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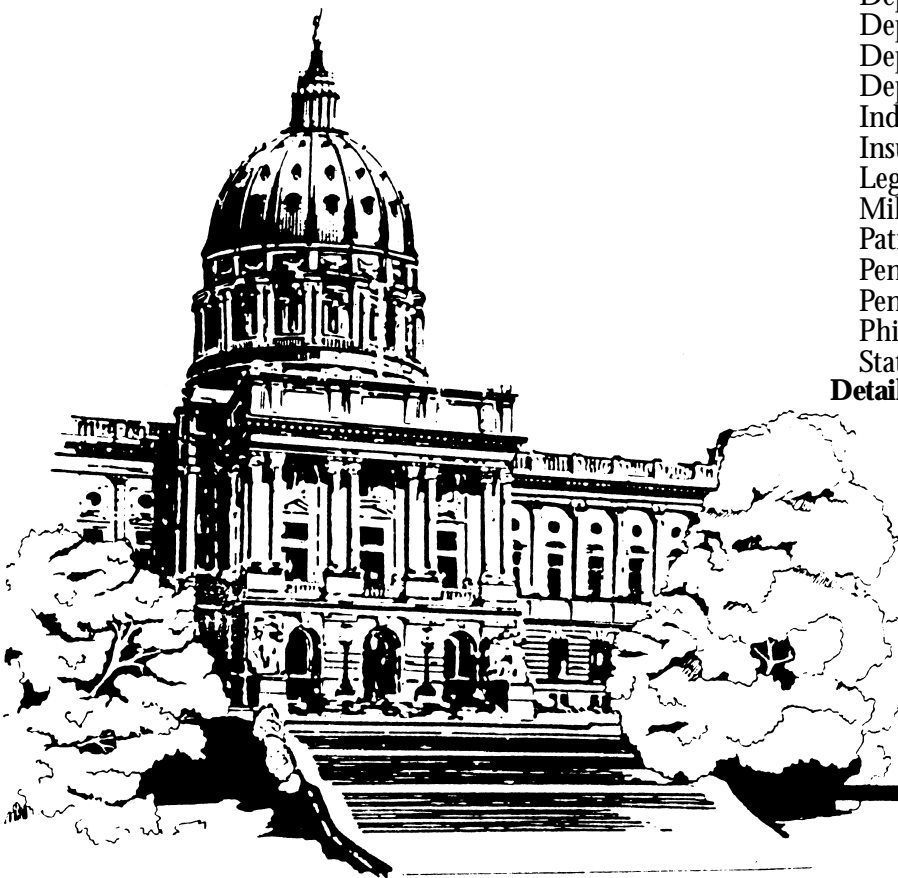
PENNSYLVANIA BULLETIN

Volume 39
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Department of Banking
Department of Community and Economic
Development
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Resources
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Milk Marketing Board
Patient Safety Authority
Pennsylvania Public Utility Commission
Pennsylvania State Police
Philadelphia Regional Port Authority
State Board of Nursing

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

No. 410, January 2009

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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 2009.

7 Pa. Code (Agriculture)		55 Pa. Code (Public Welfare)	
Adopted Rules		Statements of Policy	
143	308	2600	26
Statements of Policy		58 Pa. Code (Recreation)	
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22 Pa. Code (Education)		401a	235
Adopted Rules		443a	21
14	17	231 Pa. Code (Rules of Civil Procedure)	
25 Pa. Code (Environmental Protection)		Adopted Rules	
Adopted Rules		200	304
260a	201	2950	304
261a	201	234 Pa. Code (Rules of Criminal Procedure)	
262a	201	Adopted Rules	
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264a	201	237 Pa. Code (Juvenile Rules)	
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266a	201	16	9
266b	201	249 Pa. Code (Philadelphia Rules)	
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806	19		
49 Pa. Code (Professional and Vocational Standards)			
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7	219		

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL
[231 PA. CODE CH. 200]
Damages for Delay

CHAPTER 200. BUSINESS OF COURTS

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

* * * * *

Addendum to Explanatory Comment (2009)

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

<i>Date of Publication</i>	<i>Prime Rate Percentage</i>
January 2, 2009	3 1/4
January 2, 2008	7 1/4
January 2, 2007	8 1/4
January 3, 2006	7 1/4
January 3, 2005	5 1/4
January 2, 2004	4
January 2, 2003	4 1/4
January 2, 2002	4 3/4
January 2, 2001	9 1/2
January 3, 2000	8 1/2
January 4, 1999	7 3/4
January 2, 1998	8 1/2

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

*By the Civil Procedural
Rules Committee*

STEWART L. KURTZ,
Chair

[Pa.B. Doc. No. 09-66. Filed for public inspection January 16, 2009, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CHS. 200 AND 2950]

Rescission of Rule 2951(a) and Amendment of Rules 205.3, 236, 2955, 2956, 2957, 2962 and 2963 Governing Confession of Judgment; Civil Procedural Rules; No. 506; Doc. No. 5

Order

Per Curiam:

And Now, this 29th day of December, 2008, Pennsylvania Rule of Civil Procedure 2951(a) is rescinded. Pennsylvania Rules of Civil Procedure 205.3, 236, 2955, 2956, 2957, 2962 and 2963 are amended to read as follows.

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 205.3. Filing Pleadings and Other Legal Papers with the Prothonotary. Originals and Copies.

(a) A party may file with the prothonotary an original pleading or other legal paper, or a copy including a facsimile copy provided that the copy shows that the original pleading or other legal paper was properly signed and, where applicable, verified. Except as otherwise provided by law, the copy shall be deemed the equivalent of the original document.

Official Note: This rule does not authorize the filing of legal papers with the prothonotary by facsimile transmission, but, rather, authorizes the filing of a non-original facsimile or other copy. See Rule 205.1 governing the manner of filing with the prothonotary.

See Rule 76 for the definition of facsimile copy.

The facsimile copy must be on paper of good quality. See Pa.R.A.P. 124(a)(1).

[This rule is not intended to alter the requirement of Rule 2951(c)(2) that a judgment by confession be entered pursuant to complaint if the original cannot be produced for filing.]

* * * * *

Rule 236. Notice by Prothonotary of Entry of Order or Judgment.

(a) The prothonotary shall immediately give written notice of the entry of

(1) a judgment entered by confession to the defendant by ordinary mail [**at the address stated in the certificate of residence filed by the plaintiff**] together with a copy of all documents filed with the prothonotary in support of the confession of judgment. The plaintiff shall provide the prothonotary with the required notice and documents for mailing and a properly stamped and addressed envelope; and

[Official Note: See Rule 2951(a) as to the requirement of filing a certificate of the residence of the plaintiff and of the defendant.]

* * * * *

CHAPTER 2950. CONFESSION OF JUDGMENT FOR MONEY

Rule 2951. [**Methods**] **Method** of Proceeding.

[(a)(1) Upon filing of the documents by subparagraph (2), the prothonotary shall enter judgment by confession on a note, bond or other instrument confessing judgment or authorizing confession by an attorney at law or other person against the person who executed it in favor of the original holder or, unless expressly forbidden in the instrument, in favor of the assignee or other transferee, without the agency of an attorney and without the filing of a complaint, for the amount which may appear to be due from instrument. The judgment may include interest computable from the instrument.

(2) The documents to be filed in support of the entry of judgment are

- (i) the instrument,
- (ii) an affidavit that the judgment is not being entered by confession against a natural person in connection with a consumer credit transaction, and
- (iii) a certificate of residence of the plaintiff and of the defendant.

Official Note: Section 2737(3) of the Judicial Code provides that the prothonotary shall have the power and the duty to "enter all civil judgments, including judgments by confession."

A judgment by confession may be entered only in the name of a holder, assignee or other transferee. See Rule 2954.

For collection of attorneys' fees under such a judgment see Rule 2957. If an instrument authorizes confession for a penal sum, judgment may be entered in that amount.

If a judgment by confession on an instrument is to be entered in a judicial district which has implemented electronic filing, an electronic copy of the instrument should be filed in support thereof. Should an issue arise concerning the instrument, any party at any time may request the production of the original instrument for inspection pursuant to Pa.R.C.P. No. 205.4(b)(5).

(b) (a) [If judgment by confession is authorized by the instrument but may not be entered by the prothonotary under subdivision (a), an] An action shall be commenced by filing with the prothonotary a complaint substantially in the form provided by Rule 2952. [Even though the instrument is one on which judgment could be entered by the prothonotary under subdivision (a), the plaintiff may proceed under this subdivision.

(c) The action must be brought under subdivision (b) if

- (1) the instrument is more than ten years old or
- (2) the original cannot be produced for filing or
- (3) it requires the occurrence of a default or condition precedent before judgment may be entered, the occurrence of which cannot be ascertained from the instrument itself, or

(4) the computation of the amount due requires consideration of matters outside the instrument.

(d) (b) If the instrument is more than twenty years old, judgment may be entered only by leave of court after notice and the filing of a complaint [under Subdivision (b)].

(e) (c) When [the plaintiff proceeds under Subdivision (b) and] the original or a photostatic copy or like reproduction of the instrument showing the defendant's signature is not attached to the complaint, judgment may be entered only by leave of court after notice.

* * * * *

Rule 2955. Confession of Judgment.

(a) [In an action commenced by a complaint under Rule 2951(b), the] The plaintiff shall file with the complaint a confession of judgment substantially in the form provided by Rule 2962.

* * * * *

Official Note: There are local rules in some counties requiring the filing of an affidavit of non-military service. See also the [**Soldiers, and Sailors**] **Service-members**, Civil Relief Act, 50 U.S.C.A. Appendix § [520] 521.

Rule 2956. Entry of Judgment.

The prothonotary shall enter judgment in conformity with the confession.

Official Note: As to instruments more than 20 years old see Rules 2951 [(d)] (b) and 2952(a)(9).

* * * * *

Rule 2957. Praecept for Writ of Execution; Amount; Items Claimed; Certification.

(a) Plaintiff may include the amount due, interest, attorneys' fees and costs in the praecipe for a writ of execution under Rule 2963(5). [Where judgment has been entered under Rule 2951(a) and there has been a record appearance of counsel at any stage of the proceedings and attorneys' fees are authorized in the instrument, these fees may be included in the praecipe for a writ of execution.]

* * * * *

FORMS

Rule 2962. Confession of Judgment Where Action Commenced by Complaint. Form.

The confession of judgment required by Rule 2955 shall be substantially in the following form:

* * * * *

[*Official Note:* This form is not to be used when judgment by confession is entered by the prothonotary under Rule 2951(a).]

Rule 2963. Praecept for Writ of Execution. Certification. Form.

The praecipe for a writ of execution upon a confessed judgment shall be substantially in the following form:

* * * * *

(5) Amount due \$ _____
 Interest from _____ \$ _____
 Attorneys' fees* * \$ _____

[[Costs to be added]]
(Costs to be added) \$ _____

[Where judgment has been entered under Rule 2951(a), attorneys' fees may be included if they are authorized in the instrument and there has been a record appearance of counsel at any stage of the proceedings.]**

* * * * *

Explanatory Comment

Current Rule 2951 provides for two methods of confessing judgment. Subdivision (a) allows the prothonotary, upon the filing of certain documents in support of the entry of judgment, to enter judgment by confession without the filing of a complaint or a confession of judgment signed by an attorney. Subdivision (b), on the other hand, requires both the filing of a complaint and a confession of judgment signed by an attorney. It has been reported that the method prescribed in subdivision (a) has been abused by lay persons. Furthermore, it is the practice of counsel representing creditors to enter judgments by confession pursuant to subdivision (b). They seldom confess judgment pursuant to subdivision (a) and subdivision (b) fully protects the creditor who seeks to obtain a judgment by confession. Rule 2951 has been amended by rescinding subdivision (a) so that all actions for confessing judgment must be commenced by filing a complaint. Rules 205.3, 236, 2955, 2956, 2957, 2962 and 2963 have also been amended to conform to the rescission of Rule 2951(a).

By the Civil Procedural Rules Committee

STEWART L. KURTZ,
Chair

[Pa.B. Doc. No. 09-67. Filed for public inspection January 16, 2009, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY

Order Amending Bucks County Administrative Order No. 43; Regarding Transfer of Pennsylvania State Police Criminal Summary Traffic Citations; Criminal Division; No. MD-2654-2008

Order of Court

And Now, this 21st day of November, 2008, Bucks County Administrative Order No. 43, is hereby amended to read as follows:

And Now, to wit, this 25th day of May, 2001, in accordance with Pennsylvania Rules of Criminal Procedure, Rule 130 (A-6), it is hereby ordered and directed that all Pennsylvania State Police criminal summary traffic citations originating in the venue of Magisterial District 07-1-01/Bensalem shall be filed and heard in Magisterial District 07-1-04/Levittown. It is further ordered and directed that all Pennsylvania State Police criminal summary traffic citations

originating in the venue of 07-1-12/Bensalem shall be filed and heard in Magisterial District 07-1-02/Bristol.

The effective date for this amended order shall be January 1, 2009.

This transfer of proceedings is ordered to better serve the administration of justice in Bucks County, and in particular, the named magisterial districts.

DAVID W. HECKLER,
President Judge

[Pa.B. Doc. No. 09-68. Filed for public inspection January 16, 2009, 9:00 a.m.]

LACKAWANNA COUNTY

Adult Probation Supervision Fund Fee Increase; 2008-MISC-8877

Administration Order

And Now, this 31st day of December, 2008, effective 30 days following publication in the *Pennsylvania Bulletin*, the monthly Adult Probation Supervision fee will increase from \$47.00 monthly to \$52.00 monthly. This fee is apportioned half (new amount \$26.00) to the Adult Probation Supervision Fund (Account Line item No. 4010) and half (\$26.00) to the Adult Probation PBPP Supervision Fund (per Act 35 of 1991/Account Line item No. 4528), the latter of which is maintained by the Lackawanna County Treasurer's Office for the President Judge.

It is further ordered that, in accordance with Pa.R.C.P. 239, the District Court Administrator of Lackawanna 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 on 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 *Lackawanna Jurist* at the expense of the County of Lackawanna; and
- (e) Supervise and distribute hereof all Judges of this Court.

It is Further Ordered that copies of this Order are directed to: the Court of Common Pleas; the District Court Administrator; the Lackawanna County District Attorney's Office; the Lackawanna County Public Defender's Office; the Lackawanna County Clerk of Judicial Records Office; the Lackawanna County Adult Probation and Parole Office; and the Lackawanna County Treasurer's Office.

By the Court

CHESTER T. HARHUT,
President Judge

[Pa.B. Doc. No. 09-69. Filed for public inspection January 16, 2009, 9:00 a.m.]

SUPREME COURT

Revised Duty Assignment Schedule for Emergency Petitions in the Year 2009; No. 325; Judicial Administration; Doc. No. 1

Order

Per Curiam:

And Now, this 31st day of December, 2008, the order of December 29, 2008, establishing the emergency duty schedule for the year 2009 is vacated; the following duty assignment schedule is hereby adopted for the handling of emergency petitions in the year 2009.

January	Justice J. Michael Eakin Justice Seamus P. McCaffery	(Eastern District) (Western District)
February	Justice Max Baer Justice Jane C. Greenspan	(Eastern District) (Western District)
March	Justice Thomas G. Saylor Justice Debra Todd	(Eastern District) (Western District)
April	Justice J. Michael Eakin Justice Seamus P. McCaffery	(Eastern District) (Western District)
May	Justice Max Baer Justice Jane C. Greenspan	(Eastern District) (Western District)

June	Justice Thomas G. Saylor Justice Debra Todd	(Eastern District) (Western District)
July	Justice J. Michael Eakin Justice Seamus P. McCaffery	(Eastern District) (Western District)
August	Justice Max Baer Justice Jane C. Greenspan	(Eastern District) (Western District)
September	Justice Thomas G. Saylor Justice Debra Todd	(Eastern District) (Western District)
October	Justice J. Michael Eakin Justice Seamus P. McCaffery	(Eastern District) (Western District)
November	Justice Max Baer Justice Jane C. Greenspan	(Eastern District) (Western District)
December	Justice Thomas G. Saylor Justice Debra Todd	(Eastern District) (Western District)

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 09-70. Filed for public inspection January 16, 2009, 9:00 a.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

MILK MARKETING BOARD

[7 PA. CODE CH. 143]

Producer Receipt for Farm Bulk Tank Milk

The Milk Marketing Board (Board) amends § 143.46 (relating to producer receipt for farm bulk tank milk) to read as set forth at 38 Pa.B. 3819 (July 12, 2008) under section 307 of the Milk Marketing Law (law) (31 P. S. § 700j-307).

Notice of proposed rulemaking was published at 38 Pa.B. 3819, with an invitation to submit written comments within 30 days. The Board received no comments during the public comment period. The Senate Committee on Agriculture and Rural Affairs and the House Agriculture and Rural Affairs Committee (Committees) offered no comments, suggestions or objections to the amendment. The Independent Regulatory Review Commission (IRRC) offered no recommendations, comments or objections to the amendment. No changes have been made from the proposed rulemaking to this final-form rulemaking.

In final-form rulemaking, the Board considered this rulemaking and its purpose under the directives of Executive Order 1996-1, "Regulatory Review and Promulgation."

Purpose

Currently § 143.46 of the Board's regulations requires persons who pick up bulk milk from farms to prepare a bill of lading or a similar document in triplicate, with one copy to be left at the farm at the time of pick-up, another to be retained by the milk hauler and the original to be retained by the purchasing milk dealer or cooperative. The Board has interpreted this regulation to require the use of carbon paper or similar carbonless forms which make three exact copies of the bill of lading at the time it is created. Milk dealers, cooperatives and milk haulers have asked the Board to relax this requirement to allow the use of new technology that will allow them to more efficiently record and retain the required information. The purpose of this amendment is to allow for use of other, more efficient means of preparing the bill of lading for bulk milk picked up from farms, as long as certain information, in a form approved by the Board, is left with the producer at the time the milk is picked up and also retained by the hauler and purchaser.

Comments

The Board received no comments during the public comment period. IRRC and the Committees offered no comments, suggestions or objections to the amendment.

Paperwork Estimates

There will be no additional paperwork requirements due to this amendment. If anything, paperwork requirements may be reduced because the amendment eliminates the requirement of a bill of lading made out in triplicate.

Fiscal Impact

The Board believes that adoption of this amendment will save time and eliminate the need for unnecessary paperwork for milk haulers, milk cooperatives and milk dealers, and thus will have a positive fiscal impact on these businesses.

Effective Date

The amendment will become effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

There is no sunset date.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking published at 38 Pa.B. 3819 to IRRC and to the Committees for review and comment.

In addition to submitting the final-form regulation, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request. This material is also available on the Board's web site at www.mmb.state.pa.us.

The amendment was deemed approved by the Committees on November 5, 2008. The amendment was deemed approved by IRRC under section 5(g) of the Regulatory Review Act, effective November 5, 2008.

Contact Person

The official responsible for information on this final-form regulation is Keith Bierly, Secretary, Milk Marketing Board, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4194.

Findings

The Board finds that:

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

(2) A public comment period was provided as required by law.

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

Order

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 7 Pa. Code Chapter 143, are amended by amending § 143.46 to read as set forth at 38 Pa.B. 3819.

(b) The Board will submit this order and 38 Pa.B. 3819 to the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Board shall certify this order and 38 Pa.B. 3819 and deposit them with the Legislative Reference Bureau as required by law.

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

RICHARD KRIEBEL,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 6429 (November 22, 2008).)

Fiscal Note: Fiscal Note 47-13 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 09-71. Filed for public inspection January 16, 2009, 9:00 a.m.]

STATEMENTS OF POLICY

Title 7—AGRICULTURE

CANINE HEALTH BOARD

[7 PA. CODE CH. 28]

Temporary Guidelines Standards for Commercial Kennels

The Canine Health Board (Board), under section 221(g) of the Dog Law (act) (3 P. S. § 459-221(g)), proposes to create Chapter 28 of Title 7 of the *Pennsylvania Code*. Section 221(f) of the act charges the Board with the duty to determine standards to provide for the health and well being of dogs in narrow specific areas of lighting, ventilation and floors in commercial kennels. The Board is to issue these temporary guidelines and promulgate them as regulations under section 221(g) of the act. The Board proposes to create specific standards that will protect the health and well being of dogs in commercial kennels (Class C kennels).

Background

The temporary guidelines are required by the act and are a precursor to the regulation which will be promulgated to protect the health and well being of dogs in Class C kennels. The intent of the temporary guidelines and the regulations which will follow them is to create ventilation, flooring and lighting standards that will protect the health and well being of dogs housed in Class C kennels. These provisions are necessary as the act created the Board and directed it to address these limited issues.

The major features of the temporary guidelines are summarized as follows:

Summary of Major Features

Section 28.1. Ventilation.

Standards are established to satisfy the directive of section 207(h)(7) of the act (3 P. S. § 459-207(h)(7)). Specifically, the temporary guidelines specify what conditions in dogs result from poor ventilation. The temporary guidelines then set forth specific standards that must be met to ensure that these conditions do not develop. The specifics include that ventilation must be achieved through a mechanical system that will allow for 8—20 air changes an hour, keep consistent moderate humidity, keep the kennel from becoming too hot, to keep ammonia levels and particulate matter low, and to keep odor minimized as it is a sign of disease and bacteria growth.

Section 28.2. Lighting.

Lighting standards of both natural and artificial light are created in accordance with 207(h)(8) of the act. As natural light is important to the development of dogs, all Class C kennels must provide natural light.

Section 28.3. Flooring.

The Board has approved solid flooring to be appropriate for use in Class C kennels as well as the flooring already approved in the legislation in accordance with 207(i)(3) of the act.

Fiscal Impact

Commonwealth

The temporary guidelines will not impose significant additional fiscal impacts upon the Bureau of Dog Law Enforcement (Bureau). However, once the final regulations are in place additional fiscal impacts will be imposed. Those costs will be paid for entirely from the Dog Law Restricted Account. No general fund money will be used. The Department of Agriculture (Department) will provide an estimate of costs to the Bureau for compliance with any new regulatory standards upon publication of the proposed regulations.

Political Subdivisions

The temporary guidelines will impose no costs nor have a fiscal impact upon political subdivisions. The regulations do not impose any additional burden of enforcement or review on political subdivisions.

Private Sector

The temporary guidelines will not impose additional costs on the regulated community. However, once the final regulations are published, Class C kennels will likely have to make some changes to comply with the lighting, ventilations and flooring requirements. The costs to the regulated community will be varied, depending on the size and condition of the existing kennel. The Department will provide an estimate of costs on existing Class C kennels for compliance with the new standards upon publication of the proposed regulations.

General Public

The temporary guidelines will not affect purchasers of dogs. The final regulations may affect purchasers of dogs. The Department will address this in the proposed regulations.

Paperwork Requirements

The temporary guidelines will not result in a substantial increase in paperwork. The Department will not have to develop new application forms or review procedures, but in some cases may want to amend current forms.

Public Comment Period

Interested persons are invited to submit written comments regarding the temporary guidelines within 30 days following publication in the *Pennsylvania Bulletin*. The comment to the temporary guidelines should be mailed to the Department of Agriculture, Bureau of Dog Law Enforcement, 2301 North Cameron Street, Room 102, Harrisburg, PA 17110, who will then forward the comments to the Board.

Fiscal Note: 2A-01. No fiscal impact; (8) recommends adoption.

(Editor's Note: Title 7 of the Pa. Code is amended by adding §§ 28.1—28.3 to read as set forth in Annex A.)

Annex A

TITLE 7. DEPARTMENT OF AGRICULTURE
PART II. DOG LAW ENFORCEMENT BUREAU
CHAPTER 28. CANINE HEALTH BOARD
STANDARDS FOR COMMERCIAL KENNELS
GENERAL PROVISIONS

Sec.	
28.1.	Ventilation.
28.2.	Lighting.
28.3.	Flooring.

§ 28.1. Ventilation.

Proper ventilation helps ensure that dogs are healthy and not stressed. Each kennel shall utilize a functional, mechanical ventilation, heating and cooling system that provides ventilation and cooling to satisfy the requirements of this section. The following standards shall be met at all times a dog is present in the facility:

(1) Each area of the kennel where dogs are housed shall utilize a mechanical ventilation system that provides ventilation, heating and cooling.

(2) Cooling must be used to keep the temperature below 86° Fahrenheit.

(3) When the temperature is 50—75° Fahrenheit, the relative humidity must be in the range of 40—60%. The relative humidity shall be measured at standing shoulder level of 10% of the dogs in the kennel, randomly selected from all rooms. Relative humidity may not be measured in a primary enclosure within 30 minutes of the completion of active cleaning of that primary enclosure.

(4) When the temperature is above 75° Fahrenheit, the relative humidity must be 1—50%. The relative humidity shall be measured at standing shoulder level of 10% of the dogs in the kennel, randomly selected from all rooms. Relative humidity may not be measured in a primary enclosure within 30 minutes of the completion of active cleaning of that primary enclosure.

(5) Ammonia levels must be less than 10 parts per million. The ammonia level shall be measured at shoulder level of dogs housed in the primary enclosure of 10% of the dogs in the kennel at standing shoulder height, randomly selected from all rooms, as well as on the floor of the four corners of the housing facility and at least one location on the floor along each wall of the facility. Ammonia in a primary enclosure may not be measured within 30 minutes of the completion of active cleaning of that primary enclosure.

(6) Carbon monoxide shall be maintained below detectable levels in all areas of the kennel. Kennels shall install and maintain carbon monoxide detectors with the ability to monitor the carbon monoxide level throughout the entire facility. The detectors must meet or exceed the UL standard 2034 or the IAS 6-96 standard, or its successor standards.

(7) In the event of a mechanical system malfunction, the kennel must have windows, doors, skylights, or other openings in the structure that shall be operable to maintain ventilation. In the event of a mechanical system malfunction, the kennel shall contact the Bureau of Dog Law Enforcement and consult on the steps to be taken to protect the health and well being of the dogs and shall take steps to correct the malfunction immediately.

(8) Particulate matter from dander, hair, food, bodily fluids, and other sources in a primary enclosure shall be below 10 milligrams per meter cubed. The particulate matter may be measured at shoulder level of dogs housed in the primary enclosure of 10% of the dogs in the kennel. The particulate matter may not be measured within 30 minutes of the completion of active cleaning of that primary enclosure.

(9) The following apply to air changes:

(i) The kennel shall provide between 8—20 air changes of 100% fresh air per hour in each room of the facility that houses dogs.

(A) The air changes shall be calculated using the following information supplied by the kennel to the Department:

(I) The volume of the facility.

(II) The linear dimensions of the facility.

(III) The number of primary enclosures.

(IV) The cubic feet occupied by each primary enclosure.

(V) The dimensions of all intake or exhaust vents of any fans as well as their capacity, or other system specifications.

(B) The information shall be submitted to the Department by _____ (*Editor's Note: The blank refers to a date within 90 days of publication of final rulemaking.*), and within 90 days of any change to the volume of the facility, the linear dimensions of the facility, the number of primary enclosures, or the dimensions of the opening and exhaust vents of any fans. The information submitted to the Department shall be kept as part of the kennel's records.

(ii) Air velocity measurements shall be taken at every kennel inspection at all intake vents or all exhaust vents and at shoulder level of dogs housed in the primary enclosure for 10% of the dogs in the kennel randomly selected from each room. Each air velocity measure and air change as calculated as measured at the vents and primary enclosures shall be recorded on the kennel inspection report.

(iii) The kennel owner shall be in violation if:

(A) The computed air change rate based on the data submitted under subparagraph (i) is not 8—20 air changes per hour or if the air change rate as measured at the vents is not 8—20 air changes per hour, and there is a simultaneous noncompliance of paragraphs (1)—(8) or (10)—(13).

(B) If the measured velocity reading at standing dog shoulder height does not result in a computation of 8—20 air changes in the primary enclosure and the air change in subparagraph (i) is satisfactory, a violation will not be issued unless there is a simultaneous noncompliance of paragraphs (1)—(8) or (10)—(13).

(iv) If a violation under subparagraph (iii) is found, a kennel shall bring the air system into compliance.

(v) The Department may hire or consult with an engineer to inspect and recommend improvements to be made to come into compliance with this paragraph.

(10) Dogs shall be in good health, free from illness and not stressed. Signs of illness and stress associated with poor ventilation include:

(i) Excessive panting.

(ii) Elevated body temperature.

(iii) Active avoidance of areas of the kennel.

(iv) Shivering.

(v) Huddling of dogs 12 weeks of age or older.

(vi) Mucous dripping from the nose of a dog.

(vii) Redness or crusting of eyes or nose.

(viii) Runny eyes.

(ix) Blindness.

(x) Coughing or sneezing.

(xi) Moist areas of hair.

- (xii) Diarrhea.
- (xiii) Bloody diarrhea.
- (xiv) Vomiting.
- (xv) Listlessness.
- (xvi) Presence of blood.
- (xvii) Death.

(11) The air in the facility may not have excessive dog odor, other noxious odors, stale air, moisture condensation on surfaces, or lack of air flow.

(12) Recirculated air shall be filtered with small particle, nonozone producing air filters.

(13) Ventilation systems must comply with the latest edition of applicable codes.

(14) Neonates under 3 weeks of age should be housed towards the higher end of the applicable temperature range.

§ 28.2. Lighting.

Natural lighting is important to the development of dogs. Each kennel shall have a mix of natural and artificial light, provided as follows:

(1) *Natural light.*

(i) Each dog shall have exposure to light from natural sources passing through external windows and, or sky lights to experience the natural diurnal cycle.

(ii) Windows must be transparent.

(iii) The minimum net glazed area within each room where dogs are housed may not be less than 8% of the floor space.

(iv) Dogs shall be protected from excessive light.

(v) Outdoor exercise areas shall have a shaded area as well as an unshaded area. The shaded and the unshaded area shall be large enough that each can be used by all dogs in the exercise area simultaneously.

(vi) If a kennel is granted a waiver for indoor exercise under section 207(i)(6)(x)(B) of the Dog Law (3 P. S. § 459-207(i)(6)(x)(B)), each primary enclosure must have transparent windows that allow natural light to come into each primary enclosure and provide dogs with an unobstructed view of the outdoor environment.

(vii) If a kennel is granted a waiver for indoor exercise under section 207(i)(6)(x)(B) of the Dog Law, full spectrum lighting shall be provided for the entirety of the daytime cycles in areas that house dogs.

(2) *Artificial light.*

(i) Artificial, indoor, daytime lighting must provide full spectrum lighting between 50—80 foot candles at standing shoulder level of the dogs for daytime lighting.

(ii) Night time artificial lighting must be 1—5 foot candles at standing shoulder level of the dogs of lighting.

(iii) Artificial lighting shall each be provided to approximately coincide with the natural diurnal cycle.

(iv) Lighting sources may not have an open flame.

(v) Lighting sources may not have a visible flicker.

(vi) Light sources, whether their primary purpose is to provide heat or light, shall be provided in a manner that prevents dogs from touching a light, fixture, bulb, switch or cord.

(3) Lighting must comply with the latest edition of applicable codes.

§ 28.3. Flooring.

Proper flooring is essential for normal behavior and proper orthopedic development of the dogs. Flooring must meet the standards in the legislation or as follows:

(1) In addition to the flooring already approved in the Dog Law (3 P. S. §§ 459-101—459-1206), solid flooring is approved for use.

(2) Solid flooring must be sloped to a drain that is free of debris and in good repair.

(3) Drain covers shall be provided and shall be securely fixed and made of noncorrosive substance.

(4) Flooring may not be metal nor any other material with high thermal conductance. This provision does not exclude the use of radiant heat flooring, or a flooring system to cool, provided that a dog has an area to escape the heat if it gets too warm or too cold.

(5) Floors and drains must comply with the latest edition of applicable codes.

(6) The surface of the flooring must provide the dogs with good footing. Examples include sealed concrete, painted concrete, epoxy flooring, sealed wood, textured and sealed tile.

(7) The flooring shall be cleaned in accordance with section 207(h)(14) of the Dog Law (3 P. S. § 459-207(h)(14)) and may be subject to microbial assessment.

(8) Flooring may not be made of nor coated with materials that are toxic to dogs.

[Pa.B. Doc. No. 09-72. Filed for public inspection January 16, 2009, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending January 6, 2009.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Voluntary Dissolutions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-30-2008	Nesquehoning Savings Bank Nesquehoning Carbon County	Nesquehoning	Approved
12-31-2008	Nesquehoning Savings Bank Nesquehoning Carbon County	Nesquehoning	Certificate of Election to Dissolve filed with Department of State

Institution shall cease to do business.

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
12-31-2008	Tower Bancorp, Inc., Greencastle, to acquire 100% of Graystone Financial Corp., Lancaster	Greencastle	Filed
12-31-2008	Riverview Financial Corporation, Halifax, acquired 100% of First Perry Bancorp, Inc., Marysville, and its subsidiary The First National Bank of Marysville, Marysville, and 100% of HNB Bancorp, Inc., Halifax, and its subsidiary Halifax National Bank, Halifax	Halifax	Effective

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-31-2008	Graystone Bank, Lancaster, and The First National Bank of Greencastle, Greencastle Surviving Institution: Graystone Bank, Lancaster, with the resulting institution continuing under the name "Graystone Tower Bank"	Lancaster	Filed

Branch Applications

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-31-2008	Wayne Bank Honesdale Wayne County	Weis Market Route 590 Hamlin Wayne County	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
12-30-2008	Public Savings Bank Huntingdon Valley Montgomery County	Amend and restate Articles of Incorporation in their entirety.	Approved and Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
1-1-2008	Schuylkill County School Employees Credit Union Pottsville Schuylkill County	Amend Article 1 of the Articles of Incorporation.	Approved and Effective
Amendment to Article 1 provides for a change of the name of the credit union <i>From</i> : "Schuylkill County School Employees Credit Union" <i>To</i> : "Hidden River Credit Union."			

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-73. Filed for public inspection January 16, 2009, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Emergency Shelter Grant Program

The Department of Community and Economic Development (Department), Center for Community Development, is anticipating applying for funding through the United States Department of Housing and Urban Development.

The Emergency Shelter Grant Program (Program) is established within Subtitle B of Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C.A. §§ 11371—11378). The Program authorizes grants for the rehabilitation or conversion of buildings for use as emergency shelters for the homeless, for the payment of certain operating expenses and essential services in connection with emergency shelters for the homeless, and for homeless prevention activities. The Program is designed to be the first step in a continuum of assistance to enable homeless individuals and families to move toward independent living, as well as to prevent homelessness.

One copy of the application may be submitted by local governments to the Department's Customer Service Center, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 in accordance with the Department's single application requirements. A copy of the application must also be sent to the appropriate regional office. The application window will open on January 17, 2009, and close at 5 p.m. on March 13, 2009. Applications received prior to or after these dates may not be considered for funding.

Application forms and instructions may be obtained by contacting the Department's Center for Community Development, in Harrisburg at (717) 787-5327, or the Department's Regional Offices. Persons with a disability who wish to submit an application in accordance with the provisions stated herein and who require assistance with that application, and persons who require copies of this notice in an alternate format (large type, Braille, and the like) should contact Ed Geiger, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, (717) 787-5327, to discuss how the Department may best accommodate their needs. The following is the listing of Department's regional offices and the counties they serve:

REGIONAL OFFICES**Southeast**

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Department of Community and Economic Development
Philadelphia State Office Building
1400 Spring Garden Street, Room 1800
Philadelphia, PA 19130
(215) 560-2256

Northeast

Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties

Department of Community and Economic Development
409 Lackawanna Avenue
3rd Floor, Oppenheim Building
Scranton, PA 18503
(570) 963-4571

Central

Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, York, Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties

Department of Community and Economic Development
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120
(717) 787-7347

Southwest

Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties

Department of Community and Economic Development
1405 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-5002

Northwest

Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties

Department of Community and Economic Development
100 State Street, Suite 205
Erie, PA 16507
(814) 871-4241

Main Office

Center for Community Development
400 North Street, 4th Floor
Commonwealth Keystone Building
Harrisburg, PA 17120
(717) 787-5327

JOHN P. BLAKE,
Acting Secretary

[Pa.B. Doc. No. 09-74. Filed for public inspection January 16, 2009, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council; Meeting Notice

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, January 28, 2009, 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 can 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.

CLIFFORD C. DAVID, Jr.,
Chairperson

[Pa.B. Doc. No. 09-75. Filed for public inspection January 16, 2009, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of 2009 Regional Summer Schools of Excellence Grants

Applications for the 2009 Regional Summer Schools of Excellence Grants of \$6,000 to apply to the operation of enrichment projects serving academically and/or artistically talented/gifted youth during July and August of 2009.

1. *Eligibility Requirements:*

Funding is available on a competitive basis to intermediate units; school districts (serving students in more than one district, except in large cities); charter schools; career and technology centers (CTCs or AVTSS) colleges or universities; not for profit regional chapters or councils for the arts; culture and/or educational organizations or consortia of two or more of the above. Applicants may apply for grants to launch new programs or expand or update existing programs.

2. *Application Deadline:*

Applications are due close of business, February 27, 2009.

3. *How to Apply:*

The grant guidelines and application will be available on the Department of Education's web site at www.pde.state.pa.us. On the left side click on: Pre K-12 Schools, Student Services and Programs, Schools of Excellence, Regional Schools of Excellence. This page also provides the policies and frequently asked questions regarding the grant.

4. *Questions Concerning the Grant Application:*

Questions concerning the grant application or guidelines should be addressed to Tracy Malick, Education Administration Associate, Department of Education, Bureau of Teaching and Learning Support, 333 Market Street, 8th Floor, Harrisburg, PA 17126-0333, (717) 783, 5670, tmalick@state.pa.us.

GERALD L. ZAHORCHAK, D.Ed.,
Secretary

[Pa.B. Doc. No. 09-76. Filed for public inspection January 16, 2009, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0070122 (Sew)	UMH Properties, Inc. 3499 Route 9 North Suite 3C Freehold, NJ 07728	Berks County Greenwich Township	UNT to Mill Creek 3-B	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0010511 (IW)	Spring Glen Fresh Foods, Inc. 314 Spring Glen Drive Ephrata, PA 17522	Lancaster County Ephrata Township	Bowman Run 7-J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0113883 (Sewage)	George and Janet Bittner Bittner's Mobile Home Park STP 68 Route 14 Highway Trout Run, PA 17771	Lewis Township Lycoming County	Lycoming Creek TSF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239194	Cherrytree Land Development Route 8 and Black Road Titusville, PA 16354	Cherrytree Township Venango County	UNT to Oil Creek 16-E	Y
PA0222763	Charter Plastics 221 South Perry Street Titusville, PA 16354	City of Titusville Crawford County	Oil Creek 16-E	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.

PA0052744, Sewage, SIC 4952, **Concordville Hotel, Inc.**, 780 Baltimore Pike, P. O. Box 607, Concordville, PA 19331-0607. This existing facility is located in Concord Township, **Delaware County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage effluent from the Concordville Hotel STP.

The receiving stream, a UNT to West Branch Chester Creek, is in the State Water Plan Watershed 3G and is classified for: TSE, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.025 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	4.2		20		40
(11-1 to 4-30)	5.2		25		50
Total Suspended Solids	6.3		30		60
NH ₃ -N (5-1 to 10-31)	0.6		3.0		6.0
(11-1 to 4-30)	1.9		9.0		18.0
Fecal Coliform (col/100 ml)			200		1,000
Dissolved Oxygen			5.0,		
			Instantaneous Minimum		
pH (Standard Units)			6.0,		9.0
			Instantaneous Minimum		
Total Residual Chlorine			0.13		0.3
Phosphorus as P: (Issuance—Year 2)	Monitor		Monitor		Monitor
(Year 3—Expiration)					
(5-1 to 10-31)	0.21		1.0		2.0
(11-1 to 4-30)	0.42		2.0		4.0

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

1. Notification of Designation of Responsible Operator.
2. Abandon STP when Public Sewers Become Available.

3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sewers.
5. Necessary Property Rights.
6. Small Stream Discharge.
7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. Change in Ownership.
10. Operator Training Plan.
11. Operations and Maintenance Plan.
12. Laboratory Certification.
13. Fecal Coliform Instantaneous Maximum Reporting.

PA0051519, Industrial Waste, SIC Codes 3646 and 3079, **Perkasie Industries Corporation**, P. O. Box 179, Perkasie, PA 18944. This proposed facility is located in Perkasie Borough, **Bucks County**.

This application is for renewal of an NPDES permit to discharge noncontact cooling water and stormwater from Perkasie Industries Corporation in Perkasie Borough, Bucks County. This is an existing discharge to the East Branch of Perkiomen Creek (Outfall 001) and Pleasant Spring Creek (Outfall 002). Perkiomen and Pleasant Spring Creeks are in the State Water Plan Watershed 3E. The nearest downstream public water supply intake for the Audubon Water Company is located on Perkiomen Creek and is approximately 19 miles below the point of discharge.

The receiving stream is classified for the following use: TSF.

The proposed effluent limits for Outfall 001 based on a design flow of 79,000 gpd:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110° F
pH	Within limits of 6.0 to 9.0 Standard Units at all times		

The proposed effluent limits for Outfall 002 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			Monitor and Report
COD			Monitor and Report
Oil and Grease			Monitor and Report
pH			Monitor and Report
Total Suspended Solids			Monitor and Report
Total Kjeldahl Nitrogen			Monitor and Report
Total Phosphorus			Monitor and Report
Iron (Dissolved)			Monitor and Report

The EPA waiver is in effect.

Major Permit Conditions:

1. No Chemical Additive.
2. Stormwater Requirements.

PA0051616, Industrial Waste, SIC Code 4941, **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033.

Description of Proposed Activity: Discharge of filter backwash water from Shady Lane Water treatment plant located in East Vincent Township, **Chester County**. Normally, the facility recycles their filter backwash water to the head of the plant. The applicant is seeking approval to discharge only during emergency situations.

This is an existing discharge to Schuylkill River. The receiving stream is in the State Water Plan Watershed 3D and is classified for WWF. The nearest downstream public water supply intake for the Borough of Phoenixville is located on Schuylkill River about 4 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an average discharge rate of 0.076 mgd:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	19	38	30	60	75
Iron, Total	1.27	2.54	2.0	4.0	5.0
Aluminum, Total	2.54	5.07	4.0	8.0	10.0
Manganese, Total	0.64	1.28	1.0	2.0	2.5
Chlorodibromomethane				Monitor and Report	

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Dichlorobromomethane			Monitor and Report		
Chloroform			Monitor and Report		
Total Residual Chlorine			0.7		
pH (Standard Units)	Within limits of 6.0 to 9.0 Standard Units at all times.				
					2.0

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

1. Applicable BAT/BCT.
2. Proper Sludge Disposal.
3. TMDL/WLA Analysis.

The EPA waiver is in effect.

PA0058653, Industrial Waste, SIC 8731, **Wyeth Pharmaceuticals, Facilities Department**, P. O. Box 8299, Philadelphia, PA 19101-8299. This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Proposed Activity: This application is for renewal of an National Pollutant Discharge Elimination System (NPDES) permit to discharge noncontact cooling tower blow down, condensate from air conditioning units and regeneration and rinse waters from the boiler feed water treatment systems of the central utility plant in Upper Providence Township, Montgomery County.

The receiving stream, Perkiomen Creek, is in the State Water Plan Watershed 3E and is classified for WWF. The nearest downstream public water supply intake for Aqua Pennsylvania Pickering Creek Water Plant is located on Perkiomen Creek and is 3.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 or 002, based on a design flow of 35,500 gpd, are as follows.

Parameter	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Temperature			110° F
pH	Within limits of 6.0 to 9.0 Standard Units at all times		
Total Dissolved Solids	16,700	22,600	33,400
Total Suspended Solids	30	60	75

The EPA waiver is in effect.

PA0032301, Sewage, SIC 4952, **Applied Water Management, Inc.**, 453 Boot Road, Downingtown, PA 19335. This existing facility is located in Concord Township, **Delaware County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage effluent from the Concord Industrial Park STP.

The receiving stream, West Branch Chester Creek, is in the State Water Plan Watershed 3G and is classified for: TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 mgd.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
CBOD ₅	4.2		25		50
Total Suspended Solids	5.0		30		60
NH ₃ -N					
(5-1 to 10-31)			3.0		6.0
(11-1 to 4-30)			9.0		18.0
Fecal Coliform (col/100 ml)			200		1,000
Dissolved Oxygen			2.0, Instantaneous Minimum		
pH (Standard Units)			6.0, Instantaneous Minimum		
Total Residual Chlorine			0.5		
Phosphorus as P:					1.2
(Issuance—Year 2)	Monitor		Monitor		Monitor
(Year 3—Expiration)					
(5-1 to 10-31)	0.17		1.0		2.0
(11-1 to 4-30)	0.33		2.0		4.0

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

1. Notification of Designation of Responsible Operator.
2. Remedial Measures if Public Nuisance.
3. No Stormwater to Sewers.
4. Necessary Property Rights.
5. Change in Ownership.
6. Chlorine Minimization.
7. Proper Sludge Disposal.
8. Instantaneous Maximum Limits.
9. Twice per Month Sampling.
10. Abandon STP when Public Sewers Become Available.
11. Operator Training Plan.
12. Operations and Maintenance Plan.
13. Fecal Coliform Instantaneous Maximum Reporting.
14. Laboratory Certification.

PA0056821, Sewage, SIC 4952, **The Malvern School of Glen Mills, Inc.**, 20 Creek Road, Glen Mills, PA 19342. This existing facility is located in Thornbury Township, **Delaware County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge 2,500 gpd of treated sewage effluent from The Malvern School at Glen Mills.

The receiving stream, Chester Creek, is in the State Water Plan Watershed 3G and is classified for: TSF, migratory fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 2,500 gpd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			25		50
Total Suspended Solids			30		60
Ammonia as N			5.0		10.0
Fecal Coliform			200		1,000
Dissolved Oxygen			2.0, minimum		
pH (Standard Units)			6.0, minimum		9.0
Total Residual Chlorine			1.2		2.8
Total Phosphorus as P			Monitor		Monitor

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

1. Notification of Designation of Responsible Operator.
2. Abandon STP when Public Sewers Become Available.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sewers.
5. Necessary Property Rights.
6. Change in Ownership.
7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. Twice per Month Sampling.
10. Operator Training Plan.
11. Fecal Coliform Instantaneous Maximum Reporting.
12. Laboratory Certification.
13. Operations and Maintenance Plan.

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

Application No. PA 0261238, Sewage, **Michael Civils**, 120 Trout Lane, Duncansville, PA 16635. This facility is located in Allegheny Township, **Blair County**.

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

The receiving stream, UNT Sugar Run, is in Watershed 11-A, and classified for CWF, 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 133 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
Total Suspended Solids	30		60
Total Residual Chlorine	Report		
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

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

The EPA waiver is in effect.

Application No. PA 0010502, Industrial Waste, SIC Code 3489, 3471 and 3483, **Letterkenny Army Depot**, One Overcash Avenue, Building 14, Chambersburg, PA 17201-4150. This facility is located in Greene Township, **Franklin County**.

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

The receiving stream, Rowe Run (Outfalls 001 and S02), is in Watershed 7-B, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Carlisle Borough located on the Conodoguinet Creek, approximately 44.9 miles downstream. The discharge is not expected to affect the water supply.

The receiving stream, a UNT to Conococheague Creek (Outfall S01), is in Watershed 13-C, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Hagerstown Borough, Maryland located on the Conococheague Creek, approximately 62 miles downstream. The discharge is not expected to affect the water supply.

The receiving stream, Rocky Spring Branch (Outfall S03), is in Watershed 13-C, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Hagerstown Borough, MD located on the Conococheague Creek, approximately 60 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.290 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (Standard Units)	XXX	XXX	6.0, Minimum	XXX	9.0
Oil and Grease	36	72	15	30	30
CBOD ₅	48	97	20	40	50
Total Suspended Solids	24	48	10	20	25
Total Phosphorus	4.8	9.7	2.0	4.0	5.0
Total Chromium	4.13	6.70	1.71	2.77	4.25
Total Lead	0.10	0.20	0.042	0.84	0.105
Total Nickel	1.06	2.12	0.44	0.88	1.10
Total Cyanide	Monitor and Report	Monitor and Report	0.65	1.20	1.62
Total Silver	0.14	0.27	0.57	0.114	0.142
Total Zinc	1.54	3.09	0.64	1.28	1.60
Total Toxic Organics	XXX	XXX	XXX	2.13	XXX
Total Cadmium	0.0048	0.009	0.002	0.004	0.005
Total Copper	0.19	0.38	0.079	0.158	0.197
Interim Bis (2-Ethylhexyl Phthalate (PED to)	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Final Bis (2-Ethylhexyl) Phthalate (to expiration)	0.077	0.154	0.032	0.064	0.080

The proposed effluent limits for Outfalls S01 and S03 discharging stormwater are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD ₅	XXX	XXX	Monitor and Report
Chemical Oxygen Demand	XXX	XXX	Monitor and Report
Total Suspended Solids	XXX	XXX	Monitor and Report
Total Phosphorus	XXX	XXX	Monitor and Report
Total Kjeldahl Nitrogen	XXX	XXX	Monitor and Report
Total Iron	XXX	XXX	Monitor and Report
Oil and Grease	XXX	XXX	Monitor and Report
pH (Standard Units)	XXX	XXX	Monitor and Report

The proposed effluent limits for Outfall S0₂ discharging stormwater are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD ₅	XXX	XXX	Monitor and Report
Chemical Oxygen Demand	XXX	XXX	Monitor and Report
Total Suspended Solids	XXX	XXX	Monitor and Report
Total Phosphorus	XXX	XXX	Monitor and Report
Total Kjeldahl Nitrogen	XXX	XXX	Monitor and Report
Total Iron	XXX	XXX	Monitor and Report
Oil and Grease	XXX	XXX	Monitor and Report
pH (Standard Units)	XXX	XXX	Monitor and Report
Total Cadmium	XXX	XXX	Monitor and Report
Total Chromium	XXX	XXX	Monitor and Report
Total Copper	XXX	XXX	Monitor and Report
Total Lead	XXX	XXX	Monitor and Report
Total Nickel	XXX	XXX	Monitor and Report
Total Silver	XXX	XXX	Monitor and Report
Total Zinc	XXX	XXX	Monitor and Report
Total Cyanide	XXX	XXX	Monitor and Report
TTO	XXX	XXX	Monitor and Report

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.

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

PA0098477, Sewage, **Highland Tank**, One Highland Road, Stoystown, PA 15563. This application is for renewal of an NPDES permit to discharge treated sewage from Highland Tank STP in Quemahoning Township, **Somerset County**.

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

Outfall 001: existing discharge, design flow of 0.0003 mgd.

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

Other Conditions: Outfalls 101—108 which discharge to the receiving waters known as Oven Run, serve as stormwater outfalls and are permitted to discharge only uncontaminated stormwater runoff. There are at this time no specific limitations on these outfalls.

The EPA waiver is in effect.

PA0091791, Sewage, **Joseph Argiro**, R. D. 2, Box 368, Connellsville, PA 15425. This application is for renewal of an NPDES permit to discharge treated sewage from Argiro Mobile Home Park STP in Bullskin Township, **Fayette County**.

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

Outfall 001: existing discharge, design flow of 0.026 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	6.5			13.0
(11-1 to 4-30)	19.5			39.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0218421, Sewage, **The Spring Church Group**, 2867 Washington Road, McMurray, PA 15314. This application is for renewal of an NPDES permit to discharge treated sewage from The Links at Spring Church STP in Kiskiminetas Township, **Armstrong County**.

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

Outfall 001: existing discharge, design flow of 0.004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.8			5.6
(11-1 to 4-30)	8.1			16.2
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			
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0204960, Sewage, **Briselli, Inc.**, P. O. Box 533, Lawrence, PA 15055. This application is for renewal of an NPDES permit to discharge treated sewage from Big Jim's Roadhouse STP in Cecil Township, **Washington County**.

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

Outfall 001: existing discharge, design flow of 0.002 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	20			40
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	Monitor and Report			Monitor and Report
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0096326, Sewage, **Wareham Investment Co., LP**, 344 Den-Rick Lane, Jeannette, PA 15644. This application is for renewal of an NPDES permit to discharge treated sewage from Wencliff Eyrie Mobile Home Estates in Hempfield Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.03 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.1			4.2
(11-1 to 4-30)	4.4			8.8
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			
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0218065, Sewage, **RoxCoal, Inc.**, P. O. Box 149, Friedens, PA 15541. This application is for renewal of an NPDES permit to discharge treated sewage from North Branch Mine STP in Green Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of North Branch Two Lick 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 PA-American Water Company on Two Lick Creek.

Outfall 001: existing discharge, design flow of 0.004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	13.0			26.0
(11-1 to 4-30)	25.0			50.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0218316-A1, Sewage, **Dunbar Township Municipal Authority**, P. O. Box 815, Connellsville, PA 15425. This application is for amendment of an NPDES permit to discharge treated sewage from Dunbar Township Municipal Authority STP in Dunbar Township, **Fayette County**.

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

Outfall 001: existing discharge, design flow of 0.3 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.45 mgd.

The EPA waiver is in effect.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
pH	not less than 6.0 nor greater than 9.0			

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

PA0103373-A1, Sewage, **Foxburg Area Water and Sewer Authority**, P. O. Box 2, Foxburg, PA 16036. This existing facility is located in Foxburg Borough, **Clarion County**.

Description of Proposed Activity: Amendment of an NPDES permit to increase the permitted flow from 0.085 mgd to 0.160 mgd of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Allegheny River and Parker City Municipal Authority, is located in Parker City, PA and is approximately 2.5 miles below point of discharge.

The receiving stream, the Allegheny River, is in Watershed 17-C and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.085 mgd.

Interim Limits

Parameters	Loadings			Concentrations	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX				
CBOD ₅	18	27	25	40	50
Total Suspended Solids	21	32	30	45	60
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				
Total Residual Chlorine			0.5		1.2
pH	6.0 to 9.0 Standard Units at all times				

The proposed effluent final limits for outfall 001 are based on a design flow of 0.160 mgd.

Final Limits

Parameters	Loadings			Concentrations	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX				
CBOD ₅	33	53	25	40	50
Total Suspended Solids	40	60	30	45	60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Average				
(10-1 to 4-30)	2,000/100 ml as a Geometric Average				
pH	6.0 to 9.0 Standard Units at all times				

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

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

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

WQM Permit No. 0508406, Sewerage, **Tim Logue**, 3256 Bean's Cove Road, Clearville, PA 15535. This proposed facility is located in Southampton Township, **Bedford County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment plant to replace a malfunctioning system at their single-family residence.

WQM Permit No. 6780402, Amendment 08-1, Sewerage, Dillsburg Area Authority, 98 West Church Street, Dillsburg, PA 17019. This proposed facility is located in Carroll Township, York County.

Description of Proposed Action Activity: Modifications to the existing aeration tanks and the existing clarifiers and the construction of two new tanks in which membranes will be installed.

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 0908014	Milford Township P. O. Box 86 Spinnerstown, PA 18968-0086	Bucks	Milford Township	Unami Creek HW-TSF
PAI01 1508078	Joseph Cappelli 1930 Ewing Road Cochranville, PA 19330	Chester	Upper Oxford Township	East Branch Big Elk Creek HQ-TSF-MF

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023908027	Edward and Nicole Yeager 3142 Oakhurst Drive Center Valley, PA 18034	Lehigh	Upper Milford Township	Tributary to Little Lehigh Creek HQ-CWF
PAI023908028	Lehigh County Authority Attn: Aurel Arndt P. O. Box 3348 1053 Spruce Street Allentown, PA 18106	Lehigh	Lower Macungie Township	Cedar Creek HQ-CWF
PAI023909001	Seagis Iron Run Assoc., LP Attn: John Begier One Tower Bridge 100 Front Street Suite 1370 West Conshohocken, PA 19428	Lehigh	Upper Macungie Township	Iron Run HQ-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)

CAFO Notices of Intent Received

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

Watershed Management Program, PAG122207, Downs Racing, LP, 1280 Highway 315, Wilkes-Barre, PA 18702.

The facility is a 216 acre, horse harness racing track located in Plains Township, Luzerne County. The number of standard bred racing horses on site average 325 per week per racing season (April to October) for a total of 259 Animal Equivalent Units. The facility generates approximately 3,016 tons of manure per racing season that is exported offsite. Downs Racing, LP is located near Mill Creek, a designated CWF and tributary to the Susquehanna River.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the state narrative water quality standards.

STATE CONSERVATION COMMISSION
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at www.pacd.org/districts/directory.htm or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
David Strause 48 Rehrersburg Road Richland, PA 17087	Berks	20.43	413.5	Layers	None	Renewal
Marlin Martin 425 North Market Street Myerstown, PA 17067	Lebanon	10	482.1	Swine and poultry	NA	Renewal
Noah Sauder, Jr. 401 Elco Drive Myerstown, PA 17067	Lebanon	10	488.6	Swine	NA	Renewal

**PUBLIC WATER SUPPLY (PWS)
PERMIT**

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

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

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published

in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 1508508, Public Water Supply.
 Applicant **London Britain Township**
 Township London Britain Township
 County **Chester**
 Responsible Official Aileen Parrish
 London Britain Township
 P. O. Box 215
 Kemblesville, PA 19347
 Type of Facility PWS
 Consulting Engineer Evans Mill Environmental, LLC
 P. O. Box 735
 101 Fellowship Road
 Uwchland, PA 19480
 Application Received Date September 30, 2008
 Description of Action Construction permit application received for a proposed water supply consisting of two wells, iron and manganese treatment, disinfection and storage to serve Nichol Subdivision.

Permit No. 0908508, Public Water Supply.
 Applicant **Richlandtown Borough**
 125 South Main Street
 P. O. Box 455
 Richlandtown, PA 18955
 Township Richland Township
 County **Bucks**
 Type of Facility PWS
 Consulting Engineer Castle Valley Consultants, Inc.
 10 Beulah Road
 New Britain, PA 18901
 Permit to Construct Issued August 29, 2008

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

Application No. 0809501—Construction, Public Water Supply.
 Applicant **Lisa's Little Philly**
 Township or Borough Wysox Township
 County **Bradford**
 Responsible Official Gary Brennan
 6174 Route 6
 Wysox, PA 18854
 Type of Facility Public Water Supply—Construction
 Consulting Engineer N/A
 Application Received January 5, 2009
 Description of Action Approval of a cation exchange water softening system to remove barium and iron.

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

Application No. 1008503, Public Water Supply.
 Applicant **Municipal Authority of Adams Township**
 Butler County

Township or Borough Adams Township
Butler County
 Responsible Official Matthew A. Cranmer, Manager
 Consulting Engineer Stephen J. Draus, P. E.
 Herbert, Rowland & Grubic, Inc.
 104 Route 611
 Suite 1
 Bartonsville, PA 18321
 Application Received Date December 29, 2008
 Description of Action Construction of a package duplex booster station at the Adams Ridge Tank in conjunction with installation of a solenoid valve on the existing tank altitude valve.

MINOR AMENDMENT

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

Application No. 0209501MA, Minor Amendment.

Applicant **SCI—Pittsburgh**
 3001 Beaver Avenue
 Pittsburgh, PA 15233
 Township or Borough City of Pittsburgh
 Responsible Official James Culbertson, CFMM
 SCI—Pittsburgh
 3001 Beaver Avenue
 Pittsburgh, PA 15233
 Type of Facility Water storage tank
 Consulting Engineer
 Application Received Date December 15, 2008
 Description of Action Painting the SCI Pittsburgh water sphere water storage tank.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the

intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Sunrise Terrace Mobile Home-Lot 54 Property, Route 191, Honesdale Borough, **Wayne County**. Dean Cruciani and Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 have submitted a Notice of Intent to Remediate (on behalf of their client, Ronald Gardas, 329 Laurel Drive, Honesdale, PA 18431), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of an accidental release from a nonregulated aboveground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Triangle II Restaurant, Blacklick Township, **Cambria County**. Douglas McKee, ATC Associates, Inc., 101 Allegheny Street, Hollidaysburg, PA 16648 on behalf of Debra Whinney, Benjamin Franklin Highway, Belsano, PA 15931 has submitted a Notice of Intent to Remediate. The former Triangle II Restaurant ceased operations in 2007, and is currently vacant. A phase I ESA indicated that a former fuel dispenser and likely associated USTs

were located on the northern side of the existing structure. Contaminated soil was removed and attainment samples were taken. The site will remain Nonresidential and an Act 2 Statewide Health Standard will be attained.

Janet Frye Residence, Hempfield Township, **Westmoreland County**. Richard D. Trimpi, CHMM, P. G., Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Lisa Deppe, Harleysville Insurance Company, P. O. Box 1016, Moorestown, NJ 08057 and Janet Frye, 115 Fallow Deer Lane, Greensburg, PA 15601 has submitted a Notice of Intent to Remediate. At least 200 gallons of No. 2 Fuel Oil was released from a 1,000 gallon UST on the Frye Property. The migration pathway for the released fuel oil is a subsurface drain pipe that extends approximately 80 feet from the back yard area. Two neighboring properties were impacted by the release. Approximately 240 tons of impacted soils and 8,700 gallons of impacted surface water were removed and properly disposed. A Residential Statewide Health Standard will be attained.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Fourth and Main Site, City of Greensburg, **Westmoreland County**. John R. Thatcher, BL Companies, Inc., 213 Market Street, 6th Floor, Harrisburg, PA 17101 (on behalf of Lori Foust, CFO, Inland American CFG Pennsylvania Portfolio DST, 2901 Butterfield Road, Oak Brook, IL 60523 and Karen Kautz, Representative of Owner, Inland Real Estate Acquisitions, Inc., 2901 Butterfield Road, Oak Brook, IL 60523) has submitted a Remedial Investigation Report and a Final Report concerning remediation of site soil and groundwater contaminated with PAHs and other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Costco Wholesale Store, West Homestead Borough, **Allegheny County**. Christopher Carlson, P. G., ATC Associates Inc., 2200 Garden Drive, Suite 200, Seven Fields, PA 16046 (on behalf of Heidi Macomer, Costco Wholesale Corp., 45940 Horseshoe Drive, Suite 150, Sterling, VA 20166) has submitted a Final Report concerning remediation of site soil contaminated with concentrations of thallium above Statewide Health Standard. Pathway elimination proposed by capping with a building footprint and parking lot. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Heth's Run Pittsburgh Zoo Property, City of Pittsburgh, **Allegheny County**. Wendy Noe, American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848 (on behalf of Dan Sentz, City of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219) has submitted a Risk Assessment Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Union Railroad Company Monongahela Junction Yard (Former), City of Duquesne, **Allegheny County**. Nicholas Palumbo, KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 (on behalf of Tom Besselman, Union Railroad Company, 1200 Penn Avenue, Suite 300, Pittsburgh, PA 15222-4207 and Jerome Gibas, General Manager, Kennywood Entertainment Partners, LP, 4800 Kennywood Boulevard, West Mifflin, PA 15122) has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with arsenic, lead and chromium in concentrations above their respective

MSCs for residential use. Manganese, iron and the VOC, chloromethane, have been identified in site groundwater above their respective MSCs for residential, used aquifers. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Siemens Power Generations, Inc., Property, Borough of Glassport, **Allegheny County**. (David Nakles, ENSR Corporation, 4075 Monroeville Boulevard, Building II, Suite 400, Monroeville, PA 15146 (on behalf of Siemens Westinghouse Power Corporation, 4400 Alafaya Trail, Orlando, FL 32823-2399) has submitted a Final Report concerning remediation of site soil contaminated with lead, PCBs and solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

West Penn Hat & Cap Site, East Deer Township, **Allegheny County**. Christopher D. Tower, C. D. Tower & Associates, Inc., P. O. Box 307, Export, PA 15632 (on behalf of F. Lynn Thompson, 1000 Treadway Trust, P. O. Box 428, Tarentum, PA 15084) has submitted a Remedial Investigation Report and a Final Report concerning remediation of site Groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Piccola Residence, City of Butler, **Butler County**. Environmental Coordination Services & Recycling, Inc., 3237 Highway 19, Cochranon, PA 16314 on behalf of Wanda Piccola, 230 Freeport Road, Butler, PA 16002 has submitted a Notice of Intent to Remediate. A fire destroyed a garage owned by Frank and Wanda Piccola on May 26, 2007. Several totes and drums of old gasoline were stored in the garage. In addition, an unknown quantity of paints and automotive chemicals were in the garage. Foam from firefighting activities flowed across the property into a fish pond. The pond overflowed into another small pond, then into a UNT and ultimately into a large farm pond. The property will continue to be used as a residential dwelling in the future. The Notice of Intent to Remediate was published in the *Butler Eagle* on November 24, 2008.

Caparo Steel, City of Farrell, **Mercer County**. Tetra Tech NUS, Inc., 661 Andersen Drive, Pittsburgh, PA 15220-2745 on behalf of Caparo Steel Company, 15 Roemer Boulevard, Farrell, PA 16121 and Bull Moose Tube, 1819 Clarkson Road, Chesterfield, MO 63017 has submitted a Notice of Intent to Remediate. The site to be remediated is the inactive Caparo Steel Plant owned by Caparo Steel. Groundwater contamination occurred as a result of the industrial operations at the property. The Caparo property has been used for industrial purposes and the future land use is projected to be industrial. The Notice of Intent to Remediate was published in *The Herald* on December 7, 2008.

Centerville United Methodist Church, Borough of Centerville, **Crawford County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Buffalo Structural Steel Corp., 60 Bryant Woods South, West Amherst, NY 14228 has submitted a Notice of Intent to Remediate. On August 15, 2008, a traffic accident occurred involving a tractor trailer and a passenger vehicle. Both vehicles came to rest directly atop a water well and vault. Soils immediately proximate to the crash scene were impacted with petroleum fuel and engine lubricants. An undetermined amount of contaminant was released to the ground surface impacting the

water well. The future use of the property is expected to remain as a church and church center. The Notice of Intent to Remediate was published in *The Meadville Tribune* on October 16, 2008.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 301165. Emanuel Tire of Pennsylvania, Inc., 1251 Conshohocken Road, Conshohocken, PA 19428-1030, Plymouth Township, **Montgomery County**. This minor permit modification application is for adjusting the configuration of the product stockpiles associated with Parcel A-1 without any change in storage or processing capacity, adding temporary work area, and adjusting the total number of onsite trailers. The application was received by the Southeast Regional Office on December 31, 2008.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to 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 Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

46-0271: Ratoskey & Trainor, Inc. (396 River Road, Bridgeport, PA 19405) for installation of a nonmetallic crushing plant to process concrete products in Upper Merion Township, **Montgomery County**. The Plan Approval and Operating Permit will contain all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

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

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

39-309-073: Blend Pro, Inc. (1213 Bradford Street, Allentown, PA 18103) for installation and operation of air cleaning devices on cement blending equipment at the facility in the City of Allentown, **Lehigh County**. Presently the company operates cement blending equipment at the facility to blend sand, slag and cement to make cementitious products for the construction industry. By this application the company has proposed to install baghouses on six storage silos, cement blending equipment and on packaging equipment to control PM emission generated during operations. Expected PM emission rate will be less than 0.02 gr/dscf from each baghouse. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

05-05025A: Bedford Reinforced Plastics, Inc. (264 Reynoldsdale Road, Bedford, PA 15522-7401) for construction of six pultrusion lines, two 5,000 gallon resin tanks and one 3,750 gallon resin tank in Bedford Township, **Bedford County**. Facility emissions of VOCs will be

limited to less than 50 tpy and HAPs emissions are limited to less than 10 tpy for any single HAP or 25 tpy for any combination of HAPs. The State-only facility-wide operating permit will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements.

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

24-012I: C/G Electrodes, LLC—St. Marys Plant (800 Theresia Street, St. Marys, PA 15857-1898) for replacement of an existing baghouse in the Bake Department during sagger can loading, sagger can cleaning and screening systems for baking of electrodes in St. Marys City, **Elk County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (relating to plan approval terms and conditions) and will demonstrate BAT for the source:

- Emissions shall with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions respectively.
- No person may permit the emission into the outdoor atmosphere of filterable particulate matter (FPM) in a manner that the concentration of FPM in the effluent gas exceeds 0.02 gr/dscf.
- Conduct stack testing for FPM compliance.
- Standard CAM related requirements for baghouse for PM control.
- The permittee shall maintain a record of all maintenance inspections of the control device. The records of the maintenance inspections shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects and any routine maintenance performed.
- The permittee shall record the following operational data from the control devices (these records may be done with strip charts recorders, data acquisition systems or manual log entries):
 - Pressure differential—daily as defined as at least once every calendar day.
 - Visible emissions observations—daily as defined as at least once every calendar day.
 - The permittee shall perform a daily operational inspection of the control device.
 - The permittee shall operate the control device at all times that the source is operation.
 - The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
 - The permittee shall adhere to the approved indicator range for the baghouse so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be deter-

mined during the initial performance test or any subsequently approved performance tests unless otherwise stated:

- Pressure drop determined during initial stack testing or within 90 days from initial startup
- Presence of any visible emissions observed by a designated employee

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

AMS 08114: SJA Construction, Inc. (South 26th Street, Independence Pier 2, Philadelphia, PA 19145) to reactivate a 300 tph batch asphalt plant and baghouse and install a 200 tph impact crusher in the City of Philadelphia, **Philadelphia County**. The emissions from the facility will be limited to less than the following limits per rolling 12-month period: 15.84 tons of NO_x, 6.62 tons of VOCs, 3.17 tons of FPM₁₀, 57.60 tons of CO, 8.64 tons of SO₂ and 2.19 tons of combined HAPs. The plan approval will contain operating, testing, monitoring, recordkeeping and reporting 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.

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

48-00020: MFS, Inc. (R. R. 5, Box 5151, Easton Road, Bethlehem, PA 18015) for renewal of a Title V Operating Permit to operate two cupolas and preheaters in the City of Bethlehem, **Northampton County**. The facility's major sources of emissions are NO_x and SO₂. The proposed Title V Operating Permit does not reflect any change in air emissions from the facility. This Title V Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

06-05022: State System of Higher Education (Main Street, Kutztown, PA 19530) for operation of the Kutztown University of Pennsylvania in Maxatawny Township, **Berks County**. This action is a renewal of the Title V operating permit issued in 2003. This permit will incorporate the Plan Approval No. 06-05022B.

06-05029: Reading Truck Body, LLC (P. O. Box 650, Reading, PA 19607-0650) for operation of a heavy duty truck manufacturing facility in the City of Reading, **Berks County**. This action is a renewal of the Title V operating permit issued in 2003.

36-05009: J. L. Clark, Inc. (303 North Plum Street, Lancaster, PA 17602-2401) for a lithographic decorative metal can coat art manufacturing facility in the City of Lancaster, **Lancaster County**. The Title V operating permit will include emission restrictions, monitoring, work practice standards, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This action is a renewal of the facility's Title V operating permit issued in 2003.

36-05079: Chester County Solid Waste Authority (7224 Division Highway, Narvon, PA 17555) for operation of a municipal waste landfill in Caernarvon Township, **Lancaster County**. The Title V operating permit will include emission restrictions, monitoring, work practice standards, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This action is a renewal of the facility's Title V operating permit issued in 2003.

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

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

46-00231: Judson A. Smith Co. (857-863 Sweinhart Road, Boyertown, PA 19512) for a Non-Title V Facility, State-only, Natural Minor Operating Permit in Douglass Township, **Montgomery County**. Judson A. Smith Company fabricates metal tubing components used for the medical, auto, aerospace and electronic industries. The primary sources of air emissions from the facility are Branson Vapor Degreaser (Source ID 101), Branson Vapor Degreaser (Source ID 102), six Cold Cleaning Machines (Source ID 103) and two Emergency Generators (Source ID 104). Potential emissions from the facility are less than the following emission rates: 19.0 tpy for VOCs, 9.0 tpy for HAP, 5.0 tpy for PM, 3.0 tpy for NO_x and 2.0 tpy for SO_x and CO. The permit will contain monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

04-00689: Rome Metals, LLC (700 West New Castle Street, Zelenople, PA 16063) for a structural metal fabrication plant at their Rochester Facility in Rochester Borough and Rochester Township, **Beaver County**. This is a renewal of the State-only Operating Permit, last renewed in 2004.

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

62-00162: Elkhorn Gas Processing, LLC (P. O. Box 60B, Kinuza Road, Warren, PA 16365) for issuance of a Natural Minor Operating Permit for operation of a natural gas processing plant for the Keystone Facility in Pleasant Township, **Warren County**. The facility's primary emission sources include an oil medium heater, a natural gas fired compressor engine, a glycol regenerator (Dehydrator), equipment leaks (VOC emissions) and product storage tanks and loading.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air

Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—34.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

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

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located

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

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

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

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹ The parameter is applicable at all times.

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

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

17851501 and NPDES Permit No. PA0215694, RES Coal, LLC, (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), to transfer the permit and related NPDES permit for Clearfield Siding in Boggs Township, **Clearfield County** from Sky Haven Coal, Inc. to RES Coal, LLC. No additional discharges. Application received November 17, 2008.

30031301 and NPDES Permit No. PA0235610, Dana Mining Company of PA, LLC, (308 Dents Run Road, Morgantown, WV 26501), to revise the permit for the 4 West Mine in Dunkard Township, **Greene County** for a road and stream variance to construct and operate a portion of the Coresco, LLC overland coal conveyor system on 4 West Mine permitted acres. No additional discharges. Application received October 10, 2008.

30841307 and NPDES Permit No. PA0213438, Emerald Coal Resources, LP, (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Franklin Township, **Greene County** to add acreage to the subsidence control plan permit area for longwall mining. Subsidence Control Plan Acres Proposed 932.0. No additional discharges. Application received October 29, 2008.

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

32813031 and NPDES No. PA0125547, Indiana Investments, Inc., 4469 McCreight Road, Shelocta, PA 15774, permit renewal for reclamation only of a bitumi-

nous surface and auger mine in Center Township, **Indiana County**, affecting 97.0 acres. Receiving streams: UNT to/and Tearing Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 26, 2008.

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

30080201 and NPDES Permit No. PA0251470, Shannopin Materials, LLC (308 Dents Run Road). Application for commencement, operation and reclamation of a bituminous surface mine, located in Monongahela Township, **Greene County**, affecting 45.8 acres. Receiving streams: UNTs to Monongahela River, classified for the following use: WWF. The water supplies with intakes within 10 miles downstream from the point of discharge: Dunkard Valley Water Authority and Masontown Water Works. Application received December 22, 2008.

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

54931601R3, Sherman Coal Co., Inc., (P. O. Box 93, Elysburg, PA 17824), renewal of an existing anthracite coal preparation plant operation in Frailey Township, **Schuylkill County** affecting 9.9 acres, receiving stream: none. Application received December 29, 2008.

54890201R4, Coal Castle Fuels, Inc., (101 North Center Street, Pottsville, PA 17901), renewal of an existing anthracite coal refuse reprocessing operation in Cass Township, **Schuylkill County** affecting 82.24 acres, receiving stream: none. Application received December 30, 2008.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

64020806, Tompkins Bluestone Co., Inc., (P. O. Box 776, Hancock, NY 13783), Stages I and II bond release from a quarry operation in Buckingham Township, **Wayne County** affecting 4.0 acres on property owned by Tompkins Reality & Development Co., LLC. Application received December 31, 2008.

64030803, Tompkins Bluestone Co., Inc., (P. O. Box 776, Hancock, NY 13783), Stages I and II bond release from a quarry operation in Buckingham Township, **Wayne County** affecting 4.0 acres on property owned by Tompkins Reality & Development Co., LLC. Application received December 31, 2008.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33

U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-792. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Warwick Township, Bucks County, United States Army Corps of Engineers, Philadelphia District.

To remove the existing dilapidated Harmonyville Road Bridge crossing and to construct and maintain at the same location a 56-foot long, 24.5-foot wide and 5.5-foot high single span, steel I-beam bridge in and along the 100-year floodway of French Creek (EV).

The site is located approximately 1,500 feet west of the intersection of Harmonyville Road (SR 4018) and Swamp Road (SR 345); (Elverson, PA USGS Quadrangle N: 11.00 inches; W: 1.00 inch).

E15-787. Chester County Commissioners, 2 North High Street, Suite 512, P. O. Box 2748, West Chester, PA 19380-0991, East Coventry, East Pikeland and East Vincent Townships, Borough of Spring City, Chester County, United States Army Corps of Engineers, Philadelphia District.

To construct, repair and maintain the Schuylkill River Trail Project extending 9.3 miles from Township Line Road (East Pikeland Township) and the proposed SR 0422 Bridge (East Coventry Township) over the Schuylkill River (Phoenixville, PA Quadrangle N: 4.1 inches; W: 4.0 inches, N: 17.2"; W: 13.5"). This project is for Phase 1 which extends 5.3 miles from Township Line Road to Linfield Road (East Coventry Township).

The project will include the construction of a 14-foot wide 5.8 mile long paved trail located mainly on the existing path containing 24 culverts, bridges and outfalls; 18 to remain, four to be replaced and two to be removed. Seven new structures are proposed. Approximately 4,100 linear feet of the trail will be situated within the 100-year floodplain of the Schuylkill River. (3,200 linear feet within the floodway)

Existing Structures to Remain

<i>Ex. Structure</i>	<i>Structure Type</i>	<i>Dimensions</i>	<i>Prop. Structure</i>	<i>Structure Type</i>	<i>Dimenions</i>	<i>Station</i>	<i>Stream</i>	<i>DA (acres)</i>
Brick Arch Bridge No. 29.44	Bridge	43.50' Span	N/A	N/A	N/A	16+00.00	Stony Run	3601.22
Brick Arch Bridge No. 30.42	Bridge	6.00' Span	N/A	N/A	N/A	73+13.18	UNT to The Schuylkill River	46.94
Stone Box Culvert	Culvert	3' by 3'	N/A	N/A	N/A	91+00.13	Stormwater Discharge	16.50
Ductile Iron Pipe	Outfall	18"	N/A	N/A	N/A	98+60.00	Stormwater Discharge	16.32
Stone Box Culvert	Culvert	2.5' by 5'	N/A	N/A	N/A	107+40.55	Stormwater Discharge	59.06
Stone Box Culvert	Culvert	4.5' by 2'	N/A	N/A	N/A	124+77.37	Stormwater Discharge	Unknown
Half Thru-Plate Grider Bridge No. 31.70	Bridge	84.00' Span	N/A	N/A	N/A	140+56.44	UNT to The Schuylkill River	523.82

<i>Ex. Structure</i>	<i>Structure Type</i>	<i>Dimensions</i>	<i>Prop. Structure</i>	<i>Structure Type</i>	<i>Dimensions</i>	<i>Station</i>	<i>Stream</i>	<i>DA (acres)</i>
Brick Arch with RCP Inlet	Bridge	6' Arch with 6'-6" Pipe Inlet	N/A	N/A	N/A	170+62.17	Receives Overflow From Lake Fed By Tributary No. 2 to The Schuylkill River	245.94
Half Thru-Plate Grider Bridge No. 32.82	Bridge	96.00' Span	N/A	N/A	N/A	199+38.66	Flow was diverted/blocked to feed/create the above mentioned lake	
Concrete Slab Bridge No. 32.91	Bridge	22.00' Span	N/A	N/A	N/A	204+45.92	UNT to The Schuylkill River	87.13
Stone Box Culvert	Culvert	2' by 5'	N/A	N/A	N/A	214+15.03	Stormwater Discharge	26.21
Thru Girder Bridge No. 33.55	Bridge	13.41' Span	N/A	N/A	N/A	238+50.00	Overhead Structure	
Stone Box Culvert	Culvert	2.5' by 4'	N/A	N/A	N/A	262+36.68	Stormwater Discharge	53.82
Stone Box Culvert	Culvert	2.5' by 5'	N/A	N/A	N/A	278+41.79	Stormwater Discharge	12.94
Brick Arch Bridge No. 34.38	Bridge	8.50' Span	N/A	N/A	N/A	282+60.27	UNT to The Schuylkill River	49.37
Stone Arch Bridge No. 34.56	Bridge	9.50' Span	N/A	N/A	N/A	291+58.08	Tributary No. 1 to The Schuylkill River	800.20
Concrete Slab Bridge No. 34.84	Bridge	9.00' Span	N/A	N/A	N/A	306+38.67	UNT to The Schuylkill River	1146.41
Concrete Slab Bridge No. 34.91	Bridge	75.00' Span	N/A	N/A	N/A	310+12.13	Pigeon Creek	1146.41
Brick Arch Bridge No. 35.00	Bridge	10.00' Span	N/A	N/A	N/A	314+41.97	Stormwater Discharge	Unknown

Existing Structures to be Replaced

<i>Ex. Structure</i>	<i>Structure Type</i>	<i>Dimensions</i>	<i>Prop. Structure</i>	<i>Structure Type</i>	<i>Dimensions</i>	<i>Station</i>	<i>Stream</i>	<i>DA (acres)</i>
CMP Inlet with buried Stone Box Outlet	Outfall	24"	P-2 HDPE Pipe	Outfall	30"	68+67.90	Stormwater Discharge	20.79
Cast Iron Pipe	Outfall	12"	P-3 HDPE Pipe	Outfall	24"	82+23.56	Stormwater Discharge	6.65
Stone Box Culvert	Culvert	3' by 3'	P-6 HDPE Pipe	Outfall	30"	226+12.13	Stormwater Discharge	15.61
Cast Iron Pipe & Terracota Pipe	Outfall	18" and 15"	P-10 HDPE Pipe	Outfall	30"	275+54.79	Stormwater Discharge	6.23

Existing Structures to be Removed

<i>Ex. Structure</i>	<i>Structure Type</i>	<i>Dimensions</i>	<i>Prop. Structure</i>	<i>Structure Type</i>	<i>Dimensions</i>	<i>Station</i>	<i>Stream</i>	<i>DA (acres)</i>
Cast Iron Pipe	Outfall	12"	N/A	N/A	N/A	248+53.82	BURIED	
Cast Iron Pipe	Outfall	16"	N/A	N/A	N/A	252+04.53	BURIED	

Proposed Structures

<i>Ex. Structure</i>	<i>Structure Type</i>	<i>Dimensions</i>	<i>Prop. Structure</i>	<i>Structure Type</i>	<i>Dimensions</i>	<i>Station</i>	<i>Stream</i>	<i>DA (acres)</i>
N/A	N/A	N/A	P-1 HDPE Pipe	Outfall	18	44+07.85	Stormwater Discharge	13.63
N/A	N/A	N/A	P-4 HDPE Pipe	Outfall	18	126+49.03	Stormwater Discharge	6.65
N/A	N/A	N/A	P-5 HDPE Pipe	Outfall	18	201+00.52	Stormwater Discharge	0.90
N/A	N/A	N/A	P-7 HDPE Pipe	Outfall	18	226+60.60	Stormwater Discharge	3.38
N/A	N/A	N/A	P-8 HDPE Pipe	Outfall	18	226+70.00	Stormwater Discharge	4.42
N/A	N/A	N/A	P-9 HDPE Pipe	Outfall	18	242+14.01	Stormwater Discharge	4.77
N/A	N/A	N/A	P-11 HDPE Pipe	Outfall	42"	282+69.16	UNT to the Schuylkill River	49.37

The project proposes to directly and permanently affect a total of 0.000 acre of wetlands. The project will impact approximately 0.50 acre of floodplain and 0.81 acre of floodway. No net fill is proposed for this project. Future phases of trail construction are anticipated to amend this permit.

E51-230, Philadelphia Water Department, 1101 Market Street, 2nd Floor, Philadelphia, PA 19107, **Philadelphia County**, United States Army Corps of Engineers, Philadelphia District.

Red Rambler Run Stream Restoration Project

Philadelphia Water Department proposes to perform stream restoration along four separated segment reaches along the Red Rambler Run (TSF-MF) with total stream length coverage of approximately 2,550 linear feet. The works focus on the restructuring stream alignment appurtenant structures while restoring scoured eroded segments along the affected portions of Red Rambler Run. Generic Water obstruction and encroachment impacts associated with this project are:

1. To stabilize into natural channel design a stone sill located at station 25+35 among other works located between Segments at Stations 27+70 to 25+40 within the stream and portions of the floodway.
2. To relocate a 40 foot length of swale with a pipe and to meander the stream away from the new pipe location to accommodate the construction spacing for the pipe and pipe outfall structures around Station 19+25 within the floodway work.
3. To relocate three existing manhole and associated auxiliary sewer works in the stream, and to modify sewer crossings between Stations 18+25 to Station 20+25 to accommodate stream natural design in the area.
4. To stabilize a segment of stream bank using a stone wall between Station 15+00 and Station 16+00 in the Floodway.

5. To use natural channel design to meander the stream away from old standing poles and guy wires and to also remove existing poles and guy wires away for the main stream in the new design where feasible around Station 8+50.

6. To raise an existing rock wall one foot high at station 2+00 to 2+75 along the stream banks and to conduct multiple stream bank restorations and in-stream meandering using both natural channel design and structural methods between Station 3+00 to Station 0+00.

The project site is located along four separate segments of the stream commencing upstream from approximately 81 feet south of the curb on Verree Road running along the downstream length of the stream and ends at approximately 20 feet from Walley Street at the culvert inlet under Walley Street, in Philadelphia City, Philadelphia County (Frankford, PA-NJ Quadrangle N: 17.50 inches; W: 6.41 inches (center of design reach of stream)).

Revised

To restore, stabilize and maintain approximately 2,550 linear feet of the Red Rambler Run (TSF-MF) along four separate segments of the stream by utilizing natural stream design methodology. This work also includes the relocation of an existing swale, and three manholes to accommodate the proposed restoration work.

The limit of this project is between Verree Road and Walley Street culverts in the City and County of Philadelphia (Frankford, PA-NJ USGS Quadrangle N: 17.50 inches; W: 6.41 inches).

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

E39-489. Lutron Electronics Company, Inc., 7200 Suter Road, Coopersburg, PA 18036-1249, in Upper Saucon Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 4 foot by 10 foot box culvert in Tumble Brook (CWF). The project is located 0.35 mile east from the intersection of Jacoby Road and SR 0309 (Allentown, PA Quadrangle Latitude: 40° 31' 04"; Longitude: 75° 22' 45").

E40-694. Bruno and Marie Tafani, 15 Sturmer Street, Exeter, PA 18643, in Exeter Borough, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To place fill in 0.50 acre of PEM wetlands for the purpose of a grading project for future development of the site. The project is located on the southwest side of Schooley Avenue approximately 0.83 mile northwest from the intersection of US Route 11 and SR 0092 in Exeter Borough, Luzerne County (Pittston, PA Quadrangle Latitude: 41° 19' 20"; Longitude: 75° 49' 32").

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

E06-643: Charles Lyon, Amity Township, 2004 Weavertown Road, Douglassville, PA 19518, Amity Township, **Berks County**, United States Army Corps of Engineers, Philadelphia District

To remove an existing 30.0-foot long, 8.0-foot wide by 5.9-foot high stone masonry structure and to construct and maintain a 36.6-foot long, 1.0-foot depressed, 9.0-foot wide by 7.0-foot high concrete box culvert in a UNT to Monocacy Creek (WWF) impacting 260.0 square feet (0.0056-acre) (Birdsboro, PA Quadrangle N: 6.81"; W: 0.43", Latitude: 40° 17' 15"; Longitude: 75° 45' 11") in Amity Township, Berks County.

E36-842: Borough of Columbia, 308 Locust Street, Columbia, PA 17512, Columbia Borough, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: (1) a 26.0-foot by 50.0-foot by 15.0-foot by 65.0-foot by 15.0-foot concrete stairway boat access area impacting 1,135.0 square feet of floodway of the Susquehanna River (Columbia East, PA Quadrangle N: 5.60 inches; W: 1.28 inches, Latitude: 40° 1' 51"; Longitude: 76° 30' 33"); (2) a 40.0-foot by 70.0-foot concrete boat launch area impacting 2,800.0-square feet of floodway of the Susquehanna River (Columbia East, PA Quadrangle N: 5.55 inches; W: 1.24 inches, Latitude: 40° 1' 50"; Longitude: 76° 30' 32"); (3) a 475.0-square foot floating dock including an access stairway impacting the floodway of the Susquehanna River (Columbia East, PA Quadrangle N: 5.50 inches; W: 1.21 inches, Latitude: 40° 1' 49"; Longitude: 76° 30' 31"); (4) a 475.0-square foot floating dock including an ADA access path impacting the floodway of the Susquehanna River (Columbia East, PA Quadrangle N: 5.45 inches; W: 1.17 inches, Latitude: 40° 1' 48"; Longitude: 76° 30' 30"); (5) an 8.0-foot by 5.0-foot concrete fishing pad and a 19.0-foot by 10.0-foot stairway access area impacting 250-square feet of floodway of the Susquehanna River (Columbia East, PA Quadrangle N: 5.50 inches; W: 1.21 inches, Latitude: 40° 1' 49"; Longitude: 76° 30' 31"); (6) 590.0 linear feet of vegetative stream bank stabilization impacting the floodway of the Susquehanna River (Columbia East, PA Quadrangle N: 5.50 inches; W: 1.17 inches, Latitude: 40° 1' 49"; Longitude: 76° 30' 30"); (7) a 25.0-foot by 15.0-foot concrete overlook building impacting 450.0-square feet of

floodway of the Susquehanna River (Columbia East, PA Quadrangle N: 5.40 inches; W: 1.09 inches, Latitude: 40° 1' 47"; Longitude: 76° 30' 28"); (8) a 1,600.0-square foot marina building impacting the floodplain of the Susquehanna River (Columbia East, PA Quadrangle N: 0.50 inch; W: 1.09 inches, Latitude: 40° 0' 10"; Longitude: 76° 30' 28"); and (8) associated grading for access roads and parking facilities impacting 21,600-square feet of floodplain of the Susquehanna River (Columbia East, PA Quadrangle N: 5.50 inches; W: 1.17 inches, Latitude: 40° 1' 49"; Longitude: 76° 30' 30"), all for the purpose of improving the existing Riverfront Park located in Columbia Borough, Lancaster County.

E06-641: Berks County Industrial Development Authority, Berks County Services Center, 14th Floor, 633 Court Street, Reading, PA 19610, Bethel Township, **Berks County**, United States Army Corps of Engineers, Philadelphia District.

To: (1) remove two 18.0-inch CMP culvert pipes and one 18.0-inch RCP culvert pipe and restore 30.0-linear feet of a UNT to Swatara Creek (CWF) (Bethel, PA Quadrangle N: 17.86 inches; W: 8.14 inches, Latitude: 40° 28' 24"; Longitude: 75° 41' 0.60"); (2) construct and maintain a 79.0-foot long, 1.0-foot depressed 6.0-foot by 6.0-foot concrete box culvert and an 8.0-inch diameter cement lined ductile iron pipe water line crossing in and across a UNT to Swatara Creek (CWF) (Bethel, PA Quadrangle N: 18.01 inches; W: 8.12 inches, Latitude: 40° 28' 27"; Longitude: 75° 41' 0.24"); (3) construct and maintain an 8.0-inch diameter cement lined ductile iron water line across a UNT to Swatara Creek (CWF) (Bethel, PA Quadrangle N: 17.36 inches; W: 8.13 inches, Latitude: 40° 28' 24"; Longitude: 75° 41' 0.50"); (4) construct and maintain an 8.0-inch diameter SDR sewer line utility across a UNT to Swatara Creek (CWF) (Bethel, PA Quadrangle N: 17.86 inches; W: 8.14 inches, Latitude: 40° 28' 24"; Longitude: 75° 41' 0.59"); (5) construct and maintain an 88.0-foot long, 1.0-foot depressed 12.0-foot by 6.0-foot concrete box culvert in a UNT to Swatara Creek (CWF) impacting 3,144-square feet (0.072-acre) of Palustrine Emergent wetlands and 325 cubic yards of fill for the roadway impacting 2,610.0 square feet (0.06-acre) of Palustrine Emergent wetlands (Bethel, PA Quadrangle N: 18.71 inches; W: 9.19 inches, Latitude: 40° 28' 41"; Longitude: 75° 41' 28"); (6) construct and maintain a 105-foot long, 1.0-foot depressed 12.0-foot by 6.0-foot concrete box culvert, an 8.0-inch diameter cement lined ductile iron pipe water line and a 10.0-inch diameter SDR sewer line in and across a UNT to Swatara Creek (CWF) and impacting 1,506-square feet (0.034-acre) of Palustrine, emergent scrub/shrub wetlands (Bethel, PA Quadrangle N: 18.71 inches; W: 9.46 inches, Latitude: 40° 28' 41"; Longitude: 75° 41' 35"); (7) construct and maintain an 8.0-inch diameter SDR sewer line utility line crossing over an existing 8.0-foot by 6.0-foot concrete box culvert in a UNT to Swatara Creek (CWF) (Bethel, PA Quadrangle N: 18.11 inches; W: 9.46 inches, Latitude: 40° 28' 29"; Longitude: 75° 41' 35"); (8) drain an existing 2,650.0-square foot pond and restore 181.0-linear feet of a UNT to Swatara Creek (CWF) (Bethel, PA Quadrangle N: 0.35 inch; W: 8.09 inches, Latitude: 40° 45' 7"; Longitude: 75° 41' 0.24"); and (9) drain an existing 505.0-square foot pond and restore 246.0 linear feet of a UNT to the Swatara Creek (CWF) (Bethel, PA Quadrangle N: 17.81 inches; W: 8.14 inches, Latitude: 40° 28' 23"; Longitude: 75° 41' 0.6"), and to drain an existing

11,550.0 square foot pond and place 3,100.0 cubic yards of fill to establish the area as 0.40-acre of Palustrine, Emergent wetlands (Bethel, PA Quadrangle N: 18.56 inches; W: 9.27 inches, Latitude: 40° 28' 38"; Longitude: 75° 41' 30"). All for the purpose of creating an industrial park in Bethel Township, Berks County. Wetland mitigation in the amount of 5.7-acres will occur onsite.

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

E02-1599. Township of Moon, 1000 Beaver Grade Road, Moon Township, PA 15108. To construct a culvert and walking bridges in Moon Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Ambridge, PA Quadrangle N: 5.2 inches; W: 16.6 inches, Latitude: 40° 31' 43"; Longitude: 80° 14' 40"). The applicant proposes to construct and maintain a box culvert having a span of 8.0 feet with an underclearance of 4.0 feet in the channel of a UNT to Flaugherty Run (WWF), to construct and maintain several pedestrian walking bridges across the channel of a UNT to Flaugherty Run (WWF) and to construct and maintain a 24 inch diameter stormwater outfall structure on the left bank of said stream for the purpose of constructing Olson Park. The project is located on the north side of Flaugherty Run Road, approximately 1,000.0 feet northwest from the intersection of Becks Run and Flaugherty Run Roads and will impact approximately 30.0 linear feet of stream channel.

E02-1600. Duquesne Light Company, 2645 New Beaver Avenue, Pittsburgh, PA 15233. To place and maintain fill on the bank of the Ohio River in the City of Pittsburgh, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Pittsburgh West, PA Quadrangle N: 16.4 inches; W: 6.5 inches, Latitude: 40° 27' 54"; Longitude: 80° 02' 50"). The applicant proposes to place and maintain fill on the right bank of the Ohio River (WWF-N) for the purpose of upgrading the existing substation. The project is located on Brunot's Island, approximately 8,600.0 feet downstream from the West End Bridge and will impact approximately 740.0 linear feet of the Ohio River.

E56-348. Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and replace culverts in Jefferson and Lincoln Townships, **Somerset County**, United States Army Corps of Engineers, Pittsburgh District (Bakersville, PA Quadrangle N: 12 inches; W: 3.2 inches, Latitude: 40° 4' 37"; Longitude: 79° 10' 14"). The applicant proposes to construct and maintain a 146 L.F. stream relocation; construct and maintain a 135 L.F., 48-inch diameter depressed culvert replacement and relocation of a 86 L.F. 40 inch diameter culvert; road associated stormwater outfalls; and fill and maintain 0.177 acre of PEM wetland in a UNT to Crab Run in the Laurel Hill Creek upper basin (HQ-CWF); a drainage area of approximately 236 acres; for the purpose of replacing and improving the SR 4005 overpass and approach roads to the Turnpike (I-79). In addition, the project includes temporary impacts to 0.04 acre of PEM wetland. This project is located approximately 5 miles northwest of Somerset, PA.

E63-613. Washington County Bridge Department, Courthouse Square, 100 West Beau Street, Suite 701, Washington, PA 15301. To remove and construct a box beam bridge in Canton Township, **Washington County**, United States Army Corps of Engineers, Pittsburgh District (Washington West, PA Quadrangle N: 8.4 inches; W: 3.7 inches, Latitude: 40° 10' 15"; Longitude: 80° 6' 36"). The applicant proposes to remove the existing T-390, two lane, two span, each span 24.4 ft long, 28.6 ft width, steel girder bridge having an average underclearance of 7.8 ft over Chartiers Creek (WWF); and to construct and maintain a two lane, single 53.7 ft span, 33.4 ft width, replacement concrete box beam bridge, with a underclearance of 8.2 ft.

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

E10-450. Buffalo Township; John Haven, Township Supervisor, 109 Bearcreek Road, Sarver, PA 16055. Butler-Freeport Trail-Phase 2, in Buffalo, Butler and Summit Townships, City of Butler, **Butler County**, United States Army Corps of Engineers, Pittsburgh District (Butler and Saxonburg, PA Quadrangle N: 40° 50' 6.75"; W: 79° 49' 18.83").

The applicant proposes to conduct the following activities associated with the construction of an extension to the Butler-Freeport Trail following approximately 4.5 miles of an existing abandoned Pennsylvania Central Railroad grade extending west from Bonniebrook Road in Summit Township to the City of Butler in Butler County.

1. To modify and maintain the existing bridge having a span of 70 feet and an underclearance of 12 feet across Connoquenessing Creek approximately 60 feet upstream of the confluence with Coal Run (Butler and Saxonburg, PA Quadrangle N: 40° 51' 14.39"; W: 79° 52' 34.56").

2. To realign a total of 1,900 linear feet of two UNTs to Coal Run.

3. To modify and maintain two existing culverts on UNTs to Coal Run (Butler and Saxonburg, PA Quadrangle N: 40° 51' 14.28"; W: 79° 52' 10.14" and N: 40° 51' 17.21"; W: 79° 52' 34.26").

4. To construct and maintain two new culverts on UNTs to Coal Run (Butler and Saxonburg, PA Quadrangle N: 40° 50' 07.66"; W: 79° 49' 32.24" and N: 40° 50' 09.78"; W: 79° 49' 39.17").

5. To maintain five existing cross culverts on UNTs to Coal Run at various locations along the 4.5 mile trail.

Connoquenessing Creek is a perennial stream classified as a HQ-WWF. Coal Run is a perennial stream classified as a WWF.

E42-342, Edward F. and Lorraine D. Selvoski, 19 Spud Drive, Scenery Hill, PA 15360. Small Flow Sewage Treatment Facility, Perennial Stream Discharge, in Corydon Township, **McKean County**, United States Army Corps of Engineers, Pittsburgh District (Stickney, PA Quadrangle N: 41° 58' 28"; W: 78° 52' 03").

To install and maintain a 4 inch SCH. 40 pipe outfall with a riprap apron along the north bank of Willow Creek (HQ-CWF) associated with a 400 gpd Small Flow Treatment Facility at 3287 West Washington Street approximately 1.6 miles southeast of the intersection of SR 321 and SR 346.

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 AT&T 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 audiocassette from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0025224	St. Clair Sewer Authority 16 South Third Street St. Clair, PA 17970	Schuylkill County East Norwegian Township	Mill Creek 3A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0113727	MOHOP, LLC P. O. Box 786 Clearfield, PA 16830	Clearfield County Sandy Township	Muddy Run 17C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0032824 Sewerage	Department of Transportation Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Mifflin Township Columbia County	UNT Nescopeck Creek 5D	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. PA0050750, Sewage, **UMH Properties, Inc.**, 3499 Route 9 North, Suite 3C, Freehold, NJ 07728. This proposed facility is located in Penn Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from the treatment plant serving Oxford Village Mobile Home Park into the East Branch Big Elk Creek in Watershed 7K.

NPDES Permit No. PA0057339, Sewage, **Brian and Cheryl Davidson**, 209 Poplar Road, Honey Brook, PA 19344. This proposed facility is located in Honey Brook Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 500 gpd of treated sewage into a UNT to West Branch Brandy Creek in Watershed 3H.

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

NPDES Permit No. PA0261211, CAFO, **Philip Hershey, Bridge Valley Farms, LLC**, 2661 Bossler Road, Elizabethtown, PA 17022-9726. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,803-AEU layer operation located in Watershed 7-G.

NPDES Permit No. PA0247324, CAFO, **Rohrer Farms, LLC**, 750 Doe Run Road, Lititz, PA 17543. This proposed facility is located in Penn and Warwick Townships, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,600-AEU swine and pullet operation located in Watershed 7-J.

NPDES Permit No. PA0088714, CAFO, **Pork Champ, LLC**, 572 Waldo-Fulton Road, Waldo, OH 43356. This proposed facility is located in West Cocalico Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 729-AEU swine operation in Watershed 7-J.

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

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

WQM Permit No. WQG01050801, Sewage, **Fred Penrod**, 110 Eisenhower Drive, New Paris, PA 15554. This proposed facility is located in Napier Township, **Bedford County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment plant to serve their single-family residence located on Point Road in Schellsburg.

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

WQM Permit No. 6008402, Sewerage, **New Berlin Municipal Authority**, P. O. Box 473, 700 Water Street, New Berlin, PA 17855. This proposed facility is located in New Berlin Borough, **Union County**.

Description of Proposed Action/Activity: The permit application is to upgrade and expand the wastewater treatment facility. This upgrade is to achieve nutrient removal and increase the permitted flow to 0.230 mgd.

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

WQM Permit No. WQG018667, Sewerage, **Herman F. Roney, Jr.**, 232 Old Farm Road, Cranberry Township, PA 16066. This proposed facility is located in Union Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a single-residence Sewerage Treatment Plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011508054	Chester County Parks and Recreation Department 601 Westtown Road Suite 160 P. O. Box 2747 West Chester, PA 19380-0990	Chester	Spring City Borough East Coventry, East Vincent and East Pikeland Townships	Schuylkill River HQ-WWF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023908009	West Hills Partners, LP 126 Seven Farms Drive Charleston, SC 29492	Lehigh	Weisenberg Township	Lyon Creek HQ-CWF, MF
PAI025206011	Department of Transportation Engineering District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Pike	Lehman Township	Randalls Creek HQ-CWF Little Bush Kill Creek EV Toms Creek EV
PAI025208007	Joseph Biondo P. O. Box 909 Milford, PA 18337	Pike	Milford Township	Saw Kill Creek EV
PAI025208004	Milford Equities, LLC 414 Main Street Suite 202 Port Jefferson, NY 11777	Pike	Milford Township	Tributary to Saw Kill Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032108007	Fish and Boat Commission 450 Robinson Lane Bellefonte, PA 16823	Cumberland	North Newton Township	Big Spring Creek EV-CWF
PAI000108003	Department of Transportation District 8-0 Michael Gillespie 2140 Herr Street Harrisburg, PA 17103	Adams	Franklin Township	Marsh Creek CWF

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

Somerset County Conservation District, Somerset County AG Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055608004	The Buncher Company 5600 Forward Avenue Pittsburgh, PA 15217	Somerset	Jefferson Township	Crise and Gross Run HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems

PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-2

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Heidelberg Township Berks County	PAR10C274RR	Fiorino Grande Grande Construction 2213 Quarry Drive West Lawn, PA 19609	Cacoosing Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Tilden Township Hamburg Borough Berks County	PAG2000608065	Gerald Fry Department of Transportation Engineering District 5-0 1002 Hamilton Boulevard Allentown, PA 18101	Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Robeson Township Berks County	PAG2000608066	Frank Arters 8 Stone Town Road Birdsboro, PA 19508	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Oley Township Berks County	PAG2000608076	John Kibblehouse Dibble Development Company, Inc. 2052 Lucon Road Skippack, PA 19474	Little Manatawny CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Paradise Township Lancaster County	PAG2003608052	J. Myron Stoltzfus P. O. Box 375 Intercourse, PA 17534	UNT Pequea Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5

NOTICES

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Manheim Township Lancaster County	PAG2003608087	Garber Scale and Calibration P. O. Box 10665 Lancaster, PA 17605	Landis Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Mount Pleasant Township Adams County	PAG2000108025	John Fidler 1990 Hanover Road Gettysburg, PA 17325	UNT to White Run-Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Hamiltonban Township Adams County	PAG2000108023	Robert J. Costello Liberty Worship Center P. O. Box 340 Fairfield, PA 17320	UNT to Middle Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Tyrone Township Adams County	PAG2000108014	Ira Reed Hillandale Gettysburg, LP 370 Spicer Road Gettysburg, PA 17325	Conewago Creek TSF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Conewago Township Adams County	PAR100137R	Andrew Brough Conewago Enterprises, Inc. 660 Edgegrove Road Hanover, PA 17331	South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Beaver County North Sewickley and Franklin Townships	PAG2000408017	Columbia Gas of PA c/o Anya Schnier 501 Technology Drive Canonsburg, PA 15317	UNTs to Bush and Connequesnessing Creeks WWF	Beaver County Conservation District (724) 378-1701
Westmoreland County Ligonier Borough Ligonier Township	PAG2006508038	Ligonier Township Municipal Authority One Municipal Park Drive Ligonier, PA 15658	Loyalhanna Creek CWF	Westmoreland County Conservation District (724) 837-5271

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hunlock Township Luzerne County	PAR602240	ABC Auto Parts, Inc. 158 Route 11 Hunlock Creek, PA 18621	Susquehanna River WWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Adams County Straban Township	PAR603597	JKLM Corporation, d/b/a Prospect Metal Company 3100 Weedon Avenue Baltimore, MD 21226	Swift Run WWF 7F	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Dauphin County Lower Swatara Township	PAR803660	FedEx Freight East, Inc. (HSG) 2200 Forward Drive DC:2270 Harrison, AR 72601	UNT Swatara Creek WWF 7D	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Chartiers Township Washington County	PAR206104	Dynamet Incorporated 195 Museum Road Washington, PA 15301	Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
<i>General Permit Type—PAG-4</i>				
<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bedford County Napier Township	PAG043886	Fred Penrod 110 Eisenhower Drive New Paris, PA 15554	UNT Adams Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Union Township Crawford County	PAG049486	Herman F. Roney, Jr. 232 Old Farm Road Cranberry Township, PA 16066	UNT to French Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-5</i>				
<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lansdale Borough Montgomery County	PAG050043	1419 West Main Street Lansdale, LLC c/o Synergy Environmental, Inc. 155 Railroad Plaza First Floor Royersford, PA 19468	Towamencin Creek 3E	Southeast Region Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
<i>General Permit Type—PAG-7</i>				
<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Greenwood Township Perry County	PAG070003 PAG070005 PAG073508	Synagro 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Larry Sarver Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-8 (SSN)

<i>Facility Location: Municipality & County</i>		<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Greenwood Township Perry County		PAG080002 PAG080003 PAG080004 PAG080005 PAG080006 PAG080008 PAG080018 PAG082201 PAG082203 PAG082211 PAG083501 PAG083502 PAG083506 PAG083510 PAG083515 PAG083517 PAG083518 PAG083522 PAG083535 PAG083540 PAG083542 PAG083547 PAG083551 PAG083556 PAG083565 PAG083567 PAG083573 PAG083596 PAG083597 PAG083600 PAG089903 PAG089904 PAG089905 PABIG9903	Synagro 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Larry Sarver Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Dickinson Township Cumberland County		PAG083570	Borough of Carlisle 53 West South Street Carlisle, PA 17013	James Deitch Farm Dickinson Township Cumberland County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-10

<i>Facility Location: Municipality & County</i>		<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Boggs, Bradford and Lawrence Townships Clearfield County		PAG104809	T. W. Phillips Pipeline Corp. 502 Keystone Drive Warrendale, PA 15086	Morgan Run CWF Long Run CWF Clearfield Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the

Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T 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. 2409002, Operations Permit, Public Water Supply.

Applicant **Pennsylvania American Water**
800 West Hersheypark Drive
Hershey, PA 17033
Newport Township

County **Luzerne**

Type of Facility PWS

Consulting Engineer Jim Connor, P. E.
Pennsylvania American Water
100 Pennsylvania Avenue
Wilkes-Barre, PA 18701

Permit to Operate December 18, 2008
Issued

Permit No. 2450039, Operations Permit, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
Palmyra Professional Center
HC 6, Box 6040
Hawley, PA 18428
Barrett Township

County **Monroe**

Type of Facility PWS

Consulting Engineer Douglas Berg, P. E.
Entech Engineering, Inc.
4 South 4th Street
P. O. Box 32
Reading, PA 19603

Permit to Operate December 16, 2008
Issued

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

Permit No. 0507505, Public Water Supply.

Applicant **Crestview Mobile Home Park**

Municipality East Providence Township

County **Bedford**

Type of Facility Modification of the existing system to blend the source water to lower arsenic levels.

Consulting Engineer Kevin L. Yoder, P. E.
CME Engineering, LP
165 East Union Street
Somerset, PA 15501

Permit to Construct December 29, 2008
Issued

Permit No. 3608514, Public Water Supply.

Applicant **Conestoga Wood Specialties Corporation**

Municipality East Earl Township

County **Lancaster**

Type of Facility Installation of nitrate treatment.

Consulting Engineer Charles A. Kehew II, P. E.
James R. Holley & Assoc., Inc.
18 South George Street
York, PA 17401

Permit to Construct December 29, 2008
Issued

Operations Permit issued to **Elizabethtown Area Water Authority**, 7360124, Mount Joy Township, **Lancaster County** on December 19, 2008, for the operation of facilities approved under Construction Permit No. 3608511 MA.

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

Permit No. 0809501—Construction, Public Water Supply.

Applicant **Lisa's Little Philly**

Township or Borough Wysox Township

County **Bradford**

Responsible Official Gary Brennan
Lisa's Little Philly
6174 Route 6
Wysox, PA 18854

Type of Facility Public Water Supply—Construction

Consulting Engineer N/A

Permit Issued Date January 6, 2009

Description of Action Construction of an iron and barium removal system, including a dual tank ion exchange system, with Purolite SST60 resin.

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

Permit No. 0208512, Public Water Supply.

Applicant **Pennsylvania American Water Company**
800 West Hersheypark Drive
P. O. Box 888
Hershey, PA 17033

Borough or Township Union Township,
Washington County; Baldwin
Borough and the City of
Pittsburgh
Allegheny County

County

Type of Facility Chemical storage and feed facilities at Hays Mine Station, E. H. Aldrich and the Mt. Washington booster station.

Consulting Engineer Gannett Fleming, Inc.
207 Senate Avenue
Camp Hill, PA 17011-2316

Permit to Construct December 29, 2008
Issued

Operations Permit issued to **Pennsylvania American Water Company**, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033, (PWSID No. 5020039) Union Township, **Washington County** on December 29, 2008, for the operation of facilities approved under Construction Permit No. 0208510MA.

Operations Permit issued to **Pennsylvania American Water Company**, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033, (PWSID No. 5020039) Union Township, **Washington County** on December 29, 2008, for the operation of facilities approved under Construction Permit No. 0207503MA.

Operations Permit issued to **Pennsylvania American Water Company**, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033, (PWSID No. 5020039) Franklin Township, **Washington County** on December 29, 2008, for the operation of facilities approved under Construction Permit No. 6399504A1.

Operations Permit issued to **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672, (PWSID No. 5260036) Rostraver Township, **Westmoreland County** on December 29, 2008, for the operation of facilities approved under Construction Permit No. 2608501MA.

Operations Permit issued to **Borough of Glasgow**, 178 Route 68, Midland, PA 15059, (PWSID No. 5040059) Glasgow Borough, **Beaver County** on December 29, 2008, for the operation of facilities approved under Construction Permit No. 0407509MA.

Permit No. 5689504T2, Minor Amendment, Public Water Supply.

Applicant **Hidden Valley Public Utility Services, LLC**
1300 Penn Avenue
Suite 300
Pittsburgh, PA 15222

Borough or Township Jefferson Township
County **Somerset**

Type of Facility Hidden Valley Resort

Consulting Engineer

Permit to Operate December 29, 2008
Issued

Permit No. 5608502T1, Minor Amendment, Public Water Supply.

Applicant **Hidden Valley Public Utility Services, LLC**
1300 Penn Avenue
Suite 300
Pittsburgh, PA 15222

Borough or Township Jefferson Township
County **Somerset**

Type of Facility Hidden Valley Resort

Consulting Engineer

Permit to Operate December 29, 2008
Issued

Permit No. 5689504A1T1, Minor Amendment, Public Water Supply.

Applicant **Hidden Valley Public Utility Services, LLC**
1300 Penn Avenue
Suite 300
Pittsburgh, PA 15222

Borough or Township Jefferson Township
County **Somerset**

Type of Facility Hidden Valley Resort

Consulting Engineer

Permit to Operate December 29, 2008
Issued

Permit No. 5684501T2, Minor Amendment, Public Water Supply.

Applicant **Hidden Valley Public Utility Services, LLC**
1300 Penn Avenue
Suite 300
Pittsburgh, PA 15222

Borough or Township Jefferson Township
County **Somerset**

Type of Facility Hidden Valley Resort

Consulting Engineer

Permit to Operate December 29, 2008
Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location: Greenfield Industrial Park

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lower Nazareth Township	306 Butztown Road Bethlehem, PA 18020	Northampton

Plan Description: The approved plan provides for the subdivision plan submitted for the previous referenced proposed Official Plan revision consisting of three warehouse buildings with interior offices on an 84 acre tract. The total square footage of the three buildings is 1,391,700 square feet. The warehouse buildings project to employ 640 people and to have an additional 110 visitors/truck drivers per day. The project proposes 7,500 gpd of sewage flows to be treated using a PURESTREAM Model PT-7.5 factory-built extended aeration type wastewater treatment plant which will discharge to an effluent storage basin and ultimately to a spray irrigation system. Elevated levels of nitrate nitrogen exist in the groundwater exceeding the Environmental Protection Agency drinking water regulations, therefore, the spray irrigation system must be designed so that the soil percolating water recharging the groundwater does not exceed 10 mg/l total nitrogen. The nitrogen removal capability of the spray field is based on the nitrogen uptake rate of

reed canarygrass and a total nitrogen concentration in the sprayed effluent not exceeding 25 mg/l. The wastewater treatment plant will consist of a 3,750 gallon equalization tank, a 7,500 gallon extended aeration tank and a 2,500 gallon sludge holding tank. The chlorine contact basin will be sized to allow 30 minutes of detention time. The treated effluent will be discharged to a 1.65 acre spray irrigation field. Easton Suburban Water Authority will provide public water to the project. The proposed development is located on Hanoverville Road, Lower Nazareth and Bethlehem Townships, Northampton County. No development is proposed in Bethlehem Township; however, the storage basin and the spray irrigation field will be located in Bethlehem Township. Any required NPDES Permits or WQM Permits must be obtained in the name of the property owner.

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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Former Banko Beverage Property, 420—424 Atlantic Street, Bethlehem City, **Northampton County**. Christopher A. Jacangelo, J. Rockwood & Associates, Inc., P. O. Box 1006, Easton, PA 18044-1006 submitted a Final Report (on behalf of his client, Anthony G. Stellar, P. O. Box 52, Route 309 and Lowhill Road, Schnecksville, PA 18078), concerning the remediation of soils found to have been impacted by leaded/unleaded gasoline and diesel fuel as the result of the removal of two underground storage tanks. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submittal of the Final Report was published in *The Morning Call* on May 27, 2008.

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

Arnold Transportation Services I-80 mm 190 EB Accident, Greene Township, **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Arnold Transportation Services, 451 Freight Street, Camp Hill, PA 17011 has submitted a Final Report concerning remediation of site soil contaminated with motor oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 5, 2009.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Fourth and Main Site, City of Greensburg, **Westmoreland County**. John R. Thatcher, BL Companies, Inc., 213 Market Street, 6th Floor, Harrisburg, PA 17101 (on behalf of Lori Foust, CFO, Inland American CFG Pennsylvania Portfolio DST, 2901 Butterfield Road, Oak Brook, IL 60523 and Karen Kautz, Representative of Owner, Inland Real Estate Acquisitions, Inc., 2901 Butterfield Road, Oak Brook, IL 60523) has submitted a Remedial Investigation Report and a Final Report concerning remediation of site soil and groundwater contaminated with PAHs and other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Costco Wholesale Store, West Homestead Borough, **Allegheny County**. Christopher Carlson, P. G., ATC Associates Inc., 2200 Garden Drive, Suite 200, Seven Fields, PA 16046 (on behalf of Heidi Macomer, Costco Wholesale Corp., 45940 Horseshoe Drive, Suite 150, Sterling, VA 20166) has submitted a Final Report concerning remediation of site soil contaminated with concentrations of thallium above Statewide Health Standard. Pathway elimination proposed by capping with a building footprint and parking lot. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Heth's Run Pittsburgh Zoo Property, City of Pittsburgh, **Allegheny County**. Wendy Noe, American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848 (on behalf of Dan Sentz, City of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219) has submitted a Risk Assessment Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Union Railroad Company Monongahela Junction Yard (Former), City of Duquesne, **Allegheny County**. Nicholas Palumbo, KU Resources, Inc., 22 South Linden

Street, Duquesne, PA 15110 (on behalf of Tom Besselman, Union Railroad Company, 1200 Penn Avenue, Suite 300, Pittsburgh, PA 15222-4207 and Jerome Gibas, General Manager, Kennywood Entertainment Partners, LP, 4800 Kennywood Boulevard, West Mifflin, PA 15122) has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with arsenic, lead and chromium in concentrations above their respective MSCs for residential use. Manganese, iron and the VOC, chloromethane, have been identified in site groundwater above their respective MSCs for residential, used aquifers. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Siemens Power Generations, Inc., Property, Borough of Glassport, **Allegheny County**. David Nakles, ENSR Corporation, 4075 Monroeville Boulevard, Building II, Suite 400, Monroeville, PA 15146 (on behalf of Siemens Westinghouse Power Corporation, 4400 Alafaya Trail, Orlando, FL 32823-2399) has submitted a Final Report concerning remediation of site soil contaminated with lead, PCBs and solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

West Penn Hat and Cap Site, East Deer Township, **Allegheny County**. Christopher D. Tower, C. D. Tower and Associates, Inc., P. O. Box 307, Export, PA 15632 (on behalf of F. Lynn Thompson, 1000 Treadway Trust, P. O. Box 428, Tarentum, PA 15084) has submitted a Remedial Investigation Report and a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Caparo Steel, City of Farrell, **Mercer County**. Tetra Tech NUS, Inc., 661 Andersen Drive, Pittsburgh, PA 15220-2745 on behalf of Caparo Steel Company, 15 Roemer Boulevard, Farrell, PA 16121 and Bull Moose Tube, 1819 Clarkson Road, Chesterfield, MO 63017 has submitted a Final Report concerning remediation of site groundwater contaminated with antimony, benzene, benzo[a]anthracene, beryllium, BIS[2-ethylhexyl] phthalate, cadmium, chrysene, cyanide free and thallium. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of resi-

dential 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Tarkett, Inc., 1139 Lehigh Avenue, Whitehall Borough, **Lehigh County**. Kenneth Battyanyi, ENSR, Inc., Four Gateway Center, 444 Liberty Avenue, Suite 700, Pittsburgh, PA 15222-1220 submitted a Final Report Addendum (on behalf of his client, Tarkett, Inc., 1001 Yamaska Street, East, Farnham, Quebec, Canada J2N 1J7), concerning the remediation of groundwater found to have been impacted by several VOCs. The report documented attainment of the Statewide Health Standard in groundwater for all compounds analyzed and was approved on December 26, 2008.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Janet Frye Residence, Hempfield Township **Westmoreland County**. Richard D. Trimpi, CHMM, P. G., Trimpi Associated, Inc., 1635 Old Plains Road, Pennsylvania, PA 18073 on behalf of Lisa Deppe, Harleysville Insurance Company, P. O. Box 1016, Moorestown, NJ 08057 and Janet Frye, 115 Fallow Deer Lane, Greensburg, PA 15601 has submitted a Final Report concerning the remediation of site soil contaminated with Fuel Oil No. 2. The Final Report demonstrated attainment of the Statewide Health Standard and

was approved by the Department of Environmental Protection on November 12, 2008.

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

Owens Illinois Plant No. 17, Clarion Borough, **Clarion County**. Harris Environmental, Inc., 600 Stone House Road, Clarion, PA 16214 on behalf of Owens-Brockway Glass Container, Inc.—Plant No. 17, 151 Grand Avenue, Clarion, PA 16214 has submitted a Nonuse Aquifer Determination Request. The Nonuse Aquifer Determination Request was disapproved by the Department of Environmental Protection on December 18, 2008.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act, of July 7, 1980, P. L. 380, 35 P. S. §§ 6018.101—6018.1003, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit ID No. 301287. Allegheny Ludlum Corporation, 100 River Road, Brackenridge, PA 15014-1597. Latrobe Facility, Route 981, Latrobe, PA 15650. Permit renewal of a captive residual waste landfill in Derry Township, **Westmoreland County** was issued in the Regional Office on December 22, 2008.

AIR QUALITY

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

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

66-315-053: Procter and Gamble Paper Products (P. O. Box 32, Mehoopnay, PA 18629) on December 31, 2008, to modify the paper drying process at their facility in Washington Township, **Wyoming County**.

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

10-267C: Three Rivers Aluminum Co.—TRACO (71 Progress Avenue, Cranberry Township, PA 16066) on December 29, 2008, to replace the existing control device associated with the Binks Booth and Tellkamp Paint Line (Source ID No. 101) with an Adwest Thermal Oxidizer at their facility in Cranberry Township, **Butler County**. This is a Title V facility.

10-284D: Seneca Landfill, Inc. (421 Hartmann Road, Evans City, PA 16033) on December 17, 2008, to construct a 4,000 cfm landfill gas (LFG) processing plant to separate methane from raw LFG and deliver the methane for sale to a natural gas utility pipeline in Jackson Township, **Butler County**. This is a Title V facility.

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

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

09-0031: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on December 31, 2008, to operate a Dust Suppression System in Wrightstown Township, **Bucks County**.

09-0031A: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on December 31, 2008, to operate a Dust Suppression System in Wrightstown Township, **Bucks County**.

09-0032: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on December 31, 2008, to operate a Dust Suppression System in Wrightstown Township, **Bucks County**.

09-0189: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on December 31, 2008, to operate a Replacement Asphalt Plant in Wrightstown Township, **Bucks County**.

09-189A: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on December 31, 2008, to operate a Replacement Asphalt Plant in Wrightstown Township, **Bucks County**.

46-0025K: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on December 31, 2008, to operate Medicinals and Botanicals in Upper Merion Township, **Montgomery County**.

15-0004F: Reynolds Packaging, LLC (520 Lincoln Avenue, Downingtown, PA 19335) on December 31, 2008, to operate Medicinals and Botanicals in Upper Merion Township, **Montgomery County**.

46-0005AC: Merck & Co., Inc. (770 Sumneytown Pike, P. O. Box 4, WP20-208, West Point, PA 19486-0004) on December 31, 2008, to operate an Emergency Electric Generator in Upper Gwynedd Township, **Montgomery County**.

46-0005AA: Merck & Co., Inc. (770 Sumneytown Pike, P. O. Box 4, WP20-208, West Point, PA 19486-0004) on December 31, 2008, to operate Disinfectant Operations in Upper Gwynedd Township, **Montgomery County**.

09-0193: Basic Chemical Solutions, LLC (5 Steel Road East, Morrisville, PA 19067) on December 31, 2008, to operate an Acid Storage Tank/Control Devices in Falls Township, **Bucks County**.

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

65-00966A: Greensburg Thermal, LLC (755 Opossum Lake Road, Carlisle, PA 17015-8923) on January 6, 2009, to extend the plan approval for installation and temporary operation of a coal-fired fluid bed boiler at SCI Greensburg in Hempfield Township, **Westmoreland County**. The extension allows additional time for performance of stack testing, submission and review of test reports and submission of the application for an operating permit. The plan approval has been extended.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

40-00069: Gemark Service Corp. (99 Stevens Lane, Exeter, PA 18643) on December 30, 2008, to issue a State-only (Natural Minor) Operating Permit to operate a material recovery process and associated air cleaning devices at their facility in Exeter Borough, **Luzerne County**.

45-00018: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on December 30, 2008, to re-issue a State-only (Synthetic Minor) Operating Permit to operate a batch asphalt plant and associated air cleaning devices at their Locust Ridge Quarry in Tobyhanna Township, **Monroe County**.

48-00059: Keystone Food Products, Inc. (3767 Hecktown Road, Easton, PA 18044) on December 31, 2008, to re-issue a State-only (Natural Minor) Operating Permit to operate a snack food manufacturing operation including ovens and fryers at their facility in Lower Nazareth Township, **Northampton County**.

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

21-03021: Amsted Rail Co., Inc. (1700 Walnut Street, Granite City, IL 62040-3100) on December 23, 2008, for a coating spray booth in Lower Allen Township, **Cumberland County**. This is a renewal of the State-only operating permit.

22-03002: Unilever BestFoods North America (523 South 17th Street, Harrisburg, PA 17104-2220) on December 31, 2008, for a pasta manufacturing operation in the City of Harrisburg, **Dauphin County**. This is a renewal of the State-only operating permit.

36-05069: Fenner, Inc. (311 West Stiegel Street, Manheim, PA 17545-1747) on December 29, 2008, for their polymeric drive belts manufacturing facility in Manheim Borough, **Lancaster County**. This is a renewal of the State-only operating permit.

38-05018: Lebanon Veterans Administration Medical Center (1700 South Lincoln Avenue, Lebanon, PA 17042-7529) on December 30, 2008, for operation of a medical hospital in South Lebanon Township, **Lebanon County**. This is a renewal of the State-only operating permit.

67-05012: Mid-Atlantic Cooperative Solutions, Inc., d/b/a Aero Energy (149 Bowman Road, York, PA 17408) on December 29, 2008, for operation of their automated propane cylinder filling facility in Jackson Township, **York County**. This is a renewal of the State-only operating permit.

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

S04-019: Clean Earth of Philadelphia (3201 South 61st Street, Philadelphia, PA 19153) on December 30, 2008, to operate a soil and nonsoil treatment facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include one thermal desorption unit, one thermal oxidizer and cyclone separa-

tor, one baghouse, one carbon adsorption unit, one carbon adsorption unit with fabric filter, Pretreated Media Process Building operations and particulate fugitive sources from plant roadways sweeping, outdoor storage pile and material transfer operations.

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

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

46-00014: Knoll, Inc. (1235 Water Street, East Greenfille, PA 18041) to amend the operating permit to incorporate Plan Approval PA-46-0014F for a Metal and Plastic saw with Cyclone in Upper Hanover Township, **Montgomery County**. Other revisions include the removal of sources no longer operated at the facility, the addition of an exempt emergency generators source and solvent degreasers source and general restructuring and reorganization of sources and permit conditions. Administrative Amendment of Title V Operating Permits is issued under the Air Pollution Control Act (35 P. S. §§ 4015) and 25 Pa. Code § 127.450.

09-00122: Arkema, Inc.—Altuglas Int. (100 PA Route 413, Bristol, PA 19007) for a minor modification of for their facility in Bristol Township, **Bucks County**. The minor modification will allow operation of the Building 66 Scrubber and the PM-1/2 Scrubber systems in water conservation modes. The modified TVOP includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

15-00118: Allan A. Myers, LP—d/b/a Independence Construction Materials (4042 State Road, (Devault) Charlestown Township, PA 19432) on December 29, 2008, the State-only Natural Minor Operating Permit was modified to change the frequency of the required paved in-plant sweeping to a minimum one time per week, weather permitting for their quarry in Charlestown Township, **Chester County**. The modified SOOP includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

01-05030: Hanover Prest Paving Co. (240 Bender Road, Hanover, PA 17331-9079) for operation of their batch asphalt plant in Mount Pleasant Township, **Adams County**. This State-only operating permit was administratively amended for emission caps for criteria pollutants and HAPs have been included in order for HPPC to maintain its synthetic minor status.

07-05035: Grannas Brothers Stone and Asphalt Company, Inc. (P. O. Box 488, Hollidaysburg, PA 16648-0488) on December 22, 2008, to operate a batch asphalt plant in Frankstown Township, **Blair County**. This State-only operating permit was administratively amended to incorporate plan approval 07-05035A. This is Revision No. 1.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

26080101 and NPDES Permit No. PA0251313. David L. Patterson, Jr. (12 Short Cut Road, Smithfield, PA 15478). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in German Township, **Fayette County**, affecting 49.9 acres. Receiving streams: UNTs to South Branch Browns Run to Monongahela River. Application received February 11, 2008. Permit issued December 29, 2008.

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

16080106 and NPDES Permit No. PA0258601. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258) Commencement, operation and restoration of a bituminous strip operation in Toby and Licking Townships, **Clarion County** affecting 85.5 acres. Receiving streams: UNTs to Cherry Run and Cherry Run. Application received July 17, 2008. Permit issued December 29, 2008.

33990102 and NPDES Permit No. PA0227978. McKay Coal Company, Inc. (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous strip and auger operation in Perry Township, **Jefferson County** affecting 81.7 acres. This renewal is issued for reclamation only. Receiving streams: Two UNTs to Foundry Run. Application received November 4, 2008. Permit issued December 29, 2008.

33820149 and NPDES Permit No. PA0605557. Strishock Coal Company (220 Hillcrest Drive, DuBois, PA 15801) Renewal of an existing bituminous strip and limestone removal operation in Washington Township, **Jefferson County** affecting 54.0 acres. This renewal is issued for reclamation only. Receiving streams: one UNT to Mill Creek. Application received November 12, 2008. Permit issued December 30, 2008.

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

54850207C. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), correction to an existing anthracite coal refuse reprocessing operation to authorize

Beneficial Use of Bio-Solids in reclamation in Hegins Township, **Schuylkill County** affecting 39.08 acres, receiving stream: East Branch Rausch Creek. Application received June 20, 2008. Correction issued January 5, 2009.

Noncoal Permits Actions

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

26062807. Fayette Coal & Coke, Inc. (2611 Memorial Boulevard, Connellsville, PA 15425). Final bond release for a small noncoal mining operation in Upper Tyrone Township, **Fayette County**. Restoration of 5.0 acres completed. Receiving streams: Galley Run. Application received October 20, 2008. Final bond release approved December 23, 2008.

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

61990301. Cooperstown Sand and Gravel (P. O. Box 4, Cooperstown, PA 16317) Renewal of an existing NPDES Permit No. PA0227960 in Jackson Township, **Venango County** affecting 39.5 acres. Receiving streams: UNT to Sugar Creek. Application received November 12, 2008. Permit issued December 30, 2008.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

Blasting Permits Actions

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

01084116. Dyno Nobel, Inc., 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for sewage treatment plant development in Bonneville Borough, **Adams County**. Blasting activity permit end date is December 31, 2009. Permit issued December 24, 2008.

21084175. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for single dwelling development in Carlisle Borough, **Cumberland County**. Blasting activity permit end date is December 31, 2009. Permit issued December 24, 2008.

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

26084007. Golden Triangle Construction (40 Patridge Lane, Imperial, PA 15126). Blasting activity permit for highway construction of the Mon/Fayette Expressway Section 51-E2, located in Redstone Township, **Fayette County**. The expected duration of blasting is 1 year. Permit issued December 30, 2008.

30084010. Joseph B. Fay, Inc. (100 Sky Lane, Tarentum, PA 15084). Blasting activity permit for construction of a gas line, located in Dunkard Township, **Greene County**. The expected duration of blasting is 180 days. Permit issued December 31, 2008.

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

48084002. Orica USA, Inc. (971 Mountain Road, Bloomsburg, PA 17815), blasting at the IESI PA Bethlehem Landfill in Lower Saucon Township, **Northampton County** with an expiration date of December 11, 2009. Permit issued December 30, 2008.

54084108. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Paul Bedway Project in Schuylkill Haven Borough, **Schuylkill County** with an expiration date of June 30, 2009. Permit issued December 30, 2008.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T 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 P.S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-793. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, East Fallowfield Township, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the modification of the Strasburg Bridge:

1. To rehabilitate, widen and maintain the existing four-span stone arch bridge which carries Strasburg Road over the West Branch of the Brandywine Creek (WWF-MF). This work includes repair of the existing substructure and placement of riprap along the abutments and piers associated with scour protection.

2. To construct and maintain a temporary cofferdam.

3. To resurface the existing Dry Race bridge deck, to restore its collapsed masonry parapet wall and to remove a large tree within the floodway.

The project will impact approximately 100 linear feet of stream length and temporarily impact 0.046 acre of wetlands (PEM). The project site is located approximately 400 feet west of the intersection of Mortonville (SR 3062) and Strasburg Roads (SR 3026) in East Fallowfield Township, Chester County (Coatesville, PA USGS Quadrangle N: 12.91 inches; W: 4.09 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

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

1. To remove an existing bridge and to construct and maintain, in its place, a 14-foot-long, 32-foot-span and 6.5-foot underclearance I-beam bridge, impacting 0.17 acre of isolated wetlands (PFO).

2. To place and maintain approximately 26 cubic yards of R-6 riprap around bridge abutments for scour protection.

3. To construct and maintain a temporary cofferdam.

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

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E46-1033. PECO Energy Company, 2301 Market Street, S9-1, Philadelphia, PA 19101, Hatfield Township, **Montgomery County**, United States Army Corps of Engineers, Philadelphia District.

To expand, construct and maintain an existing PECO substation impacting 0.18 acre of wetland (PEM) associated with the power demand for Pennsylvania, New Jersey and Delaware. The project proposes to construct 0.18 acre of replacement wetlands onsite. The site is located near the intersection of Derstine and Elroy Roads (Telford, PA USGS Quadrangle N: 5.00 inches; W: 10.00 inches).

E09-925. Chalfont Borough, 40 North Main Street, Chalfont, PA 18914, Chalfont Borough, **Bucks County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an approximately 8-foot-long, 95-foot-span and 5.73-foot underclearance pedestrian bridge across the North Branch of the Neshaminy Creek (TSF, MF and Tur₂) associated with the proposed Lindenfield trail system.

The project will permanently impact approximately 20 linear feet of stream. The project commences near the intersection of Lindenfield Parkway and Patrick Place and extends approximately 566 feet in the northeast direction terminating at the boundary line of Chalfont Borough and New Britain Township (Doylestown, PA USGS Quadrangle N: 8.34 inches; W: 11.56 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E52-205. Department of Transportation Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512. Lehman Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To authorize the following Water Obstructions and Encroachments associated with the SR 2001, Section 401 Improvements Project which includes the proposed reconstruction of 4.0 miles of roadway. The project will impact a total of 0.37 acre of wetlands, including 0.04 acre of EV wetlands and will require the replacement of seven road crossings of Randalls Creek (HQ-CWF) and its tributaries, Little Bushkill Creek (EV) and its tributaries and a tributary to Toms Creek (EV). The project begins at the intersection of SR 2001 and SR 209 (Bushkill, PA-NJ Quadrangle Lat: 41° 05' 35"; Long: 75° 00' 06") and extends just north of the intersection of SR 2001 and Little Egypt Road (Lake Maskenozha, PA-NJ Quadrangle Lat: 41° 08' 13"; Long: 74° 58' 17") in Lehman Township, Pike County.

<i>Road Station</i>	<i>Description</i>
SR 2001 20+120	To install an energy dissipater within the channel of a tributary to Little Bushkill Creek (EV) (Lat: 41° 06' 29"; Long: 75° 00' 08")
SR 2001 130+70	To remove the existing structure and to construct and maintain a 6-foot diameter reinforced concrete pipe depressed 1-foot and energy dissipaters in a tributary to Randalls Creek (HW-CWF) (Lat: 41° 07' 03"; Long: 74° 59' 32")
T-304 14+00	To remove the existing structure; to construct and maintain a 12.7-foot wide by 9-foot high corrugated steel pipe arch culvert depressed 1-foot with fish baffles; and to install stabilization features within the channel of Randalls Creek (HW-CWF) (Lat: 41° 07' 37"; Long: 74° 58' 54")
SR 2001 178+00	To remove the existing structures; to construct and maintain a 10-foot wide by 5-foot high reinforced concrete box culvert depressed 1-foot with fish baffles; and to install stabilization features within the channel of Randalls Creek (HW-CWF) (Lat: 41° 07' 37"; Long: 74° 58' 54")
SR 2001 222+80	To remove the existing structure; to construct and maintain a 2-foot diameter corrugated metal pipe culvert; to install stabilization features; and to realign the channel of a tributary to Toms Creek (EV) (Lat: 41° 08' 08"; Long: 74° 58' 21")
SR 2001 233+00	To remove the existing structure; to construct and maintain an 18-inch corrugated metal pipe culvert; and to install stabilization features within a tributary to Toms Creek (EV) (Lat: 41° 08' 17"; Long: 74° 58' 12")
SR 2001 177+50	To remove the existing structure; to construct and maintain an 18-inch corrugated metal pipe culvert; and to install stabilization features within a tributary to Randalls Creek (HQ-CWF) (Lat: 41° 07' 36"; Long: 74° 58' 55")
T-304 12+30	To remove the existing structure; to construct and maintain an 34-inch wide by 22-inch high corrugated metal pipe culvert; and to install stabilization features within a tributary to Randalls Creek (HQ-CWF) (Lat: 41° 07' 36"; Long: 74° 58' 55")
88+10 Right	0.01 acre PSS/PFO EV wetland impact (Lat: 41° 06' 53"; Long: 75° 00' 06")
126+70 Right	0.03 acre PEM wetland impact (Lat: 41° 07' 02"; Long: 74° 59' 36")
130+25 Right	0.08 acre PEM wetland impact (Lat: 41° 07' 03"; Long: 74° 59' 32")
170+50 Left	0.07 acre PEM wetland impact (Lat: 41° 07' 30"; Long: 74° 58' 55")
172+25 Right	Less than 0.01 acre PEM wetland impact (Lat: 41° 07' 50"; Long: 74° 58' 50")
174+30 Left	0.03 acre PEM wetland impact (Lat: 41° 07' 33"; Long: 74° 58' 55")
175+50 Right	Less than 0.01 acre temporary PEM wetland impact (Lat: 41° 07' 35"; Long: 74° 58' 54")
177+60 Left	0.01 acre PEM wetland impact (Lat: 41° 07' 36"; Long: 74° 58' 55")
178+50 Right	0.06 acre PSS wetland impact (Lat: 41° 07' 37"; Long: 74° 58' 54")
181+95 Right	Less than 0.01 acre PEM/PSS wetland impact (Lat: 41° 07' 42"; Long: 74° 58' 52")

<i>Road Station</i>	<i>Description</i>
181+95 Right	0.01 acre temporary PEM/PSS wetland impact (Lat: 41° 07' 42"; Long: 74° 58' 52")
188+80 Left	0.04 acre PEM wetland impact (Lat: 41° 07' 46"; Long: 74° 58' 49")
190+00 Left	Less than 0.01 acre PEM/PSS wetland impact (Lat: 41° 07' 47"; Long: 74° 58' 46")
233+00 Right	Less than 0.01 acre PEM EV wetland impact (Lat: 41° 08' 17"; Long: 74° 58' 12")
233+00 Left	0.01 acre PSS EV wetland impact (Lat: 41° 08' 17"; Long: 74° 58' 14")
222+80 Left	Less than 0.01 acre PEM wetland impact (Lat: 41° 08' 12"; Long: 74° 58' 17")
222+50 Left	Less than 0.01 acre PEM EV wetland impact (Lat: 41° 08' 08"; Long: 74° 58' 21")

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

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

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

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

To construct and maintain:

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

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

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

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

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

E01-280: Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, Franklin Township, **Adams County**, United States Army Corps of Engineers, Baltimore District.

To: (1) remove an existing single span Pratt parallel cord pony truss bridge having a clear span of 64.5 feet, a width of 16.0 feet and minimum underclearance of 6.0 feet; (2) to construct and maintain a single span composite prestressed box beam bridge having a clear span of 65.1 feet, a width of 26.0 feet and a minimum underclearance of 5.4 feet carrying SR 3038 (Crooked Creek Road) over Marsh Creek (CWF) approximately 60.0 feet downstream of the existing bridge crossing of Marsh Creek

(Fairfield, PA Quadrangle N: 20.5 inches; W: 6.1 inches, Latitude: 39° 51' 46"; Longitude: 77° 17' 37"); (3) to construct and maintain a 19.0-inch by 30.0-inch outfall structure discharging stormwater to Marsh Creek (Fairfield, PA Quadrangle N: 20.5 inches; W: 6.1 inches, Latitude: 39° 51' 46"; Longitude: 77° 17' 37"); and (4) to construct and maintain 1,708.0 cubic yards of fill in the floodway of Marsh Creek and 4,140.0 cubic yards of fill in the floodplain of Marsh Creek in Franklin Township, Adams County. The project will involve the installation of a temporary cofferdams.

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

E14-510. Millheim Borough, P. O. Box 421, Millheim, PA 16854. Elk Creek Dry Fire Hydrant Installation, in Millheim Borough, **Centre County**, United States Army Corps of Engineers, Baltimore District (Millheim, PA Quadrangle Latitude: 40° 53' 31.30"; Longitude: 77° 28' 30.21").

To construct and maintain a 6-inch diameter strainer inlet pipe in Elk Creek with a universal firefighting dry hydrant in the right floodway of Elk Creek, located 55 feet east of the intersection of Park and Church Streets. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E18-436. Department of Conservation and Natural Resources, Bureau of Facility, Design and Construction, Rachel Carson State Office Building, P. O. Box 8451, Harrisburg, PA 17105-8451. Beaverdam Run Road over the Right Fork Beaverdam Run, in Leidy and East Keating Townships, **Clinton County**, United States Army Corps of Engineers, Susquehanna River Basin District (Hammersley Fork, PA Quadrangle N: 41° 26' 16.0"; W: 77° 58' 15.5").

To construct and maintain three cast-in-place, reinforced concrete, rigid frame culverts to eliminate vehicles fording the Right Fork of Beaverdam Run. The south concrete culvert will have a span of 16.0-feet, underclearance of 2.2-feet, on a skew of 30°. The middle concrete culvert will have a span of 16.0-feet, underclearance of 2.2-feet, on a skew of 55°. The north concrete culvert will have a span of 16.0-feet, underclearance of 2.2-feet, on a skew of 77°. The projects will impact a total of 640 linear feet of waterway. The projects are located 3.5 miles north on Beaverdam Road in the Right Fork of Beaverdam Run, East Keating and Leidy Townships, Clinton County. This project proposes to impact 640 linear feet of the Right Fork of Beaverdam Run, which is designated an EV-CWF and does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects."

E55-220. Trinity United Methodist Church, 51 South Main Street, P. O. Box 373 Middleburg, PA 17842.

Shed in Floodway, in Middleburg Borough, **Snyder County**, United States Army Corps of Engineers, Baltimore District (Middleburg, PA Quadrangle N: Latitude: 40° 47' 20.2"; W: 77° 2' 43.2").

To construct, operate and maintain a 10 foot by 10 foot storage shed in the floodway of Middle Creek. The storage shed is located adjacent to the existing church building, located at the corner of Church Street and SR 522. This permit was issued under section 105.13(e) "Small Projects."

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

E30-222. CNX Gas Company LLC, 100 Evergreen Drive, Suite 103, Waynesburg, PA 15370. To install and maintain permanent stream crossing in Center Township, **Greene County**, United States Army Corps of Engineers, Pittsburgh District (Rogersville, PA Quadrangle N: 4.1 inches; W: 16.8 inches, Latitude: 39° 53' 52"; Longitude: 80° 22' 12"). To install and maintain a permanent stream crossing consisting of three 24" culverts, replacing the existing temporary crossing over Jacobs Run (HQ-CWF) for the purpose of improving an access roadway. The project is located approximately 1.65 miles west of SR 21 and 1.8 miles north of the Jackson/Center Township line in Center Township.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control (ESCP) Permits have been issued.

ESCP-4108803-1	Ted Wurfel Chief Gathering, LLC 700 Fairfield Road Montoursville, PA 17737	Lycoming County	Penn Township	Sugar Run CWF
ESCP-4108806	Jason DeWolfe Chief Oil & Gas, LLC 6051 Wallace Road Suite 210 Wexford, PA 15090	Lycoming County	Penn Township	Sugar Run CWF

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act, (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), 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 AT&T 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 to 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 decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer 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. If individuals cannot afford a lawyer, individuals may qualify for free pro bono representation. Call the Secretary to the Board, (717) 787-3483 for more information.

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

SPECIAL NOTICES

Certified Emission Reduction Credits in the Commonwealth's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NOx), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SOx), particulate matter (PM), PM-10 and PM-10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements;
- (2) To "net-out" of NSR at ERC-generating facilities;
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown as follows, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the over control of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or United States Environmental Protection Agency.

For additional information concerning this listing of certified ERCs, contact the Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This Pennsylvania ERC registry report, ERC Registry application and instructions are located at www.depweb.state.pa.us, select Air Topics, Air Quality Home, Permits, Emission Reduction Credits.

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
R. R. Donnelley & Sons Co. County: Lancaster Contact Person: Frederick Shaak, Jr.	VOCs	16.00		Internal Use
Kurz Hastings, Inc. County: Philadelphia Contact Person: George Gornick (215) 632-2300	VOCs	137.45		Trading
Kurz Hastings, Inc. County: Philadelphia Contact Person: George Gornick (215) 632-2300	NOx VOCs	8.01 64.55	Varies from 03/28/2013 to 01/9/2014	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Contact Person: Lori Burgess (412) 274-3884	VOCs	171.82		Trading
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills, Inc. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Contact Person: Jesse Hackenberg (570) 323-4430	VOCs	3.62		Internal Use/ Trading
Congoleum Corporation Source Location: Marcus Hook County: Delaware Contact Person: Theresa C. Garrod (609) 584-3000	NOx VOC	5.20 0.9		Trading
National Fuel Gas Supply Corporation Sources: Generators Nos. 1 and 2, Dehydrator 1 Source Location: Ellisburg Station County: Potter Contact Person: Gary A. Young (814) 871-8657	NOx VOCs	16.14 1.80	02/1/2009	Internal Use
Recipient/Holder of ERC: PG&E Energy Trading-Power, LP ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Contact Person: Sarah M. Barpoulis (301) 280-6607	VOCs	43.50		Trading
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Contact Person: John Romero (570) 833-3285	NOx PM10 VOCs PM10	91.10 14.0 206.10 31.10	05/03/2009 05/03/2009	Internal Use/Trading
Newcomer Products, Inc. Source Location: Latrobe County: Westmoreland Contact Person: Edward M. Nemeth (724) 694-8100	VOCs	16.00	07/14/2010	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland County Contact Person: Thomas M. Carper (717) 939-0466	VOCs	4.84	09/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn (713) 546-6941	NOx VOCs CO	15.47 0.68 14.86	02/26/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn (713) 546-6941	NOx VOCs CO	2.82 44.34 0.57	04/1/2010	Trading
INDSPEC Chemical Corp. Source: Boiler No. 8 Source Location: Petrolia County: Butler Contact Person: Terry Melis (412) 756-2376	NOx SOx	158.68 1,217.95		Trading
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Contact Person: Steve Martini (610) 859-1000	VOCs	147.93		Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Contact Person: Gregory Lago (304) 357-2079	NOx VOCs	44.36 2.66	05/31/2011	Trading
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Contact Person: Gregory Lago (304) 357-2079	NOx VOCs	45.89 3.79	05/31/2011	Trading
ISG Steelton, Inc. Source: Rail Heat Treating & Quenching Source Location: Steelton Plant County: Dauphin Contact Person: James R. Hernjak (717) 986-2042	NOx VOCs	7.00 43.00	11/9/2009	Trading
General Electric Transportation System Source: Boiler No. 2 Source Location: East Lake Road County: Erie Contact Person: Mark D. Restifo (814) 875-5406	NOx VOCs PM SOx CO	280.90 1.70 29.50 2,006.70 111.90	12/31/2010	Trading
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Contact Person: Jeff Muffat (651) 778-4450	VOCs VOCs	479.00 279.00	11/30/2011 12/17/2011	Trading
Kosmos Cement Company, Cemex, Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Contact Person: Amarjit Gill (713) 653-8554	NOx VOCs PM10 SOx CO	910.00 26.00 61.00 442.00 44.00	04/24/2011	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Recipient/Holder of ERC: Maple North America Development Company, LLC ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: Paul D. Jones (415) 768-2281	NOx VOCs	104.00 45.00	11/29/2011	Trading
Recipient/Holder of ERC: Natsource Emissions Brokers ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: David Oppenheimer (212) 232-5305	NOx VOCs	0.27 1.50	11/29/2011	Trading
Trinity Industries, Inc. Source Location: Greenville County: Mercer County Contact Person: Dennis Lencioni (214) 589-8141	VOCs	61.65	10/31/2010	Trading
Rohm and Haas Company Source Location: Bristol Township County: Bucks Contact Person: Lloyd Davis (215) 785-8871	VOCs VOCs	1.15 0.32	10/30/2010 01/30/2011	Trading
Recipient/Holder of ERC: Waste Management Disposal Services of Pennsylvania ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill (215) 269-2111	VOCs	43.00	01/31/2012	Traded
Recipient/Holder of ERC: Waste Management of Pennsylvania, Inc. ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill (215) 269-2111	VOCs	70.00	01/31/2012	Traded
PPL Inc. Source Location: Holtwood Station County: Lancaster Contact Person: Linda A. Boyer (610) 774-5410	NOx VOCs PM10 SOx	3,521.09 9.70 105.50 13,241.30	04/29/2009	Trading
North American Refractories Company Source Location: Womelsdorf County: Lebanon Contact Person: Rhonda Vete (412) 375-6848	NOx	5.11	12/15/2010	Trading
The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Contact Person: Richard C. Pitzer (717) 731-3334	NOx VOCs PM10	4.00 1.68 60.49	Varies from 04/3/2010 to 07/15/2011	Trading
Glasgow, Inc. Source Location: Plymouth Meeting County: Montgomery Contact Person: Brian Chabak (215) 884-8800	NOx VOCs NOx VOCs	2.72 0.21 6.54 0.52	12/31/2010 12/31/2010 06/01/2010 06/01/2010	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Scranton-Altoona Terminals Corporation Source Location: East Freedom Terminal County: Cumberland County Contact Person: Thomas M. Carper (717) 939-0466	VOCs	9.19	04/1/2009	Trading
SLI Lighting, Inc. Source Location: Ellwood City County: Lawrence Contact Person: Tim Haubach (724) 752-6493	VOCs	5.70	06/3/2010	Trading
Harvard Industries, Inc. Plant name: Pottstown Precision Casting, Inc. Source Location: West Pottsgrove Township County: Montgomery Contact Person: Allan B. Currie, Jr. (517) 740-2991 or (517) 592-3706	NOx VOCs	28.25 8.70	11/12/2011	Trading
ALCOA, Inc. Source Location: Lebanon Township County: Lebanon Contact Person: Kevin S. Barnett (412) 553-2094	VOCs	347.43	Varies from 09/29/2010 to 05/1/2012	Trading
American Color Graphics, Inc. Formerly Flexi-Tech Graphics, Inc. Source Location: Barnhart Drive, Hanover County: York Contact Person: Glenn Shaffer (717) 792-8104	VOCs	9.60	01/15/2012	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper (610) 286-7434	VOCs	42.61	03/29/2012	Trading
Calumet Lubricants Company Source Location: Rouseville Plant County: Venango Contact Person: Harry Klodowski (724) 940-4000	NOx VOCs SOx	89.80 2.38 87.70	05/21/2012	Trading
Avery Dennison Corporation Source Location: Dungan Road County: Philadelphia Contact Person: Frank J. Brandauer (626) 398-2773	VOCs	3.13	06/30/2012	Trading
Henry Miller Spring & Manufacturing Company Source Location: Sharpsburg County: Allegheny Contact Person: David J. Jablonowski (412) 782-7300	NOx VOCs	10.96 36.47	01/22/2010	Trading
Penco Products, Inc. Source Location: Lower Providence Township County: Montgomery Contact Person: Allan J. Goss (610) 666-0500	NOx VOCs	3.11 29.48	10/1/2011	Trading
Norfolk Southern Railway Co. Source Location: Hollidaysburg Car Shop County: Blair Contact Person: Carl Russo (814) 949-1479	NOx VOCs	4.35 69.80	07/19/2012	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
World Kitchen, Inc. Source Location: Charleroi Plant County: Washington Contact Person: James Rowlett (724) 489-2288	NOx	251.43		Trading
PPG Industries, Inc. Source Location: Greenwood Township County: Crawford Contact Person: David J. Neal (412) 492-5507	NOx	1,118.50		Trading
Sentry Paint Technologies, Inc. Source Location: Mill Street, Darby County: Delaware Contact Person: Benjamin Breskman (610) 522-1900	VOCs	3.56	04/30/2013	Trading
R. H. Sheppard Company, Inc. Source Location: Core making operation in Hanover County: York Contact Person: Julie L. Smith (717) 637-3751	VOCs	14.43	04/15/2013	Trading
International Paper Source: Bleach Plant, Erie Mill County: Erie Contact Person: Allyson Bristow (901) 419-4852	VOCs	72.06		Trading
International Paper Source Location: Erie Mill County: Erie Contact Person: Allyson Bristow (901) 419-4852	NOx VOCs	1,235.00 943.00	09/30/2012	Trading
Corning Incorporated Source Location: College Township County: Centre Contact Person: Steven Ritter (607) 974-7247	NOx	1,042.01	06/23/2013	Trading
Sea Gull Lighting Products, Inc. Source Location: 25th and Wharton Streets County: Philadelphia Contact Person: Mark Gardiner (215) 468-7255	VOCs	12.50	03/1/2013	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper (610) 286-7434	NOx CO	2.90 1.30	10/20/2013	Trading
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: PPL Holtwood, LLC ERC Generation Source Location: Martic Township County: Lancaster Contact Person: Mark Zeffiro (814) 231-5267	NOx	74.98	04/29/2009	Internal Use
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: ALCOA, Inc. ERC Generation Source Location: South Lebanon County: Lebanon Contact Person: Mark Zeffiro (814) 231-5267	VOCs	43.72	04/05/2012	Internal Use

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Lancaster Malleable Castings Company Source Location: Manheim Township County: Lancaster Contact Person: Jeffrey L. Ressler (717) 295-8200	VOCs CO	11.71 1.30	03/31/2013	Internal Use/Trading
International Paper Source: Lock Haven Mill Source Location: Castanea Township County: Clinton Contact Person: Allyson Bristow (901) 419-4852	NOx VOC SOx	1,287.00 27.90 6,606.00	03/22/2012	Offsets/ Trading
Brodart Company Source Location: Montgomery Facility County: Lycoming Contact Person: Robyn J. Dincher (570) 326-2461, Ext. 6408	VOCs	24.91	04/18/2013	Trading
Pennsylvania House White Deer Furniture Plant Source: Conveyor and Monorail lines Source Location: White Deer Plant County: Union Contact Person: Robert J. Varney (570) 523-2356	VOCs	82.90	03/15/2012	Trading
Exelon Power Source: Delaware Generating Station Source Location: Philadelphia County: Philadelphia Contact person: Kimberly Scarborough (610) 765-5883	NOx	286.5	12/16/2014	Trading
Worthington Steel Company Source Location: East Whiteland Township County: Chester Contact Person: Matt Johnson (614) 438-7960	NOx	10.00	04/01/2013	Trading
Buckeye Pipe Line Company, LP Source Location: Reed Township County: Dauphin Contact Person: Jason Mengel (484) 232-4491	VOCs	12.00	02/28/2012	Trading
Bollman Hat Company Source Location: Willow Street, Adamstown County: Lancaster Contact Person: David L. Wails (717) 484-4361	VOCs	14.34	10/03/2013	Trading
Property Investing Center (Goodville Industrial Center) Source Location: East Earl Township County: Lancaster Contact Person: Richard Stauffer (717) 738-3488	VOCs	84.09	09/13/2013	Trading
Armstrong World Industries, Inc. (Lancaster Flooring) Source Location: 1067 Dillerville Road County: Lancaster Contact Person: Gene Hartzell (717) 396-3668	VOC NOx	31.79 1.9	09/01/2013 to 08/20/2014 08/20/2014	Internal Use/ Trading
RUTGERS Organics Corporation Source Location: 201 Struble Road, State College County: Centre Contact Person: Mary Jo Smith (814) 231-9277	NOx NOx VOC	5.27 3.35 2.17	08/15/2013 04/16/2014 03/26/2014	Internal Use/ Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
AK Steel Corporation Source Location: Butler County: Butler Contact Person: Robert J. Hocks (724) 284-2685	NOx NOx	13.00 24.82	11/06/2011 01/30/2012	Trading/ Internal Use
Cabinet Industries, Inc. Source Location: Danville Borough County: Montour Contact Person: Laura Lee Spatzer (570) 275-1400, Ext. 1400	VOC	7.29	09/01/2015	Trading
Honeywell-International Source Location: Emlenton Plant County: Venango Contact Person: Shane Dunn (814) 887-4081	VOC	49.82	04/30/2010	Trading
Reliant Energy Mid-Atlantic Power Holdings, LLC Source Location: Pennsylvania Avenue, Warren County: Warren Contact Person: Keith A. Schmidt (724) 597-8193	NOx VOCs SOx PM10 PM2.5 Lead	1,043.00 5.32 5,197.00 155.6 70.1 0.02	9/28/2012	Trading
Arbill Industries, Inc. Source Location: 2207 West Glenwood Avenue County: Philadelphia Contact Person: Barry Bickman (800) 523-53673	VOCs NOx SOx	20.32 0.38 0.21	01/01/2016	Trading
Dominion Transmission, Inc. Source Location: Big Run Compressor Station County: Jefferson Contact Person: David Testa (412) 690-1815	NOx	10.00	10/13/2013	Trading
Carmeuse Lime, Inc. Source Location: Hanover Lime Plant County: Adams Contact Person: Kenneth Kauffman (717) 630-8266	NOx VOC SOx PM10 PM2.5	46.61 1.96 10.26 14.64 7.18	01/03/2016	Trading
Port Glenshaw Glass, LLC Source location: 1101 William Flynn Highway, Glenshaw, PA 15116 County: Allegheny Contact Person: Harry Klodowski (724) 940-4000	VOC NOx SOx PM2.5 PM10	10.64 59.46 74.89 23.11 25.40	11/24/2014	Trading/ Internal Use
Cinram Manufacturing, LLC Source location: City of Olyphant County: Lackawanna Contact Person: Mark A. Thallmayer (570) 383-3291	VOC VOC	6.53 6.75	02/06/2016 05/09/2016	Internal Use
Bemis Company, Inc. Source location: Hazle Township County: Luzerne Contact Person: Thomas G. Franko (570) 501-1429	VOC	22.27	01/1/2016	Trading
Techneglas, Inc. Source Location: Pittston Facility County: Luzerne Contact Person: Harry F. Klodowski, Jr. (724) 940-4000	VOC NOx	784.88 33.82	12/17/2013 to 8/11/2014	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Horsehead Corporation (Zinc Corp. of America) Source: Acid Roaster Plant-Monaca Smelter Source Location: Monaca County: Beaver Contact Person: William N. Bailey (724) 773-9057	NOx SOx PM10 PM2.5 CO	3.3 382.5 9.4 3.2 1.4	10/23/2012	Netting/ Offsetting
Recipient/Holder of ERC: Natsource MAC 77, Ltd. ERC Generating Facility: Eljer Plumbingware, Inc. Source Location: Ford City Plant County: Armstrong Contact Person: Mithun Rathore (281) 340-8300	NOx VOCs	105.22 7.26	6/8/2014 to 10/4/2014 3/15/2014 to 10/4/2014	Trading
Bluegrass Folding Carton Company, LLC (Formerly Smurfit Stone Container Enterprises, Inc.) Source Location: Upper Providence Township County: Montgomery Contact Person: Tom Tutwiler (610) 935-4119	VOC	60.36	05/31/2015	Internal Use/Trade
Fleetwood Industries Source Location: St. Lawrence Plant County: Berks Contact Person: Robert Mervine (610) 779-7700	VOC	24.5	07/31/2015	Internal Use/Trade
Sunoco Inc. (R & M) Source Location: 200 Neville Road, Pittsburg, PA 15225 County: Allegheny Contact Person: Gary P. Rabik (610) 859-3435	VOC	25.16	04/01/2017	Trading/ Internal Use
Leggett & Platt, Inc. Source Location: Zell Brothers County: York Contact Person: Theresa Block (417) 358-8131	VOC	6.51	11/1/2015	Trading
Anchor Glass Container Corporation Source Location: Plant No. 5 County: Fayette Contact Person: Joseph G. Clemis (813) 884-0000	VOCs NOx PM10 PM2.5 SOx CO	21.0 309.0 68.0 51.0 259.0 20.0	11/04/2014	Trading
R. R. Donnelley & Sons Co. Source Location: Lancaster East Facility County: Lancaster Contact Person: Stacey Haefner (717) 293-2363	VOCs VOCs	7.8 10.5	11/30/2015 12/31/2015	Trading
Philadelphia Gas Works (PGW) Source Location: Richmond Plant County: Philadelphia Contact Person: Megan E. Brown (215) 684-6613	NOx VOC PM10 PM2.5 SO2 CO	47.86 6.54 0.56 0.56 0.16 22.48	1/1/2015	Trading
Ashland, Inc. (Ashland Performance Products) Source Location: Neville Island Facility, Pittsburg County: Allegheny Contact Person: Tara L. Lanier (614) 790-3214	NOx VOC CO	10.73 41.78 461.00	11/1/2011	Trading
Philadelphia Baking Company Source Location: 2550 Grant Avenue County: Philadelphia Contact Person: Brent Williams (410) 266-0006	NOx VOC PM10 SOx CO	4.09 24.2 0.10 0.02 1.33	9/21/2017	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Lindy Paving, Inc. Source Location: 200 Neville Island Facility County: Allegheny Contact Person: Paul J. Reiner, Jr. (412) 462-6121	NOx VOC PM10 PM2.5 SOx CO	6.85 9.10 5.71 1.77 0.66 18.78	10/27/2017	Trading/ Internal Use
Recipient/Holder of ERC: Dominion Transmission, Inc. ERC Generating Facility: Corning, Inc. Source Location: College Township County: Centre Contact Person: Roberta J. Jackson (804) 787-6145	NOx	108	06/23/2013	Trading/Use
Eastman Chemical Resins, Inc. Source Location: Jefferson Facility, West Elizabeth County: Allegheny Contact Person: Fred Mullner (412) 384-2520, Ext. 2201	NOx VOC PM2.5 CO	0.50 31.10 2.90 0.40	7/1/2014	Trading

Bureau of Air Quality

Summary of ERC Transaction

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specify in 25 Pa. Code § 127.208.

Generating Facility Information

ERC Generating Facility Name: Corning Incorporated
Location of Source: Centre County, PA
Certified ERCs (tpy): 1,400.01 tpy of NOx
Amount of ERCs traded to Purchaser/Recipient: 358 tpy of NOx
Date of ERCs Transfer: 06/30/2007
ERCs available for future use: 1,042.01 tpy of NOx

Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Dominion Transmission, Inc.
Location of Purchaser: Clarksburg, WV 26301
Location of User Source: Centre County, PA
NOx credits used: 250.0 tpy for General conformity requirements in Centre County, PA
NOx credits available for future use: 108 tpy
Expiration Date: 6/23/2013

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of December 2008, 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 persons listed 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>
Allied Inspection Services, Inc.	P. O. Box 1582 Bethlehem, PA 18016	Testing
Timothy Bach	370 Brush Creek Road Irwin, PA 15642	Testing
Mark Dilts	2844 Slifer Valley Road Riegelsville, PA 18077	Mitigation
Scott Feeser	16 West Hanover Street Gettysburg, PA 17325	Mitigation
Raymond Fonos	1216 Edgewood Drive West Homestead, PA 15120	Testing
John Fordyce	7844 Old Route 56 Indiana, PA 15701	Testing
Douglas Foulke	1548 Elephant Road Perkasie, PA 18944	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
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 & Laboratory
Terry Howell Radalink, Inc.	5599 Peachtree Road Atlanta, GA 30341	Laboratory
Herbert Ingram	53 Jackson Drive Lancaster, PA 17603	Testing
JCN Radon Services, Inc.	613 Zimmermans Hollow Road Sunbury, PA 17801	Mitigation
Steven Johnson HomeCheck, Inc.	1529 Rodney Road York, PA 17408	Testing
Randy Knesnik	413 Long Meadow Road Milford, PA 18337	Mitigation
Bruce Lampe	9615 Berea Street Philadelphia, PA 19114	Testing
Karl May, Jr.	82 Walnut Street Wellsboro, PA 16901	Testing
John McQuiggan	P. O. Box 404 Abington, PA 19001	Testing
PA Radon Solutions	1419 Rock Glen Road Bloomsburg, PA 17815	Mitigation
Thomas Poole Testing Services, Inc.	1844 Swatara Street Harrisburg, PA 17104	Testing & Mitigation
Stephanie Przebieglec	R. R. 21, Box 6326 East Stroudsburg, PA 18302	Testing
RHIS, Inc.	100 Old Kennett Road Wilmington, DE 19807	Mitigation
David Rawlings	8001 Roosevelt Boulevard Suite 400 Philadelphia, PA 19152	Testing
David Repecki	P. O. Box 901 Albrightsville, PA 18210	Testing
Joel Schachter, P. E.	2901 Hemlock Farms Lords Valley, PA 18428	Testing
Edward Schluth	242 Newtown Road Warminster, PA 18974	Mitigation
Kevin Shaner	1112 Pin Oak Drive Perkiomenville, PA 18074	Testing & Mitigation
Walter Shank	P. O. Box 1036 Carlisle, PA 17013	Testing
John Staz, III	1738 North Third Street Suite A Harrisburg, PA 17102	Mitigation
Matthew Steger	2133 Andrew Avenue Elizabethtown, PA 17022	Testing

[Pa.B. Doc. No. 09-77. Filed for public inspection January 16, 2009, 9:00 a.m.]

Approved Alternate Liners for Pits at Oil and Gas Well Sites

The Department of Environmental Protection (Department) is issuing this notice under 25 Pa. Code § 78.62 (relating to disposal of residual waste—pits). Operators of oil and gas wells are notified that the following liner is approved by the Department for use at a well site to contain well drilling, exploration and production wastes as described in 25 Pa. Code § 78.62 provided the installation procedures set forth in 25 Pa. Code § 78.62 are followed:

In-Line Plastics Herculine HDPE 20 mil. Liner,
In-Line Plastics, 8615 Golden Spike Lane, Houston, TX 77086

Inquiries regarding this notice should be directed to Joe Umholtz, Division of Resource Management and Well Development, Bureau of Oil and Gas Management at (717) 772-2199.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-78. Filed for public inspection January 16, 2009, 9:00 a.m.]

Availability of Final General Plan Approval and/or General Operating Permit for Feed Mills (BAQ-GPA/GP-15)

The Department of Environmental Protection (Department) has finalized the General Plan Approval and General Operating Permit for Feed Mills (BAQ-GPA/GP-15).

BAQ-GPA/GP-15 applies to the construction, operation and modification of both new and existing feed mills. The applicant must notify the Department using the General Permit Application and receive written approval prior to constructing and/or operating under this General Permit. The owners and operators of existing permitted feed mills may either continue to operate under an existing operating permit, or elect to apply for authorization to use this General Permit. BAQ-GPA/GP-15 is now approved by the Department and available for use by qualifying applicants.

A copy of the General Permit with related documents can be obtained by contacting Jeanette Van Skike, Bureau of Air Quality, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. The documents have also been placed on the Department's web site www.depweb.state.pa.us (DEP Keywords: "Air Permits").

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-79. Filed for public inspection January 16, 2009, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is

the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2009.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance:

DEP ID: 383-0400-114. Title: Pennsylvania Capability Enhancement Program. Description: This document provides guidance to all community, nontransient noncommunity and transient drinking water systems, as well as the Department's staff on the guidelines and implementation of Pennsylvania's Capability Enhancement Program. The purpose of this document is to establish a rational methodology to implement, track and allocate appropriate resources needed to meet the Federal requirements for a state capacity development strategy for all public water systems. Substantive revisions were made to the guidance to facilitate more effective use of grant funds from the United States Environmental Protection Agency by adding source water protection as a component of the program and to incorporate principles for sustainable infrastructure.

Notice of the interim final technical guidance document, including a request for public comment, was published at 38 Pa.B. 3550 (June 28, 2008). A 30-day public comment period was provided, which concluded on July 28, 2008. Comments on the interim final guidance document were received from members of the Governor's Sustainable Water Infrastructure Task Force, the Small Systems Technical Assistance Center Advisory Board and the United States Environmental Protection Agency. A summary of these comments and the changes made to the document in response are included in the guidance document. The most significant changes to the draft were made to the ranking criteria and protocols for prioritizing systems to insure continued compliance with Federal requirements. Further emphasis was also placed on the key role the Capability Enhancement Program can play in the implementation of the recommendations of the Governor's Sustainable Water Infrastructure Task Force. Contact: Questions regarding the final guidance document

should be directed to Michael Shoff at (717) 787-0122, mshoff@state.pa.us. Effective Date: January 17, 2009

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-80. Filed for public inspection January 16, 2009, 9:00 a.m.]

Climate Change Advisory Committee Meeting Postponement

The Climate Change Advisory Committee (Committee) will postpone their meeting of February 4, 2009, to a future date and time to be determined. Persons with a disability who require accommodations to attend meetings of the Committee should contact Paula J. Sviben at (717) 772-8912 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-81. Filed for public inspection January 16, 2009, 9:00 a.m.]

Radioactive Material License Termination Request

The Department of Conservation and Natural Resources (DCNR) has submitted a request to the Department of Environmental Protection (Department) for termination of Radioactive Material License No. PA-1052S in accordance with 25 Pa. Code § 215.1(e) (relating to purpose and scope). The license encompasses residual radioactive material left behind from past operations at the facility. The facility is located in the Quehanna Wild Area of the Moshannon State Forest. The site has a long history of radioactive material use since the construction of the research reactor in 1955. Since then various tenants have been licensed to possess radioactive materi-

als for uses including materials research, production of radiothermal electric generators, and high activity gamma irradiation. The DCNR has taken final facility cleanup responsibility to allow for unrestricted future use. The DCNR has submitted a Final Status Survey Report (FSSR) for review by the Department. If approved, the license will be terminated and the site released for unrestricted use. This request comes following an extensive 10 year cleanup of the facilities and surrounding grounds and disposal of significant volumes of low-level radioactive waste at licensed out-of-State sites. The DCNR feels the FSSR documents that the cleanup has effectively removed and properly disposed of all radiological hazards from past licensed activities. The Department will evaluate the provided documentation and data generated from a confirmatory survey of the site prior to granting license termination.

The FSSR is available for public review and comment. The Department will accept written comments on the DCNR's request until February 10, 2009. Comments should be submitted by mail to Director, Bureau of Radiation Protection, Rachel Carson State Office Building, P. O. Box 8469, Harrisburg, PA 17105-8469 or RA-EPDecommissioning@state.pa.us. Following the public comment period, the Department will make a final determination regarding the DCNR's request. Notice of the Department's final determination will be published in a future edition of the *Pennsylvania Bulletin*.

For additional information concerning the Quehanna site, cleanup activities or DCNR's request, individuals may contact the Bureau of Radiation Protection at (717) 787-2480 or RA-EPDecommissioning@state.pa.us. Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department directly at (717) 787-2480 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-82. Filed for public inspection January 16, 2009, 9:00 a.m.]

DEPARTMENT OF HEALTH

Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.10—448.904b), for exceptions to regulations contained in 28 Pa. Code, Part IV, Subparts B—G.

Section 51.33(d) provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from July 2008 through December 2008. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception requests and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals and ambulatory surgical facilities shall be addressed to the Division of Acute and Ambulatory Care, Sandra Knoble, Director, Room 532, Health and Welfare Building, Harrisburg, PA 17120. Inquiries regarding long-term care facilities shall be addressed to the Division of Nursing Care Facilities, William Bordner, Director, Room 528, Health and Welfare Building, Harrisburg, PA 17120. Those persons requiring special assistance for speech and/or hearing impairment should call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

Hospitals

<i>Facility name</i>	<i>Section</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Tyler Memorial Hospital	28 Pa. Code § 51.6	identification of personnel	11/08/08	granted
Sacred Heart Hospital	28 Pa. Code § 51.23	PET scanner services	09/20/08	denied
Sacred Heart Hospital	28 Pa. Code § 51.23	REQUEST FOR RECONSIDERATION		granted
Main Line Hospital Paoli	28 Pa. Code § 101.31(7)	hospital requirements	05/10/08	withdrawn by DAAC
Holy Redeemer Hospital and Medical Center	28 Pa. Code § 101.31(7)	hospital requirements	05/10/08	withdrawn by DAAC
Magee-Womens Hospital	28 Pa. Code § 101.31(7)	hospital requirements	09/20/08	denied
Good Shepherd Rehabilitation Hospital	28 Pa. Code § 101.31(7)	CT/MRI services	10/04/08	withdrawn by DAAC
LifeCare Hosp of Ptbg Main Campus	28 Pa. Code § 103.1	governing board	05/24/08	granted
LifeCare Hosp of Ptbg North Campus	28 Pa. Code § 103.1	governing board	05/24/08	granted
LifeCare Hosp of Ptbg Main Campus	28 Pa. Code § 103.31	chief executive officer	05/24/08	granted
LifeCare Hosp of Ptbg North Campus	28 Pa. Code § 103.31	chief executive officer	05/24/08	granted
UPMC McKeesport	28 Pa. Code § 103.31	the Chief Executive officer	11/15/08	granted
UPMC Braddock	28 Pa. Code § 103.31	the chief executive officer	11/15/08	granted
LifeCare Hosp of Ptbg Main Campus	28 Pa. Code §§ 107.1 and 107.11	medical staff	05/24/08	granted
LifeCare Hosp of Ptbg North Campus	28 Pa. Code §§ 107.1 and 107.11	medical staff	05/24/08	granted
UPMC Northwest	28 Pa. Code § 107.2	medical staff membership	07/26/08	granted
Waynesboro Hospital	28 Pa. Code § 107.2	medical staff membership	09/20/08	granted
St. Mary Medical Center	28 Pa. Code § 107.2	medical staff membership	10/18/08	granted
Kindred Hospital	28 Pa. Code § 107.2	medical staff membership	10/18/08	granted
Robert Packer Hospital	28 Pa. Code § 107.2	medical staff membership	10/18/08	denied
Berwick Hospital Center	28 Pa. Code § 107.2	medical staff membership	11/15/08	granted
LifeCare Hosp of Ptbg Main Campus	28 Pa. Code § 107.26(b)(1)(7)	medical staff committees	05/24/08	granted
LifeCare Hosp of Ptbg North Campus	28 Pa. Code § 107.26(b)(1)(7)	medical staff committees	05/24/08	granted
Select Specialty Hospital—Erie	28 Pa. Code § 107.26(b)(2)	tissue committee	11/15/08	granted
Geisigner Health System	28 Pa. Code § 107.61	written orders	04/19/08	not necessary
Hamot Medical Center	28 Pa. Code § 107.62	oral orders	08/30/08	granted
Excelsa Health, Westmorland Hospital @ Jeannette	28 Pa. Code § 117.57	religious and moral exemptions	11/15/08	denied
Heart of Lancaster Reg Medical Center	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	04/05/08	granted
Barix Clinics of Pennsylvania, LLC	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	08/02/08	granted
Sacred Heart Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	08/02/08	granted
Tyler Memorial Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	08/02/08	granted
Montrose General Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	10/04/08	granted

<i>Facility name</i>	<i>Section</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Shriners Hospital for Children—Philadelphia	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	10/25/08	granted
Blue Mountain Health System—Gnaden Huetten Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	10/25/08	granted
Palmerton Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	11/22/08	granted
Alle-Kiski Medical Ctr	28 Pa. Code § 127.32	written orders	04/19/08	denied
The Good Samaritan Hospital	28 Pa. Code § 127.32	written orders	09/20/08	granted
Shamokin Area Community Hospital	28 Pa. Code § 127.32	written orders	09/20/08	granted
Palmerton Hospital	28 Pa. Code § 127.32	written orders	09/20/08	granted
Gnaden Huetten Memorial Hospital	28 Pa. Code § 127.32	written orders	09/20/08	granted
Corry Memorial Hospital	28 Pa. Code § 127.32	written orders	09/20/08	granted
Titusville Area Hospital	28 Pa. Code § 127.32	written orders	09/20/08	granted
Allied Services—John Heinz Institute of Rehabilitation	28 Pa. Code § 127.32	written orders	10/25/08	granted
Allied Services Rehabilitation Hospital & Outpatient Centers	28 Pa. Code § 127.32	written orders	10/25/08	granted
Butler Memorial Hospital	28 Pa. Code § 127.32	written orders	10/25/08	granted
UPMC McKeesport	28 Pa. Code § 127.32	written orders	10/25/08	granted
DuBois Regional Medical Center	28 Pa. Code § 127.32	written orders	10/25/08	granted
Soldiers and Sailors Memorial Hospital	28 Pa. Code § 127.32	written orders	10/25/08	granted
Windber Medical Center	28 Pa. Code § 127.32	written orders	10/25/08	granted
Meadville Medical Center	28 Pa. Code § 127.32	written orders	10/25/08	granted
Sharon Regional Health System	28 Pa. Code § 127.32	written orders	10/25/08	granted
Riddle Memorial Hospital	28 Pa. Code § 127.32	written orders	10/25/08	granted
Clearfield Hospital	28 Pa. Code § 127.32	written orders	10/25/08	granted
Hahnemann University Hospital	28 Pa. Code § 127.32	written orders	10/25/08	granted
UPMC Horizon	28 Pa. Code § 127.32	written orders	10/25/08	granted
Lower Bucks Hospital	28 Pa. Code § 127.32	written orders	10/25/08	granted
Phoenixville Hospital	28 Pa. Code § 127.32	written orders	10/25/08	granted
Jameson Memorial Hospital	28 Pa. Code § 127.32	written orders	11/15/08	granted
Schuylkill Medical Centers—S Jackson St/E Norwegian St	28 Pa. Code § 127.32	written orders	11/15/08	granted
Frankford Hospitals	28 Pa. Code § 127.32	written orders	11/15/08	granted
Alle-Kiski Medical Center—W Penn Allegheny Health System	28 Pa. Code § 127.32	written orders	11/15/08	granted
The Western Penna Hospital—W Penn Allegheny Health System	28 Pa. Code § 127.32	written orders	11/15/08	granted
The Western Penna Hospital—Forbes Reg Campus	28 Pa. Code § 127.32	written orders	11/15/08	granted
Jersey Shore Hospital	28 Pa. Code § 127.32	written orders	11/15/08	granted
Jefferson Regional Medical Center	28 Pa. Code § 127.32	written orders	11/15/08	granted
Highlands Hospital	28 Pa. Code § 127.32	written orders	11/15/08	granted
Nason Hospital	28 Pa. Code § 127.32	written orders	11/22/08	granted
Phoenixville Hospital	28 Pa. Code § 131.22	treatment orders	11/15/08	granted
Lancaster Regional Medical Center	28 Pa. Code § 138.1	low risk diagnostic cardiac catheterization	11/22/08	denied

<i>Facility name</i>	<i>Section</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Monongahela Valley Hospital	28 Pa. Code § 138.15	high risk cardiac catheterizations	10/18/08	granted pending agreement
Armstrong County Mem Hospital (ACMH)	28 Pa. Code §§ 138.15 and 138.17(c)	high risk cardiac catheterizations	05/24/08	granted w/conditions
Latrobe Hospital	28 Pa. Code §§ 138.18(a) and (b)	cardiac catheterization services-electrophysiology studies	09/20/08	(a) granted/ (b) not necessary
Ephrata Community Hospital	28 Pa. Code § 139.12	neonatal care units	08/30/08	granted
Excela Health Latrobe Hospital	28 Pa. Code § 153.1	2.3 (child psychiatric room space requirements)	07/19/08	granted
UPMC Presbyterian Shadyside	28 Pa. Code § 153.1	3.4.2.4(12)(b)(ii) equipment storage	06/21/08	granted
UPMC Presbyterian Shadyside	28 Pa. Code § 153.1	5.1.2.5(1) and (2) treatment areas	06/21/08	denied
Latrobe Hospital	28 Pa. Code § 153.1	2.1.5.1.3.7(1) (examination and treatment rooms-facility requirements and 2.3 (child psychiatric room)	07/19/08	granted
Nason Hospital	28 Pa. Code § 153.1	2.-5.5.5 station outlets for oxygen, vacuum and medical air systems	07/19/08	granted
UPMC Passavant	28 Pa. Code § 153.1	2.1-5.1.3.7(1) (examination and treatment rooms-facility requirements	07/19/08	denied
Butler Memorial Hospital	28 Pa. Code § 153.1	2.1-5.1.3.7(1)(b) (examination and treatment rooms-facility requirements)	07/19/08	denied
Associates in Kidney Disease & Hypertension, PC d/b/a Dialysis Access Center of Pittsburgh	28 Pa. Code § 153.1	3.2 (vacuum outlets), 3.7-2.4.2.1(1) (phase II recovery), 3.7-2.5.1 (restricted corridor control)	07/19/08	granted
Associates in Kidney Disease & Hypertension PC d/b/a Dialysis Access Center of Pittsburgh	28 Pa. Code § 153.1	3.7-2.5.7.4 (stretcher storage), 3.7-2.6.2(2) one way traffic out of locker room)	07/19/08	granted
Renal Endocrine Associates, PC d/b/a Dialysis Access Center of Pittsburgh	28 Pa. Code § 153.1	3.1-2 (vacuum outlets), 3.7-2.4.2.1(1) (phase II recovery), 3.7-2.5.1 (restricted corridor control station)	07/19/08	granted
Renal Endocrine Associates, PC d/b/a Dialysis Access Center of Pittsburgh	28 Pa. Code § 153.1	3.7-2.5.7.4 (stretcher storage), 3.7-2.6.2(2) (one way traffic out of locker room)	07/19/08	granted
York Hospital	28 Pa. Code § 153.1	3.9-3.1.3.1 (soiled workroom in the GI suite)	07/26/08	granted
York Hospital	28 Pa. Code § 153.1	3.9-3.1.3.2 (soiled workroom sink)	07/26/08	denied
Excela Health/Latrobe Hospital	28 Pa. Code § 153.1	3.1.5.4, 3.1.5.12(3), 3.1.6.1 and 3.1.7.1 relating to medical surgical units	07/26/08	granted
Excela Health/Latrobe Hospital	28 Pa. Code § 153.1	3.4.2.4(c), 3.4.2.4(3)(4) and (7), 3.1.2.5(1)(e), 3.4.2.5(3) and 3.4.2.6 relating to critical care units	07/26/08	granted
Altoona Regional Health System	28 Pa. Code § 153.1	2.8.1 (staff lounge)	11/15/08	denied

<i>Facility name</i>	<i>Section</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Excelsa Health/ Westmoreland Hospital	28 Pa. Code § 153.1	2.1.3.11(3) Equipment supply and storage, 2.1.4.1 lounge and toilet room(s), 2.2.1 airborne infection isolation rooms	07/26/08	granted
Excelsa Health/ Westmoreland Hospital	28 Pa. Code § 153.1	4.1 medical evaluation unit, 4.2.1 other required units-psychological services unit, 4.2.2 other required units-social services unit 4.2.3 other required units-vocational services unit	07/26/08	granted
Excelsa Health/ Westmoreland Hospital	28 Pa. Code § 153.1	4.3.1 Inpatient Rehab Unit, 4.3.2.1 orthotics and occupational therapy department, 4.3.3 dining, recreation and day spaces	07/26/08	granted
Alle-Kiski Medical Center, Allegheny Valley Hospital	28 Pa. Code § 153.1	3.9.2.4.1.4 staff shower	08/30/08	granted
Alle-Kiski Medical Center, Allegheny Valley Hospital	28 Pa. Code § 153.1	3.9.2.5.1 patient change area	08/30/08	granted
The Washington Hospital	28 Pa. Code § 153.1	2.4.3.1.1.1 dining space	08/30/08	denied
Mount Nittany Surgical Center	28 Pa. Code § 153.1	3.7-2.3.1.1 class A operating rooms	09/20/08	granted
UPMC Mercy	28 Pa. Code § 153.1	3.4.2.1(3) windows	09/20/08	granted
Hamot Medical Center	28 Pa. Code § 153.1	2.1.5.4.1.5(1) changing area for cardiac catheterization suite	10/18/08	granted
DuBois Regional Medical Center	28 Pa. Code § 153.1	3.1-5.2.1.1 corridor width; Chapter 3.1- 2.1.2.1 (special purpose examination room space requirements), 3.1-5.2.1.4 (exam room door)	10/18/08	granted
Clearfield Hospital	28 Pa. Code § 153.1	2.2.6.2 minimum corridor width	11/08/08	unable to grant/NFPA
Westfield Hospital	28 Pa. Code § 153.1	2.1-3.4.2.5(1) staff lounge(s) and toilet(s), 2.1-3.4.2.4(4) multipurpose room(s)	10/18/08	denied
Clearfield Hospital	28 Pa. Code § 153.1	2.1.3.1 diagnostic & treatment locations-space requirements, 2.1.5.5.10.2 patient toilet rooms; 2.1.5.5.10.3 patient dressing rooms	11/08/08	granted
Mercy Suburban Hospital	28 Pa. Code § 153.1	6.2.3 multipurpose room	10/18/08	denied
Lawrence County Surgery Center LLC	28 Pa. Code § 153.1	3.7.2.7.1 outpatient surgery change areas, by facility 3.7.2.7.1.1 lockers, toilets, 3.7.2.7.1.2 patients' personal effects	10/18/08	withdrawn
Holy Spirit Hospital	28 Pa. Code § 153.1	2.1-5.5.6.2 patient toilet, 3.1-2.2.4.2 toilet rooms	10/18/08	granted
Altoona Regional Health System	28 Pa. Code § 153.1	3.1.1.6 toilet room	10/18/08	denied
Fox Chase Cancer Center	28 Pa. Code § 153.1	3.9-5.2.1.1 corridor width	11/15/08	granted
Charles Cole Memorial Hospital	28 Pa. Code § 153.1	2.1.8 toilets for patient use	11/15/08	granted
UPMC Braddock	28 Pa. Code § 153.1	2.1-3.1.5.9 toilet room	11/15/08	granted

<i>Facility name</i>	<i>Section</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Altoona Regional Health System Center Lee Ambulatory Surgery Facility	28 Pa. Code § 153.1	3.1.1.2(1) clearances windows	3.1.1.3	granted/not necessary
Ambulatory Surgical Facilities				
Ophthalmic Associates Surgery and Laser Center	28 Pa. Code § 551.3	definitions	04/12/08	denied
Washington Square Endoscopy Center	28 Pa. Code § 551.3	definitions	11/15/08	granted
The Bux-Mont Endoscopy Center LP	28 Pa. Code § 551.3	definitions	11/22/08	granted
The Pain And Surgical Center of Langhorne	28 Pa. Code § 551.3	definitions	11/22/08	granted
Eastern Pennsylvania Nephrology Associates, P.C.	28 Pa. Code § 551.3	definitions	06/28/08	granted/not necessary
USVAC Ambulatory Surgery Center	28 Pa. Code § 551.21(d)(1)(3)	criteria for ambulatory surgery	03/15/08	denied
Ophthalmology & Surgical Institute	28 Pa. Code § 551.21(d)(2)	criteria for ambulatory surgery	04/19/08	denied
Springfield Ambulatory Surgical Center	28 Pa. Code § 551.21(d)(2)	criteria for ambulatory surgery	08/30/08	denied
Crossroads Surgery Ctr.	28 Pa. Code § 551.21(d)(2)	criteria for ambulatory surgery	07/26/08	granted
Susquehanna Endoscopy Center	28 Pa. Code § 551.21(d)(2)	criteria for ambulatory surgery	11/15/08	granted for PS1& surgery
Hazleton Surgery Center, LLC, d/b/a surgery Center for Advanced Surgery	28 Pa. Code § 551.21(d)(2)	criteria for ambulatory surgery	11/15/08	granted
Crossroads Surgery Center	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	11/15/08	granted
Laurel Surgical Center, LLC	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	11/15/08	granted
Center for Specialized Surgery	28 Pa. Code § 551.21(d)(2)	criteria for surgery	07/19/08	granted
Conemaugh Memorial Medical Center—Lee Ambulatory Surgery Ctr.	28 Pa. Code § 551.21(d)(2)	criteria for ambulatory surgery	09/20/08	denied
Norwin Medical Commons	28 Pa. Code § 553.1	governing body-principles	09/20/08	granted
Memorial Hospital Outpatient Endoscopy Center	28 Pa. Code §§ 553.1, 555.1, 555.2, 553.31, 569.1, 567.2, and 563.2	governing body, medical staff, administrative responsibilities, principle, committee responsibilities, organization and staffing	09/20/08	granted
Norwin Medical Commons	28 Pa. Code § 553.31(a)	administrative responsibilities-full time person in charge	09/20/08	granted
Progressive Vision Institute Eye Care Ctr.	28 Pa. Code § 553.31	administrative responsibilities	11/15/08	not necessary
Eastern Pennsylvania Nephrology Associates, P.C.	28 Pa. Code § 553.31(a)	administrative responsibilities	06/28/08	granted/not necessary
Metropolitan Nephrology Associates, PC, d/b/a Metro Vascular Center	28 Pa. Code § 553.31(a)	administrative responsibilities	06/28/08	not necessary
Eye Surgery Center of Chester County d/b/a Vision One Laser & Surgery	28 Pa. Code § 553.31(a)	administrative responsibilities	09/20/08	granted w/conditions

<i>Facility name</i>	<i>Section</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Penn Medicine at Radnor	28 Pa. Code § 553.31(a) Administrative responsibilities	REQUEST FOR RECONSIDERATION		not necessary
Norwin Medical Commons	28 Pa. Code § 555.1	medical staff-principles	09/20/08	granted
Eynon Surgery Center	28 Pa. Code § 555.31(a)	principle	10/04/08	granted
Bethlehem Endoscopy Center, LLC	28 Pa. Code § 555.31(a)	principle	08/30/08	granted
Susquehanna Endoscopy Center	28 Pa. Code § 555.31(a)	principle	08/30/08	granted
Norwin Medical Commons	28 Pa. Code § 557.4(b)(2)	quality assurance and improvement committee-reviewing credentials	09/20/08	granted
Crossroads Surgery Center	28 Pa. Code § 559.2	director of nursing	07/26/08	not necessary
Norwin Medical Commons	28 Pa. Code § 563.2	medical records- organization & staffing	09/20/08	granted
Norwin Medical Commons	28 Pa. Code § 563.3	medical records-facilities	09/20/08	granted
Norwin Medical Commons	28 Pa. Code § 567.21(1) and (2)	environmental services committee responsibilities	09/20/08	granted
Wyomissing Surgical Services	28 Pa. Code § 569.35	general safety precautions	04/05/08	granted
Crossroads Surgery Center	28 Pa. Code § 569.35	general safety precautions	10/25/08	granted
Wills Surgery Center at Philadelphia Stadium Campus	28 Pa. Code § 569.35	general safety precautions	10/04/08	granted
Metropolitan Nephrology Associates, PC	28 Pa. Code § 571.1	3.7-2.4.2.1(1) (phase II recovery), 3.7-2.5.1 (restricted control station) and 3.7-2.5.7.4 (stretcher storage)	06/28/08	granted
Clinical Nephrology Associates, Ltd.	28 Pa. Code § 571.1	3.7-2.4.2.1(1) (phase II recovery, 3.7-2.5.1 (restricted corridor control station) and 3.7-2.5.7.4 (stretcher storage)	06/28/08	granted
Nursing Care Facilities				
The Lebanon Valley Home	28 Pa. Code § 201.3	definitions	07/19/08	granted
Laurel Crest Rehab and Special Care Center	28 Pa. Code § 201.3	definitions	07/19/08	granted
River's Edge Nursing and Rehabilitation Center	28 Pa. Code § 201.3	definitions	07/19/08	granted
Valley View Home	28 Pa. Code § 201.3	definitions	07/19/08	granted
Anglea Jane Pavilion	28 Pa. Code § 201.3	definitions	07/19/08	granted
Lutheran Community at Telford	28 Pa. Code § 201.3	definitions	11/08/08	granted
Sacred Heart Hospital Transitional Care Facility	28 Pa. Code § 201.18(e)	management	08/02/08	granted
Arbutus Park Manor	28 Pa. Code § 205.6(a)	function of building	08/02/08	granted
Baldock Health Care Ctr	28 Pa. Code § 205.6(a)	function of building	08/02/08	granted
Laurel Crest Rehab and Special Care Center	28 Pa. Code § 205.6(a)	function of building	08/02/08	granted
Shippensburg Health Care Center	28 Pa. Code § 205.6(a)	function of building	08/02/08	granted
Menno Haven, Inc.	28 Pa. Code § 205.6(a)	function of building	08/23/08	granted
The Village at Luther Square	28 Pa. Code § 205.6(a)	function of building	09/06/08	granted
Golden Living Center— Waynesburg	28 Pa. Code § 205.6(a)	function of building	09/20/08	granted
Falling Spring Nursing and Rehab Center	28 Pa. Code § 205.6(a)	function of building	10/04/08	granted

<i>Facility name</i>	<i>Section</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Golden Living Ctr—Erie	28 Pa. Code § 205.6(a)	function of building	10/04/08	granted
St. Paul Homes	28 Pa. Code § 205.6(a)	function of building	11/01/08	granted
Briarleaf Nursing and Convalescent Center	28 Pa. Code § 205.6(a)	function of building	11/08/08	granted
Laurel Care Nursing and Rehab Center	28 Pa. Code § 205.6(a)	function of building	11/08/08	granted
Hanover Hall	28 Pa. Code § 205.9(c)	corridors	11/01/08	granted
Sacred Heart Hospital Transitional Care Facility	28 Pa. Code § 205.10(a)	doors	08/02/08	granted
Fox Subacute Center at Mechanicsburg	28 Pa. Code § 205.10(a)	doors	11/08/08	granted
Barbara J. Egan Nursing and Rehab Center	28 Pa. Code § 205.20(f)	resident bedrooms	09/27/08	granted
Sacred Heart Hospital Transitional Care Facility	28 Pa. Code § 205.24(a)	dining room	08/02/08	granted
Brethren Village	28 Pa. Code § 205.25	kitchen	09/06/08	granted
Sacred Heart Hospital Transitional Care Facility	28 Pa. Code § 205.26(e)	laundry	08/02/08	granted
Brethren Village	28 Pa. Code § 505.26(a)	laundry	09/06/08	granted
Cross Keys Village—The Brethren Home Community	28 Pa. Code § 205.28(a) and (b)	nurses' station	11/08/08	granted
Hanover Hall	28 Pa. Code § 205.28(c)(3)	nurses' station	11/01/08	granted
Siemon's Lakeview Manor Estate	28 Pa. Code § 205.28(c)(3)	nurses' station	11/01/08	granted
Sacred Heart Hospital Transitional Care Facility	28 Pa. Code § 205.31	storage	08/02/08	granted
Brethren Village	28 Pa. Code § 205.31	storage	09/06/08	granted
Transitional Care Center Clarion	28 Pa. Code § 205.36(a) and (h)	bathing facilities	10/04/08	granted
Golden Living Ctr—Erie	28 Pa. Code § 205.36(a) and (h)	bathing facilities	10/04/08	granted
Sacred Heart Hospital Transitional Care Facility	28 Pa. Code § 205.36(f)	bathing facilities	08/02/08	granted
Fox Subacute Center at Mechanicsburg	28 Pa. Code § 205.36(g)	bathing facilities	11/08/08	granted
Fox Subacute Center at Mechanicsburg	28 Pa. Code § 205.38(b)	toilet facilities	07/05/08	granted
Brethren Village	28 Pa. Code § 205.67(j) and (k)	electric requirements	09/06/08	granted
Wyncote Church Home	28 Pa. Code § 205.67(j) and (k)	electric requirements	09/20/08	granted
The Village at Luther Square	28 Pa. Code § 205.67(j)	electric requirements	11/01/08	granted

EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-83. Filed for public inspection January 16, 2009, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Presbyterian Home of Greater Johnstown
787 Goucher Street
Johnstown, PA 15905

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address 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).

EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-84. Filed for public inspection January 16, 2009, 9:00 a.m.]

Procedures Applicable to Right-to-Know Request

This written policy identifies the procedures for requesting public records from the Department of Health (Agency) under Pennsylvania's Right-to-Know-Law (RTKL) (65 P. S. §§ 67.101—67.3104). This policy supplements Management Directive 205.36.

I. REQUESTS

A. A written request to the Agency under the RTKL must:

1. Be addressed to the Agency Open Records Officer (AORO):

Agency Open Records Officer
Office of Administration
Department of Health
8th Floor West
Health and Welfare Building
Harrisburg, PA 17120

E-mail address: PADOHRTK@state.pa.us
Facsimile number: (717) 772-6959

2. Identify a name and a mailing address for the RTKL response;

3. State that the request is being made under to the RTKL;

4. Be submitted in person, by letter, e-mail or facsimile;

5. Be sufficiently specific to enable the Agency to ascertain which records are being requested;

6. Be from a person that is a legal resident of the United States.

B. A verbal RTKL request submitted to the agency shall be directed to the appropriate program office and shall be handled by that office as a routine request for records or information, and not as a RTKL request.

C. RTKL requests may be on the form available at the web site of the Office of Open Records at: <http://openrecords.state.pa.us>.

D. The regular business hours of the RTKL Office are 8:30 a.m. to 5 p.m., Monday through Friday. Any RTKL request received by the RTKL Office after the close of regular business hours shall be deemed to have been received by that office on the following business day.

E. A RTKL request may be denied if it does not identify the records requested with sufficient specificity. The AORO may contact the requester to obtain clarification or additional information to aid the AORO in responding to the request. The request should contain a telephone number, fax number or e-mail address where the AORO may reach the requester.

F. RTKL requests received by the Agency will be considered "public record" information by the Agency and such requests may be made available for public access through its web site.

II. RESPONSES

The AORO may respond by: 1) providing access in the offices of the Agency; 2) sending a copy to the requester; or 3) notifying the requester that the record is available through publicly accessible electronic means. Each of these options is a "response" for purposes of the RTKL, as is the Agency's written notice to the requester granting, denying or partially granting and partially denying access to a record. The Agency may send written responses to requesters by United States mail, by hand (in person or by delivery service), by facsimile or by e-mail.

Unless a longer period of time is needed and communicated to the requester by an "interim response" (as discussed in paragraph A as follows), the RTKL requires that the Agency respond to a RTKL request within 5 business days. For purposes of determining the end of the 5 business day period, the day that a RTKL request is received is not counted. The first day of the 5 business day period is the Agency's next business day.

A business day does not include a Saturday or Sunday; a day when the offices of the agency are closed for all or part of a day due to a State holiday; partial and full day closing of State offices under management directives; a day when the offices of the agency are closed due to a natural disaster; or a day when the offices of the Agency are closed at the request or direction of a local, State, or Federal law enforcement agency or official.

A. Interim Responses

The Agency will provide a final response to a RTKL request within 5 business days unless one or more specific conditions are satisfied and the AORO gives the requester written notice that additional time will be required. That notice is referred to as an "interim response."

The AORO may send an interim response if any of the following apply:

1. The RTKL request requires redaction of a public record;
2. The RTKL request requires retrieval of a record from a remote location;
3. A response within the 5 business day period cannot be accomplished due to bona fide; staffing limitations, which limitations must be specified in the interim response;
4. A legal review is necessary to determine whether the record requested is subject to access under the RTKL;
5. The requester has not complied with the Agency's policies regarding access to public records;
6. The requester must prepay fees which are required to fulfill the RTKL request and which are estimated to exceed \$100;
7. The extent or nature of the request precludes a response within the required time period.

An interim response will: 1) be sent to the requester on or before the last day of the 5 business day period; 2) state the reason for the interim response; 3) give an estimate of fees, if applicable, to make records available; and 4) specify a date that a final response is expected to be provided. If the date specified in the interim response for a final response is in excess of 30 days from the end of the 5 business day period, the request will be deemed denied unless the requester has agreed in writing to the date specified.

B. *Final Responses*

There are three possible final responses. The request may be: 1) granted; 2) denied; or 3) granted in part and denied in part. The failure to make a timely response is deemed to be a denial.

If a request is denied in whole or in part, the Agency will issue a final written response that will include an explanation of the procedure for the requester to appeal, if the requester chooses to do so. The written denial will also set forth the specific reasons for the denial, including a citation of supporting legal authority.

C. *Redaction*

The Agency will not deny access to a record based upon the fact that portions of the record are not subject to disclosure. The Agency will redact the portions that are not subject to disclosure and produce the portions that are subject to disclosure.

D. *Access*

The Agency may provide a requester with access to a public record: 1) by providing access in the offices of the Agency; 2) by sending a copy to the requester; or 3) by notifying the requester that the record is available through publicly accessible electronic means.

The Agency has the discretion to determine the buildings and rooms that will be used to provide a requester with access to the Agency's public records. The selection of buildings and rooms for access to the Agency's public records is a matter within the discretion of the AORO.

The Agency will provide a public record to a requester in the medium requested if the record exists in that medium. Otherwise, the public record must be provided in the medium in which it exists. If a public record only exists in one medium, the Agency is not required to convert that public record to another medium, except that if the public record is only available in an electronic form, the Agency must print it out on paper if the requester so requests.

The Agency is not required to create a public record that does not already exist, nor is it required to compile, maintain, format or organize a public record in a manner in which the Agency does not currently do so.

E. *Duplication of Public Records*

The Agency may either make copies itself or, in its discretion, allow the requester to bring the necessary equipment to make its own copies. The Agency may make its duplication equipment available to a requester but require that the requester operate the equipment; assign Agency staff to make the duplications; or contract for duplication services and require the requester to pay the applicable rate.

III. *APPEALS*

When a request is denied or deemed denied, whether in whole or in part, the requester may file an appeal with the Office of Open Records, where it will be assigned to an Appeals Officer. This appeal must be filed within 15 business days of the denial or deemed denial. The appeal must state the grounds upon which the requester asserts that the record is public, and must address any grounds stated by the Agency for delaying or denying the request to challenge the denial on that basis. The appeal shall be sent to the Commonwealth Office of Open Records, Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, PA 17120-0225, (717) 346-9903, openrecords@state.pa.us.

A person other than the Agency or the requester, with a direct interest in the record that is subject to an appeal, has 15 days following actual knowledge of the appeal, but no later than the date the Appeals Officer issues an order, to file a written request to provide information or to appear before the Appeals Officer in support of the requester's or the Agency's position in the appeal. The Appeals Officer may, but needs not, grant the request.

For further information on appeals, it is suggested that the requester review the web site of the Office of Open Records.

IV. *FEES*

Applicable fees to be charged by the Agency under the RTKL are as follows:

A. *Fees Determined by the Office of Open Records*

Under the RTKL, the Office of Open Records has the authority to establish fees for duplication and for enhanced electronic access and has published acceptable fee limits for both at its web site at <http://openrecords.state.pa.us>. Accordingly, the Agency will charge a maximum of \$.25 per page for duplication. The Agency currently does not have a fee for enhanced electronic access.

B. Specialized Fees

1. The Agency will charge \$1 per copy for certified copies, when requested by the requester.
2. The Agency will charge the actual cost for postage, facsimile/microfiche or other media, as well as for specialized documents.
3. Special rules apply to fees for transcripts of administrative proceedings:

(i) Prior to an adjudication becoming "final, binding and nonappealable," transcripts may be requested through the Agency, however the stenographer or court reporter is permitted to charge the regular fee for this service.

(ii) Following an adjudication becoming "final, binding and nonappealable," a request for the transcript will be treated like any other request for a record and the usual duplication fee of up to \$.25 per page will be charged.

C. Reasonable and Necessarily Incurred Costs

The Agency has the authority under the RTKL to charge requesters reasonable fees for necessarily incurred costs. The Agency will determine and charge such fees on a case by case basis.

D. General

No charge shall be made for agency or legal review of the record to see whether the requested records are public records that are subject to production.

If the estimated fees that are required to fulfill the RTKL request exceed \$100, it may be necessary for the requester to pay the estimated amount in advance, either by certified check or by ordinary check, which must first have cleared to be considered received by the Agency. The demand for prepayment may specify a reasonable period of time in which the requester must make such prepayment. If the requester fails to make prepayment within the specified time, the Agency is not required to produce the records requested.

Applicable fees must be paid to receive access to the record requested. 65 P. S. § 67.901.

Persons with disabilities who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Patty Sheaffer in the Office of Administration at (717) 705-6740 or for speech and/or hearing impaired persons at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-85. Filed for public inspection January 16, 2009, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Maximum Pennsylvania Workers' Compensation Payable

Based upon the Statewide Average Weekly Wage, as determined by the Department of Labor and Industry for the fiscal year ending June 30, 2008, the maximum compensation payable under the Workers' Compensation Act, under sections 105.1 and 105.2 of the Workers'

Compensation Act (77 P. S. §§ 25.1 and 25.2), shall be \$836 per week for injuries occurring on and after January 1, 2009. For purposes of calculating the update to payments for medical treatment rendered on and after January 1, 2009, the percentage increase in the Statewide Average Weekly Wage is 3.6%.

SANDI VITO,
Acting Secretary

[Pa.B. Doc. No. 09-86. Filed for public inspection January 16, 2009, 9:00 a.m.]

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 2009 will be \$558.

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 2009 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, 2009.

Questions concerning this notice should be directed to Patrick T. Beaty, Deputy Secretary for Unemployment Compensation Programs, Labor and Industry Building, Harrisburg, PA 17120.

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>
\$800-812	\$35	\$1320	\$910	\$560
813-837	36	1360	936	576
838-862	37	1400	962	592
863-887	38	1440	988	608
888-912	39	1480	1014	624
913-937	40	1520	1040	640
938-962	41	1560	1066	656
963-987	42	1600	1092	672
988-1012	43	1640	1118	688
1013-1037	44	1680	1144	704
1038-1062	45	1720	1170	720
1063-1087	46	1760	1196	736
1088-1112	47	1800	1222	752
1113-1162	48	1840	1248	768
1163-1187	49	1880	1274	784
1188-1212	50	1920	1300	800
1213-1237	51	1960	1326	816
1238-1262	52	2000	1352	832
1263-1287	53	2040	1378	848
1288-1312	54	2080	1404	864
1313-1337	55	2120	1430	880
1338-1362	56	2160	1456	896
1363-1387	57	2200	1482	912

<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>
1388-1412	58	2240	1508	928	3013-3037	123	4840	3198	1968
1413-1437	59	2280	1534	944	3038-3062	124	4880	3224	1984
1438-1462	60	2320	1560	960	3063-3087	125	4920	3250	2000
1463-1487	61	2360	1586	976	3088-3112	126	4960	3276	2016
1488-1512	62	2400	1612	992	3113-3137	127	5000	3302	2032
1513-1537	63	2440	1638	1008	3138-3162	128	5040	3328	2048
1538-1562	64	2480	1664	1024	3163-3187	129	5080	3354	2064
1563-1587	65	2520	1690	1040	3188-3212	130	5120	3380	2080
1588-1612	66	2560	1716	1056	3213-3237	131	5160	3406	2096
1613-1637	67	2600	1742	1072	3238-3262	132	5200	3432	2112
1638-1662	68	2640	1768	1088	3263-3287	133	5240	3458	2128
1663-1687	69	2680	1794	1104	3288-3312	134	5280	3484	2144
1688-1712	70	2720	1820	1120	3313-3337	135	5320	3510	2160
1713-1737	71	2760	1846	1136	3338-3362	136	5360	3536	2176
1738-1762	72	2800	1872	1152	3363-3387	137	5400	3562	2192
1763-1787	73	2840	1898	1168	3388-3412	138	5440	3588	2208
1788-1812	74	2880	1924	1184	3413-3437	139	5480	3614	2224
1813-1837	75	2920	1950	1200	3438-3462	140	5520	3640	2240
1838-1862	76	2960	1976	1216	3463-3487	141	5560	3666	2256
1863-1887	77	3000	2002	1232	3488-3512	142	5600	3692	2272
1888-1912	78	3040	2028	1248	3513-3537	143	5640	3718	2288
1913-1937	79	3080	2054	1264	3538-3562	144	5680	3744	2304
1938-1962	80	3120	2080	1280	3563-3587	145	5720	3770	2320
1963-1987	81	3160	2106	1296	3588-3612	146	5760	3796	2336
1988-2012	82	3200	2132	1312	3613-3637	147	5800	3822	2352
2013-2037	83	3240	2158	1328	3638-3662	148	5840	3848	2368
2038-2062	84	3280	2184	1344	3663-3687	149	5880	3874	2384
2063-2087	85	3320	2210	1360	3688-3712	150	5920	3900	2400
2088-2112	86	3360	2236	1376	3713-3737	151	5960	3926	2416
2113-2137	87	3400	2262	1392	3738-3762	152	6000	3952	2432
2138-2162	88	3440	2288	1408	3763-3787	153	6040	3978	2448
2163-2187	89	3480	2314	1424	3788-3812	154	6080	4004	2464
2188-2212	90	3520	2340	1440	3813-3837	155	6120	4030	2480
2213-2237	91	3560	2366	1456	3838-3862	156	6160	4056	2496
2238-2262	92	3600	2392	1472	3863-3887	157	6200	4082	2512
2263-2287	93	3640	2418	1488	3888-3912	158	6240	4108	2528
2288-2312	94	3680	2444	1504	3913-3937	159	6280	4134	2544
2313-2337	95	3720	2470	1520	3938-3962	160	6320	4160	2560
2338-2362	96	3760	2496	1536	3963-3987	161	6360	4186	2576
2363-2387	97	3800	2522	1552	3988-4012	162	6400	4212	2592
2388-2412	98	3840	2548	1568	4013-4037	163	6440	4238	2608
2413-2437	99	3880	2574	1584	4038-4062	164	6480	4264	2624
2438-2462	100	3920	2600	1600	4063-4087	165	6520	4290	2640
2463-2487	101	3960	2626	1616	4088-4112	166	6560	4316	2656
2488-2512	102	4000	2652	1632	4113-4137	167	6600	4342	2672
2513-2537	103	4040	2678	1648	4138-4162	168	6640	4368	2688
2538-2562	104	4080	2704	1664	4163-4187	169	6680	4394	2704
2563-2587	105	4120	2730	1680	4188-4212	170	6720	4420	2720
2588-2612	106	4160	2756	1696	4213-4237	171	6760	4446	2736
2613-2637	107	4200	2782	1712	4238-4262	172	6800	4472	2752
2638-2662	108	4240	2808	1728	4263-4287	173	6840	4498	2768
2663-2687	109	4280	2834	1744	4288-4312	174	6880	4524	2784
2688-2712	110	4320	2860	1760	4313-4337	175	6920	4550	2800
2713-2737	111	4360	2886	1776	4338-4362	176	6960	4576	2816
2738-2762	112	4400	2912	1792	4363-4387	177	7000	4602	2832
2763-2787	113	4440	2938	1808	4388-4412	178	7040	4628	2848
2788-2812	114	4480	2964	1824	4413-4437	179	7080	4654	2864
2813-2837	115	4520	2990	1840	4438-4462	180	7120	4680	2880
2838-2862	116	4560	3016	1856	4463-4487	181	7160	4706	2896
2863-2887	117	4600	3042	1872	4488-4512	182	7200	4732	2912
2888-2912	118	4640	3068	1888	4513-4537	183	7240	4758	2928
2913-2937	119	4680	3094	1904	4538-4562	184	7280	4784	2944
2938-2962	120	4720	3120	1920	4563-4587	185	7320	4810	2960
2963-2987	121	4760	3146	1936	4588-4612	186	7360	4836	2976
2988-3012	122	4800	3172	1952	4613-4637	187	7400	4862	2992

<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>
4638-4662	188	7440	4888	3008	6263-6287	253	10040	6578	4048
4663-4687	189	7480	4914	3024	6288-6312	254	10080	6604	4064
4688-4712	190	7520	4940	3040	6313-6337	255	10120	6630	4080
4713-4737	191	7560	4966	3056	6338-6362	256	10160	6656	4096
4738-4762	192	7600	4992	3072	6363-6387	257	10200	6682	4112
4763-4787	193	7640	5018	3088	6388-6412	258	10240	6708	4128
4788-4812	194	7680	5044	3104	6413-6437	259	10280	6734	4144
4813-4837	195	7720	5070	3120	6438-6462	260	10320	6760	4160
4838-4862	196	7760	5096	3136	6463-6487	261	10360	6786	4176
4863-4887	197	7800	5122	3152	6488-6512	262	10400	6812	4192
4888-4912	198	7840	5148	3168	6513-6537	263	10440	6838	4208
4913-4937	199	7880	5174	3184	6538-6562	264	10480	6864	4224
4938-4962	200	7920	5200	3200	6563-6587	265	10520	6890	4240
4963-4987	201	7960	5226	3216	6588-6612	266	10560	6916	4256
4988-5012	202	8000	5252	3232	6613-6637	267	10600	6942	4272
5013-5037	203	8040	5278	3248	6638-6662	268	10640	6968	4288
5038-5062	204	8080	5304	3264	6663-6687	269	10680	6994	4304
5063-5087	205	8120	5330	3280	6688-6712	270	10720	7020	4320
5088-5112	206	8160	5356	3296	6713-6737	271	10760	7046	4336
5113-5137	207	8200	5382	3312	6738-6762	272	10800	7072	4352
5138-5162	208	8240	5408	3328	6763-6787	273	10840	7098	4368
5163-5187	209	8280	5434	3344	6788-6812	274	10880	7124	4384
5188-5212	210	8320	5460	3360	6813-6837	275	10920	7150	4400
5213-5237	211	8360	5486	3376	6838-6862	276	10960	7176	4416
5238-5262	212	8400	5512	3392	6863-6887	277	11000	7202	4432
5263-5287	213	8440	5538	3408	6888-6912	278	11040	7228	4448
5288-5312	214	8480	5564	3424	6913-6937	279	11080	7254	4464
5313-5337	215	8520	5590	3440	6938-6962	280	11120	7280	4480
5338-5362	216	8560	5616	3456	6963-6987	281	11160	7306	4496
5363-5387	217	8600	5642	3472	6988-7012	282	11200	7332	4512
5388-5412	218	8640	5668	3488	7013-7037	283	11240	7358	4528
5413-5437	219	8680	5694	3504	7038-7062	284	11280	7384	4544
5438-5462	220	8720	5720	3520	7063-7087	285	11320	7410	4560
5463-5487	221	8760	5746	3536	7088-7112	286	11360	7436	4576
5488-5512	222	8800	5772	3552	7113-7137	287	11400	7462	4592
5513-5537	223	8840	5798	3568	7138-7162	288	11440	7488	4608
5538-5562	224	8880	5824	3584	7163-7187	289	11480	7514	4624
5563-5587	225	8920	5850	3600	7188-7212	290	11520	7540	4640
5588-5612	226	8960	5876	3616	7213-7237	291	11560	7566	4656
5613-5637	227	9000	5902	3632	7238-7262	292	11600	7592	4672
5638-5662	228	9040	5928	3648	7263-7287	293	11640	7618	4688
5663-5687	229	9080	5954	3664	7288-7312	294	11680	7644	4704
5688-5712	230	9120	5980	3680	7313-7337	295	11720	7670	4720
5713-5737	231	9160	6006	3696	7338-7362	296	11760	7696	4736
5738-5762	232	9200	6032	3712	7363-7387	297	11800	7722	4752
5763-5787	233	9240	6058	3728	7388-7412	298	11840	7748	4768
5788-5812	234	9280	6084	3744	7413-7437	299	11880	7774	4784
5813-5837	235	9320	6110	3760	7438-7462	300	11920	7800	4800
5838-5862	236	9360	6136	3776	7463-7487	301	11960	7826	4816
5863-5887	237	9400	6162	3792	7488-7512	302	12000	7852	4832
5888-5912	238	9440	6188	3808	7513-7537	303	12040	7878	4848
5913-5937	239	9480	6214	3824	7538-7562	304	12080	7904	4864
5938-5962	240	9520	6240	3840	7563-7587	305	12120	7930	4880
5963-5987	241	9560	6266	3856	7588-7612	306	12160	7956	4896
5988-6012	242	9600	6292	3872	7613-7637	307	12200	7982	4912
6013-6037	243	9640	6318	3888	7638-7662	308	12240	8008	4928
6038-6062	244	9680	6344	3904	7663-7687	309	12280	8034	4944
6063-6087	245	9720	6370	3920	7688-7712	310	12320	8060	4960
6088-6112	246	9760	6396	3936	7713-7737	311	12360	8086	4976
6113-6137	247	9800	6422	3952	7738-7762	312	12400	8112	4992
6138-6162	248	9840	6448	3968	7763-7787	313	12440	8138	5008
6163-6187	249	9880	6474	3984	7788-7812	314	12480	8164	5024
6188-6212	250	9920	6500	4000	7813-7837	315	12520	8190	5040
6213-6237	251	9960	6526	4016	7838-7862	316	12560	8216	5056
6238-6262	252	10000	6552	4032	7863-7887	317	12600	8242	5072

<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>
7888-7912	318	12640	8268	5088	9513-9537	383	15240	9958	6128
7913-7937	319	12680	8294	5104	9538-9562	384	15280	9984	6144
7938-7962	320	12720	8320	5120	9563-9587	385	15320	10010	6160
7963-7987	321	12760	8346	5136	9588-9612	386	15360	10036	6176
7988-8012	322	12800	8372	5152	9613-9637	387	15400	10062	6192
8013-8037	323	12840	8398	5168	9638-9662	388	15440	10088	6208
8038-8062	324	12880	8424	5184	9663-9687	389	15480	10114	6224
8063-8087	325	12920	8450	5200	9688-9712	390	15520	10140	6240
8088-8112	326	12960	8476	5216	9713-9737	391	15560	10166	6256
8113-8137	327	13000	8502	5232	9738-9762	392	15600	10192	6272
8138-8162	328	13040	8528	5248	9763-9787	393	15640	10218	6288
8163-8187	329	13080	8554	5264	9788-9812	394	15680	10244	6304
8188-8212	330	13120	8580	5280	9813-9837	395	15720	10270	6320
8213-8237	331	13160	8606	5296	9838-9862	396	15760	10296	6336
8238-8262	332	13200	8632	5312	9863-9887	397	15800	10322	6352
8263-8287	333	13240	8658	5328	9888-9912	398	15840	10348	6368
8288-8312	334	13280	8684	5344	9913-9937	399	15880	10374	6384
8313-8337	335	13320	8710	5360	9938-9962	400	15920	10400	6400
8338-8362	336	13360	8736	5376	9963-9987	401	15960	10426	6416
8363-8387	337	13400	8762	5392	9988-10012	402	16000	10452	6432
8388-8412	338	13440	8788	5408	10013-10037	403	16040	10478	6448
8413-8437	339	13480	8814	5424	10038-10062	404	16080	10504	6464
8438-8462	340	13520	8840	5440	10063-10087	405	16120	10530	6480
8463-8487	341	13560	8866	5456	10088-10112	406	16160	10556	6496
8488-8512	342	13600	8892	5472	10113-10137	407	16200	10582	6512
8513-8537	343	13640	8918	5488	10138-10162	408	16240	10608	6528
8538-8562	344	13680	8944	5504	10163-10187	409	16280	10634	6544
8563-8587	345	13720	8970	5520	10188-10212	410	16320	10660	6560
8588-8612	346	13760	8996	5536	10213-10237	411	16360	10686	6576
8613-8637	347	13800	9022	5552	10238-10262	412	16400	10712	6592
8638-8662	348	13840	9048	5568	10263-10287	413	16440	10738	6608
8663-8687	349	13880	9074	5584	10288-10312	414	16480	10764	6624
8688-8712	350	13920	9100	5600	10313-10337	415	16520	10790	6640
8713-8737	351	13960	9126	5616	10338-10362	416	16560	10816	6656
8738-8762	352	14000	9152	5632	10363-10387	417	16600	10842	6672
8763-8787	353	14040	9178	5648	10388-10412	418	16640	10868	6688
8788-8812	354	14080	9204	5664	10413-10437	419	16680	10894	6704
8813-8837	355	14120	9230	5680	10438-10462	420	16720	10920	6720
8838-8862	356	14160	9256	5696	10463-10487	421	16760	10946	6736
8863-8887	357	14200	9282	5712	10488-10512	422	16800	10972	6752
8888-8912	358	14240	9308	5728	10513-10537	423	16840	10998	6768
8913-8937	359	14280	9334	5744	10538-10562	424	16880	11024	6784
8938-8962	360	14320	9360	5760	10563-10587	425	16920	11050	6800
8963-8987	361	14360	9386	5776	10588-10612	426	16960	11076	6816
8988-9012	362	14400	9412	5792	10613-10637	427	17000	11102	6832
9013-9037	363	14440	9438	5808	10638-10662	428	17040	11128	6848
9038-9062	364	14480	9464	5824	10663-10687	429	17080	11154	6864
9063-9087	365	14520	9490	5840	10688-10712	430	17120	11180	6880
9088-9112	366	14560	9516	5856	10713-10737	431	17160	11206	6896
9113-9137	367	14600	9542	5872	10738-10762	432	17200	11232	6912
9138-9162	368	14640	9568	5888	10763-10787	433	17240	11258	6928
9163-9187	369	14680	9594	5904	10788-10812	434	17280	11284	6944
9188-9212	370	14720	9620	5920	10813-10837	435	17320	11310	6960
9213-9237	371	14760	9646	5936	10838-10862	436	17360	11336	6976
9238-9262	372	14800	9672	5952	10863-10887	437	17400	11362	6992
9263-9287	373	14840	9698	5968	10888-10912	438	17440	11388	7008
9288-9312	374	14880	9724	5984	10913-10937	439	17480	11414	7024
9313-9337	375	14920	9750	6000	10938-10962	440	17520	11440	7040
9338-9362	376	14960	9776	6016	10963-10987	441	17560	11466	7056
9363-9387	377	15000	9802	6032	10988-11012	442	17600	11492	7072
9388-9412	378	15040	9828	6048	11013-11037	443	17640	11518	7088
9413-9437	379	15080	9854	6064	11038-11062	444	17680	11544	7104
9438-9462	380	15120	9880	6080	11063-11087	445	17720	11570	7120
9463-9487	381	15160	9906	6096	11088-11112	446	17760	11596	7136
9488-9512	382	15200	9932	6112	11113-11137	447	17800	11622	7152

<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>
11138-11162	448	17840	11648	7168	12763-12787	513	20440	13338	8208
11163-11187	449	17880	11674	7184	12788-12812	514	20480	13364	8224
11188-11212	450	17920	11700	7200	12813-12837	515	20520	13390	8240
11213-11237	451	17960	11726	7216	12838-12862	516	20560	13416	8256
11238-11262	452	18000	11752	7232	12863-12887	517	20600	13442	8272
11263-11287	453	18040	11778	7248	12888-12912	518	20640	13468	8288
11288-11312	454	18080	11804	7264	12913-12937	519	20680	13494	8304
11313-11337	455	18120	11830	7280	12938-12962	520	20320	13260	8160
11338-11362	456	18160	11856	7296	12963-12987	521	20760	13546	8336
11363-11387	457	18200	11882	7312	12988-13012	522	20800	13572	8352
11388-11412	458	18240	11908	7328	13013-13037	523	20840	13598	8368
11413-11437	459	18280	11934	7344	13038-13062	524	20880	13624	8384
11438-11462	460	18320	11960	7360	13063-13087	525	20920	13650	8400
11463-11487	461	18360	11986	7376	13088-13112	526	20960	13676	8416
11488-11512	462	18400	12012	7392	13113-13137	527	21000	13702	8432
11513-11537	463	18440	12038	7408	13138-13162	528	21040	13728	8448
11538-11562	464	18480	12064	7424	13163-13187	529	21080	13754	8464
11563-11587	465	18520	12090	7440	13188-13212	530	21120	13780	8480
11588-11612	466	18560	12116	7456	13213-13237	531	21160	13806	8496
11613-11637	467	18600	12142	7472	13238-13262	532	21200	13832	8512
11638-11662	468	18640	12168	7488	13263-13287	533	21240	13858	8528
11663-11687	469	18680	12194	7504	13288-13312	534	21280	13884	8544
11688-11712	470	18720	12220	7520	13313-13337	535	21320	13910	8560
11713-11737	471	18760	12246	7536	13338-13362	536	21360	13936	8576
11738-11762	472	18800	12272	7552	13363-13387	537	21400	13962	8592
11763-11787	473	18840	12298	7568	13388-13412	538	21440	13988	8608
11788-11812	474	18880	12324	7584	13413-	539	[*]21480	14014	8624
11813-11837	475	18920	12350	7600	[or more] 13437				
11838-11862	476	18960	12376	7616	13438-13462	540	21520	14040	8640
11863-11887	477	19000	12402	7632	13463-13487	541	21560	14066	8656
11888-11912	478	19040	12428	7648	13488-13512	542	21600	14092	8672
11913-11937	479	19080	12454	7664	13513-13537	543	21640	14118	8688
11938-11962	480	19120	12480	7680	13538-13562	544	21680	14144	8704
11963-11987	481	19160	12506	7696	13563-13587	545	21720	14170	8720
11988-12012	482	19200	12532	7712	13588-13612	546	21760	14196	8736
12013-12037	483	19240	12558	7728	13613-13637	547	21800	14222	8752
12038-12062	484	19280	12584	7744	13638-13662	548	21840	14248	8768
12063-12087	485	19320	12610	7760	13663-13687	549	21880	14274	8784
12088-12112	486	19360	12636	7776	13688-13712	550	21920	14300	8800
12113-12137	487	19400	12662	7792	13713-13737	551	21960	14326	8816
12138-12162	488	19440	12688	7808	13738-13762	552	22000	14352	8832
12163-12187	489	19480	12714	7824	13763-13787	553	22040	14378	8848
12188-12212	490	19520	12740	7840	13788-13812	554	22080	14404	8864
12213-12237	491	19560	12766	7856	13813-13837	555	22120	14430	8880
12238-12262	492	19600	12792	7872	13838-13862	556	22160	14456	8896
12263-12287	493	19640	12818	7888	13863-13887	557	22200	14482	8912
12288-12312	494	19680	12844	7904	13888-or	558	*22240	14508	8928
12313-12337	495	19720	12870	7920	more				
12338-12362	496	19760	12896	7936					
12363-12387	497	19800	12922	7952					
12388-12412	498	19840	12948	7968					
12413-12437	499	19880	12974	7984					
12438-12462	500	19920	13000	8000					
12463-12487	501	19960	13026	8016					
12488-12512	502	20000	13052	8032					
12513-12537	503	20040	13078	8048					
12538-12562	504	20080	13104	8064					
12563-12587	505	20120	13130	8080					
12588-12612	506	20160	13156	8096					
12613-12637	507	20200	13182	8112					
12638-12662	508	20240	13208	8128					
12663-12687	509	20280	13234	8144					
12688-12712	510	20320	13260	8160					
12713-12737	511	20360	13286	8176					
12738-12762	512	20400	13312	8192					

* The claimant will be ineligible for benefits unless 20% the qualifying wage [**\$21,480**] **\$22,240** was paid in a quarter or quarters of the base year other than the high quarter.

SANDI VITO,
Acting Secretary

[Pa.B. Doc. No. 09-87. Filed for public inspection January 16, 2009, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Crawford County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 575(b)), the Director of the Bureau of Design makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) are planning to replace the existing Kreitz Road Bridge carrying T-899 over Little Conneauttee Creek, Cambridge Township, Crawford County, PA. The existing wrought iron and steel, thru-truss has been determined eligible for the National Register of Historic Places, which qualifies it as a section 2002/section 4(f) resource.

In accordance with section 2002 of Pennsylvania Act 120 establishing the Department, a Level-2 Categorical Exclusion Evaluation (CEE) has been developed for the subject project along with a "Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges" checklist to evaluate the potential environmental impacts caused by the subject project. The checklist also serves as the section 2002 Evaluation.

Mitigation measures will be taken to minimize harm as stipulated in the Level-2 CEE, the "Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges" and the associated Memorandum of Agreement. The approved documents are available in the CE/EA Expert System.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effects.

BRIAN G. THOMPSON, P. E.,
Director
Bureau of Design

[Pa.B. Doc. No. 09-88. Filed for public inspection January 16, 2009, 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 regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-5124	State Board of Nursing Certified Registered Nurse Practitioners; General Provisions 38 Pa.B. 6161 (November 8, 2008)	12/8/08	1/7/09
125-92	Pennsylvania Gaming Control Board Smoking in Licensed Facilities 38 Pa.B. 6158 (November 8, 2008)	12/8/08	1/7/09
106-9	Environmental Hearing Board Practice and Procedure 38 Pa.B. 6154 (November 8, 2008)	12/8/08	1/7/09

**State Board of Nursing
Regulation #16A-5124 (IRRC #2729)
Certified Registered Nurse Practitioners;
General Provisions**

January 7, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the November 8, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Nursing (Board) to respond to all comments received from us or any other source.

1. Protection of the public health, safety and welfare.

This proposed regulation has generated interest from various members of the medical community and the general public. Those that support the proposal believe the amendments will increase access to health care for citizens of the Commonwealth and will allow certified registered nurse practitioners (CRNPs) to practice to the full extent of their education and training. Those that oppose the proposal believe certain amendments could jeopardize patient safety and quality of care.

We acknowledge that those who support and oppose the regulation raise many valid points to support their positions. While increased access to quality, affordable health care is a necessity, we believe it must be balanced with adequate protection of the public health, safety and welfare. The Preamble submitted with the proposed regulation describes many of the changes being made, but in some instances, does not adequately explain the rationale for all of the changes. Without this information, the Commission is unable to determine if the proposed regulation is in the public interest.

The remainder of our comments provides a more detailed analysis of the proposed regulation. However, as a preliminary matter, we ask the Board to further explain how the amendments adequately protect the public health, safety and welfare of the citizens of the Common-

wealth. As noted by many of the commentators, including the House Professional Licensure Committee, the following sections are of particular concern: § 21.251; § 21.282a; § 21.284; § 21.285; § 21.286 and § 21.287.

2. Section 21.251. Definitions.—Protection of the public health, safety and welfare; Implementation procedures; Reasonableness; Clarity.

“Collaborative agreement”

This new term is defined as, “The oral or written agreement between a CRNP and a collaborating physician in which they agree to the details of their collaboration.” We note the existing requirements for a collaborative agreement, found at § 21.285(a), require the collaborative agreement to be a signed, written agreement. While we are not questioning the Board’s authority to allow oral collaborative agreements, we do question the reasonableness of it. How could the Board ensure that a CRNP is acting within the specifications of a collaborative agreement if that agreement is not in writing?

“Direction”

This term closely mirrors the statutory definition of “collaboration” found in section 2(12) the Professional Nursing Law (Law) (63 P. S. § 212(12)). However, it is being deleted from the Board’s regulations. This could give the regulated community the false impression that the specific provisions being deleted are no longer applicable. Beyond the Board’s contention that the definition is being deleted to “reflect changes made by Act 206,” why is this definition being deleted and how does this adequately protect the public health, safety and welfare?

If the Board concludes that the definition of “direction” is no longer needed, we ask that a cross-reference to the statutory definition of “collaboration” be added to the final-form regulation.

“Prescriptive authority collaborative agreement”

This term is defined as: “The written and signed agreement between a CRNP with prescriptive authority and a collaborating physician in which they agree to the details of their collaboration.” Section 8.3 of the Law (63 P. S. § 218.3) addresses prescriptive authority for CRNPs and provides greater detail of what must be in the written agreement. To improve clarity and assist the regulated community in complying with requirements of what must be in a “prescriptive authority collaborative agreement,” we recommend that the details found in section 8.3(a)(2)(i)—(iii) of the Law be included in the regulation.

3. Section 21.273. Application for certification as a CRNP.—Clarity.

Subsections (a), (c) and (d) require an applicant to verify compliance with section 8.7 of the Law (63 P. S. § 218.7), regarding professional liability coverage. However, the subsections do not specify the type of documentation that would be acceptable to verify compliance. We recommend that the types of documents that could be supplied to the Board to verify compliance be included in the final-form regulation.

4. Section 21.282a. Medical examination, diagnosis and treatment.—Protection of the public health, safety and welfare; Implementation procedures; Clarity.

This section is being added to implement section 8.2 of the Law (63 P. S. § 218.2), pertaining to scope of practice for CRNPs. A comparison of the Law to the regulation reveals several problems.

First, while the regulation may not directly conflict with the Law, it paints an incomplete picture of the statutory scope of practice requirements. Of particular concern is the fact that the Law requires a CRNP to practice within the scope of practice of his or her particular clinical specialty and may only perform acts of medical diagnosis in collaboration with a physician, but these provisions are not reflected in the regulation. We believe the regulated community would benefit from a regulation that more closely tracks the Law. If the Board decides to omit these two important provisions from the final-form regulation, we request a detailed explanation of why the provisions are being omitted and how the regulated community benefits from the omissions.

Second, the Law lists eight activities that a CRNP has the authority to perform. Some, but not all, of the activities are contained in the regulation. Similar to our concern above, the regulation paints an incomplete picture of the statute. While subsection (i) does reference the authorized activities in the statute, we believe clarity would be improved if all eight activities contained in the Law were enumerated in the regulation.

In addition, we have identified concerns related to clarity. The phrase “other laws and regulations” found in subsection (b) and the term “pharmaceutical treatments” found in Subsection (d) are vague. We recommend that the “laws and regulations” be identified and “pharmaceutical treatments” be defined in the final-form rulemaking.

5. Section 21.283. Authority and qualifications for prescribing and dispensing drugs and other medical and therapeutic or corrective measures.—Clarity.

Under subsection (a), what is meant by the term “oral orders?” We recommend that this term be defined in the final form regulation.

6. Section 21.284. Prescribing and dispensing parameters.—Statutory authority; Protection of the public health, safety and welfare; Reasonableness; Clarity.

Categories of drugs

Section 8.4 of the Law (63 P. S. § 218.4) requires any proposed addition or deletion to the categories of drugs that CRNPs are authorized to prescribe, pursuant to Board regulations, to be approved by the Drug Review Committee. Commentators contend that the changes being proposed by the Board would require approval by the Drug Review Committee and that approval was never obtained. However, the Board contends that it is not adding or deleting categories of drugs from which CRNPs may prescribe. In the Preamble to the final-form regulation, the Board should further explain why the changes it has proposed are not additions or deletions to the categories of drugs and why approval of the Drug Review Committee is not needed. We also recommend that the Board add a definition for the term “categories of drugs.” This would avoid further confusion if this section of the regulation is amended in the future.

Existing Subsection (d)

The Board proposes to delete the following language from the regulation:

If a collaborating physician determines that the CRNP is prescribing or dispensing a drug inappropriately, the collaborating physician shall immediately take corrective action on behalf of the patient and notify the patient of the reason for the action and advise the CRNP as soon as possible. This action

shall be noted by the CRNP or the collaborating physician, or both, in the patient's medical record.

Commentators representing the physician community believe this provision is needed to protect patient safety. We agree that the provision is important and recommend that it either be retained or a similar provision be mandated for any prescriptive authority collaborative agreements.

Revised Subsection (d)

Under subsection (d)(1), the Board proposes to allow a CRNP to write a prescription for Schedule II controlled substances for up to a 30-day dose, instead of a 72-hour dose. The requirement that a CRNP notify the collaborating physician of the prescription is also being eliminated. Under subsection (d)(2), the Board proposes to allow a CRNP to write a prescription for Schedule III or IV drug for 90 days, instead of 30 days. The requirement that the collaborating physician authorize any refills for Schedule III and IV drugs is also being eliminated. The Board contends that the amendments will allow consumers to utilize common insurance discounts for these categories of drugs, that the deletion of the notification requirement to the collaborating physician for Schedule II drugs eliminates unnecessary paperwork requirements, and the deletion of the provision related to authorization of refills eliminates duplicative health care efforts. As noted in our first comment pertaining to the protection of the public health, safety and welfare, we ask the Board to further explain why these amendments will not put the health of patients at risk. In particular, the Board should explain why it believes CRNPs have the appropriate education and training to administer these provisions, especially without oversight of a physician.

In addition, we ask the Board to consider the alternative language offered by some of the commentators pertaining to this subsection. For example, the Board should consider amending subsection (d)(1) to allow for a seven-day dosage, with proper notification to the physician. This subsection could also include a provision that would allow for a 30-day dosage for on-going therapy as approved by a collaborating physician.

7. Section 21.284a. Prescribing and dispensing drugs.—Protection of the public health, safety and welfare; Clarity.

Subsection (b)(1) requires prescription blanks of CRNPs to identify the collaborating physician. The Preamble states that proposed regulation would allow a CRNPs prescription blank to omit the collaborating physician as long as the physician is identified on the prescription as finally written. The requirements, as described in the Preamble, are not reflected in the regulation. What is the Board's intention for this subsection? At minimum, we believe the name of the collaborating physician should be on the prescription as finally written. This would provide patients and other health care providers, such as pharmacists and emergency medical personnel, additional information if questions about a patient's care arose.

8. Section 21.285.—Prescriptive authority collaborative agreement.—Protection of the public health, safety and welfare; Reasonableness; Implementation procedures; Clarity.

According to the Board, this section is being amended to reflect requirements of section 8.3(a)(2) of the Law (63 P. S. § 218.3(a)(2)). We are concerned with language that is being deleted from § 21.285(a)(4) and (6). Subsection (a)(4) deletes the requirement that the prescriptive authority collaborative agreement contain attestation by the

collaborating physician that the physician has knowledge and experience with any drug the CRNP will prescribe. Subsection (a)(6) deletes the requirement that the prescriptive authority collaborative agreement specify the conditions under which the CRNP may prescribe a Schedule II controlled substance. Given the expanded prescriptive authority for CRNPs this rulemaking proposes, we believe § 21.285(a)(4) and (6) provide additional protection of the public health, safety and welfare and should be retained. If the Board persists in deleting these provisions, we ask the Board to further explain why it is in the public interest to delete these two sections.

In addition, we note that subsection (a)(6) is being amended to limit access to a prescriptive authority collaborative agreement to any licensed pharmacist or pharmacy. What is the reason for this amendment? We believe the existing language that allows "anyone seeking to confirm the scope of practice of the CRNP" is more appropriate and would allow patients access to information they may need.

9. Section 21.286. Identification of the CRNP.—Protection of the public health, safety and welfare; Reasonableness.

This section currently requires: a patient to be informed at the time of making an appointment that the patient will be seen by a CRNP; a CRNP to wear a name tag that clearly identifies the CRNP with the title "certified registered nurse practitioner"; and a CRNP who holds a doctorate to take appropriate steps to inform patients that the CRNP is not a doctor of medicine or osteopathic medicine. The Board proposes to modify this section by only requiring a CRNP to wear a name tag using the title "CRNP" and to comply with state and federal facility regulations regarding identification of personnel. The Board contends that Pennsylvania Department of Health regulations provide appropriate identification requirements for licensed health care providers working at licensed facilities. We believe the current regulations of the Board provide more protection to the public and recommend that they be retained. Of particular concern are subsection (a), which currently requires patients to be notified of the fact that they will be seen by a CRNP and subsection (c), which requires CRNPs with a doctorate degree to inform patients that they are not medical doctors.

10. Section 21.287. Physician supervision.—Protection of the public health, safety and welfare; Reasonableness.

This section is being deleted from the Board's regulations. It currently limits a physician to supervising no more than four CRNPs with prescriptive authority at a given time. While we understand the Board's contention that the State Board of Medicine is the proper regulatory body to adopt regulations relating to the parameters of a physician's practice, we are not certain that the deletion of this section serves the public. As noted several times above, given the expanded scope of practice for CRNPs that this proposal would provide, how can the Board ensure that the public health safety and welfare of patients is adequately protected if this section is deleted?

11. Section 21.288. CRNP standards of conduct.—Protection of the public health, safety and welfare; Reasonableness.

The House Professional Licensure Committee has suggested that in addition to the requirements of this

section, CRNPs should be required to practice within the specifications set forth in the collaborative agreement. A similar concern is raised pertaining to § 21.351, pertaining to penalties for violation. We agree with the Committee and recommend that references to compliance with the collaborative agreement be added to the final-form regulation.

—

**Pennsylvania Gaming Control Board
Regulation #125-92 (IRRC #2731)**

Smoking in Licensed Facilities

January 7, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the November 8, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Whether the Board has the statutory authority to promulgate the regulation.

Section 10(a) of the Clean Indoor Air Act (35 P.S. § 637.10(a)) (Act) states that the Department of Health shall promulgate regulations to implement the Act. Under this rulemaking, the Board has proposed a set of regulations intended to regulate smoking in licensed facilities. We note that the Board has cited section 1202(b)(30) of the Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S. § 1202(b)(30)) (Gaming Act) and sections 3 and 4 of the Act as its statutory authority to promulgate the rulemaking. Section 1202(b)(30) of the Gaming Act provides the Board with general rulemaking authority as it pertains to gaming. Section 3 of the Act gives the Board the jurisdiction to verify gross terminal revenues supplied by the Department of Revenue to the licensed facility and section 4 of the Act requires slot machine licensees to post smoking and nonsmoking signs in its licensed facility.

The Board has not demonstrated that it has the statutory authority to promulgate regulations pertaining to smoking in licensed facilities. Of particular concern are §§ 441a.25(a)—(g). Although the regulated community would benefit from a set of regulations that explains how the Act will be administered in licensed facilities, the Department of Health is the only agency that has explicit authority to promulgate such regulations under the Act. We ask the Board to further explain its statutory authority for this rulemaking in the Preamble to the final-form regulation. Most of the commentators that provided input on this proposal support the Board's efforts to provide guidance on how the Act will be implemented. As noted above, we agree with the commentators and suggest that if this proposal cannot be implemented as a regulation, the Board proceed with the proposal as a non-regulatory document such as a statement of policy. This would provide the regulated community with the needed guidance while honoring the intent of the Act, which calls for the Department of Health to promulgate regulations pertaining to smoking.

**2. Section 441a.25. Smoking in licensed facilities.—
Statutory authority; Implementation procedures;
Clarity.**

Gaming floor

This term is defined under § 401a.3 of the Board's regulations as "Any portion of a licensed facility where slot machines have been installed for use or play." Will this general definition provide licensed entities and the Board enough guidance when determining the percentage of a floor that may be eligible for smoking? We note that regulations must be applied uniformly to all members of the regulated community and suggest that a more precise definition of "gaming floor" as it pertains to smoking areas be added to the final regulation.

Subsection (d)

This subsection allows licensees to increase the square footage of the gaming floor designated for smoking "in proportion to the percentage difference in revenue" between slot machines in a smoking area and a nonsmoking area. A commentator has noted that this phrase is vague. We believe a definition of this phrase or further explanation of how the calculation should be made be included in the final-form regulation.

Subsection (e)

This subsection sets forth the process a licensee must follow when it wants to make changes to designated smoking areas. We have two concerns. First, what is the Board's statutory authority to require verification of the licensee's compliance with the Act and this regulation before an increase, decrease or reconfiguration of the designated smoking area can take place?

Second, if the Board has this authority to require compliance verification, we recommend that time frames associated with the verification process be included in the final-form regulation.

—

**Environmental Hearing Board
Regulation #106-9 (IRRC #2732)**

Practice and Procedure

January 7, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the November 8, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Environmental Hearing Board to respond to all comments received from us or any other source.

**1. 1021.51. Commencement, form and content.—
Statutory authority; Clarity.**

We are concerned that amendments to this section represent an impermissible attempt to assert jurisdiction over third parties when the facts and statute under which a claim is being pursued do not allow for Board review. In the preamble, the Board states it is amending subsections (h) through (j) to "ensure that all recipients of an action being appealed receive notice of the appeal and are provided an opportunity to participate in the appeal, under the Commonwealth Court's holding in *Schneiderwind v. DEP*, 867 A.2d 724 (Pa. Cmwlth. 2005)." In *Schneiderwind*, the Court made two distinct rulings: first, that the Board erred in considering Mr. Schneiderwind's appeal and reviewing the merits of his

complaint; and second, that the Board's determination of liability for a third party violated that party's due process rights.

Amendments to subsection (h) define the term "recipient[s] of the action" to include persons "to whom the action of the Department is directed or issued" and delete references to specific statutes. An amendment to subsection (i) states that "service upon the person to whom the action of the Department is directed or issued shall subject the recipient to the jurisdiction of the Board." In *Schneiderwind*, the "person to whom the action of the Department is directed or issued" was Delaware Valley Concrete Company. However, the *Schneiderwind* court determined that the Department's "discretionary refusal to prosecute the claim on [Mr. Schneiderwind's] behalf" was not reviewable by the Board pursuant to the Board's enabling statute (35 P. S. § 7514) and the Noncoal Surface Mining Conservation and Reclamation Act, which provided for review by the filing of a civil action, not by appeal to the Board.

While we agree with the Board that *Schneiderwind* requires promulgation of enhanced notice and "opportunity to be heard" provisions, we disagree that implementation of such provisions can expand the Board's jurisdiction in violation of the Board's enabling statute or any other statute. In the final-form, the Board should narrow the language of this section to ensure that the regulation does not impermissibly expand the scope of the Board's jurisdiction in violation of any statute.

Additionally, an amendment to subsection (j) states that if a recipient of an action elects not to intervene, "the recipient's right to appeal from the Board's adjudication in the matter may be adversely affected." Because this language does not establish a binding norm, the final-form regulation should omit it.

2. 1021.54a. Prepayment of penalties.—Clarity.

This section allows appellants to file "a verified statement that the appellant is unable to pay" in lieu of a prepaid penalty or bond securing payment. Any requirements for verified statements should be included in the final-form regulation. Additionally, the comment following this section states that "[i]f a civil penalty is assessed under more than one statute, an appellant shall follow the procedures set forth in each statute." The Board should include this rule in the final-form regulation or explain why it is omitted.

3. 1021.76a. Entry of default judgment.—Clarity; Implementation procedure.

Subsection (d) briefly references a hearing to determine civil penalties, but it lacks detail as to the procedure for conducting one. The final-form regulation should provide further detail, including information about whether a moving party must request such a hearing or whether the Board may convene one on its own motion, the kind of notice the parties entitled to, and whether a party may object to the setting of such a hearing.

4. 1021.96a. Motions for expedited hearing.—Clarity, Reasonableness.

Subsection (d), a notice that "[t]he Board will grant a motion for expedited hearing only in rare circumstances," is comprised of unenforceable non-regulatory language. Because this language does not establish a binding norm, the Board should omit it from the final-form regulation.

5. 1021.141b. Withdrawal without prejudice.

Subsection (a) allows a party to withdraw an appeal without prejudice, if all parties agree. The final-form regulation should explain whether the Board may approve a withdrawal without prejudice over the objection of a non-moving party.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-89. Filed for public inspection January 16, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by St. Anne Home

St. Anne Home has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at St. Anne Home in Greensburg, PA. The initial filing was received on December 31, 2008, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-90. Filed for public inspection January 16, 2009, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Secure Health, LP

Secure Health, LP has applied for a Certificate of Authority to operate two Continuing Care Retirement Communities at Mount Carmel Senior Living in Mount Carmel, PA and at Shenandoah Senior Living in Shenandoah, PA. The initial filing was received on December 30, 2008, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the

Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-91. Filed for public inspection January 16, 2009, 9:00 a.m.]

Insurance Services Office, Inc.; Personal Auto Revision; Rate Filing

On December 24, 2008, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a proposed personal auto revision.

The advisory organization proposes a percentage-based approach to rating Uninsured Motorists (UM) and Underinsured Motorists (UIM) coverages for certain types of vehicles (such as, motorcycles, snowmobiles, ATVs, antique autos) effective September 1, 2009. Loss costs for the coverages and vehicles are currently provided on a flat-dollar basis.

Unless formal administrative action is taken prior to February 22, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at xlu@state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-92. Filed for public inspection January 16, 2009, 9:00 a.m.]

Insurance Services Office, Inc.; Private Passenger Automobile Loss Cost Revision; Rate Filing

On December 24, 2008, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a proposed loss cost level change for private passenger automobile insurance.

The advisory organization requests an overall 2.5% decrease in loss costs effective September 1, 2009.

Unless formal administrative action is taken prior to February 22, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at

xlu@state.pa.us) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-93. Filed for public inspection January 16, 2009, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection (b) or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 205.27—Implementation of Act 194-1990, Asbestos Occupations Accreditation and Certification Act, Amended December 2, 2008.

Administrative Circular No. 08-17—Safety Guidelines for Live Holiday Trees and Decorations, Dated November 24, 2008.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 09-94. Filed for public inspection January 16, 2009, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error Act (40 P. S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's Board to be held at the Harrisburg Area Community College, One HACC Drive, Harrisburg, PA at 10 a.m. on Tuesday, January 27, 2009.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 09-95. Filed for public inspection January 16, 2009, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Utilities

A-2009-2082652. PPL Electric Utilities Corporation. Application of PPL Electric Utilities Corporation for approval of the siting and construction of the proposed Pennsylvania portion of the Susquehanna-Roseland Power Line Project in portions of Lackawanna, Luzerne, Monroe, Pike and Wayne County, Pennsylvania.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission (Commission), P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before February 27, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown PA 18106

and

David B. MacGregor, Esquire, Post & Schell, P.C., Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808

Electric Utilities

A-2009-2082832. PPL Electric Utilities Corporation. Application of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the 500-230 kV substation to be constructed in the Borough of Blakely, Lackawanna County, PA, is reasonably necessary for the convenience or welfare of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before February 27, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18106

and

David B. MacGregor, Esquire, Post & Schell, P.C., Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808

Application of PPL Electric Utilities Corporation

A-2009-2082652—For Approval of the Siting and Construction of the Proposed Pennsylvania Portion of the Susquehanna-Roseland Power Line Project in Portions of Lackawanna, Luzerne, Monroe, Pike and Wayne Counties, PA.

A-2009-2082832—For a Finding that a Building to Shelter Control Equipment at the 500-230 kV Substation to be constructed in the Borough of Blakely, Lackawanna County, PA, is Reasonably necessary for the convenience or welfare of the public.

Notice

This is to inform you that an Initial prehearing conference on the previous-captioned case will be held as follows:

Type: Initial Prehearing Conference

Date: Friday, March 6, 2009

Time: 10 a.m.

Location: Hearing Room 1
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Presiding: Administrative Law Judge Susan D. Colwell
P. O. Box 3265
Harrisburg, PA 17105-3265
Phone: (717) 783-5452
Fax: (717) 787-0481

Person with a disability, who wish to attend the prehearing, may be able to make arrangements for your special needs. Call the scheduling office at the Commission at least 2 business days prior to the conference.

- Scheduling Office: (717) 787-1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654.5988

JAMES J. MCNUTLTY,
Secretary

[Pa.B. Doc. No. 09-96. Filed for public inspection January 16, 2009. 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 2, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2009-2082454. Wade Edward Brewer, t/a Limo Express (R. R. 3, Box 3242, Laceyville, Bradford County, PA 18623)—persons, in limousine service, from points in the Counties of Bradford, Susquehanna, Lackawanna,

Luzerne and Wyoming, to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2009-2082602. Cab City, LLC (1601 Paxton Street, Harrisburg, Dauphin County, PA 17104)—a limited liability corporation of the Commonwealth—in call or demand service, in Lebanon County. *Attorney:* J. Bruce Walter, P. O. Box 1146, Harrisburg, PA 17108-1146.

A-2009-2082778. Colonial Limousine Service, Inc. (200 Locust Street, Philadelphia, Philadelphia County, PA 19106)—a corporation of the Commonwealth—in limousine service, between points in Pennsylvania, which is to be a transfer of all rights authorized under the certificate issued at A-00117259 to Futuristic Enterprises, Inc., t/d/b/a Philadelphia Rolls-Royce Service, subject to the same limitations and conditions.

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-2008-2082359. Country Coach, Inc. (1436 Wetzel Run Drive, Weatherly, Carbon County, PA 18255), a corporation of the Commonwealth—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in the City of Hazleton, Luzerne County, and within an airline distance of 75 statute miles of the limits of said city, and from points in said territory, to points in Pennsylvania, and return.

Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-00121224. Cloud 9 Entertainment, Inc. (128 Boyd Drive, Butler, Butler County, PA 16001)—discontinuance of service—persons, in limousine service between points in the Counties of Butler, Clarion, Armstrong and Allegheny, and from points in said counties, to points in Pennsylvania, and return.

A-00122383. Racing Limos of York, LLC (210 Pebble Beach Drive, Mt. Wolf, York County, PA 17347)—discontinuance of service—persons, in limousine service from points in the Counties of York and Adams, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

Pennsylvania Public Utility Commission; Bureau of Transportation and Safety v. American Corporate Limousine, LLC; Doc. No. C-2008-2074899

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to American Corporate Limousine, LLC (respondent) is under suspension effective November 05, 2008, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 2219 Dubonnet Drive, Macungie, PA 18062.

3. That respondent was issued a Certificate of Public Convenience by this Commission on September 28, 2007, at A-00123716.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250.00 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250.00 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at A-00123716 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement
Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250.00 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation
 and Safety
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Accord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-97. Filed for public inspection January 16, 2009, 9:00 a.m.]

Telecommunications

A-2009-2082625. D&E Communications, Inc. and Verizon Wireless. Joint petition of D&E Communications, Inc. and Verizon Wireless for approval of an adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

D&E Communications, Inc. and Verizon Wireless, by its counsel, filed on December 30, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the D&E Communications, Inc. and Verizon Wireless joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-98. Filed for public inspection January 16, 2009, 9:00 a.m.]

Wastewater Service

A-2008-2081532. Little Washington Wastewater Company, d/b/a Suburban Wastewater Company. Application of Little Washington Wastewater Company, d/b/a Suburban Wastewater Company for approval of the acquisition by Little Washington of the wastewater system assets of Cove Village Association and Cove Village Community Trust and for the right of Little Washington to begin to supply wastewater service to the public in an additional portion of North and East Union Townships, Schuylkill County, PA.

Formal protests and petitions to intervene must be filed in accordance with 25 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 2, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Little Washington Wastewater Company, d/b/a Suburban Wastewater Company.

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-99. Filed for public inspection January 16, 2009, 9:00 a.m.]

Water Service

A-2008-2081529. Aqua Pennsylvania, Inc. Application of Aqua Pennsylvania, Inc. for approval of the acquisition by Aqua of the water system assets of Cove Village Association and Cove Village Community Trust and for the right of Aqua to begin to supply water service to the public in an additional portion of North and East Union Townships, Schuylkill County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 2, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Aqua Pennsylvania, Inc.

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-100. Filed for public inspection January 16, 2009, 9:00 a.m.]

Water Service

A-2008-2081416. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company (PAWC) for approval of: 1) the transfer, by sale, of the water works property and rights of the Wallaceton Municipal Authority to PAWC; and 2) the rights of PAWC to begin to furnish water service to the public in the Borough of Wallaceton and in portions of Boggs, Bradford and Morris Townships, Clearfield County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 2, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan D. Simms, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-101. Filed for public inspection January 16, 2009, 9:00 a.m.]

PENNSYLVANIA STATE POLICE

Approved Registration Sites under the Registration of Sexual Offenders Act

The Commissioner of the Pennsylvania State Police, under 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders)), shall publish a list of approved registration sites located throughout this Commonwealth where individuals subject to the requirements of 42 Pa.C.S. §§ 9795.1 and 9796 (relating to registration; and verification of residence) can report to fulfill these requirements.

The approved registration sites are:

<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Adams	PSP Gettysburg	3033 Old Harrisburg Road Gettysburg, PA 17325	(717) 334-8111
Allegheny	PSP Pittsburgh	449 McCormick Road Moon Township, PA 15108	(412) 787-2000
Allegheny	PSP Gibsonia (Turnpike)	3000 Haberlein Road Gibsonia, PA 15044	(724) 443-5907
Armstrong	PSP Kittanning	184 Nolte Drive Kittanning, PA 16201	(724) 543-2011
Beaver	PSP Beaver	1400 Brighton Road Beaver, PA 15009	(724) 773-7400
Bedford	PSP Bedford	171 Arthur L. Hershey Drive Bedford, PA 15522	(814) 623-6133
Bedford	PSP Everett (Turnpike)	1605 Ashcom Road Suite 2 Everett, PA 15537	(814) 652-6131
Berks	Berks County Sheriff	633 Court Street 3rd Floor Reading, PA 19601	(610) 478-6240

<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Berks	PSP Reading	600 Kenhorst Boulevard Reading PA 19611	(610) 378-4011
Berks	PSP Hamburg	90 Industrial Drive Hamburg, PA 19526	(610) 562-6885
Blair	PSP Hollidaysburg	1510 North Juniata Street Hollidaysburg, PA 16648	(814) 696-6100
Bradford	PSP Towanda	R. D. 1 Towanda, PA 18848	(570) 265-2186
Bucks	PSP Dublin	3218 Rickert Road Perkasie, PA 18944	(215) 249-9191
Bucks	PSP Trevoise	3501 Neshaminy Boulevard Bensalem, PA 19020	(215) 942-3900
Bucks	Richland Township Police Department	229 California Road Quakertown, PA 18951	(215) 536-9500
Butler	PSP Butler	200 Barracks Road Butler, PA 16001	(724) 284-8100
Cambria	PSP Ebensburg	100 Casale Court Ebensburg, PA 15931	(814) 471-6500
Cameron	PSP Emporium	12921 Route 120 Emporium, PA 15834	(814) 486-3321
Carbon	PSP Pocono (Turnpike)	HCR 1 P. O. Box 18 White Haven, PA 18661	(570) 443-9511
Carbon	PSP Lehighton	5730 Interchange Road Lehighton, PA 18235	(610) 377-4270
Centre	PSP Philipsburg	3104 Port Matilda Highway Phillipsburg, PA 16866	(814) 342-3370
Centre	PSP Rockview	745 South Eagle Valley Road Bellefonte, PA 16823	(814) 355-7545
Chester	PSP Embreeville	997 Lieds Road Coatesville, PA 19320	(484) 340-3241
Chester	PSP Avondale	2 Moxley Lane Avondale, PA 19311	(610) 268-2022
Clarion	PSP Clarion	209 Commerce Road Clarion, PA 16214	(814) 226-1710
Clearfield	PSP Clearfield	147 Doe Hill Road Woodland, PA 16881	(814) 857-3800
Clinton	PSP Lamar	7127 Nittany Valley Drive Mill Hall, PA 17751	(570) 726-6000
Columbia	PSP Bloomsburg	6850 Hidlay Church Road Bloomsburg, PA 17815	(570) 387-4701
Crawford	PSP Meadville	11176 Murray Road Meadville, PA 16335	(814) 332-6911
Cumberland	PSP Carlisle	1538 Commerce Avenue Carlisle, PA 17015	(717) 249-2121
Cumberland	PSP Newville (Turnpike)	248 Center Road Newville, PA 17241	(717) 776-3135
Dauphin	PSP Highspire (Turnpike)	Turnpike Building Route 283 and Eisenhower Boulevard Harrisburg, PA 17106	(717) 939-9551 Ext. 4290
Dauphin	PSP Harrisburg	8000 Bretz Drive Harrisburg, PA 17112	(717) 671-7500
Dauphin	PSP Lykens	301 State Drive Elizabethville, PA 17023	(717) 362-8700
Delaware	PSP Media	1342 West Baltimore Pike Media, PA 19063	(484) 840-1000

<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Elk	PSP Ridgway	15010 Boot Jack Road Ridgway, PA 15853	(814) 776-6136
Erie	PSP Erie	4320 Iroquois Avenue Erie, PA 16511	(814) 898-1641
Erie	PSP Corry	11088 Route 6 East Union City, PA 16438	(814) 663-2043
Erie	PSP Girard	5950 Meadville Road Girard, PA 16417	(814) 774-9611
Fayette	PSP Uniontown	1070 Eberly Way Lemont Furnace, PA 15456	(724) 439-7111
Forest	PSP Tionesta	R. D. 1 Box 43 DD Tionesta, PA 16353	(814) 755-3565
Franklin	PSP Chambersburg	679 Franklin Farm Lane Chambersburg, PA 17202	(717) 264-5161
Fulton	PSP McConnellsburg	23170 Great Cove Road McConnellsburg, PA 17233	(717) 485-3131
Greene	PSP Waynesburg	255 Elm Drive Waynesburg, PA 15370	(724) 627-6151
Huntingdon	PSP Huntingdon	10637 Raystown Road Huntingdon, PA 16652	(814) 627-3161
Indiana	PSP Indiana	4221 Route 286 Highway West Indiana, PA 15701	(724) 357-1960
Jefferson	PSP DuBois	101 Preston Way Falls Creek, PA, 15840	(814) 371-4652
Jefferson	PSP Punxsutawney	485 North Findley Street Punxsutawney, PA 15767	(814) 938-0510
Juniata	PSP Lewistown	34 Arch Rock Road R. R. 5 Mifflintown, PA 17059	(717) 320-1010
Lackawanna	PSP Dunmore	85 Keystone Industrial Park Dunmore, PA 18512	(570) 963-3156
Lancaster	PSP Bowmansville (Turnpike)	443 Panorama Drive Denver, PA 17517	(717) 445-6716
Lancaster	PSP Ephrata	21 Springhouse Road Ephrata, PA 17522	(717) 721-7667
Lancaster	PSP Lancaster	2099 Lincoln Highway East Lancaster, PA 17602	(717) 299-7656
Lawrence	PSP New Castle	3539 Wilimington Road New Castle, PA 16105	(724) 598-2211
Lebanon	PSP Jonestown	2632 SR 72 Jonestown, PA 17038	(717) 865-2194
Lehigh	PSP Fogelsville	8320 Schantz Road Breinigsville, PA 18031	(610) 395-1438
Lehigh	PSP Bethlehem	2930 Airport Road Bethlehem, PA 18017	(610) 861-2026
Luzerne	PSP Hazleton	250 Dessen Drive West Hazleton, PA 18202	(570) 459-3890
Luzerne	Hazleton Police Department	40 North Church Street Hazleton, PA 18201	(570) 459-4940
Luzerne	PSP Shickshinny	872 Salem Boulevard Berwick, PA 18603	(570) 542-4117
Luzerne	PSP Wyoming	475 Wyoming Avenue Wyoming, PA 18644	(570) 697-2000
Lycoming	PSP Montoursville	899 Cherry Street Montoursville, PA 17754	(570) 368-5700

<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
McKean	PSP Kane	3178 Route 219 Kane, PA 16735	(814) 778-5555
Mercer	PSP Mercer	826 Franklin Road Mercer, PA 16137	(724) 662-6162
Mifflin	PSP Lewistown	34 Arch Rock Road Mifflintown, PA 17059	(717) 320-1010
Monroe	PSP Swiftwater	HC 1 Box 121 Swiftwater, PA 18370	(570) 839-7701
Monroe	PSP Fern Ridge	P. O. Box 1440 Blakeslee, PA 18610	(570) 646-2271
Montgomery	Pottstown Police Department	100 East High Street Pottstown, PA 19464	(610) 970-6570
Montgomery	PSP King of Prussia (Turnpike)	251 Flint Hill Road King of Prussia, PA 19406	(610) 279-1605
Montgomery	PSP Skippack	2047C Bridge Road Schwenksville, PA 19473	(610) 410-3835
Northampton	PSP Belfast	654 Bangor Road Easton, PA 18064	(610) 258-0816
Northampton	Bethlehem Police Department	10 East Church Street Bethlehem, PA 18018	(610) 865-7187
Northumberland	PSP Stonington	2465 SR 61 Sunbury, PA 17801	(570) 286-5601
Northumberland	PSP Milton	50 Lawton Lane Milton, PA 17847	(570) 524-2662
Perry	PSP Newport	52 Red Hill Court Newport, PA 17074	(717) 567-3110
Philadelphia	PSP Philadelphia	2201 Belmont Avenue Philadelphia, PA 19131	(215) 965-5870
Pike	PSP Blooming Grove	434 Route 402 Hawley, PA 18428	(570) 226-5720
Potter	PSP Coudersport	3140 East Second Street Coudersport, PA 16915	(814) 274-8690
Schuylkill	PSP Schuylkill Haven	23 Meadowbrook Drive Schuylkill Haven, PA 17972	(570) 593-2000
Schuylkill	PSP Frackville	31 Eleanor Drive Frackville, PA 17931	(570) 874-5300
Snyder	PSP Selinsgrove	204 Universal Road Selinsgrove, PA 17870	(570) 374-8145
Somerset	PSP Somerset	142 Sagamore Street Somerset, PA 15501	(814) 445-4104
Somerset	PSP Somerset (Turnpike)	177 Menser Road Somerset, PA 15501	(814) 445-9606
Sullivan	PSP Laporte	5837 Route 220 Laporte, PA 18626	(570) 946-4610
Susquehanna	PSP Gibson	R. D. 1 Box 227B New Milford, PA 18834	(570) 465-3154
Tioga	PSP Mansfield	1745 Valley Road Mansfield, PA 16933	(570) 662-2151
Venango	PSP Franklin	6724 US 322 Franklin, PA 16323	(814) 676-6596
Warren	PSP Warren	22001 Route 6 Warren, PA 16365	(814) 728-3600
Washington	PSP Washington	83 Murtland Avenue Washington, PA 15301	(724) 223-5200

<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Wayne	PSP Honesdale	R. R. 6 14 Collan Park Honesdale, PA 18431	(570) 251-7207
Westmoreland	PSP Greensburg	100 North Westmoreland Avenue Greensburg, PA 15601	(724) 832-3288
Westmoreland	PSP Belle Vernon	560 Circle Drive Belle Vernon, PA 15012	(724) 929-6262
Westmoreland	PSP New Stanton (Turnpike)	2200 North Center Avenue New Stanton, PA 15672	(724) 755-9463
Westmoreland	PSP Kiski Valley	4451 SR 66 Apollo, PA 15613	(724) 727-3434
Wyoming	PSP Tunkhannock	915 SR6W Tunkhannock, PA 18657	(570) 836-2141
York	PSP York	110 North Street York, PA 17403	(717) 428-1011
York	York County Sheriff's Department	28 East Market Street York, PA 17401	(717) 771-9601

Comments, suggestions or questions may be directed to: Pennsylvania State Police, Megan's Law Section, 1800 Elmerton Avenue, Harrisburg, PA 17110. Individuals with a disability and require an alternative format of this document (that is, large print, audio tape, Braille) contact the Megan's Law Section so that necessary arrangements can be made.

COLONEL FRANK E. PAWLOWSKI,
Commissioner

[Pa.B. Doc. No. 09-102. Filed for public inspection January 16, 2009, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 08-167.1, On-Call Concrete Investigation & Repairs at PRPA Pier Facilities until 2 p.m. on Thursday, January 29, 2009. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available January 6, 2009. Additional info and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable EEO laws. Bidders must provide to the Procurement Department in writing (24 hour prior to the meeting), the names of individuals that will be attending, fax to (215) 426-6800, Attn: Procurement Department.

Mandatory prebid job site meeting will be held January 15, 2009, 10 a.m. at PRPA Main Office (previous address), Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 09-103. Filed for public inspection January 16, 2009, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Peter J. Kuhn; Doc. No. 1710-51-06

On October 29, 2008, Peter J. Kuhn of Gilbertsville, Montgomery County was practicing without a license. The State Board of Nursing (Board) assessed an \$8,000 civil penalty and ordered a cease and desist from holding himself out as a registered nurse due to his unlicensed practice.

Persons may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previous-named Board counsel.

ANN O'SULLIVAN, Ph.D., FAAN, CRNP,
Chairperson

[Pa.B. Doc. No. 09-104. Filed for public inspection January 16, 2009, 9:00 a.m.]

