131. Fire extinguishers.—Economic impact; Protection of public safety; Reasonableness; Clarity.

This section is very similar to Section 2600.131 in the existing PCH regulations. There are two exceptions.

First, there is Subsection (a) which reads: “There shall be at least one operable fire extinguisher with a minimum 2-A rating for each floor **and living unit**, including the basement and attic” (Emphasis added). Unlike the PCH regulations, this subsection would require a fire extinguisher in each living unit.

Second, Subsection (c) reads:

A fire extinguisher with a minimum 2A-10BC rating shall be located in **each kitchen and in the living units**. The kitchen extinguisher must meet the requirements for one floor as required in subsection (a). (Emphasis added.)

Commentators expressed concerns with the cost of this requirement and also noted that placing fire extinguishers in the living units may pose a safety risk for some residents. In addition, it is unclear in Subsection (c) whether a living unit with a kitchen would require two extinguishers. One extinguisher located in the living unit and another one in the living unit’s kitchen.

The Department needs to explain the need for fire extinguishers in each living unit and clarify Subsections

(a) and (c). As noted above, Act 56 only requires each living unit to have “kitchen capacity,” which may mean electrical outlets for appliances. It does not actually require that the appliances be in the living units. In addition, Subsection 2800.101(d)(1) of this proposed regulation allows for removal of appliances for considerations involving safety or personal choice. Why doesn’t Section 2800.131 also allow for removal of fire extinguishers from living units for safety considerations when there is a chance that a resident may misuse the extinguisher, or in situations when residents opt not to have kitchen appliances in the room?

20. Section 2800.142. Assistance with health care and supplemental health care services.—Reasonableness; Clarity.

Subsection (a) includes the sentence:

... If the resident has health care coverage for the supplemental health care services, the *approval may not be unreasonably withheld*. . . (Emphasis added.)

The Department needs to clarify how it will interpret the phrase “may not be unreasonably withheld.” For example, would there be circumstances where the Department would consider it reasonable for a facility to deny a resident the right to use health care providers covered by the resident’s insurance?

21. Section 2800.162. Meals.—Protection of public health; Need; Clarity.

Subsection (g) states, “Appropriate cueing shall be used to encourage and remind residents to eat and drink.” This provision is vague. What does this require and how can an ALR comply?

Also, how does this apply to residents who are cooking and eating in their own living units? Wouldn’t such therapy or service be limited to certain situations as specified in the support plans as established in Section 2800.227, and with the consultation of an occupational therapist, physical therapist or other licensed health care practitioner? The Department should explain the need for Subsection (g) in this section, move it to another area such as Section 2800.227, or delete it.

22. Section 2800.171. Transportation.—Economic impact; Feasibility.

Subsection (d) requires that when a residence provides its own vehicle, all vehicles must be accessible to wheelchair users and any other assistive equipment the resident may need. Commentators believe that if this applies to all vehicles, residences will choose to not supply vehicles. Another commentator said they have four vehicles, two of which are wheelchair accessible. The cost to upgrade the other two vehicles is about \$32,000. Since providing vehicles is optional under Subsection (d), the Department should explain whether this provision will reduce the availability of transportation to residents in general and particularly to residents who use wheelchairs and other assistive equipment.

23. Section 2800.225. Initial and annual assessment.—Consistency with Act 56; Protection of the public health, safety and welfare.

The parallel provision in Section 2600.225(d) of the PCH regulation states:

If the resident’s physician or appropriate assessment agency determines that the resident requires a higher level of care, a plan for placement shall be

made as soon as possible by the administrator in conjunction with the resident or designated person, or both.

Act 56 limits ALRs from accepting residents with certain conditions, as does Section 2800.229 of this regulation. 62 P. S. § 1057.3(e). Why didn’t the Department include this provision from the PCH regulation in the ALR regulation?

24. Section 2800.227. Development of the support plan.—Protection of the public health, safety and welfare; Need; Clarity.

Subsection (b) requires a licensed practical nurse to review and approve a support plan “under the supervision of a registered nurse.” Commentators questioned the need for this provision. The Department should explain the need for supervision by a registered nurse and what level of supervision would be needed to comply with this requirement.

25. Section 2800.228. Transfer and discharge.—Protection of the public health, safety and welfare.

Appeals

Subparagraph (b)(1)(iv) requires

An explanation of the measures the resident or the resident’s designated person can take if they disagree with the residence decision to transfer or discharge which includes the name, mailing address, and telephone number of the State and local long-term care ombudsman.

We have two concerns. First, even though notice is provided, how can this process ensure a resident is being treated fairly and properly before a transfer or discharge occurs? The Department should explain how this provision properly protects a resident who is being subjected to a transfer or discharge.

Second, this process relies on outside services, such as an ombudsman. It is not clear how the Department would be aware of whether these processes are being carried out in a timely manner. How can the Department guarantee timely and fair treatment of a consumer appeal?

Standards for the certification a consumer may not be admitted or retained

Act 56 states the Department “shall by regulation” establish the standards required for certification that a consumer may not be admitted or retained at an ALR. See 62 P. S. § 1057.3(f). We could not find these standards in this section of the regulation. Are they included elsewhere? Such standards and an expedited process for reviewing cases are needed in Sections 2800.228(b)(3) and (d) which include situations when a delay in transfer or discharge could jeopardize the health, safety or welfare of the resident or others.

26. Section 2800.229. Excludable conditions; exceptions.—Consistency with Act 56; Reasonableness; Clarity.

Subsection (d) lists the professionals who qualify as “certification providers” and mirrors a provision in Act 56. See 62 P. S. § 1057.3(f). It is unclear why this subsection is linked only to the excludable conditions. Excludable conditions are listed in a separate subsection of Act 56. It is not clear that certification by a provider for a resident’s admission or retention is limited to situations involving the excludable conditions listed at 62 P. S. § 1057.3(e). The Department needs to explain its intent and its interpretation of Act 56 at 62 P. S. § 1057.3(e) and (f).

27. Miscellaneous clarity issues.

Forms, including many described as “specified by” DPW, are mentioned in the following sections: §§ 2800.16(d), 2800.19(a), and 2800.22(a)(1), (2) and (3), 2800.67(b), 2800.141(a), 2800.187(a), 2800.224(a), 2800.225(a), and 2800.227(a). Some commentators raised concerns regarding the specific contents of these forms. PHCA suggested the proposed contents for some forms should be developed via a stakeholders’ process. The Department should take advantage of the experience and expertise that may be acquired from the public and regulated facilities in developing its forms. After the development is complete, the Department should describe the basic contents of these forms in the final-form regulation. In addition, the regulation should inform ALRs and residents on how the Department will make the approved forms available.

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**Department of Public Welfare
Regulation #14-513 (IRRC #2713)**

**Family Violence and TANF and GA; and Support
From Relatives Not Living With the Client**

October 15, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the August 16, 2008 *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 Department of Public Welfare (Department) to respond to all comments received from us or any other source.

1. General comments.—Statutory authority.

The Regulatory Analysis Form (RAF #9) includes in its statutory authority citations two sections of the Public Welfare Code, two full titles of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the majority of three full chapters of the Domestic Relations Code. Unfortunately, the scope of this information is too vague to adequately explain the Department’s theory of its statutory authority to promulgate this regulation. The RAF and the preamble accompanying the final-form regulation should more specifically identify the Department’s statutory authority, as required by the Regulatory Review Act. 71 P. S. § 745.5(a)(1.1). Alternatively, if it is relying on the multitude of provisions cited in paragraph 9, the Department should include a brief narrative explaining how they relate to each other to create the necessary statutory authority.

2. Section 108.2. Definitions.—Clarity.

FVO—Family Violence Option

For clarity, the Department should add a cross-reference to the federal law mentioned in this definition.

Work requirements

The Department has defined this term, yet uses phrases throughout the regulation, such as “work or work-related activities” and “work program or other work activity,” that appear to mean the same thing. The Department should use the defined term consistently throughout the regulation.

3. Section 108.3. Universal notification.—Clarity.

Commentators assert that Subsection (3)(iii) should include “education and training.” Department staff has indicated that these would be accepted practices based on the RESET Program. Therefore, the Department should

add “education and training” or a cross-reference to the RESET program to Subsection (3)(iii).

4. Section 108.10. Verification.—Implementation procedures; Clarity.

Subsection (a) states that an individual who requests a good cause waiver must complete a verification form provided by the Department. The final-form regulation should specify how an individual can obtain the form. The same clarification should be made in Section 108.14(b).

Also, Subsection (b)(6) includes “Other records that may verify domestic violence.” This is not a clear directive for individuals requesting a good cause waiver. Because Subsection (b) implies that the list that follows is not a complete list, Subsection (b)(6) is not needed. Therefore, it should be deleted.

5. Section 108.11. Time frames for good cause waiver determinations based on domestic violence.—Reasonableness.

How did the Department determine that 15 calendar days is an appropriate timeframe to determine whether to grant a good cause waiver?

6. Section 108.12. Notice of good cause determination based on domestic violence.—Implementation procedures; Clarity.

Under Subsection (a), it is not clear when the Department will provide written notice of the determination regarding a good cause request. To improve clarity, the final-form regulation should state when this notice will be provided.

7. Section 108.13. Review of waivers.—Reasonableness; Clarity.

Subsection (4) refers to an “approval process.” However, it is not clear in the regulations what the “approval process” is or how it will be administered.

Further, Department staff has indicated that this “approval process” is found in the Department’s Cash Assistance Handbook at Section 108.84. We note that using a process that is only outlined in a non-regulatory document is problematic because those documents cannot be used to enforce standards contained in regulation. In addition, this approach bypasses the formal regulatory review process and the laws that govern the promulgation of regulations, thereby obstructing the public participation envisioned by the Regulatory Review Act.

Therefore, the Department should add the “approval process” to the final-form regulation.

8. Section 108.16. DRS responsibility for the FVI.—Reasonableness; Clarity.

Subsection (b)(2) states that the DRS and other Department staff will not access a DRS file unless authorized to do so. Who has the authority to grant these authorizations and when would they permit such authorizations?

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-1943. Filed for public inspection October 24, 2008, 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. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA 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 or you can obtain a copy from our web site, www.irrc.state.pa.us.

Final-Omit

| Reg. No. | Agency/Title | Received | Public Meeting |
|----------|---|----------|----------------|
| 8-13 | Department of General Services Commonwealth Parking Facilities | 10/10/08 | 11/20/08 |

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-1944. Filed for public inspection October 24, 2008, 9:00 a.m.]

produce additional annual revenue of approximately 18 million. An effective date of January 1, 2009 has been requested.

Unless formal administrative action is taken prior to January 8, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg regional office.

Interested parties are invited to submit written comment's, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1946. Filed for public inspection October 24, 2008, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Nubridge Associates, LP

Nubridge Associates, LP has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Clepper Manor in Sharon, PA. The initial filing was received on October 3, 2008, 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,
Insurance Commissioner

[Pa.B. Doc. No. 08-1945. Filed for public inspection October 24, 2008, 9:00 a.m.]

Keystone Health Plan Central—Base Rates—Filing No. 08-TT; Rate Filing

On October 7, 2008, Keystone Health Plan Central submitted a filing to revise its medical base rates. An average rate increase of 11% to 13% is requested. The filings will impact approximately 54,000 members and

Peter Pizzutillo, M. D.; Prehearing

Appeal of Peter Pizzutillo, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-09-022

On or before November 13, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 25, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for November 24, 2008, at 11 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 20, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before November 13, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before November 20, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1947. Filed for public inspection October 24, 2008, 9:00 a.m.]

Ernest Rosato, M. D.; Prehearing**Appeal of Ernest Rosato, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-10-005**

On or before November 14, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's September 4, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for November 25, 2008, at 9 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 21, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before November 14, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before November 21, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1948. Filed for public inspection October 24, 2008, 9:00 a.m.]

Kenneth C. Rosenberg, M. D.; Prehearing**Appeal of Kenneth C. Rosenberg, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-09-006**

On or before November 13, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 8, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for November 24, 2008, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 20, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before November 13, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before November 20, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require

an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1949. Filed for public inspection October 24, 2008, 9:00 a.m.]

St. Christopher's Hospital for Children; Prehearing**Appeal of St. Christopher's Hospital for Children under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-09-023**

On or before November 13, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 25, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for November 24, 2008, at 11 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 20, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before November 13, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before November 20, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1950. Filed for public inspection October 24, 2008, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 10, 2008.

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-2008-2056829. Allstar Sedan Services, Inc. (421 Sansom Street, Upper Darby, Delaware County, PA 19082), a corporation of the Commonwealth—persons in limousine service, from points in the Counties of Delaware, Montgomery and Chester to points in Pennsylvania and return, excluding services that are under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* W. K. Williams, II, Esquire, 710 1/2 Church Lane, Yeadon, PA 19050.

A-2008-2062390. Pike County Taxi, Inc. (2035 Goldkey Estates, 110 Cromwell Road, Milford, Pike County, PA 18337), a corporation of the Commonwealth—persons, upon call or demand service in the Counties of Pike and Wayne.

A-2008-2065447. Tengiz Kalandadze, t/a Philadelphia Limo (1077 Sorrel Horse Road, Huntingdon Valley, Montgomery County, PA 19006)—persons, in limousine service, from points in Huntingdon Valley, located in Montgomery County, to points in Pennsylvania, and return; excluding service which is under the jurisdiction of the Philadelphia Parking Authority.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Kambia, Inc.;*
Doc. No. C-2008-2049164

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Kambia, Inc., maintains its principal place of business at 7127 Jackson Street, Philadelphia, PA 19135-1218.

2. That respondent was issued a certificate of public convenience by this Commission on October 22, 1996 at Application Docket No. A-00113351.

3. That respondent abandoned or discontinued service without having first filed an application to this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for calendar year 2007.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00113351.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement
Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. RCW Cab Company;*
Doc. No. C-2008-2049993

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That RCW Cab Company, maintains its principal place of business at P. O. Box 50054, Philadelphia, PA 19132-6054.

2. That respondent was issued a certificate of public convenience by this Commission on February 9, 1992 at Application Docket No. A-00110293.

3. That respondent abandoned or discontinued service without having first filed an application to this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for calendar year 2007.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00110293.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement
Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. J and T Cab Co.;*
Doc. No. C-2008-2050934

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That J and T Cab Co., maintains its principal place of business at 6462 Woodcrest Avenue, Philadelphia, PA 19151-2407.

2. That respondent was issued a certificate of public convenience by this Commission on May 5, 1998 at Application Docket No. A-00114545.

3. That respondent abandoned or discontinued service without having first filed an application to this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for calendar year 2007.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00114545.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement
Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowl-

edge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. J.K.P. Transport, Inc.;*
Doc. No. C-2008-2062305

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That J.K.P. Transport, Inc., maintains its principal place of business at 3041 West Chester Pike, Broomall, PA 19008-1323.

2. That respondent was issued a certificate of public convenience by this Commission on April 21, 2004 at Application Docket No. A-00120512 F.1, September 27,

2004, at Application Docket No. A-00120512 F.2, and February 15, 2005, at Application Docket No. A-00120512 F.3.

3. That respondent abandoned or discontinued service without having first filed an application to this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for calendar year 2007.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00120512 Fs.1, 2 and 3.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement
Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

*Pennsylvania Public Utility Commission, Bureau of
 Transportation and Safety v. Justin Yeiser, Yeiser
 Enterprise; Doc. No. C-2008-2050045*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Justin Yeiser, (respondent) is under suspension effective August 12, 2008 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 139 East Main Street, Richland, PA 17087.

3. That respondent was issued a Certificate of Public Convenience by this Commission on November 4, 2007, at Application Docket No. A-00123582.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00123582 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
 Motor Carrier Services & Enforcement
 Division
 Bureau of Transportation and Safety
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the

Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
 Motor Carrier Services and Enforcement

Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and
 Safety
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transpor-

tation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

—

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Brian K. Hines, t/a B's Car,
Cargo and Trailer Transport; Doc. No. C-2008-2051741*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Brian K. Hines, t/a B's Car, Cargo and Trailer Transport (respondent) is under suspension effective March 28, 2006, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1551 Poorhouse Road, Downingtown, PA 18335.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 16, 2002, at Application Docket No. A-00115869, F.2.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00115869, F.2 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement
Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and
Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

*Pennsylvania Public Utility Commission, Bureau of
 Transportation and Safety v. Forest Trucking, Inc.;*
Doc. No. C-2008-2050842

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Forest Trucking, Inc. (respondent) is under suspension effective August 23, 2006, for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at R. R. 2, Box 313C, Woodland, PA 16881.
3. That respondent was issued a Certificate of Public Convenience by this Commission on April 25, 1996, at Application Docket No. A-00112180.
4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00112180 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
 Motor Carrier Services & Enforcement
 Division
 Bureau of Transportation and Safety
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowl-

edge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
 Motor Carrier Services and Enforcement
 Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and
 Safety
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1951. Filed for public inspection October 24, 2008, 9:00 a.m.]

Telecommunications

A-2008-2067905. The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq and Granite Telecommunications, LLC. Joint petition of The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq and Granite Telecommunications, LLC for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq and Granite Telecommunications, LLC, by its counsel, filed on October 7, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania, LLC, d/b/a Embarq and Granite Telecommunications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1952. Filed for public inspection October 24, 2008, 9:00 a.m.]

Telecommunications

A-2008-2067883. The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq and Kentucky Data Link, Inc. Joint petition of The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq and Kentucky Data Link, Inc. for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq and Kentucky Data Link, Inc., by its counsel, filed on October 6, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania, LLC, d/b/a Embarq and Kentucky Data Link, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1953. Filed for public inspection October 24, 2008, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Carrie Nagle, LPN; Doc. No. 2129-51-2007

On August 22, 2008, Carrie Nagle, license no. PN-264390, of Ebensburg, Cambria County, had her license to practice nursing suspended for no less than 1 year, retroactive to October 19, 2007, based on her violation of her VRP agreement, after which time license may be reinstated upon successful documentation of maintained recovery.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, 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 their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY E. BOWEN, RN, CRNP,
Chairperson

[Pa.B. Doc. No. 08-1954. Filed for public inspection October 24, 2008, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

**Bureau of Professional and Occupational Affairs v.
Kerry L. Hanten; Doc. No. 0710-60-2008**

On July, 9, 2008, Kerry L. Hanten, of Mitchell, SD, had his Pennsylvania license to sell vehicles revoked and a civil penalty of \$10,000 imposed based on his convictions for multiple crimes of moral turpitude.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Vehicle Manufacturers, Dealers and Salespersons (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 their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

GARY M. BARBERA,
Chairperson

[Pa.B. Doc. No. 08-1955. Filed for public inspection October 24, 2008, 9:00 a.m.]
