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Pennsylvania Bulletin  
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## January 13, 2007 (Pages 185-304)

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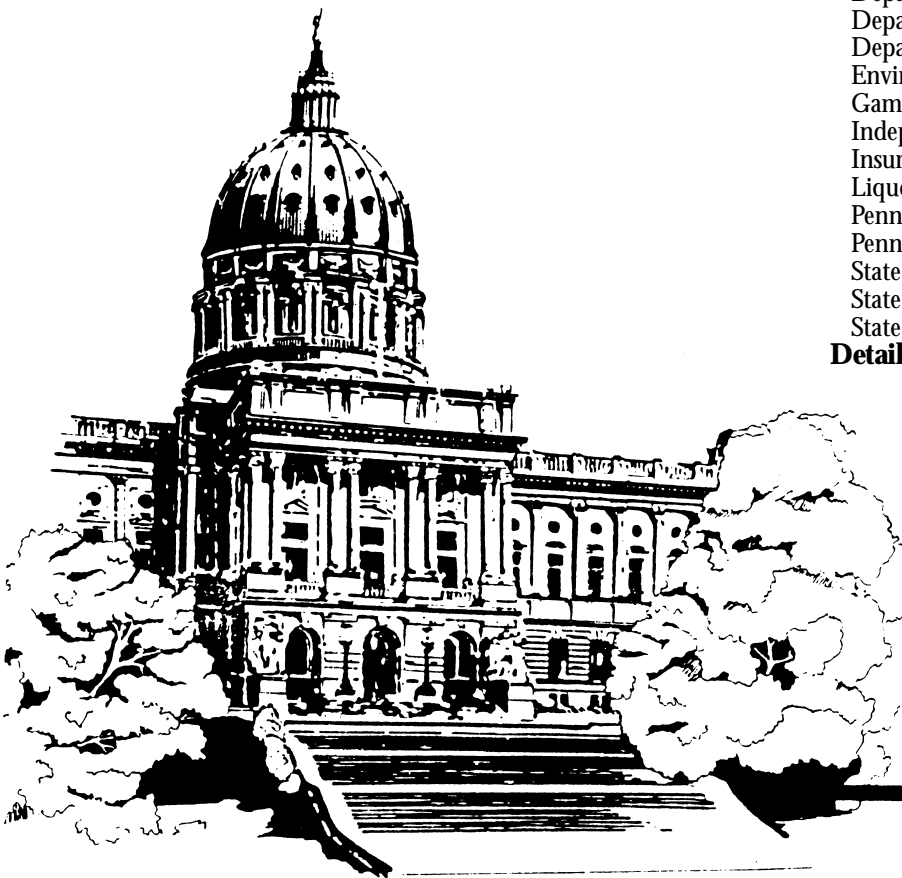
# PENNSYLVANIA BULLETIN

Volume 37  
Saturday, January 13, 2007 • Harrisburg, PA  
Number 2  
Pages 185—304

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Department of Banking  
Department of Conservation and Natural Resources  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Labor and Industry  
Department of Public Welfare  
Environmental Quality Board  
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Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Pennsylvania Council on Aging  
Pennsylvania Public Utility Commission  
State Board of Education  
State Board of Nursing  
State Employees' Retirement Board

**Detailed list of contents appears inside.**



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**No. 386, January 2007**

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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 2007.

<b>4 Pa. Code (Administration)</b>	<b>49 Pa. Code (Professional and Vocational Standards)</b>
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# THE COURTS

## Title 255—LOCAL COURT RULES

Montgomery County Clerk of Courts

### Fee Schedule

Effective 01/01/2007

#### LEHIGH COUNTY

**Administrative Order for Adoption of Local Rule of Civil Procedure 205.2(a)(3) Pertaining to Social Security Numbers; No. 2006-J-59**

#### Order

*And Now*, this 15th day of December, 2006, *It Is Ordered* that the following Lehigh County Rule of Civil Procedure 205.2(a)(3) for Filing of Legal Papers with the Clerk of Courts be, and the same is, promulgated herewith, to become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator of Lehigh County is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.

4. File one (1) copy with the Clerk of Courts of the Lehigh County Court of Common Pleas.

5. Forward one (1) copy for publication in the *Lehigh County Law Journal*.

*By the Court*

WILLIAM H. PLATT,  
*President Judge*

#### LEHIGH COUNTY RULE 205.2(a)(3)

No document submitted for filing to the clerk of courts—civil shall disclose the social security number of any person, except as specifically authorized by court order.

[Pa.B. Doc. No. 07-33. Filed for public inspection January 12, 2007, 9:00 a.m.]

#### MONTGOMERY COUNTY

**Administrative Order Clerk of Courts Fee Bill; No. AD 315-06**

#### Order

*And Now*, this 17th day of November, 2006, the Court approves the following Clerk of Courts Fee Schedule to be effective January 1, 2007.

*By the Court*

S. GERALD CORSO,  
*President Judge*

	<i>Total</i>
Clerk of Courts Fee Prior To Trial	\$232.00
Clerk of Courts Fee During and After Trial	\$278.00
Appeal to Superior Court (Clerk of Courts Fee)	\$61.00
Appeal to Superior Court (Superior Court Fee)	\$60.00
Constable Appointment Petitions	\$23.50
Expungements	\$23.50
Nunc Pro Tunc	\$23.50
Pre-Trial Motions and Miscellaneous Filings	\$23.50
Private Detective License (New Application)	\$23.50
Private Detective License (Renewal Application)	\$23.50
New Private Detective License (Person)	\$200.00
New Private Detective License (Corporation)	\$300.00
Renewal Private Detective License (Person)	\$500.00
Renewal Private Detective License (Corporation)	\$750.00
Return of Property Filings	\$23.50
Summary Appeals Fee \$46.00—Cost \$15.00	\$66.00
Tax Collector Bonds	\$23.50
Finger Print Cards (Per Card)	\$12.50
Subpoenas	\$3.00
Bail Bond Filing Fees (Applicable to Bonding Companies Only)	\$23.50
Bail Pieces	\$18.50
Property Bail	\$23.50
Certified Copies	\$8.50
Checks returned due to Insufficient Funds	\$30.00
Copies (Per Sheet)	\$1.00
Copies from Micro Fiche (Per Sheet)	\$2.00
Criminal Record Searches (Computer search back to 1984)	\$18.50
Criminal Record Searches (Computer & Micro Fiche search)	\$18.50

[Pa.B. Doc. No. 07-34. Filed for public inspection January 12, 2007, 9:00 a.m.]

**NORTHAMPTON COUNTY**  
**Central Booking Procedure; AD-377-2006**

**Amended Administrative Order 2006-13**

*And Now*, this 20th day of December, 2006, on application of Jeffrey Hawbecker, Sheriff of Northampton County, the effective date of Administrative Order #2006-13, Central Booking Procedure, is changed from January 1, 2007, to April 1, 2007.

*By the Court*

ROBERT A. FREEDBERG,  
*President Judge*

[Pa.B. Doc. No. 07-35. Filed for public inspection January 12, 2007, 9:00 a.m.]

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**YORK COUNTY**

**Central Booking Fee; No. CP-67-AD-0000032-2006**

**Amended Administrative Order**

*And Now*, this 28th day of December, 2006, the Clerk of Courts is directed to assess a One Hundred Dollar (\$100.00) central booking fee against any defendant who is processed in the Central Booking facility at the York County Judicial Center for any misdemeanor or felony and whose arrest results in a guilty or nolo contendere plea, a guilty verdict or admission into the ARD program. The fee shall be assessed as a cost associated with prosecution and when collected, shall then be disbursed to the general fund of the County of York.

This Administrative Order shall become effective thirty (30) days after the date of publishing in the *Pennsylvania Bulletin*, and shall apply to any individual who is processed through the Central Booking facility on or after the effective date.

*It Is Further Ordered* that, in accordance with Pa.R.C.P. § 239, the District Court Administrator of York County, Pennsylvania, shall:

- (a) File seven (7) certified copies hereof with the Administrative Office of Pennsylvania Courts;
- (b) Distribute two (2) certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
- (c) File one (1) certified copy hereof with the Criminal Rules Committee;

(d) Cause a copy hereof to be published one (1) time in the *York Legal Record* at the expense of the County of York; and

(e) Supervise the distribution hereof to all Judges and all members of the Bar of this Court;

*It Is Further Ordered* that copies of this Order are directed to: all Judges of the Court of Common Pleas; the Magisterial District Judges; to J. Robert Chuk, the District Court Administrator; the District Attorney of York County; the Public Defender of York County; Michael W. Flannelly, Esquire, the Solicitor for the County of York; the Sheriff of York County; and to the York County Adult Probation Department.

*By the Court*

RICHARD K. RENN,  
*President Judge*

[Pa.B. Doc. No. 07-36. Filed for public inspection January 12, 2007, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Samuel A. Malat having been suspended from the practice of law in the State of New Jersey for a period of one year by Order of the Supreme Court of New Jersey dated June 21, 2006, the Supreme Court of Pennsylvania issued an Order dated December 27, 2006 suspending Samuel A. Malat from the practice of law in this Commonwealth consistent with the Order of the Supreme Court of New Jersey dated June 21, 2006, to run consecutive to the suspension imposed by this Court on March 8, 2004. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 07-37. Filed for public inspection January 12, 2007, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 7—AGRICULTURE

### DEPARTMENT OF AGRICULTURE

#### [7 PA. CODE CH. 130e]

#### Commercial Manure Hauler and Broker Certification

The Department of Agriculture (Department) amends Chapter 130e (relating to commercial manure hauler and broker certification) to read as set forth in Annex A.

#### *Statutory Authority*

The Department adopts this final-form rulemaking under the Commercial Manure Hauler and Broker Certification Act (act) (3 P. S. §§ 2010.1—2010.12) and under the specific authority of section 3 of the act (3 P. S. § 2010.3) regarding the commercial manure hauler and broker certification program.

Section 3(a)(1) of the act charges the Department, in consultation with the State Conservation Commission (Commission) and the Nutrient Management Advisory Board (Board), with the duty of establishing “. . . within 18 months of the effective date of this act . . . a commercial manure hauler and broker certification program . . . . The department shall by regulation establish such terms, conditions and fees for certification as it deems appropriate.” With regard to the certification program, the regulations are required, at a minimum, to address laws and regulations pertaining to manure application, information necessary for understanding and following a nutrient management plan and nutrient balance sheet, training in the development and filing of a nutrient balance sheet, best management practices with respect to manure hauling and application, safety procedures, calibration of application rates for various types of equipment, setback requirements, nutrient runoff concerns, incorporation techniques, recordkeeping requirements necessary to meet the act and 3 Pa.C.S. Chapters 3 and 5 (relating to local regulation; and nutrient management and odor management). In addition, the Department has the authority to approve training and education programs developed by The Pennsylvania State University and other educational institutions or entities that meet the requirements of the act and this final-form rulemaking.

#### *Purpose of the Final-Form Rulemaking*

The final-form rulemaking is required to establish a certification program through which persons hauling or applying manure generated by an agricultural operator can obtain the certification required by the act. The final-form rulemaking sets forth procedures and requirements regarding the certification of commercial manure haulers and brokers; establishes fees and delineates course and certification requirements; provides for various levels of certification; denotes application, approval and appeal procedures for persons seeking certification; sets forth criteria for approval of training and education programs developed by The Pennsylvania State University and other educational institutions or entities; and details recordkeeping requirements necessary to meet the requirements of the Nutrient Management Act and the act. It must be noted that the Nutrient Management Act was repealed and replaced by the act of July 6, 2005 (P. L. 112, No. 38), codified at 3 Pa.C.S. Chapters 3 and 5, which took effect July 6, 2005.

#### *Comment and Responses*

The proposed rulemaking was published at 35 Pa.B. 6751 (December 17, 2005). Interested persons were originally invited to submit written comments regarding the proposed rulemaking within 30 days following publication. At the request of the regulated community, the Commission and the Board, the Department extended the comment period to 60 days. The extension was published at 36 Pa.B. 288 (January 21, 2006). In addition, the Department continued to meet with the Board and the Commission to illicit comments on subsequent drafts of the rulemaking. The Department also published an advanced notice of final rulemaking (ANFR) at 36 Pa.B. 4505 (August 12, 2006). Persons who commented during the proposed rulemaking stage were sent letters informing them of the ANFR and where to go to view the revised rulemaking. Comments received as a result of the ANFR and the Department's responses appear in a separate part of the Comment and Response document, which accompanies this final-form rulemaking.

Due to the length of the Comment and Response document (141 pages), this document will not be published in the *Pennsylvania Bulletin*. The Comment and Response document is available for review on the Department's website at [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us). To request a hard copy of the Comment and Response document, contact Johan Berger, Commercial Manure Broker and Hauler Program, (717) 772-4189.

#### *Fiscal Impact*

*Commonwealth.* The final-form rulemaking imposes additional fiscal impacts upon the Commonwealth for administration and enforcement. The final-form rulemaking requires the Department to commit an additional amount of time and manpower to the development or overview and approval, or both, of commercial manure broker and commercial manure hauler certification courses, training manuals, in-classroom and out of classroom examinations, development and review of continuing education courses, oversight of certification and recertification course providers, oversight of continuing education credit course providers and oversight and enforcement of the recordkeeping, certification, recertification and other general provisions of the final-form rulemaking.

*Political subdivisions.* The final-form rulemaking imposes no additional costs and has no fiscal impact upon political subdivisions. The final-form rulemaking does not impose additional burden of enforcement of review on political subdivisions.

*Private sector.* The final-form rulemaking imposes additional costs on the regulated community (commercial manure brokers and haulers). The additional costs to the regulated community will be certification fees necessary to obtain the certification requirements required by the act and the final-form rulemaking. In addition, the regulated community will be subject to the additional costs of attending continuing education courses and attaining the proper amount of continuing education credits required to comply with the commercial manure hauler and broker certification regulations. The regulated community will also face costs associated with the additional recordkeeping requirements established by the act and this final-form rulemaking.

*General public.* The final-form rulemaking imposes no costs and has no fiscal impact on the general public, except that agricultural operators or exporters of manure may be subject to increased costs charged by commercial manure haulers and brokers as a result of the certification requirements imposed by the act and the final-form rulemaking.

*Paperwork Requirements*

The final-form rulemaking will not result in a substantial increase of paperwork. The Department, through the interim certification program, already developed the necessary application forms, training courses and training course manuals, test booklets for every level of certification, nutrient balance sheet scenarios, sign-in forms for certification courses and testing and tests for all levels of certification. The Department will need to develop or approve continuing education credit courses as well as recordkeeping forms and notification letters and enforcement documents.

*Effective Date*

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

*Additional Information*

Further information is available by contacting the Department of Agriculture, Commercial Manure Broker and Hauler 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)), on December 7, 2005, the Department submitted a copy of the notice of proposed rulemaking, published at 35 Pa.B. 6751, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Agriculture and Rural Affairs Committees for review and comment.

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

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

*Findings*

The Department finds that:

- (1) Public notice of intention to adopt this final-form rulemaking 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 regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and the comments received were considered.
- (3) The revisions that were made to this final-form rulemaking in response to comments received do not enlarge the purpose of the proposed rulemaking published at 35 Pa.B. 6751.

(4) The adoption of the final-form rulemaking 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 that:

(1) The regulations of the Department, 7 Pa. Code Chapter 130e, are amended by amending §§ 130e.1 and 130e.2 and by adding §§ 130e.3—130e.9, 130e.11, 130e.12, 130e.21, 130e.22, 130e.31, 130e.32, 130e.41, 130e.42, 130e.51, 130e.52, 130e.61 and 130e.71 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's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 36 Pa.B. 7777 (December 16, 2006).)

**Fiscal Note:** 2-150. (1) General Fund; (2) Implementing Year 2006-07 is \$37,000; (3) 1st Succeeding Year 2007-08 is \$37,000; 2nd Succeeding Year 2008-09 is \$38,500; 3rd Succeeding Year 2009-10 is \$40,000; 4th Succeeding Year 2010-11 is \$41,600; 5th Succeeding Year 2011-12 is \$43,300; (4) 2005-06 Program—N/A; 2004-05 Program—N/A; 2003-04 Program—N/A; (7) Department of Agriculture—General Government Operations; (8) recommends adoption.

**Annex A**

**TITLE 7. AGRICULTURE**

**PART V. BUREAU OF PLANT INDUSTRY**

**CHAPTER 130e. COMMERCIAL MANURE HAULER AND BROKER CERTIFICATION**

**Subch.**

- A. GENERAL PROVISIONS**
- B. CERTIFICATION**
- C. RECORDKEEPING**

**Subchapter A. GENERAL PROVISIONS**

- Sec.
- 130e.1. Scope.
- 130e.2. Definitions.
- 130e.3. Fees.
- 130e.4. Prohibition.
- 130e.5. Authority, duties and prohibitions.
- 130e.6. Possession of certificate and contracts.
- 130e.7. Notice of change in business or certification.
- 130e.8. General training requirements for certification.
- 130e.9. Approval of other training programs.

**§ 130e.1. Scope.**

This chapter prescribes procedures relating to the certification of commercial manure haulers and brokers. This chapter includes the establishment of fees, delineates the requirements for certification of commercial manure haulers and brokers, and sets forth criteria for approval of accredited certification programs.

**§ 130e.2. Definitions.**

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

*Act*—The Commercial Manure Hauler and Broker Certification Act (3 P. S. §§ 2010.1—2010.12).

*Act 38 of 2005*—The act of July 6, 2005 (P. L. 112, No. 38), known as Act 38 of 2005 (3 Pa.C.S. Chapters 3 and 5 (relating to local regulation; and nutrient management and odor management)).

*Act 38 of 2005 regulations*—The regulations associated with Act 38 of 2005 found in 25 Pa. Code Chapter 83, Subchapter D (relating to nutrient management).

*Agricultural operation or operation*—The management and use of farming resources for the production of crops, livestock or poultry.

*Agricultural operator*—A person that has management control of an agricultural operation.

*BMP—Best management practice*—A practice as defined by Act 38 of 2005 (see 3 Pa.C.S. § 503 (relating to definitions)) and its implementing regulations in 25 Pa. Code Chapter 83 (see 25 Pa. Code § 83.201 (relating to definitions)).

*Board*—The Nutrient Management Advisory Board created under section 10 of Act 38 of 2005. See 3 Pa.C.S. § 510 (relating to Nutrient Management Advisory Board).

*CAFO—Concentrated animal feeding operation*—An agricultural operation that meets the criteria established by the Department of Environmental Protection under 25 Pa. Code § 92.1 (relating to definitions).

*CAO—Concentrated animal operation*—An agricultural operation that meets the criteria established under the authority of Act 38 of 2005 (see 3 Pa.C.S. § 503) and its implementing regulations in 25 Pa. Code Chapter 83 (see 25 Pa. Code § 83.201).

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

*Certification*—The completion of all requirements of a commercial manure hauler or broker contained in this chapter and final approval of the Department.

*Clean Streams Law*—The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

*Commerce*—The exchange of goods, productions or property of any kind; the buying, selling and exchanging of articles. Intercourse by way of trade between different peoples or states and citizens or inhabitants thereof, including the purchase, sale and exchange of commodities and the instrumentalities by which commerce is promoted and carried on.

*Commercial*—Relates to or is connected with trade or commerce in general; involving dealings between persons in the nature of purchase and sale. Normally the sale, exchange or purchase is intended for profit.

*Commercial manure broker*—A person that is not working for or under the control of an agricultural operator and that assumes temporary control or ownership of manure from an agricultural operation and arranges for transport to and utilization at an importing operation or other location.

*Commercial manure hauler*—A person that transports or land applies manure as a contract agent for an agricultural operator or commercial manure broker under the direction of the operator or broker.

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

*Competency*—Demonstrating a thorough level of knowledge and understanding of the requirements of the act and this chapter as evidenced by successfully meeting the applicable requirements of Subchapter B (relating to certification).

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

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

*Importer or importing operation*—A person who receives and utilizes or processes manure not produced by poultry or livestock under the management control of that person.

*Manure*—

(i) The excreta, in liquid or solid form, of livestock, including cattle, sheep, hogs, goats, horses, poultry and fur bearing animals with or without the bedding, litter, straw, washwater and other refuse materials, dirt and waste ordinarily mixed or commingled with it.

(ii) For purposes of this chapter, the definition does not include chemical fertilizers, plant or soil amendments, compost or biosolids.

*Nutrient*—

(i) A substance or recognized plant nutrient, element or compound that is used or sold for its plant nutritive content or its claimed nutritive value.

(ii) The term includes livestock and poultry manures, compost used as fertilizer, commercially manufactured chemical fertilizers, biosolids or combinations thereof.

*Nutrient balance sheet*—A crop management BMP developed to protect surface and groundwater quality by providing the calculations for determining the appropriate rate, method and timing of application of manure to crop land, hayland and pasture, to meet the purposes of Act 38 of 2005.

*Nutrient management plan*—A written site-specific plan that incorporates BMPs to manage the use of manure and other plant nutrients for crop production and water quality protection consistent with the criteria established under Act 38 of 2005.

*Nutrient management specialist*—A person satisfying the requirements of the Department's Nutrient Management Certification Program in Chapter 130b (relating to nutrient management certification).

*Person*—An individual, sole proprietorship, partnership, association, firm, corporation, labor organization, trustee, receiver or other legal entity.

*Recertification*—The completion of all continuing education requirements and acquisition of the necessary continuing education credits in the manner and within the time frame set forth in this chapter.

*Secretary*—The Secretary of Agriculture of the Commonwealth.

*Supervise or supervision*—To be in contact with the Level 1 or Level 2 certified commercial manure hauler by means of a cell phone, two-way radio or other electronic device or means which allows direct communication between the Level 1 or Level 2 certified commercial manure hauler and the certified commercial manure broker of certified Level 3 hauler.

*Volunteer operation*—An agricultural operation that voluntarily meets the requirements of Act 38 of 2005.

**§ 130e.3. Fees.**

(a) *Certification fees.* Certification fees are nonrefundable. The following fees, which are calendar year fees, for each category and level of certification apply:

(1) *Level 1 commercial manure broker.* A triennial fee of \$325 for a Level 1 commercial manure broker certificate.

(2) *Level 2 commercial manure broker.* A triennial fee of \$350 for a Level 2 commercial manure broker certificate.

(3) *Level 1 commercial manure hauler.* An annual fee of \$10 for a Level 1 commercial manure hauler certificate.

(4) *Level 2 commercial manure hauler.* A triennial fee of \$60 for a Level 2 commercial manure hauler certificate.

(5) *Level 3 commercial manure hauler.* A triennial fee of \$300 for a Level 3 commercial manure hauler certificate.

(b) *Disposition of fees and penalties.* Fees and penalties collected under the act and this chapter will be utilized to pay for administration of the act and this chapter. Fees and penalties collected under the act and this chapter will be deposited into an account created within the Nutrient Management Fund established by section 512 of Act 38 of 2005 (relating to Nutrient Management Fund) (See 3 Pa.C.S. § 512.).

**§ 130e.4. Prohibition.**

(a) No commercial manure hauler or commercial manure broker may transport or land apply manure in this Commonwealth on behalf of an agricultural operation, regardless of where the manure is generated, unless the hauler or broker has satisfied the following requirements:

(1) Successfully completes the certification requirements established by this chapter.

(2) Receives the appropriate certification from the Department.

(3) Continues to maintain certification as required by the act and in this chapter.

(4) Continues to have a valid certification, which has not been suspended or revoked by the Department.

(5) Continues to operate within the confines and authority of the level of certification he has received.

(b) Only those persons involved in commercial manure hauling or brokering are required to be certified to transport and land apply manure. The following are examples of noncommercial activities that do not require a person to obtain certification under the act or this chapter:

(1) An agricultural operator or an employee hauling or land applying manure generated by animals on an agricultural operation owned or leased by that agricultural operator to land owned or leased by that agricultural operator or to land owned or leased by another agricultural operator when no financial compensation is involved.

(2) An agricultural operator or an employee hauling or land applying manure, generated on a farm owned by another agricultural operator, to land owned or leased by that agricultural operator, when no financial compensation is involved.

(3) An agricultural operator or an employee hauling or land applying manure, generated on a farm owned by another agricultural operator, onto land owned by another agricultural operator, when no financial compensation is involved.

(4) An agricultural operator utilizing the equipment of another agricultural operator or equipment owned or leased by a group of agricultural operators to haul or land apply manure to land owned or leased by that agricultural operator or by another agricultural operator, when no financial compensation is involved.

(5) A CAO, CAFO or volunteer operator or an employee hauling or land applying manure generated by animals to land owned or leased by that CAO or CAFO operator, so long as it is part of his approved nutrient management plan.

(6) A CAO, CAFO or volunteer operator or an employee hauling or land applying manure generated by animals on an agricultural operation owned or leased by that agricultural operator to land owned or leased by another agricultural operator or importing agricultural operator, so long as it is part of the CAO, CAFO or volunteer operator's approved nutrient management plan and there is no financial compensation involved.

**§ 130e.5. Authority, duties and prohibitions.**

(a) *Commercial manure broker.*

(1) *Authority.* A person certified as a commercial manure broker under this chapter is authorized to assume temporary control or assume ownership of manure from an agricultural operation and to perform the following duties and activities:

(i) *Level 1 certified commercial manure broker.* A person certified under this chapter as a Level 1 commercial manure broker is authorized to arrange transport of manure to and utilization of manure at an importing operation or other location. Utilization of manure at an importing operation or other location includes land application of manure on an importing operation or other location. A Level 1 certified commercial manure broker is authorized to direct and supervise a Level 1 certified commercial manure hauler under contract with the Level 1 certified commercial manure broker with regard to transportation and stacking of manure. A Level 1 certified commercial manure broker is authorized to direct and supervise a Level 2 certified commercial manure hauler, employed by or under contract with the broker, in the land application of manure.

(ii) *Level 2 certified commercial manure broker.* A person certified under this chapter as a Level 2 commercial manure broker is authorized to carry out all of the duties of a Level 1 commercial manure broker. A Level 2 certified commercial manure broker is further authorized to develop nutrient balance sheets for importing operations in accordance with this chapter and in accordance with the standards established by the State Conservation Commission under Act 38 of 2005 and 25 Pa. Code Chapter 83, Subchapter D (relating to nutrient management).

(2) *Duties.*

(i) In accordance with section 4(b) of the act (3 P.S. § 2010.4(b)), a commercial manure broker shall, when land-applying manure on behalf of an agricultural operator, required under section 5 of the act (3 P.S. § 2010.5) to utilize a certified manure hauler or certified manure broker, do so only in accordance with an approved nutrient management plan or nutrient balance sheet.

(ii) In accordance with section 5(2) of the act (3 P. S. § 2010.5(2)), a commercial manure broker that enters into a contract with a CAO, CAFO or volunteer operation shall provide, no later than the time of transfer of the manure, copies of the nutrient balance sheet to both the importing operation and to the county conservation districts in the counties in which the importing and exporting operations are located.

(3) *Prohibition.* Certification under this chapter does not bestow authority upon a commercial manure broker to develop a nutrient management plan for another person, review that plan or make recommendations with regard to manure application that are outside the manure application standards in the approved nutrient management plan or nutrient balance sheet for the particular importing operation or other location.

(b) *Commercial manure hauler.*

(1) *Authority.* A person certified as a commercial manure hauler under this chapter is authorized to transport or land apply, or both, manure as a contract agent for an agricultural operator or certified commercial manure broker under the direction of the agricultural operator or certified commercial manure broker and to perform the following duties and activities:

(i) *Level 1 commercial manure hauler.* A person certified under this chapter as a Level 1 commercial manure hauler is authorized to transport manure as a contract agent or employee of and under the direction and supervision of an agricultural operator or a certified commercial manure broker or a Level 3 certified commercial manure hauler.

(ii) *Level 2 certified commercial manure hauler.* A person certified under this chapter as a Level 2 commercial manure hauler is authorized to transport manure as a contract agent or employee of and under direction of an agricultural operator or a certified commercial manure broker or Level 3 commercial manure hauler. A Level 2 certified commercial manure hauler is authorized to land apply manure at an importing operation or other location only under the following conditions:

(A) As an employee or contract agent of and under the direction and supervision of a certified commercial manure broker, as set forth in subsection (a)(1).

(B) As an employee or contract agent of and under the direction and supervision of a Level 3 certified commercial manure hauler, as set forth in subparagraph (iii).

(iii) *Level 3 certified commercial manure hauler.* A person certified under this chapter as a Level 3 commercial manure hauler is authorized to transport and land apply manure as a contracted agent for and under the direction of an agricultural operator or certified commercial manure broker. A Level 3 certified commercial manure hauler has the authority to direct and supervise Level 1 and Level 2 certified commercial manure haulers.

(2) *Duties.* In accordance with section 4(b) of the act, a commercial manure hauler shall, when land applying manure on behalf of an agricultural operator required under section 5 of the act to utilize a certified manure hauler or certified manure broker, do so only in accordance with an approved nutrient management plan or nutrient balance sheet.

(3) *Prohibitions.* Certification under this chapter does not bestow authority upon a commercial manure hauler to develop a nutrient balance sheet or nutrient management plan for another person, review that plan or make recommendations with regard to manure application that

are outside the manure application standards in the approved nutrient management plan or nutrient balance sheet for the particular importing operation or other location.

#### § 130e.6. Possession of certificate and contracts.

(a) *Possession of certificate.* Certified commercial manure brokers and certified commercial manure haulers shall carry on their person or in the vehicle being utilized to transport or land apply, or both, manure, a copy of their current certificate.

(b) *Contracts.* The certification number of the commercial manure broker or commercial manure hauler entering into a contract or agreement with an agricultural operator shall be included in any contract or agreement entered into by that commercial manure broker or commercial manure hauler to transport or land apply, or both, manure.

#### § 130e.7. Notice of change in business or certification.

Certified commercial manure brokers and certified commercial manure haulers shall notify the Department in writing of any anticipated or proposed change in duties or responsibilities which will require a higher level of certification. The notification shall be sent prior to the person engaging in the activities requiring a higher level of certification. The person shall meet all of the requirements of the higher level of certification prior to engaging in the activities associated with the higher level of certification.

#### § 130e.8. General training requirements for certification.

(a) *General training criteria.* For purposes of certification, the training program developed and administered or approved by the Department will, at a minimum, address the following topics:

(1) Laws and regulations pertaining to manure application.

(2) Information necessary for understanding and following a nutrient management plan and nutrient balance sheet.

(3) BMPs with respect to manure hauling and application, transport safety procedures, calibration of application rates for various types of application equipment, setbacks from water sources and property lines, nutrient runoff concerns and incorporation techniques.

(4) Recordkeeping by certified manure haulers or brokers necessary to meet the regulatory requirements of the act and Act 38 of 2005.

(b) *Nutrient balance sheet.* Certified manure broker training must include procedures necessary for the development and filing of a nutrient balance sheet.

#### § 130e.9. Approval of other training programs.

The Department may approve, for purposes of training and education, programs developed by The Pennsylvania State University and other educational institutions or entities that meet the requirements of the act and this chapter. The educational institution or entity shall submit an application developed by the Department, along with the specific criteria of the training program it has developed. An educational institution or entity may also submit an application, developed by the Department, to administer Department approved or developed training and testing for Level 2 commercial manure haulers.

**Subchapter B. CERTIFICATION  
COMMERCIAL MANURE BROKERS**

- Sec.  
130e.11. Determination of competence.  
130e.12. Certification requirements.
- COMMERCIAL MANURE HAULERS—LEVEL 1**
- 130e.21. Determination of competence.  
130e.22. Certification requirements.
- COMMERCIAL MANURE HAULERS—LEVEL 2**
- 130e.31. Determination of competence.  
130e.32. Certification requirements.
- COMMERCIAL MANURE HAULERS—LEVEL 3**
- 130e.41. Determination of competence.  
130e.42. Certification requirements.
- CONTINUING EDUCATION REQUIREMENTS**
- 130e.51. Commercial manure broker and hauler continuing education requirements.  
130e.52. Continuing education credit course providers.
- DENIAL, SUSPENSION AND REVOCATION OF COMMERCIAL MANURE BROKER OR HAULER CERTIFICATES**
- 130e.61. Denial, suspension and revocation of certificates.

**COMMERCIAL MANURE BROKERS**

**§ 130e.11. Determination of competence.**

(a) *Commercial manure broker certification.* Determination of competence for Level 1 and Level 2 commercial manure brokers shall be based on the successful completion of the certification course and a proctored written examination as set forth in this section. Certification requirements for a commercial manure broker include a Department developed or approved certification course and proctored written examination, both of which shall be administered in a classroom setting. The certification course shall be completed prior to the applicant taking the written examination or the nutrient balance sheet writing course. A person certified and in good standing as a commercial nutrient management specialist or a public nutrient management dual specialist under the Department's nutrient management certification regulations in Chapter 130b (relating to nutrient management certification), meets the requirements to be certified as a Level 1 commercial manure broker.

(b) *Additional requirements for a Level 2 commercial manure broker certification.* In addition to completing the requirements for and attaining a Level 1 commercial manure broker certification, an applicant for Level 2 commercial manure broker certification shall be required to attend appropriate nutrient management plan writing certification courses related to nutrient balance sheet development and then pass a proctored nutrient balance sheet examination administered or approved by the Department. The nutrient management plan writing courses have been developed under the Nutrient Management Certification Program in Chapter 130b. The nutrient balance sheet examination will be developed or approved by the Department and shall be administered as a proctored classroom examination. The applicant for a Level 2 commercial manure broker certification shall first complete the required nutrient management plan writing courses, before being eligible to take the Nutrient Balance Sheet Examination. The Nutrient Balance Sheet Examination must require the applicant for the Level 2 commercial manure broker certification to develop a nutrient balance sheet based on an importing farm scenario developed or approved by the Department. A person certified and in good standing as a commercial nutrient management specialist or a public nutrient management dual specialist under the Department's nutrient management certification regulations in Chapter 130b, meets the

requirements to be certified as a Level 1 commercial manure broker and may be certified as a Level 2 commercial manure broker upon taking the necessary nutrient management plan writing courses, related to nutrient balance sheet development, and passing the appropriate testing criteria.

(c) *Certification course.* The certification course must, at a minimum, address the applicant's understanding, competence and proficiency with regard to the following topics:

(1) Laws and regulations pertaining to manure application, including pertinent provisions of Act 38 of 2005 and Act 38 of 2005 regulations. The Clean Streams Law and applicable regulations in 25 Pa. Code Chapter 102 (related to erosion and sedimentation control), the *Manure Management Manual* and the protection of agricultural operations from nuisance suits and ordinances under the act of June 10, 1982 (P. L. 454, No. 133) (3 P. S. §§ 951—957).

(2) Basic nutrient management and manure management protocols and requirements and soil fertility and management.

(3) Courses presenting information necessary for understanding and properly reading and applying the provisions of a nutrient management plan and nutrient balance sheet. The courses must cover manure handling and testing, land application information, manure application setback requirements and maps contained in nutrient balance sheets and nutrient management plans. The courses must include examples and hands on experience in reading, interpreting and properly applying the provisions of a nutrient management plan and nutrient balance sheet.

(4) BMPs with respect to manure hauling and land application of manure, such as the minimum legal setback requirements from water sources, including wells, groundwater, surface waters, wetlands, public water supplies, perennial and intermittent streams and property lines, controlling nutrient runoff, installing riparian buffers, updating and following erosion and sedimentation control plans, seasonal manure application concerns and incorporation and no-till farming techniques.

(5) Recordkeeping requirements necessary to meet the statutory and regulatory requirements of the act and Act 38 of 2005.

(6) Courses teaching development and filing of a nutrient balance sheet and appropriate manure production application and testing information, manure application setback requirements and maps contained in a nutrient management plan. These courses must cover the filing requirements set forth in the act and require the applicant to display competence in reading and properly interpreting the provisions of a nutrient management plan and nutrient balance sheet and actual development of a nutrient balance sheet.

(7) Community relations and public image awareness, to encourage dialogue and promote cooperation.

(8) Basic awareness of safety issues related to manure management, manure handling and biosecurity, as well as, transport safety procedures and highway and equipment safety.

(9) Understanding emergency action plans.

(10) Proper calibration techniques and requirements for all types of equipment normally utilized to land apply manure, to assure proper application rates.



(11) Understanding of land application issues, such as incorporation, compaction and winter application.

(12) Understanding the proper placement of stacking areas and temporary storage of manure.

(d) *Certification course and written examination.* The Department or an approved educational institution or entity, as provided for in the act, may develop and administer the training courses and proctor the written examinations. The certification courses and examinations will be offered at least twice per calendar year, or more often as deemed necessary by the Department. The certification courses and examinations will be offered at various locations across this Commonwealth in a manner that will insure Statewide coverage and access. At a minimum, the successful completion of the examination will demonstrate the applicant's understanding of transport and land application of manure on agricultural operations and the applicant's technical knowledge and proficiency relating to interpretation and implementation of nutrient management plans and nutrient balance sheets, as well as, the applicant's knowledge of recordkeeping requirements. The written examination must, at a minimum, address all topics and areas required to be addressed by the certification course, as set forth in subsection (c).

(e) *Other examinations.* The Department may approve the use of written examinations other than the Pennsylvania Commercial Manure Broker and Hauler Examination, if the written examinations meet the requirements in subsection (d).

#### **§ 130e.12. Certification requirements.**

(a) *General.* The act and this chapter establish four general criteria for commercial manure brokers.

(1) A person acting as a commercial manure broker shall obtain certification as a commercial manure broker prior to assuming temporary control or ownership of manure from an agricultural operation or arranging for transportation to or utilization of manure at, or both, an importing operation or other location.

(2) A person acting as a commercial manure broker shall maintain certification under the requirements of the certification program.

(3) When acting as a contract agent for an agricultural operator required by section 5 of the act (3 P. S. § 2010.5) to use a certified commercial manure hauler or certified commercial manure broker, the commercial manure broker shall land apply the manure in accordance with and based upon an approved nutrient management plan or a nutrient balance sheet developed by a certified nutrient management specialist or a Level 2 certified commercial manure broker.

(4) Commercial manure brokers shall maintain the records of the manure they broker, transport or land-apply as required by this chapter and the recordkeeping requirements of the nutrient management regulations in 25 Pa. Code §§ 83.341—83.344 (relating to recordkeeping and informational requirements).

(b) *Application for Level 1 commercial manure broker certification.*

(1) *Submission of application.* Submission of the required examination for certification as a Level 1 commercial manure broker shall act as the application for a Level 1 commercial manure broker certificate. After receiving and scoring the examination, the Department will send written notice to the applicant. The written notice will

inform the applicant whether the applicant passed or failed the examination. If the applicant has passed the examination, the written notice will include a temporary certificate. The temporary certificate will be valid for 30 days from the date of receipt. The holder of the temporary certification shall forward the appropriate certification fees to the Department within the 30-day time period. Upon receipt of the appropriate certification fees, the Department will mail the final certification to the holder of the temporary certificate.

(2) *Certified nutrient management plan writer.* A person certified and in good standing as a commercial nutrient management specialist or a public nutrient management dual specialist under the Department's nutrient management certification regulations in Chapter 130b (relating to nutrient management certification), meets the requirements to be certified as a Level 1 commercial manure broker and may be certified as a Level 2 commercial manure broker as set forth in § 130e.11(b) (relating to determination of competence). Upon receiving a letter requesting certification, along with the certification fee, the Department will verify the applicant's nutrient management plan writer certification and good standing. Upon verification of this criteria, the Department will issue the appropriate final certification.

(c) *Application for Level 2 commercial manure broker certification.*

(1) *Submission of application.* An applicant for a Level 2 commercial manure broker certification shall complete the appropriate nutrient management plan writing certification courses, related to nutrient balance sheet development, and then pass a proctored nutrient balance sheet examination administered or approved by the Department, as set forth in § 130e.11(b). Submission of the required examination for certification as a Level 2 commercial manure broker shall act as the application for a Level 2 commercial manure broker certificate. After receiving and scoring the examination, the Department will send written notice to the applicant. The written notice will inform the applicant whether he passed or failed the examination. If the applicant has passed the examination, the written notice will include a temporary certificate. The temporary certificate will be valid for 30 days from the date of receipt. The holder of the temporary certification shall forward the appropriate certification fees to the Department within the 30-day time period. Upon receipt of the appropriate fees, the Department will mail the final certification to the holder of the temporary certificate.

(2) *Certified nutrient management plan writer.* A person certified and in good standing as a commercial nutrient management specialist or a public nutrient management dual specialist under the Department's nutrient management certification regulations in Chapter 130b, meets the requirements to be certified as a Level 1 commercial manure broker and may be certified as a Level 2 commercial manure broker, upon taking the necessary nutrient management plan writing courses related to nutrient balance sheet development, and passing the appropriate testing criteria. After receiving a letter requesting certification, along with the certification fee, the Department will verify the applicant's nutrient management plan writer certification and good standing and that the appropriate courses and tests have been taken and passed. Upon verification of this criteria, the Department will issue the appropriate final certification.

(d) *Denial of certification.*

(1) If an applicant for a Level 1 or Level 2 commercial manure broker certification is denied, the Department will notify the applicant, in writing and specifically set forth the reasons for the denial.

(i) When a Level 1 commercial manure broker applicant is denied, the applicant shall be allowed to take the next available Level 1 commercial manure broker written examination and submit an application, in the manner required by subsection (b), to the Department without having to repeat the certification course required by § 130e.11(a). If the applicant fails to pass the written examination for a second time, the applicant shall be required to again meet all of the requirements established under § 130e.11(a) and take the next available written examination, prior to resubmission of an application for certification as a Level 1 commercial manure broker.

(ii) When an applicant seeks a Level 2 commercial manure broker certification and fails the nutrient balance sheet examination, the applicant shall be allowed to take the next available nutrient balance sheet examination. If the applicant fails to pass the nutrient balance sheet examination for a second time, the Department will again notify the applicant, in writing of the denial and the reason for the denial. To again be considered for a Level 2 commercial manure broker certification, the applicant shall be required to satisfy the requirements in § 130e.11(b).

(e) *Level 1 commercial manure broker to Level 2 commercial manure broker.*

(1) A Level 1 certified commercial manure broker may attain a Level 2 commercial manure broker certification by meeting the requirements established under § 130e.11(b). To be eligible to apply, the applicant shall be currently certified as a Level 1 commercial manure broker or a commercial nutrient management specialist or a public nutrient management dual specialist and in good standing.

(2) The Department will notify an applicant in writing of approval or denial of an application as set forth in subsection (d).

**COMMERCIAL MANURE HAULERS—LEVEL 1**

**§ 130e.21. Determination of competence.**

(a) *Level 1 commercial manure hauler.* Determination of competence for a Level 1 commercial manure hauler shall be based on completion of a certification program developed or approved by the Department as set forth in section 3(a) and (b) of the act (3 P. S. § 2010.3(a) and (b)). The certification program must consist of a work sheet developed or approved by the Department. The work sheet shall be filled out and signed in the presence of a certified Level 3 commercial manure hauler or certified Level 1 or 2 commercial manure broker. The certified Level 3 commercial manure hauler or certified Level 1 or 2 commercial manure broker shall sign the work sheet along with the Level 1 commercial manure hauler. The work sheet must contain a verification statement whereby the certified Level 3 commercial manure hauler or certified Level 1 or 2 commercial manure broker attests that the person being certified has reviewed and understands the information in the work sheet, will be operating under the direction and supervision of the certified Level 3 hauler or certified Level 1 or 2 broker and that the certified Level 3 hauler or certified Level 1 or 2 broker accepts full responsibility for all actions of the person being certified as a Level 1 commercial manure hauler,

with respect to the transport and stacking of manure. A Level 1 certified commercial manure hauler shall also be given a training manual developed or approved by the Department. The training manual shall be kept in any vehicle utilized by a Level 1 commercial manure hauler. The work sheet and training manual will be available at the following locations: a county conservation district office, a location of the educational institution or entity that developed an approved course, the Department or a regional office location of the Department. In addition, the Department will make the work sheets and training manuals available to commercial manure hauling and brokering businesses upon request.

(b) *Certification course.* A Level 1 commercial manure hauler nonclassroom certification program and the work sheet must, at a minimum, address and determine the applicant's level of understanding, competence and proficiency with regard to the following topics:

(1) Recordkeeping requirements necessary to meet the statutory and regulatory requirements of the act and Act 38 of 2005.

(2) The following matters pertaining to manure transport and stacking:

(i) Community relations and public image awareness, to encourage dialogue and promote cooperation.

(ii) Basic awareness and understanding of safety issues related to, manure handling and biosecurity, as well as, transport safety procedures and highway and equipment safety.

(iii) Understanding emergency action plans.

(iv) Understanding the proper placement of stacking areas and temporary storage of manure, such as set back requirements, placement and covering requirements and short and long-term stacking requirements.

(v) Certification requirements of the act.

**§ 130e.22. Certification requirements.**

(a) *General criteria for Level 1 commercial manure haulers.*

(1) A person acting as a commercial manure hauler shall obtain certification as a Level 1 commercial manure hauler prior to transporting manure.

(2) A person certified as a Level 1 commercial manure hauler shall be qualified to transport manure only.

(3) The transportation of manure shall be done as a contract agent for an agricultural operator or a certified commercial manure broker. A Level 1 certified commercial manure hauler, may transport manure as an employee or agent of a certified commercial manure broker or a Level 3 certified commercial manure hauler. A Level 1 certified commercial manure hauler may not land apply manure.

(b) *Application for Level 1 commercial manure hauler certification.* Submission of the completed, signed and verified work sheet, along with the appropriate certification fee, to the Department shall act as the application for a Level 1 commercial manure hauler certificate. A copy of the completed, signed and verified work sheet shall act as a temporary certificate. The Level 1 hauler shall keep that copy with him at all times until a final certification is issued by the Department. Upon completion of the work sheet, the commercial manure hauler or commercial manure broker verifying the work sheet shall fax or scan and e-mail the verified work sheet to the Department. The commercial manure hauler or broker verifying the work sheet shall be responsible for mailing

the original work sheet and the certification fee to the Department within 5 business days of its completion. Upon receiving the completed, signed and verified work sheet, along with the proper certification fee, the Department will mail a Level 1 hauler final certification to the holder of the temporary certificate.

#### COMMERCIAL MANURE HAULERS—LEVEL 2

##### § 130e.31. Determination of competence.

(a) *Level 2 commercial manure hauler.* Determination of competence for a Level 2 commercial manure hauler shall be based on the successful completion of a certification course and a written examination as set forth in this section. Certification requirements for a Level 2 commercial manure hauler include a nonclassroom certification course developed or approved by the Department and a proctored examination. The nonclassroom certification course must include a training manual. The written examination shall be completed by the applicant without the aid or assistance of another person. The applicant for a Level 2 commercial manure hauler certification may utilize the training manual and his own notes when taking the written examination. The written examination shall be available at and shall be taken at one of the following:

- (1) A county conservation district office.
- (2) An educational institution or entity that developed an approved course or has been approved to administer Department-approved or developed training and testing for Level 2 commercial manure haulers.
- (3) The Department or a regional office location of the Department.

(b) *Certification course.* A Level 2 commercial manure hauler nonclassroom certification course and the written examination must, at a minimum, address and determine the applicant's level of understanding, competence and proficiency with regard to the following topics:

- (1) Laws and regulations pertaining to manure application, including pertinent provisions of Act 38 of 2005 and its attendant regulations in 25 Pa. Code Chapter 83, Subchapter D (relating to nutrient management), The Clean Streams Law and 25 Pa. Code Chapter 102 (related to erosion and sedimentation control), the *Manure Management Manual* and protection of agricultural operations from nuisance suits and ordinances provisions of the act of June 10, 1982 (P. L. 454, No. 133) (3 P. S. §§ 951—957).
- (2) Basic nutrient management and manure management protocols and requirements and soil fertility and management.
- (3) Courses presenting information necessary for understanding and properly reading and applying the provisions of a nutrient management plan and nutrient balance sheet. The courses must cover manure handling and testing, land application information, manure application setback requirements and maps contained in nutrient balance sheets and nutrient management plans. The courses must include examples and hands on experience in reading, interpreting and properly applying the provisions of a nutrient management plan and nutrient balance sheet.
- (4) BMPs with respect to manure hauling and land application of manure, such as the minimum legal setback requirements from water sources, including wells, groundwater, surface waters, wetlands, public water supplies, perennial and intermittent streams and property

lines, controlling nutrient runoff, installing riparian buffers, updating and following erosion and sedimentation control plans, seasonal manure application concerns and incorporation and no-till farming techniques.

(5) Recordkeeping requirements necessary to meet the statutory and regulatory requirements of the act and Act 38 of 2005.

(6) The following matters pertaining to manure transport and land application:

- (i) Courses covering the filing requirements in the act.
- (ii) Basic awareness of safety issues related to manure management, manure handling and biosecurity, as well as, transport safety procedures and highway and equipment safety.
- (iii) Understanding emergency action plans.
- (iv) Proper calibration of application rates and techniques and requirements for calibrating all types of application equipment normally utilized to land apply manure.
- (v) Understanding of land application issues, such as incorporation, compaction and winter application.
- (vi) Understanding the proper placement of stacking areas and temporary storage of manure, such as set back requirements, placement and covering requirements and short and long term stacking requirements.
- (vii) Other areas and course work related to proper transport and land application of manure and recordkeeping as determined appropriate by the Department.

##### § 130e.32. Certification requirements.

(a) *General.* General criteria for Level 2 commercial manure haulers are as follows:

- (1) A person shall obtain certification as a commercial manure hauler Level 2 prior to land-applying manure.
- (2) Manure land-applied by a Level 2 certified commercial manure hauler shall only be applied under the supervision of a Level 1 or Level 2 certified commercial manure broker or a Level 3 certified commercial manure hauler acting as a contract agent for an agricultural operator or commercial manure broker.
- (3) When acting as a contract agent for an agricultural operator required by section 5 of the act (3 P. S. § 2010.5) to use a certified commercial manure hauler or certified commercial manure broker, shall land apply the manure in accordance with and based upon an approved nutrient management plan or a nutrient balance sheet developed by a certified commercial nutrient management specialist or a Level 2 certified commercial manure broker.
- (4) The Level 2 manure hauler shall maintain the records of manure transported or land-applied as required by this chapter and the recordkeeping requirements of the nutrient management regulations in 25 Pa. Code §§ 83.341—83.344 (relating to recordkeeping and informational requirements).

(b) *Application for Level 2 commercial manure hauler certification.* To obtain a Level 2 commercial manure hauler certification, a person shall request and review the Level 2 certification course training manual and take and pass the Level 2 certification written examination. Submission of the required examination for certification as a Level 2 commercial manure hauler shall act as the application for a Level 2 commercial manure hauler certificate. Upon receiving and scoring the examination, the Department will send written notice to the applicant.

The written notice will inform the applicant whether he passed or failed the examination. If the applicant has passed the examination, the written notice will include a temporary certificate. The temporary certificate will be valid for 30 days from the date of receipt. The holder of the temporary certificate shall forward the appropriate certification fee to the Department within that 30-day time period. Upon receipt of the appropriate fee, the Department will mail the final certification to the holder of the temporary certificate.

(c) *Conditional certification.* This provision shall be utilized only under circumstances established in this subsection.

(1) *Qualifying conditions.* Conditional certification may be utilized to certify a person as a Level 2 commercial manure hauler to cover an unforeseeable circumstance or event which leaves the owner of the commercial manure hauler or commercial manure broker business without personnel to haul and apply manure during critical times, or when imminent environmental threat or harm exists.

(i) An unforeseeable circumstance or event includes:

(A) Failure of a certified employee to report to work because of illness.

(B) The resignation without notice of a certified employee.

(C) The unexplained absence of a certified employee.

(ii) An imminent environmental threat or harm exists when circumstances may cause a manure storage area to overflow or breach without prior warning. Circumstances include:

(A) A weather occurrence, such as unexpectedly high amounts of rain or a natural disaster such as a hurricane.

(B) Damage to the manure storage.

(2) *General procedure for conditional certification.* Applicants for conditional certification shall comply with the following procedures:

(i) *Notification.* Prior to allowing the employee to haul or land-apply manure, the owner of the commercial manure hauling or brokering business who wishes to have an employee conditionally certified as a Level 2 commercial manure hauler shall be required to contact the Department and notify the Department of the necessity of the conditional certification. The notification must set forth the qualifying condition necessitating conditional certification.

(ii) *Limitation on conditional approvals.* The Department will have the right to limit the number of employees for which it will grant a conditional certification and the number of times it will grant a conditional certification to a commercial manure hauler or brokering business. Prior to denying a request, the Department will notify a commercial manure hauler or broker that a future limitation will be imposed. Any oral notification will be followed by a written notification.

(iii) *Necessity of conditional certification.* The owner of the commercial manure hauling or brokering business shall set forth a reasonable and plausible explanation of why the triggering circumstance or event was unforeseeable or delineate the environmental harm or threat triggering the need for conditional certification. The owner shall provide specific information regarding the reason conditional certification is necessary.

(3) *Conditions and limitations of approval.* When conditional certification is utilized, the following apply:

(i) The Department will provide on-line and by means of fax the Level 2 workbook and a work sheet covering the information necessary to conditionally certify a Level 2 commercial manure hauler.

(ii) The employee who wishes to become conditionally certified shall review the Level 2 workbook and complete the work sheet.

(iii) The employee and the employer shall sign the work sheet and fax the verified and completed work sheet to the Department.

(iv) The work sheet shall be completed, signed and faxed or scanned and e-mailed to the Department prior to the conditionally certified person transporting or land applying manure.

(v) The employer shall mail the original copy of the completed and signed work sheet to the Department within the 5 business days for which the employee's conditional certification is valid.

(vi) The conditionally certified employee shall take and pass the Level 2 commercial manure hauler test within 5 business days of the employer notifying the Department of the conditional certification.

(vii) Conditional certification will be valid for 5 business days from the date of notification. The conditionally certified employee may not continue to operate under the conditional certification after the 5-day period has run and may not be granted any extension.

(viii) Conditional certification will be granted to a person only one time.

(ix) The owner of the commercial manure hauling or brokering business shall agree to a date and location where the conditionally certified employee will take the Level 2 commercial manure hauler examination. The date shall be within 5 business days of the notification of the conditional certification.

(4) *Land application conditions.* When the Department grants conditional certification, the conditionally-certified employee shall land apply manure under the supervision of a Level 3 certified commercial manure hauler or a Level 1 or 2 certified commercial manure broker. A conditionally certified employee may not land apply manure unless the conditions are met.

(d) *Denial of certification.* If an applicant for a Level 2 commercial manure hauler certification is denied, the Department will notify the applicant, in writing and specifically set forth the reasons for the denial. When a Level 2 commercial manure hauler applicant is denied, the applicant shall be allowed to take the Level 2 commercial manure hauler written examination again and submit it as set forth in subsection (b), to the Department. The applicant may not land-apply manure until certified as a Level 2 commercial manure hauler.

**COMMERCIAL MANURE HAULERS—LEVEL 3**

**§ 130e.41. Determination of competence.**

(a) *Commercial manure hauler Level 3 certification.* Determination of competence for a Level 3 commercial manure hauler shall be based on the successful completion of a Department-developed or approved certification course and a written examination meeting the requirements in this section. Both the certification course and the written examination shall be administered in a classroom setting. The certification course shall be completed prior to the applicant taking the written examination. A person certified and in good standing as a commercial nutrient management specialist or a public

nutrient management dual specialist under the Department's nutrient management certification regulations in Chapter 130b (relating to nutrient management certification), meets the requirements to be certified as a Level 3 commercial manure hauler.

(b) *Certification course.* The certification course must, at a minimum, address the applicant's understanding, competence and proficiency with regard to the following topics:

(1) Laws and regulations pertaining to manure application, including pertinent provisions Act 38 of 2005 and its attendant regulations in 25 Pa. Code Chapter 83, Subchapter D (relating to nutrient management), The Clean Streams Law and applicable regulations in 25 Pa. Code Chapter 102 (related to erosion and sedimentation control), the *Manure Management Manual* and protection of agricultural operations from nuisance suits and ordinances provisions of the act of June 10, 1982 (P. L. 454, No. 133) (3 P. S. §§ 951—957).

(2) Basic nutrient management and manure management protocols and requirements and soil fertility and management.

(3) Courses presenting information necessary for understanding and properly reading and applying the provisions of a nutrient management plan and nutrient balance sheet. The courses must cover manure handling and testing, land application information, manure application setback requirements and maps contained in nutrient balance sheets and nutrient management plans. The courses must include examples and hands on experience in reading, interpreting and properly applying the provisions of a nutrient management plan and nutrient balance sheet.

(4) BMPs with respect to manure hauling and land application of manure, such as the minimum legal setback requirements from water sources, including wells, groundwater, surface waters, wetlands, public water supplies, perennial and intermittent streams and property lines, controlling nutrient runoff, installing riparian buffers, updating and following erosion and sedimentation control plans, seasonal manure application concerns and incorporation and no-till farming techniques.

(5) Recordkeeping requirements necessary to meet the statutory and regulatory requirements of Act 38 of 2005.

(6) The following matters pertaining to manure transport and land application:

- (i) Courses covering the filing requirements in the act.
- (ii) Community relation and public image awareness, to encourage dialogue and promote cooperation.
- (iii) Basic awareness of safety issues related to manure management, manure handling and biosecurity, as well as, transport safety procedures and highway and equipment safety.
- (iv) Understanding emergency action plans.
- (v) Proper calibration of application rates and techniques and requirements for calibrating all types of application equipment normally utilized to land apply manure.
- (vi) Understanding of land application issues, such as, incorporation, compaction and winter application.
- (vii) Understanding the proper placement of stacking areas and temporary storage of manure, such as set back requirements, placement and covering requirements and short and long term stacking requirements.

(c) *Certification course and written examination.* The Department or an approved educational institution or entity, as provided for in the act, may develop and administer the training courses and proctor the written examinations. Certification courses and examinations for Level 3 commercial manure haulers will be offered at least twice per year, or more often as deemed necessary by the Department. The certification courses and examinations will be offered at various locations across this Commonwealth in a manner that will insure Statewide coverage and access. At a minimum, the successful completion of the examination will demonstrate the applicant's understanding of transport and land application of manure on agricultural operations and the applicant's technical knowledge and proficiency relating to interpretation and implementation of nutrient management plans and nutrient balance sheets, as well as, the applicant's knowledge of recordkeeping requirements. The written examination must, at a minimum, address the topics and areas required to be addressed by the certification course, as set forth in subsection (b).

#### § 130e.42. Certification requirements.

(a) *General.* The act and this chapter establish four general criteria for commercial manure haulers.

(1) A person acting as a commercial manure hauler shall obtain certification as a commercial manure hauler Level 3 prior to land applying manure without supervision and prior to supervising the land application of manure by another certified commercial manure hauler. A Level 3 certified commercial manure hauler may transport or land-apply, or both, manure as a contract agent for an agricultural operator or commercial manure broker and under the direction of that operator or broker.

(2) A person acting as a commercial manure hauler shall maintain certification under the requirements of the certification program.

(3) When acting as a contract agent for an agricultural operator required under section 5 of the act (3 P. S. § 2010.5) to use a certified commercial manure hauler or certified commercial manure broker, the commercial manure hauler shall land apply the manure in accordance with and based upon an approved nutrient management plan or nutrient balance sheet developed by a certified commercial nutrient management specialist or a Level 2 certified commercial manure broker. When acting as a contract agent for a certified commercial manure broker, that has assumed temporary control or ownership of manure from an agricultural operator required by section 5 of the act to use a certified commercial manure hauler or certified commercial manure broker, the commercial manure hauler shall land apply the manure in accordance with and based upon an approved nutrient management plan or nutrient balance sheet developed by a certified commercial nutrient management specialist or a Level 2 certified commercial manure broker.

(4) Commercial manure haulers shall maintain records of all manure they transport or land-apply as required by this chapter and the recordkeeping requirements of the nutrient management regulations in 25 Pa. Code §§ 83.341—83.344 (relating to recordkeeping and informational requirements).

(b) *Application for Level 3 commercial manure hauler certification.*

(1) *Submission of application.* Submission of the required examination for certification as a Level 3 commercial manure hauler shall act as the application for a Level 3 commercial manure hauler certificate. Upon receiving

and scoring the examination, the Department will send written notice to the applicant. The written notice will inform the applicant whether he passed or failed the examination. If the applicant has passed the examination, the written notice will include a temporary certificate. The temporary certificate will be valid for 30 days from the date of receipt. The holder of the temporary certification shall forward the appropriate certification fees to the Department within that 30-day time period. Upon receipt of the appropriate certification fees, the Department will mail the final certification to the holder of the temporary certificate.

(2) *Certified nutrient management plan writer.* A person certified and in good standing as a commercial nutrient management specialist or a public nutrient management dual specialist under the Department's nutrient management certification regulations in Chapter 130b (relating to nutrient management certification), meets the requirements to be certified as a Level 3 commercial manure hauler. Upon receiving a letter requesting certification, along with the certification fee, the Department will verify the applicant's nutrient management plan writer certification and good standing. Upon verification of this criteria, the Department will issue the appropriate final certification.

(c) *Denial of certification.*

(1) If an applicant for a Level 3 commercial manure hauler certification is denied, the Department will notify the applicant, in writing and specifically set forth the reasons for the denial.

(2) When a Level 3 commercial manure hauler applicant is denied, the applicant shall be allowed to take the next available Level 3 commercial manure hauler written examination and submit an application, in the manner required by subsection (b), to the Department without having to repeat the certification course required by § 130e.41 (relating to determination of competence). If the applicant fails to pass the written examination for a second time, the applicant shall be required to repeat the certification course required by § 130e.41 prior to taking the written examination for a third time.

(e) *Level 3 commercial manure hauler to Level 2 commercial manure broker.*

(1) A Level 3 certified commercial manure hauler may attain a Level 2 commercial manure broker certification by meeting the requirements in § 130e.11(b) (relating to determination of competence). To be eligible to apply, the applicant shall be currently certified as a Level 3 commercial manure hauler and in good standing.

(2) The Department will notify an applicant in writing of approval or denial of an application as set forth in subsections (b) and (c). If the nutrient balance sheet is determined to be adequate, the written notice will include the Level 2 commercial manure broker certificate. If the Department rejects the application, the Department will notify the applicant in writing and set forth the reasons for the rejection. When the applicant wishes to reapply for a Level 2 commercial manure broker certification, the procedures and steps related to reconsideration for a Level 2 commercial manure broker certification, established under § 130e.12(d)(3)(ii) (relating to certification requirements) apply and shall be followed. When an applicant seeks a Level 2 commercial manure broker certification and fails the nutrient balance sheet examination, the applicant shall be allowed to take the next available nutrient balance sheet examination. If the applicant fails to pass the nutrient balance sheet exami-

nation for a second time, the Department will again notify the applicant, in writing of the denial and the reason for the denial. To again be considered for a Level 2 commercial manure broker certification, the applicant shall be required to repeat the appropriate nutrient management plan writing certification courses related to nutrient balance sheet development and then pass a proctored nutrient balance sheet examination administered or approved by the Department.

### CONTINUING EDUCATION REQUIREMENTS

#### § 130e.51. Commercial manure broker and hauler continuing education requirements.

(a) *Continuing education credit requirements.* To maintain certification, certified commercial manure brokers and commercial manure haulers shall be required to obtain continuing education credits. The number of continuing education credits required shall be based on the level of certification. The Department will develop or may approve continuing education credit courses for each level of certification.

(1) *Level 1 and 2 commercial manure brokers and Level 3 commercial manure haulers.* Every 3 calendar years, Level 1 and Level 2 commercial manure brokers and Level 3 commercial manure haulers, shall provide written documentation of completion of the required number of continuing education credits. Continuing education credits shall be received by attending and completing Department-developed or approved continuing education courses in the competency requirements set forth in the initial certification courses for the particular level at which the person is certified. Competency requirements for Level 1 and Level 2 commercial manure brokers are set forth in § 130e.11 (relating to determination of competence) and competency requirements for Level 3 commercial manure haulers are delineated in § 130e.41 (relating to determination of competence). Continuing education credit courses and credits offered in conjunction with the Department's nutrient management plan certification regulations meet the requirements for continuing education credits under this section.

(2) *Level 2 commercial manure haulers.* Every 3 calendar years, Level 2 commercial manure haulers shall provide written documentation of completion of the required number of continuing education credits. Continuing education credits shall be received by attending and completing Department-developed or approved continuing education courses in the competency requirements for a Level 2 commercial manure hauler, which are set forth in § 130e.31 (relating to determination of competence).

(3) *Level 1 commercial manure haulers.* Every calendar year, Level 1 commercial manure haulers shall complete an updated work sheet as set forth in subsection (b)(2)(ii)(d).

(b) *Continuing education courses and credits.*

(1) *Continuing education.* Continuing education credits shall be obtained through attendance at Department-developed or approved courses. The Department will develop or evaluate and approve continuing education courses for each level of commercial manure broker and commercial manure hauler. The Department will publish approved courses and the place, date and time for each course on the Department website and in the Department's quarterly newsletter. The Department will also notify certified commercial manure brokers and commercial manure haulers by e-mail or by fax, or both, if the commercial manure broker or commercial manure hauler has provided its contact information to the Department.

The Department will endeavor to hold continuing education courses in various regions across this Commonwealth to assure reasonable access to certified commercial manure brokers and haulers across this Commonwealth.

(2) *Continuing education credits.*

(i) *Rate of accrual.* Continuing education credits accrue at the rate of 1 credit per hour of applicable instruction. Participants shall be required to sign in and sign out of each continuing education course. Participants shall be required to attend the entire continuing education course. A participant leaving a continuing education course early shall receive no continuing education credits. The sign in and sign out sheets will be provided by the Department and shall be collected by the continuing education course provider at the end of each day of the continuing education course and mailed to the Department. The Department will record the name of each certified commercial manure broker and certified commercial manure hauler attending the continuing education course and assign the appropriate number of continuing education credits to the broker's or hauler's file. Break periods such as coffee breaks, lunches, visits to exhibits and the like will not be considered as part of the instruction period and shall be excluded from the applicable instruction hours. Question and answer sessions shall be considered part of the applicable instruction hours. Early dismissal is not allowed and credits will not accrue in any hour in which there was an early dismissal.

(ii) *Number of continuing education credit hours required.* Certified commercial manure brokers and certified commercial manure haulers shall be required to obtain the following amount of continuing education credits in Department-approved continuing education courses:

(A) Level 1 certified commercial manure brokers and Level 3 certified commercial manure haulers shall be required to attain 9 continuing education credits every 3 years.

(B) Level 2 certified commercial manure brokers shall be required to attain a total of 12 continuing education credits every 3 years, with 3 of those 12 continuing education credits pertaining to development of nutrient balance sheets.

(C) Level 2 certified commercial manure haulers will be required to attain 6 continuing education credits every 3 years.

(D) Level 1 certified commercial manure haulers will not be required to attain continuing education credits. Level 1 certified commercial manure haulers will be required to fill-out, sign and return an updated work sheet prior to the expiration of their certification period. The Department will mail an updated work sheet to each Level 1 certified commercial manure hauler at least 30 days prior to the expiration of the Level 1 commercial manure hauler's certification. Upon receipt of the completed and signed work sheet and the proper certification fee, the Department will issue an updated certification.

(c) *Failure to obtain continuing education credits.* If a commercial manure broker or commercial manure hauler allows his certification to expire and does not obtain the required number and types of continuing education credits in accordance with this chapter, the commercial manure broker's or commercial manure hauler's certification shall have lapsed and that person's privilege to broker or haul manure shall be suspended or revoked until the commercial manure broker or commercial manure hauler obtains the required continuing education credits and meets the recertification requirements of this

chapter. If the commercial manure broker or hauler has failed to obtain any of the required continuing education credits, that person shall again satisfy the full certification requirements established by this chapter for the level of certification sought to be retained. The Department will send a written notice of the lapse and of suspension or revocation of certification to the commercial manure broker or hauler. The act requires maintenance of certification and, therefore, a commercial manure broker or commercial manure hauler that has allowed his certification to lapse shall refrain from brokering, hauling or land applying manure until all delinquent continuing education credits are acquired or that person has again completed the appropriate certification requirements and received the Department's approval, has been removed from suspension and has been reissued a commercial manure broker or hauler certification. Failure to abide by the terms of this subsection is a violation of the act and this chapter and shall subject the violator and his employer to the penalties provisions in sections 6—9 of the act.

(d) *Revocation or suspension.* The Department's decision to revoke or suspend a commercial manure broker's or commercial manure hauler's certification will be based on the gravity of the offense. The Department will consider the willfulness of the violation, previous violations and whether the person in question has continued to operate despite not acquiring the required continuing education credits prior to lapse of his current level of certification.

(1) *Suspended certification.* A commercial manure broker or commercial manure hauler whose certification has been suspended may not operate until all continuing education credits have been met and approved by the Department or that person has again completed the appropriate certification requirements and received the approvals, as set forth in subsection (c).

(2) *Revoked certification.* A commercial manure broker or commercial manure hauler whose certification has been revoked, may not operate until the Department has issued a new certification. To obtain certification again, the person whose certification has been revoked shall again satisfy the full certification requirements established by this chapter for the level of certification sought to be obtained.

**§ 130e.52. Continuing education credit course providers.**

(a) *Approval, denial, suspension and revocation to provide a continuing education credit course.*

(1) *Eligibility.* To be eligible to apply for approval to conduct a continuing education credit course, the applicant shall be the Pennsylvania State University or other education institution or entity. Out-of-State educational institutions or entities may submit certification programs to the Department for approval. To obtain approval, any training and educational program must, at a minimum, meet the requirements established by section 3 of the act (3 P. S. § 2010.3).

(2) *Application content.* Persons developing and seeking approval of a continuing education credit course shall submit an application, containing details of the course components and topics, as well as, subject matter and topics and time allotted to each subject or topic. The application must include the name of the person developing and administering the course and a contact person. The application must state whether the courses will be open to the public and if a fee will be charged. The

application must set forth which of the various levels of certification the course provider intends to address and the overall length of the program and credit hours sought to be approved. Subsequent to receiving the approval or contingent approval of the Department, the course provider shall provide the specific locations, the names of speakers and the proposed dates and times the course will be offered at each location.

(3) *Submission of application.* The application shall be submitted to the Department of Agriculture, Bureau of Plant Industry, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408.

(4) *Department approval, disapproval or modification.* An applicant shall receive approval from the Department prior to offering or administering a continuing education credit course. The Department will review and approve, disapprove or modify a request for approval within 30 days of receipt of an administratively complete application. An approval, denial or modification will be in writing. A denial or modification request will state the specific reasons for the denial or the specific modifications required and the reason for the modifications. An application for continuing education credit course approval shall be submitted to the Department and approved by the Department prior to the applicant advertising the course or setting a date, place and time for the course. Upon approval, the applicant may advertise the course and begin to take applications for the course. The Department will publish the approved course on the Department's website. The publication will include the course level, hours of credits to be received and the date, time and place the course will be offered.

(5) *Criteria for approval.* At a minimum, a continuing education credit course must address the areas of competence in § 130e.11, § 130e.21, § 130e.31 or § 130e.41, required for the level of certification the course provider intends to address.

(6) *Revocation of course or denial or revocation of credit hours.* The Department may revoke approval of a continuing education credit course or deny or revoke credit hours, or both. When the Department revokes approval of a course, the Department may also notify the course provider it is ineligible to provide continuing education credit courses for 12 months, or longer, from the date of the revocation. When the Department revokes approval of a continuing education course, any credit hours earned by a course attendee prior to the notice of revocation, will be honored and will not be forfeited. The following are the grounds for revocation of a course or denial or revocation of continuing education credits offered through that course:

(i) The applicant or approved continuing education credit course provider falsified or failed to disclose required information on the application or falsified or failed to disclose information with regard to course hours given or attended, type or content of material presented, attendance records of certified commercial manure brokers or haulers seeking continuing education credits or a violation of other criteria required under this section.

(ii) The approved continuing education credit course provider has failed to update materials and course content in a manner necessary to keep the course current with updates in statutes, regulations, technology or practices. In this situation, the Department will notify the course provider, in writing, of deficiencies prior to issuing a revocation. The course provider shall correct the deficiencies within 30 days. Failure to correct the deficiencies will result in a revocation of the Department's approval.

(iii) The course provider has violated or assisted a person in violating a provision of the act or this chapter.

(iv) The course provider modifies the approved course, with regard to course content or hours of credit offered, or modifies dates and times of courses offered without the approval of the Department.

(b) *Course monitoring.* If the Department or its designee is unable to personally monitor a continuing education credit course, the approved course provider shall be responsible for verifying attendance, including credit hours actually attended, and shall compile a list of the names of the individual certified commercial manure brokers and commercial manure haulers in attendance and their certification number. The list shall be compiled on a form provided by the Department. The forms shall be returned to the Department within 10 working days following the date the continuing education credit course was conducted.

**DENIAL, SUSPENSION AND REVOCATION OF COMMERCIAL MANURE BROKER OR HAULER CERTIFICATES**

**§ 130e.61. Denial, suspension and revocation of certificates.**

(a) *General power and authority.* The Department may, after notice, including a statement of the reasons therefore, deny, suspend or revoke the certification of a commercial manure broker or commercial manure hauler for one or more of the following reasons:

- (1) A violation of the act or this chapter.
- (2) Failure to obtain the required continuing education credits in § 130e.51 (relating to commercial manure broker and hauler continuing education requirements).
- (3) Inconsistency and demonstration of a lack of knowledge or proficiency in the proper handling, transportation or land application of manure, including violations the act, Act 38 of 2005 or The Clean Streams Law.
- (4) Three or more occurrences within a 3-year period of noncompliance with recordkeeping requirements, including delay or noncommunication with an agricultural operator, a conservation district or the Department in providing requested or required information or recordkeeping documentation.
- (5) Falsifying information.
- (6) Allowing certification to lapse.

(b) *Notice of violation and orders.* The Department may issue notices of violation and orders necessary for the enforcement of the act and this chapter. An order will take effect upon notice unless the order specifies otherwise.

(c) *Procedure.* A person may appeal an action under this section to the Secretary as follows:

- (1) The appeal shall be filed within 30 days of the date of receipt of the order, revocation or suspension.
- (2) The Secretary will issue a decision on the appeal within 30 days of the filing of an appeal under paragraph (1). If the Secretary does not issue a decision within 30 days, the order, revocation or suspension will be deemed withdrawn.
- (3) This subsection is subject to 2 Pa.C.S. Chapter 5, Subchapter A and Chapter 7, Subchapter A (relating to Administrative Agency Law).



(4) The appeal must be in writing and set forth the specific reasons for the appeal. The appeal shall be sent to the Bureau of Plant Industry, Agriculture Building, 2301 North Cameron Street, Harrisburg, Pennsylvania, 17110.

### Subchapter C. RECORDKEEPING

Sec.  
130e.71. Recordkeeping.

#### § 130e.71. Recordkeeping.

(a) *Commercial manure hauler.* A commercial manure hauler shall maintain the following records, which shall be open to inspection by the Department or its agents during regular business hours and shall be maintained for 3 years after the date of transport or land application of the manure, whichever is later in time. When a Level 1 or Level 2 commercial manure hauler is operating as the employee of or as a contract agent for a Level 3 commercial manure hauler, the records shall be the responsibility of and kept by the Level 3 commercial manure hauler.

(1) *Agreement.* A copy of the agreement or contract between the commercial manure hauler and each agricultural operator or commercial manure broker for which the commercial manure hauler is transporting or land applying manure, or both.

(2) *Records.* The following records shall be maintained:

(i) Records setting forth the name and address of each agricultural operator or commercial manure broker for which the commercial manure hauler has or is currently transporting or land applying, or both, manure.

(ii) Records for each load of manure transported or land applied, which must detail:

(A) The name and location of the agricultural operator or commercial manure broker from which the manure was obtained or on whose behalf the manure was transported or land applied, and the date and time of the transport or application, or both, of the manure.

(B) The name and location of the agricultural operator, commercial manure broker, importing operation or facility or all of the these entities if more than one is involved, to which the manure was transported or on whose property the manure was land applied, or both.

(C) The name, address and certification number of each person involved in the transport or application, or both, of the manure.

(iii) When the commercial manure hauler is land applying the manure the following additional recordkeeping requirements apply:

(A) The location of the field to which each load of manure was applied, as identified in an approved nutrient management plan or a nutrient balance sheet.

(B) The name, certification number and signature of each commercial manure hauler or broker that land applied the manure to each location.

(C) The date of the application.

(D) The total amount of manure applied to each field.

(E) The number of acres to which manure was applied.

(F) The rate of manure application for each field.

(G) The crop group or type of groundcover for each field to which manure was applied.

(H) The source—nutrient balance sheet or appropriate summary or nutrient application sections and maps of the approved nutrient management plan—followed to determine appropriate application rates for each field to which the manure was applied.

(I) When manure from a CAO, CAFO or volunteer operation is land applied on an importing operation, a copy of the nutrient balance sheet utilized for each land application.

(b) *Commercial manure broker.* A commercial manure broker shall maintain the following records, which shall be open to inspection by the Department or its agents during regular business hours and be maintained for 3 years after the date of transport or land application of the manure, whichever is later in time. When a Level 1, Level 2 or Level 3 commercial manure hauler is operating as the employee of or as a contract agent for a Level 1 or Level 2 commercial manure broker, the records shall be the responsibility of and kept by the Level 1 or Level 2 commercial manure broker.

(1) *Exporter agreement.* A copy of the agreement or contract between the commercial manure broker and each agricultural operator for which the commercial manure broker is transporting or land applying, or both, manure.

(2) *Importer agreement.* A copy of any agreement between the commercial manure broker and an agricultural operator to whose agricultural operation the manure will be applied.

(3) *Nutrient balance sheet.* A copy of the nutrient balance sheet required under section 5(1) of the act (3 P. S. § 2010.5(1)) to be provided to the importing operation and the date the nutrient balance sheet was provided to the importing operation.

(4) *Records.* The following records shall be maintained:

(i) Records setting forth the name and address of each agricultural operator or other person for which the commercial manure broker has or is currently transporting or land applying, or both, manure.

(ii) Records for each load of manure transported or land applied, which details:

(A) The name and location of the agricultural operator or person from which the manure was obtained or on whose behalf the manure was transported or land applied, or both, and the date and time of the transport or land application, or both, of the manure.

(B) The name and location of the agricultural operator or importing operation or person to which the manure was transported or on whose property the manure was land applied, or both.

(C) The name, address and certification number of each person involved in the transport or application, or both, of the manure.

(iii) When the certified commercial manure broker is land applying the manure or has contracted with another properly certified commercial manure broker or commercial manure hauler to land apply the manure, the following additional recordkeeping requirements apply:

(A) The field to which each load of manure was applied as identified in an approved nutrient management plan or a nutrient balance sheet.

(B) The name, certification number and signature of each commercial manure hauler or broker that land applied the manure to each location.

- (C) The date of the application.
- (D) The total amount of manure applied to each field.
- (E) The number of acres to which manure was applied.
- (F) The rate of manure application for each field.
- (G) The crop group or type of groundcover for each field to which manure was applied.
- (H) The source—nutrient balance sheet or appropriate summary or nutrient application sections and maps of the approved nutrient management plan—followed to determine appropriate application rates for each field to which the manure was applied.
- (I) When manure from a CAO, CAFO or volunteer operation is land applied on an importing operation, a copy of the nutrient balance sheet utilized for each land application.

[Pa.B. Doc. No. 07-38. Filed for public inspection January 12, 2007, 9:00 a.m.]

## Title 22—EDUCATION

### STATE BOARD OF EDUCATION

#### [22 PA. CODE CH. 49]

#### Corrective Amendment to 22 Pa. Code § 49.65

The State Board of Education has discovered a discrepancy between the agency text of 22 Pa. Code § 49.65 (relating to out-of-State and Nationally-certified applicants), as deposited with the Legislative Reference Bureau, and published at 35 Pa.B. 3655 (July 15, 2006) and the official text published in the September 2006 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 382) and as currently appearing in the *Pennsylvania Code*. The text of this section omitted new subsections (d) and (e) when codified.

Therefore, under 45 Pa.C.S. § 901: The State Board of Education has deposited with the Legislative Reference Bureau a corrective amendment to 22 Pa. Code § 49.65. The corrective amendment to 22 Pa. Code § 49.65 is effective as of September 2, 2006, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 22 Pa. Code § 49.65 appears in Annex A.

#### Annex A

#### TITLE 22. EDUCATION

#### PART I. STATE BOARD OF EDUCATION

#### Subpart C. HIGHER EDUCATION

#### CHAPTER 49. CERTIFICATION OF PROFESSIONAL PERSONNEL

#### Subchapter A. GENERAL PROVISIONS

#### MISCELLANEOUS PROVISIONS

#### § 49.65. Out-of-State and Nationally-certified applicants.

(a) The Department will issue the appropriate Commonwealth certificate to applicants who have:

- (1) Graduated from a State approved out-of-State college or university whose teacher education requirements are comparable to those of this Commonwealth.

(2) Completed the preparing institution's teacher education program.

(3) Received the recommendation of the preparing institution for the subject or area to be taught.

(4) Presented evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment) and the requirements of Chapter 354 (relating to teacher preparation).

(b) The Department may enter into a reciprocal certification agreement with the appropriate authority of another state to recognize comparable certificates. A temporary teaching permit may be issued to educators prepared outside of this Commonwealth in accordance with the current reciprocity agreement with other states. It will be valid for 1 year to allow the teacher to meet the Commonwealth's requirements as out lined in the reciprocity agreement.

(c) Candidates certified by the National Board for Professional Teaching Standards will be granted the highest level certificate applicable.

(d) Candidates successfully completing other National teacher training programs that require a candidate to demonstrate mastery of the subject area to be taught and professional knowledge needed for classroom effectiveness as approved by the Board, will be certified to teach in this Commonwealth, provided the approved program includes 1 year of intensive supervision in an internship program approved by the Secretary and the teacher has satisfied the basic certification requirements of the act (see 24 P. S. §§ 12-1202 and 12-1209), such as having good moral character, being at least 18 years old and having a bachelor's degree.

(e) Candidates holding a valid and current instructional certificate issued by one of the states party to the Interstate Certification Agreement with Pennsylvania may be eligible for certification if they have taught on the out-of-State certificate for 3 of the past 7 years and have achieved the qualifying score on the appropriate content area test required by the Commonwealth and meet the requirements of § 49.12 (relating to eligibility). The out-of-State certificate must be comparable to the grade level and scope of the Pennsylvania certificate being requested, and the test must have been taken within 5 years of the date of application for the Pennsylvania certificate. In those cases, no other tests will be required.

[Pa.B. Doc. No. 07-39. Filed for public inspection January 12, 2007, 9:00 a.m.]

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

#### [25 PA. CODE CH. 126]

#### Pennsylvania Clean Vehicles Program

#### Corrective Amendment to 25 Pa. Code § 126.451

The Department of Environmental Protection (Department) has discovered a discrepancy between the agency text of 25 Pa. Code § 126.451 (relating to responsibilities of the Department) as deposited with the Legislative Reference Bureau (Bureau) and the official text published at 36 Pa.B. 7424, 7445 (December 9, 2006) and the text

which will be published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 387 (February 2007)). The text of the section contained inadvertent errors.

Therefore, under 45 Pa.C.S. § 901: The Department has deposited with the Bureau a corrective amendment to 25 Pa. Code § 126.451. The corrective amendment to 25 Pa. Code § 126.451 is effective as of December 9, 2006, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 126.451 appears in Annex A.

#### **Annex A**

### **TITLE 25. ENVIRONMENTAL PROTECTION**

#### **PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

#### **Subpart C. PROTECTION OF NATURAL RESOURCES**

#### **ARTICLE III. AIR RESOURCES**

#### **CHAPTER 126. MOTOR VEHICLE AND FUELS PROGRAM**

#### **Subchapter D. PENNSYLVANIA CLEAN VEHICLES PROGRAM**

#### **DEPARTMENT RESPONSIBILITIES**

#### **§ 126.451. Responsibilities of the Department.**

The Department will do the following:

(1) Monitor and advise the EQB of any proposed or final-form rulemakings under consideration by CARB or its successor that amend the Title 13 CCR, Division 3, Chapter 1 and 2 requirements, incorporated by reference in this subchapter.

(2) The Department will:

(i) Prepare a Regulatory Analysis Form to be submitted to the EQB and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for each proposed or final CARB rulemaking amending the Title 13 CCR, Division 3, Chapter 1 and 2 requirements incorporated by reference in this subchapter. The Department will complete the relevant provisions of the

Regulatory Analysis Form as practical, including a cost/benefit analysis of the proposed or final CARB rulemaking.

(ii) Evaluate the estimated incremental cost to manufacture vehicles that comply with the California Low Emission Vehicle Program compared to the cost to manufacture vehicles that comply with the Federal Tier II vehicle emissions regulation, or its successor, promulgated under section 177 of the Clean Air Act (42 U.S.C.A. § 7507) to the extent data is available. This evaluation will be conducted on any proposed or final-form rulemakings under consideration by CARB or its successor amending the Title 13 CCR, Division 3, Chapter 1 and 2 requirements incorporated by reference in this subchapter and will be distributed to the EQB and the Chairpersons of the House and Senate Environmental Resources and Energy Committees.

(iii) Submit comments on proposed or final-form rulemakings amending the Title 13 CCR, Division 3, Chapter 1 and 2 requirements incorporated by reference in this subchapter to CARB on behalf of the residents of this Commonwealth.

(3) The Department, in conjunction with the Department of Transportation, will study and evaluate the feasibility of modifying the Pennsylvania vehicle emission inspection program. In performing the study and evaluation, the Department, in conjunction with the Department of Transportation, will consider the additional reductions in NO<sub>x</sub>, VOCs and other pollutants to be achieved through implementation of the Title 13 CCR, Division 3, Chapter 1 and 2 requirements. The Department will submit the findings and recommendations to the EQB no later than September 10, 2007.

(4) As soon as possible, but no later than June 11, 2007, the Department will notify the EQB of the specific reductions in NO<sub>x</sub>, VOCs, carbon monoxide and any other reductions approved by the EPA as a result of the incorporation of the Pennsylvania Clean Vehicles Program in the Commonwealth's SIP. The report must include a comparison of the incremental benefit reductions derived using EPA-approved methodology versus reductions which would have been achieved under the Federal Tier II vehicle emission standards.

[Pa.B. Doc. No. 07-40. Filed for public inspection January 12, 2007, 9:00 a.m.]

# PROPOSED RULEMAKING

## GAME COMMISSION

[58 PA. CODE CH. 147]

### Special Permits; Canada Geese

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 3, 2006, meeting, proposed to add § 147.476 (relating to exceptions for resident Canada geese).

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

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

The proposed rulemaking was made public at the October 3, 2006, meeting of the Commission. Comments can be sent, until January 19, 2007, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

A change in Federal regulations removed the Federal requirement for persons to obtain a joint State/Federal depredation permit to control the number of resident Canada geese on their property in certain circumstances. Therefore, in an effort to maintain compliance with the new Federal regulations, the Commission is proposing to add § 147.746 to remove the State requirement for persons to obtain a joint state/Federal depredation permit to control the number of resident Canada geese on their property in certain circumstances.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The addition of § 147.476 was proposed under this authority.

#### 2. Regulatory Requirements

The proposed rulemaking will add § 147.746 to remove the necessity for persons to obtain a joint state/Federal depredation permit to control the number of resident Canada geese on their property in certain circumstances.

#### 3. Persons Affected

Persons wishing to reduce or control the number of resident Canada geese on their property may be affected by the proposed rulemaking.

#### 4. Cost and Paperwork Requirements

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

#### 5. Effective Date

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

#### 6. Contact Person

For further information regarding the proposed rulemaking, contact Richard A. Palmer, Acting Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-237. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 147. SPECIAL PERMITS

#### Subchapter U. DEPREDAATION

*(Editor's Note: The following section is new and is printed in regular type to enhance readability.)*

#### § 147.746. Exceptions for resident Canada geese.

(a) *Egg addling and nest destruction.* Private landowners and managers of public lands and their employees or agents may destroy the nests and eggs of resident Canada geese on lands under their jurisdiction when necessary to resolve or prevent injury to people or damage to property or agricultural crops between March 1 and June 30 without the need for a joint state/Federal permit when the following conditions have been met:

(1) Private landowners or managers of public land have registered with the United States Fish and Wildlife Service at [www.fws.gov/permits/mbpermits/gooseeggregistration.html](http://www.fws.gov/permits/mbpermits/gooseeggregistration.html). Each person who will be conducting the activity shall be registered at this site prior to implementing control activities.

(i) Eggs may be addled by shaking, freezing with CO<sub>2</sub> or oiling. If addled by oil, only 100% corn oil may be use.

(ii) Nests and eggs may be disposed of by burying or burning.

(2) Persons exercising privileges authorized by this subchapter shall file a report with the United States Fish and Wildlife Service at [www.fws.gov/permits/mbpermits/gooseeggregistration.html](http://www.fws.gov/permits/mbpermits/gooseeggregistration.html) no later than October 31 of each year. Failure to file a report may result in the denial of permission to addle the eggs or destroy the nests of resident Canada geese in subsequent years.

(3) It shall be unlawful to interfere with the nest or eggs of resident Canada geese without first registering with the United States Fish and Wildlife Service as required by this subchapter.

#### (b) Agricultural facilities.

(1) *Commercial agricultural production.* Persons actively engaged in commercial agriculture production may apply for a State-issued resident Canada goose depredation permit. This permit allows a commercial agricultural

producer and its legitimate employees and agents to engage in the shooting or capture of resident Canada geese when necessary to prevent damage to agricultural crops and other interests by resident Canada geese. The permit will prescribe the method of taking and the number of resident Canada geese that may be taken. The permit will be valid from May 1—August 31 of the year in which the permit was issued. The permittee shall file a written report on a form provided by the Commission, regarding the activities authorized by the permit no later than October 31 of the year in which the permit was issued. Failure to file the report as required may result in future applications being denied.

(2) *Application fee.* An application fee of \$50 in the form of check or money order shall be remitted to the Commission by the applicant at the time of application.

(c) *Airports and military airfields.*

(1) *Federal requirement.* Airports that are part of the National Plan of Integrated Airport Systems and have received Federal grant-in aid assistance and military airfields may control resident Canada geese on property that is under their jurisdiction without the need for a State or joint state/Federal depredation permit if they comply with 50 CFR 21.49 (relating to control order for resident Canada geese at airports and military airfields).

(2) *Unlawful acts.* It shall be unlawful to control resident Canada geese on airport or military airfield property through lethal control or to destroy eggs and nests of resident Canada geese unless the participants are in compliance with 50 CFR 21.49 or are in possession

of a joint state/Federal Canada goose depredation permit as prescribed in § 147.744 (relating to depredation permits for migratory waterfowl).

[Pa.B. Doc. No. 07-41. Filed for public inspection January 12, 2007, 9:00 a.m.]

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## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[Correction]

### Advance Notice of Proposed Rulemaking; Responsible Utility Customer Protection

Public Meeting held  
November 30, 2006

*Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 56 to Comply with the Provisions of 66 Pa.C.S., Chapter 14; General Review of Regulations; Doc. No. L-00060182*

An error occurred in the advance notice of proposed rulemaking which appeared at 36 Pa.B. 7614 (December 16, 2006). The docket number was incorrect. The docket number referenced in the heading of this notice is correct.

[Pa.B. Doc. No. 06-2454. Filed for public inspection December 15, 2006, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Wine Marketing and Research Program

Under the applicable provisions of 3 Pa.C.S. Chapter 45 (relating to Agricultural Commodities Marketing Act), a review referendum was held from November 18, 2006, to December 2, 2006, to determine if the producers affected by the Wine Marketing and Research Program wanted to continue the program for an additional 5 years. To pass, a majority of eligible producers voting had to vote in favor of the program's continuation. An impartial Teller Committee met on December 13, 2006, to count the ballots. The following results were submitted by the Teller Committee: a total 56 eligible votes were cast with 45

producers voting in favor of and seven voting against the continuation of the program. An additional four ballots were invalid because they were either unsigned or represented a business that did not have an active Pennsylvania Limited Winery License. Votes favoring continuation of the program by number of producers represented 86.5% of eligible votes and votes against continuation of the program represented 13.5% of eligible votes. Because a majority of the votes were cast in favor of the program, the Pennsylvania Wine Marketing and Research Program shall continue for 5 years, effective immediately.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 07-42. Filed for public inspection January 12, 2007, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending January 2, 2007.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
1-2-07	Conestoga Bancorp, Inc., Chester Springs, to acquire 100% of the voting shares of PSB Bancorp, Inc., Philadelphia, under the provisions of section 115 of the Banking Code of 1965	Chester Springs	Approved

##### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-28-06	County National Bank Clearfield Clearfield County <i>To:</i> CNB Bank Clearfield Clearfield County	1 South Second Street Clearfield Clearfield County	Effective
Represents conversion from a Nationally-chartered banking association to a State-chartered bank and trust company. CNB Bank is wholly owned by CNB Financial Corporation, an existing bank holding company.			
<i>Branches:</i>			
	1808 Bigler Avenue Northern Cambria Cambria County	601 Market Street Johnsonburg Elk County	
	25 Irwin Drive Philipsburg Centre County	2070 Court Street Ridgway Elk County	
	117 East Presquiesle Street Philipsburg Centre County	133 Washington Street St. Marys Elk County	
	101 Industrial Park Road Clearfield Clearfield County	1104 Million Dollar Highway St. Marys Elk County	

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	221 East Cherry Street Clearfield Clearfield County	1001 State Street Erie Erie County	
	1231 South Second Street Clearfield Clearfield County	Summit Town Centre 7200 Peach Street Erie Erie County	
	1574 Bee Line Highway DuBois Clearfield County	1001 East Main Street Bradford McKean County	
	485 Spring Street Houtzdale Clearfield County	50 Main Street Bradford McKean County	
	3602 Main Street Karthaus Clearfield County	87 Fraley Street Kane McKean County	
	3046 Main Street Madera Clearfield County	559 Mahoning Street Punxsutawney Jefferson County	
	611 Lingle Street Osceola Mills Clearfield County	301 Pennsylvania Avenue Warren Warren County	

#### **Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-29-06	CommunityBanks, Millersburg, PA, and BUCS Federal Bank, Owings Mills, MD Surviving Institution— CommunityBanks, Millersburg, PA	Millersburg	Filed
1-1-07	Brown Brothers Harriman Trust Company of Pennsylvania, Philadelphia, PA, and Brown Brothers Harriman Trust Company, N. A., New York, NY Surviving Institution— Brown Brothers Harriman Trust Company, N. A., New York	Philadelphia	Effective
1-2-07	Brown Brothers Harriman Trust Company of Pennsylvania, Philadelphia, PA, will cease to be regulated by this Department upon the effective date of the merger. First Penn Bank, Philadelphia, and Conestoga Bank, Chester Springs Surviving Institution— First Penn Bank, Philadelphia, with a change in corporate title to Conestoga Bank, Chester Springs	Philadelphia	Approved

#### **Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-29-06	Pennsylvania State Bank Camp Hill Cumberland County	114 North Second Street Harrisburg Dauphin County	Filed
1-2-07	FirstTrust Savings Bank Conshohocken Montgomery County	Shoppes at Sycamore Street Within the perimeters of Durham Road, Sycamore Street, Silo Drive and Ice Cream Alley Newtown Township Bucks County	Filed

**Voluntary Dissolutions**

<i>Date</i>	<i>Name of Bank</i>	<i>Action</i>
12-19-06	Premier Bank Doylestown Bucks County	Certificate of Election for Voluntary Dissolution filed with the Department of State and bank shall cease to do business.

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
1-1-07	Greater Greensburg Industrial Credit Union, Greensburg, and Westmoreland Community Federal Credit Union, Greensburg Surviving Institution— Westmoreland Community Federal Credit Union, Greensburg	Greensburg	Effective

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

VICTORIA A. REIDER  
*Acting Secretary*

[Pa.B. Doc. No. 07-43. Filed for public inspection January 12, 2007, 9:00 a.m.]

**Right-to-Know Law Request Policy**

This written policy outlines the proper procedures for requesting records from the Department of Banking (Department) under Pennsylvania's Right-to-Know Law (65 P. S. §§ 66.1—66.9). Questions regarding this policy should be directed to the Department's Office of Chief Counsel at (717) 787-1471.

1. All requests for records must be in writing and signed by the requester. The request should identify or describe the records sought with sufficient specificity to enable the Department to ascertain which records are being requested and shall include a name and address to which the agency should address its response. The Department will not accept anonymous requests for records.

2. All requests for records shall be addressed to Cheryl A. Dondero, Director, Bureau of Administrative Services, Department of Banking, 17 N. Second St., Suite 1300, Harrisburg, PA 17101.

3. Written requests for records may be sent to the Department by mail, facsimile to (717) 705-5492 or delivered in person during the Department's regular business hours, 8:30 a.m. to 5 p.m., Monday through Friday. The Department will not accept verbal or e-mail requests for records.

4. If a written request for records is granted, the following fees will be charged to the requester:

<i>Copies:</i>	
1-10 photocopies	No charge
11 + photocopies	\$ .15 per copy
Certified photocopies	\$1.00 per copy
<i>Redaction</i>	\$1.00 per page
PC Diskettes	\$1.00 per diskette

*Copies:*

*Postage:*

Records fitting into standard letter envelope	No charge
Other types of mailing	Actual cost

A "photocopy" is either a single-sided copy or one side of a double-sided copy of a standard 8.5" by 11" page. The Department may require a requester to prepay an estimate of the fees listed if the fees required to fulfill the request are expected to exceed \$100. All costs may be paid by check or money order payable to "Pennsylvania Department of Banking."

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 07-44. Filed for public inspection January 12, 2007, 9:00 a.m.]

**DEPARTMENT OF  
CONSERVATION AND  
NATURAL RESOURCES**

**Conservation and Natural Resources Advisory  
Council Meeting**

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, January 24, 2007, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Kurt Leitholf at (717) 705-0031.



Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 07-45. Filed for public inspection January 12, 2007, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Swarthmore College to Amend its Articles of Incorporation

#### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504(e) (relating to fundamental changes) the Department of Education (Department) will consider the application of Swarthmore College for a Certificate of Authority approving the amendment to its Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will act upon the application without hearing, unless within 30 days after the publication of the notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.25 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol Gisselquist, Higher Education Specialist, Division of Program Services, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-4448 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D. Ed.  
*Secretary*

[Pa.B. Doc. No. 07-46. Filed for public inspection January 12, 2007, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0020648 (Sew)	Port Royal Municipal Authority P. O. Box 236 804 8th Street Port Royal, PA 17082	Juniata County Port Royal Borough	Juniata River 12-A	Y
PA0008281 Amendment No. 1 (IW)	PPL Brunner Island, LLC Two North Ninth Street Allentown, PA 18101-1179	York County East Manchester Township	Susquehanna River 7-F	Y
PA0044598 (Sew)	Susquehanna Area Regional Airport Authority Harrisburg International Airport One Terminal Drive, Suite 300 Middletown, PA 17057-5048	Dauphin County Lower Swatara Township	Susquehanna River 7-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0005860	Dairy Farmers of America, Inc. 925 SR 18 New Wilmington, PA 16142	New Wilmington Township Lawrence County	Shenango River (001) UNT to Buchanan Run (002) 20-A	Y
PA0103802	Midwest Campers—Camp Stone 2463 South Green Road Beechwood, OH 44122	Sugar Grove Township Warren County	UNT to Patchen Run 16-B	Y
PA0221627	Tri-Lane Estates Mobile Home Park 4004 Wynwood Drive Sharpsville, PA 16150-9024	Lackawannock Township Mercer County	Little Neshannock Creek 20-A	Y
PA0033901	Willow Bend Mobile Home Park 2935 Valley Road Mercer, PA 16137	Lackawannock Township Mercer County	UNT to Little Neshannock Creek 20-A	Y
PA0037974	Washington Township—Kline Road Sewage Treatment Plant 11800 Edinboro Road Edinboro, PA 16412	Washington Township Erie County	UNT to Darrows Run 16-A	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.*

**PA0244228**, Industrial Waste, **Rahns Construction Material Company**, SIC Nos. 3273 and 3272. Facility mailing address: 430 Bridge Road, Rahns, Perkiomen Township, PA 19426-4195.

Description of Activity: This application is for an NPDES permit to discharge industrial stormwater/wastewater from production processes.

The receiving river, Perkiomen Creek, is in the State Water Plan Watershed 3E-Perkiomen and is classified for: TSF, migratory fishes, aquatic life, water supply and recreation. The nearest downstream potable water supply is Aqua PA and is approximately 4 miles below the point of discharge.

The proposed effluent limits for Outfalls 001 and 002 are based on stormwater runoff.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Annual</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids (Issuance through Year 1) (Year 2 through Expiration)			Monitor and Report 50	Monitor and Report 100	
pH (Issuance through Year 1) (Year 2 through Expiration)			Monitor and Report 6.0	Monitor and Report	9.0
Oil and Grease Iron, Total			Monitor and Report Monitor and Report	Monitor and Report Monitor and Report	

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

1. Solids disposal according to applicable regulations.
2. Monitor Outfalls twice per year.

**PA0058939 A2, IW, SIC 3273, JDM Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006. This proposed facility is located in Schuylkill Township, **Chester County**.

Description of Proposed Activity: Manufacturing of concrete mixtures from raw materials stored onsite. Raw materials are combined with cement and concrete admixtures to produce the finished product which is then loaded into trucks for offsite delivery.

The receiving stream, UNT to French Creek, is in the State Water Plan Watershed 3D and is classified for: trout stocking and migratory fishes. The nearest downstream public water supply intake for Philadelphia Suburban Water Company—Pickering Creek Plant is located on Schuylkill River and is approximately 2 miles below the point of discharge.

The proposed effluent limits for Outfalls 001 and 002 are based on a design flow of a stormwater event.

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Annual</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids (issuance through 8-31-07) (9-1-07 through expiration)	Monitor and Report 50	Monitor and Report 100	Monitor and Report 100
pH (STD) (issuance through 08-31-07) (9-1-07 through expiration)	Monitor and Report Within limits of 6.0 to 9.0 standard units	Monitor and Report	Monitor and Report at all times
Oil and Grease	Monitor and Report	Monitor and Report	Monitor and Report

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

1. Requirement applicable to stormwater outfalls.

**NPDES Permit No. PA0056413**, Sewage, SIC 4952, **Lower Salford Township Authority Mainland Sewage Treatment Plant**, 57 Main Street, Mainland, PA 19451 in Lower Salford Township, **Montgomery County**, PA.

Description of Activity: Renewal of sewage treatment plant's NPDES permit to discharge effluent to Skippack Creek.

The receiving water, Skippack Creek, is in the State Water Plan Watershed 3E-Perkiomen and is classified for: TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua-PA is located on Perkiomen Creek and is approximately 12 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an approved annual average flow of 0.90 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31) (11-1 to 4-30)	10.0 20.0	15.0 30.0		20.0 40.0
Total Suspended Solids	20.0	30.0		40.0
Ammonia as N (5-1 to 10-31) (11-1 to 4-30)	1.4 4.2			2.8 8.4

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Phosphorus as P (Issuance through 6-30-09 (4-1 to 10-31) (Effective 7-1-09 through expiration) (11-01 to 03-31) (Effective 7-1-09 through expiration)	2.0 0.32			4.0 0.64 Monitor and Report
Fecal Coliform*	200 col/100 ml			1.28 1,000 col/100 ml
Dissolved Oxygen	5.0 (Min.)			
Lead, Total				Monitor and Report
Copper, Total (Issuance through 6-30-09) (7-1-09 through expiration)		Monitor and Report 0.014		0.022
pH (Standard Units)	6.0 (minimum)			9.0 (maximum)

\*Ultra-Violet Disinfection.

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

1. Conduct In-Stream Monitoring for Copper, Lead and Hardness.
2. Proper Sludge Disposal.

**NPDES Permit No. PA0057061**, Sewage, SIC 4952, **Upper Frederick Township Ivy Ridge Sewage Treatment Plant**, Upper Frederick Township, P. O. Box 597, Frederick, PA, **Montgomery County**, PA 19435.

Description of Activity: Renewal of sewage treatment plant's NPDES permit to discharge effluent to an UNT to Sciotto Creek.

The receiving water, an UNT to Sciotto Creek, is in the State Water Plan Watershed 3E-Perkiomen and is classified for: TSE, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua-PA is located on Perkiomen Creek and is approximately 13 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an approved annual average flow of 0.0215 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31) (11-1 to 4-30)	20 25	30 40		40 50
Total Suspended Solids	20	30		40
Ammonia as N (5-1 to 10-31) (11-1 to 4-30)	3.0 4.0			6.0 8.0
Phosphorus (as P) (4-1 to 10-31)	1.5			3.0
Total Residual Chlorine	0.2			0.45
Fecal Coliform	200 #/100 ml (Geometric Mean)			1,000 col/100 ml
Dissolved Oxygen	5.0 (min.)			
pH (Standard units)	6.0 (min.)			9.0 (max.)

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

1. Ensure chlorine dosages do not cause adverse stream impact.
2. Proper sludge disposal.

**NPDES Permit No. PA0020303**, Sewage, SIC 4952, **Schwenksville Borough Authority Wastewater Treatment Plant**, 298 Main Street, Schwenksville, PA 19473. This proposed facility is located in Schwenksville Borough, **Montgomery County**.

Description of Activity: Renewal of sewage treatment plant's NPDES permit to discharge effluent to Perkiomen Creek.

The receiving water, Perkiomen Creek, is in the State Water Plan Watershed 3E-Perkiomen and is classified for: WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua-PA is located on Perkiomen Creek and is approximately 6 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an approved annual average flow of 0.3 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31) (11-1 to 4-30)	20 25	30 40		40 50
Total Suspended Solids	20	30		40

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia as N (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Phosphorus as P (4-1 to 10-31)	1.5			3.0
Total Residual Chlorine	0.50			1.2
Fecal Coliform	200 col/100 ml			
	Geometric Mean			1,000 col/100 ml
Dissolved Oxygen	5.0 (min.)			
pH (Standard Units)	6.0 (min.)			9.0 (max.)

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

1. Ensure chlorine dosages do not cause adverse stream impact.
2. Proper sludge disposal.

**PA0046868, Amendment No. 1, SEW, SIC 22221, Lower Moreland Township Authority**, 640 Red Lion Road, Huntingdon Valley, PA 19006-6234. This proposed facility is located in Lower Moreland Township, **Montgomery County**.

Description of Proposed Activity: Amendment of an NPDES permit to revise effluent limit for copper.

The receiving stream, UNT to Southampton Creek, is in the State Water Plan Watershed Pennypack-3J and is classified for: trout stocking. The nearest downstream public water supply intake for Magnatti Construction Company is located on Pennypack Creek and is 4.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.22 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10	15		20
(11-1 to 4-30)	20	30		40
Suspended Solids	10	15		20
Ammonia as N (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Phosphorous as P	1.0			2.0
Fecal Coliform	200 #/100 ml			
Dissolved Oxygen	Instantaneous Minimum			
	5.0			
pH	Instantaneous Minimum			
	6.0			9.0
Copper, Total	0.025			0.05

The proposed effluent limits for Outfall 001 from completion of expansion of treatment plant from 0.22 mgd to 0.279 mgd area are as follows:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	10	15		20
Total Suspended Solids	20	15		20
Ammonia as N (5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	3.0			6.0
Phosphorous as P	1.0			2.0
Fecal Coliform	50 #/100 ml			
Dissolved Oxygen	Instantaneous Minimum			
	6.0			
pH	Instantaneous Minimum			
	6.0			9.0
Copper, Total	0.023			0.046

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

**Application No. PA 0027022**, Sewage, **Altoona City Authority (Westerly Wastewater Treatment Plant)**, 20 Greenwood Road, Altoona, PA 16602-7114. This facility is located in Allegheny Township, **Blair County**.

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

The receiving stream, Beaverdam Branch, is in Watershed 11-A, and classified for trout stocking, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Water Authority is located on the Juniata River, approximately 143 miles downstream. The discharge not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 9.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	4.0		8.0
Total Copper	0.018		0.045
Total Phosphorus		21,918 lbs per year annual	
Total Nitrogen		164,381 lbs per year annual	
TKN		Monitor	
NO <sub>2</sub> + NO <sub>3</sub> -N		Monitor	
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	

Schedule for compliance with Chesapeake Bay Tributary Strategy.

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

The EPA waiver is not in effect.

**Application No. PA 0248061.2**, Sewage, **Jefferson Codorus Joint Sewer Authority**, 48 Baltimore Street, P. O. Box 146, Codorus, PA 17311. This facility is located in Codorus Township, **York County**.

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

The receiving stream, an UNT of Codorus Creek, is in Watershed 7-H and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Company is located on the Susquehanna River, approximately 48 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.272 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.64		3.28
(11-1 to 4-30)	4.92		9.84
Total Phosphorus	2.0		4.0
Total Phosphorus		828 lbs per year annual	
Total Nitrogen		6,624 lbs per year annual	
TKN		Monitor	
NO <sub>2</sub> + NO <sub>3</sub> -N		Monitor	
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	

Schedule for compliance with Chesapeake Bay Tributary Strategy.

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 0027014**, Sewage, **Altoona City Authority (Easterly Wastewater Treatment Plant)**, 20 Greenwood Road, Altoona, PA 16602-7114. This facility is located in Logan Township, **Blair County**.

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

The receiving stream, Little Juniata River, is in Watershed 11-A and classified for trout stocking, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Water Authority is located on the Juniata River, approximately 121 miles downstream. The discharge not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 9.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	15	22	30
(11-1 to 4-30)	20	30	40
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	3.5		7.0
Total Copper	0.016		0.04
Total Zinc	0.132		0.33
Total Phosphorus	2.0		4.0
Total Phosphorus		18,331 lbs per year annual	
Total Nitrogen		146,652 lbs per year annual	
TKN		Monitor	
NO <sub>2</sub> + NO <sub>3</sub> -N		Monitor	
Dissolved Oxygen (2-15 to 7-31)		Minimum of 6.0 at all times	
Dissolved Oxygen (8-1 to 2-14)		Minimum of 5.0 at all times From 6.0 to 9.0 inclusive	
pH			
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	

Schedule for compliance with Chesapeake Bay Tributary Strategy.

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

The EPA waiver is not in effect.

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

**PA0023248**, Sewerage SIC, 4952, **Berwick Area Joint Sewer Authority**, 1108 Freas Avenue, Berwick PA 18603. This existing facility is located in Berwick Borough, **Columbia County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater

The receiving stream, Susquehanna River, is in the State Water Plan Watershed 5D and classified for: WWF. The nearest downstream public water supply intake for Danville Municipal Water is located on the Susquehanna River is 21 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.2 mgd.

<i>Parameter</i>	<i>Concentration mg/l</i>			<i>Mass lbs</i>		
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Monthly Load</i>	<i>Annual Load</i>
pH	Within the Range of 6.0—9.0					
CBOD <sub>5</sub>	25	40		50		
TSS	30	45		60		
Total Residual Chlorine	0.5			1.6		
Fecal Coliforms: (5-1 to 9-30)	200 #/100 ml geometric mean and not greater than 1,000 #/100ml in more than 10% of the samples tested					
(10-1 to 4-30)	2,000 #/100 ml geometric mean					
Kjeldahl-N	Report				Report	
Nitrate/Nitrite-N	Report				Report	
Total Nitrogen	Report				Report	Report
Total Phosphorus	Report				Report	Report

Parameter	Concentration mg/l			Mass lbs		
	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum	Monthly Load	Annual Load
Total Net Nitrogen	Report				Report	66848
Total Net Phosphorus	Report				Report	8913

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

- Part C 2 Chesapeake Bay Nutrient Requirements.
- Part C 7 Management And Control Of Combined Sewer Overflow.
- Part C 8 Permit Condition for Operation and Implementation of a Pretreatment Program.
- Part C 9 Requirements Applicable To Stormwater Outfalls.

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

**PA0003239**, Industrial Waste, SIC, 3317, **Penn State Special Metals, LLC**, 7544 Route 18 North, P. O. Box Q, Koppel, PA 16135. This application is for renewal of an NPDES permit to discharge treated process water, cooling water and untreated stormwater from Koppel Plant in Big Beaver, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Beaver River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Beaver Falls Municipal Authority, located at Eastvale, 6.0 miles below the discharge point.

Outfall 113: existing discharge, design flow of 0.0635 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Total Suspended Solids	34.0	79.4	15	40	
Oil and Grease	0.805	2.42	10	30	
Chromium	0.423	1.056	0.1	0.3	
Nickel	0.316	0.948	0.1	0.3	
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

Outfall 013: existing discharge, design flow of 0.245 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

This outfall shall consist solely of sources previously monitored at Internal Monitoring Point 113 and uncontaminated stormwater runoff.

The EPA waiver is not in effect.

**PA0035483**, Sewage, **Camp Albryoca**, 2801 Greenville Road, Meyersdale, PA 15552. This application is for Camp Albryoca STP of an NPDES permit to discharge treated sewage from Camp Albryoca STP in Greenville Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Piney Creek, 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 Ohiopyle Borough Water Works.

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

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub> Day	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	13.0			26.0
(11-1 to 4-30)	25.0			50.0



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

The EPA waiver is in effect.

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

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

**WQM Permit No. 5406404**, Sewerage, **Delano Township Board of Supervisors**, P. O. Box 103, Delano, PA 18220. This proposed facility is located in Delano Township, **Schuylkill County**, PA.

Description of Proposed Action/Activity: This project is for the installation of a new sanitary sewer collection and conveyance system and pump station to service the Villages of Delano and Quakake.

**WQM Permit No. 6606402**, **Meshoppen Borough**, P. O. Box 237, Meshoppen, PA 18630. This proposed facility is located in Meshoppen Borough, **Wyoming County**, PA.

Description of Proposed Action/Activity: This project is for the construction of a wastewater collection system and treatment facility to replace malfunctioning onlot sewage disposal systems. Project will include installation of a low pressure collection system with individual grinder pumps and a 0.050 mgd treatment plant.

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

**WQM Permit No. 0690411 Amendment 06-1**, Sewerage, **Joint Municipal Authority of Wyomissing Valley**, 701 Old Wyomissing Road, Reading, PA 19611. This proposed facility is located in Reading City, **Berks County**.

Description of Proposed Action/Activity: Seeking authorization for modifications to the existing methods of handling influent grit at the sewage treatment plant.

**WQM Permit No. 0602407 Amendment 06-1**, Sewerage, **Upper Perkiomen School District**, 201 West Fifth Street, East Greenville, PA 18041-1509. This proposed facility is located in Hereford Township, **Berks County**.

Description of Proposed Action/Activity: Seeking authorization for modifications to the pump stations, sewer system and spray irrigation system.

**WQM Permit No. 3106403**, Sewerage, **Petersburg Borough Sewer Authority**, P. O. Box 6, Petersburg, PA 16669-0006. This proposed facility is located in Logan Township, **Huntingdon County**.

Description of Proposed Action/Activity: Seeking authorization to make modifications to the wastewater treatment facility.

**WQM Permit No. 6706411**, Sewerage, **East Prospect Borough Authority**, P. O. Box 334, East Prospect, PA 17317. This proposed facility is located in Lower Windsor Township, **York County**.

Description of Proposed Action/Activity: Seeking authorization for expansion to the wastewater treatment plant.

**WQM Permit No. 6706201**, Industrial Waste, **PPL Brunner Island, LLC**, Two North Ninth Street, Allentown, PA 18101-1179. This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Seeking authorization to construct a new wastewater treatment plant.

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

**WQM Permit No. 6006402**, Sewerage 4952, **Hidden Valley Camping Resort**, 162 Hidden Valley Lane, Mifflinburg, PA 17844. This proposed facility is located in West Buffalo Township, **Union County**.

Description of Proposed Action/Activity: The applicant is proposing to construct and operate a 12,000 gallon per day treated effluent spray irrigation wastewater treatment plant at the Hidden Valley Camping Resort. The treatment scheme will include a 3,000 gallon solids setting tank, two 5,000 gallon aerated pre-equalization tanks, a 1,500 sludge processing tank and a 1,300 gallon chlorine contact tank.

**WQM Permit No. 1906403**, Sewerage, **Dorothy Arnott**, 24 Mountain Road, Berwick, PA 18603. This proposed facility is located at North Centre Township, **Columbia County**.

Description of Proposed Action/Activity: Permit application for a small flow treatment facility, to repair a malfunctioning onlot system, consisting of a aeration tank, clarifier tank, free access sand filters, chlorination and discharge.

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

**WQM Permit No. WQG016137**, Sewerage, **Albert Kowalewski**, 3751 Pitner Drive, Allison Park, PA 15101. This proposed facility is located in West Deer Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for permit to construct and operate a small flow, single residence, sewage treatment plant.

**WQM Permit No. 0471411-A3**, Sewerage, **Borough of Monaca**, 928 Pennsylvania Avenue, Monaca, PA 15061. This existing facility is located in Monaca Borough, **Beaver County**.

Description of Proposed Action/Activity: Application for permit amendment to replace grit chamber.

**WQM Permit No. 6306403**, Sewerage, **Ted Taylor Builders**, 608 East McMurray Road, Suite 101, McMurray, PA 15317. This proposed facility is located in Peters Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a residential development sanitary sewage pump station.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032806010	South Mountain Restoration Center Attn: Dennis Fleagle	Franklin	Guilford Township Quincy Township	Rock Mountain Creek HQ-CWF
PAI036706005	Stu Widom Connective Mid Merit, LLC P. O. Box 6066 Newark, DE 19714-6066	York	Peach Bottom Township	Muddy Creek TSF

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

*Cambria County Conservation District, 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931, (814) 472-2120.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI051106002	Jackson/East Taylor Sewer Authority 2603 William Penn Avenue Johnstown, PA 15909	Cambria	Jackson Township	Saltlick Run (HQ-CWF) Hinckston Run (CWF)

*Westmoreland County Conservation District, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056506003	Willow Glenn Development Co. 1383 Samantha Way North Huntingdon, PA 15642	Westmoreland	North Huntingdon Township	UNT Long Run (HQ-TSF)

*Central Office: Bureau of Watershed Management, 400 Market Street, Floor 10, P. O. Box 8775, Harrisburg, PA 17105-8775.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023906032	Lutron Electronics Company Inc.	Lehigh	Upper Saucon Township	UNT Saucon Creek CWF Tumble Brook CWF

**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

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

**Application No. 4506506**, Public Water Supply.

Applicant	<b>Pennsylvania American Water Company (PAWC)</b>
	Coolbaugh Township <b>Monroe County</b>
Responsible Official	David Kaufman PAWC 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	PWS
Consulting Engineer	Daniel Cargnel, P. E. Buchart-Horn, Inc. 445 W. Philadelphia Street York, PA 17404
Application Received Date	12/22/06

Description of Action	The applicant proposes the construction of a new well, known as the Mt. Pocono Field Office Well, disinfection and sequestering chemical feed facilities, transmission main installation and the installation of distribution main piping for chlorine contact time.
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*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Application No. 2506502**, Public Water Supply.

Applicant	<b>Summit Township Water Authority</b>
Township or Borough	Summit and Waterford Townships <b>Erie County</b>
Responsible Official	John Troutman, Authority Manager
Consulting Engineer	August E. Maas, P. E. Project Engineer Hill Engineering, Inc. 8 Gibson Street North East, PA 16428
Application Received Date	12/26/2006
Description of Action	Moore Road Pump Station Treatment System, Route 97 Water Main and Booster Chlorination Stations

### WATER ALLOCATIONS

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

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707)*

**WA 67-62C, Water Allocations. York Water Company, York County.** The applicant is requesting the right to expand its service area into portions of Mount Pleasant Township, Berwick Township, Oxford Township, Hamilton Township and Reading Township in Adams County. Engineer: Ryan M. Ural, P. E. Date Application Received: 11/13/2006.

### 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 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.*

**Village at Franklin Corners**, Borough of West Chester, **Chester County**. Paul White P. G., Brickhouse Env., 515 South Franklin St., West Chester, PA 19382 on behalf of Russ Skog, Franklin Corners Condominium Assoc., 237 Lacey St., West Chester, PA 19382 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with by release of chlorinated solvents and other organics. The future use of the site will continue to be used for commercial office space.

**Montgomeryville Material Processing Center**, Montgomery Township, **Montgomery County**. Sean M. Damon, Langan Engineering & Env., Svc., 2700 Kelly Rd., Suite, 200, Warrington, PA 18976 on behalf of Karen Anthony, Nappen & Assoc., 171 Corp. Dr., Montgomeryville, PA 18936 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with lead and PCHs. The future use of the site will remain the

same. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on November 30, 2006.

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

**608 Glebe Avenue Property**, Newville Borough, **Cumberland County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Redevelopment and Housing Authorities of Cumberland County, 114 North Hanover Street, Suite 104, Carlisle, PA 17013-2463 submitted a Notice of Intent to Remediate site soils and groundwater contaminated by VOCs, metals and lead. The property was formerly an automobile dealership and a public parking lot is planned for the future. The applicant seeks to remediate to the Statewide Health Standard.

**Alice Demey Elementary School, Middletown Area School District**, Middletown Borough, **Dauphin County**. EPSYS Corporation, 1414 North Cameron Street, Suite A, Harrisburg, PA 17103, on behalf of Middletown Area School District, c/o Elizabeth A. Reister, Esq., Solicitor for Middletown Area School District, Kegel Kelin Almy & Grimm LLP, 24 North Lime Street, Lancaster, PA 17602, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil. The applicant seeks to remediate the site to a Statewide Health Standard.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

### PLAN APPROVALS

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

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

**06-03063C: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Deka Road, Lyon Station, PA 19536-0147) for construction of two small parts casters and modification of the existing fabric collector and HEPA filter at their facility in Kutztown Borough, **Berks County**.

**38-05037A: Zimmerman Chair Shop** (1486 Colebrook Road, Lebanon, PA 17042-9507) to install four booths and a curing tunnel for a wood surface coating and manufacturing operation at their facility in North Cornwall Township, **Lebanon County**.

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

**10-021P: Indspec Chemical Corp.** (133 Main Street, Petrolia, PA 16050) for installation of a new 9,949 gallon Styrene Storage Tank at their facility in Petrolia Borough, **Butler County**. The facility currently has a Title V permit.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4000–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

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

**ER-67-05071A: Leggett and Platt, Inc.** (P. O. Box 757, Carthage, MO 64836) for an Emission Reduction Credit approval for 6.51 tpy of VOC resulting from the shutdown of their Zell Brothers wooden store fixture manufacturing facility in Red Lion Borough, **York County**.

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

**14-00003A: The Pennsylvania State University** (113, Office of Physical Plant, University Park, PA 16802) for a plan approval application to install a powder activated carbon (PAC) injection system to control mercury emissions from four coal fired boilers of the West Campus Steam Plant at the University Park located in College Township, **Centre County**. The proposed installation and modification is subject to the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12.

The four coal fired boilers of West Campus Steam Plant are subject to National Emissions Standards for Hazardous Air Pollutants (NESHAPs) of 40 CFR Part 63, Subpart DDDDD (Boiler MACT). As a result, the proposed PAC injection system needs to install to meet the mercury emissions limit of the Boiler MACT.

The Department's review of the information provided by the Pennsylvania State University indicates that the proposed installation and modification will comply with all air quality requirements, including the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12 pertaining to air contamination sources and the emission of air contaminants. The PAC injection system will also comply with the requirements of 40 CFR Part 63, Subpart DDDDD. Based on these findings, the Department intends to issue a plan approval for the proposed project. The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements.

(1) This plan approval is issued for the installation of a PAC injection system, to be placed upstream of American Air Filter fabric collector (ID C01) associated with coal fired boilers (Source IDs 031, 032, 034 and 035) of the West Campus Steam Plant (WCSP). The PAC injection system consist of the following equipment.

(a) One storage silo manufactured by Columbian Tech with a rated capacity of 2,600 cubic feet.

(b) One vibrating bin discharge manufactured by Schenck AccuRate model Solids Flow 2000.

(c) A loss-in-weight type gravimetric feeder system manufactured by Schenck AccuRate model Mechatron LC consisting of one metering hopper, a variable rate screw feeder and a variable frequency controller.

(d) 1/2-1" venturi eductor manufactured by FOX.

(e) Rotron regenerative type air blower.

(f) Custom made duct injection nozzles.

The permittee may install equivalent equipment as determined by the Department other than the equipment mentioned in the previous list. However, the permittee shall submit detailed information about the changes in the equipment including, but not limited to, manufacturer, model number, design and capacity, to the Department for approval prior to the installation, construction or modification.

(2) Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the exhaust of the fabric collector (ID C01) associated with WCSP boilers shall not exceed 0.015 grain per dry standard cubic foot.

(3) PM emissions from the Columbian storage silo and metering hopper of the gravimetric feeder system shall be controlled by the American Air Filter fabric collector (ID C01).

(4) Under 40 CFR 63.7500(a)(2), the permittee shall maintain opacity from the exhaust of fabric collector (ID C01) to less than or equal to 20% (6 minute average) except for one 6-minute period per hour of not more than 27%.

(5) Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep records of the B-PAC injection rate (in pounds per hour) at least once every 15 minutes. The injection rate limitation will be established based on the results of performance test conducted in accordance with Section 63.7530(c) and Table 7 of 40 CFR Part 63, Subpart DDDDD. The records shall be maintained for a minimum of 5 years and shall be made available to the Department upon request.

(6) Within 120 days of issuance of this plan approval,

(a) The permittee shall perform PM stack tests on the exhaust of fabric collector (ID C01) to demonstrate compliance with the PM emissions limitation of 0.015 gr/dscf. The PM testing shall be performed while injecting B-PAC at the maximum rate to comply mercury emissions limitation of Boiler MACT and operating the boilers at the maximum rated capacity. The permittee shall perform the fabric collector control efficiency test during the injection of B-PAC. The performance tests shall also record and verify the linear relationship between the steam production and flue gas exhaust from the boilers. The stack testing shall be performed in accordance with 25 Pa. Code Chapter 139 (relating to sampling and testing) using EPA test methods and procedures approved by the Department.

(b) The permittee shall perform mercury emissions tests at the exhaust of fabric collector (ID C01), while injecting B-PAC at the inlet of fabric collector (ID C01). The performance test shall be conducted in accordance with the requirements and procedures specified in Table 5 of Subpart DDDDD, 40 CFR Part 63 and 40 CFR Part 63, 63.7520.

(7) At least 60 days prior to the performance of the stack testing required by this plan approval, the permittee shall submit two copies of a test protocol to the Department's Northcentral Region for review and approval. The test protocol shall describe the test methods and procedures to be used in the performance of testing, and shall include dimensioned sketches of the exhaust systems showing the locations of all proposed sampling ports. The test protocol shall also identify all process parameters, which will be monitored and recorded during testing to verify the boilers heat inputs and steam flow during testing, and to verify that associated air cleaning devices are operating normally during testing.

(8) At least 14 days prior to stack testing, the permittee shall notify the Department (Northcentral Regional Office and Central Office, Source Testing Section) of the actual dates and times that testing will occur so that Department personnel can arrange to be present during testing. The Department is under no obligation to accept the results of the testing without having been given proper notification. Within 60 days following the completion of the stack testing, the permittee shall submit two copies of a test report to the Department's Northcentral Region for review and approval. The test report shall contain the results of the testing, a description of the test methods and procedures actually used, copies of all raw test data with sample calculations and copies of all process data recorded during testing and operating load calculation (boilers heat inputs and steam flow). Since the testing is required for demonstrating compliance with

emission limitations identified in this plan approval, the results of the testing shall be expressed in units identical to the units of the limitations identified in this plan approval.

(9) Under 40 CFR Part 63.7525, the permittee shall install, operate and maintain instrumentation to continuously and accurately monitor the brominated powdered activated carbon (B-PAC) rate (in pounds per hour) upstream of the fabric collector.

(10) Under 40 CFR Part 63 63.7525, the permittee shall install, operate, certify and maintain continuous opacity monitoring system at the exhaust of fabric collector.

(11) Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall operate, maintain and calibrate all monitoring and recording equipment associated with the PAC injection system according to the manufacturer's specifications. The permittee shall keep records of any calibration or maintenance done on any of the monitoring device. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

(12) Under source monitoring requirements of 25 Pa. Code §§ 139.101 and 139.103, The permittee shall:

(a) Obtain Phase I approval from the Department's Continuous Monitoring Section for the continuous emissions monitoring system (CEMS) for opacity for the fabric collector (ID C01) associated with four coal fired boilers within 180 days of issuance of this plan approval.

(b) Complete the required relative accuracy testing on the opacity CEMS. The opacity CEMS shall be fully certified in accordance with the Department's "Continuous Source Monitoring Manual" within 270 days of Phase I approval.

(13) The permittee shall install low and high set-point alarms on the PAC injection system to alert the operator of the boilers of possible malfunctions of the PAC injection system. Additionally, the permittee shall install, operate and maintain instrumentation to continuously measure the pressure drop across the fabric collector (ID C01) to assure that the fabric collector is operated and maintained with good air pollution control practices. The pressure drop shall be recorded at least once a day along with any corrective actions taken if the pressure drop is outside the manufacturer's suggested pressure drop range. The records shall be maintained for a minimum of 5 years and shall be made available to the Department upon request.

(14) The four coal-fired boilers (Source IDs 031, 032, 034 and 035) of the West Campus Steam Plant (WCSP boilers) are subject to 40 CFR Part 63, Subpart DDDDD (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers and Process Heaters). The permittee shall comply with all applicable requirements specified in 40 CFR 63.7480—63.7575 by no later than September 13, 2007, for WCSP boilers.

(15) All conditions contained in TVOP 14-00003 remain in effect unless superseded or amended by conditions contained in this plan approval. If there is a conflict between a condition contained in this plan approval and a condition contained in TVOP 14-00003, the permittee shall comply with the condition contained in this plan approval.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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

**10-281K: II-VI, Inc.** (375 Saxonburg Boulevard, Saxonburg, Butler, PA 16056-9499) for construction of one additional zinc selenide furnace at their Saxonburg facility in Clinton Township, **Butler County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval for the construction of one additional zinc selenide furnace at their Saxonburg facility in Clinton Township, Butler County. The process will emit particulate pollutants, which will be controlled by existing control devices. The facility has a current State-only Operating Permit. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date.

**61-210A: Glenn O. Hawbaker, Inc.—Barkeyville Plant** (1041 Stevenson Road, Harrisville, PA 16038) for construction of an asphalt plant that will combust natural gas, Nos. 2—6 fuel oils, reprocessed oils, biodiesel, coal or any combination of fuels in Barkeyville Township, **Venango County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department intends to issue a plan approval to Glenn O. Hawbaker, Inc. for a plan approval to construct an asphalt plant that will combust natural gas, No. 2—6 fuel oils, reprocessed oils, biodiesel, coal or any combination of fuels. The Barkeyville Plant will be owned and operated by Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) and will be in Barkeyville Township, Venango County. Since the technology involved in combusting the coal is new, this plan approval will allow coal to be burned for 180 days or until a stack test is performed. The results of the stack test and a BAT analysis will be used to determine SOx emission limits for burning coal that will be incorporated into a revised plan approval. The Department reserves the right to require additional controls for SOx. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a Synthetic Minor operating permit at a later date.

Based on the information provided by the applicant and Department's own analysis, the Barkeyville Plant will emit 8.96 tons of VOCs per year, 28.00 ton of NOx per year and 37.80 tons of CO per year. The Barkeyville Plant will be limited to 560,000 tons of asphalt per year.

Copies of the application, Department's analysis and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown as follows. To make an appointment, contact Records Management at (814) 332-6340 for an appointment.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown as follows. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 61-210A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, when the Department determines that telephone notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

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

**AMS 06167: Trigen—Philadelphia Energy Corp.** (908 Sansom Street, Philadelphia, PA 19107) for construction and operation of a cooling tower in the City of Philadelphia, **Philadelphia County**. There will be a potential emission increase of 11.51 tons for PM for the facility. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

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

**56-00262: Mostoller Landfill, Inc.** (7095 Glades Pike, Somerset, PA 15501) for Mostoller Landfill in Brothersvally Township, **Somerset County**. This is a Title V Operating Permit Renewal.

**65-00354: Sunoco Partners Marketing & Terminals LP** (1801 Market St.—26/10 PC, Philadelphia, PA 19103) for operation of their tank farm at the Delmont Terminal in Salem Township, **Westmoreland County**. This is a Title V Operating Permit Renewal.

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

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

**54-00039: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17104) for a hot mix asphalt plant in Wayne Township, **Schuylkill County**. The facility has the potential to emit PM, VOCs, NOx, SOx and CO above the major emission thresholds. The facility shall operate as a Synthetic Minor facility by limiting production throughput of asphalt to 450,000 tons per year. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are also included.

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

**36-03152: Wenger's Feed Mill, Inc.** (P. O. Box 26, Rheems, PA 17570-0026) for operation of a soybean processing facility in West Donegal Township, **Lancaster County**. The facility includes the operation of a bean receiving pit, bean dryer, hammermill, counter flow cooler air system and associated air abatement equipment. The operating permit will include conditions to keep the source operating within all applicable air quality requirements. The estimated emissions of PM from the facility is estimated to be 4.2 tons per year.

**36-03169: Marbleon, Inc.** (121 Ashmore Drive, Leola, PA 17540) for operation of their cast polymer manufacturing plant in Upper Leacock Township, **Lancaster County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**67-03074: Heffner Funeral Chapel and Crematory, Inc.** (1551 Kenneth Road, York, PA 17408) for operation of their human crematory in West Manchester Township, **York County**. The facility has the following annual potential air emissions: 1 ton NOx and 0.3 ton CO. The State-only operating permit will include emission restrictions, work practice standards and 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.

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

**10-00305: Recmix Of Pa. Inc.** (359 North Pike Road, Sarver, Pa 16055-8633) for a reissuance of a Natural Minor Permit to operate a stainless steel screening process from a slag and synthetic cement manufacturing facility. The major sources included: Hy-Way Thermal fluid treatment system, truck travel, materials handling, front end loaders travel, slag crushing, wind erosion from storage piles, slag skull screening and Holo-flight aggregate dryer in Windfield Township and **Butler County**.

**37-00308: Glacial Sand and Gravel Co.—Elliot Prep Plant** (Route 108, Slippery Rock, PA 16057) for a Natural Minor Permit reissuance to operate a sand and gravel processing facility in Plain Grove Township, **Lawrence County**.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

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

### *Coal Applications Received*

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



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

\* The parameter is applicable at all times.

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

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

**Permit Number: 30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company,** (PA Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** to install the Crabapple east access road. Surface Acres Proposed 6.91. No additional discharges. Application received November 29, 2006.

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

**Permit No. 32010102. T.L.H. Coal Company,** 4401 Pollock Road, Marion Center, PA 15959, permit renewal for reclamation only of a bituminous surface mine in East Mahoning Township, **Indiana County**, affecting 86.2 acres. Receiving streams: N/A, classified for the following uses: N/A. There is no point source discharge from the mining operation. Application received December 22, 2006.

**Permit No. 32950108 and NPDES No. PA0213241. T.L.H. Coal Company,** 4401 Pollock Road, Marion Center, PA 15959, permit renewal for reclamation only of a bituminous surface and auger mine in East Mahoning Township, **Indiana County**, affecting 52.6 acres. Receiving streams: Dixon Run and UNTs to Rayne Run, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Indiana County Municipal Authority Crooked Creek SWW and PA American Water Company Two Lick Creek. Application received December 22, 2006.

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

**26-06-08 and NPDES Permit No. PA0251020. Purco Coal, Inc.** (22 Van Voorhis Lane, Monongahela, PA 15063). Government financed construction contract to reclaim abandoned highwall and eliminate a portion of an abandoned deep mine, located in Springhill Township, **Fayette County**, affecting 5.2 acres. Receiving stream: UNT to Georges Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. GFCC application received: December 18, 2006.

**02-04-03 and NPDES Permit No. PA0250686. Coventry Park, LLC** (533 Locust Place, Sewickley, PA 15143-1547). Revision to an existing government financed

construction contract to change the land use from forestland to pasture land or land occasionally cut for hay, located in Robinson Township, **Allegheny County**, affecting 40.9 acres. Receiving stream: Moon Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: December 26, 2006.

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

**24030102 and NPDES Permit No. PA0242322. AMFIRE Mining Company, LLC** (One Energy Place, Suite 2800, Latrobe, PA 15650). Transfer of an existing bituminous surface strip and coal preparation plant/processing facility operation in Fox Township, **Elk County** affecting 83.2 acres. Receiving stream: Mill Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from Energy Resources, Inc. Application received: December 22, 2006.

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

**40970201R2. Silverbrook Anthracite, Inc.,** (1 Market Street, Laflin, PA 18702), renewal of an existing anthracite refuse reprocessing and surface mine operation in Plymouth Township and Plymouth Borough, **Luzerne County** affecting 16.0 acres, receiving stream: none. Application received December 22, 2006.

#### *Coal Applications Returned*

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

**02030102 and NPDES Permit No. PA0250449. PDG Land Development, Inc.** (3468 Brodhead Road, Monaca, PA 15061-2500). Application for commencement, operation and reclamation of a bituminous surface mine has been denied, due to the failure of addressing all of the outstanding deficiencies, located in City of Pittsburgh and Baldwin Borough, **Allegheny County**, affecting 613.5 acres. Receiving streams: UNTs to Glass Run, Becks Run and Allegheny River. Application received: June 25, 2003. Permit denied: December 21, 2006.

## **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 ap-

proval 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.*

**E46-1000. Montgomery Township Municipal Sewer Authority**, 1001 Stump Road, Montgomeryville, PA 18936-9605, Montgomery Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain four ford stream crossings of the Little Neshaminy Creek (WWF) at different points along an approximately 2,800-foot stream segment to facilitate maintenance access to an existing sanitary sewer interceptor that runs mostly parallel to the creek. The work will involve minor excavation and placement of stone bedding measuring approximately 12-inches deep by 9-feet wide along the creek bed and banks with different lengths based on the design submission.

The site is a narrow corridor containing the stream and running approximately 4,700 feet from the south side of Horsham Road and heading north with the last crossing located approximately 1,000 feet from Bethlehem Pike. The east side is bordered by a subdivision that extends towards Stump Road and the west is bordered by Upper State Road/SR0202 (Ambler, PA Quadrangle N: 19.42 inches; W: 15.29 inches).

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

**E40-664. Kenneth and Patricia Ustynoski**, 110 Ondish Road, Shavertown, PA 18708, in Harveys Lake Borough, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To modify and maintain an existing boathouse and dock structure in Harveys Lake with work consisting of the construction of an additional 546 sq. ft. pile supported dock structure. The total surface area of the modified structure will be approximately 1,388 sq. ft. The project is located on the southern end of the Lake at Pole No. 302 (Harveys Lake, PA Quadrangle N: 18.4 inches; W: 5.4 inches).

**E40-663. Luzerne County, Luzerne County Courthouse**, Wilkes-Barre, PA 18711, in the City of Wilkes-Barre, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing structures and to place approximately 1.5 feet of fill in the 100-year floodplain of the Susquehanna River (WWF) for the purpose of constructing a parking lot to be used by Luzerne County employees. The project is located at the northwest corner of the intersection of SR 1011 (Pierce Street) and Water Street (Kingston, PA Quadrangle N: 0.5 inches; W: 0.5 inches).

**E66-137. Department of Transportation, Engineering District-4-0**, Robert Doble, P. E., 55 Keystone Industrial Park, Dunmore, PA 18512, in Eaton Township, **Wyoming County**, United States Army Corps of Engineers, Baltimore District.

To remove the exiting road crossing for Sugar Hollow Road (SR 3003) over Sugar Hollow Creek (HW-CWF) and to construct and maintain a single-span prestressed concrete spread box beam bridge with a clear span of 65.93 feet and an underclearance of 6.92 feet including the construction and removal of a temporary road crossing consisting of three 72-inch corrugated metal pipes. (Tunkhannock, PA Quadrangle N: 1.4 inches; W: 16.2 inches).

**E13-155. Lehigh Canal Recreation Commission**, P. O. Box 29, Lehigh, PA 18235-0029, in Franklin Township, **Carbon County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 3 foot to 4.5 foot high Gabian basket retaining wall along 330 feet of the Lehigh Canal. The project is located along Canal Street approximately 0.1 mile north of Bridge Street. (Lehigh, PA Quadrangle N: 14.6 inches; W: 10.4 inches).

**E48-376. LTS Development, LLC**, P. O. Box 160, Shawnee-On-Delaware, PA 18336, in Lower Mount Bethel Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the proposed Bethel Hill Farms Subdivision: 1) a road crossing consisting of a 175-foot long open-bottom, arch culvert stream enclosure having a span of 20 feet and underclearance of 6 feet in a tributary to Oughoughton Creek (CWF); 2) a road crossing consisting of a concrete box culvert having a span of 8 feet and underclearance of 2.5 feet including a 6-inch culvert depression in a tributary to Oughoughton Creek; 3) a 2.5 inch diameter sanitary sewer force main utility line wetland crossing; and 4) a timber pedestrian bridge having a span of 35 feet and underclearance of approximately 3.6 feet across a tributary to Oughoughton Creek. The project is located on the east side of SR 1017 (Richmond Road), approximately 2,000 feet south of the intersection with SR 0611 (Belvidere, PA-NJ Quadrangle N: 15.2 inches; West: 15.3 inches).

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

**E36-817: Quail Creek LP**, 1794 Oregon Pike, Lancaster, PA 17601, Rapho Township, **Lancaster County**, ACOE Baltimore District.

To develop a 29-lot subdivision west of Pinch Road (Manheim, PA Quadrangle: 40° 13' 26" N, 76° 27' 08" W; 17.96 inches North, 10.78 inches West) in Rapho Township, Lancaster County involving: (1) removing an existing 36-inch SLCPP and installing and maintaining a 40-foot long 60-inch SLCPP in a UNT to Chickies Creek (WWF); (2) removing two existing 18-inch RCPs and installing and maintaining a 43-foot long 36-inch SLCPP in an UNT to Chickies Creek (WWF); (3) permanently filling two wetland areas: (a) 0.14 acre of PEM to construct a larger wetland; and (b) 0.05 acre of PEM to construct Woodland Drive; (3) temporarily affecting two wetland areas for utility line crossings: (a) 0.01 acre of PEM for a sanitary sewer crossing; and (b) 0.03 of PEM for the discharge pipe from the proposed sewage treatment facility; (4) constructing and maintaining a stormwater outfall to an existing lake on an UNT to Chickies Creek (WWF); (5) constructing and maintaining a dry hydrant in an existing lake on an UNT to Chickies Creek (WWF) resulting in 0.02 acre of temporary open-water impacts; (6) constructing and maintaining a waste water treatment plant effluent outfall to an UNT to Chickies Creek (WWF); and (7) constructing 0.50 acre of PEM wetlands as compensation for wetland impacts. The project proposes to directly affect 83 feet of stream and 0.19 acre of wetlands and temporarily affect 0.04 acre of wetlands and 0.02 acre of open-water. Wetland creation of 0.50 acre is proposed to compensate for wetland impacts.

**E67-803: Springfield Township**, 9211 Susquehanna Trail South, Seven Valleys, PA 17360, Springfield Township, **York County**, ACOE Baltimore District.

To construct a 10-foot wide pedestrian trail beginning in Loganville Borough Park and ending near Richard Nixon County Park, consisting of the following six stream crossings of UNTs to East Branch Codorus Creek (CWF) and two wetland crossings. The project is located in Loganville and Jacobus Boroughs, in Springfield Township, York County. The permittee proposes to construct and maintain:

(a) A 25-foot long, 14-foot wide by 10-inch diameter span bridge having an underclearance of 4.8-feet (York, PA, Quadrangle: Latitude: 39° 52' 45.86" Longitude: 76° 43' 37.21", N: 0.25 inches, W: 13.9 inches).

(b) A 45-foot long, 14-foot wide by 12-inch diameter span bridge having an underclearance of 7-feet (Glen Rock, PA, Quadrangle: Latitude: 39° 52' 19.15" Longitude: 76° 43' 18.82", N: 24 inches, W: 13.7 inches).

(c) Replacement of an existing corrugated metal arch pipe with a 54-foot long, 49-inch by 33-inch corrugated metal arch pipe (Glen Rock, PA Quadrangle; Latitude: 39° 52' 16.35", Longitude: 76° 43' 16.73"; N: 22 inches, W: 13.45 inches).

(d) A 40-foot long, 14-foot wide by 12-inch diameter span bridge having an underclearance of 5.2-feet (Glen Rock, PA Quadrangle; Latitude: 39° 52' 10.82", Longitude: 76° 43' 3.49"; N: 21.7 inches, W: 12.95 inches).

(e) A 33-foot long, 60-inch diameter corrugated metal pipe (Glen Rock, PA Quadrangle; Latitude: 39° 52' 10.45", Longitude: 76° 43' 59.4"; N: 21.65 inches, W: 12.8 inches).

(f) A 65-foot long, 14-foot wide by 12-inch diameter span bridge having an underclearance of 5.0-feet (Glen Rock, PA Quadrangle; Latitude: 39° 51' 36.13", Longitude: 76° 42' 32.76"; N: 19.95 inches, W: 11.75 inches).

The permittee proposes to permanently fill:

(g) 0.01 acre of PFO wetland for a permanent road crossing approximately 300 feet south of the intersection of T-521 and the proposed trail (Glen Rock, PA Quadrangle; Latitude: 39° 52' 23.53", Longitude: 76° 43' 24.87"; N: 22.35 inches, W: 13.75 inches).

(h) 0.01 acre of PFO wetland for a permanent road crossing along Water Street approximately 450 feet south-east of the intersection of Water Street and the propose SR 0214 (Glen Rock, PA Quadrangle; Latitude: 39° 51' 38.20", Longitude: 76° 42' 34.64"; N: 20.0 inches, W: 11.85 inches).

The amount of wetland impact is considered a de minimus impact of 0.02 acre and wetland replacement is not required.

**E06-614: Conrad Weiser Homestead, Pennsylvania Historical and Museum Commission**, 28 Weiser Road, Womelsdorf, PA 19587-9718, Helderburg Township and Womelsdorf Borough, **Berks County**, ACOE Baltimore District.

To install and maintain a 6-inch and a 4-inch cast iron pipe water line across two UNTs to the Tulpehocken Creek (TSF) for the purpose of delivering municipal water to the Historic Conrad Weiser Homestead. The project will impact approximately 12-feet of stream channel and is located off of SR 422 East, on Weiser Lane (Womelsdorf, PA Quadrangle; N: 4.9 inches, W: 4.5 inches; Latitude: 40° 21' 31.70", Longitude: 76° 10' 16.72") in Helderburg Township and Womelsdorf Borough, Berks County.

**E07-392: Blair Township**, 575 Cedarcrest Drive, Duncansville, PA 16635, Blair Township, **Blair County**, ACOE Baltimore District.

To construct and maintain live stakes and cuttings, riprap and removing gravel deposits along the channel and streambanks of Beaverdam Branch of Frankstown Branch Juniata River in order to restore the streambank erosion and channel capacity located at a point about 1,000 feet upstream of Allegheny Street and continuing upstream along Plank Road bridge for a total length of about 5,000 feet (Hollidaysburg, PA Quadrangle N: 9.9 inches; W: 3.5 inches; Latitude: 40° 25' 46"; Longitude: 78° 24' 01" and N: 10.52 inches; W: 5.7 inches; Latitude: 40° 25' 59"; Longitude: 78° 24' 57") in Blair Township, Blair County.

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

**E14-500. Bradly Miller, Miles Township Supervisors**, P. O. Box 17, Rebersburg, PA 16872. Dry Hydrant Installations, in Miles Township, **Centre County**, ACOE Baltimore District (Millheim, PA Quadrangle N: 40° 57' 02"; W: 077° 23' 52" and N: 40° 58' 20"; W: 077° 19' 34").

Construct and maintain two dry hydrants in Elk Creek, along Brown and Haugh Roads. The dry hydrants should be 6-inches in diameter and approximately 16-ft in length with approximately 12-ft projecting out into Elk Creek. Elk Creek is an Exceptional Value CWF. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E16-133, Redbank Valley Municipal Authority**, 243 Broad St, New Bethlehem, PA 16242. Water Treatment Plant and Sludge Handling Building, in New Bethlehem Borough, **Clarion County**, ACOE Pittsburgh District (New Bethlehem, PA Quadrangle N: 41°, 00', 08"; W: 79°, 20', 10").

To construct and maintain a water treatment plant, outfall, sludge handling building, equalization tank and associated grading and roadway work in the area downstream of the Broad Street (SR 66) bridge along the north side and within the 100-year floodway and floodplain of Redbank Creek.

**E20-550, Cochranon Borough**, 109 East Adams Street, P. O. Box 66, Cochranon, PA 16314. Cochranon Borough Sewage Facilities Project, in Cochranon Borough and Wayne Township, **Crawford County**, ACOE Pittsburgh District (Cochranon, PA Quadrangle N: 4.0 inches; W: 8.5 inches).

The applicant proposes to construct and maintain a sewage collection and treatment system for the Borough of Cochranon consisting of approximately 44,000 linear feet of gravity sewer line and 8,800 linear feet of pressure sewer line, pump stations and a sewage treatment plant involving: 1) to construct and maintain 13 sewer line stream crossings of UNTs to French Creek by the open trench method and a sewer line crossing of Little Sugar Creek by directional drilling; 2) to construct and maintain five sewer line crossings of PEM, PSS and PFO wetlands; 3) to permanently fill 0.007 acre of wetland for the construction of an access drive, 4) to construct and maintain and 1-foot diameter PVC plastic sewage treatment plant outfall to an UNT to French Creek (N: 41° 30' 10", W: 80° 02' 20"); and 5) to construct and maintain three pump stations and associated fill within the FEMA floodplain. The project proposes to directly impact 0.007 feet of wetland and 0.6 acre of FEMA floodplain. The project proposes to temporarily impact 0.77 acre of PEM,

PSS and PFO wetlands and to temporarily impact 0.04 acre of stream. Little Sugar Creek is a perennial stream classified as a CWF. The tributaries to French Creek is classified as WWF.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D63-135, Robert Lange** (65 East Simmons Road, Eighty Four, PA 15330). To modify, operate and maintain Lake DiCio Dam across a Tributary to Chartiers Creek (WWF), impacting 70 linear feet of stream channel, for the purpose of compliance with dam safety requirements. This application is associated with a compliance order issued June 14, 2004, to drain and breach the dam, but later modified by oral agreement to allow the owner to pursue repairs without draining and breaching. As-built modifications include flattening of the downstream slope of dam and a new spillway around the left abutment. (Washington East, PA Quadrangle N: 3.8 inches; W: 1.4 inches) in South Strabane Township, **Washington County**.

**D59-041, Keck's Food Service** (R. R. 1 Box 70, Milerton, PA 16936). To breach the existing Charavoyne Dam located across Hammond Creek (CWF) in Jackson Township, **Tioga County** (Jackson Summit, PA Quadrangle N: 12.6 inches; W: 1.9 inches). Work includes removal of the existing spillway pipes and the construction of a 6-foot private roadway culvert at the stream invert that will eliminate the 2-acre impoundment. The construction, operation and maintenance of the culvert will be authorized as an encroachment under General Permit BDWM-GP-7. This is a change in scope for a previously submitted dam safety application "to modify, operate and maintain" the Charavoyne Dam. Following completion of this work, the remaining structure will no longer be regulated as a dam. The original application was received on July 29, 2005 and published in the *Pennsylvania Bulletin* on November 5, 2005.

## 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.

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### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0034428 Renewal	Cove Haven, Inc. P. O. Box 400 Scotrun, PA 18355	Paupack Township Wayne County	UNT to Lake Wallenpaupack (01C)	Y
PA0063533 Sewage Renewal	Tobyhanna Township HC 89, Box 289 Pocono Pines, PA 18350	Tobyhanna Township Monroe County	02A Tobyhanna Creek	Y
PA0070114 Renewal	Melanie Manor Mobile Home Park P. O. Box 550 Elizabethtown, PA 17022	Union Township Schuylkill County	Dark Run 05E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209317 (Nonmunicipal)	Oakridge Personal Care Home 34 Oakridge Lane Mill Hall, PA 17751	Clinton County Colebrook Township	Tangascootack Creek (9B)	Y
PA0228427 (CAFO)	Pine Hill Farm R. R. 3, Box 39 Columbia Crossroads, PA 16914	Bradford County Wells Township	Mill Creek (04A)	N
PA0209457 IW	CraftMaster Manufacturing Inc. P. O. Box 311 Towanda, PA 18848	Bradford County Wysox Township	Stormwater Channel To Lanning Creek (4D)	Y
PA0035815	Saulsburg and Dillon Bellefonte KOA Campground Bellefonte, PA 16823	Centre County Marion Township	UNT to Nittany Run (09C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0218405 Industrial Waste	Morgan Advanced Ceramics GBC Material 580 Monastery Drive Latrobe, PA 15650	Westmoreland County Unity Township	Monastery Run and Swale to Monastery Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0101601	Franklin Mobile Home Village—Wick Auto Sales, Inc. 423 Dogwood Drive Butler, PA 16001	Franklin Township Butler County	UNT to Mulligan Run 20-C	Y
PA0238546	Ellwood City Forge P. O. Box 31 Ellwood City, PA 16117-2354	Ellwood City Borough Lawrence County	Connoquenessing Creek 20-C	Y
PA0223115	Comor, Inc. 23697 U.S. Highway 322 Cochranon, PA 16314-0241	East Fairfield Township Crawford County	Private Pond 16-D	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. PA0056545**, Industrial Waste, **Huhtamaki Flexibles, Inc.**, 2400 Continental Boulevard, Malvern, PA 19355-2326. This proposed facility is located in Tredyffrin Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge stormwater to an UNT to Little Valley Creek in Watershed 3F.

**NPDES Permit No. PA0056470**, Industrial Waste, **Devault Foods**, 1 Devault Lane, P. O. Box 587, Devault, PA 19432. This proposed facility is located in Charlestown Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge stormwater into tributaries to Valley Creek in Watershed Lower Schuylkill-3F

**NPDES Permit No. PA0055026**, Industrial Waste, **The Wrightstown Group, LP** 1337 Wrightstown Road, Wrightstown, PA 18901. This proposed facility is located in Wrightstown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge groundwater from a facility known as Livingston-King Wrightstown Facility to an UNT to Mill Creek in Watershed 2F.

**NPDES Permit No. PA0058289**, Sewage, **Pennridge School District**, 1506 North 5th Street, Perkasio, PA 18944-2295. This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from the M.M. Seylar Elementary School to an UNT to Pleasant Spring creek in Watershed 3E Perkiomen.

**NPDES Permit No. PA0054810**, Sewage, **Upper Frederick Township**, 3205 Big Road, P. O. Box 597, Frederick, PA 19435-0597. This proposed facility is located in Upper Frederick Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into Goshenhoppen Creek in Watershed 3E-Perkiomen.

**NPDES Permit No. PA0027154**, Sewage, **Borough of Phoenixville**, 140 Church Street, Phoenixville, PA 19460. This proposed facility is located in Phoenixville Borough, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into the Schuylkill River in Watershed 3D-Manatawny.

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

**NPDES Permit No. PA0082007**, Sewage, **Kimberly A. Browell**, 6827 Bedford Valley Road, Bedford, PA 15522-6114. This proposed facility is located in Cumberland Valley Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Sand Spring Run in Watershed 13-A.

**NPDES Permit No. PA0083992**, Sewage, **Delores J. Carrigan**, 112 Pondview Lane, Clearville, PA 15535. This proposed facility is located in Southampton Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to an UNT to Sweet Root Creek in Watershed 13-A.

**NPDES Permit No. PA0070360**, Sewage, **All American Plazas, Inc.**, Frystown Plaza STP, P. O. Box 302, Bethel, PA 19507. This proposed facility is located in Bethel Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to an UNT to Crosskill Creek in Watershed 7-D.

**NPDES Permit No. PA0087408**, Sewage, **Trainers Midway Lodgings**, P. O. Box 6, Bethel, PA 19507. This proposed facility is located in Bethel Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to an UNT to of Little Swatara Creek in Watershed 7-D.

**NPDES Permit No. PA0087190**, Sewage, **St. Thomas Township Municipal Authority**, Edenville STP, 6442 Lincoln Way West, St. Thomas, PA 17253. This proposed facility is located in St. Thomas Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to Wilson Run in Watershed 13-C.

**NPDES Permit No. PA0039551**, Sewage, **Lebanon Valley Mobile Home Community**, P. O. Box 124, Carlisle, PA 17013. This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to an UNT to Little Swatara Creek in Watershed 7-D.

**NPDES Permit No. PA0085006**, Sewage, **Conoy Township, Bainbridge Wastewater Treatment Plant**, 211 Falmouth Road, Bainbridge, PA 17502. This proposed facility is located in Conoy Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Conoy Creek in Watershed 7-G.

**NPDES Permit No. PA0083887**, Sewage, **Brush Creek Country Estates**, 225 Pine Hill Road, Landisburg, PA 17040. This proposed facility is located in East Providence Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Brush Creek in Watershed 11-C.

**NPDES Permit No. PA0034011**, Sewage, **Bedford Materials Company, Inc.**, 7676 Allegheny Road, Manns Choice, PA 15550. This proposed facility is located in Napier Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to an UNT to Raystown Branch Juniata River in Watershed 11-C.

**NPDES Permit No. PA0081752**, Sewage, **Philhaven Hospital**, 283 South Butler Road, Lebanon, PA 17402. This proposed facility is located in West Cornwall Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to Bachman Run in Watershed 7-D.

**NPDES Permit No. PA0081299**, Sewage, **Model Enterprises, Inc.**, Rolling Hills Estates Mobile Home Park, 630 Delp Road, Lancaster, PA 17601. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Chickies Creek in Watershed 7-G.

**NPDES Permit No. PA0082511**, Sewage, **Roxbury Holiness Camp, Inc.**, P. O. Box 28, Roxbury, PA 17251. This proposed facility is located in Letterkenny Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to Conodoguinet Creek in Watershed 7-B.

**NPDES Permit No. PA0087564**, Sewage, **Donald and Linda Yingling**, 3574 Taneytown Road, Gettysburg, PA 17325-8635. This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to an UNT of Plum Run in Watershed 13-D.

**NPDES Permit No. PA0081302**, Sewage, **South Londonderry Township Municipal Authority**, Campbelltown West WWTP, P. O. Box 3, Campbelltown, PA 17010-0003. This proposed facility is located in South Londonderry Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to Spring Creek in Watershed 7-D.

**NPDES Permit No. PA0080446**, Sewage, **Thomas E. Grosh, Valley View Manor Mobile Home Park**, P. O. Box 223, State Line, PA 17263. This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to a dry swale UNT Conococheague Creek in Watershed 13-C.

**NPDES Permit No. PA0087025**, Sewage, **Dave M. Ott, Dave & Jane's Crab House**, 2989 Tract Road, Fairfield, PA 17320. This proposed facility is located in Liberty Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Flat Run in Watershed 13-D.

**NPDES Permit No. PA0081353**, Sewage, **Crowe Transportation**, 2388 North Market Street, Elizabethtown, PA 17022. This proposed facility is located in West Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to an UNT of the Conewago Creek in Watershed 7-G.

**NPDES Permit No. PA0022179**, Sewage, **Mercersburg Sewer Authority**, 113 South Main Street, Mercersburg, PA 17236. This proposed facility is located in Mercersburg Borough, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to Johnston Run in Watershed 13-C.

**NPDES Permit No. PA0009288**, Industrial Waste, **Milton Hershey School**, 1201 Homestead Lane, Hershey, PA 17033. This proposed facility is located in Derry Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to an UNT to Spring Creek in Watershed 7-D.

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

**NPDES Permit No. PA0252701-A1**, Industrial Waste, **Dominion Transmission, Inc.**, 1201 Pitt Street, Pittsburgh, PA 15221. This proposed facility is located in South Bend Township, **Armstrong County**.

Description of Proposed Action/Activity: Permit issuance for the discharge of industrial waste.

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

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

**WQM Permit No. 4506403**, Sewerage, 25 Municipal Drive, East Stroudsburg, PA 18301. This proposed facility is located in Middle Smithfield Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

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

**WQM Permit No. WQG01060601**, Sewerage, **Glenn H. Sandritter**, 161 Heckman Road, Temple, PA 19560-9708. This proposed facility is located in Earl Township, **Berks County**.

Description of Proposed Action/Activity: Seeking authorization for the installation of an aerobic tank/gravity lift pump tank/free access sand filter.

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

**WQM Permit No. 4900401-A1**, Sewerage 4952, **The Municipal Authority of the City of Sunbury**, 462 South Fourth Street, Sunbury, PA 17801. This proposed facility is located in the City of Sunbury, **Northumberland County**.

Description of Proposed Action/Activity: Increase the wastewater pumping capacity at two Front Street Pumping Stations, replacement of 7,900 lineal feet of force main and gravity sewer, installation of two 25 mgd effluent pumps at the Sunbury WWTF, and construction of a new effluent outfall line to Shamokin Creek.

**WQM Permit No. WQG01490602**, Sewerage, **Penns Tavern**, 420 Whiskey Ridge Road, Middleburg, PA 17842. This proposed facility is located in Lower Augusta Township, **Northumberland County**.

Description of Proposed Action/Activity: The permit issuance is for a system consisting of a 1,000-gallon septic tank, 1,000-gallon aerobic treatment tank with effluent filter, 500-gallon dosing tank, a 18 by 38 subsurface sand filter, an erosion chlorinator, a 1,000-gallon chlorine contact tank and discharge to an UNT to the Susquehanna River.

**WQM Permit No. 5906402**, Sewerage, **Lawrenceville Borough Authority**, P. O. Box 115, Lawrenceville, PA 16929. This proposed facility is located in Lawrenceville Borough, **Tioga County**.

Description of Proposed Action/Activity: Installation of a plate and frame press with all ancillary equipment to operate.

**WQM Permit No. 5991401-A1**, Sewerage 4952, **Clymer Township Municipal Authority**, P. O. Box 62, Sabinsville, PA 16943. This facility is located in Clymer Township, **Tioga County**.

Description of Action/Activity: The applicant is approved to increase the permitted organic capacity of their Wastewater Treatment Plant from 40 pounds per day to 68 pounds per day.

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

**WQM Permit No. WQG018511**, Sewerage, **William F. and Vonna L. Murrin**, 71 Church Road, Greenville, PA 16126. This proposed facility is located in West Salem Township, **Mercer County**.

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

**WQM Permit No. WQG018513**, Sewerage, **Chris E. and Barbara Burkhouse**, 230 Looker Mountain Trail, Bradford, PA 16701. This proposed facility is located in Foster Township, **McKean County**.

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

**WQM Permit No. 4306403** Sewerage, **Skyline Development, Inc.**, P. O. Box 806, Indianola, PA 15051. This proposed facility is located in West Salem Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for modifications and improvements to an existing treatment lagoon system serving the Summit Estates Mobile Home Park including the installation of aeration and disinfection systems.

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

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

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

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041406004	Elliot Abrams PL-1 Ext 2 Pipeline Cove Point Expansion 100 Patton Plaza State College, PA 16803	Centre	Boggs, Curtin, Harris, Potter, Snow Shoe and Spring Townships, Centre County Beech Creek, Noyes and Leidy Townships and Renovo Borough, Clinton County	UNT to Spring Creek CWF



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


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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).

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**List of NPDES and/or Other General Permit Types**


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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
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

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

Quarryville Borough Lancaster County	PAG2003605021	Solanco School District 121 S. Hess St. Quarryville, PA 17566	Big Beaver Creek TSF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG2003606006	New Generation, LLC 1525 Oregon Pike Suite 1102 Lancaster, PA 17601	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003606123	Investment Real Estate, LLC 10 Benzel Mill Rd. York, PA 17404	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Strasburg Township Lancaster County	PAR100535R	Department of Transportation 2140 Herr St. Harrisburg, PA 17103	UNT Pequea Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Guilford Township Franklin County	PAG200280080	Valley Drive Storm Sewer 115 Spring Valley Road Chambersburg, PA 17201	English Valley Run CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
St. Thomas Township Franklin County	PAG2002806058	Long's Subdivision Dan Long 6405 Nunnery Road Waynesboro, PA 17268	Wilson Run TSF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Guilford Township Franklin County	PAG2002806068	Moffitt Subdivision Timothy Moffitt P. O. Box 368 Marion, PA 17235	W. Br. of Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Waynesboro Borough Franklin County	PAG2002806061	Waynesboro Area School District 210 Clayton Ave. Waynesboro, PA 17268	Conococheague Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Chambersburg Borough Franklin County	PAG2002806049	Haven's Science Center 1015 Philadelphia Ave. Chambersburg, PA 17201	UNT to Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Greene Township Franklin County	PAG2002806070	FCR Airport Upgrades David Spaulding 1 Terminal Dr. Suite 300 Middletown, PA 17057	UNT to Conococheague Creek WWF/CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Chambersburg Borough Franklin County	PAG2002806086	Prologis, Inc Kurt Hinline 4545 Airportway Denver, CO 80239	Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Chambersburg Borough Franklin County	PAG2002806079	CASD Richard Bender 483 South Main St Chambersburg, PA 17201	Conococheague Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Metal Township Franklin County	PAG2002806064	W. Atlee Burpee & Co Paul Hofer 300 Park Ave Warminster, PA 18974	Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Antrim Township Franklin County	PAG2002806083	Tuscarora Farms Randall Wimmer P. O. Box 398 Fannettsburg, PA 17221	W. Br. of Conococheague Creek TSF-MF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Lower Paxton Township Dauphin County	PAG2002206055	John A. Kerschner Eastern Communities, LP 7300 Derry St. Harrisburg, PA 17111	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Middle Paxton Township Dauphin County	PAG2002206020	David L. Settino 1083 Dewey St. Steelton, PA 17113	Fishing Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Swatara Township Dauphin County	PAG2002206065	East Coast Management 2 Springville Way Mount Laurel, NJ 08054	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Penn Township Lancaster County	PAG2003603082(1)	Manheim's PA Auction Services 1190 Lancaster Rd. Manheim, PA 17545	Chiques Creek WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG2003606122	Ruby Tuesday Inc 350 Sentry Pkwy. Bldg. 620 Suite 110 Blue Bell, PA 19422	Brubaker Run WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Lancaster City Lancaster County	PAG2003606134	Park City Center/Gen Growth Prop 142 Park City Center Lancaster, PA 17601	Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Germany Township Adams County	PAG2000106025	Floyd Forbes Bon Ton Builders, Inc. 1060 Baltimore Pike Hanover, PA 17331	Alloway Creek WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Hamilton Township Adams County	PAG2000106021	Fred Linkous Linkous Family Homes 4200 Madonna Road Jarrettsville, MD 21084	UNT to South Branch of Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
West Manchester Township York County	PAG2006706024	Shiloh American Legion Post 791 1490 Poplars Road York, PA 17404	Little Conewago TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Codorus Township York County	PAG2006706064	Hills at Valley View Codorus Ventures, LLC 10211 Wincopin Circle Suite 180 Columbia, MD 21044	Codorus Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Shrewsbury Township York County	PAG2006705114	Messina Highlands John Lanehart 20 Hunting Park Ct. York, PA 17402	Deer Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hellam Township York County	PAG2006706114	Eastern York HS Additional Services Eastern York SD P. O. Box 150 Wrightsville, PA 17403-4594	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Penn Township York County	PAG2006706107	West Chestnut Ext. Smith & Willing, LLC P. O. Box 78 Hanover, PA 17331	Plum Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG2006706074	Cherry Lane Timothy Pasch 2645 Carnegie Road York, PA 17402	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township York County	PAG2006706030	Grandview Rd. Improvement Project Department of Transportation, District 8-0 2140 Herr Street Harrisburg, PA 17103	Oil Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Halifax Township Dauphin County	PAG2002206067	Mark X. DiSanto Triple Crown Corp. 5351 Jaycee Ave. Harrisburg, PA 17112	Armstrong Creek CWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
East Hanover Township Lebanon County	PAG2003806029	Kenneth Boltz USPFO for Pennsylvania Fort Indiantown Gap Building 11-12, Service Road Annville, PA 17003	Indiantown Run/Swatara Creek CWF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
City of Lebanon Lebanon County	PAG2003806032	Curtis Richards Lebanon School District 1000 S. 8th Street Lebanon, PA 17042	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
City of Lebanon Lebanon County	PAG2003806033	Curtis Richards Lebanon School District 1000 S. 8th Street Lebanon, PA 17042	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Centre County Patton Township	PAG2001406019	Elliot Abrams Circleville Park Patton Township 100 Patton Plaza State College, PA 16803	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County City of DuBois	PAG2001706016	Department of Transportation District 2-0 P. O. Box 342 Clearfield, PA 16830	Sandy Lick TSF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Northumberland County Point Township	PAG2004906014	TW Markets American Legion Grounds Northumberland, PA 17857	UNT to Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Westmoreland County Hempfield Township	PAG2006506035	John Miller 1563 Woodward Drive Greensburg, PA 15601	UNT to Jacks Run WWF	Westmoreland County CD (724) 837-5271

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Westmoreland County Penn Township	PAG2006506043	Commercial Condos, LLC 1060 Corporate Lane Export, PA 15632	Brush Creek TSF	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield Township and S. Greensburg Borough	PAG2006506044	Municipal Authority of Westmoreland County P. O. Box 730 Greensburg, PA 15601	Jacks Run WWF	Westmoreland County CD (724) 837-5271
Butler County Cranberry Township	PAG2001006017	Yott Properties, LLC 247 Ashe Court Wexford, PA 15090	Brush Creek WWF	Butler Conservation District (724) 284-5270
Clarion County Farmington Township	PAG2061606008	Farmington Township 3161 Star Route 66 Leeper, PA 49656	Licking Creek CWF	Department of Environmental Protection 230 Chestnut Street Meadville, PA 16335
Erie County Girard Borough	PAR10K186(R)	Butternut Knoll 602 West 10th Street Erie, PA 16502	Municipal stormwater	Erie Conservation District (814) 825-6403
Erie County City of Erie	PAG2002506011	Woodland Hills Condominium PLP IV—Joseph Palermo 3435 West Lake Road Erie, PA 16505	UNT to storm sewer to Lake Erie	Erie Conservation District (814) 825-6403
Erie County Summit Township	PAG2002506033	Trails at Five Points Hanlon Development, LLC 2800 West 21st Street Erie, PA 16506	Elk Creek CWF: MF	Erie Conservation District (814) 825-6403
Erie County Summit Township	PAG2002506034	Lakettes Gymnastics Heather Kowalczyk 8269 Peach Street Erie, PA 16509	Walnut Creek CWF: MF	Erie Conservation District (814) 825-6403
Erie County Millcreek Township	PAG2002506035	Furniture Row USA, LLC GGGlover & Assoc. 5 Main Street, P. O. Box 808 Montello, WI 53949	Walnut Creek CWF:MF	Erie Conservation District (814) 825-6403
Erie County North East Township	PAG2002506041	Hamot Medical Center Clinic Mercyhurst North East Campus, Hamot Medical Center 201 State Street Erie, PA 16550	Lake Erie WWF: MF	Erie Conservation District (814) 825-6403
Erie County Summit Township	PAG2002506042	Erie First Assembly of God (Youth Auditorium), Scavella Building & Design 7201 Bear Creek Road Fairview, PA 16415	UNT Walnut Creek CWF; MF	Erie Conservation District (814) 825-6403
Warren County Columbus Township	PAG2006206004	Corry Area School District 800 East South Street Corry, PA 16407	Brokenstraw Creek CWF	Warren Conservation District (814) 563-3117

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Girardville Borough  
and Butler  
Township  
Schuylkill County

PAG2115406005

Department of  
Environmental  
Protection  
Bureau of Abandoned  
Mine Reclamation  
2 Public Square  
Fifth Floor  
Wilkes-Barre, PA  
18711-0790Mahanoy Creek  
WWFDepartment of  
Environmental Protection  
Bureau of Abandoned  
Mine Reclamation  
2 Public Square  
Fifth Floor  
Wilkes-Barre, PA  
18711-0790  
(570) 826-2371Schuylkill Township  
Schuylkill County

PAG2115406003

Department of  
Environmental  
Protection  
Bureau of Abandoned  
Mine Reclamation  
2 Public Square  
Fifth Floor  
Wilkes-Barre, PA  
18711-0790Swift Creek  
CWFDepartment of  
Environmental Protection  
Bureau of Abandoned  
Mine Reclamation  
2 Public Square  
Fifth Floor  
Wilkes-Barre, PA  
18711-0790  
(570) 826-2371Swoyersville  
Borough  
Luzerne County

PAG2114006002

Department of  
Environmental  
Protection  
Bureau of Abandoned  
Mine Reclamation  
2 Public Square  
Fifth Floor  
Wilkes-Barre, PA  
18711-0790Abrahams Creek  
CWFDepartment of  
Environmental Protection  
Bureau of Abandoned  
Mine Reclamation  
2 Public Square  
Fifth Floor  
Wilkes-Barre, PA  
18711-0790  
(570) 826-2371Foster and Hazle  
Townships  
Luzerne County

PAG2114005004

Department of  
Environmental  
Protection  
Bureau of Abandoned  
Mine Reclamation  
2 Public Square  
Fifth Floor  
Wilkes-Barre, PA  
18711-0790Big Black Creek  
CWFDepartment of  
Environmental Protection  
Bureau of Abandoned  
Mine Reclamation  
2 Public Square  
Fifth Floor  
Wilkes-Barre, PA  
18711-0790  
(570) 826-2371*General Permit Type—PAG-3**Facility Location &  
Municipality**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Berks County  
Caernarvon  
Township

PAR803504

Morgan Truck Body, LLC  
P. O. Box 588  
Morgantown, PA 19543Little Conestoga Creek  
WWFDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707Berks County  
New Morgan  
Borough

PAR803696

Morgan Truck Body, LLC  
P. O. Box 588  
Morgantown, PA 19543East Branch Conestoga  
River  
WWFDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707City of Williamsport  
Lycoming County

PAR224839

David R. Webb  
Company, Inc.  
206 South Holland Street  
P. O. Box 8  
Edinburgh, IN  
46124-0008UNT to West Branch  
Susquehanna River  
(WWF)Northcentral Regional  
Office  
Water Management  
Program  
208 West Third Street  
Suite 101  
Williamsport, PA 17701  
(570) 327-3664

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Williamsport Lycoming County	PAR804808 (Stormwater)	River Valley Transportation Services 1500 W. Third Street Williamsport, PA 17701	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Brady Township Lycoming County	PAR504801	The County of Lycoming P. O. Box 187 447 Alexander Drive Montgomery, PA 17752	UNT to Black Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Borough of Zelienople Butler County	PAR118321	F. B. Leopold Company, Inc. 227 S. Division Street Zelienople, PA 16063-1313	Glade Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
East Fairfield Township Crawford County	PAR228316	Custead's Sawmill Inc. 23708 Sawmill Road Meadville, PA 16335	UNT to Little Sugar Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lehigh Township Northampton County	PAG042206	Tommy R. Singer, Jr. 4462 W. Mountainview Dr. Walnutport, PA 18088	UNT to Bertsch Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Berks County Earl Township	PAG043855	Glenn H. Sandritter 161 Heckman Road Temple, PA 19560-9708	Ironstone Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Route 147 Sunbury, PA 17801 Lower Augusta Township Northumberland County	PAG045228	Penns Tavern David Stroup 420 Whiskey Ridge Road Middleburg, PA 17842	UNT to Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Allegheny County Frazer Township	PAG046250	Daniel S. Kuniak 1541 Bakerstown Road Tarentum, PA 15084	Tributary to Days Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Concord Township Erie County	PAG048745	Kenneth G. and Amy K. McCorrison 20923 Lindsey Hollow Road Corry, PA 16407	UNT to Winton Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Cambridge Township Crawford County	PAG048757	Alex and Sally A. Torok 24529 State Highway 408 Cambridge Springs, PA 16403	UNT to French Creek 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Glade Township Warren County	PAG048425	Bruce L. Abplanalp 858 Jackson Avenue Extension Warren, PA 16365	UNT to West Branch Glade Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Washington Township Erie County	PAG048762	David C. and Vinia L. Smith 6817 Route 6N West Edinboro, PA 16412	UNT to Cussawago Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG049305	William F. and Vonna L. Murrin 71 Church Road Greenville, PA 16125	UNT to Big Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Foster Township McKean County	PAG049307	Chris E. and Barbara Burkhouse 230 Looker Mountain Trail Bradford, PA 16701	UNT to Kendall Creek 16-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5**Facility Location &  
Municipality*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Washington City Washington County	PAG056170	Coen Oil Company P. O. Box 34 145 W Chestnut Street Washington, PA 15301	Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-12**Facility Location &  
Municipality*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Spring Township Snyder County	PAG124804	John and Trisha Stone 12547 Stage Road McClure, PA 17841	UNT to Middle Creek CWF	Northcentral Regional Office Watershed Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-0529

## 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. Minor Amendment Public Water Supply.

Applicant **Pennsylvania American Water Company (PAWC)**  
800 West Hersheypark Dr.  
Hershey, PA 17033  
Hamilton Township

County **Monroe County**

Type of Facility PWS

Consulting Engineer Scott Thomas, P. E.  
PAWC  
852 Wesley Dr.  
Mechanicsburg, PA 17055

Permit to Construct Issued 12/26/2006

#### Permit No. 3390039 Operations Permit Public Water Supply.

Applicant **Borough of Slatington**  
125 South Washington Street  
Slatington, PA 18080  
Washington Township.

County **Lehigh**

Type of Facility PWS

Consulting Engineer Carl F. Dicker, Jr., P. E.  
Spotts, Stevens & McCoy, Inc.

Permit to Operate Issued 12/05/2006

#### Permit No. 2400140 Operations Permit Public Water Supply.

Applicant **Sand Springs Water Co. Inc.**  
4511 Falmer Drive  
Bethlehem, PA 18020  
Butler Township

County **Luzerne County**

Type of Facility PWS

Consulting Engineer William Schumacher, Jr., P. E.  
Schumacher Engineering, Inc.  
55 N. Conahan Drive  
Hazleton, PA 18201

Permit to Operate Issued 12/26/2006

#### Permit No. 4005506 Public Water Supply.

Applicant **Sand Springs Water Co., Inc.**  
4511 Falmer Drive  
Bethlehem, PA 18020

Butler Township

County **Luzerne**

Type of Facility PWS

Consulting Engineer William Schumacher, Jr., P. E.  
Schumacher Engineering, Inc.  
55 N. Conahan Drive  
Hazleton, PA 18201

Permit to Construct Issued 12/20/2006

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

#### Permit No. 4106501—Operation Public Water Supply.

Applicant **Timberend Estates**

Township or Borough Fairfield Township

County **Lycoming**

Responsible Official Jeff Stout  
Timberend Estates, Inc.  
528 Ruben Kehrer Road  
Muncy, PA 17756-8043

Type of Facility Public Water Supply—Operation

Consulting Engineer Britt Bassett, P. E.  
Bassett Engineering  
1440 Broad Street  
Montoursville, PA 17754

Permit Issued Date December 28, 2006

Description of Action Operation of the recently constructed Birm media filtration system for treatment of Well No. 1. The Department has agreed to allow operation of the filters at the requested 16.4 gpm, based on manufacturer's specifications, Water Quality Association recommendations, and most importantly because the existing sodium silicate chemical feed system will be retained.

#### Permit No. 5904501—Operation Public Water Supply.

Applicant **Nelson Township Authority**

Township or Borough Nelson Township

County **Tioga**

Responsible Official Michael Patrick, President  
Nelson Township Authority  
Lakeview Drive  
P. O. Box 100  
Nelson, PA 16940-0100

Type of Facility Public Water Supply—Operation

Consulting Engineer Michael Peleschak, P. E.  
Alfred Benesch & Company  
400 One Norwegian Plaza  
Pottsville, PA 17901

Permit Issued Date December 28, 2006

Description of Action      Operation of the recently constructed conventional water filtration plant and Cowanesque River raw water intake.

**New Berlin Water System (Public Water), Union County.** The Source Water Protection (SWP) report for the New Berlin Municipal Authority has been approved on December 26, 2006. New Berlin Municipal Authority is to be commended for taking this proactive step to protect the source water for the community. Development of the program was funded, in part, by a SWP grant (L. Richard Adams, (570) 321-6581).

**Covington-Karthus-Girard Area Authority (Public Water), Clearfield County.** The Source Water Protection (SWP) report for the Covington-Karthus-Girard Area Authority Water System has been approved on December 4, 2006. The Covington-Karthus-Girard Area Authority is to be commended for taking this proactive step to protect the source water for the community. Development of the program was funded, in part, by a SWP grant (L. Richard Adams, (570) 321-6581).

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

**Operations Permit issued to: Consol Pennsylvania Coal Company, P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323, (PWS ID 5300819) Richhill Township, Greene County** on December 27, 2006, for the operation of facilities approved under Construction Permit No. 3006501MA.

**Operations Permit issued to: Buffalo Township Municipal Authority, 700 South Pike Road, Sarver, PA 16055, (PWS ID 5030019) Buffalo Township and Freeport Borough; Butler and Armstrong Counties** on December 21, 2006, for the operation of facilities approved under Construction Permit No. 0304501.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)**

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

*Plan Location:* High Meadow Estates

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Allen Township	4714 Indian Trail Road Northampton, PA 18067	Northampton

*Plan Description:* The approved plan provides for a 136 lot single-family residential subdivision of a 137 acre tract. A new PVC sanitary sewer collection system will be constructed which will transport the proposed 31,008 gpd of sewage flows to a pump station located at the intersection of Kreidersville Road and High Meadow Drive North. The pump station will convey the sewage through a 4" force main to MH No. 21 of the Northampton Borough Municipal Authority existing sanitary sewer system. Northampton Borough Municipal Authority will provide wastewater treatment to the project, as well as public water. The proposed development is located on Kreidersville Road, Allen Township, Northampton County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Monroe Township	P. O. Box 38 Clearville, PA 15535	Bedford

*Plan Description:* The approved plan provides for the construction of a small flow treatment facility with discharge to an UNT to Shaffer Creek intended to repair/replace a malfunctioning onlot sewage system. The proposed development is located approximately 5/8 mile south of Clearville on Beg Creek Road (SR-2007). The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the owner.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

**Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:* Located on Clay Hill Road, Quincy Township, Franklin County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Quincy Township	7575 Mentzer Gap Road Waynesboro, PA 17268	Franklin

*Plan Description:* The planning module, entitled Darrell Baer, proposing one residential lot using an individual onlot sewage disposal system, was disapproved because the preliminary hydrogeologic evaluation included with the module is flawed in that it used data from two sampling locations collected in November 29, 2005, and averaged it with newer data from the same two sample locations. The newer samples were collected on June 14, 2006, and were significantly higher than those collected earlier. Only the most recent data should be used to determine background. Using the current background, the lots are not large enough to dilute the Nitrate-Nitrogen contribution from the sewage effluent below the Maximum Contaminant Level for public drinking water supplies. The subdivision and addition of one additional on lot system will result in pollution of the Waters of the Commonwealth. Such a condition is considered a nuisance and is prohibited.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of

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

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

The Department has received the following plans and reports:

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

**Tri-County Federal Credit Union**, Pennsburg Borough, **Montgomery County**. Justin Lauterbach, RT Env., Svc., Inc., 510 Heron Dr., Purleand Complex, Suite, 306, Bridgeport, NJ 08014 on behalf of Andrew Pistoria, Tri-County Area Federal Credit Union, 1550 Medical Dr., Pottstown, PA 19464 has submitted a Final Report concerning remediation of site soil contaminated with arsenic and PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standards.

**Estes Residence**, Skippack Township, **Montgomery County**. Staci Cottone, J & J Spill Service & Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of George Estes, 992 Bridge Rd., Creamery, PA 19430 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 Standards.

**Hunter Residence**, East Marlborough Township, **Chester County**. Gilbert Marshall, Marshall Geoscience, Inc., 170 E. First Ave., Collegeville, PA 19426 on behalf of Ray and Amy Hunter, 508 Pennock Avenue, Kennett Square, PA 19348 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Bucks County Intermediate Unit**, Bristol Township, **Bucks County**. Michael Sarcinello, Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19381 on behalf of Patricia Frank, **Bucks County** Intermediate

Unit, 705 North Shady Retreat Rd., Doylestown, PA 18901 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards and Site-Specific Standards.

**Dupont Glenolden Facility**, Glenolden Borough, **Delaware County**. Paul Michaels, Jacques Whitford Co., 450 South Gravers Rd., Suite 105, Plymouth Meeting, PA 19462 on behalf of Kyle Rosato, University of Pennsylvania, 3160 Chestnut St., Suite 400, Philadelphia, PA 19104 has submitted a Remedial Investigation and Final Report concerning remediation of site soil contaminated with arsenic, VOCs and PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standards.

**Frankford Valley Corp., Prop.**, City of Philadelphia, **Philadelphia County**. Thomas Hippensteal, P. G., Envirosearch Consultants, Inc., 500 Norristown Road, P. O. 940, Spring House, PA 19477 on behalf of Gerald Santilli, Frankford Valley Corporation, 1901 Rt., 70 East, Cherry Hill, NJ 08003 has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standards.

*Northeast Regional Field Office, Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Middle Valley Development**, Pittston Township, **Luzerne County**. Dave Fife, Quad Three Group, Inc., 72 Glenmaura National Blvd., Moosic, PA 18507 has submitted a Final Report (on behalf of his client, Christopher Langel, Middle Valley Development LLC, Cross Creek Point, 1065 Highway 315, Suite 102, Wilkes-Barre, PA 18702) concerning petroleum related spillage to soils at two locations from the handling of waste oil and product supplied to maintenance trucks from above-ground storage tanks. The applicant proposes to meet the residential Statewide Health Standard for soil. The future use of the property will not change. A summary of the Final Report was published in *The Times Leader* on December 12, 2006.

**Laura Potter Residence**, Delaware Township, **Pike County**. Christine Elliott, S & M Management, Inc., P. O. Box 1429, Milford, PA 18337 has submitted a Final Report (on behalf of her client, Laura Potter, R. R. 1, Box 134, Dingmans Ferry, PA 18328) concerning the remediation of soils, found or suspected to have been impacted by No. 2 fuel oil as the result of an accidental release during a delivery. The report was submitted to document attainment of the residential Statewide Health Standard.

**Ahmed Residence**, East Stroudsburg Borough, **Monroe County**. Thomas S. Dalton, P. G., EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017 has submitted a Final Report (on behalf of his client, Ahmed Ahmed, 104 Prospect Street, East Stroudsburg, PA 18301) concerning the remediation of soils and groundwater found or suspected to have been impacted by the release of No. 2 fuel oil. The report was submitted in order to document attainment of Site-Specific and Statewide Health Standards for site soils and groundwater.

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

**Pendora Park—Unleaded Gasoline Leak**, Reading City, **Berks County**. Services Environmental, Inc., 375 Morgan Street, Phoenixville, PA 19460-3588, on behalf of City of Reading, Department of Public Works, 503 North

6th Street, Reading, PA 19601-3085, submitted a Final Report concerning remediation of site soils contaminated with unleaded gasoline. The report is intended to document remediation of the site to the residential Statewide Health Standard and was submitted within 90 days of the release.

**Trinity Packaging Corporation, Lewistown Plant,** Granville Township, **Mifflin County.** Nittany Engineering & Associates, LLC, 2836 Earlstown Road, Centre Hall, PA 16828-9162, on behalf of Trinity Packaging Corporation, 13 Industrial Park Road, Lewistown, PA 17044, submitted a Final Report concerning remediation of site soils contaminated with ethylene glycol. The report is intended to document remediation of the site to the Statewide Health Standard and was submitted within 90 days of the release.

**Mutual Benefit Group—Huntingdon,** Huntingdon Borough, **Huntingdon County.** Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Mutual Benefit Group, 409 Penn Street, Huntingdon, PA 16652, submitted a Final Report concerning remediation of site soils and groundwater contaminated with gasoline and heating oil. The report is intended to document remediation of the site to the Statewide Health Standard.

**Fort Indiantown Gap National Guard Training Center,** Union Township, **Lebanon County.** Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380, on behalf of Pennsylvania Army National Guard, Department of Military and Veteran Affairs—Environmental Division, Fort Indiantown Gap National Guard Training Center, Building 0-11, Annville, PA 17003, submitted a Final Report concerning remediation of site soil and groundwater contaminated with pesticides. The report is intended to document remediation of the site to the Statewide Health Standard and was submitted under the Department's Low Risk policy.

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

**Giant Foods, LLC,** Lamar Township, **Clinton County.** Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Giant Foods, LLC, 1604 Industrial Dr., Carlisle, PA 17013 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard. This was incorrectly published at 36 Pa.B. 7915 (December 23, 2006) as submitted a Notice of Intent to Remediate.

**Weis Market Inc., Milton Warehouse Stormwater Detention Basin,** Milton Borough, **Northumberland County.** Whittlemore and Haigh Engineering, Inc., 200 Bethlehem Dr., Suite 201, Morgantown, PA 19543 on behalf of Weis Markets, Inc., P. O. Box 471, Sunbury, PA 17801-0471 has submitted a Final Report concerning remediation of site soil and surface water contaminated with fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Zuck Road Site (Formerly Legacy Woods Condominium),** Millcreek Township, **Erie County.** Moody and Associates Inc. has submitted a Final Report concerning remediation of site soils contaminated with lead. The report is intended to document remediation of the site to meet the Site-Specific Standards.

**Long Hallow Creek (P-47),** Liberty Township, **McKean County.** PPL Gas Utilities Corp, 2 North 9th Street, Allentown, PA 18101 on their behalf has submitted a Final Report concerning remediation of site soils contaminated with small amounts of mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard of Act 2.

**P. C. Meter & Regulator (P-43),** Port Allegany Borough, **McKean County.** PPL Gas Utilities Corp, 2 North 9th Street, Allentown, PA 18101 on their behalf has submitted a Final Report concerning remediation of site soils contaminated with small amounts of mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard of Act 2.

**Scherer Farm Check (P-48),** Port Allegany Borough, **McKean County.** PPL Gas Utilities Corp, 2 North 9th Street, Allentown, PA 18101 on their behalf has submitted a Final Report concerning remediation of site soils contaminated with small amounts of mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard of Act 2.

**Wright Check (P-149),** Liberty Township, **McKean County.** PPL Gas Utilities Corp, 2 North 9th Street, Allentown, PA 18101 on their behalf has submitted a Final Report concerning remediation of site soils contaminated with small amounts of mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard of Act 2.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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**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).**

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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.*

**Tri-County Federal Credit Union**, Pennsburg Borough **Montgomery County**. Justin Lauterbach, RT Env., Svc., Inc., 510 Heron Dr., Pureland Complex, Suite 306 Bridgeport, NJ 08014 on behalf of Andrew Pistoria, Tri-County Federal Credit Union, 1550 Medical Dr., Pottstown, PA 19464 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil contaminated with PAHs and arsenic. The Remedial Investigation Report and Cleanup Plan was approved by the Department on August 22, 2006.

**231 Linwood Avenue**, Lower Merion Township, **Montgomery County**. Sam Kucia, Env., Consulting, Inc., 500 E. Washington St., Norristown, PA 19401 on behalf of Lou Cordivari Jr., 231 Linwood Ave., Ardmore, PA 19003 has submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline, diesel fuel, and No. 2 fuel oil. The Final Report was approved by the Department on October 26, 2006.

**Thorndale Pumping Station**, Caln Township, **Chester County**. Mike Edelman, Malcom Pirnie, Inc., 111 S. Independence Mall East, Suite 1010, Philadelphia, PA 19106, Mike Eberle, Malcom Pirnie, Inc., 111 S. Independence Mall East, Suite 1010, Philadelphia, PA 19106 on behalf of Mark Himberger has submitted a Final Report concerning the remediation of site soil contaminated with No. 6 fuel oil. The Final Report was approved by the Department on December 12, 2006.

**Laser Labs**, City of Philadelphia, **Philadelphia County**. Richard Werner, P. G., Env., Consulting, Inc., 500 E. Washington St., Norristown, PA 19401 on behalf of Tilak Singh, Sant Prop., 380 Red Lion Rd., Huntingdon Valley, PA 19006 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated organics. The Final Report was approved by the Department on December 5, 2006.

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

**Automotive Service, Inc.**, Union Township, **Berks County**. Marshall Geoscience, Inc. 170 East First Avenue, Collegeville, PA 19426, on behalf of Sandy's Garage, 1682 East Main Street, Douglassville, PA 19518, submit-

ted a Final Report concerning site soil, sediment and surface water contaminated by No. 2 fuel oil. The final report demonstrated attainment of the residential State-wide Health Standard, and was approved by the Department on December 21, 2006.

**Lewistown Armory, Bldg 11-19**, Derry Township, **Mifflin County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Department of Military and Veterans Affairs, Environmental Section, Building 11-19, Fort Indiantown Gap, Annville, PA 17003-5002, submitted a Final Report concerning remediation of site soils and groundwater contaminated with unleaded and leaded gasoline releases from unregulated underground storage tanks. The final report demonstrated attainment of the residential State-wide Health Standard, and was approved by the Department on December 28, 2006.

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

**Renovo Former Manufactured Gas Plant**, Renovo Borough, **Clinton County**. Corporate Environmental Solutions LLC, 260 Millers Run Rd., Bridgeville, PA 15017 on behalf of PPL Gas Utilities Corp., 2 N 9th St., (GENTW 17) Allentown, PA 18101-1179 has submitted a Cleanup Plan and Final Report concerning the remediation of site soil and groundwater contaminated with coal tar residuals. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on November 8, 2006.

## AIR QUALITY

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

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

**09-301-087GP: Bucks County Crematories, LLC** (2 Chatam Place, Newtown, PA 18940) on December 22, 2006, to operate a new animal and human crematories in Bristol Township, **Bucks County**.

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

**GP14-06-03055: Oley Valley Animal Clinic, Ltd.** (900 Blandon Road, Oley, PA 19547) on December 19, 2006, for human or animal crematories under GP14 in Ruscombmanor Township, **Berks County**.

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

**GP5-17-477: North Coast Energy, Inc.** (33 North Wickliffe Circle, Youngstown, OH 44515) on December 20, 2006, to operate a compressor engine at their David L. Miller compressor site under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5), in Brady Township, **Clearfield County**.

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

**GP5-65-00979: Atlas Pipeline Pennsylvania, LLC** (311 Rouser Road, P. O. Box 611, Moon Township, PA 15108) on December 18, 2006, to install and operate a Caterpillar Model 3512TA130LE 810-bhp compressor engine and a Natco Dehydrator rated at .200 mmBtu/hr at their Hermine Compressor station located at West Newton Borough, **Westmoreland County**.

**GP5-65-00879B: Great Lakes Energy Partners, LLC** (P. O. Box 235, 150 North Avenue, Yatesboro, PA 16263) on December 20, 2006, to operate a compressor engine and two dehydrators at their natural gas production facility in East Huntingdon Township, **Westmoreland County**.

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

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

**22-05034F: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17104-1645) on December 27, 2006, to construct a second mill at the pulverized mineral processing operation, Hummelstown Quarry, in South Hanover Township, **Dauphin County**.

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

**53-00001C: Tennessee Gas Pipeline Corp.** (1001 Louisiana Street, Houston, TX 77002) on December 8, 2006, to install a low emission combustion system to an existing 3,000 brake-horsepower natural gas-fired reciprocated internal combustion engine (Source ID P111) at their Coudersport facility (Station 313) in Hebron Township, **Potter County**.

**41-00005E: Lycoming Engines** (652 Oliver Street, Williamsport, PA 17701) on December 13, 2006, to construct and operate a new perchloroethylene degreaser (Source ID P236) at their facility in Williamsport, **Lycoming County**.

**08-00003C: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Towanda, PA 18848) on December 6, 2006, to modify boiler No. 3 at their Towanda plant in Wysox Township, **Bradford County**.

**19-00023A: Impress USA, Inc.** (936 Barracuda Street, Terminal Island, CA 90731) on December 5, 2006, to modify two can side stripe coating operations in South Centre Township, **Columbia County**.

**41-318-045C: High Steel Structures, Inc.** (3501 West Fourth Street, Williamsport, PA 17701) on December 12, 2006, to modify a structural steel parts surface coating operation in the City of Williamsport, **Lycoming County**.

**17-302-024: Clearfield Area School District** (438 River Road, Clearfield, PA 16830) on December 26, 2006, to construct a 10 million Btu per hour wood-fired boiler and associated air cleaning device (a cyclone collector) at the Clearfield Middle School in Lawrence Township, **Clearfield County**.

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

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

**09-0107: Oldcastle Retail Inc d/b/a Bonsal American** (1214 Hayes Boulevard, Bristol, PA 19007) on December 21, 2006, to operate a baghouse in Bristol Township, **Bucks County**.

**09-0180: White Engineering Surfaces Corp.** (One Pheasant Run, Newtown, PA 18940) on December 20, 2006, to operate a batch degreaser in Newtown Township, **Bucks County**.

**09-0180A: White Engineering Surfaces Corp.** (One Pheasant Run, Newtown, PA 18940) on December 20, 2006, to operate a dust collector in Newtown Township, **Bucks County**.

**46-0026C: Global Packaging, Inc.** (Brower and Montgomery Avenues, Oaks, PA 19456) on December 21, 2006, to operate two flexographic printing press in Upper Providence Township, **Montgomery County**.

**09-0117B: Heucotech Ltd.** (99 Newbold Road, Fairless Hills, PA 19030) on December 20, 2006, to operate a pigment mixing operations in Falls Township, **Bucks County**.

**09-0124F: Fairless Energy, LLC** (5000 Dominion Boulevard, Glen Allen, VA 23060) on December 29, 2006, to operate an auxiliary boiler retrofit in Falls Township, **Bucks County**.

**15-0054A: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on December 26, 2006, to operate a dryer burner in East Whiteland Township, **Chester County**.

**23-0003E: ConocoPhillips Co.** (4101 Post Road, Trainer, PA 19061-3812) on December 26, 2006, to operate a gasoline and diesel desulfurization in Trainer Borough, **Delaware County**.

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

**01-05017D: Quebecor World Fairfield, Inc.** (100 North Miller Street, Fairfield, PA 17320-9707) on December 6, 2006, to construct two 2-unit double web heatset offset lithographic printing presses (Web Press Nos. 9 and 10) and to install a regenerative thermal oxidizer at their Fairfield Plant in Fairfield Borough, **Adams County**. This plan approval was extended.

**67-05052B: New York Wire Co.** (P. O. Box 1749, York, PA 17405-1749) on December 23, 2006, to install a fabric collector to control PM emissions from an existing powder coating line at their Weaving Facility in the City of York, **York County**. This plan approval was extended.

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

**41-399-026: Penn Recycling, Inc.** (2525 Trenton Avenue, Williamsport, PA 17701) on December 20, 2006, to operate an automobile/metal shredding system and associated air cleaning devices (a water injection system and cyclone collector) on a temporary basis to April 19, 2007, in the City of Williamsport, **Lycoming County**. The plan approval has been extended.

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

**65-00613B: IMS, Inc.** (1155 Business Center Drive, Horsham, PA 19044) on 12/21/2006, to complete the installation and inspection of additional crushing, screening and conveying equipment to be powered by two small generators rated at 100 hp and 125 hp or less at this scrap reclamation facility located in Rostraver Township, **Westmoreland County**. The plan approval has been extended.

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

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*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.*

**41-00016: Plastic Development Company** (75 Palmer Industrial Road, Williamsport, PA 17701) on December 12, 2006, to operate a spa manufacturing facility in Woodward Township, **Lycoming County**. This is a renewal.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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

**22-03010: East Harrisburg Cemetery Co.** (2260 Herr Street, Harrisburg, PA 17103-6009) on December 22, 2006, to operate a funeral home and crematorium in Susquehanna Township, **Dauphin County**. This is a renewal of the State-only operating permit.

**22-05029: AmerGen Energy Co., LLC** (P. O. Box 480, Route 441 S, Middletown, PA 17057) on December 22, 2006, for a synthetic minor operating permit renewal for standby units comprising of two boilers, three engine generators and other sources in Londonderry Township, **Dauphin County**. This is a renewal of the State-only operating permit.

**22-05052: Department of Agriculture** (2300 North Cameron Street, Harrisburg, PA 17110-9443) on December 21, 2006, to operate the Farm Show Complex in the City of Harrisburg, **Dauphin County**.

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

**41-00034: Cromaglass Corporation** (P. O. Box 3215, Williamsport, PA 17701) on December 12, 2006, to operate a reinforced plastic composites manufacturing facility in the City of Williamsport, **Lycoming County**.

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

**63-00035: Monongahela Iron and Metal Co., Inc.** (P. O. Box 250, Monongahela, PA, 15063) on December 20, 2006, to operate in the city of Monongahela, **Washington County**. The facility's sources of emissions at this facility are a natural gas/fuel oil fired copper wire insulation removal furnace and plant roads.

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

**25-00955: Foam Fabricators, Inc.** (6550 West 26th Street, Erie, PA 16506-1094) on December 12, 2006, to re-issue a Synthetic Minor Permit to operate an expandable polystyrene processing plant in Fairview Township, **Erie County**. The facility's major emission sources include boiler, miscellaneous natural gas usage, preexpander C, D and E, bag storage-prepuff, molding machines with central vac, warehouse-post molding and a degreaser unit.

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

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

**43-00310: Duferco Farrell Corp.—Farrell Plant** (15 Roemer Boulevard, Farrell, PA 16121) on December 21, 2006, to modify the Title V Operating Permit for their facility in the City of Farrell, **Mercer County**. This modification was to incorporate synthetic minor emission limits for two date eligible sources, so that the facility will fall under the BART (Best Available Retrofit Technology) applicability threshold. The combined NOx emissions from Source ID: 106-Slab Reheat Furnace No. 1 and Source ID: 107-Slab Reheat Furnace No. 2 have been limited to no more than 250 tons per year.

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

**Clean Earth of Philadelphia** (3201 South 61st Street, Philadelphia, PA 19153) on January 2, 2007, to increase the allowable SO<sub>2</sub> emission rate for the Thermal Desorption Unit from 18.2 pounds per hour and 45 tons per rolling 12-month period to 57.0 pounds per hour and 97 tons per rolling 12-month period in the City of Philadelphia, **Philadelphia County**. The SO<sub>2</sub> emission concentration limits remain a monthly average of 310 ppm of SO<sub>2</sub> by volume adjusted to 12% CO<sub>2</sub> and annual average of 250 ppm of SO<sub>2</sub> by volume adjusted to 12% CO<sub>2</sub>.

## 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).**

### Noncoal Permits Actions

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

**2969BSM24. Potato Ridge, LLC** (520 West Short Street, Lexington, KY 40507). Transfer permit from Department of Conservation and Natural Resources for an existing mine drainage permit, located in Stewart Township, **Fayette County**, affecting 169.8 acres. Receiving stream: Laurel Run. Transfer application received: July 28, 2006. Transfer permit issued: December 27, 2006.

**2966BSM50 and NPDES Permit No. PA0202851. Potato Ridge, LLC** (520 West Short Street, Lexington, KY 40507). Transfer permit from Kaiser Refractories, Inc. for an existing mine drainage permit, located in Stewart Township, **Fayette County**, affecting 65 acres. Receiving streams: UNT to Laurel Run. Transfer application received: July 28, 2006. Transfer permit issued: December 27, 2006.

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

**43020302 and NPDES Permit No. PA0242110. White Rock Silica Sand Company, Inc.** (331 Methodist Road, Greenville, PA 16125). Revision to an existing sandstone operation to add 4.8 acres in Hempfield Township, **Mercer County**. Receiving streams: Mathay Run. Application received: September 14, 2006. Permit Issued: December 20, 2006.

**37062802. Mayberry Sand & Gravel, Inc.** (442 18 South, New Castle, PA 16102) Commencement, operation and restoration of a small noncoal sand and gravel operation in North Beaver Township, **Lawrence County** affecting 5.0 acres. Receiving streams: Beaver River. Application received: June 16, 2006. Permit Issued: December 26, 2006.

**25970805. Ronald Robinson** (10007 Elgin Road, Union City, PA 16438). Final bond release for a small noncoal mining operation in Union Township, **Erie County**. Restoration of 1.0 acre completed. Receiving streams: UNT to South Branch French Creek. Application received: November 8, 2006. Final bond release approved: December 19, 2006.

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

**17940801. John and William Fry, Jr.** (P. O. Box 308, Cherry Tree, PA 15724), noncoal mining operation in Burnside Township, **Clearfield County**. Restoration of 3.0 acres completed. Application received: July 3, 2006. Final bond release: December 22, 2006.

**41060801. Jack L. McClintock** (15222 Hwy. 220, Muncy Valley, PA 17758), commencement, operation, and restoration of a quarry operation (shale) in Penn Township, **Lycoming County**, affecting 5.0 acres. Receiving stream: Muncy Creek, UNT to Susquehanna River. Application received: November 30, 2005. Permit issued: December 18, 2006.

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

**64052804. Kevin Schrader**, (P. O. Box 262, Lake Como, PA 18437), commencement, operation and restoration of a quarry operation in Preston Township, **Wayne County** affecting 5.0 acres; receiving stream: none. Application received on July 8, 2005. Permit issued: December 27, 2006.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

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

**21064197. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013-0608), blasting activity permit issued for sewer connection development in Hampden Township, **Cumberland County**. Blasting activity permit end date is December 31, 2007. Permit issued: December 20, 2006.

**21064198. Dyno Nobel, Inc.** (1320 Galiffa Drive, Donora, PA 15033), blasting activity permit issued for residential development in Monroe Township, **Cumberland County**. Blasting activity permit end date is December 30, 2007. Permit issued: December 20, 2006.

**21064199. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013-0608), blasting activity permit issued for single commercial property development in South Middleton Township, **Cumberland County**. Blasting activity permit end date is December 31, 2007. Permit issued: December 20, 2006.

**210641103. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013-0608), blasting activity permit issued for single dwelling development in Dickinson Township, **Cumberland County**. Blasting activity permit end date is December 31, 2007. Permit issued: December 20, 2006.

**28064183. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201-9655), blasting activity permit issued for residential development in Antrim Township, **Franklin County**. Blasting activity permit end date is May 18, 2008. Permit issued: December 20, 2006.

**210641101. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013-0608), blasting activity permit issued for residential development in South Middleton Township, **Cumberland County**. Blasting activity permit end date is December 31, 2007. Permit issued: December 20, 2006.



**210641102. David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17201-9655), blasting activity permit issued for residential development in Southampton Township, **Cumberland County**. Blasting activity permit end date is May 19, 2008. Permit issued: December 20, 2006.

**210641100. M & J Explosives, Inc.** (P. O. Box 608, Carlisle, PA 17013-0608), blasting activity permit issued for single dwelling development in Middlesex Township, **Cumberland County**. Blasting activity permit end date is December 31, 2007. Permit issued: December 20, 2006.

**11064001. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), blasting activity permit issued for building construction for Martin Oil Company Offices and storage tanks in Cambria Township, **Cambria County**. Duration of blasting is 30 days. Permit issued: December 21, 2006.

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

**65064007. KESCO, Inc.** (P. O. Box 95, Adrian, PA 16210-0095). Permit issued for Kacin Companies site development, located in Derry Township, **Westmoreland County**, with an expected duration of 180 days. Permit issued: December 11, 2006.

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

**13064105. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Golden Oakes Village in Kidder Township, **Carbon County** with an expiration date of January 31, 2008. Permit issued: December 21, 2006.

**35064123. Austin Powder Company** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Snow Mountain at Montage in Moosic Borough, **Lackawanna County** with an expiration date of December 20, 2007. Permit issued: December 21, 2006.

**35064124. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Circle Green Development in South Abington Township, **Lackawanna County** with an expiration date of January 31, 2008. Permit issued: December 21, 2006.

**35064125. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Royal Oak Estates in South Abington Township, **Lackawanna County** with an expiration date of January 31, 2008. Permit issued: December 21, 2006.

**35064126. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Laurel Ridge Estates in Jefferson Township, **Lackawanna County** with an expiration date of January 31, 2008. Permit issued: December 21, 2006.

**35064127. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for School Side Estates in Throop Borough, **Lackawanna County** with a expiration date of January 31, 2008. Permit issued: December 21, 2006.

**35064128. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for a subdivision in Scott Township, **Lackawanna County** with an expiration date of January 31, 2008. Permit issued: December 21, 2006.

**45064174. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Fox Chapel Subdivision in Smithfield Township, **Monroe County** with an expiration date of December 1, 2007. Permit issued: December 21, 2006.

**45064175. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Pocono Highland Community in Pocono Township, **Monroe County** with an expiration date of January 31, 2008. Permit issued: December 21, 2006.

**45064176. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Twin Lake Estates in Smithfield Township, **Monroe County** with an expiration date of January 31, 2008. Permit issued: December 21, 2006.

**45064177. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Rock Ledge Estates in Price Township, **Monroe County** with an expiration date of January 31, 2008. Permit issued: December 21, 2006.

**46064139. Austin Powder Company** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Windlestrae in New Hanover Township, **Montgomery County** with an expiration date of June 1, 2008. Permit issued: December 21, 2006.

**46064140. Austin Powder Company** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Coddington View in Upper Pottsgrove Township, **Montgomery County** with an expiration date of December 31, 2007. Permit issued: December 21, 2006.

**48064132. Austin Powder Company** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Hanoverville Corporate Center in Hanover and Lower Nazareth Townships, **Northampton County** with an expiration date of December 31, 2007. Permit issued: December 21, 2006.

**64064121. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Hideout Development in Lake Township, **Wayne County** with an expiration date of January 31, 2008. Permit issued: December 21, 2006.

**35064003. MF Ronca & Sons** (179 Mikron Road, Bethlehem, PA 18020) and Bernard J. Hasara, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting at Bridgeworks Industrial Center in the City of Allentown, **Lehigh County** with an expiration date of May 1, 2007. Permit issued: December 22, 2006.

**46064141. Austin Powder Company** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Kingston Hill 2 in New Hanover Township, **Montgomery County** with an expiration date of December 31, 2007. Permit issued: December 22, 2006.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of

the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E07-404: Wal-Mart Stores, Inc.**, 2001 Southeast Tenth Street, Bentonville, AR 71216, Freedom Township, **Blair County**.

To construct a shopping center called Wal-Mart and related improvements located on the north side of the US 220 and I-99 intersection (Roaring Spring, PA Quadrangle N: 21.78 inches, W: 8.0 inches; Latitude: 40° 22' 12", Longitude: 78° 25' 57"), in Freedom Township, Blair County. The applicant will provide 0.07 acre of wetland replacement onsite.

**E22-504: Washington Township Board of Supervisors**, 185 Manors Road, Elizabethville, PA 17023, Washington Township, **Dauphin County**.

To construct and maintain in-stream and bank stabilization devices on a 1,029.0-foot section of an UNT of Wiconisco Creek (CWF), including the installation of Pyromat geotextile reinforced turf on the bank slopes and some limited riprap bank toe protection from a point east of the intersection of Oakdale Station Road and Johns Street, west to Maple Avenue (Loyalton) (Elizabethville, PA Quadrangle, from an upstream starting point to the

east, N: 12.46 inches, W: 1.62 inches; Latitude: 40° 34' 07", Longitude: 76° 45' 42", to a downstream ending point at the western end, N: 12.46 inches, W: 1.97 inches; Latitude: 40° 34' 07", Longitude: 76° 45' 51"), the removal of a 52.0-foot long by 2.3-foot wide by 4.5-foot high concrete retaining wall and installation, and maintenance of gabion baskets (51.0-foot long by 3.25-foot wide by 4.5-foot high) Elizabethville, PA Quadrangle N: 12.46 inches, W: 1.62 inches; Latitude: 40° 34' 07", Longitude: 76° 45' 42"), the removal of an existing 34.0-foot long, 18.0-inch corrugated metal outfall pipe and installation and maintenance of a 30.0-foot long, 18.0-inch corrugated metal outfall pipe (Elizabethville, PA Quadrangle N: 12.41 inches, W: 1.93 inches; Latitude: 40° 34' 6", Longitude: 76° 45' 50"), the removal of an existing 26.0-foot long, 48.0-inch reinforced concrete outfall pipe and installation and maintenance of a 25.0-foot long, 48-inch reinforced concrete outfall pipe (Elizabethville, PA Quadrangle N: 12.41 inches, W: 1.93 inches; Latitude: 40° 34' 6", Longitude: 76° 45' 50"), and the removal of a 47.0-foot long, 15.0-inch cast iron outfall pipe and installation and maintenance of a 47.0-foot long, 15.0-inch corrugated metal outfall pipe (Elizabethville, PA Quadrangle N: 12.41 inches, W: 1.62 inches; Latitude: 40° 34' 6", Longitude: 76° 45' 42"), in Washington Township, Dauphin County.

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

**E36-817: Quail Creek LP**, 1794 Oregon Pike, Lancaster, PA 17601, Rapho Township, **Lancaster County**, ACOE Baltimore District.

To develop a 29-lot subdivision west of Pinch Road (Manheim, PA Quadrangle: 40° 13' 26" N, 76° 27' 08" W; 17.96 inches North, 10.78 inches West) in Rapho Township, Lancaster County involving: (1) removing an existing 36-inch SLCPP and installing and maintaining a 40-foot long 60-inch SLCPP in an UNT to Chickies Creek (WWF); (2) removing two existing 18-inch RCPs and installing and maintaining a 43-foot long 36-inch SLCPP in an UNT to Chickies Creek (WWF); (3) permanently filling two wetland areas: (a) 0.14 acre of PEM to construct a larger wetland; and (b) 0.05 acre of PEM to construct Woodland Drive, (3) temporarily affecting two wetland areas for utility line crossings: (a) 0.01 acre of PEM for a sanitary sewer crossing and (b) 0.03 of PEM for the discharge pipe from the proposed sewage treatment facility; (4) constructing and maintaining a stormwater outfall to an existing lake on an UNT to Chickies Creek (WWF); (5) constructing and maintaining a dry hydrant in an existing lake on an UNT to Chickies Creek (WWF) resulting in 0.02 acre of temporary open-water impacts; (6) constructing and maintaining a waste water treatment plant effluent outfall to an UNT to Chickies Creek (WWF); and (7) constructing 0.50 acre of PEM wetlands as compensation for wetland impacts. The project proposes to directly affect 83 feet of stream and 0.19 acre of wetlands, and temporarily affect 0.04 acre of wetlands and 0.02 acre of open water. Wetland creation of 0.50 acre is proposed to compensate for wetland impacts.

**E67-803: Springfield Township**, 9211 Susquehanna Trail South, Seven Valleys, PA 17360, Springfield Township, **York County**, ACOE Baltimore District.

To construct a 10-foot wide pedestrian trail beginning in Loganville Borough Park and ending near Richard Nixon County Park, consisting of the following six stream crossings of UNTs to East Branch Codorus Creek (CWF) and two wetland crossings. The project is located in

Loganville and Jacobus Boroughs, in Springfield Township, York County. The permittee proposes to construct and maintain:

a) A 25-foot long, 14-foot wide by 10-inch diameter span bridge having an underclearance of 4.8-feet (York, PA, Quadrangle: Latitude: 39° 52' 45.86" Longitude: 76° 43' 37.21", N: 0.25 inches, W: 13.9 inches);

b) A 45-foot long, 14-foot wide by 12-inch diameter span bridge having an underclearance of 7-feet (Glen Rock, PA, Quadrangle: Latitude: 39° 52' 19.15" Longitude: 76° 43' 18.82", N: 24 inches, W: 13.7 inches);

c) Replacement of an existing corrugated metal arch pipe with a 54-foot long, 49-inch by 33-inch corrugated metal arch pipe (Glen Rock, PA Quadrangle; Latitude: 39° 52' 16.35", Longitude: 76° 43' 16.73"; N: 22 inches, W: 13.45 inches);

d) A 40-foot long, 14-foot wide by 12-inch diameter span bridge having an underclearance of 5.2-feet (Glen Rock, PA Quadrangle; Latitude: 39° 52' 10.82", Longitude: 76° 43' 3.49"; N: 21.7 inches, W: 12.95 inches);

e) A 33-foot long, 60-inch diameter corrugated metal pipe (Glen Rock, PA Quadrangle; Latitude: 39° 52' 10.45", Longitude: 76° 43' 59.4"; N: 21.65 inches, W: 12.8 inches);

f) A 65-foot long, 14-foot wide by 12-inch diameter span bridge having an underclearance of 5.0-feet (Glen Rock, PA Quadrangle; Latitude: 39° 51' 36.13", Longitude: 76° 42' 32.76"; N: 19.95 inches, W: 11.75 inches);

The permittee proposes to permanently fill:

g) 0.01 acre of PFO wetland for a permanent road crossing approximately 300 feet south of the intersection of T-521 and the proposed trail (Glen Rock, PA Quadrangle; Latitude: 39° 52' 23.53", Longitude: 76° 43' 24.87"; N: 22.35 inches, W: 13.75 inches);

h) 0.01 acre of PFO wetland for a permanent road crossing along Water Street approximately 450 feet southeast of the intersection of Water Street and the propose SR 0214 (Glen Rock, PA Quadrangle; Latitude: 39° 51' 38.20", Longitude: 76° 42' 34.64"; N: 20.0 inches, W: 11.85 inches).

The amount of wetland impact is considered a de minimis impact of 0.02 acre and wetland replacement is not required.

**E06-614: Conrad Weiser Homestead**, Pennsylvania Historical and Museum Commission, 28 Weiser Road, Womelsdorf, PA 19587-9718, Heldelburg Township and Womelsdorf Borough, **Berks County**, ACOE Baltimore District.

To install and maintain a 6-inch and a 4-inch cast iron pipe water line across two UNTs to the Tulpehocken Creek (TSF) for the purpose of delivering municipal water to the Historic Conrad Weiser Homestead. The project will impact approximately 12 feet of stream channel and is located off of SR 422 East, on Weiser Lane (Womelsdorf, PA Quadrangle; N: 4.9 inches, W: 4.5 inches; Latitude: 40° 21' 31.70", Longitude: 76° 10' 16.72") in Heldelburg Township and Womelsdorf Borough, Berks County.

**E07-392: Blair Township**, 575 Cedarcrest Drive, Duncansville, PA 16635, Blair Township, **Blair County**, ACOE Baltimore District.

To construct and maintain live stakes and cuttings, riprap and removing gravel deposits along the channel and streambanks of Beaverdam Branch of Frankstown

Branch Juniata River in order to restore the streambank erosion and channel capacity located at a point about 1,000 feet upstream of Allegheny Street and continuing upstream along Plank Road bridge for a total length of about 5,000 feet (Hollidaysburg, PA Quadrangle N: 9.9 inches; W: 3.5 inches; Latitude: 40° 25' 46"; Longitude: 78° 24' 01" and N: 10.52 inches; W: 5.7 inches; Latitude: 40° 25' 59"; Longitude: 78° 24' 57") in Blair Township, Blair County.

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

**E12-163. Department of Transportation**, P. O. Box 342 Clearfield, PA 16830. SR 0120 Bridge Replacement, in Gibson Township, **Cameron County**, ACOE Baltimore District (Driftwood, PA Quadrangle N: 19.50 inches; W: 0.69 inch).

To remove the existing single-span bridge, and to construct and maintain a 15-ft. precast concrete box culvert at an 85° skew to the roadway. The site is located where Route 0120 crosses Johnson Run, 18 miles south of Emporium, in Gibson Township, Cameron County. Johnson Run is designated as a HQ-CWF. This project does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E14-497. John B. Gible**, 6737 Tollgate Road, Zionsville, PA 18092. Water Obstruction and Encroachment Joint Permit, in Boggs Township, **Centre County**, ACOE Susquehanna River Basin District (Snow Shoe, PA Quadrangle N: 41° 1' 23.3"; W: 77° 46' 42").

To construct and maintain a 20 foot long culvert having a diameter of 5 feet in Haunted Gap Run, along Richner Hollow Road, 0.25 mile north of the intersection with SR 1002. This project proposes to permanently impact 12 linear feet of Haunted Gap Run, which is designated a CWF stream and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E14-498. Great Lakes Energy Partners**, P. O. Box 235, Yatesboro, PA 16263. Natural gas pipeline stream crossing, in Boggs Township, **Centre County**, ACOE Baltimore District (Snow Shoe, PA Quadrangle N: 0.8 inch; W: 0.2 inch).

To construct and maintain a natural gas line underneath the North Branch of Wallace Run in Boggs Township, Centre County. The crossing is approximately 10 ft. long and is located from Rt. 144, turn on to Governors Rd., precede 100 ft., turn left onto pipeline right of way and continue to creek. This project is located on State Gamelands Number 103 and proposes no permanent impact to the North Branch of Wallace Run, which is designated as a High Quality, Exceptional Value CWF stream, and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E17-424. Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16830. Water Obstruction and Encroachment Joint Permit Application in Morris Township, **Clearfield County**, ACOE Susquehanna River Basin District (Philipsburg, PA Quadrangle N: 10.1 inches; W: 10.4 inches).

To remove five existing 36-inch diameter culverts and construct and maintain a concrete box culvert with a span of 21.0 feet and an underclearance of 4.0 feet on a skew of 90° over Hawk Run (CWF). The project also proposes to impact 0.05 acre of jurisdictional wetlands and relocate 200 linear feet of Hawk Run. The project is located along SR 1009, Segment 30, Offset 1577, in Morris Township, Clearfield County.

**E19-251. Harold Hafer**, 1939 Old Reading Road, Lot 19, Catawissa, PA 17820. Roaring Creek Forest Property Owners Association, in Roaring Creek Township, **Columbia County**, ACOE Baltimore District (Ashland, PA Quadrangle N: 22.5 inches; W: 8.9 inches).

To remove the existing culvert crossing and construct, operate and maintain a new culvert crossing consisting of an 8 foot 2 inch by 5 foot 9 inch by 50 foot structural plate arch culvert, with a 60 inch by 50 foot aluminized corrugated metal culvert pipe added for high flow relief. The culvert pipes shall be depressed 6 inches into the streambed to allow for aquatic passage. This permit also authorizes the installation of stone headwalls on the inlet and outlet of the crossing. This project is located South on SR 42 to Numidia, take left onto Ringtown Mountain Road for 3.2 miles, turn left onto Reading Road for one half mile to Roaring Creek Forest Road. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E65-904. Municipal Authority of Westmoreland County**, P. O. Box 730, 6064 Route 30, Greensburg, PA 15601. To construct a water transmission main in Hempfield Township, **Westmoreland County**, Pittsburgh ACOE District. (Greensburg, PA Quadrangle N: 4.75 inches; W: 7.9 inches and Latitude: 40° 16' 34"—Longitude: 79° 33' 22"). To construct and maintain: 1) a 48-inch diameter ductile iron water transmission main across and under the channel bed of Jack's Run (WWF), across two UNTs of Jack's Run and under the invert of an existing 36-inch pipe culvert in a UNT to Jack's Run; 2) Place approximately 1,800 linear feet of rock riprap along

the bank of an UNT to Jack's Run and along T-507; 3) Place approximately 15 linear feet of gabion basket at the discharge point of the transmission line for flushing in Jacks Run. The project is located along Western Avenue and Garden Street.

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

**E20-549, Atlantic Development Corporation of PA**, 5048 Peach Street, Erie, PA 16509. Pizza Hut Park Avenue Plaza Meadville, in Vernon Township, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 20.0 inches; W: 5.0 inches).

The applicant proposes construct and maintain an approximately 3,200 square foot Pizza Hut restaurant with 520 cubic yards of fill and first floor elevation of 1,075.75 feet in the FEMA detailed floodway of French Creek in the Park Avenue Plaza approximately 1 mile east of the intersection of SR 322 and U.S. Interstate 79. Project includes mitigation of floodway fill by removal of 520 cubic yards of earth from a grassed area within the FEMA floodway at the north end of the Park Avenue Plaza property. French Creek is a perennial stream classified as a WWF. The project proposes to directly impact approximately 520 cubic yards of floodway.

**E24-245, Sheetz, Inc.**, 817 Brookfield Drive, Seven Fields, PA 16046. Sheetz St. Marys, in the City of Saint Marys, **Elk County**, ACOE Pittsburgh District (Saint Marys, PA Quadrangle N: 9.6 inches; W: 8.7 inches).

The applicant proposes to remove existing buildings over Elk Creek and in the Elk Creek FEMA floodway within the St. Marys Historic District for a length of approximately 120 feet associated with the construction of a Sheetz convenience store and gas station located adjacent to and east of the intersection of South Michael Street and Depot Street. Project includes grading and construction and maintenance of a fence within the floodway, maintenance of existing retaining walls and construction and maintenance of retaining walls, riprap streambank protection and stormwater outfalls. Elk Creek is a perennial stream classified as a CWF. The project proposes to directly impact approximately 120 feet of stream and the FEMA adjacent floodway.

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## SPECIAL NOTICES

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### Certification to Perform Radon-Related Activities in this Commonwealth

In the month of December 2006 the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Debra Albert	6169 Upper York Road New Hope, PA 18938	Testing
Michael Albert	6169 Upper York Road New Hope, PA 18938	Testing
Sam Azar	529 Bethlehem Road Catasauqua, PA 18032	Mitigation
Timothy Bach	701 Wylie Avenue Jeannette, PA 15644	Testing
Rodney Calimer	P. O. Box 2179 Pocono Pines, PA 18350	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Keith Dague	811 Wellington Drive Seven Fields, PA 16046	Testing
Scott Feeser HomeServe, Inc.	34 Schofield Drive East Berlin, PA 17316	Mitigation
Raymond Fonos	1216 Edgewood Drive West Homestead, PA 15120	Testing
John Fordyce	58 Oriole Drive Indiana, PA 15701	Testing
Douglas Foulke	1548 Elephant Road Perkasie, PA 18944	Testing
Patrick Gibson	1311 Holly Road Warrington, PA 18976	Testing
David Glick	2061 Kenbrook Road Lebanon, PA 17046	Testing
Lindsey Golubosky	5193 Forest Avenue Bedford, PA 15522	Testing
Margie Gordon	125 Nevins Way Coatesville, PA 19320	Testing and Laboratory
Terry Howell Radalink, Inc.	5599 Peachtree Road Atlanta, GA 30341	Laboratory
Herbert Ingram	53 Jackson Drive Lancaster, PA 17603	Testing
Clete Isenberg	5126 Chevy Chase Drive Finleyville, PA 15332	Testing
JCN Radon Services	R. R. 2, Box 46A Sunbury, PA 17801	Mitigation
Steven Johnson Homechek, Inc.	1529 Rodney Road York, PA 17403	Testing
Randy Knesnik	413 Long Meadow Road Milford, PA 18337	Mitigation
Ronald Kuntz	P. O. Box 174 Alexandria, PA 16611	Testing
Bruce Lampe	9615 Berea Street Philadelphia, PA 19114	Testing
Allen Magaha	410 Key Circle Hagerstown, MD 21740	Testing
Karl May, Jr.	117 Whitetail Circle Wellsboro, PA 16901	Testing
John McQuiggan	P. O. Box 404 Abington, PA 19001	Testing
Travis Oberrender	300 Arbutus Park Road Bloomsburg, PA 17815	Mitigation
Thomas Poole Testing Services, Inc.	1844 Swatara Street Harrisburg, PA 17104	Testing and Mitigation
Stephanie Przebielec	1 Old Mill Road Tannersville, PA 18372	Testing
RHIS, Inc.	100 Old Kennett Road Wilmington, DE 19807	Mitigation
David Rawlings	8001 Roosevelt Boulevard #400 Philadelphia, PA 19152	Testing
David Repecki	P. O. Box 901 Albrightsville, PA 18210	Testing
Martin Ritrosky	P. O. Box 211 204 Main Street Worthington, PA 16262	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Joel Schachter	2901 Hemlock Farms Lords Valley, PA 18428	Testing
Edward Schluth	242 Newtown Road Warminster, PA 18974	Mitigation
Carol Schoucair	649 Slateford Road Mt. Bethel, PA 18343	Testing
Kevin Shaner	1112 Pin Oak Drive Perkiomenville, PA 18074	Testing and Mitigation
Walter Shank	P. O. Box 1036 Carlisle, PA 17013	Testing
John Staz, III	1738 North Third Street Harrisburg, PA 17102	Mitigation
Matthew Steger	2133 Andrew Avenue Elizabethtown, PA 17022	Testing

**Public Hearing For NPDES Permit No.  
PAI023906032**

The Department of Environmental Protection (Department) will hold a public hearing to accept comments on individual National Pollutant Discharge Elimination System (NPDES) Permit Application No. PAI023906032 for the discharge of stormwater from construction activities at the proposed Lutron Electronics Company, Inc. Campus Additions, 7200 Suter Road, Coopersburg, PA 18036-1299, Upper Saucon Township, Lehigh County, PA.

The public hearing will be held on Thursday, February 15, 2007, at 6 p.m. in the Upper Saucon Municipal Building, 5500 Camp Meeting Road, Center Valley, PA. The hearing is in response to an application submitted by Lutron Electronics Company, Inc. The NPDES permit application proposes the discharge of stormwater from construction activities to an unnamed tributary to Saucon Creek, and to Tumble Brook.

The Department requests that individuals wishing to present testimony at the hearing contact the Department of Environmental Protection, Watershed Management Program, Permitting and Technical Services Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 825-2511 by February 13, 2007, to reserve a time to present testimony. Individuals that do not reserve a time to testify will be able to testify only as time allows. The Department requests that individuals limit their testimony to 10 minutes and provide two written copies of their statement at the hearing. The Department can only accept comments at the hearing on NPDES Permit Application No. PAI023906032.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Christine Domashinski of the Department at (570) 826-2511 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can accommodate their needs.

The NPDES permit application is available for review at the Department's Central Office, 400 Market Street, Harrisburg, PA 17101. It is recommended that individuals contact the Division of Waterways, Wetlands and Stormwater Management at (717) 787-6827 to schedule an appointment to review the application. The permit application is also available for review at the Lehigh County Conservation District offices at (610) 391-9583.

For further information, contact Mark Carmon of the Department's Northeast Regional Office at (570) 826-2511.

**Request for Comment and Notice of Public Meeting  
for the Proposed Total Maximum Daily Load  
(TMDL) for the Watershed of Wells Creek in  
Somerset County**

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

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL developed for the watershed of Wells Creek in Somerset County. The TMDL was established in accordance with the requirements of section 303(d) of the Clean Water Act. Pennsylvania's 1996 303(d) list indicates which stream segments in the watershed are impaired. The listings of these segments were due to impairments caused by nutrients, namely phosphorus.

There currently is no State or Federal instream numerical water quality criterion for phosphorus. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of phosphorus in the watershed of Wells Creek. Phosphorus loadings were allocated among all land use categories present in the watershed. Data used in establishing this TMDL were generated using a water quality analysis model designed by the Pennsylvania State University.

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL). To request a copy of this TMDL, contact Joe Boylan at [joboylan@state.pa.us](mailto:joboylan@state.pa.us) or by mail at 400 Waterfront Drive, Pittsburgh, PA 15222.

The Department will consider all comments in developing the final TMDL, which will be submitted to Environmental Protection Agency for approval. Written comments will be accepted at the previously listed address and must be received by February 25, 2007. A public meeting to discuss the technical merits of the TMDL will be held on February 7, 2006, at 6:30 p.m. at the Somerset REC Building, 223 Industrial Park Road; Somerset, PA 15501.

**Request for Comments and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) Developed for the Mill Run and Beaverdam Branch Watersheds in Cambria and Blair Counties**

The Pennsylvania Department of Environmental Protection (Department) and the Susquehanna River Basin Commission (SRBC) are holding a public meeting on February 6, 2007, at 7 p.m. at the Holiday Inn Express, 3306 Pleasant Valley Blvd., Altoona, PA. The purpose of the meeting is to discuss and accept comments on the proposed TMDLs developed for the Mill Run and Beaverdam Branch watersheds in Cambria and Blair Counties. In accordance with the requirements of section 303(d) of the Clean Water Act, stream segments in Mill Run and Beaverdam Branch have been identified as impaired due to unknown sources as a result of combined sewer overflows and urban runoff/storm sewers. Mill Run watershed is also listed for siltation from small residential runoff.

The proposed TMDLs set allowable loadings for iron, manganese and aluminum in Mill Run and Beaverdam Branch for the streams to meet water quality standards. Allowable loadings for sediment were set for Mill Run as well. The TMDLs set allowable loading rates for metals and sediment at specified points in the watersheds. All of the allocations made in these TMDLs are load allocations made to nonpoint sources of pollution. The TMDLs were established using field data collected in 2006, as well as data collected from prior water quality surveys performed by other agencies.

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the TMDLs, contact Bill Brown, Department of Environmental Protection, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 783-2951.

Written comments will be accepted at the previously listed address and must be postmarked no later than 45 days from the date of this bulletin notice. The Department will consider all comments in developing the final TMDL, which will be submitted to Environmental Protection Agency for approval.

**Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) Developed for Wiconisco Creek Watershed in Dauphin and Schuylkill Counties**

The Department of Environmental Protection (Department) and the Susquehanna River Basin Commission (SRBC) are holding a public meeting on February 7, 2007, at 7 p.m. at the Lykens Township Building in Lykens, PA. The purpose of the meeting is to discuss and accept comments on the proposed TMDLs developed for Wiconisco Creek watershed in Dauphin and Schuylkill Counties. In accordance with the requirements of section 303(d) of the Clean Water Act, stream segments in the Wiconisco Creek watershed have been identified as impaired due to abandoned mine drainage and agriculture.

For the stream to meet water quality standards, the proposed TMDLs set allowable loadings for iron, manganese, aluminum and acidity in Wiconisco Creek. In addition, allowable loads for sediment and nutrients were set for Little Wiconisco Creek and several UNTs. All of

the allocations made in these TMDLs are load allocations made to nonpoint sources of pollution. The TMDLs were established using field data collected in 2005 and 2006 as well as data collected from prior water quality surveys performed by other agencies and citizen groups.

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the TMDLs, contact Bill Brown, Department of Environmental Protection, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 783-2951.

Written comments will be accepted at the previously listed address and must be postmarked no later than 45 days from the date of this bulletin notice. The Department will consider all comments in developing the final TMDL, which will be submitted to Environmental Protection Agency for approval.

[Pa.B. Doc. No. 07-47. Filed for public inspection January 12, 2007, 9:00 a.m.]

**Cleanup Standards Scientific Advisory Board Applicability and Attainment Subcommittee Meeting**

The Cleanup Standards Scientific Advisory Board Applicability and Attainment Subcommittee will hold a meeting by teleconference on January 18, 2007, to discuss general approaches to guidance on separate phase liquids in soil and groundwater. The teleconference will begin at 11:30 a.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Marilyn Wooding at (717) 783-7816 or [mwooding@dep.state.pa.us](mailto:mwooding@dep.state.pa.us). The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marilyn Wooding directly at (717) 783-7816 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-48. Filed for public inspection January 12, 2007, 9:00 a.m.]

**Cleanup Standards Scientific Advisory Board Vapor Intrusion Subcommittee Meeting**

The Cleanup Standards Scientific Advisory Board, Vapor Intrusion Subcommittee will hold a meeting on January 23, 2007, to discuss vapor intrusion issues. The meeting will begin at 9:30 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Marilyn Wooding at (717) 783-7816 or mwooding@dep.state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marilyn Wooding directly at (717) 783-7816 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-49. Filed for public inspection January 12, 2007, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Chronic Renal Disease Advisory Committee Meeting

The Chronic Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204), will hold a public meeting on Friday, January 19, 2007, from 10 a.m. to 3 p.m. in Conference Room 327, Health and Welfare Building, Commonwealth Avenue at Forster Street, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Carolyn Cass, Director, Division of Child and Adult Health Services, Bureau of Family Health, Department of Health, Health and Welfare Building, Seventh Floor, East Wing, Seventh and Forster Streets, Harrisburg, PA 17102, (717) 772-2762 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-50. Filed for public inspection January 12, 2007, 9:00 a.m.]

### Governor's Advisory Council on Physical Fitness and Sports Committee Meeting

The Governor's Advisory Council on Physical Fitness and Sports Committee will hold a public meeting on Thursday, January 18, 2007, from 10 a.m. to 3 p.m. at the Living Center, 110 Henderson Building, Penn State, University Park, PA 16802.

For additional information contact Cyndi Malinen, Physical Activity Program Consultant, Bureau of Chronic Diseases and Injury Prevention, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 346-3975.

Persons with a disability who want to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Cyndi Malinen, Physical Activity Program Consultant, (717) 346-3975. Speech

and/or hearing impaired persons may contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-51. Filed for public inspection January 12, 2007, 9:00 a.m.]

### Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Dock Terrace  
275 Dock Drive  
Lansdale, PA 19446  
Facility ID 044402

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.36(g) and (h) (relating to bathing facilities).

Golden LivingCenter—West Shore  
770 Poplar Church Road  
Camp Hill, PA 17011  
FAC ID 280202

Garden Spring Center  
1113 North Easton Road  
Willow Grove, PA 19090  
FAC ID 860202

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape, Braille) should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-52. Filed for public inspection January 12, 2007, 9:00 a.m.]



# DEPARTMENT OF LABOR AND INDUSTRY

## Table Specified for Determination of Rate and Amount of Benefits

The purpose of this notice is to effect the automatic extension of Table Specified for Determination of Rate and Amount of Benefits. Each year the maximum weekly benefit rate is calculated at 66 2/3% of the average weekly wage in covered employment for the preceding fiscal year. The maximum weekly benefit rate for unemployment compensation purposes in this Commonwealth during calendar year 2007 will be \$520.

Under the authority contained in sections 201 and 404(e)(2) of the Unemployment Compensation Law (43 P. S. §§ 761 and 804(e)(2)) and 34 Pa. Code § 65.111 (relating to benefit table), the table for 2007 is being adopted by this notice and will be codified in 34 Pa. Code Chapter 65, Appendix A. See 14 Pa.B. 4688 (December 29, 1984).

Under section 404(e)(2) of the Unemployment Compensation Law, this table is effective for claimants whose benefit year begins on or after January 1, 2007.

Questions concerning this notice should be directed to Patrick T. Beaty, Deputy Secretary for Unemployment Compensation Programs, Labor and Industry Building, Harrisburg, PA 17120.

STEPHEN M. SCHMERIN,  
*Secretary*

### APPENDIX A

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>
1338-1362	56	2160	1456	896
1363-1387	57	2200	1482	912
1388-1412	58	2240	1508	928
1413-1437	59	2280	1534	944
1438-1462	60	2320	1560	960
1463-1487	61	2360	1586	976
1488-1512	62	2400	1612	992
1513-1537	63	2440	1638	1008
1538-1562	64	2480	1664	1024
1563-1587	65	2520	1690	1040
1588-1612	66	2560	1716	1056
1613-1637	67	2600	1742	1072
1638-1662	68	2640	1768	1088
1663-1687	69	2680	1794	1104
1688-1712	70	2720	1820	1120
1713-1737	71	2760	1846	1136
1738-1762	72	2800	1872	1152
1763-1787	73	2840	1898	1168
1788-1812	74	2880	1924	1184
1813-1837	75	2920	1950	1200
1838-1862	76	2960	1976	1216
1863-1887	77	3000	2002	1232
1888-1912	78	3040	2028	1248
1913-1937	79	3080	2054	1264
1938-1962	80	3120	2080	1280
1963-1987	81	3160	2106	1296
1988-2012	82	3200	2132	1312
2013-2037	83	3240	2158	1328
2038-2062	84	3280	2184	1344
2063-2087	85	3320	2210	1360
2088-2112	86	3360	2236	1376
2113-2137	87	3400	2262	1392
2138-2162	88	3440	2288	1408
2163-2187	89	3480	2314	1424
2188-2212	90	3520	2340	1440
2213-2237	91	3560	2366	1456
2238-2262	92	3600	2392	1472
2263-2287	93	3640	2418	1488
2288-2312	94	3680	2444	1504
2313-2337	95	3720	2470	1520
2338-2362	96	3760	2496	1536
2363-2387	97	3800	2522	1552
2388-2412	98	3840	2548	1568
2413-2437	99	3880	2574	1584
2438-2462	100	3920	2600	1600
2463-2487	101	3960	2626	1616

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>	<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>
2488-2512	102	4000	2652	1632	3638-3662	148	5840	3848	2368
2513-2537	103	4040	2678	1648	3663-3687	149	5880	3874	2384
2538-2562	104	4080	2704	1664	3688-3712	150	5920	3900	2400
2563-2587	105	4120	2730	1680	3713-3737	151	5960	3926	2416
2588-2612	106	4160	2756	1696	3738-3762	152	6000	3952	2432
2613-2637	107	4200	2782	1712	3763-3787	153	6040	3978	2448
2638-2662	108	4240	2808	1728	3788-3812	154	6080	4004	2464
2663-2687	109	4280	2834	1744	3813-3837	155	6120	4030	2480
2688-2712	110	4320	2860	1760	3838-3862	156	6160	4056	2496
2713-2737	111	4360	2886	1776	3863-3887	157	6200	4082	2512
2738-2762	112	4400	2912	1792	3888-3912	158	6240	4108	2528
2763-2787	113	4440	2938	1808	3913-3937	159	6280	4134	2544
2788-2812	114	4480	2964	1824	3938-3962	160	6320	4160	2560
2813-2837	115	4520	2990	1840	3963-3987	161	6360	4186	2576
2838-2862	116	4560	3016	1856	3988-4012	162	6400	4212	2592
2863-2887	117	4600	3042	1872	4013-4037	163	6440	4238	2608
2888-2912	118	4640	3068	1888	4038-4062	164	6480	4264	2624
2913-2937	119	4680	3094	1904	4063-4087	165	6520	4290	2640
2938-2962	120	4720	3120	1920	4088-4112	166	6560	4316	2656
2963-2987	121	4760	3146	1936	4113-4137	167	6600	4342	2672
2988-3012	122	4800	3172	1952	4138-4162	168	6640	4368	2688
3013-3037	123	4840	3198	1968	4163-4187	169	6680	4394	2704
3038-3062	124	4880	3224	1984	4188-4212	170	6720	4420	2720
3063-3087	125	4920	3250	2000	4213-4237	171	6760	4446	2736
3088-3112	126	4960	3276	2016	4238-4262	172	6800	4472	2752
3113-3137	127	5000	3302	2032	4263-4287	173	6840	4498	2768
3138-3162	128	5040	3328	2048	4288-4312	174	6880	4524	2784
3163-3187	129	5080	3354	2064	4313-4337	175	6920	4550	2800
3188-3212	130	5120	3380	2080	4338-4362	176	6960	4576	2816
3213-3237	131	5160	3406	2096	4363-4387	177	7000	4602	2832
3238-3262	132	5200	3432	2112	4388-4412	178	7040	4628	2848
3263-3287	133	5240	3458	2128	4413-4437	179	7080	4654	2864
3288-3312	134	5280	3484	2144	4438-4462	180	7120	4680	2880
3313-3337	135	5320	3510	2160	4463-4487	181	7160	4706	2896
3338-3362	136	5360	3536	2176	4488-4512	182	7200	4732	2912
3363-3387	137	5400	3562	2192	4513-4537	183	7240	4758	2928
3388-3412	138	5440	3588	2208	4538-4562	184	7280	4784	2944
3413-3437	139	5480	3614	2224	4563-4587	185	7320	4810	2960
3438-3462	140	5520	3640	2240	4588-4612	186	7360	4836	2976
3463-3487	141	5560	3666	2256	4613-4637	187	7400	4862	2992
3488-3512	142	5600	3692	2272	4638-4662	188	7440	4888	3008
3513-3537	143	5640	3718	2288	4663-4687	189	7480	4914	3024
3538-3562	144	5680	3744	2304	4688-4712	190	7520	4940	3040
3563-3587	145	5720	3770	2320	4713-4737	191	7560	4966	3056
3588-3612	146	5760	3796	2336	4738-4762	192	7600	4992	3072
3613-3637	147	5800	3822	2352	4763-4787	193	7640	5018	3088

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>	<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>
4788-4812	194	7680	5044	3104	5938-5962	240	9520	6240	3840
4813-4837	195	7720	5070	3120	5963-5987	241	9560	6266	3856
4838-4862	196	7760	5096	3136	5988-6012	242	9600	6292	3872
4863-4887	197	7800	5122	3152	6013-6037	243	9640	6318	3888
4888-4912	198	7840	5148	3168	6038-6062	244	9680	6344	3904
4913-4937	199	7880	5174	3184	6063-6087	245	9720	6370	3920
4938-4962	200	7920	5200	3200	6088-6112	246	9760	6396	3936
4963-4987	201	7960	5226	3216	6113-6137	247	9800	6422	3952
4988-5012	202	8000	5252	3232	6138-6162	248	9840	6448	3968
5013-5037	203	8040	5278	3248	6163-6187	249	9880	6474	3984
5038-5062	204	8080	5304	3264	6188-6212	250	9920	6500	4000
5063-5087	205	8120	5330	3280	6213-6237	251	9960	6526	4016
5088-5112	206	8160	5356	3296	6238-6262	252	10000	6552	4032
5113-5137	207	8200	5382	3312	6263-6287	253	10040	6578	4048
5138-5162	208	8240	5408	3328	6288-6312	254	10080	6604	4064
5163-5187	209	8280	5434	3344	6313-6337	255	10120	6630	4080
5188-5212	210	8320	5460	3360	6338-6362	256	10160	6656	4096
5213-5237	211	8360	5486	3376	6363-6387	257	10200	6682	4112
5238-5262	212	8400	5512	3392	6388-6412	258	10240	6708	4128
5263-5287	213	8440	5538	3408	6413-6437	259	10280	6734	4144
5288-5312	214	8480	5564	3424	6438-6462	260	10320	6760	4160
5313-5337	215	8520	5590	3440	6463-6487	261	10360	6786	4176
5338-5362	216	8560	5616	3456	6488-6512	262	10400	6812	4192
5363-5387	217	8600	5642	3472	6513-6537	263	10440	6838	4208
5388-5412	218	8640	5668	3488	6538-6562	264	10480	6864	4224
5413-5437	219	8680	5694	3504	6563-6587	265	10520	6890	4240
5438-5462	220	8720	5720	3520	6588-6612	266	10560	6916	4256
5463-5487	221	8760	5746	3536	6613-6637	267	10600	6942	4272
5488-5512	222	8800	5772	3552	6638-6662	268	10640	6968	4288
5513-5537	223	8840	5798	3568	6663-6687	269	10680	6994	4304
5538-5562	224	8880	5824	3584	6688-6712	270	10720	7020	4320
5563-5587	225	8920	5850	3600	6713-6737	271	10760	7046	4336
5588-5612	226	8960	5876	3616	6738-6762	272	10800	7072	4352
5613-5637	227	9000	5902	3632	6763-6787	273	10840	7098	4368
5638-5662	228	9040	5928	3648	6788-6812	274	10880	7124	4384
5663-5687	229	9080	5954	3664	6813-6837	275	10920	7150	4400
5688-5712	230	9120	5980	3680	6838-6862	276	10960	7176	4416
5713-5737	231	9160	6006	3696	6863-6887	277	11000	7202	4432
5738-5762	232	9200	6032	3712	6888-6912	278	11040	7228	4448
5763-5787	233	9240	6058	3728	6913-6937	279	11080	7254	4464
5788-5812	234	9280	6084	3744	6938-6962	280	11120	7280	4480
5813-5837	235	9320	6110	3760	6963-6987	281	11160	7306	4496
5838-5862	236	9360	6136	3776	6988-7012	282	11200	7332	4512
5863-5887	237	9400	6162	3792	7013-7037	283	11240	7358	4528
5888-5912	238	9440	6188	3808	7038-7062	284	11280	7384	4544
5913-5937	239	9480	6214	3824	7063-7087	285	11320	7410	4560

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>	<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>
7088-7112	286	11360	7436	4576	8238-8262	332	13200	8632	5312
7113-7137	287	11400	7462	4592	8263-8287	333	13240	8658	5328
7138-7162	288	11440	7488	4608	8288-8312	334	13280	8684	5344
7163-7187	289	11480	7514	4624	8313-8337	335	13320	8710	5360
7188-7212	290	11520	7540	4640	8338-8362	336	13360	8736	5376
7213-7237	291	11560	7566	4656	8363-8387	337	13400	8762	5392
7238-7262	292	11600	7592	4672	8388-8412	338	13440	8788	5408
7263-7287	293	11640	7618	4688	8413-8437	339	13480	8814	5424
7288-7312	294	11680	7644	4704	8438-8462	340	13520	8840	5440
7313-7337	295	11720	7670	4720	8463-8487	341	13560	8866	5456
7338-7362	296	11760	7696	4736	8488-8512	342	13600	8892	5472
7363-7387	297	11800	7722	4752	8513-8537	343	13640	8918	5488
7388-7412	298	11840	7748	4768	8538-8562	344	13680	8944	5504
7413-7437	299	11880	7774	4784	8563-8587	345	13720	8970	5520
7438-7462	300	11920	7800	4800	8588-8612	346	13760	8996	5536
7463-7487	301	11960	7826	4816	8613-8637	347	13800	9022	5552
7488-7512	302	12000	7852	4832	8638-8662	348	13840	9048	5568
7513-7537	303	12040	7878	4848	8663-8687	349	13880	9074	5584
7538-7562	304	12080	7904	4864	8688-8712	350	13920	9100	5600
7563-7587	305	12120	7930	4880	8713-8737	351	13960	9126	5616
7588-7612	306	12160	7956	4896	8738-8762	352	14000	9152	5632
7613-7637	307	12200	7982	4912	8763-8787	353	14040	9178	5648
7638-7662	308	12240	8008	4928	8788-8812	354	14080	9204	5664
7663-7687	309	12280	8034	4944	8813-8837	355	14120	9230	5680
7688-7712	310	12320	8060	4960	8838-8862	356	14160	9256	5696
7713-7737	311	12360	8086	4976	8863-8887	357	14200	9282	5712
7738-7762	312	12400	8112	4992	8888-8912	358	14240	9308	5728
7763-7787	313	12440	8138	5008	8913-8937	359	14280	9334	5744
7788-7812	314	12480	8164	5024	8938-8962	360	14320	9360	5760
7813-7837	315	12520	8190	5040	8963-8987	361	14360	9386	5776
7838-7862	316	12560	8216	5056	8988-9012	362	14400	9412	5792
7863-7887	317	12600	8242	5072	9013-9037	363	14440	9438	5808
7888-7912	318	12640	8268	5088	9038-9062	364	14480	9464	5824
7913-7937	319	12680	8294	5104	9063-9087	365	14520	9490	5840
7938-7962	320	12720	8320	5120	9088-9112	366	14560	9516	5856
7963-7987	321	12760	8346	5136	9113-9137	367	14600	9542	5872
7988-8012	322	12800	8372	5152	9138-9162	368	14640	9568	5888
8013-8037	323	12840	8398	5168	9163-9187	369	14680	9594	5904
8038-8062	324	12880	8424	5184	9188-9212	370	14720	9620	5920
8063-8087	325	12920	8450	5200	9213-9237	371	14760	9646	5936
8088-8112	326	12960	8476	5216	9238-9262	372	14800	9672	5952
8113-8137	327	13000	8502	5232	9263-9287	373	14840	9698	5968
8138-8162	328	13040	8528	5248	9288-9312	374	14880	9724	5984
8163-8187	329	13080	8554	5264	9313-9337	375	14920	9750	6000
8188-8212	330	13120	8580	5280	9338-9362	376	14960	9776	6016
8213-8237	331	13160	8606	5296	9363-9387	377	15000	9802	6032

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>	<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>
9388-9412	378	15040	9828	6048	10538-10562	424	16880	11024	6784
9413-9437	379	15080	9854	6064	10563-10587	425	16920	11050	6800
9438-9462	380	15120	9880	6080	10588-10612	426	16960	11076	6816
9463-9487	381	15160	9906	6096	10613-10637	427	17000	11102	6832
9488-9512	382	15200	9932	6112	10638-10662	428	17040	11128	6848
9513-9537	383	15240	9958	6128	10663-10687	429	17080	11154	6864
9538-9562	384	15280	9984	6144	10688-10712	430	17120	11180	6880
9563-9587	385	15320	10010	6160	10713-10737	431	17160	11206	6896
9588-9612	386	15360	10036	6176	10738-10762	432	17200	11232	6912
9613-9637	387	15400	10062	6192	10763-10787	433	17240	11258	6928
9638-9662	388	15440	10088	6208	10788-10812	434	17280	11284	6944
9663-9687	389	15480	10114	6224	10813-10837	435	17320	11310	6960
9688-9712	390	15520	10140	6240	10838-10862	436	17360	11336	6976
9713-9737	391	15560	10166	6256	10863-10887	437	17400	11362	6992
9738-9762	392	15600	10192	6272	10888-10912	438	17440	11388	7008
9763-9787	393	15640	10218	6288	10913-10937	439	17480	11414	7024
9788-9812	394	15680	10244	6304	10938-10962	440	17520	11440	7040
9813-9837	395	15720	10270	6320	10963-10987	441	17560	11466	7056
9838-9862	396	15760	10296	6336	10988-11012	442	17600	11492	7072
9863-9887	397	15800	10322	6352	11013-11037	443	17640	11518	7088
9888-9912	398	15840	10348	6368	11038-11062	444	17680	11544	7104
9913-9937	399	15880	10374	6384	11063-11087	445	17720	11570	7120
9938-9962	400	15920	10400	6400	11088-11112	446	17760	11596	7136
9963-9987	401	15960	10426	6416	11113-11137	447	17800	11622	7152
9988-10012	402	16000	10452	6432	11138-11162	448	17840	11648	7168
10013-10037	403	16040	10478	6448	11163-11187	449	17880	11674	7184
10038-10062	404	16080	10504	6464	11188-11212	450	17920	11700	7200
10063-10087	405	16120	10530	6480	11213-11237	451	17960	11726	7216
10088-10112	406	16160	10556	6496	11238-11262	452	18000	11752	7232
10113-10137	407	16200	10582	6512	11263-11287	453	18040	11778	7248
10138-10162	408	16240	10608	6528	11288-11312	454	18080	11804	7264
10163-10187	409	16280	10634	6544	11313-11337	455	18120	11830	7280
10188-10212	410	16320	10660	6560	11338-11362	456	18160	11856	7296
10213-10237	411	16360	10686	6576	11363-11387	457	18200	11882	7312
10238-10262	412	16400	10712	6592	11388-11412	458	18240	11908	7328
10263-10287	413	16440	10738	6608	11413-11437	459	18280	11934	7344
10288-10312	414	16480	10764	6624	11438-11462	460	18320	11960	7360
10313-10337	415	16520	10790	6640	11463-11487	461	18360	11986	7376
10338-10362	416	16560	10816	6656	11488-11512	462	18400	12012	7392
10363-10387	417	16600	10842	6672	11513-11537	463	18440	12038	7408
10388-10412	418	16640	10868	6688	11538-11562	464	18480	12064	7424
10413-10437	419	16680	10894	6704	11563-11587	465	18520	12090	7440
10438-10462	420	16720	10920	6720	11588-11612	466	18560	12116	7456
10463-10487	421	16760	10946	6736	11613-11637	467	18600	12142	7472
10488-10512	422	16800	10972	6752	11638-11662	468	18640	12168	7488
10513-10537	423	16840	10998	6768	11663-11687	469	18680	12194	7504

<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>	<i>Part A Highest Quarterly Wage</i>	<i>Part B Rate of Compen- sation</i>	<i>Part C Qualifying Wage</i>	<i>Part D Amount of</i>	<i>Part E Compen- sation</i>
11688-11712	470	18720	12220	7520	<b>12788-12812</b>	<b>514</b>	<b>20480</b>	<b>13364</b>	<b>8224</b>
11713-11737	471	18760	12246	7536	<b>12813-12837</b>	<b>515</b>	<b>20520</b>	<b>13390</b>	<b>8240</b>
11738-11762	472	18800	12272	7552	<b>12838-12862</b>	<b>516</b>	<b>20560</b>	<b>13416</b>	<b>8256</b>
11763-11787	473	18840	12298	7568	<b>12863-12887</b>	<b>517</b>	<b>20600</b>	<b>13442</b>	<b>8272</b>
11788-11812	474	18880	12324	7584	<b>12888-12912</b>	<b>518</b>	<b>20640</b>	<b>13468</b>	<b>8288</b>
11813-11837	475	18920	12350	7600	<b>12913-12937</b>	<b>519</b>	<b>20680</b>	<b>13494</b>	<b>8304</b>
11838-11862	476	18960	12376	7616	<b>12938-</b>	<b>520</b>	<b>*20720</b>	<b>13520</b>	<b>8320</b>
11863-11887	477	19000	12402	7632	<b>or more</b>				
11888-11912	478	19040	12428	7648					
11913-11937	479	19080	12454	7664					
11938-11962	480	19120	12480	7680					
11963-11987	481	19160	12506	7696					
11988-12012	482	19200	12532	7712					
12013-12037	483	19240	12558	7728					
12038-12062	484	19280	12584	7744					
12063-12087	485	19320	12610	7760					
12088-12112	486	19360	12636	7776					
12113-12137	487	19400	12662	7792					
12138-12162	488	19440	12688	7808					
12163-12187	489	19480	12714	7824					
12188-12212	490	19520	12740	7840					
12213-12237	491	19560	12766	7856					
12238-12262	492	19600	12792	7872					
12263-12287	493	19640	12818	7888					
12288-12312	494	19680	12844	7904					
12313-12337	495	19720	12870	7920					
12338-12362	496	19760	12896	7936					
12363-	497	[ * ]19800	12922	7952					
<b>[ or more ]</b>									
<b>-12387</b>									
<b>12388-12412</b>	<b>498</b>	<b>19840</b>	<b>12948</b>	<b>7968</b>					
<b>12413-12437</b>	<b>499</b>	<b>19880</b>	<b>12974</b>	<b>7984</b>					
<b>12438-12462</b>	<b>500</b>	<b>19920</b>	<b>13000</b>	<b>8000</b>					
<b>12463-12487</b>	<b>501</b>	<b>19960</b>	<b>13026</b>	<b>8016</b>					
<b>12488-12512</b>	<b>502</b>	<b>20000</b>	<b>13052</b>	<b>8032</b>					
<b>12513-12537</b>	<b>503</b>	<b>20040</b>	<b>13078</b>	<b>8048</b>					
<b>12538-12562</b>	<b>504</b>	<b>20080</b>	<b>13104</b>	<b>8064</b>					
<b>12563-12587</b>	<b>505</b>	<b>20120</b>	<b>13130</b>	<b>8080</b>					
<b>12588-12612</b>	<b>506</b>	<b>20160</b>	<b>13156</b>	<b>8096</b>					
<b>12613-12637</b>	<b>507</b>	<b>20200</b>	<b>13182</b>	<b>8112</b>					
<b>12638-12662</b>	<b>508</b>	<b>20240</b>	<b>13208</b>	<b>8128</b>					
<b>12663-12687</b>	<b>509</b>	<b>20280</b>	<b>13234</b>	<b>8144</b>					
<b>12688-12712</b>	<b>510</b>	<b>20320</b>	<b>13260</b>	<b>8160</b>					
<b>12713-12737</b>	<b>511</b>	<b>20360</b>	<b>13286</b>	<b>8176</b>					
<b>12738-12762</b>	<b>512</b>	<b>20400</b>	<b>13312</b>	<b>8192</b>					
<b>12763-12787</b>	<b>513</b>	<b>20440</b>	<b>13338</b>	<b>8208</b>					

\*The claimant will be ineligible for benefits unless 20% of the qualifying wage [ **\$19,800** ] **\$20,720** was paid in a quarter or quarters of the base year other than the high quarter.

STEPHEN M. SCHMERIN,  
*Secretary*

[Pa.B. Doc. No. 07-53. Filed for public inspection January 12, 2007, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Inpatient Hospital Services

The Department of Public Welfare (Department) announces its intent to revise its payment method for inpatient hospital services. These revisions will affect acute care general hospitals, private psychiatric hospitals, psychiatric units of general hospitals, rehabilitation hospitals and rehabilitation units of general hospitals.

Effective January 14, 2007, the Department proposes to change its payment methodology for inpatient services as follows:

#### *Base Payment Rate*

The Department intends to increase each hospital's or hospital unit's base payment rate for inpatient services provided on a fee-for-service basis by 4.16%.

#### *Inpatient Disproportionate Share; Volume Disproportionate Share; Outpatient Disproportionate Share; and Direct Medical Education Payments*

The Department intends to increase Inpatient Disproportionate Share payments by 3.5%, with no change in the current methodology for determining eligibility for those payments. For Fiscal Year (FY) 2006-2007, the aggregate amount of Inpatient Disproportionate Share payments is to be limited to \$65.344 million in total funds.

The Department intends to increase Volume Disproportionate Share payments by 3.5%, with no change in the current methodology for determining eligibility for those payments. For FY 2006-2007, the aggregate amount of Volume Disproportionate Share payments is to be limited to \$10.412 million in total funds.

The Department intends to increase Outpatient Disproportionate Share payments by 4%, with no change in the current methodology for determining eligibility for those

payments. For FY 2006-2007, the aggregate amount of Outpatient Disproportionate Share payments is to be limited to \$62.526 million in total funds.

The Department intends to increase Medical Education payments by 3.5%, with no change in the current methodology for determining eligibility for those payments. For FY 2006-2007, the aggregate amount of Medical Education payments is to be limited to \$80.642 million in total funds.

*Fiscal Impact*

The necessary funding required for these payment provisions has been provided for in the Department's FY 2006-2007 budget. This change will result in a cost of \$13.374 million in total funds (\$7.208 million in Federal funds, \$6.166 million in State funds) for FY 2006-2007.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attn: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Person's with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-499. (1) General Fund:

	<i>MA-Inpatient</i>	<i>MA-Outpatient</i>
(2) Implementing Year 2006-07 is	\$5,888,000	\$279,000
1st succeeding Year 2007-08 is	\$18,992,000	\$1,135,000
2nd succeeding Year 2008-09 is	\$18,992,000	\$1,135,000
3rd succeeding Year 2009-10 is	\$18,992,000	\$1,135,000
4th succeeding Year 2010-11 is	\$18,992,000	\$1,135,000
5th succeeding Year 2011-12 is	\$18,992,000	\$1,135,000
(3) 2005-06 Program—	\$474,693,000	\$945,950,000
2004-05 Program—	\$531,785,000	\$842,991,000
2003-04 Program—	\$411,042,000	\$677,979,000

(7) Medical Assistance-Inpatient (MA-Inpatient); Medical Assistance-Outpatient (MA-Outpatient); (8) recommends adoption. Funds have been included to cover these increased costs.

[Pa.B. Doc. No. 07-54. Filed for public inspection January 12, 2007, 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 Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-48	Pennsylvania Gaming Control Board Slot Machine Testing and Control; Possession of Slot Machines 36 Pa.B. 6517 (October 28, 2006)	11/27/06	12/27/06
41-18	Board of Probation and Parole County Probation and Parole Officers' Firearm Education and Training Commission 36 Pa.B. 6510 (October 28, 2006)	11/27/06	12/27/06

**Pennsylvania Gaming Control Board Regulation  
#125-48 (IRRC #2572)**

**Slot Machine Testing and Control; Possession of  
Slot Machines**

**December 27, 2006**

We submit for your consideration the following comments on the proposed rulemaking published in the October 28, 2006 *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 Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

**1. Determining whether the regulation is in the public interest.**

The Pennsylvania Horse Race Development Act (Act) (4 Pa.C.S.A. §§ 1101—1904) allows the Board to promulgate temporary regulations until April 15, 2007. The temporary regulations are not subject to two statutes that guide agencies when promulgating regulations: the Commonwealth Documents Law (CDL) (45 P. S. §§ 1201—1208) and the Regulatory Review Act (RRA) (71 P. S. §§ 745.1—745.15). The Act requires all temporary regulations to be promulgated as permanent regulations by July 5, 2007. The conversion of temporary regulations to permanent regulations requires compliance with both the CDL and the RRA.

Section 5.2 of the RRA (71 P. S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. Therefore, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under § 745.5(a) in the regulatory analysis form (RAF).

The Preamble to this rulemaking states that the Board proposes to replace two chapters of its temporary regulations with permanent regulations. The explanation of the regulations in the Preamble and the information contained on the RAF is not sufficient to allow this Commission to determine if the regulation is in the public interest. While we commend the Board for involving the regulated community in the development of the temporary regulations, we note that a complete explanation of the need for each chapter and section was not provided in that process. Furthermore, the RAF does not contain a detailed fiscal impact and cost benefit analysis. Without this information, we cannot determine if this proposed regulation is in the public interest. In the Preamble and RAF submitted with the final-form rulemaking, the Board should provide the detailed information required under § 745.5(a) of the RRA.

**2. Economic or fiscal impact; Clarity and lack of ambiguity; Reasonableness of the requirements.**

This regulation contains many phrases that are vague. Examples include: “in an alternative manner approved by

the Board”; “technical standards adopted by the Board”; “additional documentation adopted by the Board”; “when applicable”; “in the manner prescribed by the Board”; “unless otherwise determined by the Board”; “with prior Board approval”; and “other requirements requested by the Board.” These phrases are problematic for three reasons.

First, a regulation has the full force and effect of law. It establishes binding norms on the regulated entity and the agency that promulgated the regulation. The vague phrases in question would allow requirements to be imposed at the agency’s discretion without the opportunity for comment or review through the regulatory process. Therefore, without adequate notice as to what requirements the agency is imposing, it would be difficult if not impossible for regulated parties to discern what actions on their part would constitute compliance.

Second, incorporation of non-regulatory documents, such as “technical standards adopted by the Board,” is problematic because those documents cannot be used to enforce standards contained in regulation. In addition, this approach would allow an agency or department to bypass the formal regulatory review process and the laws that govern the promulgation of regulations.

Third, many sections in which the vague phrases are found lack details that would allow the regulated community to comply with the regulation. These sections also fail to provide the criteria the Board will use to evaluate a particular action or request. This lack of clarity would place the regulated community at a distinct disadvantage because the rules and expectations of the Board could change.

We urge the Board to evaluate all of the vague phrases we have identified in bold text in Appendix A. The Board should either delete the language or add the needed detail that would allow the regulated community to know what they are expected to do and how the Board will evaluate their actions.

**3. Section 461.1. Definitions.—Clarity and lack of ambiguity.**

*Conversion*—The definition of “modification” includes changes or alterations to “associated equipment.” Should this definition also include a reference to “associated equipment”?

*Player tracking system*—The last sentence of this definition states the following: “Player activity may be tracked generally or on an individual player basis.” This is a substantive provision. Substantive provisions contained in definitions are not enforceable. This provision should be moved to an appropriate section in the body of the regulation.

**4. Section 461.3. Testing and approval generally.—Implementation procedures; Reasonableness; Clarity and lack of ambiguity.**

Subsection (d) requires the Board to establish and maintain an independent slot machine testing facility by July 5, 2007. The cost and operation of the facility is to be paid by each licensed manufacturer “in accordance with a schedule adopted by the Board.” Subsection (e) requires the costs for testing and approval of slot machines and associated equipment to be paid “in accordance with a schedule adopted by the Board.”



These subsections are problematic because they have the potential to impose significant costs on the regulated community, but do not indicate how those costs will be calculated. The mechanism or formula for determining the costs should be included in the final-form regulation and, as noted in our first comment, those costs should be detailed in the RAF and the Preamble.

**5. Section 461.4. Submission for testing and approval.—Clarity and lack of ambiguity.**

Subsections (e) and (f) state that the Board may “periodically” prescribe certain checklists and requirements. This term is vague and should be deleted.

**6. Section 461.12. Progressive slot machines.—Need; Reasonableness.**

Subsection (m) limits the amount of progressive jackpots that meet certain criteria to an amount less than \$1,200. What is the basis for this monetary threshold?

**7. Section 461.24. Waivers.—Implementation procedures; Clarity and lack of ambiguity.**

This section allows the Board to waive requirements applicable to slot machines as long as the Board determines that the “operational integrity requirements” of the Act are met. The procedures for requesting a waiver should be included in the final-form regulation.

**8. Section 461.25. Disputes.—Implementation procedures.**

If a dispute over alleged winnings arises between a patron and a slot machine licensee, Subsection (a) requires the slot machine licensee to notify the patron of their right to contact the Board. We recommend that notification be in writing and that the notification contain an appropriate phone number and email address for the Board.

**9. Section 463.6. Notice to central control computer system.—Statutory authority.**

Under this section, slot machine licensees are required to “provide the Department with notice of the slot movement, in a form and pursuant to a time frame prescribed by the Department.” We note that these requirements are to be established by the Department of Revenue. The Board has no authority to require compliance with the requirements of another state agency. Therefore, this section should be deleted.

**10. Undefined terms.—Clarity and lack of ambiguity.**

The terms or phrases noted below are found throughout the regulation. Clarity would be improved if these terms were defined.

- promotional program
- bonus award
- slot machine bill validator
- wide area progressive system
- progressive payout
- reset amount
- progressive rate

- related systems
- pseudo random number generator
- reel strips
- paytables
- theoretical payout percentage
- “double up” games
- per pay table basis
- manufacturer’s par sheet
- progressive awards
- hand pay
- gaming day
- slot operations department
- slot accounting department
- currency cassettes
- slot system operator
- remote system access
- educational institution
- common carrier
- Slot Machine Master List
- high-boy

**11. Reference to temporary regulations.—Clarity and lack of ambiguity.**

The following sections of the regulation contain references to the Board’s temporary regulations. The Board’s temporary regulations will cease to exist as of July 5, 2007, unless they are promulgated as permanent regulations by that date. We recommend that the Board delete references to temporary regulations unless the pertinent temporary regulations have been promulgated as permanent regulations prior to the Board’s submittal of this final-form regulation.

- § 461.7(b)(2)
- § 461.8(d)
- § 461.8(i)
- § 461.8(k)
- § 461.8(n)
- § 461.10(b)
- § 461.12(g)(2)
- § 461.18(c)
- § 461.20(e)
- § 461.21(e)
- § 461.22(c)
- § 463.3(b)

## Appendix A

<i>Section</i>	
461.1	(Definition of "coupon system") The collective hardware, software, communications technology and other ancillary equipment used to facilitate the issuance of coupons, the acceptance of a coupon by a slot machine or its redemption at an automated coupon redemption machine, cashiers' cage or other locations, and <b>in an alternative manner approved by the Board.</b>
461.1	(Definition of "gaming voucher system") The collective hardware, software, communications technology and other ancillary equipment used to facilitate the issuance of gaming vouchers and the redemption of gaming vouchers by slot machines, automated gaming voucher redemption machines, the cashiers' cage or in other locations, and <b>in alternative manners, as approved by the Board.</b>
461.4(c)(11)	<b>Other associated equipment specifically identified by the Board.</b>
461.4(d)	Slot machine prototypes and associated equipment prototypes, and any modifications thereto, which are subject to testing and approval under this section will be evaluated by the Board for overall operational integrity and compliance with the act, this subpart and <b>technical standards adopted by the Board.</b> In addition, with regard to any slot machine, or modification thereto, the Board will test for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines.
461.4(h)(2)(iv)	In the professional's opinion, the equipment, device or software complies with the act, this subpart and <b>technical standards adopted by the Board.</b>
461.4(h)(7)	Any hardware, software and other equipment, inclusive of technical support and maintenance applicable thereto, required by the Slot Lab to conduct the abbreviated testing and approval process contemplated by the act, this subpart and <b>technical standards adopted by the Board.</b> The testing equipment and services required by this paragraph shall be provided at no cost to the Board.
461.4(h)(8)	<b>Additional documentation requested by the Board.</b>
461.4(i)(2)	Certifications required under subsection (f) providing assurances from the manufacturer that the product was properly and completely tested and emulated by the manufacturer prior to its submission to the Board and that the product, device or software complies with the act, this subpart and <b>technical standards adopted by the Board,</b> including applicable requirements related to the central control computer.
461.4(i)(5)	Any hardware, software and other equipment, inclusive of technical support and maintenance applicable thereto, required by the Slot Lab to conduct the testing and approval process contemplated by the act, this subpart and <b>technical standards adopted by the Board.</b> The testing equipment and services required by this paragraph shall be provided at no cost to the Board.
461.4(i)(6)(x)	For meters required by this subpart or <b>technical standards adopted by the Board,</b> a cross reference of product meters to the required meters, if necessary.
461.4(i)(6)(xx)	<b>Additional documentation requested by the Board.</b>
461.4(i)(7)(v)	<b>Additional documentation requested by the Board.</b>
461.4(i)(8)(xi)	<b>When requested by the Board, all source codes.</b>
461.4(i)(8)(xii)	<b>When applicable,</b> a complete, comprehensive and accurate description, accompanied by applicable diagrams, schematics and specifications, of the creation of a voucher and the redemption options available.
461.4(i)(8)(xiii)	<b>When applicable,</b> a complete, comprehensive and technically accurate description, accompanied by applicable diagrams, schematics and specifications, of the creation of a coupon and the redemption options available.
461.4(i)(8)(xiv)	Any specialized hardware, software or other equipment, inclusive of technical support and maintenance applicable thereto, required by the Slot Lab to conduct the testing and approval process contemplated by the act, this subpart and <b>technical standards adopted by the Board.</b> The testing equipment and services required by this paragraph shall be provided at no cost to the Board.
461.4(i)(8)(xv)	<b>Additional documentation requested by the Board.</b>
461.4(i)(9)(iii)	<b>Additional documentation requested by the Board.</b>

<b>Section</b>	
461.4(n)	Notwithstanding subsection (m), the Board may authorize installation of a modification to a slot machine prototype or associated equipment prototype on an emergency basis to prevent cheating or malfunction, upon the written request of a licensed manufacturer <b>in the manner prescribed by the Board</b> . The request must expressly detail the name and employer of any persons to be involved in the installation of the modification and the manner in which it is to be effected. Within 15 days of receipt of any authorization to install an emergency modification, the manufacturer shall submit the modification for full testing and approval in accordance with this subpart.
461.4(o)	A slot machine licensee shall immediately notify the Board, <b>in a manner and form the Board prescribes</b> , of any known or suspected defect or malfunction in any slot machine or associated equipment installed in its licensed facility. The slot machine licensee <b>shall comply with instructions issued by the Board</b> with regard to the continued operation of the slot machine or associated equipment.
461.4(q)	The testing of equipment, devices or software under this subpart may require the dismantling of the product and testing that may result in damage to, or destruction of, one or more systems or components. Once submitted for testing, equipment, devices or software will not be returned to the manufacturer <b>unless otherwise determined by the Board</b> .
461.5(2)	Give prior notice of a slot machine conversion to the Slot Lab in writing <b>in the manner prescribed by the Board</b> .
461.6(1)	The equipment, device or software is not in compliance with the act, this subpart or <b>technical standards adopted by the Board</b> .
461.7(d)	In addition to the requirements of subsections (a), (b) and (c), the volatility of a slot machine must verify that the theoretical payout percentage equals or exceeds the minimum payout requirement of 85% within 10 million plays. The criteria used to calculate the volatility must be <b>in accordance with technical standards applicable to volatility adopted by the Board</b> .
461.7(e)(2)	<b>As determined by the Board</b> , a random number generator must pass a standard chi-squared test for goodness of fit.
461.7(h)	Slot machines approved for use in a licensed facility must be equipped with the following meters that comply <b>with the technical standards adopted by the Board</b> :
461.7(h)(22)	<i>Additional requirements. Other meters required by technical standards adopted by the Board.</i>
461.7(l)	A slot machine must have a meter which stores the number of games played, in the manner and for a duration specified in this subpart or <b>in technical standards adopted by the Board</b> , since the following events:
461.7(o)	A slot machine must be equipped with a tower light capable of effectively communicating the status of the slot machine <b>in accordance with technical standards</b> on tower lights and error conditions adopted by the Board.
461.7(p)	A slot machine must be equipped with a device, mechanism or method for detecting, displaying and communicating to a slot monitoring system error conditions. The error conditions detected, displayed and communicated by a slot machine, and the method to be utilized to clear the message with regard to the error condition, must be <b>in accordance with technical standards</b> on tower lights and error conditions adopted by the Board.
461.8(b)	The design specifications for a gaming voucher, the expiration terms applicable thereto, the voucher verification methodologies utilized, and any limitation on the value of a gaming voucher must be <b>in compliance with technical standards</b> on gaming vouchers adopted by the Board.
461.8(c)	The design specifications for a gaming voucher system must be <b>in compliance with technical standards</b> on gaming voucher systems adopted by the Board.
461.8(d)(2)	Procedures for issuance, modification and termination of a unique system account for each user <b>in accordance with technical standards adopted by the Board</b> .
461.8(d)(3)	Procedures used to configure and maintain user passwords <b>in accordance with technical standards adopted by the Board</b> .
461.8(d)(4)	Procedures for restricting special rights and privileges, such as administrator and override capabilities, <b>in accordance with technical standards adopted by the Board</b> .
461.8(d)(6)	A description of physical controls on all critical hardware such as locks and surveillance, including the location and security protocols applicable to each piece of equipment <b>as approved by the Board</b> .
461.8(d)(7)	Procedures for the backup and timely recovery of critical data <b>in accordance with technical standards adopted by the Board</b> .

<b>Section</b>	
461.8(f)	At the end of each gaming day, the gaming voucher system must generate reports, <b>as approved by the Board</b> , which reports are provided to the slot accounting department, either directly by the system or through the information technology department, and which, at a minimum, contain the following information:
461.8(g)	A slot machine licensee shall immediately report to the Board, <b>in a manner prescribed by the Board</b> , any evidence that a gaming voucher has been counterfeited, tampered with, or altered in any way which would affect the integrity, fairness, reliability or suitability of the gaming voucher.
461.8(o)	A gaming voucher system must be configured to alert a slot machine licensee to any malfunction. Following a malfunction of a system, a slot machine licensee shall immediately <b>notify the Board</b> and may not utilize the system until the malfunction has been successfully eliminated. Notwithstanding the foregoing, <b>the Board may permit, in accordance with approval procedures the Board prescribes</b> , a slot machine licensee to utilize the system prior to its being successfully restored, for a period not to exceed 72 hours, provided that:
461.9(a)	A slot machine licensee may utilize coupons and a coupon system that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval) <b>and complies with technical standards on coupon systems adopted by the Board.</b>
461.9(b)	The design specifications for a coupon, the expiration terms applicable thereto, the coupon verification methodologies utilized, and any limitation on the value of a coupon must be <b>in compliance with technical standards on coupons adopted by the Board.</b>
461.9(c)(3)	A unique serial number, which is automatically generated by the system in accordance with this subpart <b>and technical standards adopted by the Board.</b>
461.9(c)(6)	A bar code or magnetic strip which enables the coupon system to establish the validity of the coupon and its value <b>in accordance with this subpart and technical standards adopted by the Board.</b>
461.10(c)	An automated gaming voucher and coupon redemption machine must have the capability of establishing the validity of a gaming voucher or coupon by comparing the instrument's unique serial number, automatically generated by the respective gaming voucher or coupon system <b>in accordance with this subpart and technical standards adopted by the Board</b> with electronic records within the gaming voucher system or coupon system.
461.10(d)	The method or methods utilized to comply with subsection (c) <b>shall be submitted to and approved by the Board</b> in the context of the testing of a gaming voucher system or coupon system.
461.10(j)	Access controls relating to the operating system or applications of the automated gaming voucher and coupon redemption machine, and ancillary systems, applications and equipment associated with the reconciliation thereof, must employ security measures that require authentication of the user and recording and maintaining of data regarding access and modifications made. Authentication must be <b>in accordance with this subpart and technical standards adopted by the Board.</b>
461.10(k)	A gaming voucher or coupon accepted by an automated gaming voucher and coupon redemption machine shall be cancelled immediately upon exchange in a manner that effectively prevents its subsequent redemption by the cashiers' cage, another automated gaming voucher and coupon redemption machine or its acceptance in a slot machine bill validator. The method utilized to comply with this requirement shall <b>be in accordance with this subpart and technical standards adopted by the Board.</b>
461.10(r)(8)	<i>Additional requirements.</i> <b>Other meters as may be required by technical standards adopted by the Board.</b>
461.12(b)(5)	A key and key switch to reset the progressive meter or meters or other reset mechanism <b>as may be approved by the Board.</b>
461.12(b)(7)	Dual key control by the security department and slot accounting department, or alternative key controls <b>as the Board approves</b> , of the compartment housing the microprocessor or other unit that controls the progressive meter or meters. The compartment shall be <b>in a location approved by the Board.</b>
461.12(d)(1)(ii)	<b>A notice approved by the Board</b> indicating the proportional probability of hitting the progressive jackpot on the a linked progressive system is conspicuously displayed on each linked slot machine.

<b>Section</b>	
461.12(d)(2)	The probability of winning a progressive jackpot offered on linked slot machines may vary among the slot machines when necessary to enable a slot machine licensee or, as applicable, a slot system operator, to institute a change in the probability which is otherwise permitted by this subpart, <b>if the change is completed expeditiously in accordance with procedures that have been filed with and approved by the Board.</b>
461.12(f)	A slot machine that offers a progressive jackpot may not be placed on the gaming floor until the slot machine licensee or, as applicable, the slot system operator, <b>has submitted to the Board, in a manner the Board directs, and the Board has approved,</b> the following:
461.12(g)(3)	The progressive jackpot has, <b>with prior Board approval,</b> been transferred to another progressive slot machine or wide area progressive system in accordance with this subpart.
461.12(g)(4)(i)	For progressive jackpots governed by subsection (b), an explanation shall be entered on the progressive slot summary required by this subpart and the Board shall be notified of the resetting <b>in writing in a manner the Board directs.</b>
461.12(g)(4)(ii)	For progressive jackpots governed by subsection (m), an explanation shall be entered on the machine entry authorization log required under this subpart unless the slot machine automatically addresses the malfunction <b>in a manner approved by the Board.</b>
461.12(j)(1)	A slot machine licensee may establish a payout limit for a progressive jackpot provided that the payout limit is greater than the then current payout amount on the progressive jackpot meter. The slot machine licensee shall notice the Board, <b>in a manner the Board directs,</b> of the imposition of a payout limit on a progressive meter or a modification thereto concurrent with the setting of the payout limit.
461.12(j)(4)(ii)(A)	The progressive meter for a slot machine or wide area progressive system with the same or greater probability of winning the progressive jackpot, the same or lower wager requirement to be eligible to win the progressive jackpot, and the same type of progressive jackpot (cash, annuity, annuity/cash option or a combination/alternate jackpot). However, if no other slot machine or wide area progressive system meets all of these qualifications, the Board may authorize a transfer of the jackpot to the progressive meter of the most similar slot machine or wide area progressive system available <b>if the Board finds the transfer would be in the public interest.</b>
461.12(j)(4)(iv)	Notice of intent to transfer the progressive jackpot is provided in writing to the Board, <b>in a manner the Board directs,</b> at least 30 days prior to the transfer of the progressive jackpot.
461.12(j)(5)(ii)	Provided in writing to the Board, <b>in a manner the Board directs,</b> at least 30 days prior to the removal of the progressive jackpot.
461.13(a)	Two or more slot machine licensees may, <b>with the prior written approval of the Board,</b> operate linked progressive slot machines that are interconnected between two or more participating licensed facilities. The slot machines participating in the link shall be collectively referred to as wide area progressive system.
461.13(b)	A wide area progressive system shall at all times be installed and operated in accordance with relevant requirements of the act, this subpart <b>and technical standards on wide area progressive systems adopted by the Board.</b>
461.13(c)	A wide area progressive system shall be operated and administered by participating slot machine licensees in accordance with the terms and conditions of a written agreement executed by the participating slot machine licensees. The agreement shall be referred to as a slot system agreement. Slot system agreements <b>must be approved in writing by the Board</b> prior to implementation and comply with the act, this subpart <b>and technical standards on wide area progressive systems adopted by the Board.</b>
461.13(d)	Slot machine licensees participating in a slot system agreement may delegate, in whole or in part, the operation and administration of a wide area progressive system to a licensed manufacturer provided that the slot system agreement is executed by the licensed manufacturer and its express terms <b>are determined by the Board</b> to be in compliance with the act, this subpart <b>and technical standards on wide area progressive systems adopted by the Board.</b> The persons designated in a slot system agreement as being responsible for the operation and administration of a wide area progressive system shall be referred to as the slot system operator.
461.13(f)(4)	<b>Other requirements requested by the Board, including those required to comply with technical standards on wide area progressive systems adopted by the Board.</b>
461.13(g)	A wide area progressive system shall be controlled and operated from a computer monitoring room <b>approved by the Board.</b> The computer monitoring room must:

<b>Section</b>	
461.13(g)(1)	Be under the sole possession and control of, and maintained and operated by, employees of the slot system operator designated in the slot system agreement for that system. The employees shall be licensed or permitted <b>as the Board deems appropriate based on an analysis of specific duties and responsibilities.</b>
461.13(g)(2)	Have its monitoring equipment subjected to surveillance coverage either by the surveillance system of a slot machine licensee participating in the slot system agreement or by a dedicated surveillance system maintained by the slot system operator. Surveillance coverage must be <b>in accordance with technical standards adopted by the Board.</b>
461.13(g)(5)	Reside within a participating licensed facility or other location <b>approved by the Board.</b>
461.14(b)	A slot monitoring system must comply with the act, this subpart <b>and technical standards on slot monitoring systems adopted by the Board.</b>
461.15(b)	A casino management system must comply with the act, this subpart <b>and technical standards on casino management systems adopted by the Board.</b>
461.16(b)	A player tracking system must comply with the act, this subpart <b>and technical standards on player tracking systems adopted by the Board.</b>
461.17(d)	An external bonusing system must comply with the act, this subpart <b>and technical standards on external bonusing systems adopted by the Board.</b>
461.18(b)	A cashless funds transfer system must comply with the act, this subpart <b>and technical standards on cashless funds transfer systems adopted by the Board.</b>
461.18(d)	Transfer of electronic credits to a slot machine under this section shall be initiated by a patron using an access control <b>approved by the Board.</b> Access controls must require the use of a unique access code for each patron. The access code shall be selected by and only available to the patron.
461.19(b)	Remote system access shall be performed in accordance with <b>technical standards on remote system access adopted by the Board.</b>
461.20(c)	A server supported slot system must comply with the act, this subpart <b>and technical standards on server supported slot systems adopted by the Board.</b>
461.21(c)	A server based slot system must comply with the act, this subpart <b>and technical standards on server based slot systems adopted by the Board.</b>
461.22(b)	An automated jackpot payout machine must comply with the act, this subpart <b>and technical standards on automated jackpot payout machines adopted by the Board.</b>
461.23(b)	<i>Use of alterable storage media.</i> Any use of alterable storage media in a slot machine or associated equipment must be in compliance with the act, this subpart <b>and technical standards on alterable storage media adopted by the Board.</b>
461.25(b)	When a slot machine licensee refuses to pay winnings claimed by a patron and the patron and the slot machine licensee remain unable to resolve the dispute after 7 days, the slot machine licensee shall, on the next day, notify the Board in writing of the dispute <b>in a manner and form the Board prescribes.</b> The notice must identify the parties to the dispute and shall state the known relevant facts regarding the dispute.
463.1(b)	The following persons and any employee or agent acting on their behalf may possess slot machines in this Commonwealth for the purposes described herein, <b>subject to the terms and conditions imposed by the Board,</b> provided that the slot machines are stored in secure locations <b>specifically approved in writing by the Board</b> and that any slot machines located outside of a licensed facility are not used for gambling activity:
463.1(b)(4)	An educational institution, <b>as authorized in writing by the Board,</b> for the purpose of teaching slot machine design, operation, repair or servicing
463.1(b)(5)	A manufacturer or supplier of slot machines not licensed within this Commonwealth, <b>as authorized in writing by the Board,</b> for the limited purpose of temporary exhibition or demonstration.
463.1(b)(8)	<b>Other persons authorized in writing by the Board</b> upon a finding that the possession of slot machines by those persons in this Commonwealth is not contrary to the goals and objectives of the act.
463.3(a)	A gaming floor must consist of one or more areas within a licensed facility <b>approved by the Board</b> for the placement and operation of slot machines.

<b>Section</b>	
463.5(a)	Prior to the commencement of operations at a licensed facility, an applicant for, or holder of, a slot machine license shall file with the Board's Director of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, a complete list of slot machines possessed by the applicant or licensee on its gaming floor, in Board-approved restricted areas off the gaming floor but within the licensed facility, and in <b>Board-approved storage locations in this Commonwealth off the premises of the licensed facility</b> . The list shall be denoted as a Slot Machine Master List.
463.5(b)(4)	<b>Additional documentation requested by the Board.</b>
463.5(c)	Once a slot machine has been placed in an authorized location on the gaming floor or is stored in a <b>Board-approved restricted area off the gaming floor but within the licensed facility</b> , all subsequent movements of that slot machine within the licensed facility shall be recorded by a slot department member in a machine movement log which includes the following:
463.6	To insure activation or disabling, as appropriate, in the central control computer system and the retrieval of real time meter information from the slot machine coincident with the movement of a slot machine, the slot machine licensee <b>shall provide the Department with notice of the slot movement, in a form and pursuant to a time frame prescribed by the Department</b> . The notice is required prior to any of the following:

**Board of Probation and Parole Regulation #41-18  
(IRRC #2576)**

**County Probation and Parole Officers' Firearm  
Education and Training Commission**

**December 27, 2006**

We submit for your consideration the following comments on the proposed rulemaking published in the October 28, 2006 *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 Board of Probation and Parole to respond to all comments received from us or any other source.

**1. General.—Economic or fiscal impact; Clarity and lack of ambiguity; Reasonableness of the requirements.**

This regulation contains many phrases that are vague. Examples include "as specified by the Executive Director," "compliance with a Student Code of Conduct as established by the Commission," "in-service training, the specifics of which the Commission will publish," "follow an application process specified by the Commission," "on a form and in a format prescribed by the Executive Director" and requiring "supporting documentation." These phrases are problematic for three reasons.

First, a regulation has the full force and effect of law. It establishes binding norms on the regulated entity and the agency that promulgated the regulation. The vague phrases in question would allow requirements to be imposed at the agency's discretion without the opportunity for comment or review through the regulatory process. Therefore, without adequate notice as to what requirements the agency is imposing, it would be difficult if not impossible for regulated parties to discern what actions on their part would constitute compliance.

Second, reference to non-regulatory documents is problematic because those documents cannot be used to enforce standards contained in regulation. In addition, this approach would allow an agency or department to bypass the formal regulatory review process and the laws that govern the promulgation of regulations.

Third, many sections in which the vague phrases are found lack details that would allow the regulated community to comply with the regulation. These sections also fail to provide the criteria the Commission will use to evaluate a particular action or request. This lack of clarity would place the regulated community at a distinct disadvantage because the rules and expectations of the Commission could change.

We urge the County Probation and Parole Officers' Firearm Education and Training Commission (Commission) to evaluate all of the vague phrases we have identified in bold text in Appendix A. The Commission should either delete the language or add the needed detail that would allow the regulated community to know what they are expected to do and how the Commission will evaluate their actions.

**2. Section 79.2. Definitions.—Clarity; Reasonableness.**

*CFI—Certified Firearms Instructor*

This definition uses the phrases "... minimum qualifications ... as established by the Commission." However, in addition to meeting minimum qualifications, Section 79.61(b) of the regulation requires instructors to be approved by the Commission. This definition should be amended to be consistent with the regulation.

*County-conducted training*

This definition states, "Commission-approved training not presented by the Commission." Section 79.61(a)(2) includes training by the FBI, Pennsylvania State Police and the National Rifle Association. These courses would not necessarily be conducted by a county, but would be included under this definition. This definition needs to be amended to include only courses conducted by the county.

*In-service training*

This definition is not clear. In-service training is defined as "continuing training necessary ... to maintain certification *under the Act*." (Emphasis added.) The phrase "under the Act" is not needed and could be confusing. The County Probation and Parole Officers' Firearm Education and Training Law (Act) addresses in-service training at 61 P.S. § 332.5(7) by requiring the Commission to establish "a minimum number of hours in in-service training *as provided for by regulation*..." (Emphasis added.) Hence, we recommend deleting the phrase "under the Act" from the regulatory definition.

*MI—Master Instructor*

We have three concerns.

First, in addition to meeting minimum qualifications, Section 79.61(b) of the regulation requires instructors to be approved by the Commission. This definition should be amended to be consistent with the rest of the regulation.

Second, this definition should use the defined term “CFI” rather than “Commission-CFI.”

Finally, a cross-reference should be added to the minimum qualifications.

**3. Section 79.3. Enrollment.—Consistency with statute; Reasonableness.**

*Discretion of the Executive Director*

This provision states “Enrollment in programs under this part will be at the discretion of the Executive Director.” This language is inconsistent with the Act and overly broad. The Act (61 P. S. § 332.7) specifies four minimum requirements to participate in the training program or be granted a waiver. The regulation should be amended to be consistent with the Act.

**4. Section 79.13. Requirements for completion.—Consistency with statute; Reasonableness; Clarity.**

*Prescribed training program*

Paragraph (1) requires “Attendance at the entire *prescribed* training program.” (Emphasis added.) It is not clear what is meant by a “prescribed” program or who prescribes the program. Sections 79.61 to 79.65 are titled “Approval of instructors, schools and vendors.” We recommend replacing the word “prescribed” with “approved.”

*Student Code of Conduct for the programs as established by the Commission*

In order to satisfactorily complete basic training, Paragraph (2) requires “Compliance with Student Code of Conduct for the programs as established by the Commission.” The phrase “for the programs as established by the Commission” is vague because it is not clear when the Commission establishes the Student Code of Conduct or where a copy of the document can be obtained. The regulation should include these details to make this provision enforceable.

*If applicable, attainment of a passing score*

The requirement in Paragraph (3) sets forth a requirement for satisfactory completion that “If applicable, attainment of a passing score on any and all written, oral or range components of a training program.” It is not clear under what circumstances a passing score on a component would not be applicable and who would make that determination. Without an evaluation of the candidate’s knowledge and skills, how would the Commission determine a candidate “satisfactorily completed basic educational and training requirements” as required by 61 P. S. § 332.5(11) for certification? We recommend deleting the phrase “if applicable.” Alternatively, the Commission should explain why it is needed and how it would be applied.

**5. Section 79.15. Failure to complete basic training.—Clarity.**

*Subsection (b)*

For consistency, we recommend replacing the phrase “for the reasons under § 79.13” with the phrase “requirements for completion under § 79.13.”

*Range and firing range*

Subsection (d) uses the term “firing range” whereas Subsection (c) and Sections 79.22 and 79.23 use the term “range.” For consistency, Subsection (d) should use the term “range.”

*Request to the Executive Director*

Subsection (d) allows the officer’s chief probation officer to submit “. . . a request to the Executive Director seeking permission . . .” However, the regulation does not state when or how the Executive Director will respond to that request. The regulation should specify a time frame for the Executive Director to respond with approval or disapproval of the request.

**6. Section 79.21. Maintenance of certification.—Consistency with statute; Clarity.**

*“Minimum number of hours in in-service training”*

The Act (61 P. S. § 332.5(7)) directs the Commission “To require in accordance with this act county probation and parole officers to attend a minimum number of hours in in-service training as provided for by regulation . . .” The minimum number of hours of in-service training should be established either within this section or elsewhere in the regulation.

*Publication*

Paragraph (a)(1) requires a certified officer to complete “In-service training, the specifics of which the Commission will publish by the end of the first quarter of each calendar year.” The regulation should specify the in-service training requirements including the number of hours. Further information such as the date, location and time are appropriate for publication elsewhere, but the regulation should specify where this will be published and how certified officers can readily access to that publication.

**7. Section 79.22. Range requalification examinations.—Need.**

*Requalification conducted between April 1 and October 31*

Subsection (c) limits range requalification examinations to the period between April 1 and October 31. Why is this limitation needed?

**8. Section 79.23. Failure to complete range requalification or in-service training.—Clarity.**

*Time limit*

Subsection (a) permits one additional opportunity to achieve a passing score. The regulation should specify a time limit for achieving the passing score.

**9. Section 79.24. Extensions.—Reasonableness; Clarity.**

*Cross reference*

In Subsection (d), the cross-reference should be corrected to § 79.21(a)(2).

*Date of suspension*

Under Subsection (e), certification is suspended on October 31 if an extension is granted. However, under Section 79.14 a certification remains valid through December 31. The Commission should reconcile these provisions.



**10. Section 79.31. Reasons for revocation of certification.—Statutory authority; Reasonableness; Clarity.**

*Revoke certification for any reason*

Under the Act (61 P. S. § 332.5(2)), the Commission has the specific power and duty “to revoke an officer’s certification for failure to comply with educational and training requirements established by the Commission.” The opening sentence of this section of the regulation states, “The Commission may revoke an officer’s certification for *any reason . . .*” (Emphasis added.) The Commission should either amend this provision to be consistent with the Act or explain its statutory authority to revoke certification for any reason.

*Commission-sponsored event*

Regarding Paragraph (3), there is no definition of a “Commission-sponsored event” in the regulation or the Act. The regulation should define this term.

*Failure to timely comply with requests for information*

There are three concerns with Paragraph (5).

First, how does this provision relate to the requirement to comply with educational and training requirements in the Act (61 P. S. § 332.5(2))?

Second, how can an officer’s certification be revoked for failure to provide information on the part of the county or a group of officers? The Commission needs to explain why an individual officer’s certification should be revoked due to the actions or inactions of others.

Third, as written, the regulation would allow certification to be revoked when a certified officer may not even have knowledge of an information request or may not recognize the request. The regulation should specify what information the Commission intends to request, whether the request must be in writing and who within the Commission is authorized to make the request.

**11. Section 79.32. Revocation of certification for failure to pass range requalification examination.—Reasonableness.**

*Immediately revoked*

Under Subsection (a), certification is revoked immediately if an officer fails to requalify. However, under Section 79.14 a certification remains valid through December 31. The Commission should reconcile these provisions.

*October 31*

Relating to our comment on Section 79.22(c), why are range requalification examinations not permitted after October 31 under Subparagraph (b)(2)(iii)?

**12. Section 79.42. Failure to complete range requalification within required time frames.—Need, Reasonableness; Feasibility; Clarity.**

*In no case later than March 31st*

Subsection (b) limits requalification to “in no case later than March 31st of the year in which the application is filed with the Executive Director.” We have two questions.

First, how can an officer comply by March 31 when Subsection (a)(3) and Section 79.22(c) limit range requalification examinations to the period between April 1 and October 31? These provisions need to be reconciled.

Second, this would limit requalification to the months of January, February or March. Why is the limitation to March 31 needed? Can an officer reasonably meet this requirement?

**13. Section 79.44. Nonrecertifiable revocations.—Clarity.**

As printed in the *Pennsylvania Bulletin*, the cross reference to Section 79.31(a) or (d) should be corrected to Section 79.31(1) or (4).

**14. Section 79.61. Approval of instructors.—Clarity; Reasonableness.**

*Appeal procedure*

Under Subsection (d), the Commission reserves the right to revoke instructor certification without notice. Subsection (d) should also include a cross-reference to how an instructor can appeal that action by the Commission. It is also appropriate to include this cross-reference in Sections 79.71 and 79.72.

**15. Section 79.72. Procedure for officers or schools seeking reconsideration.—Need; Reasonableness; Clarity.**

*Letter-rulings*

Paragraph (a)(5) states, “Results and opinion in letter-rulings will have no precedential authority and are subject to withdrawal or change at any time to conform to new or different interpretations of the law.” It is not clear what value a letter-ruling has if it is “subject to withdrawal or change at any time to conform to new or different interpretations of the law.” We have several concerns and questions.

First, what or who could establish “new or different interpretations of the law”? While it is reasonable for these interpretations of the law to stem from court decisions, the wording of the regulation also would allow the Commission to independently reverse decisions based on internal “new or different interpretations of the law.” The regulation should be amended to narrow the scope of what new or different interpretations of the law would result in change or withdrawal of a letter-ruling.

In addition, how can an officer or school rely on letter-ruling decisions if they can be changed or withdrawn? What notice would the officer or school receive? How would withdrawal of a letter-ruling be reasonable and what would then be the status of the officer or school after they relied upon a favorable letter-ruling? Why would a letter-ruling be withdrawn rather than changed?

Finally, the opportunity to appeal a change or withdrawal is not clear in the regulation and may actually be prohibited in certain circumstances. Section 79.82(a) requires an officer or school that wishes to pursue an appeal to a formal hearing “no later than 30 calendar days after the mailing of the Commission’s letter-ruling regarding the request for consideration.” If the change or withdrawal occurred after 30 days, the officer or school could not appeal under the regulation. The regulation should allow appeal to a formal hearing when a letter-ruling is changed or withdrawn.

**16. Section 79.84. Hearings.—Clarity.**

*“Identical to 1 Pa. Code § 35.111”*

Subsection (d) states, “This subsection is identical to 1 Pa. Code § 35.111.” It is not clear how this provision is “identical” to 1 Pa. Code § 35.111. We recommend amending Subsection (d) to clarify its relationship to 1 Pa. Code § 35.111.

**17. Section 79.86. Failure to appear at a hearing.—  
Need; Reasonableness.***Subsection (c)*

This subsection states, "If neither the officer or school nor the Commission or their representatives appear at the hearing, the hearing examiner will reschedule the hearing." Why is this provision needed in regulation? Why is there no "without good cause" requirement as included in Subsections (a) and (b)?

**18. Section 79.87. Hearing examiner recommendation.—Clarity.***Cross references*

The Commission should review and explain the cross-reference to appeals "in accordance with Pa.R.A.P. and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law)."

**Appendix A**

<b>Section</b>	
79.2(a)	(Definition of "CFI—Certified Firearms Instructor") A firearms instructor who meets the minimum qualifications for instructors <b>as established by the Commission.</b>
79.12(b)	Application procedures to participate in training programs approved by the Commission will require any officer or county, or both, to submit information required <b>on a form and in a format and within time parameters as specified by the Executive Director.</b>
79.13(2)	Compliance with Student Code of Conduct <b>for the programs as established by the Commission.</b>
79.21(a)(1)	In-service training, <b>the specifics of which the Commission will publish by the end of the first quarter of each calendar year.</b>
79.22(e)	Counties or departments desiring to conduct a range requalification examination <b>shall follow an application process specified by the Commission.</b>
79.24(a)	An officer who is unable to comply with § 79.21 (relating to maintenance of certification) due to extraordinary circumstances may, through the officer's chief probation officer, submit a written request, <b>on a form and in a format prescribed by the Executive Director</b> , to the Executive Director by October 31 of the year in which the officer's current certification will expire.
79.24(a)(1)(iii)	<b>Supporting documentation.</b>
79.31(3)	<b>Unprofessional conduct</b> during a Commission-sponsored event.
79.31(5)	Failure on the part of a county, an individual officer or group of officers to <b>timely comply</b> with requests for information which may be made from time to time by the Commission.
79.41(1)	Submit an application to the Executive Director <b>in a form approved by the Executive Director . . . .</b>
79.42(a)(1)	. . . The application must be <b>in a form approved by the Executive Director</b> and co-signed by the chief probation officer.
79.42(b)	The requirements for recertification in § 79.42 (relating to failure to complete range requalification within required time frames) shall be completed <b>within the time frame specified by the Executive Director</b> , but in no case later than March 31st of the year in which the application is filed with the Executive Director.
79.43(a)	When an officer's certification is revoked due to the officer's failure to meet <b>any mandatory in-service training requirements established by the Commission</b> , the officer seeking recertification shall do the following:
79.43(a)(1)	Submit an application to the Executive Director <b>which must be in a form approved by the Executive Director</b> and also co-signed by the chief probation officer.
79.43(a)(2)	Enroll in, attend and complete a <b>Commission-sponsored</b> basic training program, or enroll in, attend and complete the next available offerings of any mandatory in-service training, <b>which were not completed as required by the Commission.</b>
79.43(b)	The requirements for recertification in § 79.43 (relating to failure to meet mandatory in-service training requirements) shall be completed <b>within a time frame established at the discretion of the Executive Director.</b>
79.51(a)	Subject to the availability of funds, the Commission may assume the costs or reimburse expenses incurred, or both, during an officer's attendance at a basic training program or in-service training (including range requalification). The reimbursement will not include personnel costs. Expenses determined eligible by the Commission will be reimbursed at rates that are currently recognized by the Commonwealth, <b>but will, from time to time, be further specified by the Commission.</b>

<b>Section</b>	
79.51(d)	The Commission may reimburse, <b>in accordance with Commission policies in effect on the dates of the county-conducted basic training or county-conducted in-service training</b> , the county for selected expenditures associated with the county-conducted basic training or county-conducted in-service training, or both. . . .
79.61(a)	An individual seeking approval to become a CFI or MI in programs offered by the Commission shall submit an application to the Executive Director <b>on forms established by the Commission</b> . An individual may apply for designation as an Academic CFI, Range CFI, or both, or as an MI.
79.61(a)(1)	The application for approval as an Academic CFI in areas of instruction other than range firearms techniques will include, but not be limited to, a resume or materials, or both, which evidence the education, <b>qualifications and experience deemed appropriate by the Commission</b> for the particular area of instruction.
79.64(a)	Basic training conducted by a county must be carried out <b>in accordance with policies and procedures established by the Commission</b> .
79.64(c)	A county desiring to conduct basic training shall submit an application for county-conducted basic training, including the required documentation, to the Executive Director <b>on forms and under procedures established by the Executive Director</b> .
79.64(d)	County-conducted basic training must be conducted on training sites, both classroom and range, <b>that meet Commission standards and are preapproved by the Executive Director</b> .
79.64(g)	Upon request of the Executive Director or at the conclusion of the training, the county shall submit all forms and materials <b>required by the Executive Director in the time frame specified</b> .
79.65(a)	Counties may conduct in-service training courses that have been approved and adopted by the Commission <b>in accordance with policies and procedures established by the Commission</b> .
79.65(c)	A county desiring to conduct in-service training shall submit an application for county-conducted in-service training, including the required documentation, to the Executive Director <b>on forms and following procedures as established by the Executive Director</b> .
79.65(d)	County-conducted in-service training must be conducted on training sites, both classroom and range, <b>that meet Commission standards and are preapproved by the Executive Director</b> .
79.65(g)	Upon request of the Executive Director or at the conclusion of the training, the county shall submit <b>the forms and materials required by the Executive Director in the time frame specified</b> .
79.71	Commission instructors have the authority to summarily and immediately terminate an officer's participation in any Commission-sanctioned training activity if any Commission instructor believes, in the Commission instructor's sole discretion, that an officer presents a safety concern, <b>disrupts the learning environment or violates the Commission's Student Code of Conduct</b> .
79.72(a)(2)	The request for reconsideration must be <b>in a format acceptable to the Executive Director</b> and must, at a minimum, contain the following details:

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-55. Filed for public inspection January 12, 2007, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Agency Contract Termination of Clark V. Natali Agency under Act 143; Allstate Insurance Com- pany; Doc. No. AT06-11-012

A prereview telephone conference initiated by this office is scheduled for January 23, 2007. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before January 18, 2007.

Motion preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 9, 2007, 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 January 16, 2007.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 07-56. Filed for public inspection January 12, 2007, 9:00 a.m.]

**Richard D. Archuleta, M. D.; Hearing****Appeal of Richard D. Archuleta, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-08-023**

A hearing will occur on January 18, 2007, at 10 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA.

On or before January 3, 2007, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a statement of contended facts; (2) names and address of witness along with the specialties of experts to be called; (3) a list of documents to be used at the hearing; (4) special evidentiary or other legal issues; and (5) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 8, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

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 should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 07-57. Filed for public inspection January 12, 2007, 9:00 a.m.]

**Andrew Freese, M. D.; Prehearing****Appeal of Andrew Freese, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-12-006**

On or before January 10, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's November 3, 2006, 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 February 1, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 26, 2007. 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 January 17, 2007, 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 January 24, 2007.

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 should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 07-58. Filed for public inspection January 12, 2007, 9:00 a.m.]

**Hospital of the Fox Chase Cancer Center; Prehearing****Appeal of Hospital of the Fox Chase Cancer Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-12-004**

On or before January 10, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's September 29, 2006, 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 February 1, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 26, 2007. 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 January 17, 2007, 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 January 24, 2007.

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 should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 07-59. Filed for public inspection January 12, 2007, 9:00 a.m.]

**Maria Perlis, M. D.; Prehearing****Appeal of Maria Perlis, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-12-002**

On or before January 10, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's October 12, 2006, 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 January 31, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 26, 2007. 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 January 17, 2007, 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 January 24, 2007.

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 should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 07-60. Filed for public inspection January 12, 2007, 9:00 a.m.]

### Qualified Annuity Contractors for Awarded Periodic Medical Professional Liability Payments

Under section 509(b)(6) of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.509 (b)(6)), the Insurance Commissioner hereby lists insurers designated by the Insurance Department as qualified to participate in the funding of periodic payment judgments:

<i>NAIC #</i>	<i>Insurer Qualified to Issue Annuity Contracts under the MCARE Act</i>
60607	American International Life Assurance Company of New York
62898	Aviva Life Insurance Company
93432	C.M. Life Insurance Company
70025	Genworth Life Insurance Company
88072	Hartford Life Insurance Company
65935	Massachusetts Mutual Life Insurance Company
87726	Metlife Insurance Company of Connecticut
65978	Metropolitan Life Insurance Company
70416	MML Bay State Life Insurance Company
66281	Monumental Life Insurance Company
66915	New York Life Insurance Company
61271	Principal Life Insurance Company
68241	The Prudential Insurance Company of America

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 07-61. Filed for public inspection January 12, 2007, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Eric Rivera; file no. 06-171-26523; Erie Insurance Exchange; doc. no. P06-11-023; January 30, 2007, 10 a.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Alan Benrubi; file no. 06-266-26859; State Farm Insurance Co.; doc. no. P06-11-035; February 22, 2007, 4 p.m.

Appeal of Derrick Campbell; file no. 06-210-24784; American Independent Insurance Co.; doc. no. PH06-11-021; February 22, 2007, 9 a.m.

Appeal of Angela Pistorio; file no. 06-265-26390; Geico Insurance Co.; doc. no. PH06-11-014; February 22, 2007, 2 p.m.

Appeal of Darryl Williams; file no. 06-266-26908; Selective Insurance Company of South Carolina; doc. no. PH06-12-019; February 22, 2007, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 07-62. Filed for public inspection January 12, 2007, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative

hearing will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of J. Richard Edwards and Ruth Anne Edwards; file no. 06-171-27536; American National Property and Casualty; doc. no. P06-11-034; February 23, 2007, 10 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 07-63. Filed for public inspection January 12, 2007, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the termination of the insured's policy. The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Erie Insurance Exchange; file no. 06-265-26918; Carol Bangura; doc. no. P06-11-020; February 22, 2007, 3 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 07-64. Filed for public inspection January 12, 2007, 9:00 a.m.]

### Jane Ryan, CNM; Prehearing

#### Appeal of Jane Ryan, CNM under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-11-013

On or before January 3, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's November 2, 2006, 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 January 24, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 18, 2007. 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 January 10, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Sev-

enth Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before January 17, 2007.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 07-65. Filed for public inspection January 12, 2007, 9:00 a.m.]

**Robert A. Smith, M. D.; Prehearing**

**Appeal of Robert A. Smith, M. D. under the  
Medical Care Availability and Reduction of Error  
(MCARE) Act (40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM06-12-005**

On or before January 10, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's October 12, 2006, 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 February 1, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 26, 2007. 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 January 17, 2007, 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 January 24, 2007.

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 should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 07-66. Filed for public inspection January 12, 2007, 9:00 a.m.]

**Barbara J. Weinstein, M. D.; Prehearing**

**Appeal of Barbara J. Weinstein, M. D. under the  
Medical Care Availability and Reduction of Error  
(MCARE) Act (40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM06-12-003**

On or before January 10, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's November 7, 2006, 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 January 31, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 26, 2007. 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 January 17, 2007, 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 January 24, 2007.

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 should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 07-67. Filed for public inspection January 12, 2007, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Adams County, Wine & Spirits Shoppe #0101, 1275 York Road, Gettysburg, PA 17325-7565.

*Lease Expiration Date:* April 30, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 7,000 to 7,500 net useable square feet of new or existing retail commercial space. Location must be on Route 30 within 1/2 mile of the intersection of Shealer Road, Straban Township.

*Proposals due:* February 2, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228

JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 07-68. Filed for public inspection January 12, 2007, 9:00 a.m.]

## PENNSYLVANIA COUNCIL ON AGING

### Meeting Dates for 2007

Under 65 Pa.C.S. §§ 701—716 (relating to Sunshine Act), the Pennsylvania Council on Aging (Council) has established the following dates for the calendar year 2007:

Wednesday, February 7, 2007	9 a.m.—2:30 p.m.
Wednesday, April 11, 2007	9 a.m.—2:30 p.m.
Wednesday, June 13, 2007	9 a.m.—2:30 p.m.
Wednesday, August 8, 2007	9 a.m.—2:30 p.m.
*October Meeting to be announced	
Wednesday, December 12, 2007	9 a.m.—2:30 p.m.

All meetings, with the exception of the October meeting will be held at the Offices of the Department of Aging, Fifth Floor Conference Room, 555 Walnut Street, Harrisburg, PA.

\*Contact the Pennsylvania Council on Aging at (717) 783-1924 for the date and location of the October meeting, which will be determined later.

Persons with a disability who wish to attend the listed meetings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Darlene Sampson, Executive Director at (717) 783-1924 to discuss how the Council may best accommodate their needs.

DARLENE SAMPSON,  
*Executive Director*

[Pa.B. Doc. No. 07-69. Filed for public inspection January 12, 2007, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

**Petition of Verizon Pennsylvania, Inc. for Modification of Consent Order; C-00881727**

Public Meeting held  
December 21, 2006

*Commissioners Present:* Wendell F. Holland, Chairperson;  
James H. Cawley, Vice Chairperson; Kim Pizzingrilli;  
Terrance J. Fitzpatrick

### **Tentative Order**

*By the Commission:*

Before the Commission is a Petition for Modification of Consent Order (Petition) filed by Verizon Pennsylvania Inc. (Verizon) on August 10, 2006, pursuant to Section 703(g) of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 703(g), and Pennsylvania Code Pa. Code § 5.572(d). On August 23, 2006, the Office of Consumer Advocate (OCA) filed an Answer to the Petition. On September 15, 2006, Verizon filed a Reply to OCA's Answer as well as a Motion for Judgment on the Pleadings and a Motion to Sever and Dismiss the issue raised in OCA's Answer. On October 10, 2006, OCA filed its Answer in opposition to Verizon's Motion for Judgment on the pleadings along with a compromise proposal.

As will be discussed below, we shall grant Verizon's Petition consistent with the OCA's compromise proposal set forth in its October 10, 2006 Answer. In addition, we shall issue this Opinion and Order as a Tentative Opinion and Order for publication in the *Pennsylvania Bulletin* and request interested Parties to file comments within twenty days from the date of publication with reply comments due 10 days thereafter.

The Verizon Petition seeks modification of a Consent Order of this Commission, entered June 15, 1990, at Docket No. C-00881727. The Consent Order was issued in response to a Joint Petition for Settlement filed by the OCA, the Commission's Staff and Bureau of Consumer Services and Verizon (formerly Bell Atlantic—Pennsylvania, Inc.), in resolution of a Complaint filed by the OCA regarding deceptive sales practices by Verizon in marketing telephone services to residential customers.

The instant Petition requests that Paragraph No. 2<sup>1</sup> of Exhibit F of the Consent Order be eliminated and that Paragraph No. 5 of Exhibit F of the Consent Order be amended. Paragraph No. 2 of Exhibit F states as follows:

In contacts with customers who are subscribing to or transferring residential telephone services ("New Connects" and "Transfers") Bell agrees to complete the sale of required telephone services prior to attempting to sell any optional service, except that Bell may discuss TouchTone Service as provided in paragraph 6.

Paragraph No. 5 of the Consent Order states as follows:

In contacts with New Connects and Transfers, Bell will expressly inform customers *after the sale of required telephone service and prior to attempting to sell optional services that all such services to be discussed are optional and not required or needed for basic telephone service.* (emphasis added).

The above cited Paragraphs arose out of allegations that Bell had required bundled and optional services in sales contracts without making clear to the customer which services were required for basic telephone service and which services were optional.

Verizon requests that it be granted relief from the obligation to complete the sale of basic service before its representatives provide a New Customer or a Transfer Customer with information about optional services and packages. As such, Verizon specifically requests that Paragraph No. 2 be eliminated in its entirety and that the bolded language in Paragraph No. 5 be eliminated. Verizon states that it will continue to notify customers up front of the least expensive basic service option available to them and will enable customers to select the standalone or packaged services that would best meets the customer's needs.

In support of its request, Verizon points out that the Consent Order was approved by the Commission sixteen years ago, which was before Verizon started selling bundled package services.<sup>2</sup> Today, however, Section 3016(e)(2) of the Code, 66 Pa.C.S. § 3016(e)(2), permits local exchange carriers to offer bundled and packaged services which include non-tariffed, competitive, noncompetitive or protected services, including those services of an affiliate, in combinations and at a single price. 66 Pa.C.S. § 3016(e)(2).

Verizon maintains that, in the modern competitive world, the current requirement in the Consent Order agreement is unnecessary and forces customers to spend their time discussing standalone basic service prior to subsequently selecting a bundled service package. Verizon claims that two-thirds of its eligible customers opt for a service package that includes a local calling plan, thereby obviating the earlier standalone basic service order.

Verizon requests that instead of forcing customers to pick a stand-alone basic service, it would first advise the customers upfront of the least expensive local service options and then, based on the customer's toll PIC/LPIC choice, give the customer the option for individual services or service packages that best fits each customer's need. As such, the customer will have the choice to choose either standalone local calling service or a bundled service package.

<sup>1</sup> Verizon's Petition inadvertently indicated Paragraph No. 3 instead of Paragraph No. 2, however with the correct quotation of the language to be eliminated. Verizon has since confirmed that the Paragraph number be corrected accordingly.

<sup>2</sup> It is noted that by Order entered June 12, 1997 at the above-captioned docket, this Commission granted Verizon's request to eliminate an outright ban on package sales in order to permit Verizon to sell packaged services as many of its emerging competitors were already doing.



Verizon has also provided a new illustrative contact flow that illustrates the steps a Verizon consultant would use when a prospective new customer calls Verizon for service. Under the proposed revised contact flow Verizon would continue to explain to a new customer that only a local calling plan is required for basic service and that all other services are optional.

Verizon maintains that none of the other ILECs, CLECs, Wireless or VOIP providers in Pennsylvania have to go through the two-step sales process of first selling basic services and then proceed to other services for New Connect and Transfer customers. Verizon cites the provisions of Chapter 30, specifically § 3016(e)(2), which expressly states:

A local exchange telecommunications company may offer and bill to customers on one bill bundled packages of services which include nontariffed, competitive, noncompetitive or protected services, including services of an affiliate, in combinations and at a single price selected by the company.

Finally, Verizon states that due to significant changes in the industry and the regulatory environment, the 1990 Consent Order serves no useful purpose and can be annoying and confusing to customers.

#### Answer of OCA

On August 23, 2006, OCA filed an Answer to Verizon's Petition. In its Answer, OCA submits that it does not oppose modification of the Consent Order. However OCA requests that if the Commission considers Verizon's Petition for Modification, Verizon should also allow Lifeline 135<sup>3</sup> discount customers to purchase bundled service packages. OCA contends that currently, Verizon's tariff excludes Lifeline customers from taking advantage of the cost savings and benefits in its bundled service offerings. See Verizon Tariff 500, Section 45 at 18. OCA requests that, as a condition to granting Verizon's Petition, the Commission require Verizon to modify the Lifeline tariff prohibition in order to enable Lifeline 135 customers to purchase bundled service packages.

OCA explains that the customers who qualify for Lifeline 135 service must be able to receive the \$7.67 federal universal service fund discount<sup>4</sup> as a credit against local usage regardless of whether the local service is purchased on a stand-alone basis or as part of a bundled service package. OCA submits that there is no valid reason for Verizon to prevent Lifeline customers from receiving the most economical telephone service options that Verizon may offer. OCA also submits that the Verizon Lifeline 135 tariff restriction is discriminatory and contrary to both Sections 3019(e) (Unreasonable preference) and 3019(f)(2) (Lifeline service) of Chapter 30.

Section 3019(f)(2) under Lifeline service states:

All eligible telecommunications customers who subscribe to Lifeline Service shall be permitted to subscribe to any number of other eligible telecommunications carrier telecommunications service at the tariffed rates for such services.

OCA also submits that the statute clearly proves that the Commission has authority to ensure that consumers have equal access to telecommunications services regard-

<sup>3</sup> Lifeline 135 reduces the cost of monthly telephone service for one telephone line for those who have incomes at or below 135 percent of the federal poverty guidelines or who receive help from certain public assistance programs.

<sup>4</sup> Lifeline 135 customers are eligible for the sum of the Tier 1 and Tier 2 discounts established under federal Lifeline regulations. 47 C.F.R. § 54.403(a)(1), (2). This amounts to a credit against the current subscriber line charge of \$5.92, \$1.00 toward the dial tone line, and \$0.75 against local usage.

less of the competitive or non-competitive status of the service in question, or the economic circumstances of the consumer seeking to purchase the service. OCA insists that, while granting Verizon's request for greater marketing flexibility regarding packages will not benefit low income customers if these customers are prohibited from receiving the Lifeline 135 discount.

OCA also points out that Verizon is subject to specific regulatory benefits and obligations as a local exchange carrier and as an Eligible Telecommunications Carrier (ETC) under Chapter 30 as enacted by Act No. 183. As such, any modification of the Consent Order must be considered in conjunction with the new provisions and policy goals of Act No. 183, including Section 3019(f)(2).

OCA states that prior to Act No. 183, the Commission had not allowed ETCs such as Verizon to permit Lifeline customers to purchase more than one vertical service. However, with the enactment of Act No. 183, the General Assembly changed that prohibition allowing all customers who subscribe to Lifeline service to subscribe to any number of other eligible telecommunications carrier services at the tariffed rates for such services. OCA points out that the Commission, in its Lifeline and Link-up Order,<sup>5</sup> has set its policy reflective of provisions in Section 3019(f), consistent with Act No. 183. OCA submits that Verizon PA's position that low income customers eligible for Lifeline 135 cannot subscribe to optional services as part of an economic bundle or package makes no sense and is contrary to Section 3019(f)(2).

OCA further states that nothing in Chapter 30 relieves Verizon of its obligations under Section 1501 of the Code, 66 Pa.C.S. § 1501, to provide reasonable and adequate service and that the Commission should not grant Verizon's instant Petition unless the prohibition against Verizon Lifeline 135 customers purchasing bundles is eliminated. OCA submits that Verizon's revised script for communication and sales of service to all customers satisfy the provisions of both Section 1501 and Chapter 30.

#### Verizon's Reply to OCA's Answer & Motion for Judgment on the Pleadings and Motion to Sever and Dismiss the Issue raised by OCA

On September 15, 2006, Verizon filed separately a Reply to OCA's Answer as well as a Motion for Judgment on the Pleadings and a Motion to Sever and Dismiss the issue raised in OCA's Answer. In these pleadings, Verizon objects to OCA's condition that would require Verizon to provide Lifeline 135 customers a discount on bundled service packages. Verizon states that OCA does not oppose the relief it sought but rather seeks its own unrelated request for affirmative relief. As such, pursuant to Commission regulations at 52 Pa. Code § 5.102, Verizon requests judgment on the pleadings to immediately grant the modification to the Consent Order that it seeks in its Petition. Verizon also seeks the dismissal of OCA's request for a change to the Lifeline requirements request since the issue is not properly raised.<sup>6</sup>

Verizon claims that since OCA admitted the allegations of Verizon's Petition by failing to oppose or deny them and that no party has opposed this relief, the Commission should immediately enter judgment on the pleadings granting Verizon's Petition. In addition, Verizon requests that the Commission sever OCA's Lifeline argument and

<sup>5</sup> *In Re: Lifeline and Link-Up*, Docket No. M-00051871, Final Order at 5-6, 13-15 (May 23, 2005).

<sup>6</sup> Verizon believes the request for a change in the Lifeline requirement should have been raised in a separate Petition rather than in an Answer.

dispose them on a separate track because Lifeline is not addressed in the Consent Order which is the sole subject of Verizon's Petition.

In its Reply to OCA's Answer, Verizon states that OCA is not opposed to the Modification of the Consent Order but seeks only to insert its own unrelated request for affirmative relief against Verizon. Verizon claims that it would be inconsistent with the purpose and intent of Lifeline to apply the discount to packages and bundles, particularly those including unlimited nationwide toll and long distance calling plan to Lifeline 135 customer. Verizon quotes Act No. 183, to define Lifeline service as a discounted rate local service offering as defined by FCC regulations. Verizon also states that the federal rules define Lifeline as a retail local service offering that is available only to qualifying low-income consumers that requires including local usage and access to an Interexchange carrier's network.

Verizon believes that OCA's request to expand availability of the Lifeline 135 discount beyond basic local service and apply it to an unlimited and undefined universe of packages and bundles is contrary to the purpose of Lifeline service. It further states that by abiding to OCA's request, Lifeline service could become a discounted premium service, rather than ensuring discounted basic local service for those who could not otherwise afford it. (Verizon Reply at 2 and 3).

Verizon argues that OCA's proposal would allow Lifeline 135 customers to subscribe to and obtain the discount on any bundled or packaged service that contains local calling as a portion of the package, including deluxe packages such as Verizon Freedom Extra (at \$67.99 a month) or Verizon Freedom (at \$57.99 a month). Verizon maintains that the purpose of Lifeline service is not to assist customers with truly limited incomes to purchase these sorts of plans, but only to ensure affordable local calling and access to make toll calls.

Verizon further states that OCA's argument that the Lifeline 135 discount must apply to bundled and packaged services does not make sense. Verizon quotes 66 Pa.C.S. § 3019(f)(2) which specifically requires that Lifeline customers purchase those services at tariffed rates and that it particularly does not mean a bundled or package rate. Verizon also states that the above provision specifically states that Lifeline subscribers shall be permitted to subscribe to any number of other eligible telecommunications services at the tariffed rates for such services. Verizon asserts that while other individual service options are available to Lifeline 135 customers, discounted services are limited to basic local services.

Finally, Verizon claims that if it has to expand the availability of the Lifeline 135 discount to packages and bundles, it would have to make extensive ordering and billing system changes, and that it would not be without cost to the industry. However, Verizon concedes that it has not been able to calculate the exact cost of these systems changes and provided no cost estimates.

#### **OCA's Answer in Opposition to Verizon's Motion for Judgment on the Pleadings**

On October 10, 2006, OCA filed its Answer in opposition to Verizon's Motion for Judgment on the pleadings. In its Answer, the OCA states that Verizon failed to recognize the fundamental problem with its revised script which it claimed was modified to meet the needs of its customers. The OCA urges the Commission not to approve a sales script that promises more than it produces. The OCA is concerned that this might give rise to future

complaints where Lifeline customers are promised the best plan or package, but are forced to buy needed services "a la carte" when a much "lower priced package" is available. Accordingly, OCA believes Verizon's new script is inconsistent and unfair since it prevents the potential bundled package savings from reaching local-income customers who may need these savings the most.

OCA argues that there is no longer any justification for Verizon's contradictory and inequitable policy in the aftermath of the General Assembly's revision to its Lifeline policy in Section 3019 of Act No. 183 and the Commission's subsequent Order *In Re: Lifeline and Link-Up*.

In response to Verizon's complaint in its Motion and Reply that the Lifeline benefits should not be available to the highest priced packages (Verizon Motion at 3, Verizon Reply at 4), OCA submits that it would be a reasonable compromise to restrict the types and prices of packages to which Lifeline customers can subscribe. OCA lists the following services as illustrating the type of packages that would be most valuable to Lifeline consumers:

- A. Local Package  
(Local and three vertical services)  
\$27.95/month
- B. Regional Essentials  
(Local, three vertical services and regional toll)  
\$36.00/month
- C. Freedom Essentials  
(Local, three vertical services, regional toll, and long distance)  
\$39.95/month

OCA states that the above-referenced packages represent the lowest priced current package in each of the three categories and is a reasonable compromise to restrict the type of packages available with the Lifeline discount. OCA believes this restriction will eliminate any concern regarding Lifeline customers signing up for deluxe packages and will focus the Lifeline application on low-priced packages that may offer the best savings.

In response to Verizon's complaint that OCA's proposal will needlessly delay the implementation of its revised sales presentation, OCA submits that there is no need to hold a hearing in this matter and that it has laid out its concern on legal and policy grounds. OCA takes the position that the Commission may decide this issue based upon the pleading that was filed without any further delay.

OCA disagrees with Verizon's argument that the issue raised by OCA should be resolved in a different forum involving other carriers. OCA states that Verizon is unique in having a script that it is required to use when it sells its telecommunications services; the existence of which is relates to a complaint action and settlement. This complaint was resolved years ago and related to allegations about unfair and misleading Verizon sales practices. OCA further submits that not all carriers follow Verizon's practice of prohibiting Lifeline customers from purchasing service bundles. OCA cites examples of Commonwealth Telephone Company and The United Telephone Company of Pennsylvania d/b/a Embark Pennsylvania Inc. (previously d/b/a Sprint) for the proposition that these companies offer discounted custom calling feature packages to Lifeline customers. OCA states that enlarging this case to include other carriers is unwarranted and unnecessary.

OCA also counters that the purpose of Lifeline 135 is to enable persons with limited incomes to afford basic local telephone service and a connection to long distance. OCA states that the Commission has already appropriately determined that legislative changes allow Lifeline subscribers service to subscribe to any number of other telecommunication services.

OCA also points out that Verizon makes a misstatement when its replies that OCA wants Lifeline customers be able to purchase packages at a discounted rate. OCA clarifies that it advocates Lifeline customers be able to buy packages at tariffed rates consistent with Section 3019(f)(2). Under the terms of Section 3019, customers are able to purchase any services, whether local area unlimited or caller ID, at tariffed rates and the discount that the Lifeline customers receive consist of a credit of federal Universal Service Fund money that is applied to the overall bill. The discount that the Lifeline customer receives is merely the reflection of the federal USF Lifeline credit that Verizon receives as partial payment for the consumer's bill.

### Disposition

On consideration of the positions of Verizon and OCA, we agree that, with certain conditions, relief for Verizon from the Consent Order along with the OCA's proposed compromise condition to eliminate the prohibition against Verizon Lifeline 135 customers from purchasing bundled package service is appropriate and in the public interest. Granting of the Petition will allow Verizon and its new customers to complete the sale of services in an efficient manner. However, we would expect Verizon to continue to notify customers up front of the least expensive basic service option.<sup>7</sup> We also find OCA's compromise proposal to be reasonable in that it limits the type of packages available with the Lifeline discount.

We do not find Verizon's cost claims persuasive. Granting OCA's compromise proposal to allow Lifeline 135 customers to subscribe to bundled service packages appears to be consistent with the new changes that were brought about by Act 183 and any costs associated with Act 183 compliance is considered a cost of doing business. In addition, Verizon is incorrect when it argues that OCA is seeking relief against Verizon to provide Lifeline 135 discounts on bundled service packages. In this regard, we agree with OCA's contention that the Lifeline credit of \$7.67 is applied to the overall bill of Lifeline 135 customers. Verizon is fully reimbursed by federal USF under the Lifeline 135 program and Verizon is fully paid for all services by the Lifeline consumer at the tariffed rate. As such, we agree with OCA's position and we shall deny Verizon's Motion for Judgment and Motion to Sever and Dismiss the issues raised in OCA's Answer.

We also are of the opinion that any changes to Verizon's New Connect or Transfer Customer Contact Flow and any associated script changes, including the questions that Verizon will ask the affected customers to determine the best plan or package, should first be reviewed by our Bureau of Consumer Services for plain language review. As such, we shall require, as a condition to granting

<sup>7</sup> We note that Verizon is required to explain and offer the least expensive type of basic service to residential customer in accordance with our regulations at § 64.191, which provides that:

- (a) LEC service representatives shall provide applicants who apply for residential telephone service in person with a concise, easy-to-understand printed price list showing all available service and equipment options. The price of the lease expensive single-party basic service option shall be clearly and conspicuously displayed on the list.
- (b) If an applicant applies for service by telephone, the LEC service representative shall:
  - (1) Explain and give the price of the least expensive type of single-party basic service.

Verizon's Petition, that Verizon contact our Bureau of Consumer Services for plain language review consistent with this discussion.

Finally, we note that Verizon's Lifeline tariff<sup>8</sup> presently contains language that explicitly restricts Lifeline customers from ordering bundled services. As such, within twenty days from the date that a final order is entered in this proceeding, Verizon shall file revised tariffs, to become effective on one day's notice, which modifies this language consistent with the relief granted by this Tentative Opinion and Order.

In addition, until such time that a final determination is made in the Commission's rulemaking proceeding at Docket No. L-00060179,<sup>9</sup> consistent with our September 23, 2003 Secretarial Letter at Docket No. M-00031747, and our July 3, 2006 Order at Docket No. L000060179, which automatically grants a temporary waiver of Chapter 64 billing requirements to the extent necessary to permit LECs to offer bundled service packages without petitioning the Commission, Verizon shall not be permitted to immediately terminate basic service for failure by the bundled package customer to pay the package charge. Instead, we shall require Verizon to convert the account to a basic service account which could be subject to future suspension or termination for non-payment in accordance with our regulations. We will also require Verizon to provide disclosure statements to all customers currently subscribed to a bundled service package and to all consumers being offered the opportunity to subscribe to a bundled service package. This disclosure statement, the content of which is subject to Commission review for consistency with plain language guidelines, will notify the customer of the billing practices that will be implemented in the event of the customer's failure to pay the bundled service package charge in full, informs the customer that they will not lose basic service for failure to pay the bundled service package charge, and identifies the charge that must be paid to maintain basic service.

Accordingly, we shall tentatively grant Verizon's Petition consistent with the OCA's compromise proposal set forth in its October 10, 2006 Answer. In addition, we shall issue this Opinion and Order as a Tentative Opinion and Order. This Tentative Opinion and Order shall be published in the *Pennsylvania Bulletin* and any interested Parties shall be directed to file comments within twenty days from the date of publication with reply comments due 10 days thereafter. If no adverse or objectionable comments are received, this Order shall become effective without further Commission action. Otherwise, we shall issue a subsequent final Order addressing the Comments and Reply Comments; *Therefore,*

*It Is Ordered That:*

1. The Petition of Verizon Pennsylvania Inc. For Modification of Consent Order, as modified by the compromise proposal addressed in the Office of Consumer Advocate's October 10, 2006 Answer In Opposition to Verizon Pennsylvania Inc.'s Motion for Judgment on the Pleadings or Alternate Relief, is tentatively granted consistent with this Tentative Opinion and Order.

2. The Secretary shall publish this Tentative Opinion and Order in the *Pennsylvania Bulletin*.

<sup>8</sup> See *Verizon PA Tariff-Telephone Pa. P.U.C. No. 1, Section 22G, 2nd Revised Sheet 2, Paragraph B.3.*, which states that "Lifeline 135 customers may not subscribe to any packaged or bundled offerings that include local, toll and optional services."

<sup>9</sup> See, *Rulemaking Re: Provision of Bundled Service Package Plans at a Single Monthly Rate by Local Exchange Carriers*, Docket No. L-00060179 (Order entered July 3, 2006).

3. All persons having an interest in this proceeding shall file comments regarding our disposition in this Tentative Opinion and Order within twenty (20) days from the date of publication in the *Pennsylvania Bulletin*. Reply Comments shall be due ten (10) days thereafter.

4. If no adverse or objectionable comments are received within the time frame set forth in Ordering Paragraph No. 3, above, this Tentative Opinion and Order will become final without further action of the Commission and the Petition of Verizon Pennsylvania Inc. For Modification of Consent Order, as modified by the compromise proposal addressed in the Office of Consumer Advocate's October 10, 2006 Answer will be granted, and the matter be marked closed.

5. If no adverse or objectionable comments are received within the time frame set forth in Ordering Paragraph No. 3, above, it is further ordered:

a. Verizon shall contact the Commission's Bureau of Consumer Services for plain language review of its New Connect or Transfer Customer Contact Flow and any associated script changes, including the questions that Verizon will ask the affected customers to determine the best plan or package, consistent with this Tentative Opinion and Order.

b. Within twenty (20) days from the date this Tentative Opinion and Order becomes final, Verizon is directed to file revised Lifeline tariffs consistent with the discussion in this Opinion and Order.

6. Verizon Pennsylvania Inc.'s Motion for Judgment on the Pleadings on its Petition and Motion to Sever and Dismiss the issues raised in OCA's Answer seeking Affirmative Relief is tentatively denied, consistent with this Tentative Opinion and Order.

7. If any adverse or objectionable comments are filed pursuant to Ordering Paragraph No. 3, above, a further Opinion and Order addressing the Comments and any Reply Comments will be issued.

8. A copy of this Tentative Opinion and Order be served on the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trial Staff.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-70. Filed for public inspection January 12, 2007, 9:00 a.m.]

### Rescission Order

Public Meeting held  
December 21, 2006

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Bentleyville Communications Co. (2006.0116); Doc. No. C-20066113, A-310250*

### Rescission Order

*By the Commission:*

On April 6, 2006, Law Bureau Prosecutory Staff filed a Formal Complaint against Bentleyville Communications Co. (Bentleyville), a facilities based CLEC and switched access carrier certificated at A-310250, for failure to file

its 2004 Annual Report. On November 15, 2006, the Commission entered a Default Order that sustained the complaint and cancelled Bentleyville's certificate of public convenience. Notice of the Default Order was published on December 2, 2006 at 36 Pa.B. 7375 with a 20-day comment period.

On December 4, 2006, Bentleyville filed its delinquent report and paid the late-filing fee. Bentleyville filed a letter with its late-filing fee stating that failure to file its 2004 Annual Report was inadvertent. Bentleyville apologized for the oversight and requested rescission of the Default Order.

Because Bentleyville has now filed its delinquent annual report and paid the late-filing fee, we will grant its request for rescission. However, we caution Bentleyville that all future Annual Reports must be timely filed and all Commission correspondence must be answered in a timely manner. The Commission hereby puts Bentleyville and the rest of the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate; *Therefore,*

*It Is Ordered That:*

1. The Default Order entered November 15, 2006 against Bentleyville Communications Co. at this docket is hereby rescinded.

2. A copy of this order be published in the *Pennsylvania Bulletin*.

3. Upon publication this docket shall be marked closed.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-71. Filed for public inspection January 12, 2007, 9:00 a.m.]

### Rescission Order

Public Meeting held  
December 21, 2006

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Kim Pizzingrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Enhanced Communications Group, LLC (2006.0116); Doc. No. C-20066129, A-310912*

### Rescission Order

*By the Commission:*

On April 6, 2006, Law Bureau Prosecutory Staff filed a Formal Complaint against Enhanced Communications Group, LLC (Enhanced Communications), a non-facilities based reseller of toll service carrier certificated at A-310912, for failure to file its 2004 Annual Report. By order entered November 15, 2006, the Commission entered a Default Order that sustained the complaint and cancelled Respondent's certificate of public convenience. Notice of the Default Order was published on December 2, 2006 at 36 Pa.B. 7379 with a 20-day comment period.

On November 27, 2006, 12 days after entry of the Default Order and prior to publication of the order in the *Pennsylvania Bulletin*, Enhanced Communications filed

its delinquent report and paid the late-filing fee. No reason was given for delinquency.

Because Enhanced Communications has now filed its delinquent annual report and paid the late-filing fee, we will rescind cancellation of Enhanced Communications' certificate. However, we caution Enhanced Communications that all future Annual Reports must be timely filed and all Commission correspondence must be answered in a timely manner. The Commission hereby puts Enhanced Communications and the rest of the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate; *Therefore,*

*It Is Ordered That:*

1. The Default Order entered November 15, 2006 against Enhanced Communications Group, LLC at this docket is hereby rescinded.

2. A copy of this order be published in the *Pennsylvania Bulletin*.

3. Upon publication this docket shall be marked closed.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 07-72. Filed for public inspection January 12, 2007, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by February 5, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under the application.**

**A-00123376. JL Dispatching, Inc.** (132 Pike Street, Port Jervis, NY 12771), a corporation of the State of New York—persons upon call or demand in the County of Pike. *Attorney:* Vern S. Lazaroff, P. O. Box 1108, Port Jervis, NY 12771.

**Application of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as *common carriers* for the transportation of *persons* by *transfer of rights* as described under the application.**

**A-00123377. American Limousine, Inc., t/d/b/a American Limousine of PA** (81 Franklin Turnpike, Mahwah, NJ 04730), a corporation of the State of New Jersey—persons in limousine service, between points in

Pennsylvania; which is to be a transfer of the right authorized under the certificate issued at A-00121377 to Limos by George, Inc., subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219.

**Application of the following for approval of the *additional right* and privilege of operating motor vehicles as *common carriers* for transportation of *persons* as described under the application.**

**A-00118810, F.2. Felix M. Szczepanski** (7 Seventh Street, Midland, Beaver County, PA 15059)—additional right—persons in paratransit service, between points in the Counties of Beaver, Lawrence, Mercer, Clarion, Venango, Greene, Westmoreland, Fayette, Crawford, Erie, Butler, Washington, Warren, Forest, Armstrong, Indiana, Jefferson and Somerset, and from points in the said counties and the County of Allegheny, to points in Pennsylvania, and return.

**Application of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as *common carriers* for the transportation of *household goods* by *transfer of rights* as described under the application.**

**A-00123364. Mitchell F. Beltowski** (464 Laurel Summit Road, Boswell, Somerset County, PA 15531)—household goods in use, between points in the County of Somerset; which is to be a transfer of the right authorized under the certificate issued at A-00122823 to Jeremy Caldwell, subject to the same limitations and conditions.

**Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *household goods* as described under the application.**

**A-00121505, F.1, Am-A. Canterbury International Incorporated t/d/b/a Two Men and a Truck** (3555 Valley Drive, Pittsburgh, Allegheny County, PA 15234), a corporation of the Commonwealth—household goods in use, between points in the County of Allegheny: *So As To Permit* the transportation of household goods in use, from points in the County of Allegheny, to points in Pennsylvania, and vice versa.

**Application of the following for approval to *begin* operating as *contract carriers* for transportation of *persons* as described under the application.**

**A-00123375. Right Care Transportation, Inc.** (829 Finth Drive, Bensalem, Bucks County, PA 19020), a corporation of the Commonwealth—persons, for Logisticare Solutions, LLC, between points in the City and County of Philadelphia.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. VPSI Inc, 4425 Rising Sun Avenue, Philadelphia, PA 19140; Doc. No. A-00109687C0601*

### 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 VPSI, Inc., respondent, maintains its principal place of business at 4425 Rising Sun Avenue, Philadelphia, Pennsylvania 19140.

2. That respondent was issued a certificate of public convenience by this Commission on July 15, 1991, at Application Docket No. A-00109687, for paratransit authority. Said certificate was canceled on August 28, 2003.

3. That respondent is advertising and holding itself out to provide passenger transportation between points in the Commonwealth of Pennsylvania, for compensation, without the authority to do so. On June 9, 2006, respondent held itself out to provide passenger transportation by quoting a price of \$60.00 a month plus fuel charges for a vanpool from Lower Burrell, Pennsylvania. Respondent is advertising via the website at [www.commuteinfo.org](http://www.commuteinfo.org), offering transportation in Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Washington and Westmoreland counties.

4. That respondent, in performing the acts described in Paragraph 3 of this complaint, violated the Public Utility Code, 66 Pa.C.S. § 1101, in that respondent advertised and held itself out to provide transportation for persons for compensation between points in the Commonwealth of Pennsylvania while not then holding a certificate of public convenience issued by this Commission. The penalty is \$1,000.00 for each violation for a total penalty of \$2,000.00. Future violations may result in possible criminal prosecution with penalties up to \$10,000.00 and one year in prison.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine VPSI, Inc., the sum of two thousand dollars (\$2,000.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,  
Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel

#### NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (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, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the 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 your payment, the complaint proceeding shall be closed. In such case, to prevent the suspension of your vehicle registration(s), you must file an application for authority with the Secretary of the Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. If no application is received within the twenty (20) day time period, the Bureau of Transportation and Safety will proceed with the request for suspension of your vehicle registration(s). Your response should be directed to the Compliance Office, Bureau of Transportation and Safety, P. O. Box 3265, Harrisburg, PA 17105-3265.

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 a Secretarial Letter imposing a penalty.

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 above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

#### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. PNJ, Inc. t/a Mail Boxes Etc.; Doc. No. A-00112861C0601*

#### 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 PNJ, Inc., t/a Mail Boxes ETC., respondent, maintains its principal place of business at 1151 Freeport Road, Pittsburgh, PA 15238.

2. That respondent was issued a certificate of public convenience by this Commission on September 13, 1996, at Application Docket No. A-00112861.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 2003, 2004 and 2005.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, failed to comply with the January 11, 1999 Commission Decision at P-981458 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-00112861.

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

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

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.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Salem Trans, Inc.; Doc. No. A-00115591C0601*

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 Salem Trans, Inc., respondent, maintains its principal place of business at 76 Industrial Highway, Suite 205, Essington, PA 19029.

2. That respondent was issued a certificate of public convenience by this Commission on February 25, 1999, at Application Docket Nos. A-00115591 for group and party 16+ authority.

3. That respondent abandoned or discontinued group and party 16+ service without having first submitted a letter to this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for the years 2003, 2004 and 2005.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, failed to comply with the January 11, 1999 Commission Decision at P-981458 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 Certificates of Public Convenience at A-00115591.

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

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.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Keystone Systems Enterprises, Inc.; Doc. No. A-00117728C0601*

### 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 Keystone Systems Enterprises, Inc., respondent, maintains its principal place of business at 4017 Washington Road, Suite 350, McMurray, PA 15317.

2. That respondent was issued a certificate of public convenience by this Commission on June 28, 2001, at Application Docket No. A-00117728.

3. That respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered. Respondent has not reported intrastate revenue for the years 2003, 2004 and 2005.

4. That respondent, by failing to submit a letter to this Commission containing a statement that the service is no longer being rendered, failed to comply with the January 11, 1999 Commission Decision at P-981458 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-00117728.

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

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

### 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.

JAMES J. MCNULTY,  
 Secretary

[Pa.B. Doc. No. 07-73. Filed for public inspection January 12, 2007, 9:00 a.m.]



## Verizon Pennsylvania Inc. 2007 Price Change Opportunity Filing

Public Meeting held  
December 21, 2006

*Commissioners Present:* Wendell F. Holland, Chairperson, statement concurring in part and dissenting in part follows; James H. Cawley, Vice Chairperson; Kim Piz-zingrilli; Terrance J. Fitzpatrick

*Verizon Pennsylvania Inc. 2007 Price Change Opportunity Filing; Doc. Nos. R-00061915, P-00930715F1000*

*Office of Small Business Advocate v. Verizon Pennsylvania Inc.; Doc. No. R-00061915C0001*

### Order

#### Non-Proprietary

*By the Commission:*

#### Background

Before us for disposition is the Verizon Pennsylvania Inc. ("Verizon PA" or "Company") annual 2007 Price Change Opportunity ("PCO") filing and the associated revenue increases. Verizon PA's annual 2007 PCO filing was made under the provisions of the new Chapter 30 law, Act 183 of 2004, P. L. 1398 (66 Pa.C.S. §§ 3011—3019) ("Act 183") and pursuant to the Company's Alternative Regulation and Network Modernization Plan ("Chapter 30 Plan") that this Commission approved at Docket No. P-00930715F1000.<sup>10</sup>

As a result of the passage of Act 183, companies with Chapter 30 Plans are entitled to significantly lower inflation offset values within their respective price cap formulas in exchange for a commitment to accelerated broadband deployment. Inflation offsets previously ranging from 2% to 2.93% were reduced to either 0% or 0.5%, depending on each company's Chapter 30 Plan. In Verizon PA's case, the inflation offset was reduced from 2.93% to

<sup>10</sup> *Petition for Amended Alternative Regulation and Network Modernization Plan of Verizon Pennsylvania Inc.*, Docket No. P-00930715F1000 (Order entered May 20, 2005).

0.5%. Accordingly, annual PCO filings have the potential for substantial revenue and rate impacts on end-user consumers.

Under the Company's Price Stability Mechanism ("PSM"), the PCO calculates the allowable change (increase or decrease) in rates for noncompetitive services based on the annual change in the Gross Domestic Product Price Index ("GDP-PI"). The PSM also contains special provisions for protected services and addresses revenue neutral adjustments to the rates of noncompetitive services. The PSM set forth in Verizon PA's Chapter 30 Plan is a complete substitution of the rate base/rate of return regulation. Noncompetitive services are defined as regulated services or business activities that have not been determined or declared to be competitive.

#### Company Filing

On November 1, 2006, Verizon PA filed its annual PCO filing using the change in 2005 and 2006 first quarter GDP-PI (Gross Domestic Product—Price Index) of 3.31% that produced an overall 2.81% increase allowable for noncompetitive revenues. According to this filing, the Company is proposing an annual revenue increase of \$19,829,000. However, the actual proposed price increases resulting from the instant filing will equal \$20,314,000 because the Company proposes to use \$485,000 of the recurring banked increase from its 2006 PCO filing to account for the difference.

Verizon PA proposes to implement its PCO by increasing rates for the following services: Residence and Business Dial Tone Line, Business Local Usage Call Band 1, Business Local Area Unlimited, Business Extended Area Unlimited and the Business Late Payment Charge. The proposed tariff revisions to Tariff Telephone Pa. P.U.C. Nos. 1, 180A, 182, 182A, 185B, 185C and 500 were filed to become effective January 1, 2007, with the exception of the Business Late Payment Charge. The new rate for the Business Late Payment Charge is scheduled to become effective April 1, 2007. A summary of the current and proposed rates is as follows:

<i>Service</i>	<i>Current Rate</i>	<i>Proposed Rate</i>
Residence Dial Tone Line		
Cell 1	\$5.78	\$6.29
Cell 2	\$6.08	\$6.59
Cell 3	\$6.44	\$6.97
Cell 4	\$6.84	\$7.37
Business Dial Tone		
Single Line		
Cell 1	\$11.20	\$11.75
Cell 2	\$13.70	\$14.25
Cell 3	\$16.20	\$17.00
Cell 4	\$18.75	\$19.50
Multi-Line		
Cell 1	\$10.20	\$10.85
Cell 2	\$12.70	\$13.35
Cell 3	\$15.20	\$16.00
Cell 4	\$17.75	\$18.60
Business Local Usage		
Local Call Band 1 (per message)	\$0.065	\$0.078
Local Area Unlimited		
Rate Group A	\$10.70	\$11.95
Rate Group D	\$15.00	\$16.55
Rate Group F	\$19.20	\$19.95
Extended Area Unlimited		

<i>Service</i>	<i>Current Rate</i>	<i>Proposed Rate</i>
Rate Group A	\$15.00	\$16.55
Rate Group D	\$19.25	\$19.95
Rate Group F	\$23.50	\$23.95
Business Late Payment Charge	1.25%	1.50%

Verizon PA requests permission to continue in 2007 to use the on-going value of its 2003 PCO to support the Company's payments to the Pennsylvania Universal Service Fund ("Pa. USF") per the Commission's Order entered October 11, 2005, at Docket Nos. P-00930715 and P-00001854. Verizon PA also proposes to continue to bank the difference each year between the 2003 negative value of the PCO and its payments into the Pa. USF.

Verizon PA also proposes to account for the three-month delay in implementing the increase to the Business Late Payment Charge by banking a one-time increase of  
BEGIN PROPRIETARY      END PROPRIETARY.

On November 9, 2006, the Office of Small Business Advocate ("OSBA") filed a Formal Complaint at Docket No. R-00061915C0001. The OSBA contends that the Company's proposed rates, rules, and conditions of service may be unjust, unreasonable, unduly discriminatory, and otherwise contrary to law, particularly as they pertain to small business customers.

On November 17, 2006, the Office of Consumer Advocate ("OCA") filed a Notice of Intervention and Public Statement.

### Discussion

#### 1. PCO Calculations and Rate Increases

The annual Verizon PA PCO submissions under Chapter 30 laws must conform to its Commission-approved Amended Chapter 30 Plan. Our review of the calculations submitted by Verizon PA indicates that they appear to be consistent with the terms of the Company's Price Stability Mechanism/Price Change Opportunity formula approved in its Chapter 30 Plan at Docket No. P-00930715F1000. However, we disagree with the banked amount that Verizon PA is using to cover additional rate and revenue increases in excess of its calculated PCO allowable revenue increase as discussed below. Thus, the rate increases proposed by Verizon PA may be greater than what the Company is entitled to under its Chapter 30 Plan.

Accordingly, we find the Company's PCO to be only partially consistent with its Chapter 30 Plan at Docket No. P-00930715F1000. As such, we will require Verizon PA to revise the banked amount in Attachment B of its filing and adjust the revenue and rate increases. The tariff supplements that Verizon PA submits implementing the currently allowed \$18,997,370 annual revenue increase shall reflect the original revenue allocations on a percentage basis as filed by the Company in its original 2007 PCO submission to the Commission on November 1, 2006. The proposed tariffed rate increases, as revised by this Order, will be permitted to go into effect subject to findings of the Office of Administrative Law Judge ("ALJ") regarding the complaint filed by OSBA and subject to refund.

#### 2. Banked Revenues

Per our Order entered March 22, 2006, at Docket Nos. R-00051228 and P-00930715F1000, Verizon PA was given approval to adopt the following banking methodology and

timing that we previously approved for The United Telephone Company of Pennsylvania d/b/a Embarq Pennsylvania ("United");<sup>11</sup>

1. After 2001, annual price decreases calculated under the PSI filed on September 1 of each year may be banked for application in future years, not to exceed four (4) consecutive years.<sup>12</sup> Such banking of decreases will be with interest at a rate set forth in 66 Pa.C.S. § 1308.

2. The banked price changes must be implemented no more than four (4) years after the annual price change is applied.

3. If a decrease is greater than \$500,000, the Company will implement the decrease immediately.

This adoption of the United banking methodology constitutes an agreement between the Commission and Verizon PA pursuant to § 3013(b) of Act 183. We note the net banked increase per the March 22, 2006 Order is BEGIN PROPRIETARY      END PROPRIETARY. We further note the remaining banked value of the Company's 2003 PCO is a negative BEGIN PROPRIETARY      END PROPRIETARY inclusive of interest, and the banked increase due to the Business Late Payment Charge delay is BEGIN PROPRIETARY      END PROPRIETARY. This results in a net available banked decrease of BEGIN PROPRIETARY      END PROPRIETARY. We believe this decrease should be applied to the Company's 2007 calculated PCO revenue increase in accordance with the United banking methodology which will result in a revised annual revenue increase amount of \$18,997,370. We make no determination at this time whether the recoveries of banked amounts are affected by a company's past or future competitive service declarations. However, we are mindful of Sections 3016(b) and (f) of the Code, 66 Pa.C.S. §§ 3016(b) and (f), and encourage the Company to recover any banked revenue increases from the appropriate group of its non-competitive customers, consistent with applicable provisions of Chapter 30 (66 Pa.C.S. §§ 3001, et al.).

The Company proposes to use \$485,000 of the recurring banked increase from its 2006 PCO filing to offset the difference between the allowable revenue increase from the PCO calculation and the total proposed revenue increase. This does not agree with our calculation of the available banked amount as noted above. The banked increase from the 2006 PCO has already been included in the net banked increase amount carried forward per the March 22, 2006 Order. According to the Company, the banked increase from the 2006 PCO has a recurring value in 2007. The Company is attempting to implement a portion of the 2007 value. The difference is then added to the bank. We find the Company's methodology to be contrary to the application of banking methodology for United and other ILECs. We recognize that the United method is geared to establishing, ultimately, a recoverable level of annual revenue still related to the price cap rate setting method. On the other hand, Verizon PA's proposed

<sup>2</sup> The reference to "PSI filed on September 1 of each year" in the United banking methodology should be modified to read "PCO filed on November 1 of each year" for Verizon PA.

<sup>3</sup> For annual price increases, the Company may apply them in future years, without limitation as to time.

method would result, ultimately, in a recoverable level of annual revenue in excess of the price cap rate setting method. Therefore, we shall deny Verizon PA's proposal to use a portion of the banked increase from its 2006 PCO. In addition, the disputed issue of accounting methodology for banking shall be incorporated into the complaint proceeding at Docket No. R-00061915C0001 and assigned to the Office of Administrative Law Judge.

The Company requests permission to continue in 2007 to use the on-going value of its 2003 PCO of negative \$17.4M to support its payments to the Pa. USF and bank the difference. This request is made pursuant to the Commission's Order entered October 11, 2005, at Docket Nos. P-00930715 and P-00001854. In this Order, Verizon PA was directed to bank the difference each year between its available 2003 PCO monies and its required contribution to the Pa. USF and account for this in the annual PCO filings including interest on the banked amounts. These banked amounts are specific to the on-going value and use of the 2003 PCO and is a method of accounting for the difference, since the Pa. USF amount can vary from year to year. Verizon PA has complied with the October 11, 2005 Order. Therefore, in light of the discussion in the October 11, 2005 Order mentioned above, we shall permit Verizon PA to continue using its available 2003 PCO money to fund its required contributions to the Pa. USF and bank the difference utilizing the United methodology.

The Company also proposes to account for the three-month delay in implementing the increase to the Business Late Payment Charge by banking a one-time increase of BEGIN PROPRIETARY END PROPRIETARY. In past years, the one-time financial value of Verizon PA's PCOs not fully implemented on January 1 has been accounted for in some manner (e.g., support for the Company's Lifeline program). We believe this accounting for the delay value is reasonable and in the public interest. Therefore, we shall approve Verizon PA's proposal for the delay value of the Business Late Payment Charge; *Therefore,*

*It Is Ordered That:*

1. Verizon Pennsylvania Inc's 2007 PCO filed on November 1, 2006, is deemed in partial compliance with its Commission-approved Amended Chapter 30 Plan.

2. Verizon Pennsylvania Inc. submit a revised Attachment B from its filing to reflect a revised banked amount, consistent with the discussion in this Order, and adjust the revenue and rate increases as necessary within five (5) days of the entry date of this Order.

3. The tariff supplements to be submitted by Verizon Pennsylvania Inc. implementing the currently allowed \$18,997,370 annual revenue increase shall reflect the original revenue allocations on a percentage basis as filed by the Company in its original 2007 PCO submission to the Commission on November 1, 2006, and that the resulting rates shall remain in effect during the pendency of the Office of Small Business Advocate Formal Complaint adjudication and be subject to the findings of the Office of the Administrative Law Judge.

4. Verizon Pennsylvania Inc.'s proposal to use a portion of the recurring banked increase from its 2006 PCO filing is denied.

5. The disputed issue of accounting methodology for banking shall be incorporated into the complaint proceeding at Docket No. R-00061915C0001 and assigned to the Office of Administrative Law Judge. The Administrative

Law Judge shall issue a Recommended Decision no later than seven months after the date of entry of the Order in this proceeding.

6. Verizon Pennsylvania Inc. be permitted to continue using its available 2003 PCO money to fund its required contributions to the Pennsylvania Universal Service Fund and bank the difference utilizing the United methodology.

7. Verizon Pennsylvania Inc.'s proposal to account for the delay value of the Business Late Payment Charge is approved.

8. The Commission Order in this matter be published in the *Pennsylvania Bulletin*.

9. A copy of this Order be served on the Office of Consumer Advocate, Office of Small Business Advocate, the Office of Trial Staff and the Office of Administrative Law Judge.

JAMES J. MCNULTY,  
*Secretary*

**Statement of Vice Chairperson James H. Cawley  
Concurring in Part and Dissenting in Part**

Public Meeting: December 21, 2006  
DEC-2006-FUS-0521\*

*Verizon Pennsylvania Inc. 2007 Price Change Opportunity  
Filing; Doc. Nos. R-00061915, P-00930715F1000*

*Office of Small Business Advocate v. Verizon Pennsylvania  
Inc.; Doc. No. R-00061915C0001*

Before us for disposition is the Staff recommendation regarding the Verizon Pennsylvania Inc. (Verizon PA or Company) Chapter 30 2007 Price Change Opportunity (PCO) filing, and the related revenue and rate increases. Consistent with my Statement of March 2, 2006 regarding the Verizon PA 2006 PCO submission at Docket No. R-00051228 et al., I concur in part and dissent in part to the current disposition of the Company's 2007 PCO filing adopted by the majority.

I had hoped that, by the time the Company reached the November 1, 2006 deadline for the filing of its Chapter 30 2007 PCO submission with its associated revenue and rate increase, the Commission would have disposed of the material issues still outstanding in the Verizon PA and Verizon North Inc. (Verizon North) 2006 PCOs and the related Office of Small Business Advocate (OSBA) Formal Complaint adjudication. However, this is not the case since the Recommended Decision in that proceeding was issued on December 13, 2006, and the filing of Exceptions and Reply Exceptions still needs to take place in the near future.<sup>13</sup>

I will not reiterate at length the concerns that I expressed in my March 2, 2006 Statement which are still applicable on various issues that relate to the current implementation of the Verizon PA 2007 PCO submission. These concerns in summary form are as follows:

1. *Staff Calculation of Allowable Revenue Increase:* Pending the resolution of the OSBA Formal Complaint against the Verizon PA 2007 PCO, I agree with the Staff analysis and method of calculation of the allowable revenue increase that is permitted to go into effect subject to refund investigation and recoupment.

<sup>13</sup> *Pennsylvania Public Utility Commission et al. v. Verizon North Inc.*, Docket Nos. R-00051227, R-00051227C0001, R-00051227C0002; *Pennsylvania Public Utility Commission et al. v. Verizon Pennsylvania Inc.*, Docket Nos. R-00051228, R-00051228C0001, R-00051228C0002, Recommended Decision issued December 13, 2006.

2. *One-Time Banking of Delay Value for the Business Late Payment Charge:* Consistent with my position in my March 2, 2006 Statement opposing the use of banking provisions for Verizon PA, I disagree with the use of the one-time banking for the time delay value of the Company's Business Late Payment Charge. Furthermore, I do not believe that the Company has offered a coherent and sufficient explanation of why the effective date of the increased Business Late Payment Charge will be effective on April 1, 2007, while all the other rate changes contained in the 2007 PCO will go into effect on January 1, 2007. In view of the fact that Verizon PA filed its 2007 PCO on November 1, 2007, the Company has had ample time to work on conditioning its internal billing systems of whatever vintage so that the rate change for the Business Late Payment Charge could be effectuated concurrently with the other rate changes without resorting to the unnecessary accounting complexity of the one-time banking provision. I also note that the Company needs to resort to potentially duplicative notice mailings—at additional cost—because not all of its 2007 PCO rate changes are concurrent.

3. *Funding of Pennsylvania Universal Service Fund Obligations:* Consistent with my March 2, 2006 Statement and my previous positions expressed in my Statement of October 6, 2005 regarding the Verizon PA and Verizon North 2005 PCOs at Docket Nos. P-00930715 and P-00001854, I disagree with the continuous use of the available negative revenues arising from the Company's 2003 PCO for the funding of the Verizon PA contribution assessment obligations to the Pennsylvania Universal Service Fund (Pa. USF). As I have previously stated, these monies belong to the ratepayers of Verizon PA and should have been used to offset the cumulative effect of the Company's Chapter 30 cumulative revenue and rate increases to end-user consumers of its non-competitive telecommunications services.

4. *Existence, Use and Accounting of Banked Revenues:* Although I agree with the Staff analytical accounting and calculations as they relate to Verizon PA's banked positive revenues in the instant filing, consistent with my March 2, 2006 Statement on the Verizon PA 2006 PCO, I continue to be opposed to the establishment and presence of a banking mechanism within the Company's Chapter 30 Amended Network Modernization Plan (Amended NMP). I have tentatively concluded that this banking mechanism was not established in accordance with the statutory provisions of Chapter 30 and, thus, it is outside the boundaries of the Company's Amended NMP. This banking mechanism was not established following the filing of a petition to modify the Company's Amended NMP. See generally 66 Pa.C.S. § 3014(e). Instead, it was established in the context of Verizon PA's 2006 PCO tariff filing. Furthermore, the Company's PCO tariff filings appear to be used for "one-time" adjustments to the banking mechanism, i.e., the banking of the time value for the Business Late Payment Charge.

5. *Amended NMP Safeguards and Rate Effects:* In the absence of a final resolution of the OSBA Complaint action against the Verizon PA 2006 PCO at Docket Nos. R-00051228C0001 et al., I continue to have major concerns on whether important safeguards that existed in the original pre-Act 183 NMP of the Company (ex-Bell Atlantic-Pennsylvania, Inc.) continue to be in effect within the Verizon PA Amended NMP. Assuming that such safeguards are still applicable, the Commission has not yet resolved the interplay of § 3019(h) of Chapter 30, 66 Pa.C.S. § 3019(h), which gives an independent legal existence to the Amended NMPs of Chapter 30 incumbent

local exchange carriers (ILECs), and the more relaxed rate safeguards for residential end-user consumers under § 3015(a)(3), 66 Pa.C.S. § 3015(a)(3).

It is obvious that the utilized allocations of the annual revenue increases from the Company's PCOs predominantly impact its residential end-user consumers for basic local exchange telephone services. Although conventional wisdom holds that this class of customers has the least price elasticity of demand, I have major concerns that the cumulative annual PCO rate increases can and will translate to negative impacts for maintaining and enhancing universal telephone service in Pennsylvania, which continues to be one of the major policy goals of the Chapter 30 law. Available statistics continue to indicate a worrisome trend of declining telephone penetration rates in Pennsylvania. For example, according to Federal Communications Commission (FCC) statistics, household telephone penetration in Pennsylvania measured on a "unit" basis had an annual average value of 98.0% in year 2000. The corresponding figure had declined to 94.8% by March 2006, despite the fact that this statistic is designed to capture the widespread availability of wireless/cellular as well as "other" types of telephone service.<sup>14</sup>

The focused allocation of Chapter 30 PCO revenue increases to the basic local exchange services of the Company also results in rates that are growing at a pace much higher than conventional measures of economic inflation. Although under the Verizon 2007 PCO request the Residence Dial Tone Line rates would have increased by an absolute value of \$0.51 - \$0.53 per month, this would have represented a 7.75% to 8.82% increase from their previous values. In comparison, the U.S. Department of Labor Bureau of Labor Statistics (BLS) in November 2006 reported a 2.0% increase in the consumer price index for all urban consumers (CPI-U). From the associated November 2006 BLS CPI-U release one can easily discern that the rate of inflation for telephone services from November 2005 to November 2006 was 1.4%.<sup>15</sup> Similarly, another statistical report from the FCC indicates that the annual rate of change of the monthly consumer price index for landline telephone service local charges increased by 3.19% from December 2004 to December 2005.<sup>16</sup>

For these reasons, I concur in part and dissent in part in the disposition of the Verizon PA 2007 PCO submission.

[Pa.B. Doc. No. 07-74. Filed for public inspection January 12, 2007, 9:00 a.m.]

## STATE BOARD OF EDUCATION

### Meeting Change

The State Board of Education (Board) has changed the date of its November 2007 meeting to November 14-15, 2007. The meetings of the Board, Councils of Basic and Higher Education and the State Board for Vocational

<sup>5</sup> Alexander Belinfante, *Telephone Subscribership in the United States*, Industry Analysis and Technology Division, Wireline Competition Bureau, FCC (Washington, D.C., October 2006), p. 2 and n. 3, Table 3, pp. 18, 21.

<sup>6</sup> U.S. Department of Labor, Bureau of Labor Statistics, *Consumer Price Index: November 2006*, p. 1 and Table 1.

<sup>7</sup> FCC, *Reference Book of Rates, Price Indices, and Household Expenditures for Telephone Service*, Industry Analysis and Technology Division, Wireline Competition Bureau, (Washington, DC, August 2006), Table 3.2.

Education will be held in the conference rooms on the lobby level and first floor of the Education Building, 333 Market Street, Harrisburg. Persons with disabilities needing special accommodations to attend the meetings should contact the Board at (717) 787-3787 at least 24 hours in advance so that arrangements can be made.

JIM BUCKHEIT,  
*Executive Director*

[Pa.B. Doc. No. 07-75. Filed for public inspection January 12, 2007, 9:00 a.m.]

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## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. William A. Lewis, R. N.; Doc. No. 0481-51-06

William A. Lewis, license no. RN-216954-L, of Kenner, LA, had his professional nursing license suspended by the State Board of Nursing (Board), such suspension stayed in favor of probation, based on disciplinary action taken by the Louisiana State Board of Nursing.

Individuals may obtain a copy of the adjudication by writing to Carmen L. Rivera, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

LAURETTE D. KEISER, R. N., MSM,  
*Executive Secretary/Section Chief*

[Pa.B. Doc. No. 07-76. Filed for public inspection January 12, 2007, 9:00 a.m.]

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### Bureau of Professional and Occupational Affairs v. Dale P. Merritt; Doc. No. 1063-51-05

On October 12, 2006, Dale P. Merritt, of Savannah, GA, was denied application for professional nursing license by endorsement based on findings that he pled guilty to a crime of moral turpitude, had disciplinary action taken against his nursing licenses by the proper licensing authority in other states, committed fraud or deceit in securing his admission to the practice of nursing in this Commonwealth and does not possess the good moral character required for licensure.

Individuals may obtain a copy of the adjudication by writing to Carmen L. Rivera, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represent the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously named Board counsel.

LAURETTE D. KEISER, R. N., MSM,  
*Executive Secretary/Section Chief*

[Pa.B. Doc. No. 07-77. Filed for public inspection January 12, 2007, 9:00 a.m.]

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## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

February 1, 2007	Sylvia A. Waters (Service-Connected Disability Supplement)	1 p.m.
February 14, 2007	Randy Lee Miller (D) (Death Benefit)	1 p.m.
February 15, 2007	Jerry R. Alley (Change Retirement Option Selection)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

ERIC HENRY,  
*Secretary*

[Pa.B. Doc. No. 07-78. Filed for public inspection January 12, 2007, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

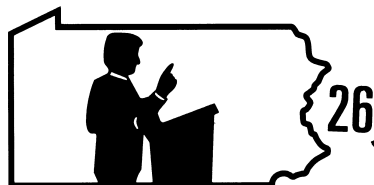
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division 787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

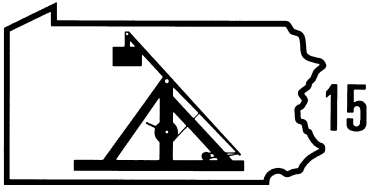
## DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at [www.patreasury.org](http://www.patreasury.org).

Contact: **Bureau of Contracts and Public Records**  
 Pennsylvania Treasury Department  
 201 Finance Building  
 Harrisburg, PA 17120  
 Phone: (717) 787-2990 or 1-800-252-4700  
 Fax: (717) 772-0977

ANTHONY E. WAGNER,  
*Acting Treasurer*  
*Deputy State Treasurer for Investments and Programs*

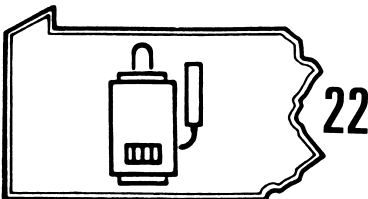
## SERVICES



### Environmental Maintenance Service

**OSM 10(6592)101.1** Abandoned Mine Reclamation Project, Cherry Valley South. The principal items of work and approximate quantities include 66,000 cubic yards of Grading, 40 square yards of Rock Lining, 1,450 linear feet of Subsurface Drain with Cleanouts, 7.5 pounds of Wetland Seed Mix, 10 acres of Seeding and Planting 6,460 Trees. This project issues on January 12, 2007 and bids will be opened on February 8, 2007 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by P.L. 95-87 dated August 3, 1977, "The Surface Mining Control Act of 1977," and is subject to that Law, and to the Federal Grant for this project.

**Department:** Environmental Protection  
**Location:** Cherry Valley Borough, Butler County  
**Duration:** 180 calendar days after the official starting date.  
**Contact:** Construction Contracts Section, 717-787-7820



### HVAC Services

**cn00024179** Provide regular maintenance, inspection, and repairs to heating systems at the Pike County PennDOT Maintenance Facility in Milford, PA. Must provide insurance documentation as specified.

**Department:** Transportation  
**Location:** 101 Bennett Avenue, Milford, PA  
**Duration:** 1 year  
**Contact:** Charles DeFebo, 570-296-7193

**CL-645** Installation of new electrical service at Givan Hall, Clarion Campus (includes demolition of existing equipment, adjustments to structure to accommodate new construction work, provision of electrical equipment and reconnection of all existing electrical loads. Prebid meeting 10:00 am January 17th, 2007 McEntire Building Conference Room - Bid Packets will be available January 9th, 2007 at a cost of \$35.00 (check made payable to Clarion University of PA).

**Department:** Education  
**Location:** Exit 64 I-80, Rt. 66 North to Clarion off Greenville Avenue  
**Duration:** 90 Days from Notice to Proceed  
**Contact:** Ruth Wolfgong, 814-393-2365



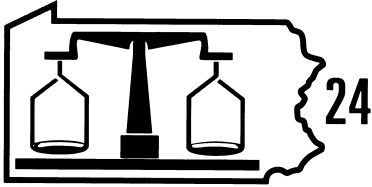
### Janitorial Services

**cn00024177** Provide regular twice weekly office cleaning and quarterly specialty cleaning for the Pike PennDOT Maintenance Facility in Milford, PA. Must provide insurance certification as specified.

**Department:** Transportation  
**Location:** 101 Bennett Avenue, Milford, PA  
**Duration:** 1 year  
**Contact:** Charles DeFebo, 570-296-7193

**FM 9068** Furnish all labor, equipment and materials to perform janitorial service two (2) days per week at the PA State Police, Southeast Training Center. Detailed Work Schedule and bid must be obtained from the Facility Management Division, 717-705-5951. Bid Due Date/Time: January 24, 2007/2:00 PM.

**Department:** State Police  
**Location:** Southeast Training Center, 2047-B Bridge Road, Schwenksville, PA 19473.  
**Contact:** Sgt. Timothy Galloway  
**Duration:** 03/01/07 to 06/30/09  
**Contact:** Sandy Wolfe, 717-705-5951



### Laboratory Services

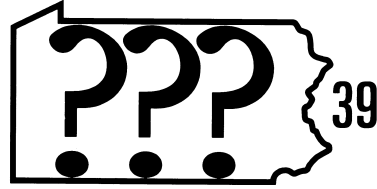
**1000-605** Qualified contractor to provide laboratory testing and results of soil, rock and water samples associated with geotechnical and construction activities located in Armstrong, Butler, Clarion, Indiana and Jefferson Counties. Bids to be opened on Wednesday, January 25, 2007 at 1:30 p.m., in Conference Room B3 at PennDOT Engineering District 10 Office located at 2550 Oakland Avenue, Indiana, PA. To request a bid package, please send your contact name, company name, company address, phone number, fax number and e-mail address to Diane Spence at fax # 724-357-2872 or email address DSpence@state.pa.us.

**Department:** Transportation

**Location:** Engineering District 10-0, including Armstrong, Butler, Clarion, Indiana and Jefferson Counties

**Duration:** 1 year with two (2) 2-year options to renew by letter of mutual consent.

**Contact:** Diane Spence, 724-357-7987



### Miscellaneous

**SU-06-09** Shippensburg University is seeking a vendor to furnish sixty (60) each Source Four PAR EA-B Spotlights as manufactured by Electronic Theatre Controls, Inc. (Brand Name or Equal). Specifications will be provided with the solicitation. Vendors interested in receiving a bid package must fax a request to Gwyn McCleary, Fax (717) 477-1350; or email a request to: jgmcl@ship.edu. Bids are due January 29, 2007 by 4:00 PM. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and of the PA State System of Higher Education. All responsible bidders are invited to participate including MBE/WBE firms.

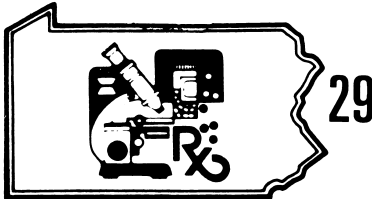
**Department:** State System of Higher Education

**Location:** Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257

**Duration:** To be determined

**Contact:** Gwyn McCleary, 717-477-1386

[Pa.B. Doc. No. 07-79. Filed for public inspection January 12, 2007, 9:00 a.m.]



### Medical Services

**CN00024365** Physical Therapist 2

**Department:** Public Welfare

**Location:** Polk Center, Main Street, P. O. Box 94, Polk, PA 16342

**Duration:** February 1, 2007 through July 31, 2007 with an option to renew

**Contact:** Marty Dupont, Purchasing Agent, 814-432-0326



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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,  
*Secretary*